

Durham County Council's The Durham Rental Scheme Code of Practice



The Durham
Rental
Standard



Welcome to Durham County Council's The Durham Rental Standard

We recognise that private landlords play an important part in the provision of accommodation within County Durham. This partnership scheme between DCC and NRLA will enable registered landlords to show that they offer properties that are of a good standard and give tenants peace of mind, secure in the knowledge that their property is warm safe and managed correctly.

One of our members believes “being accredited means that people looking to rent can see that I’m a reputable landlord who offers good quality, well managed accommodation. There are so many programmes on television these days showing rogue landlords using dodgy practices that it’s a brilliant and easy way to reassure people looking to rent.”

“By working with the council, I also get a range of support and advice, like being kept up to date with all of the latest changes to legislation, so it’s something I’d definitely recommend all landlords consider joining.”

Membership benefits include:

- ▲ A certificate awarded for recognition to display on your premises
- ▲ Advertising of empty properties on Durham Key Options; the online portal for social housing – giving you access to a waiting list of potential tenants.
- ▲ Template documentation
- ▲ Access to tenancy advice
- ▲ Access to the Rent Deposit Guarantee Scheme (subject to qualification, terms and conditions)

Who is eligible to join

Any landlord who:

- ▲ Is an accredited member of the NRLA or who commits to becoming one
- ▲ Owns a property or properties in County Durham which are available to let as private residence

The DRS scheme is only open to individual landlords and not to letting agents unless they are landlords in their own right.

For further information contact the Private Sector Housing Team on 03000 268 000 or privatesectorhousing@durham.gov.uk

Or join online at www.durham.gov.uk/DurhamRentalStandard

Durham Rental Standard Scheme

Durham Rental Standard Scheme Code of Practice

Durham County Council's Durham Rental Standard Scheme requires landlords to agree to follow a Code of Practice which aims to assist you by promoting good practice. It reflects a combination of legal duties and good practice and is based on basic standards in three areas:

- ▲ Condition of the property
- ▲ How the tenancy is managed
- ▲ Good character of the landlord
- ▲ The landlord needs to be accredited with the NRLA
- ▲ The landlord must supply a list of all properties within their portfolio

The Code of Practice is as follows:

Condition of the Property

Landlords will provide tenants with accommodation which is in a reasonable state of repair. The property should be kept in a safe, warm and comfortable condition. It should meet the current statutory minimum standard for housing with reasonably modern facilities and services and provide a reasonable degree of thermal comfort as outlined in the Guidance Notes.

Gas Safety

In accordance with the Gas Safety (Installation and Use) Regulations 1994 an annual gas safety check must be undertaken on all gas installations by a competent Gas Safe registered installer. A copy of the current inspection report (CP 12) must be provided to



the tenant before they occupy the property and annually. Failure to do so may invalidate a s21 notice. A copy should be made available for inspection by Durham County Council upon request.

Electrical Safety

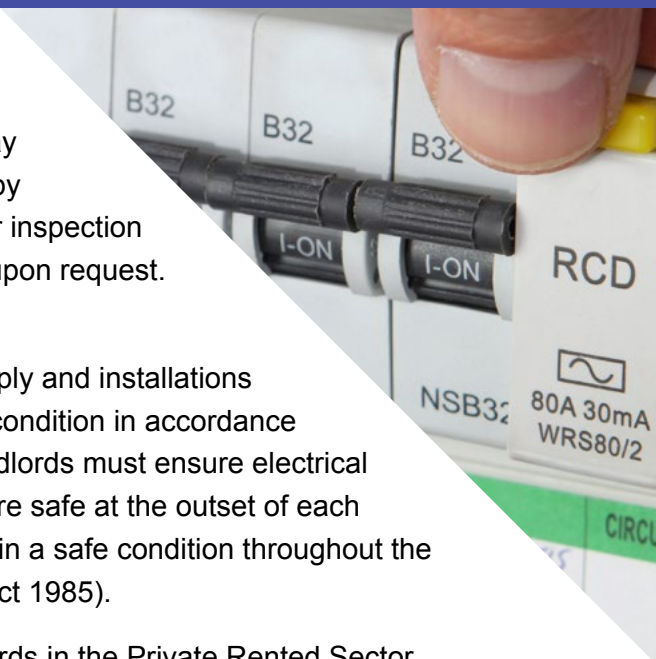
All electrical appliances, supply and installations should be in good and safe condition in accordance with legal requirements. Landlords must ensure electrical installation and appliances are safe at the outset of each tenancy and are maintained in a safe condition throughout the term (Landlord and Tenant Act 1985).

The Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020 came into force on 1 June 2020, they apply to new tenancies from 1 July 2020 and existing tenancies from 1 April 2021. The relevant date for determining when the new requirements apply is the date on which the tenancy is granted. A new tenancy is one that was granted on or after 1 June 2020.

Landlords to have the electrical installations inspected and tested by a person who is qualified and competent, at least every 5 years. Landlords must provide a copy of the electrical safety report to their tenants, and to their local authority if requested.

Furniture

All furniture supplied with the tenancy must comply with the Furniture and Furnishings (Fire) (Safety) Regulations 1988 and confirmation of this should be available to the tenant and Durham County Council upon request.



Smoke and Carbon Monoxide Alarm

In accordance with The Smoke and Carbon Monoxide Alarm (England) Regulations 2015 one smoke alarm must be provided as a minimum on each storey of premises where there is a room that is used wholly or partly as living accommodation. A carbon monoxide alarm is equipped in any room of the premises which is used wholly or partly as living accommodation and contains a solid fuel burning combustion appliance. Landlords must ensure the detector is in proper working order at the commencement of each tenancy.

Energy Performance

An Energy Performance Certificate (EPC) is to be provided to the tenant before they occupy the property. Failure to do so may invalidate a s21 notice. The certificate is valid for 10 years, but re-inspection should be undertaken if any measures are carried out that will affect the rating during the ten-year term (The Energy Performance of Buildings (Certificates and Inspections) Regulations 2007, as amended). From 1 April 2020 all tenancies must be rated E or above.

Legionella

A risk assessment must be carried out for Legionella bacteria at the outset of each tenancy and thereafter maintain control measures to minimise the risk. Landlords can carry out this assessment themselves so long as you do not have water storage tanks, are competent to do so and maintain a written record. Further information can be obtained at;

www.hse.gov.uk/legionnaires/legionella-landlords-responsibilities.htm

How the Tenancy is Managed

Creating a Tenancy

Pre-Tenancy Checks: Prior to letting a property reference should be obtained for all prospective tenants for you to make an informed decision regarding the occupancy of the property. Landlords can make use of Durham County Council's Tenant Referencing Service. This service is provided to accredited landlords free of charge. Where a landlord wishes to carry out their own reference checks the outcomes should be available to the Council upon request. Types of references should include a minimum five-year housing history check which considers things such as property damage/recharges; rent payment; and tenant behaviour.

Right to Rent

Prior to letting property landlords must check prospective tenants have the right to stay in the UK. It is a legal requirement that landlords comply with the right to rents checks contained within the guidance and take copies of and retain information for a defined period. A tenancy should not be offered beyond the period a prospective tenant has leave to remain in the UK. Further information can be obtained at; www.gov.uk/righttorentchecks



Regulatory
Compliance



Tenancy Agreement

All tenants should be provided with a written tenancy agreement detailing the terms and conditions on which they occupy the house, and the landlord must ensure they act within the responsibilities contained within the agreement and carry out all landlord functions in a proper manner.

Inventory

Landlords should supply an inventory, indicating the condition of all items within the property where necessary. The inventory must be signed by the landlord and tenant once both parties have had an opportunity to check its accuracy.

