

Let Down in Wales

Campaigning for Private Rented Sector reform

Consultation on a Private Rented Sector Code of Practice for Landlords and Agents

Let Down supports the principle of the Code of Conduct, but we do not think it goes anywhere near far enough in addressing the poor standards in the sector. However, we've addressed some specific points below and welcome the opportunity to give tenants' input in a landlord-dominated policy area.

1. Stronger deterrent needed for breaking the Code

Firstly, we do not think merely the removal of a license is a strong enough deterrent to stop agents/landlords breaking the Code of Practice and would seek reassurance that they would not simply be able to continue their business through a conduit such as a spouse or simply a different letting agent. We think there should be fixed notice penalties that the licensing authority could gather and reinvest into promoting tenant and landlord education. Consequences for not following the Code should be made very clear to landlords and agents.

2. 'Before a tenancy: Appointment of an Agent'

Transparency between landlords and agents, as well as the agents' practices, should be promoted

Let Down supports that landlords should be informed of the expenses the agent will charge prior to managing a property, but also think they should be informed of the expenses the agent will charge the tenants, so the landlord knows how much the agent is accruing from each party. We are concerned that 'double-charging' is rife and greater transparency between all those involved would help this.

3. 'Before a tenancy: Marketing and advertising'

LCM for the Consumer Rights Act?

We welcome that all non-optional fees must be disclosed, including ones that could come up at a later date, such as renewal fees. However we note that the UK Consumer Rights Act would also ensure that all letting agents have to publish their fees. Presumably they would also have to explain why, for example, renewing a contract costs however much they charge. We'd very much welcome at least an enforced breakdown of why fees are so high. Let Down do not think letting agents should charge tenants fees at all, and this is a major factor in why tenants' cost of living is so high, but if the Welsh Government is not willing to go as far as Scotland has for tenants, then we think fees should at least have to be broken down and explained.

4. 'Setting up a tenancy: Reference and checks'

Discrimination against those who need housing benefit

The Code states that prospective and/or existing tenants must not be treated less favourably than others due to a range of protected characteristics. Let Down has found that some of the most damaging discrimination comes against those, whether in work or not, who need to claim some housing benefit. The, usually capitalised, declaration of 'NO DSS' decorates most property advertisements and is seen as perfectly acceptable, yet contributes to making the most vulnerable even more vulnerable. So few agents/landlords allow those in receipt of housing benefit that these tenants are left with the worst properties, in the worst conditions, and have no hope of complaining about standards because they know how difficult it was to get somewhere to live in the first place. We would propose that agents/landlords are also not allowed to discriminate based on this, so long as tenants can prove their income as a whole can cover the rent.

5. 'During a tenancy: Access to the property' and 'Ending a tenancy'

24 hour notice for access and 'wear and tear' deterioration

We welcome that both these points are highlighted, that landlords/agents must give at least 24 hour notice before requesting access. We'd also like it emphasised that not only should notice be given but they should make an effort to negotiate a good time for the tenant and to, most importantly, wait for the tenants to agree to that time, not just state when they will appear and intrude. We also welcome that it is highlighted that proper allowance must be made for wear and tear, as through our tenants' stories we have often heard of unfair deductions from deposits which seem at odds with this.

General Comments

It seems incongruous that the Code of Practice was not automatically based on best practice, and instead it seems to be included as an afterthought. Particularly the inclusion of a Welsh Government Tenant Guide 'How to Rent' - this should surely be a statutory requirement so tenants know what the Code actually is.

We welcome much of the proposals under 'Best Practice' but unfortunately do not think that anything that isn't compulsory will make any difference to the sector. Those who want to conduct best practice will already be doing so and become part of an agent/landlord member organisation to help them. It's only by making best practice the standard practice that anything will change for tenants.