

Budget 2021

Changes directly affecting landlords;

Stamp Duty; nil rated up to £500k until 30 June 2021, up to £250k until 30 Sept 2021. It will return to £125k from 1 October 2021.

Income Tax Thresholds; Freezing personal tax thresholds. Will be increased next year to £12,570 but frozen till April 2026. Higher rate threshold £50,270 next year and then frozen till April 2026.

Corporation Tax Changes from April 2023; Small Profits Rate at 19% - where profits are £50k or less. Taper above £50k so only businesses up to profits £250k. Profits of £250k or more will pay new rate of 25%.

VAT Registration Threshold; remains at £85k till 2024.

Capital Gains Tax; annual exempt amount will remain at £12,300 for individuals, personal representatives and some types of trust, and £6,150 for most trusts, until April 2026.

Inheritance Tax; nil-rate band will be frozen until April 2026 at £325k.

National Insurance; contributions thresholds will rise with CPI – from 2021/22, primary threshold/lower profits limit will be £9,568 and upper earnings/profit limit will be £50,270, until April 2026.

Business Losses; allow businesses to carry back losses of up to £2m in each of 2020/21 and 2021/22

Self-Assessment; the Government will reform the penalty regime for VAT and Income Tax Self-Assessment, to a points-based system with a financial penalty only when a certain threshold is reached. This will come into force for VAT taxpayers from 2022/23 tax year, for taxpayers with business or property income over £10k per year from 2023/4 tax year, for others from 2024/5 tax year.

COVID-Related Support

- Furlough scheme extended to end of Sept. Businesses will be asked to contribute 10% from July and 20% from Aug; employees will continue to receive 80% of salary for hours not worked.
- Self employment income support continues till Sept – fourth grant in April (80% of three months' average trading profits, capped at £7,500) and fifth grant for May to September which can be claimed from late July. The fifth grant will be available at 80% for those whose turnover has fallen by 30% or more, and at 30% for others.
- Universal Credit: £20 per week uplift continues till end of September. The surplus earnings threshold for UC will remain at £2,500 until April 2022, when it will revert to £300. Suspension of Minimum Income Floor for self-employed claimants continues till end July 2021, and then gradually reintroduced but with discretion for work coaches. From April 2021 UC advances will be recovered over 24 months with maximum rate of deductions reduced to 25% of standard allowance. This previously announced policy was due to be implemented from October 2021.
- Working Tax Credit – one off payment of £500 to those eligible.
- Recovery loan scheme for businesses - £25k-£10m loans available from lenders with 80% Govt guarantee, open to all businesses including those who have previously had support.

Other Housing Issues

Shared Accommodation Rate (SAR) – previously announced policy will be brought forward for implementation from June 2021: care leavers up to the age of 25 and those under 25 who have spent at least three months in a homelessness hostel will be exempt from the SAR.

Towns Fund – over £1bn from the Towns Fund will be given to 45 Town Deals across England, to help level up regional towns – mainly in the North and Midlands.

March 2021

Landlords: Electrical Safety - Final Reminder

Bailiff Enforced Eviction Ban Extended

Cornwall Landlords

The Debt Respite Scheme

Updated 'How to Rent Guide'

The Most Common Reasons for a Section 21 to be Invalid

Right to Rent post Brexit

Green Homes Grant: The Complete Guide

Pet Change on Model Tenancy Agreement

New Possession Mediation Pilot

SWLA Training is Back - Online

Important Dates

National Licence Scheme for Landlords

SWLA General Meeting

Renters Reform Bill and Abolition of Section 21

Expected Changes for Landlords in 2021

Landlords; Electrical Safety – Final Reminder

The Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020

These Regulations apply in England to –

- all new specified tenancies from 1st July 2020; and
- all existing specified tenancies from 1st April 2021.

****note, if a pre 01 July 2020 tenancy rolls onto a statutory periodic tenancy after 01 July 2020, the Regulations will apply****

What do the Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020 require?

Landlords of privately rented accommodation must:

- Ensure national standards for electrical safety are met. These are set out in the 18th edition of the 'Wiring Regulations', which are published as British Standard 7671.
- Ensure the electrical installations in their rented properties are inspected and tested by a qualified and competent person at least every 5 years.
- Obtain a report from the person conducting the inspection and test which gives the results and sets a date for the next inspection and test.
- Supply a copy of this report to the existing tenant within 28 days of the inspection and test.
- Supply a copy of this report to a new tenant before they occupy the premises.
- Supply a copy of this report to any prospective tenant within 28 days of receiving a request for the report.
- Supply the local authority with a copy of this report within 7 days of receiving a request for a copy.
- Retain a copy of the report to give to the inspector and tester who will undertake the next inspection and test.
- Where the report shows that remedial or further investigative work is necessary, complete this work within 28 days or any shorter period if specified as necessary in the report.
- Supply written confirmation of the completion of the remedial works from the electrician to the tenant and the local authority within 28 days of completion of the works.

