



Housing News

for landlords across Torbay

Welcome to the sixth edition of Housing News, an information guide for landlords across Torbay. The housing newsletter is produced every three months. It includes news, issues and events from Torbay Council's housing services and housing benefit team, as well as information on trading standards, fraud, the latest legislation and news from partner organisations.

What would you like to see included in the newsletter? Have you got any housing-related news that could be shared with others? If you would like to have your say, please e-mail housingnews@torbay.gov.uk

Council takes selective enforcement action

As landlords, you are rightly proud of the jobs you do and the accommodation you provide. Many have voiced your concerns about a small number of landlords who offer a very poor standard of accommodation which you feel gives all landlords a bad name.

The council has listened to this and following the general enforcement policy has exercised selective enforcement action against some of these landlords.

The council recently took action against a residential caravan site, many of which provide homes for several hundred people who are mainly elderly. There were numerous problems with the sites such as unstable banking, overgrown vegetation blocking the fire hydrants, severely potholed roads causing at least two serious accidents to residents and failure to display a site plan, essential for the emergency services to quickly establish where a unit is on site. The fines were over a £1,000 in each case and the council was awarded full costs of taking the action.

Also an inspection of a large three-storey HMO property resulted in an emergency prohibition order being implemented due to there being an imminent risk to the eight occupiers from poor fire safety. Our inspection revealed that the fire safety system had been disabled and the electricity supply cut off to some of the units. The residents had been using candles to provide light, posing obvious safety implications; there was no hot water to these rooms and the banister rails were missing from the top floor of the communal staircase.

A joint visit was made with the fire officer who had the same concerns and fully supported the closure of this building through the emergency prohibition order. This type of action is not taken lightly. The implications for everyone involved are extreme. The residents lose their homes and risk homelessness, the landlord runs the risk of



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being prosecuted in addition to losing the rental income and the council may have a duty depending on the needs of the residents, to provide alternative accommodation. The property is now empty while we work with the landlord to bring the property up to basic safe level so it can be reoccupied.

Despite this legal action, the council works positively in 99% of cases and many landlords see staff in the Private Sector Housing Team as a source of support, advice and technical know how.

Landlord Accreditation

Torbay Landlords Accreditation Scheme (TLAS) has now been officially launched and landlords and letting agents who do or would like to conduct their business in a professional manner are being encouraged to join this free scheme.

Accreditation is the voluntary compliance by private landlords with agreed standards in the condition and management of their properties and in their relationship with their tenants. Accreditation acknowledges good landlords and hopefully will encourage other landlords to aspire to the same standards.

In addition to the business benefits of this scheme, there are a range of other benefits on offer including:

- a Housing Benefit hotline
- priority access to Torbay Council's renovation funding
- access to discounted products/services from local companies including solicitors, mortgage brokers, retailers, property professionals etc...
- subsidised funding towards energy efficiency measures such as cavity wall or loft insulation
- use of the TLAS logo on your promotional literature
- free advertising through the promotion of the scheme.

To become accredited you will need to sign up to a Code of Practice stating you will manage the tenancy and the property in a certain way, as well as stating you are a fit and proper landlord. If you are a landlord we will then need to arrange an inspection of your accredited property/ies to ensure they are safe and comply with health and safety standards. If you are a letting agent we will periodically ask for a schedule of visits and will accompany you on a sample of managed properties, again to ensure they comply with health and safety standards.

Following a successful inspection you will become accredited for 3 years after which time your accreditation status will need to be renewed.

Landlords or agents wishing to sign up to the scheme should contact Housing Services on **01803 208069** or visit the council's website at **www.torbay.gov.uk/landlordaccreditation**

Referral HUB

If you feel that one of your tenants would benefit from a floating support service to assist them with housing related support, you can now refer them into the housing services HUB.

The HUB can provide access to a floating support service which caters for various service user groups which include:

- mental health
- learning disability
- physical disability
- under 25 year olds
- over 55 year olds
- or simply just vulnerable people.

The floating support worker may assist with learning skills for living, accessing other agencies for the tenant, finding employment or training or personal budgeting.

To access floating support through the HUB, a referral form will need to be completed and this can be obtained by simply calling Torbay Council on 01803 208058.

If you'd like further information or a leaflet on the referral HUB place contact the above number.



Local Housing Allowance update

Local Housing Allowance (LHA) is due to be rolled out nationally from April 2008.

In October 2002 the Government announced a program of reform to the Housing benefit scheme and introduced a new type of Housing Benefit known as Local Housing Allowance. This new scheme was initially piloted in 9 areas with a further 9 areas joining in 2005. The nearest "pathfinder" authority is Teignbridge District Council who were one of the original 9 "pathfinder" authorities.

