

Factsheet 63

Finding private rented accommodation

July 2017

About this factsheet

This factsheet provides information about finding private rented accommodation. It includes information about letting agencies, property viewings and things to think through before signing a tenancy agreement.

Information about accommodation rented from the local authority or a housing association can be found in factsheet 8, *Council and housing association housing*. Information about your rights as a tenant can be found in our factsheets on rents, security of tenure and home improvements and repairs.

The information in this factsheet is applicable in England and Wales. Please contact Age Scotland or Age NI for information applicable to those nations. Contact details can be found at the back of the factsheet.

Contact details for any organisation mentioned in the factsheet can be found under Useful Organisations.

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1 Recent developments

- The *Housing and Planning Act 2016* made various changes to the law affecting private tenants in **England**:
 - **rent rebates** –tenants can claim a rent rebate in certain circumstances, for example if their landlord fails to comply with a health and safety notice issued by the local authority.
 - **rogue landlords and letting agents** – local authorities are responsible for updating a database of rogue landlords and agents. They can make an entry if a landlord or agent has been convicted of a '*banning order offence*'. In more serious cases, the authority can apply to have the landlord/agent banned from operating.
 - **client money protection** – the Government may make new laws requiring letting agents to be part of a client money protection scheme. These schemes compensate landlords and tenants if an agent goes insolvent or misappropriates their money.

Only the rent rebate measure is currently in force. The Government is consulting on which offences should be banning order offences.

- The law has changed in **England** making it easier for landlords to evict private tenants who do not have a '*right to rent*'. This means people who are disqualified from renting on the basis of their immigration status. Before letting a property, the landlord must check that none of the prospective adult occupiers are disqualified.
- The Government wants to ban letting agents in **England** from charging fees to tenants. It is consulting on this proposal and other related issues, including if there should be a cap on the amount of deposit a landlord can demand at the start of a tenancy.
- In **Wales**, the *Housing (Wales) Act 2014* introduced a compulsory registration and licensing scheme for private rented sector landlords, letting agents and management agents. All private landlords must register with the licensing authority and obtain a licence, demonstrating that they are a '*fit and proper*' person and have successfully completed approved training. Alternatively, they can appoint a licensed agent to manage the property on their behalf. Local authorities are responsible for enforcement action for non-compliance.

2 Introduction

The private rented sector offers some advantages and may be a good option if you are unable to access social (local authority and housing association) housing or buy a property.

The main advantage is you may be able to find a home quickly and in a location of your choice. However, private renting generally offers much less security than social housing or owning your own home.

Most private landlords grant '*assured shorthold*' tenancies, which can be ended on a '*no fault*' basis after six months or at the end of a longer fixed term. No fault means the landlord does not have to have a good reason for wanting to evict you.

Private rents are often higher than social rents. Housing Benefit may not cover all the rent and many private landlords do not accept people claiming benefits as tenants. You may have difficulty persuading the landlord to carry out necessary repair work. You may find it difficult to obtain their permission if you need to carry out any adaptations or alterations to the property. You may have to move frequently.

If you are a social tenant or a homeowner, think very carefully about giving up this security to move to private rented accommodation.

Note

Some private landlords offer longer or more secure tenancies. In newly-built blocks of flats, you may be given the option of an assured shorthold tenancy with a three-year fixed term instead of the usual six-month or one-year contract. Some private providers of sheltered accommodation offer '*assured*' tenancies, which are more secure than assured shorthold.

It may be possible to negotiate a longer tenancy, see section 8 for more information.

See factsheet 68, *Tenancy rights – security of tenure*, for more information about the different types of private tenancy including assured shorthold tenancies.

See factsheet 8, *Council and housing association housing*, for information on getting social housing and transferring homes.

See factsheet 67, *Home improvements and repairs*, for information on rights to repairs in rented housing.

3 Renting checklists

3.1 *How to Rent: the checklist for renting in England*

How to Rent is a checklist for private tenants and people looking to rent privately in England, produced by the Department for Communities and Local Government. It includes information on:

- what to look out for before renting
- your rights and responsibilities in a rented home
- what happens at the end of a tenancy
- what to do if things go wrong.