HAS COVID-19 PROMPTED A CHANGE TO THE PRS LEGISLATION?

No, it is important to note that PRS legislation and timings have not changed. Full details on the regulations including information relating to the steps landlords can take if they cannot find an inspector, or if they are unable to gain access to a property in normal circumstances, can be viewed in the gov.uk 'Guide for Landlords: electrical safety standards in the private rented sector'.

WHAT ACTION WILL BE TAKEN IF LANDLORDS AND INSPECTORS ARE UNABLE TO COMPLY DUE TO COVID-19 ACCESS ISSUES?

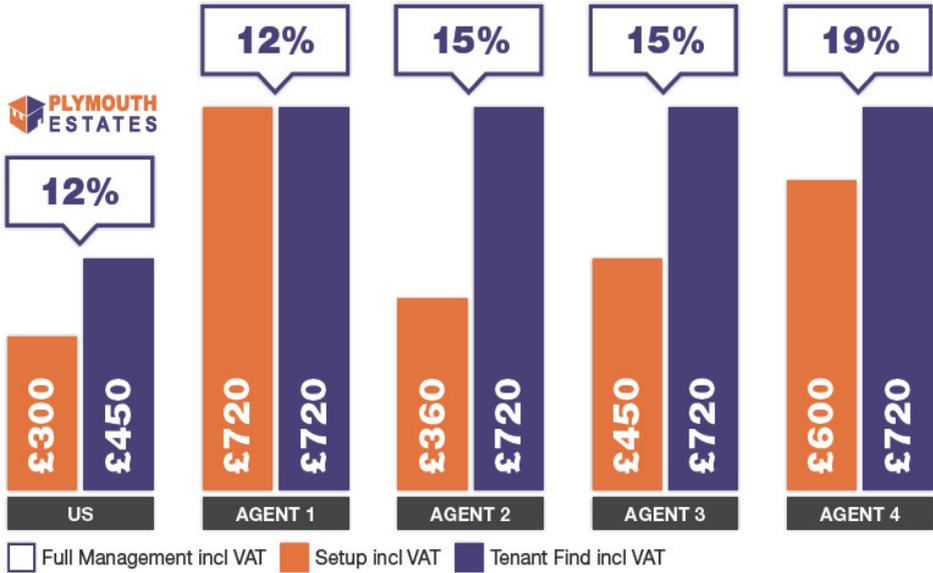
While the regulation and the schedule hasn't changed, the Ministry of Housing, Communities and Local Government issued COVID-19 specific guidance for landlord, tenants and local authorities. Encouraging local authorities to take a pragmatic, risk-based and common-sense approach to enforcement during COVID-19, the advice outlines reasonable steps landlords should take in the interim period.

A summary of this updated guidance and how it relates to PRS electrical safety checks;

- A landlord is not in breach of their duty to comply with a remedial notice if they can show they have taken all reasonable steps to comply.
- A landlord could show reasonable steps by keeping copies of all communications they have had with tenants and electricians as they attempt to make arrangements to carry out the work, including any replies.
- Landlords may also wish to provide other evidence which shows the electrical installation is in a good condition while they attempt to arrange works. This could include the servicing record and previous condition reports.
- A landlord who has been prevented from accessing the premises will not be required to begin legal proceedings against their tenant to show that all reasonable steps have been taken to comply with their duties.

If you need an electrician, you can find one on the SWLA website trade directory or search the following; www.electricalcompetentperson.co.uk www.search.napit.org.uk

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Data taken from company websites. Correct at time of print.

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Bailiff Enforced Eviction Ban & Six-Month Notice Periods Extended to End of May 2021

The government have announced that the bailiff enforced eviction ban and six-month notice periods for possession have been extended to 31 May 2021.

There are exemptions to the bailiff enforced evictions ban;

- Where a possession claim is against trespassers who are persons unknown to the landlord.
- Where possession has been granted because of an anti-social behaviour ground (14 or 7a) after serving a Section 8 notice.
- Where possession has been granted after serving a Section 8 notice on a rent arrears ground (8, 10 and/or 11) and the arrears total at least six months.
- Where the possession order has been granted on the basis of a false statement (ground 17) after serving a Section 8 notice.

Landlords will need to continue to give tenants six months' notice before they can repossess properties, except where they serve a Section 8 notice using the following grounds:

- Anti-social behaviour The anti-social behaviour grounds 14 (24 hours' notice) or 7a (one month's notice).
- False statements provided by the tenant The false or fraudulent statement ground 17 (2 weeks' notice) but only if no other ground is cited.
- Over 6 months' accumulated rent arrears Rent arrears grounds 8, 10 and 11 (4 weeks' notice), but only if the rent arrears are at least six months and no other ground is cited.
- Breach of immigration rules under the 'Right to Rent' policy or the tenant has passed away (3 months' notice).

