

Where To Get Help



▶ Babergh District Council
Corks Lane
Hadleigh
Ipswich
IP7 6SJ

Telephone (01473) 822801

▶ Monday – Thursday: 9.00 am–5.00 pm
Friday: 9.00 am–4.30 pm

▶ **HOUSING SERVICE:
PRIVATE RENTED
ACCOMMODATION**

▶ Babergh District Council

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www.babergh.gov.uk

Fact Sheet No.2

THE HOUSING ADVISORY SERVICE provides free and confidential advice to anyone with a housing problem.

This leaflet explains where to find accommodation with a private landlord. It also looks at some of the important things you need to know about renting.

If there is anything you do not understand, or you need to discuss please contact the Housing Advisory Service.

▶ TYPES OF ACCOMMODATION

There are many different types of private accommodation: It can be a self-contained house or flat, or part of a house shared with other people, possibly even the landlord.

Shared Accommodation, including bed-sits, hostels and bed and breakfast hotels are sometimes classed as houses in multiple occupation (HMOs). An HMO is a house or flat, which is occupied by a number of different people who do live together as one household.

▶ WHERE TO FIND ACCOMMODATION

Finding accommodation is not always easy. Here are some ideas of where to look:-

PERSONAL CONTACTS: Talk to your family, friends or workmates. A lot of accommodation is found by word of mouth.

SHOP WINDOWS & NOTICEBOARDS: Newspaper shops, post offices and general stores often have details of places to rent.

NEWSPAPERS & MAGAZINES: The local papers have regular lists of accommodation to rent.

ACCOMMODATION AGENCIES & ESTATE AGENTS: These agencies have homes to let but they can charge you extra if they find you somewhere to live. You can ask to be put on their mailing list, which means you will be sent details of accommodation when it becomes available.

A list of Agencies can be found in the Yellow Pages Phone Directory or by searching for 'letting agents' or 'estate agents' on the www.yell.co.uk website.

▶ BABERGH RENT IN ADVANCE

This scheme has been introduced to help people move into privately rented housing where they cannot afford to pay the first month's rent the selves. Most of the first month's rent is paid to the landlord or agent on the day the tenancy is due to begin. After six months the housing benefit system is used to recover the rent in advance and at this point all future housing benefit payments are made in arrears.

To qualify for the scheme the applicant must satisfy the same criteria as for the rent or deposit guarantee scheme and must also be capable of living independently in the community.

▶ USEFUL ADDRESSES

▶ SOLO HOUSING

If you are a single person without accommodation or looking for somewhere else to live SOLO Housing can help you find lodgings. The organisation has a small number of self-contained flats.

SOLO Housing also holds an advice surgery at Sudbury Town Hall. Please telephone 01379 640250 for an appointment.

▶ CITIZENS' ADVICE BUREAU

Belle Vue, Newton Road, Sudbury
19 Tower Street, Ipswich
Winsley's House, High St, Colchester

Tel 01787 374671
Tel 01473 219777
Tel 01473 765331

▶ BENEFITS AGENCY (DSS)

St Andrews House, St Andrews St North
Bury St Edmunds
St Felix House, Silent Street, Ipswich

Tel 01284 775500
Tel 01473 267700

▶ HELP WITH YOUR RENT

If you are on a low income or on a state benefit you may be entitled to help with your rent.

The Council pays housing Benefit to people who are responsible for paying rent. The amount of help you will receive will depend upon your age, whether you have any children, how much money you receive each week, any savings you have in excess of £3,000, and the housing costs you pay. If you have over £16,000 in savings you will not qualify for housing benefit.

There are special rules for people under 25. This means that we must treat your benefit claim as if you are renting a room only even if you are hoping to rent a flat or a house. The maximum housing benefit we can pay under these rules is about £40 per week.

If you think you may be entitled to help with your rent please contact the **Council's Finance Department for further information.**

▶ BABERGH'S RENTAL DEPOSIT GUARANTEE SCHEME

This special scheme has been introduced to help people move into privately rented accommodation who cannot afford to pay a deposit.

Subject to the availability of funds, the Council will provide the landlord with a bond, a 'promise to pay', against damage or loss caused by the tenant up to an agreed figure.

To qualify you must:-

- ▶ Be homeless, threatened with homelessness or have an urgent housing need.
- ▶ Be entitled to Income Support, Job Seekers Allowance, Housing Benefit, Council Tax Benefit or Working Families' Tax Credit
- ▶ Have a housing connection with the District.
- ▶ Be unable to afford to pay a deposit yourself.

For further information please contact our Principal Lettings Officer on 01473 825762.