If you were granted an assured shorthold tenancy on or after 1 October 2015, your landlord cannot bring your tenancy to an end on a 'no fault' basis if you have not been provided with a copy of this checklist. It can be provided at any point during the tenancy, but must be the correct copy.

If your tenancy is renewed or the fixed term of the tenancy ends, your landlord only has to provide you with another copy if the checklist has been updated since the tenancy was first granted.

How to Rent is also useful if you are looking for private rented accommodation. It is a good idea to obtain your own copy before entering into an assured shorthold agreement.

For a copy, see www.gov.uk/government/publications/how-to-rent

3.2 *A home in the private sector: a guide for tenants in Wales*

The Welsh Government produces *A home in the private rented sector: a guide for tenants in Wales*. It should be read at the start of your tenancy and addresses your rights and what you should expect from your landlord and/or agent, as well as your responsibilities as a tenant.

It includes information on:

- what to look out for before renting
- your rights and responsibilities in a rented home
- what happens at the end of a tenancy
- what to do if things go wrong.

For a copy, see www.gov.wales/topics/housing-and-regeneration/housing-supply/renting/privately/landlord-and-agent-registration/guide-for-tenants-in-wales

4 Where to find private rented accommodation

To find private rented accommodation, you can:

- use a letting agency
- look for advertisements, for example in a local newspaper or in a community centre, library or shop
- place an advertisement yourself
- look online – popular websites include Zoopla, Rightmove and Spareroom. If you are not online, try your local library.
- ask your friends or family if they know of any rooms or places to rent
- contact your local authority housing options service – they may be able to help if you are having trouble finding a property because you claim Housing Benefit or cannot afford the up-front costs (see section 12).

5 Letting agencies

Letting agencies are businesses advertising homes for rent.

Some agencies manage the properties they advertise, meaning you deal with the agency instead of the landlord.

Letting agencies are usually in Yellow Pages, the local telephone directory and online. Some are regulated by professional bodies such as ARLA Propertymark and the National Approved Lettings Scheme. You can use their websites to search for registered agencies.

Fees

Most agencies charge fees for finding you a suitable home.

They are required to prominently display a list of their fees in any premises where they deal '*face-to-face with persons using or proposing to use services to which the fees relate*' and on their website. The list must state the fee payable for each service and whether this is per tenant or per property.

It is illegal for an agency to charge for simply registering your name and requirements, or for giving you details of available accommodation. It is advisable not to pay any fees until you have been shown a suitable property and given full details of the terms and conditions of the tenancy, rent and other charges.

The agency may charge for extra services, such as drawing up your tenancy agreement, preparing a furniture inventory or negotiating the tenancy terms with the landlord. If they carry out property management services on the landlord's behalf, additional fees may be payable throughout the tenancy, for example if you choose to end it early or want to renew.

The agency may charge a holding deposit to reserve a property while carrying out checks. Before paying this, ask them to confirm in writing how it will be used (e.g. is it offset against rent or other upfront charges if you secure the property?) and what happens to the money if you are unsuccessful.

Make sure you are clear about this and all other charges before agreeing to take a property.

Client Money Protection (CMP) schemes

In **England** only, letting agencies holding money from clients to whom they provide services are required to state, alongside their list of fees, whether they are a member of a CMP scheme. This protects you if the agency goes insolvent or misappropriates your money.

You can check whether an agency is part of a CMP scheme by contacting SAFEagent.

Regulation

Some letting agencies are members of professional bodies such as:

- ARLA Propertymark
- NAEA Propertymark
- the UK Association of Letting Agents.

Check whether an agency is a member of one of these bodies and what protection is offered if something goes wrong.

An agency may be licensed by the National Approved Lettings Scheme. To obtain a licence, the agency must meet a number of conditions, including being part of a CMP scheme and having a written customer complaints procedure.

Licensed agents should provide advice to the landlord concerning necessary repairs or refurbishments before the tenancy commences and ensure you are provided with copies of gas and electrical safety certificates before you commit to the tenancy.

Approved redress schemes

In **England**, it is a legal requirement for a letting or property management agent to be a member of a government-approved redress scheme. This means you can refer a complaint about an agent to an independent person, who investigates the issue and makes a decision.