Possession has become much more complicated since the pandemic began. Prior to considering serving notice, landlords should read in full the gov.uk guide; 'Understanding the possession action process: A guide for private landlords in England and Wales'. This document is kept up to date so any procedures that you need to follow are made clear in this guide.

There has been some confusion for landlords, with many thinking that there is a full eviction ban, there is not. Landlords can still serve eviction notices and proceed with possession claims. Housing possession cases were only suspended in the courts from 27 March 2020 until 20 September 2020.

Grounds	Before 26 March	Between 26 March and 28 August	On or after 29 August
1, 2, 5, 9, 16	2 months	3 months	6 months
3, 4, 6, 12, 13, 15	2 weeks	3 months	6 months
7 - original tenant has died	2 months	3 months	3 months
7A - serious antisocial behaviour	4 weeks	3 months	4 weeks
7B - no right to rent	2 weeks	3 months	3 months
8, 10 and 11 - rent arrears	2 weeks	3 months	6 months - if less than 6 months' arrears
			4 weeks - if 6 months' arrears or more
17 - tenancy given because of a false statement	2 weeks	3 months	2 weeks

SWLA members have been supporting their tenants as best they can through the Coronavirus pandemic. Those who are serving notice are doing so for good reason, mainly to sell their property or due to rent debt or anti-social behaviour.

SWLA have been campaigning for financial help for landlords who have tenants who aren't making rent payments. We were hoping that the government would launch a rent debt grant for tenants but there is no sign of this happening.

Here is what support is in place for landlords with tenants in rent arrears;

The mortgage holiday has now been extended, with applications open to 31 March 2021, and those that have already started a mortgage payment holiday will be able to top up to six months without this being recorded on their credit file.

The FCA has been clear that for borrowers who have taken six months' holiday and continue to face ongoing financial difficulties, firms should continue to provide support through tailored forbearance options. This could include granting new mortgage payment holidays. Mortgage customers in this situation should speak to their lender to discuss their options.

There are discretionary grants available. If your tenant hasn't paid full rent throughout the pandemic, contact your Local Authority to discuss the application process for the grants that are available.

SWLA Action

SWLA are on the Independent Advisory Board panel along with other large landlord associations in England. We represent our members at national level and are currently working hard to encourage the Government to look at providing financial help to save tenancies and prevent huge debt.

We regularly write to MPs within the South West with difficulties that landlords face, our MP Panel members assist us in reaching every MP for maximum effect.

We believe that the Government should recognise the crisis facing many tenants and take action to enable them to pay their debts as is happening in Scotland and Wales. The objective should be to sustain tenancies in the long term and not just the short term.

You can get involved by writing to your MP, calling for the Government to take action, and share the message through your social media channels.

If you are interested in joining our MP panel, please contact the SWLA office.

Cornwall Landlords – Warmer Tenants Advice Service for Landlords

Introducing a new service from Community Energy Plus, designed to provide advice, support and guidance to Cornwall private sector landlords working alongside their tenants.

The aim of the Warmer Tenants Advice Service is to improve the energy efficiency of rented properties in Cornwall. Landlords can be assured of free and impartial advice to help them find solutions and available options in order to make cost-effective, energy efficient improvements to their property.

Part of the service is to provide advocacy, speaking with both landlord and tenant to ensure the best outcome. Landlords can be confident that not only can they meet regulations, but also secure existing and prospective tenancies by ensuring their tenants live in warmer homes.

Part of the advice service is to help landlords gain access to grants in order to help pay for measures needed. Advice also available on the new Green Homes Grant which landlords are eligible to apply for.

There is a maximum price cap that landlords have to spend on improving a property's energy performance and if this is met, an exemption can then be applied for. There are other instances where exemptions can be applied for, advice can be given on this.

<https://www.cep.org.uk/ourservices/warmer-tenants-advice-service-for-landlords/>
Freephone advice line; 0800 954 1956

Article by Community Energy Plus. For more information, please contact Nicole Solomons on **01872 308930** or email: **nicole@cep.org.uk**

The Debt Respite Scheme (Breathing Space) – Interest, Fees & Enforcement ‘Freeze’ for Those Facing Problem Debt or Receiving Mental Health Crisis Treatment

The Government’s new ‘breathing space’ period will freeze interest, fees and enforcement for people in problem debt, with further protections for those in mental health crisis treatment.

The scheme will ban banks and landlords from chasing tenants for unpaid debts, by offering them a period of time to try to find a solution to their financial problems. It will impact on landlords – particularly those seeking possession due to arrears.

