

Useful information for Tenants and Landlords – A reference for frequently asked questions and answers.

Updated January 2016

1) I have damp or mould in my home what can I do? Can you help?

There are a number of actions you can take to help reduce moisture in your home and our [one page leaflet](#) explains the causes and what you can do to help alleviate the problem. If after 28 days there is still a persistent problem contact PSH (Private Sector Housing).

2) I have problems with disrepair and items not working or being fixed. What do I do?

Put the problems in writing to your Landlord or Letting Agent. Do this by letter or email. It is not recommended to do this by text. If there is no response OR an adequate response outlining what action will be taken is *not* received.

You can then complain to PSH. Please attach copies of your written request(s) and any responses. A PSH officer can then investigate your request for service. Useful template letters can be found on [Shelter's](#) and [Citizen's Advice Bureau](#) websites:

If you rent a SEAL property you can also complain to SEAL at info@southeastalliance.org

3) My friend, relative or neighbour is having problems with repairs not being completed at their privately rented property and the landlord/managing agent are not helping. What can I do?

Ask them to contact PSH themselves following the procedure outlined in *question 2*.

4) What are the rules around smoke alarms and carbon monoxide alarms?

Since 1st October 2015, landlords are required by law to install and maintain smoke and carbon monoxide alarms in their privately rented properties. As a minimum, there must be at least one smoke alarm per floor whilst carbon monoxide alarms are compulsory where a solid fuel burning appliance exists for example log burners, open fires, coal burning stoves etc.

A useful [guide on the new smoke and carbon monoxide alarm requirements](#) for both landlords and tenants can be found by clicking the link.

5) What is a gas safe certificate? What should I do if I don't have one?

All rented properties must have a landlords' Gas Safe check completed at not less than 12 monthly intervals. This is different to a boiler service (although regular servicing is strongly recommended) but a check of all gas appliances (boiler, hob etc.) to ensure they are safe to use. Failure to hold an up to date certificate is a criminal offence and can be reported to both PSH and the [Health & Safety Executive \(HSE\)](#).

6) What is an Energy Performance Certificate (EPC) and how do I check if I have one?

An EPC contains information about a property's energy use and typical energy costs, and recommendations about how to reduce energy use and save money. An EPC gives a property an energy efficiency rating from A (most efficient) to G (least efficient) and is valid for 10 years. More info can be found [here](#).

You should have been shown and given a copy of the EPC before you moved in. If you haven't been given one you can report this to PSH (Private Sector Housing) at council@southend.gov.uk

7) I'm thinking of renting out my property to a tenant - what are the rules and regulations I need to know?

See [Advice for Private Landlords](#). We also invite you to sign up for our [Landlords' Forum mailing list](#) for updates on legislation, useful information and invitations to our Landlords' Forum event. This is open to Managing Agents and Landlords which operate within the Borough of Southend.

It is **your responsibility** to ensure you comply with all rules and regulations and do your due diligence on matters such as:

- Gas, electrical, and fire safety
- Regulations applying to Houses in Multiple Occupation and gaining a licence
- Whether planning permission or building control permission(s) are required
- That the rooms and facilities provided are safe, adequate and suitable for the intended tenants.

8) How do I know whether the electrical installation is safe?

Properties should have an Electrical Installation Condition Report (EICR). This checks and certifies that the installation is safe, for example the electrical sockets

and wiring. If you live in an HMO this must be no more than 5 years old. For more information visit [electrical safety first](#).

9) How do I know portable electrical appliances are safe?

If your letting is provided with portable electrical appliances such as a kettle, TV, microwave, removable washer/dryer etc. they should be PAT tested (Portable Appliance Test) on a regular basis such as every 12 months.

10) What is a House in Multiple Occupation (HMO) or 'shared house'?

An [HMO](#) is a property where three or more tenants forming two or more households share an amenity, such as bathing, toilet or kitchen facilities.

See 'What is an HMO' [leaflet](#). All HMO's (including the non licensable ones) are subject to additional rules and safety regulations which can be viewed [here](#).

11) What HMOs need to have a licence?

Buildings that are 3 or more storeys high which have 5 or more tenants when forming 2 or more households must have an HMO licence.

See 'What is an HMO' [leaflet](#) and [HMO](#) page. Levels included with the definition of 3 stories include basement levels and lofts when in use. Where a commercial unit exists at ground level and there are 2 or more floors of accommodation above with 5 people this would be licensable.

Even if you live in a property you own yourself a licence may be required if you are renting out rooms – check with the Private Sector Housing Team if you are unsure.

12) I would like to buy a property and turn it into an HMO. What are the rules about HMOs?