This leaflet is designed to provide a summary of the most important parts of the law. **It does not purport to be comprehensive or to provide legal advice.**

▶ TENANCY OR LICENCE?

This area of the law is quite complicated, however, it is also very important because it affects the housing rights you will have.

A licence gives you very limited housing rights but it does allow you to live in a property for as long as the landlord agrees.

You can be evicted at short notice, your landlord can increase your rent and even come into your room at short notice.

An example of a licence would be a friend invited to look after a flat whilst somebody is on holiday or a person living with their parents.

A **Tenancy** is a special kind of agreement or contract in which the owner rents a property for a stated period of time. Some of your rights and obligations are listed below.

▶ SECURITY OF TENURE

Security of Tenure is the legal term used to describe the rights you have to live in your home.

How much security of tenure you have will depend on whether you have a Tenancy or Licence. It will also affect your rights to:

- ▶ Stay in the property
- ▶ Get repairs done
- ▶ Challenge rent increases
- ▶ Succeed to a tenancy after someone's death
- ▶ Assign (or transfer) the tenancy to someone else
- ▶ Sub-let or take in lodgers.

▶ TENANCY AGREEMENTS

Tenancy Agreements contain important information about the rights and duties of both the landlord and tenant.

Most new Tenancy agreements are known as Assured Short-hold Tenancies. They are usually granted for a fixed period of six months but they can be extended.

▶ Housing Service:

A landlord can decide to grant an Assured Tenancy. This gives you more rights than a Short hold Tenancy. If a landlord grants an Assured Tenancy they must give you written notice which makes this clear.

Before you sign an agreement you should read it very carefully. If you are in any doubt about what is in the agreement, you should speak to a Housing Adviser. Tenancy agreements can also be verbal, which is agreed by word of mouth. Verbal agreements are as legally binding as written ones. If your landlord does not want you to have a written tenancy it is best to take a friend with you to witness what has

▶ WHAT TO LOOK OUT FOR

If you are offered somewhere to live by a private landlord, don't be afraid to ask a lot of questions. Here are some useful tips:-

- ▶ How long will the tenancy or licence run for?
- ▶ Does your landlord or landlady live on the premises?

This will affect your rights. You will not be classed as a tenant and will have less security of tenure if you share accommodation with your landlord or landlady

- ▶ Will I have to pay rent in advance and is a damage deposit required?

You may be able to receive help with the costs. If you would like more information speak to a Housing Adviser.

- ▶ How much is the rent and what does it include?
- ▶ Will I have to pay for the gas, electricity and water rates.
- ▶ Is there an inventory?

This is a list of everything in the property and what condition it is in. If not, make your own and give a copy to your landlord. The inventory should be signed by you and your landlord and kept in a safe place.

- ▶ Are the cooking and washing facilities adequate?
- ▶ How is the water heated?
- ▶ Where is the fuse box and where do I turn the water off?
- ▶ Do any repairs need to be carried out?

In the case of tenancies granted for less than seven years, the landlord is responsible for the repair of the structure and exterior of the property. The Landlord must also keep in repair and proper working order basins, sinks, baths and the installations for supplying water, gas and electricity and for heating water and for space heating.

- ▶ Will I have any responsibilities to decorate the property when the tenancy ends?

Private Rented Accommodation

▶ WHAT HAPPENS IF MY LANDLORD ASKS ME TO LEAVE?

This depends on the sort of tenancy agreement you have. It also depends on whether or not you share your accommodation with your landlord.

▶ NON-RESIDENT LANDLORD

If you do not share any living-room, kitchen, bathroom or toilet with your landlord, she/he will have to give you legal notice to leave. When the notice period expires your landlord would then be required to apply for a Possession Order.

▶ RESIDENT LANDLORD

If you share your home with your landlord, she/he must give you reasonable notice before you have to leave (this could be up to four weeks).

- If your tenancy started before January 15th 1989, your resident landlord will need to obtain a Court Order to evict you.
- If your tenancy started on or after January 15th 1989, your resident landlord can stop you coming back in when the notice has run out.

▶ HARASSMENT & ILLEGAL EVICTION

It is a serious criminal offence for a landlord to harass a tenant or to force a tenant to leave without following the correct legal procedure.

Examples of harassment might include:

- ▶ Cutting off your water, gas or electricity.
- ▶ Entering your home when you are not there or without your permission.
- ▶ Offering you money to go or threatening you.
- ▶ Forcing you to sign an agreement, which reduces your rights.

Harassment and illegal eviction are very frightening but there are things you can to help yourself:-

- ▶ Keep a diary with as much detail as possible of what is happening.
- ▶ Try to have someone with you if you are dealing with your landlord.
- ▶ Record any details of Police involvement.
- ▶ Always get advice at any early stage.