‘Breathing space’ (also known as The Debt Respite Scheme) will come into force on 04 May 2021.

A ‘breathing space’ can only be started by a debt advice provider who is authorised by the Financial Conduct Authority (FCA) to offer debt counselling or a local authority (where they provide debt advice to residents).

There are two types of breathing space;

- standard breathing space
- mental health crisis breathing space

A standard breathing space is available to anyone with problem debt. It gives them legal protections from creditor action for up to 60 days. The protections include pausing most enforcement action and contact from creditors and freezing most interest and charges on their debts.

A mental health crisis breathing space is only available to someone who is receiving mental health crisis treatment and it has some stronger protections. It lasts as long as the person’s mental health crisis treatment, plus 30 days (no matter how long the crisis treatment lasts).

As a creditor or landlord, if you’re told that a debt owed to you is in a ‘breathing space’, you must stop all action related to that debt and apply the protections. These protections must stay in place until the breathing space ends.

The electronic service will send you a notification to tell you about each debt owed to you in a breathing space and the date the breathing space started. You need to make sure you apply the protections to these debts from the date set out in the notification.

If you’re a creditor or landlord, it’s also possible your debt might be added to a ‘breathing space’ at a later date, because it is only identified after the breathing space has started. In this case, you have to apply the protections from the date you get the notification, or when the regulations consider you to have received it, whichever is the earliest.

If you have any questions about a breathing space you’ve had a notification for, you should contact the debt advice provider whose details are in the notification.

We will publish more details to our members nearer the launch date of the scheme.

Updated ‘How to Rent’ Guide Published – 10th December 2020

It is mandatory for landlords to provide the latest version of the ‘How to Rent: a checklist for renting in England’ to tenants before a tenancy starts – and on renewal of the tenancy if there has been an update to the contents of the guide.

SWLA recommend that landlords give the guide to tenants before the start of each new tenancy and at the start of each renewal (new fixed term), ensuring that there is no doubt that the tenant has received the most up to date version.

Landlords should obtain the How to Rent Guide directly from the gov.uk website to ensure that the most up to date copy is provided.

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The Most Common Reasons for a Section 21 to be Invalid

Wrong form; you must use the most up to date Section 21, 6A form. The last update to the Section 21 6A form was on 02 September 2020.

Incorrectly served; Is there a clause in your Assured Shorthold Tenancy on how to serve documents? If not, the notice must be served at the tenancy address, preferably through the letterbox or delivered face to face by hand at the door. Ensure to keep evidence (such as a photo). Also remember to retain a copy for yourself. Once it is successfully served, you can complete a 'Certificate of Service – Form N215' to self-certify the delivery and keep for your records. You will need this document later in the Section 21 process. If you are posting the notice, you must obtain a receipt for the postage. It is not recommended that you send it 'recorded' or 'signed for' as this could easily be rejected by your tenant.

Served too early; you must not serve the notice in the first 4 months of the tenancy. When it is served correctly after this period, it must not expire before the end of the current fixed term (unless there is a break clause in the Assured Shorthold Tenancy agreement). If you have renewed the tenancy at any point, the first four months is counted from that point.

Wrong notice period; the full amount of notice needs to be given so you must allow for the timeframe being from the date of service, not from the date of sending the notice. The current notice period is 'minimum 6 months'. We recommend that members add at least a few days when hand delivering, more if posting.

Calculation of the deemed day of service of documents other than the claim form (CPR 6.26)

Method of service	Deemed day of service
First class post or other service which provides for delivery on the next business day	The second day after it was posted, left with, delivered to or collected by the relevant service provider provided that day is a business day; or if not, the next business day after that day
Document exchange	The second day after it was left with, delivered to or collected by the relevant service provider provided that day is a business day; or if not, the next business day after that day
Delivering the document to or leaving it at a permitted address	If it is delivered to or left at the permitted address on a business day before 4.30pm, on that day; or in any other case, on the next business day after that day
Fax	If the transmission of the fax is completed on a business day before 4.30pm, on that day; or in any other case, on the next business day after the day on which it was transmitted
Other electronic method	If the email or other electronic transmission is sent on a business day before 4.30pm, on that day; or in any other case, on the next business day after the day on which it was sent
Personal service	If the document is served personally before 4.30pm on a business day, it is served on that day; or in any other case, on the next business day after that day

In this context 'business day' means any day except Saturday, Sunday or a bank holiday; (under the Banking and Financial Dealings Act 1971 in the part of the UK where service is to take place) includes Good Friday and Christmas Day.

Notice becomes out of date; notices cease to be valid 10 months from the date of issue.