Please see [HMO page](#) for HMO rules and regulations. We also invite you to sign up for our [Landlords Forum](#) mailing list for updates on legislation, useful information and invitations to our Landlords' Forum event.

You must declare an HMO to the Council as Private Sector Housing will ensure the safety regulations are met whilst the Planning Department may require permission for the change of use.

13) I think I live next door to an HMO. Is this something I can contact you about?

Please include as much information as you can including address, number of persons occupying, number of storeys and any evidence you have to believe it is an HMO to the Council at council@southend.gov.uk

Also state your reasons why the HMO is a problem to you so that all relevant SBC teams can be notified.

14) What is an Assured Shorthold Tenancy (AST)?

See [this link](#) for more information.

15) I am a lodger and am having problems what can I do?

See [this link](#) for more information.

16) I have a pest problem (rats, bed bugs etc) - what can I do?

If you have a pest problem within a rented property please contact PSH as per procedure in *question 2*. If a tenanted property pest infestation is affecting a neighbouring owner occupied property please see *question 17*.

Please see the [Empty Homes download page](#) for a guide on Foxes.

17) I own my own property but my neighbour's property is affecting mine. Can you help?

This could be a 'Premises Nuisance'. What action we might be able to take will depend on the specific circumstances. Provide all the relevant information including your contact information, details of the problems and whether you and your neighbour own or rent your properties, or whether you are Leasehold or Freehold we will, as a minimum, provide advice.

18) I own the leasehold but not the freehold and am having issues with repairs. Is this something you can help with?

A leasehold and freehold issue comes under Civil law that the Council may not be able to assist with. For advice on lease and free hold issues please see [lease advice](#).

If a leasehold property is let out and the disrepair in the property is the freeholder's responsibility then the Council may take action where necessary against the freeholder and not the leaseholder.

19) What are the fees and charges you apply?

You can find our fees and charges [here](#).

20) I own my home but need to have repairs done. Can you help with this?

The PSH team can offer assistance with repairs to the home. Please see the [Loans and Grants page](#) for more detailed information.

Southend-on-Sea Borough Council also seeks to ensure that as many people as possible receive support to allow them to remain independent. A disabled facilities grant can help towards the cost of adapting your home so that you can live safely and independently.

Please see the [Disabled Facilities Grant and Adaptations pages](#) for more information

21) What can I do if I think a property is long term empty? (more than 6 months).

The Council's enforcement powers start when a dwelling remains empty for more than 2 years. See [Empty Homes page](#) for more information. PSH has no power to take action on empty commercial premises.

22) What is a long stay immigration check? Can you help with this?

Please see [Long Stay Immigration Inspection page](#) for more information.

23) My landlord wants to evict me. Can you help?

Your landlord must serve you with an eviction notice. The most common one is S21 of the Housing Act 1988 'Notice to quit' but you can also be evicted for antisocial behaviour or rent arrears. Please see [Advice for Private Tenants](#).

24) I'm being harassed by my landlord. What can I do?

Harassment is action taken by your landlord to deliberately disrupt your life at home or make you leave and is a criminal offence. Example could include cutting off your gas, electric or water supply, threatening behaviour or opening your mail or removing your belongings. Please see [Advice for Private Tenants](#).

[Shelter](#) offer advice on harassment and illegal eviction. As does [Citizens Advice](#).

25) My landlord wants to put my rent up but I can't afford it. Can you help?

Your landlord cannot normally increase the rent during a fixed-term tenancy unless a clause in your agreement says that the rent can be increased. If there is no clause in your tenancy agreement, a rent increase during the fixed term of your tenancy can only happen if you agree to it.

Most private tenants have an assured shorthold tenancy. Landlords can charge a market rent for this tenancy type. Rent levels are affected by the availability and cost of similar properties in the area.

You can appeal to a tribunal for rent disputes if you think your rent is too high, but only during the first six months of your tenancy. For more information see [this link](#).

26) I'm not happy with the service I've received from my letting agent or property manager – what can I do?

Letting Agents must since 1st October 2014 belong to a [redress scheme](#) so that tenants, landlords, leaseholders and freeholders in the private rented sector can complain to an independent organisation about the service they have received. The agent must belong to either '[The Property Ombudsman](#)', '[The Property Redress Scheme](#)' or '[Ombudsman Services Property](#)'. If you complain to the agent and you are not satisfied with their response you can then complain to the ombudsman.

27) Do you have selective licencing?

No, we currently do not have Selective Licencing. Please see the answer to *question 11*.

Useful links:

www.gov.uk

[Citizens Advice](#)

[Shelter](#)