The three redress schemes approved by government are:

- The Property Ombudsman
- Ombudsman Services Property
- Property Redress Scheme.

Agents must give details of the redress scheme they are signed up to alongside their list of fees.

Each scheme investigates complaints about their members free of charge, but policies and procedures vary. Broadly, they may help with a dispute about how a letting agent has behaved, for example if you experience avoidable delays or the agent treats you badly, breaches their obligations or fails to follow their procedures. Available remedies include an apology, an explanation of their behaviour and up to £25,000 in compensation.

A complaint is not normally considered by a scheme until you have completed your letting agent's internal complaints procedure, unless it has been eight weeks since you first complained and you are yet to receive a final response.

In **Wales**, there is no specific legal requirement for a letting or property management agent to be a member of a scheme, although they may register voluntarily.

Note

There are exceptions to the legal requirement in **England**, such as if an agent's work is limited to publishing advertisements, disseminating information or enabling clients to make direct contact with landlords.

Seek advice from Shelter or a local advice agency like Age UK or Citizens Advice if you deal with a letting agent who is not a member of a redress scheme but whose duties are not limited to those described above.

Discrimination

It is unlawful for a letting agency to discriminate against you as a prospective tenant on grounds of disability, gender reassignment, race, religion or belief, sex or sexual orientation under the *Equality Act 2010*.

This could be by refusing to let a property to you or by granting you a tenancy on less favourable terms than usual. If you feel you have been discriminated against, contact the Equality Advisory Support Service.

6 Landlord registration and licensing

In **England**, some private rented properties must be licensed by the local authority. These are '*houses in multiple occupation*' (HMOs) with:

- three or more storeys, and
- five or more occupants forming two or more households.

Common examples of HMOs are shared properties and houses converted into bed-sits.

There are certain mandatory conditions attached to an HMO licence, for example the landlord must provide each occupant with a written statement of the terms of the occupancy and ensure electrical appliances are maintained in a safe condition.

The local authority can set discretionary conditions, for example requiring the landlord to complete repairs within a particular timeframe or take steps to prevent or reduce anti-social behaviour at the property.

In granting a licence, the authority must be satisfied the property is suitable for occupation by the maximum number of tenants proposed by the landlord. The proposed licence holder (usually the landlord) is subject to a '*fit and proper person*' test, as is any managing agent they appoint.

In certain circumstances, authorities can extend licensing to HMOs that do not meet the above criteria. They have powers to operate '*selective licensing*' in specific districts. This means all private properties in the district must be licensed, not just HMOs. Some authorities run landlord accreditation schemes, which means landlords must meet certain standards to be registered.

Check whether your local authority has an accreditation scheme and whether it operates selective licensing in any of its districts. If you are interested in a property and think it should be licensed, check with the authority that it has one. Note: it is a mandatory condition of every licence that the licence holder must obtain references from persons wishing to occupy the house.

In **Wales**, under the *Housing (Wales) Act 2014*, there is compulsory registration and licensing of private sector landlords, letting agents and management agents across all local authority areas. Certain standards must be met as part of this.

Rent Smart Wales is the licensing authority that administers the scheme. Landlords managing a property themselves must demonstrate they are '*fit and proper*' to hold a licence and successfully complete approved training. Alternatively, a landlord can appoint a licensed agent to manage property on their behalf. Local authorities are responsible for any necessary enforcement action against non-compliance.

For more on Rent Smart Wales, see www.rentsmart.gov.wales.

7 Viewing the property

Before accepting a tenancy, always view the property and explore the local area. For safety reasons, go with a friend and let somebody else know where you are going.

If possible, visit the area after dark to see how comfortable you feel about going out in the evening.

Check transport links and think about how easy it would be to maintain your existing routine, for example attending appointments, getting to work and seeing friends or family. If you are moving to a different area, think about the impact on any services you receive, for example will you have to register with another GP and what happens to your care package?

Check how safe and secure the accommodation is, the state of repair and how easy it is to keep it warm. If it is shared accommodation, try to talk to other tenants to see if you get on with them.