Deposit not protected correctly; If you take a deposit, you need to lodge it in accordance with the deposit protection rules. You have 30 days from the receipt of the deposit to lodge it and serve your tenant the prescribed information. If you did not lodge it within 30 days, you must return the deposit in full before serving the Section 21 notice in order for the notice to be valid. If you did not serve the prescribed information within 30 days of receipt of the deposit, you must do so before serving the Section 21 notice. Remember, deposit prescribed information also needs to be given to relevant parties who contributed to the deposit (e.g. parents if they paid all or some of the deposit).

Documents not served to tenant; prior to serving a Section 21 notice, you need to have served the correct documentation to your tenant: the Gas Safety Certificate, the Energy Performance Certificate, and the How to Rent Guide. The documents should have been served at the start of the tenancy (and periodically/kept in date throughout the tenancy for GSC and EICR).

No HMO licence/requires a licence: if the property is an HMO and requires a licence or is another residential property that requires a licence under part 3 of the Housing Act 2004, it needs to be licenced (unless a temporary exemption applies) in order for the Section 21 notice to be valid.

Notice received from Local Authority; if a relevant notice (e.g. an improvement notice or emergency remedial notice) has been served on you, you cannot serve a valid Section 21 notice until 6 months has passed from the date of issue of the notice.

Charged unlawful fees; if you have charged your tenant any unlawful fees or deposits (see the Tenant Fee Act 2019) then your Section 21 notice will be invalid. A full refund needs to be made prior to the Section 21 notice being served.

Right to Rent post Brexit – No Changes Until 30 June 2021

Checking EU, EEA and Swiss citizens-

Right to rent checks continue in the same way as usual until 30 June 2021 for citizens of the EU, Switzerland, Norway, Iceland and Liechtenstein.

Continue checking your tenant's passport or national identity card as before. For family members of EU, EEA or Swiss citizens, follow the usual guidance for documents you can accept for right to rent checks which can be found on the gov.uk website.

It's against the law to ask EU, EEA or Swiss citizens to show that they have settled status or pre-settled status when starting a new tenancy.

You will not need to make retrospective checks for existing tenants from 2021.

In June 2021, new guidance will be published covering how landlords can perform right to rent checks for EEA nationals.

How to do a right to rent check

- 1 Check which adults will use your property as their main home (your 'tenants').
2. Ask them for original documents that prove they can live in the UK.
3. Check their documents to see if they have the right to rent your property.
4. Check that each tenant's documents are genuine and belong to them, with the tenant present.
5. Make and keep copies of the documents and record the date you made the check.

COVID-19 and right to rent

Because of coronavirus (COVID-19) there are temporary changes to the way you can check documents. You can read full guidance on the gov.uk website about the adjusted process, including asking for documents digitally, making checks on a video call, and what to do if someone cannot provide any accepted documents.

Please note, if you make a virtual check in line with the temporary changes, mark the virtual check "an adjusted check has been undertaken on [insert date] due to COVID-19".

When the COVID-19 adjusted measures end, you should carry out retrospective checks on tenants who:

- started their tenancy during this period
- required a follow-up check during this period

You should mark the retrospective check: "the individual's tenancy agreement commenced on [insert date]. The prescribed right to rent check was undertaken on [insert date] due to COVID-19."

The retrospective check must be carried out within 8 weeks of the COVID-19 measures ending. Both checks should be kept for your records.

Green Homes Grant: The Complete Guide

The Green Homes Grant is a scheme designed to help homeowners make energy-efficient home improvements through government funding.

Providing you are eligible, the government will provide two-thirds funding up to £5,000, or up to £10,000 for low-income homes. The homeowner, or landlord, must pay the other third.

The scheme was introduced in September 2020 and will run until 31 March 2022 (having been extended in November 2020). Your requested work will need to be completed before this date in order for you to benefit from the vouchers.

The Green Homes Grant has been praised for helping to green up homes, but it has also been criticised by homeowners for its application process, and for a lack of availability of accredited tradespeople.

How it works

The available improvements on the Green Homes Grant fall into two categories:

Primary home improvements

Secondary home improvements

To qualify, you need to install at least one measure from the primary category.

Primary measures are defined as the home improvements which make the biggest difference to your home's energy efficiency.

Which improvements can you make?

Primary measures include:

- Insulation (such as loft, cavity wall or floor insulation)
- Low carbon heating (such as an air source heat pump or ground source heat pump, biomass boiler or solar thermal panels)

Secondary measures include:

- Energy-efficient replacement doors (replacing single glazed or solid doors installed before 2002)
- Draught proofing
- Double/triple glazing (only where replacing single glazing)
- Heating controls

Eligibility

Homeowners and landlords are eligible, although new build domestic properties and non-domestic properties (such as shops and offices) are not.

You can find out which vouchers you're eligible for during the application process (more on this below).