Tenancy Deposit

Landlords must ensure that all new tenancy deposits are protected in one of the statutory tenancy deposit protection schemes within 30 days of receiving the deposit and provide a certificate of protection and the prescribed information to the tenant and any other relevant persons. The prescribed information must be re-served if there are changes or extensions to the tenancy. This is to be provided to the tenant before the commencement of each tenancy. Failure to do so may invalidate a s21 notice. For further information contact; www.gov.uk/tenancy-deposit-protection

How to Rent Guide

At the outset of each tenancy, including renewals, the current copy of the 'how to rent' guide must be provided to all tenants. Failure to do so may invalidate a s21 notice. A copy can be obtained at; www.gov.uk/government/publications/how-to-rent

Redress Scheme

Letting agents or property manager are legally required to join one of two Government-approved Redress Schemes. For further information contact; www.gov.uk/government/publications/lettings-agents-and-property-managers-redress-schemes

Client Money Protection

Letting agents or property manager are legally required to join a client money protection membership scheme designed to protect client money held on behalf of landlord and/or tenant. For further information contact; www.gov.uk/government/publications/client-money-protection-for-letting-and-managing-agents



Maintaining a Tenancy

Landlords should treat all tenants and prospective tenants equally and not treat anyone less favourably before, during or after a tenancy because of their race, colour, ethnic or national origin, gender, age, disability, marital status, sexual orientation or social status.

Repairs

Any items of disrepair in the property, for which the landlord is responsible, must be attended to promptly, with minimum disturbance to the tenant. Wherever possible, urgent repairs should be dealt with within three working days and less urgent repairs as soon as is reasonably practicable, preferably within 28 days. Where a tenant makes a written complaint to the landlord an adequate response must be given within 14 days. Where a tenant makes a complaint to the Local Authority and an improvement notice or emergency remedial action notice is served, a Section 21 notice cannot be served for 6 months.

Quiet Enjoyment

Landlords will respect the tenant's right to peaceful and quiet enjoyment of the property and must give the tenant adequate notice of entry before inspecting a property, except in the case of an emergency.

Anti-Social Behaviour

Landlords are expected to adopt robust procedures for dealing with anti-social behaviour relating to their property and undertake to deal with any complaints, which have been made directly to them.

Anti-social behaviour is any unsatisfactory behaviour caused by the occupier of the house or any visitors to the house that is deemed an annoyance or nuisance to people in the local area.

Ending a Tenancy

Landlords should serve correct notices, in a written form and on prescribed forms, in a timely manner should they wish to terminate a tenancy for a legitimate reason and refrain from any act of harassment, illegal or retaliatory eviction. Before any proceedings are commenced, the tenant should be notified of any breach of the tenancy agreement.


Landlord and Tenant Disputes

Should a dispute arise between landlord and tenant, a landlord should make a written response to correspondence from tenants or their agent within 28 days. All settlements and agreements reached should be honoured within 28 days. A landlord should maintain courteous, professional relations with tenants during any dispute.

Good Character of the Landlord

To become a member of Durham County Council's Durham Rental Standard Scheme landlords must sign a declaration stating they are a fit and proper person, under the terms of the Fit and Proper Person Guidance contained in the Housing Act 2004. To become accredited, a landlord must have:

- ▲ No conviction for illegal eviction or harassment of tenants in the last seven years

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- ▲ No conviction for violence towards any persons in the last seven years
 - ▲ No conviction for mortgage, Housing Benefit or Council Tax fraud or breach of grant conditions within the last three years
 - ▲ No failings to comply with any statutory notice or House in Multiple Occupation requirements resulting in prosecution or works being carried out in default in the last three years
 - ▲ No breaches of a Selective Licence or any laws relating to housing, public health or environmental health
 - ▲ No conviction for non-compliance of a Planning Enforcement Notice relating to a residential property within the last three years
 - ▲ No practices of unlawful discrimination on the grounds of sex, colour, race, ethnic or national origins or disability
 - ▲ No other unspent convictions, which would indicate the unsuitability of the applicant

