

PRIVATE RENTING

A guide for students



Private Renting Guidelines

This booklet gives some advice/guidelines of things to consider when renting a private flat from a Landlord/Registered provider.

Please be aware that booklet sets out the things you need to consider when renting privately and what students and accommodation providers' responsibilities are.

This is just a general guide, and the information was correct at the time of last update, information may vary with each provider so please check your tenancy agreement and ensure you understand all the information included in it before signing it.

If you have any questions or problems, contact the LILA* **Accommodation Department** who may be able to offer some assistance:



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Students in Private Rented Accommodation

Many students rent accommodation from private landlords which they find themselves or through a letting agent. If you're planning to rent a house, flat or room, make sure you understand what's involved.

This booklet will give information and advice on renting accommodation from a private landlord.

IMPORTANT: Some Landlords will check that you have the right to be in the UK before letting the accommodation to you

Accommodation let by private landlords

This is generally self-contained flats or houses which you may rent on your own or with other people. Generally all household bills are separate to the rent, but some items may be included, for example, water charges. The tenancy agreement should detail if the rent includes any other payments.

Being a lodger

If you rent a room in your landlord's home and share the facilities you are known as a lodger. Lodgers generally pay a fee that covers rent and bills and in some cases meals may be provided too.

Landlords and checking immigration Status

Why do landlords have to check immigration status of prospective tenants?

Checking that a tenant has the legal right to rent in the UK is a legal requirement for private landlords.. Landlords must check that the tenant(s), and any other adult(s) who'll be living there, are in the country lawfully.

Anyone who rents accommodation to someone who isn't in the country lawfully without carrying out the checks may receive a civil penalty.

Agents must carry out the checks if they're acting on a landlord's behalf and have

agreed to do them. The checks also apply when people rent out all or part of their home, for example, when taking in a lodger or when subletting.

Who do the rules apply to?

The rules apply to landlords or agents who let private rented accommodation to someone as their **only or main home**.

For a home to be an only or main home it must be either:

- the only property that the person lives in, or
- the property that they use for personal, legal or family matters

A landlord shouldn't let accommodation to an adult who isn't a relevant national or who doesn't have a 'right to rent' under the new rules.

Who is a relevant national?

Relevant nationals are British citizen or an Irish citizen, or a person with settled status or pre-settled status granted under the EUSS.

Who has a right to rent?

Someone who isn't a relevant national but who has leave to enter or remain in the UK has a right to rent accommodation. Leave to enter or remain means that the person has permission from the Home Office to be in the UK.

There is also a limited right to rent when a person's leave to enter or remain in the UK is for a limited period of time. People with a limited right to rent can rent accommodation but the landlord must do follow-up checks, usually when the person's leave is due to expire.

In all cases, evidence of leave to enter or remain must be provided to the landlord who must keep a copy.

What documents might a landlord want to see?

Typical documents that a landlord can check include:

- ✓ a passport,

- ✓ national identity card
- ✓ residence card
- ✓ Certificate of registration or naturalisation

If none of these are available, other specified documents will be requested.

Online Right to Rent Checks

Many landlords and letting agents now complete Right to Rent checks online using a Home Office share code system.

Students may be asked to provide:

- A share code
- Passport details
- Visa or immigration status information

Some landlords may still ask to see original documents, while others will use the online checking service.

Copying documents

The landlord must take a copy of the documents provided. Landlords have to keep these copies for as long as the tenancy lasts and then for at least one year afterwards. Documents containing personal or sensitive data must be securely stored.

Landlords aren't allowed to keep originals of documents, so please ensure you take them back.

Using a letting agent

Many students live in private rented accommodation which they find through a letting agent. A letting agent acts on behalf of a landlord and the landlord generally pays for this service, but they may also charge you fees.

How to choose an agent

Letting agents must belong to a redress scheme & follow consumer protection

laws.

It's best to use an agent that has signed up to the National Approved Letting Scheme. There are a number of these schemes that they can sign up to.

Registering with an agent

You have to register with an agent before they can provide you with any accommodation information, you can register with more than 1 and there is no charge for this.

There are fees that are charged by a letting agent, these can vary. The ones that are mainly charged are:

- Holding deposit
- Security deposit

Landlords must protect tenancy deposits in a government-approved scheme within 30 days.

If you do not agree with any charges you have been asked for discuss this with the agent and follow their complaints procedure.

A guarantor

Many agents will ask you to provide details of someone who can act as guarantor who would generally cover the rent in case you don't pay it.

Repairs

Many students in private rented accommodation encounter problems with the condition of their accommodation and in getting landlords to deal with repairs.

Condition of your home

If you're renting accommodation with furniture provided, your landlord must ensure that your home is fit to be lived. They must ensure it is safe and everything is in working order before you move in.

The property could be:

- Unsafe
- Have infestations

- No water or utilities

Please check the condition of the property before you sign the tenancy agreement.

Damp and Mould

Damp and mould can affect both the condition of a property and your health.