How to apply

There are four steps to follow in order to apply for home improvements on the Green Homes Grant:

1. Find out if you're eligible. Go onto the Simple Energy Advice (SEA) service and enter your postcode to begin your application.
2. Find quotes. Find tradespeople to undertake the work. Subcontractors do not have to be TrustMark and/or Microgeneration Certification Scheme (MCS) registered to work on the scheme, but they do need to perform the work on behalf of a company with this accreditation. It is recommended (although not essential) to obtain at least three quotes to make sure you are getting the best value for money. The SEA website will highlight available tradespeople in your area.
3. Apply. Make an online application using the government website, detailing the energy-efficiency measures you wish to carry out, to obtain your voucher.
4. Redeem Your Voucher. Once your work has been completed (and you are happy with it), you can redeem your voucher on the gov.uk website. The grant is paid directly to the installer.

How much can you claim?

Most homeowners will be eligible to apply for vouchers up to £5,000 to make primary measure improvements.

Continued on next page.

Low-income households are eligible to receive up to £10,000 towards improvements, and will not have to contribute anything to the cost. You can find out if you're eligible for up to £10,000 when you apply for a voucher.

How the vouchers work

The vouchers cover two-thirds of the cost of improvements, so if you're applying for the £5,000 voucher then you, the homeowner, will need to pay the other third.

Once you have applied for, and redeemed your primary voucher, you can then apply for a voucher for secondary measure (providing you have money remaining following your application for a primary measure).

The contribution on a secondary measure will be capped at the same amount provided in relation to the primary measures.

For example, if you claim £1,500 for insulation (a primary measure), then you will be eligible for a maximum of £1,500 for double glazing (a secondary measure).

How long are the vouchers valid for?

Green Homes Grant vouchers are valid for three months from the date they are issued, or until 31 March 2022, whichever is earlier.

For example, if your voucher is approved in April 2021, you will have until July 2021 to ensure that the work is completed.

The first set of vouchers were distributed in November, but there have reportedly been delays in people receiving their vouchers. Therefore it's possible that delays of weeks or even months could be expected before work can begin.

Do you need accredited tradespeople?

Prior to January 2021, only approved TrustMark and Microgeneration Certification Scheme (MCS) registered tradespeople could carry out work on the Green Homes Grant.

Pet Change on Model Tenancy Agreement

The UK Government has announced changes to their Model Tenancy Agreement to enable tenants with 'well-behaved pets' to secure a tenancy more easily.

Under the new Model Tenancy Agreement, landlords will now have to seek consent for pets as the default position, and will have to object in writing within 28 days of a written pet request from a tenant and provide a good reason.

The key change only allows the banning of pets where there is a good reason (such as large pets in smaller properties or flats, or other properties where having a pet could be impractical). The revision encourages landlords to be more open to pet-owning tenants but will not be made to accept a pet if they do not want to, therefore giving landlords the final say. Tenants will also continue to have a legal duty to repair or cover the cost of any damage to the property.

Housing Minister Rt Hon Christopher Pincher MP said: "We are a nation of animal lovers and over the last year more people than ever before have welcomed pets into their lives and homes.

"But it can't be right that only a tiny fraction of landlords advertise pet-friendly properties and in some cases people have had to give up their beloved pets in order to find somewhere to live.

"Through the changes to the tenancy agreement we are making today, we are bringing an end to the unfair blanket ban on pets introduced by some landlords. This strikes the right balance between helping more people find a home that's right for them and their pet while ensuring landlords' properties are safeguarded against inappropriate or badly behaved pets."

SWLA are a step ahead of the crowds and already have the following clause in the SWLA assured shorthold tenancy agreement;

18. Not keep or permit to be kept any pets or animals without the prior written consent of the Landlord (such consent shall not be unreasonably withheld but may be withdrawn where such pet or animal is or becomes dangerous to others)

Article abridged from ARLA

New Possession Mediation Pilot

On 1 February 2021, the government launched the Housing Possession Mediation Pilot Scheme in a bid to further address the problems caused by the Covid-19 pandemic for landlords and tenants.

The scheme is funded by the Government and is being run independently by the Society of Mediators. The purpose of the scheme is to mediate on possession proceedings as they progress through the court system, to facilitate settlement between the parties without the need for a court hearing if possible, and to manage capacity within the over-stretched court system. The pilot will initially run for 6 months.

The service is staffed by clerks who take referrals from all over England and Wales, and the mediators themselves are fully trained professionals. Mediation sessions will be conducted by telephone, email, WhatsApp or Zoom.

Mediation is a staple part of dispute resolution within the English legal system. Mediation by its nature is independent, informal and neutral. At its best, it provides a way for parties to resolve disputes without the stress, anger and recriminations that can arise within the heated temperature of a contested court hearing. However, the Law Society has expressed some reservations about the effectiveness or appropriateness of mediation within residential possession matters. They note that "mediation has an important place in dispute resolution; however housing is such an essential life requirement that mediation cannot replace the usual routes of access to justice through the courts."

