

3. Private Rented Housing

Within Moray there are opportunities to rent accommodation from the private sector. The private rented sector is quite small and there are a variety of types of accommodation including furnished and unfurnished properties, bedsits and family sized houses.

Most private landlords only have one or two properties to rent and use a variety of methods to advertise when they have an empty property. There is no single place that potential tenants can access this information, but often have to use a variety of methods.

The private rented sector only accounts for around 11% of the total housing stock in Moray, which is roughly equivalent to 3,834 properties. Little is known about where these properties are, what size they are and how to access them.

3.1 Landlord Registration

It is a legal requirement that all private landlords are required to register with their local authority. Before entering in to a lease agreement, tenants should satisfy themselves that the property has been registered. This is a public register, which can be accessed by going to www.landlordregistrationscotland.gov.uk.

3.2 Energy Performance Certificates (EPC)

All housing providers have to supply an Energy Performance Certificate (EPC). This is a document which states the energy efficiency of a property. EPCs allow prospective owners and tenants to compare energy performance with other dwellings. EPCs are valid for 10 years.

All new built houses in Scotland will require an EPC. All new tenancies started on or after the 4 January 2009, must provide a copy of an EPC to their tenants, free of charge.

EPCs are required by EU law under the Energy Performance of Buildings Directive (EPBD 2002/91/EC) and the Energy Performance of Buildings (Scotland) Regulations 2008.

Information from the EPC has to be recorded and sent to the Home Energy Efficiency Database (HEED).

3.3 The Repairing Standard

Since 3 September 2007, the repairing standard applies to most tenancies of houses in the private sector. It covers various aspects of the house, including the structure and exterior, various installations and fixtures, the safety of furniture, and smoke alarms.

The landlord will have to ensure that the house meets the repairing standard at the start of the tenancy. This means that you (or someone authorised by you) will have to inspect the house before the tenancy starts and tell the tenant if any work has to be done, as well as carrying out the work. It would be sensible to carry out the inspection in time to deal with any necessary repairs before the tenancy begins.

The landlord also has to ensure that the house meets the repairing standard throughout the tenancy. This applies to existing tenancies as well as those that began on or after the 3 September 2007. This duty only applies if your tenant tells you that work needs to be done or you become aware of this in some other way.

Most landlords keep their properties in good condition, but if a tenant believes that the landlord has not complied with the repairing standard, he or she can apply to the new Private Rented Housing Panel. You can find more information on the Scottish Government website at www.scotland.gov.uk/Topics/Built-Environment/Housing/PrivateRenting/RepairingStandard.

3.4 Section 11

Since 1 April 2009 councils across Scotland must be notified of any households facing the threat of homelessness through eviction or repossession.

The Homelessness (Scotland) Act 2003 require landlords and creditors to inform the local authority when they take action to recover property or call in a mortgage.

The aim is to prevent homelessness by allowing a council to contact affected households with the offer of appropriate support, including money advice. The new legislation applies to landlords in the social and the private rented sector and is unique to Scotland. It also applies to all creditors offering mortgages, including second-charge and buy to let mortgages, and debt consolidation loans.

Failure by a private sector landlord to comply could be taken into account by local authorities when considering an application for landlord registration.

The Scottish Government has been working with national landlord and creditor organisations to raise awareness of the new duties.

3.5 Locations and costs of private rented housing

The bulk of the housing stock in the private rented sector is located in the main areas of Moray, which are Buckie, Elgin, Forres, Keith and Lossiemouth.

Properties can be rented furnished and unfurnished and this can affect the rent that is charged. When taking up a furnished property, tenants should make sure that an accurate inventory is used to record furniture provided and the landlord provides them with a written tenancy agreement and evidence of up to date gas and electric safety certificates.

The private rented sector can in general be more expensive than the social rented market.

Local Housing Allowance is a new way of working out new claims for Housing Benefit for tenants renting accommodation from a private landlord. It also affects tenants already getting Housing Benefit who move into accommodation rented from a private landlord. Local Housing Allowance was introduced on 7 April 2008. If you live in council accommodation or other social housing, Local Housing Allowance will not affect you.

The rate used is based on the number of people who live with you as part of your household, and their ages. New rates are received every month from The Rent Registration Service.

Local Housing Allowance is the maximum amount you can receive, and this may reduce depending on your income, savings and circumstances.

To find out how to work out which Local Housing Allowance rate applies to you, see our leaflet, 'Working out your Local Housing Allowance' - **HB(LHA)2**. To get this from us, or if you have any queries about Local Housing Allowance, you can:

- phone our **Customer Contact Team** on 01343 563456
- look on our website at www.moray.gov.uk; or
- email us at revenues@moray.gov.uk.

The following table shows average monthly rents by housing need area which has been taken from newspaper adverts between 1 April 2008 and 31 March 2009.