Students should check for signs of damp, mould, leaks, condensation, or poor ventilation before agreeing to rent a property.

Any damp or mould problems should be reported to the landlord or letting agent as soon as possible.

Landlords are responsible for dealing with structural issues that may cause damp and mould.

Tenants should also help reduce condensation by ventilating rooms where possible.

What you are responsible for?

- Looking after your home
- Telling your landlord about the repairs that are required
- Letting a tradesperson in to carry out repairs

What repair work is your landlord responsible for?

Your landlord is responsible for most repair work because the law, section 11 of the Landlord and Tenant Act 1985.

It means that your landlord is responsible for repairing:

- the structure and exterior of your home
- basins, sinks, baths, toilets and their pipework, water and gas pipes, electrical wiring, water tanks, boilers, radiators, gas fires, fitted electric fires or fitted heaters

Safety in your home

Your landlord also has specific responsibilities for gas and electrical safety checks and repairs. Landlords must get electrical inspections every 5 years (EICR).

Repairs to your property may take some time, please confirm the time it should

take with your landlord. Also check details in terms of fixing and repairing appliances as this may be your responsibility. Landlords must also ensure the property has working smoke alarms and carbon monoxide alarms where legally required.

HMO / Student House Rules

Many student properties are classed as Houses in Multiple Occupation (HMOs). This usually means a property is shared by several unrelated tenants who share facilities such as kitchens or bathrooms.

HMOs have additional legal safety requirements which may include:

- Fire safety measures
- Smoke alarms
- Safe escape routes
- Minimum room sizes
- Shared kitchen and bathroom standards

Some HMOs must be licensed by the local authority.

Students should check whether the property has the correct licence where required.

What is council tax?

Council tax is a local tax on residential property. There are certain exemptions from paying the tax which are based on the type of people who live in the property.

A property can be **exempt** from council tax if it is solely occupied by full-time students.

Who counts as a full-time student?

You are a full-time student for council tax purposes if your course:

- lasts at least one calendar or academic year for at least 24 weeks out of the year, and

- normally involves at least 21 hours of study, tuition or work experience per week during term time

The local authority may ask for proof that you're a full-time student. You can ask for a certificate from your school which must provide it, unless more than a year has passed since your course finished.

Please check the following sites for more information:

Liverpool— <https://liverpool.gov.uk/council-tax/discounts-and-exemptions/full-time-student-exemption/>

How is a council tax bill calculated?

A full council tax bill is based on at least two adults living in a property.

A discount is applied for people living on their own, and for those who live with people who don't count as adults for council tax purposes, e.g., full-time students.

What happens if someone you share with isn't a full-time student?

If you live with someone who isn't a full-time student, the property will not be exempt from council tax and a bill will be issued. However, whoever is liable to pay the council tax might qualify for a discount.

If you share with two or more employed people who are not students, they are likely to be liable for 100 per cent of the council tax bill, unless one or both of them qualifies as a disregarded person for council tax discount purposes.

In this situation the local authority can only pursue the non-students for payment of the council tax bill.

Please check with the local authority for further information

What happens if your home is exempt but you still get a council tax bill?

If you receive a council tax bill but you don't think you should have, you can apply for an exemption.

What happens if you need to take time off from your course?

Sometimes, as a full-time student, you may need to take some time out from your course, for example, because of an illness or family commitments. If you suspend your course but remain registered because you intend to go back, you should still be regarded as a student for the purposes of council tax.

Time off between courses

If you've finished one course and are waiting to start another, you may have to pay council tax.

You may be liable to pay council tax in these circumstances because you aren't within the formal period of either course.

Ending your agreement

Students aren't always aware that they enter into a legal contract when they sign a tenancy or licence agreement. An agreement must be ended properly when you want to move out.

The rules on ending an agreement vary and this page highlights those most relevant to students in private rented accommodation.

If you have a fixed term agreement— if you have a fixed term agreement, this means that you have agreed to rent your home for a certain period of time.

If you have a periodic agreement— a periodic agreement is one that runs from one rent period to the next. These often arise when you stay on in your home after the fixed term has run out without signing a new agreement for another fixed term.

Giving notice

It's best to keep a copy of the written notice that you give to your landlord. If

you are posting it, you should use recorded delivery or some other signed for service.

You should also ensure that the letter is dated and clearly sets out the date that you'll be leaving.

Getting your deposit back

If you paid a deposit at the beginning of your tenancy or licence, it should be returned to you.

Useful Contact Information

Rent

Right to Rent Document www.gov.uk/private-renting

Complaining about an estate agent

The Property Ombudsman www.tpos.co.uk

Ombudsman Services: Property www.ombudsman-services.org.uk

Property Redress Scheme www.theprs.co.uk

Council Tax

Liverpool — Council Tax <http://liverpool.gov.uk/council-tax/discounts-and-exemptions/>

Useful Websites

<http://www.adviceguide.org.uk>