If you are interested in renting a property, the landlord must give you a copy of the Energy Performance Certificate. This gives you an idea how energy efficient the accommodation is. These figures are estimates based on average energy bills and do not take account of the costs of running appliances like fridges and TVs.

Gas equipment, such as cookers or fires provided by your landlord must have an annual safety check by a gas engineer registered with Gas Safe. You must be given a copy of the most recent gas safety certificate before moving in. For more information, see factsheet 67, *Home improvements and repairs*.

8 Tenancy agreements and lengths

Unless a tenancy is granted for a fixed term of three years or more, it can be created orally (i.e. by spoken agreement).

This means you can have a tenancy without having a written agreement, although most reputable landlords draw up a written agreement and give you a copy. Keep this safe, as it is much harder to enforce rights agreed between you and the landlord without a written document.

Unless moving into a licensed property, you do not have a right to a written agreement. However, you do have a right to know the name and address of your landlord. Request this information if you have not been given it, as it may be important if there are disputes in the future, for example around repairs.

Assured shorthold tenancies can be either fixed term or '*periodic*'. Periodic tenancies do not have fixed terms, but instead roll on from week to week, month to month or year to year.

Private landlords often grant assured shorthold tenancies with a fixed term of six months or a year. If you stay in the property at the end of the fixed term and no new tenancy is granted, the tenancy continues as a 'statutory periodic' tenancy. The landlord can then use the no fault procedure to evict you, meaning they do not have to give the court a good reason for wanting to evict.

It is possible for landlords to grant assured shorthold tenancies with shorter fixed terms, but you cannot be evicted on a no fault basis until six months have passed since the tenancy was granted. The same applies for assured shorthold tenancies that were periodic from the outset.

Many tenants prefer a tenancy with a longer fixed term. It may be possible for you to negotiate a longer fixed-term agreement with a landlord, although they are under no obligation to agree.

The Government has produced a model tenancy agreement designed to support tenants wanting to negotiate a longer fixed term, see

www.gov.uk/government/publications/model-agreement-for-a-shorthold-assured-tenancy

It contains terms that should encourage landlords to agree, for example terms allowing for annual rent reviews and giving the landlord the right to end the tenancy early in certain circumstances.

Shelter have guidance on their website on how to ask for a longer tenancy agreement. Call their helpline to talk through your specific circumstances.

See factsheet 68, *Tenancy rights – security of tenure*, for more information about assured shorthold and other tenancies.

In Wales

Once the *Renting Homes (Wales) Act 2016* is implemented, a new tenancy regime will come into force.

Apart from a few exceptions, all current tenancies will be replaced by two types of occupation contract (a secure contract, based on current secure tenancies issued by local authorities and a standard contract, based on current assured shorthold tenancies used in the private rented sector).

The Act works retrospectively, so it is not only future agreements that are affected – existing tenancies will also be converted.

The Welsh Government has not yet announced when this part of the Act will be implemented.

9 Before moving in

Before signing a tenancy agreement, read through it carefully and ask about anything you do not understand. It should include:

- the type of tenancy or licence
- the start date and, if fixed term, the end date
- the names of all people involved – the landlord, the named tenants and other members of the household
- the rent, how it is paid and how and when it can be increased
- the deposit amount, how it is protected and the circumstances in which deductions can be made at the end of the tenancy
- your obligations and the landlord's obligations, for example around repairs (although the landlord is always responsible for some repairs)
- an outline of bills you are responsible for and whether utilities or services are part of the rent.

If the tenancy has a fixed term, check if it has a break clause allowing you to leave early. If not, you can be held liable for rent for the whole term even if you leave before the end. If the property is mortgaged, check that the lender is aware it is being rented out. This affects your right to stay in the property if your landlord does not keep up with their mortgage payments.

Get a list of furniture and other items in the property (an inventory), including notes of any damage or disrepair. It is best to sign it with your landlord at the start of your tenancy to prevent future disagreement. If you can, take dated photographs to evidence the condition of the property when you moved in.

If you are not sure about your tenancy agreement, go to a local advice agency such as Age UK or Age Cymru or Citizens Advice before signing.

10 'Right to rent' immigration checks in England

A 'right to rent' linked to your immigration status was introduced by the *Immigration Act 2014*.