Area	No. of advert	1 Bed	2 Beds	3 Beds	4 Beds	5 Beds	6 Beds
Buckie	5	£325		£512.50	£530		
Buckie Rural	17	£300	£390	£440			
Cairngorms	1		£425				
Elgin	140	£328.38	£451.25	£576.56	£700.71		

Elgin Rural	16	£306.67	£432.50	£540.71	£612.50		
Forres	46	£345.56	£433.87	£549	£700.		
Forres Rural	58	£352.50	£412.68	£577.78	£450.	£812.50	
Keith	7		£396	£390	£650		
Keith Rural	29	£352.50	£425	£568	£812.50	£750	£1,320
Lossiemouth	93	£340.42	£437.25	£553.75	£606.25	£750	

The tenant will normally be required to pay a deposit as well as the first months rent in advance. The deposit is normally equivalent to one months rent and is paid to the landlord or letting agent at the beginning of the tenancy. This is used as security against things like rent arrears, damage to property or removal of furniture by a tenant. Providing the tenant has accrued no rent arrears at the end of their tenancy and the accommodation is in the same condition as when the tenancy first started, they should have their deposit returned to them in full.

3.5.1 How to find out about private rented accommodation

- Read the ads in the following local newspapers and/or put an ad in yourself.

Banffshire Advertiser	01542 832265	out every Tuesday
Forres Gazette	01309 672615	out every Tuesday
Midweek Extra	01343 551100	out every Wednesday
Northern Scot	01343 548777	out every Friday
Press and Journal	01343 543366	out every weekday, including Saturday
Scot-Ads	08457 434343	out every Wednesday

- Contact the estate agents listed in Appendix B or the local Solicitors Property Centre, 29-31 High Street, Elgin, phone 01343 548755 or e-mail property@spcmoray.com
- Look out for small ads that appear, for example, on supermarket notice boards or in the windows of some shops and post offices
- The local tourism office has details of holiday lets and their owners, who could be contacted to explore the possibility of winter or longer term lets. There may be a charge for the published list of accommodation. Contact the Tourist Information Centre, 17 High Street, Elgin or phone 01343 542666
- Ask around particularly in the country areas where some private renting opportunities may be advertised by word of mouth.

Please note, that it is an offence

- for accommodation or letting agencies to charge to put your name on a list; and
- for landlords in Scotland to levy any form of premium on the rent.

3.6 Private tenants rights and responsibilities

The landlord must give the tenant a written tenancy agreement. However, this will be different if the tenant has a resident landlord. The tenancy agreement should clearly state:

- how long the tenancy is for;
- the rent, when and how it is to be paid and how any rent increases will be worked out;
- who is responsible for decoration, repairs and maintenance; and
- any condition or restriction on how the tenant can use the property.

The tenant has a right to:

- know the terms of the tenancy;
- know the name and address of the landlord;
- a decent standard of repair;
- proper legal notice if the landlord wants to move the tenant out; and
- 'quiet enjoyment' while staying in the property. (This means the tenant has the right to live in the home without interference from the landlord)

The tenancy agreement should also say who is responsible for decorating the inside of the property and who is responsible for any maintenance and repairs inside and outside. The tenant is responsible for making sure the fixtures, fittings, furniture and other contents are not damaged by negligence.

For more information on private tenants rights and responsibilities contact:

Citizens Advice
30 Batchen Street
Elgin
IV30 1BH

Phone: 01343 550088

Website: www.citizensadvice.org.uk/

3.7 Housing Benefit entitlement

People on low incomes with high rental costs are usually entitled to receive Housing Benefit, to help them pay the rent.

It is important, however, to remember that there is no automatic entitlement. Housing Benefit will only be paid to someone who has gone through the application process properly and satisfies the statutory requirements for the payment of benefit. Moreover, the level of Housing Benefit or Local Housing Allowance awarded may not pay the rent in full.

It is very important, that anyone who may be relying on Housing Benefit to make a private rented opportunity affordable should contact the Housing Benefit advisers at the Council, Citizens' Advice Bureau or other advice agency before they accept the tenancy. Rates of Local Housing Allowance, which can change monthly, are available in our public offices or on our website. www.moray.gov.uk.

3.8 Rent deposit guarantee scheme

The Moray Keyfund has been set up to help homeless people with a 'no priority' homeless decision to move into private rented accommodation by guaranteeing the landlord's deposit if the property is damaged or the rent the tenant owes builds up during the tenancy.

The Council reserves the right to refuse any application where an applicant has been evicted for anti social behaviour in the last three years or has rent arrears from a previous property and has not arranged or kept to a repayment agreement.

The Council will guarantee the landlord's deposit up to the value of one month's rent. The Keyfund scheme does this by giving landlords a deposit guarantee certificate.

The Moray Keyfund was designed to help people secure the tenancy of a private rented property. However, the deposit guarantee certificate will only apply to properties where both the tenant and landlord have agreed to stick to the conditions of the Keyfund scheme. Both the landlord and the tenant will need to sign an agreement.

Rent deposit guarantees will not be considered for caravans or properties where facilities are shared.

For more information about the Moray Keyfund, contact:

Homelessness Projects Officer
Housing Needs Section
Moray Council
High Street
Elgin
IV30 1BX

Phone:

01343 563597

E-mail:

moraykeyfund@moray.gov.uk