Breaches of the Code of Practice

A landlord may be suspended from the Scheme if;

- ▲ The property has fallen below the required standard
- ▲ The landlord contravenes this Code of Practice
- ▲ The landlord no longer is accredited with the NRLA
- ▲ Any information provided to support the application was found to be inaccurate or fraudulent

Guidance Notes - Property Standards for Accreditation

The Code of Practice and the standards required for accreditation are subject to change. However, no changes will be made without consulting accredited landlords or allowing adequate time for any changes to be implemented.

All properties included under the scheme should meet the following standards:

Property Standard

Maintained in a safe, warm and comfortable condition free of significant defects / hazards.

Repair

Good overall repair both internally and externally and well maintained.

Heating

An adequate and efficient heating system - fixed heating appliance installed in each habitable room.

Kitchen

Reasonably modern facilities and services, fully functioning and in good working order with a washable floor covering. To be of good condition and clean appearance upon each new tenancy.

Bathroom

Reasonably modern facilities and services, appropriately located, in good working order with adequate ventilation and a washable floor covering. To be of good condition and clean appearance upon each new tenancy.

Smoke Alarm

Long life battery or hard wired alarms suitably located. One to be installed on each floor.

- ▲ A smoke alarm is equipped on each storey of the premises on which there is a room used wholly or partly as living accommodation;
- ▲ A carbon monoxide alarm is equipped in any room of the premises which is used wholly or partly as living accommodation and contains a solid fuel burning combustion appliance; and
- ▲ Checks are made by or on behalf of the landlord to ensure that each prescribed alarm is in proper working order on the day the tenancy begins if it is a new tenancy.

Electrical Installation and Portable Appliances

Installation, supply and appliances are to be in a safe condition at the outset of each tenancy and are to be maintained in a safe condition throughout the term.

Gas Safety

Gas safety certificate required annually and a valid copy to be provided to the tenant at the outset of each tenancy and upon request.

Building Insurance

Copy of Certificate of buildings insurance required annually.

External Condition

Reasonable clean and tidy appearance. Gardens to be in a clean and tidy condition at the start of each tenancy, lawns, hedges and trees trimmed to a manageable level and free from waste. Landlord to encourage tenant to keep gardens and yards in a clean and tidy condition.

Internal Decoration and Cleanliness

Good condition and clean appearance throughout upon each new tenancy. Any carpets, flooring and window coverings provided to be clean, free of significant stains, damage and odours.

Refuse Provision

Adequate provision for the storage of refuse and the area to be kept in a clean and tidy condition. This should include the supplying of bins for refuse and recycling at the start of each tenancy.

Furnishing (if furnished)

Good clean furnishings certified to meet fire safety regulations, free of significant stains, damage and odours.

Security

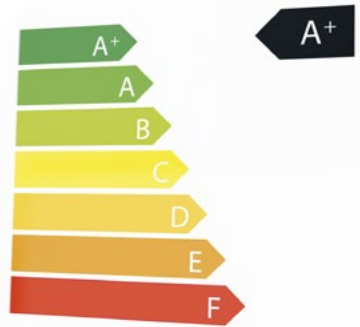
Mortice locks to all external doors and locks to all accessible windows.

Energy Performance Certificate

To be provided to the tenant at the outset of each tenancy. Properties let to new tenants after 1st April 2018 must have a rating of E or above.

Inventory

To be carried out for each property, including unfurnished properties.



HOME SETTINGS HELP



For Further Information

For further information about Durham County Council's Durham Rental Standard Scheme please contact:

@ privatesectorhousing@durham.gov.uk

🌐 www.durham.gov.uk/DurhamRentalStandard

☎ 03000 268 000

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www.durham.gov.uk/housing