Some people have an unlimited right to rent, such as British citizens, EEA nationals and people with indefinite leave to remain. Others have a time-limited right to rent and some are disqualified from renting altogether.

A private landlord must not allow an adult to occupy premises under a residential tenancy agreement if they are disqualified from doing so. This applies to any adult who would occupy the premises under the agreement, not just the named tenant or tenants.

Landlords must carry out pre-tenancy checks on all prospective adult occupiers of a property to ensure they are not disqualified from renting. They can arrange for an agent to carry out these checks on their behalf.

You must provide the landlord or agent with an acceptable document or documents, which they check and copy in your presence. Examples of acceptable documents are given below.

Be prepared and have your documents ready before you start looking for properties. Speak to a local advice agency like Age UK or Citizens Advice if you think you will have trouble with this.

Who is disqualified from renting?

You are disqualified from renting if you are not a British, EEA or Swiss citizen and:

- you require leave to enter or remain in the UK but do not have it, or
- you have leave to enter or remain in the UK subject to a condition that you are disqualified from renting.

Who has a time-limited right to rent?

Your right to rent is time limited if you have been granted a study, work or family visa for a limited period of time. If so, the landlord or agent must carry out follow-up checks after a minimum of 12 months to ensure you have not been disqualified.

What documents are acceptable?

The landlord or agent must review and copy an original document from a prescribed list. The documents include:

- British passport
- passport/national identity card showing you are an EEA or Swiss national
- passport or travel document showing you are exempt from immigration control, allowed to stay indefinitely in the UK, have the right of abode in the UK, or no time limit on your stay in the UK.

If you do not have one of these documents, you can give two documents from a second prescribed list, including:

- full birth certificate issued in the UK, which includes the name of at least one of your parents
- letter issued by a government department or local authority meeting prescribed requirements, such as being no more than three months old
- document issued by one of Her Majesty's forces or the Secretary of State confirming you are or have been a serving member of that force.

Documents which show a time-limited right to rent are:

- valid passport endorsed with a time-limited period
- biometric immigration document with permission to stay for a time-limited period
- non-EEA national residence card
- UK immigration status document with a time-limited endorsement from the Home Office.

The landlord or agent must take '*reasonable steps*' to check the validity of a document and be satisfied it is genuine and belongs to you.

Discrimination

Concerns have been raised about the potential for discrimination in carrying out these checks. The Home Office issued a Code of Practice for landlords and agents, *Avoiding unlawful discrimination when conducting 'right to rent' checks in the private rented residential sector*.

See www.gov.uk/government/publications/right-to-rent-landlords-code-of-practice

If you believe a landlord or agent has breached this Code or discriminated against you, get advice from the Equality Advisory Support Service.

Note

The *Immigration Act 2016* made it easier for landlords to evict tenants who are disqualified from renting or lose their '*right to rent*'. It introduced a criminal offence for landlords who repeatedly fail to carry out '*right to rent*' checks or fail to take reasonable steps to evict a disqualified tenant.

11 Deposits

A deposit is an amount of money you pay at the start of a tenancy (usually equivalent to one month's rent). Your deposit should be returned to you at the end of the tenancy, but the landlord or agent can keep all or part of it if you have damaged the property or owe any rent. They are not allowed to keep your deposit to cover normal wear and tear.

Since 6 April 2007, all deposits paid in relation to assured shorthold tenancies must be safeguarded by a government-sponsored scheme. The scheme protects your deposit and provides assistance to resolve disagreements about its return through an alternative dispute resolution service.

Your landlord or agent has 30 days from receiving your deposit to tell you, in writing, which scheme has been used to protect it. If they fail to comply with the tenancy deposit rules, the court can order them to pay you compensation of between one and three times the value of the deposit.

If your landlord does not comply with their deposit protection obligations, there are restrictions on when they can use the no fault eviction procedure. See factsheet 68, *Tenancy rights – security of tenure*, for more information.

12 Financial help

If you need help to raise money for a deposit, contact a local advice agency or your local authority. There may be charities in the area that could help you, or other initiatives such as a local rent deposit scheme or rent guarantee (bond) scheme. Each scheme has different rules about who is entitled to receive help.

