

Managing Agent Accreditation Scheme Code of Standards

The following Code of Standards details the standard of practice expected by the Halton Borough Council Managing Agent Accreditation Scheme. The code was produced in conjunction with the borough's managing agents and is not intended to replace any of the legal obligations expected of private sector residential landlords or agents.

In order to gain **accreditation status** managing agents must meet and uphold all of the standards stated within this document.

If all criteria cannot be met at the time of application, **Provisional Accreditation** will be considered at the Council's discretion.

Accreditation Standards

1. Property Standards

Under HHSRS guidelines, an evidence based risk assessment must show that the dwelling is free from unnecessary and avoidable hazards. This assessment is based on the risk to the *potential occupant who is most vulnerable to that hazard*. For example, the very young and the elderly are the groups most vulnerable to low temperatures. A dwelling that is considered a safe temperature for these groups is considered safe for all. For further guidance on the HHSRS please refer to appendix 1.

For the purpose of the scheme, agents must make landlords aware of their legal responsibility to keep properties free from Category 1 hazards and not knowingly take on or continue to manage property where a landlord fails to address such hazards. An inspection sample will be chosen according to the size of the property portfolio and these must be found to be free of Category 1 hazards.

Upon application for accreditation, Halton Borough Council must be provided with a full list of the properties for which the agent provides a PROPERTY MANAGEMENT SERVICE. An updated list should then be submitted to the scheme every 6 months.

2. Tenancy Agreement

With the exception of sitting tenancies and cases where the landlord and tenant live in the same house, the managing agent must ensure there is a written agreement stating the terms of the tenancy, to be signed by both the tenant and landlord before each new tenancy commences (for tenancies that commenced after 15th January 1989 this is usually in the form of an Assured Shorthold Tenancy Agreement). This agreement must be clear and easy to understand and must not contain any clause that conflicts with any statutory or common law entitlement of the tenant or terms of this code. A copy of this agreement should be provided to the tenant at the commencement of the tenancy.

The name and current business address of the landlord / agent must be stated on the agreement together with the address and telephone numbers of any managing agent or person/s acting on behalf of the landlord.

Upon application to the scheme, Halton Borough Council must be provided with a copy of the standard template agreement as used by the managing agent.

3. Anti-Social Behaviour

Managing agents must ensure there is a clause in their tenancy agreement, which makes reference to unacceptable tenant behaviour i.e. anti-social behaviour and neighbour nuisance. If such a clause is not contained within the existing tenancy this must be incorporated upon renewal. Agents must also take reasonable action following any occurrence of a break in this clause.

4. Tenancy Deposit Protection

Managing agents should provide a receipt / written acknowledgement upon receipt of a cash deposit.

In accordance with the Housing Act 2004 agents must place / register any deposit held with one of the government recognised Tenancy Deposit Protection Schemes. This legislation came into force April 2007. Any new tenancy commencing after this date (including renewals) where a deposit was taken is affected and therefore must be protected. It is important the tenant is provided with the prescribed information, detailing where the deposit is protected. Penalties for non-compliance can be severe.

Further information regarding this legislation can be found at:

www.communities.gov.uk/housing/rentingandletting/privaterenting/tenancydepositprotection

5. Inventory / Schedule of Condition

At the commencement of the tenancy, landlords (or their appointed managing agent) should complete a full schedule of condition and / or inventory. This should be initialled on each page and signed at the end by both the tenant and the landlord, with each retaining a copy for the duration of the tenancy.

There must also be a check-out schedule of condition and / or inventory, if possible carried out in the presence of the tenant (or tenants representative). In the absence of the tenant, where possible, the tenant shall be provided with a copy of the inventory and asked to check, sign and return a copy as soon as possible to the landlord / agent.

This document can be invaluable in the settling of any disputes regarding damage or loss either during or at the termination of the tenancy.

6. Gas Safety

In accordance with the Gas Safety (Installation and Use) Regulations 1998 managing agents must ensure the following:

- A Gas Safe registered contractor must be appointed to carry out an annual test on all mains gas supplied appliances within the property and provide a gas safety certificate. A copy of this certificate should also be made available to the tenant.
- All appliances within the property that are supplied with mains gas must be kept in sound working order, with any reported defects to be repaired or replaced within a reasonable timescale. Agents are reminded, it is an offence to allow the use of a gas appliance that you are aware is unsafe.

Agents should have the facility to identify where gas safety certificates are due for renewal. Upon application for accreditation, Halton Borough Council must be provided with evidence of how they ensure their rolling programme of annual renewal. This may involve the Landlord Accreditation Officer witnessing their software package. Please indicate within the relevant field on the application form if this is required.

Clear written instructions in the safe use of all central heating and hot water systems should be made available to the tenant at the commencement of the tenancy.

7. Electrical Safety

Managing agents must ensure landlords are aware of their responsibility to comply with the sections of the Landlord and Tenant Act 1985 and the Electrical Equipment (Safety) Regulations 1994 which respectively require that, at the commencement of each new tenancy, the electrical installation is safe for use and that any electrical appliances supplied by the landlord must be in safe working order. The HHSRS further suggests that the electrical installation should be regularly checked and tested. An Electrical Installation Condition Report (EICR) is recommended.