There are a number of key aims for LHA:

- **Fairness:** the scheme is designed to pay the same amount to tenants with similar circumstances living in the same area.
- **Choice:** LHA should allow tenants to decide the balance between price and quality when looking for accommodation.
- **Transparency:** LHA makes it far easier for tenants to know how much rent will be covered by Housing Benefit.
- **Personal responsibility:** the scheme will encourage tenants to take responsibility for budgeting for and paying their rent.

Who is affected by LHA?

- All new claims for Housing Benefit received on or after 7 April 2008
- Claims where there is a break in entitlement of a week or more on or after 7 April 2008
- Change of addresses on or after 7 April 2008

Tenants who are entitled to Housing benefit on 6 April 2008 and who remain entitled and who do not change address will not come under LHA rules until there is a break or an address change.

Who is not affected by LHA?

- Tenants of Registered Social Landlords
- Council tenants
- Tenants whose tenancy agreement began before 15 January 1989
- Tenants in supported housing offered by certain local authorities, charities and voluntary bodies
- Tenants of hostels, caravans and mobile homes
- Cases where the Rent Officer feels that a substantial part of the charge is attributable to board and attendance, for example hotel and guest house accommodation.

Broad Rental Market Area (BRMA)

A new term for us to get used to!

In basic terms the Rent Service will decide who many BRMAs are in Torbay and each month publish LHA rates for the different property sizes in the area for each BRMA.



The BRMA is:

- made up of two or more distinct areas of residential accommodation within which a person could reasonable be expected to live having regard to facilities an services, and
- contains residential premises of a variety of types and where a variety of tenancies are held.

For more information on this please see the Rent Service web site: www.therentservice.gov.uk/documents/lettings-research/newsletter-to-landlords

How does the Local Authority determine LHA rate?

The LHA rate will depend on the number of people in their household in the area (BRMA) in which they live using the following size criteria:

One bedroom for

Every single adult or couple

Single persons under 25 will be entitled to the one room LHA rate

Single person over 25 and couple with no dependant children will be entitled to the two room LHA rate

Plus one addition (Bed)room for

Any other adult

Any two children under 10

Any two children of the same sex under age 16

Any other child

So, for example, a married couple with boys age 12 and 14 will be entitled to the two bedroom LHA rate.

Before the start of each month the Rent Service will send the council the LHA rates for the coming month. These rates will be published so everyone will know the LHA for that month and the maximum LHA rate for claims beginning in that month. Remember that income and capital will affect the amount of LHA awarded!

Once the LHA rate is established for a claim it remains valid for a year unless a change occurs which would warrant a new referral – someone joins or leaves the household for example. There still remains protection against the LHA rate as there is under the current scheme for tenants who could afford the rent when they moved in, and where there has been a bereavement in the family.

Local Housing Allowance and vulnerability

LHA will normally be paid to the claimant by BACS straight into their bank account.

The Local Authority may still pay make payments to direct to the landlord if:

- the tenant is likely to have difficulty in managing their financial affairs – this might be because of a medical condition or drug or alcohol problem.
- it is likely that the tenant will not pay their rent perhaps where there is a history of rent arrears and debt.

and must make payments to the landlord if the tenant is in arrears with his/her rent to the equivalent of eight weeks or more.

The council is working on the criteria for its vulnerable policy now and we would like views and any comments from landlords on the policy before it is published. The draft policy should be available on the council web site towards the end of this month.

Even where the council decides to make payments direct to a landlord it must review these cases to see

if circumstances have changed and payments could be sent to the tenant. The Government expects that only in very few cases will Housing Benefit be paid to a landlord indefinitely.

Because the LHA may exceed the contractual rent the landlord may only receive Housing Benefit up to the level of the contractual rent and any excess should be paid to the tenant. In the Pathfinder sites there was no limit to the excess that could be paid but under the national rollout there will be a cap on the excess of £15.00 per week.

Where rent arrears exist this “excess” may be paid to the landlord to offset the arrears but only until such time as the arrears are cleared. This “excess” benefit cannot be used to defray the cost of repairing damage to the property.

Appeal rights.

There is no right of appeal against the levels of LHA or the Broad Market Rental Area (BMRA) set by the Rent Service so the option of requesting a re-determination of the Rent Officer’s figures under LHA has been removed.

What’s happening next?

Torbay Council will be at the Landlords Showcase event hosted by South Devon Residential Landlords Association at the Town Hall on 27 November 2007 so if you would like to know more about LHA please come along.

After this we will be running a series of presentations on LHA for landlords in the run up to the national rollout in April 2008. Watch the press and the council’s web-site for details.

If you have any queries in the meantime you can e-mail the council on **LHA@torbay.gov.uk**

Landlords’ Showcase

South Devon Residential Landlords are again holding their Annual Showcase event at Torquay Town Hall on Tuesday 27 November 2007.

The doors open at 12.00 noon when member and non-member landlords will be able to visit a wide range of information stands from the commercial and public sectors to assist them to run their business.

More details from **(01803) 314750** or email **enquiries@sdrila.co.uk**

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