A rent deposit scheme offers a loan for a deposit that you have to pay back over a period of time. You get your money back at the end of your tenancy if there were no problems (such as damage to the property or unpaid rent).

A rent guarantee (bond) scheme provides a written guarantee to a landlord covering damage to the property and unpaid rent. If there are problems at the end of your tenancy, the scheme pays for damages or unpaid rent and you usually have to repay the money to the scheme.

If you receive Pension Credit, you may be able to get help from the Social Fund to pay rent in advance. For more information see factsheet 49, *The Social Fund, Advances of Benefit and Local Welfare Provision*.

If you are entitled to Housing Benefit or Universal Credit, you may be able to claim a Discretionary Housing Payment (DHP) from your local authority to cover your deposit and/or rent in advance. As this help is discretionary, it is not guaranteed. It is a good idea to ask a local advice agency for help when applying for a DHP. See factsheet 17, *Housing Benefit*, for more information on housing benefit and DHPs.

Useful organisations

ARLA Propertymark

www.arla.co.uk

Telephone 01926 496 800

A regulatory body for letting agents in UK. It promotes standards in the residential lettings property market.

Citizens Advice

England or Wales go to www.citizensadvice.org.uk

In England telephone 0344 411 1444

In Wales telephone 0344 477 2020

National network of advice centres offering free, confidential, independent advice, face to face or by telephone.

Equality Advisory Support Service

www.equalityadvisoryservice.com

Telephone 0808 800 0082

Funded by the Equality and Human Rights Commission, the EASS helpline provides information and advice about the *Equality Act 2010*.

Housing advice services

There may be a specific housing advice or housing aid centre in your area, providing advice on a range of housing issues. Your local authority or Citizens Advice should be able to tell you about these services.

Local authorities have a legal duty to ensure that advice and information about homelessness and how to prevent homelessness is available.

Contact your local authority as soon as possible if you are worried you may become homeless.

National Approved Letting Scheme (The)

www.nalscheme.co.uk

Telephone 01242 581712

An accreditation scheme for lettings and management agents. It has a customer complaints procedure offering independent redress.

NAEA Propertymark

www.naea.co.uk

Telephone 01926 496 800

The UK professional body for estate agents. Its members operate under rules of conduct and must meet certain standards relating to professional and ethical practice.

Ombudsman Services Property

www.ombudsman-services.org

Telephone 0330 440 1634

Provides dispute resolution for the communications, energy, property and copyright licensing industries.

Property Ombudsman (The)

www.tpos.co.uk

Telephone 01722 333306

An independent service for buyers, sellers, tenants and landlords of property in the UK.

Property Redress Scheme

www.theprs.co.uk

Telephone 0333 321 9418

Consumer redress scheme for property agents and professionals.

Shelter

www.shelter.org.uk

Telephone 0808 800 4444 (free call)

A national charity providing telephone advice to people with housing problems on tenancy rights, homelessness, repairs and housing benefit.

Shelter Cymru

www.sheltercymru.org.uk

Telephone 0345 075 5005

UK Association of Letting Agents

www.ukala.org.uk/

Telephone 020 7820 7900

Trading association representing letting and property management agents in the UK. Their members meet strict entry criteria, adhere to a code of practice and are recommended by the National Landlords Association.

Age UK

Age UK provides advice and information for people in later life through our Age UK Advice line, publications and online. Call Age UK Advice or Age Cymru Advice to find out whether there is a local Age UK near you, and to order free copies of our information guides and factsheets.

Age UK Advice

www.ageuk.org.uk

0800 169 65 65

Lines are open seven days a week from 8.00am to 7.00pm

In Wales contact

Age Cymru Advice

www.agecymru.org.uk

0800 022 3444

In Northern Ireland contact

Age NI

www.ageni.org

0808 808 7575

In Scotland contact

Age Scotland

www.agescotland.org.uk

0800 124 4222

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The evidence sources used to create this factsheet are available on request. Contact resources@ageuk.org.uk

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Every effort has been made to ensure that the information contained in this factsheet is correct. However, things do change, so it is always a good idea to seek expert advice on your personal situation.

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