It remains unclear what value mediation can have in cases where matters have already progressed to possession proceedings. In most cases, matters have reached that stage due to rent arrears, the actions of problem tenants or because of the landlord's wish to regain possession of the property for other purposes. It is difficult to see how these issues can be resolved in mediation once court proceedings have begun if they have not been resolved in the months between service of a section 8 or section 21 notice and its expiry.

The mediation scheme is voluntary and requires both the landlord and the tenant to agree to the process. The scheme will be evaluated at the end of 6 months to assess how effective it has been.

Article Abridged from the Law Society and Boyce Hatton

SWLA Training is Back – Online

Whilst COVID measures prevent us hosting face to face training, we are running our courses virtually. Our first online Landlord Accreditation course was held on 22 February 2021 via webinar. The day went very much like the face-to-face courses we run. Stephen Fowler presented the course and was on hand to answer any questions that delegates raised. The webinar platform worked well, and all course attendees passed their accreditation.

We will be launching more dates in the coming weeks, keep an eye on your emails and book up if you would like to attend.

Along with Accreditation Courses, we also plan on having a course on Possession (including changes during COVID-19) and a course on Compliance (including gas, electrical, EPC, right to rent etc).

Important Dates

- 01 June 2019 – Tenant Fees Act (tenant fees ban and cap on deposits)
- 01 April 2020 - MEES E or above for all tenancies in scope of regulations
- 01 June 2020 - Tenant Fees Act (tenant fees ban and cap on deposits) on all tenancies
- 01 July 2020 – Mandatory 5 Year Electrical Safety Checks on new tenancies
- 01 April 2021 – Mandatory 5 Year Electrical Safety Checks on all tenancies
- 01 April 2021 – Deadline for agents to comply with mandatory client money protection
- 30 June 2021 – Changes to right to rent checks for EU, EEA & Swiss citizens
- 06 April 2023 – Making Tax Digital for landlords (£10k plus income)

National Licence Scheme for Landlords

The Government has revealed that it has no plans to introduce a national licensing scheme for landlords.

Housing minister Chris Pincher MP made that clear in a written response to a question from the Labour MP for Warrington North, Charlotte Nicholls.

"The government is committed to delivering a private rented sector that works for everyone and balances the needs of landlords and tenants" Pincher said.

"The government has no current plans to introduce a centrally based licencing scheme for private landlords. We are working with local authorities to raise standards in the private rented sector."

He continued: "Local authorities must license Houses in Multiple Occupation where five or more people from two or more households share facilities. Local authorities also have the power to license different types of privately rented properties through additional licensing or selective licensing schemes."

SWLA are proud to be approved by the West of England Rental Standard, Rent with Confidence scheme. That qualifies us to run accreditation courses and accredit landlords. This accreditation lasts for 5 years. Accreditation is purely voluntary but a great status to gain to give yourself and your tenants confidence that you are an experienced and informed landlord.

SWLA General Meeting

To be held via Zoom on Wednesday 21st April 2021 – 7.30pm – Guest speakers covering a range of landlord topics. Further information will be emailed to all members.

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Renters Reform Bill and the Abolition of Section 21

The Renters' Reform Bill – while seemingly inevitable at some point, with broad cross-party and public support – seemed quite far off with so much other business for Parliament to work through, especially regarding Brexit and coronavirus.

Housing Minister Christopher Pincher had said in September last year that the Bill would be introduced at 'the appropriate time when there is a sensible and stable economic and social terrain on which to do it'.

Despite this sensible and stable economic and social terrain not being in place – with the virus still rampant, the country in lockdown and the economy in recession – it was recently revealed by a junior housing minister that the Bill would be introduced 'very soon'. Kelly Tolhurst, who a few days later resigned from the government for personal reasons, said that the controversial Renters' Reform Bill would be implemented very shortly.

It's the Bill which includes measures to abolish Section 21, as well as introducing lifetime deposits which can 'shift' from one property to another, negating the need for tenants to find brand new deposits each time they move.

In a Commons debate, Tolhurst made the surprising announcement when answering a question about what steps were being taken to ensure the security of tenants in the private rented sector.

"The government are committed to enhancing renters' security by abolishing no-fault evictions. During the Covid-19 pandemic, our collective efforts have been focused on protecting people during the outbreak. This has included introducing longer notice periods and preventing evictions at the height of the pandemic on public health grounds. We will introduce a renters' reform Bill very soon," she said.

The scrapping of Section 21 has been on the cards for some time, but it was the Renters' Reform Bill – which first appeared in the Conservative 2019 manifesto and was also included in the Queen's Speech, with the pledge that it would be made law during 2020 – that really made it reality.