Reasonable steps should be taken by agents to ensure that any electrical appliances provided under the terms of the tenancy are in a safe condition and function effectively in accordance with the manufacturers operational limits. Portable Appliance Testing (PAT) is a satisfactory method of ensuring this. Appliances should be regularly visually inspected for wear and tear and any defects remedied.

8. Furniture Safety

All soft furnishings provided by the landlord that are manufactured after 1st January 1950 (including loose items such as cushions and pillows) must be compliant with Furniture and Furnishings (Fire) (Safety) Regulations 1988 (as amended). Reasonable steps should be taken by agents to ensure compliance with this regulation.

9. Additional Standards for Houses in Multiple Occupation (HMO)

A HMO as defined in the Housing Act 2004 is:

a house, hostel, self-contained flat or relevant building –

- *Which is occupied as residential accommodation by persons who do not form a single household; and*
- *In which one or more of the following amenities is shared by more than one household –*
 - *A toilet*
 - *Personal washing facilities; or*
 - *Cooking facilities*

See appendix 2 for full definition.

Due to the increased risks involved with these types of dwelling, HMO's have specific regulatory standards, which must be complied with fully.

Agents who manage HMO's may be subject to mandatory licensing under the Housing Act 2004. This applies to houses that are 3 storeys or more, containing 5 or more occupants, which comprise two or more households.

If you are unsure whether a property falls into this definition, or who should hold the licence you must contact Environmental Health, 0303 333 4300.

10. Repairs and Maintenance Procedure

Managing agents must ensure all parts of the property are in a reasonable state of repair and must respond to any repair or maintenance needs within a reasonable timescale of being notified by the tenant. Guidelines for this, as suggested by the Accreditation Network UK (ANUK), are detailed below.

Priority One – Emergency Repairs

Any repair issue that may cause a danger to the health and safety of residents or serious damage to buildings or internal contents must be addressed within 24 hours of notification of the defect (with or without approval from the landlord). Where this is not practicable, managing agents must provide suitable temporary arrangements.

Tenants must be provided with a suitable contact for use in the event of an emergency.

Priority Two – Urgent Repairs

Defects to the property or supplied contents, which materially affect the comfort or convenience of the residents, should be carried out within five working days of report of defect, subject to approval from the landlord.

Priority Three – Non-urgent Repairs

Reactive repairs not falling within the above categories should be addressed within 28 working days, subject to approval from the landlord.

With the exception of emergency repairs, tenants should be notified and a mutually convenient appointment made prior to attendance by the managing agent or appointed representative, or contractor.

Managing agents should carry out periodic inspections of properties in which cyclical maintenance should also take place e.g. every 3 to 6 months. Before each of these, tenants should be given at least 24 hours written notice and approval gained for entry. These inspections will provide opportunity to resolve any tenancy issues and to be made aware of any repairs or maintenance work required.

Responsibility for the maintenance of the visual appearance of dwellings, outbuildings, gardens and yards should be recognised so they do not become detrimental to the visual amenity of the area. If this responsibility lies with the tenant, clear notification should be given within the tenancy agreement.

11. Fire Safety

A smoke detector should be suitably sited on each floor of the dwelling. Functionality of detectors should be checked upon cyclical maintenance.

Clear guidance regarding evacuation in the event of a fire should be provided to residents at the commencement of the tenancy.

12. Energy Performance Certificates

Any property being let to a new tenant will require an Energy Performance Assessment carrying out on the premises and all new tenants will have the right to see the report. These certificates, which last for 10 years, will provide a potential occupier with an insight as to how energy efficient the property is. Agents must comply with this legislation and make a copy of the certificate available to any prospective tenant.

13. Waste Disposal

Advice should be given to the tenant on how to arrange waste disposal both during the tenancy and when vacating the property and on how to access a replacement bin from the local authority, should it be needed.

14. Business Conduct

Managing agents must ensure that in the provision and letting of housing or associated services, no person or group of persons will be treated less favourably than any other person on the basis of their race, colour, ethnic origin, gender, disability or sexual orientation.

Agents must obtain permission before entering a tenanted property, except in cases of emergency. Agents must also refrain from any act of harassment or illegal eviction. The correct and legal eviction process must be followed and where possible agents should agree to work with the Council's Housing Solutions Team to attempt prevention of homelessness.

15. Client money

Managing agents must clearly inform prospective customers of any fees charged for setting up tenancy agreements and money should only be demanded from customers on a reasonable basis. An accurate record should be kept of all client money and this should be held in a separate bank account to that of the firm's funds. It is recommended that the agent is a member of the SAFE agent scheme.

16. Advertising

Adverts should show an accurate account of the property. Any viewings of tenanted properties should take regard of the existing occupant/s and should not take place without their prior consent.

17. Insurance

Managing agents should hold professional indemnity insurance and client money protection.

Upon application, evidence of current insurance policies held should be submitted to the scheme.