But 2020 was dominated by Brexit, coronavirus and then latterly Brexit again, which meant there was no time for the Bill to be introduced. It was one of many proposed pieces of legislation to have been pushed back as the response to Covid-19 and Brexit took precedence.

It still seems unlikely that the Renters' Reform Bill will be absolutely top priority for some time yet – with the battle against COVID and the vaccine rollout currently taking priority, as well as many issues surrounding Brexit. However, when things calm down again – probably in the late spring and early summer – we could finally see the Bill introduced. Even then, it'll take some time to go through the two Houses, so there doesn't seem to be an imminent threat of the Bill passing just yet. Article by Balgores Property

Expected Changes for Landlords in 2021

2021 is shaping up to be another year during which Ministers and campaigning MPs will introduce major changes for the private rented sector as renting remains at the centre of the Johnson government's 'level up' agenda.

Dogs and Domestic Animals (Accommodation and Protection) Bill

A Bill aimed at banishing no-pet clauses for rented homes. It's a Private Members Bill launched by MP Andrew Rosindell in October last year and is expected to make it through to Royal Assent later this year, with all-party support. If passed, this would mean (as long as renters can prove they are responsible owners) tenants would have an assumed right to take a pet into any rented accommodation.

HMO Regulation Bill

MP Ian Levy is due a second reading of his HMO regulation Bill. It will bring in greater regulation including larger minimum room sizes, and stop HMOs being disguised or marketed as hostels, Airbnbs or other types of accommodation when they are not.

Continued on next page.

Hostels Regulation Bill

MP Steve McCabe's Supported Accommodation Bill received its first reading in parliament last November and aims to raise the quality and safety of unregistered HMO hostels, which often purport to support vulnerable tenants when often their operators do not offer such services. Owners and managers of these 'hidden' HMOs will be monitored more closely and be required to reveal their identities.

MP Kerry McCarthy has also tabled her version of this proposed legislation via her own Private Members bill. It's called the Supported Housing (Regulation) Bill.

Fire Safety Bill

This legislation, which is due to become law this year, is much more than a 'fire safety' bill. Instead, it ushers in a new regulatory system for multi-occupancy properties and in particular high-rise towers like Grenfell. The idea is to make it clear where the responsibility for managing safety risks lies throughout the design, construction and occupation of buildings 'in scope'.

Carbon Monoxide Alarms

The government wants to strengthen the current carbon monoxide rules for rented properties and is consulting on its proposed measures until 11th January. The new rules would cover more types of appliance and require both more frequent checks and maintenance.

Domestic Premises (Energy Performance Bill)

This is currently working its way through parliament and is expected to become law. It will require most rented properties in the UK to achieve an EPC band C or above by 2025.

Article abridged from LandlordZone



For many years Landlord Insure UK have advised & supported SWLA members with regard to their Landlords insurance needs with comprehensive cover and exclusive discounts – we are specialist independent insurance brokers and can offer you a wide choice of policies which can be tailored to your individual needs. Our dedicated Team constantly review the market on your behalf and would be delighted to offer you a free, without obligation quote at your next renewal date.

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Ashley Taylors Legal

If you need legal assistance with serving possession notices or would like to book an advocate to attend court with you, get in touch, our team is well placed to help - **01825 766767** - teni@ashleytaylors.co.uk

Richard Gore Solicitor in Bristol
Richard is with Greg Latchams on **0117 9069424** and will support initial telephone calls to discuss your problems

Rory Smith, Enigma Solicitors

Rory Smith is a highly experienced specialist in a wide range of disputes and their resolution. Rory can also recommend to you other law firms in Plymouth who will all offer free initial advice to SWLA members in other specialist areas. Contact Rory on **01752 600567** or by email at rls@enigmaweb.com Enigma is located 5 minutes away from SWLA's office at Farrer Court, 77 North Hill PL4 8HB. The office is open 8:30 a.m. until 5:00 p.m. weekdays.

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We will support members with legal advice and representation through public access. KBG cover all areas of Property Law.

Call **01752 221551** or email Colin Palmer, Senior Clerk, on colin@kbgchambers.co.uk

Did you know that SWLA have a trade listing of local businesses? Head to the SWLA website 'Trade Directory' for all of your landlord needs from Gas Safety Checks to Building Services

SWLA

South West Landlords Association

Published March 2021

Produced by Mark Price

By **The South West Landlords Association Ltd 30 Dale Road, Plymouth PL4 6PD**

You can contact our answerphone service on 01752 510913 or E-mail us at info@landlordssouthwest.co.uk, visit our website www.landlordssouthwest.co.uk

Or visit our office in Dale Road, it is open week days from 10am to 3pm

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