

Letting your home



housing



What is the law?

When you let your property to a tenant, the tenancy is usually an assured shorthold tenancy (unless you agree otherwise in writing or it is outside the assured tenancy legislation).

This means that:

- you have a guaranteed right to get your home back after six months – if you need to
- you can charge a market rent
- you can get your home back if your tenant owes you at least two months' or eight weeks' rent
- tenants causing a nuisance to local people can be evicted.

How long does an assured shorthold tenancy have to last?

That is for you to agree with your tenant. You can agree that it should last for a set period (known as a 'fixed term') or you can leave it open-ended.

How would I get my property back?

- You can end the tenancy at any time after six months, provided any fixed term you agreed has ended. You only need to give your tenant two months' written notice that you want your property back
- You can end the tenancy at any time on certain 'grounds' (reasons) for possession set out in legislation. These include rent arrears, anti-social behaviour, and damage by the tenant.



What if the tenant won't leave?

Most tenants do. You cannot evict a tenant yourself but you can apply to the county court to get your property back. In certain cases you can use an **accelerated possession procedure** which can avoid the need for a court hearing.

Why not just leave my property empty?

You can lose a substantial amount of money a year by keeping a home empty – in rent loss, council tax, insurance, dilapidation and security measures. There is also the risk of vandalism, squatting and complaints from neighbours.

As a landlord, what would I be responsible for?

- repairs to the structure and exterior of the property, heating and hot water installations, basins, sinks, baths and other sanitary installations
- the safety of gas and electrical appliances
- the fire safety of furniture and furnishings that you provide.

What would my tenant be responsible for?

- paying the rent as agreed
- in most cases, paying the council tax and water and sewerage charges; but if you pay them, you can include the cost in the rent
- bills for gas, electricity and the telephone etc if you agree this with the tenant
- taking proper care of the property.

How can I protect myself from property fraud?

There are some relatively easy steps you can take to minimise the risk of becoming a victim of property fraud. The Land Registry offers advice about the protection available to landlords on their website: www1.landregistry.gov.uk/property-information/property-fraud



What if the property needs repairs before it can be let?

Housing associations can help by providing a grant and managing the property for you. Or you may qualify for a local authority renovation grant. Your local authority can give details.

What about my tax position?

In general terms, you will be liable to pay tax on your gross income from rents and will be able to deduct from them your day to day running expenses. For further details contact your nearest Tax Enquiry Office or Tax Office or look at the Her Majesty's Revenue and Customs website: www.hmrc.gov.uk

What about tenancies which started before 28 February 1997?

Most tenancies which began before 28 February 1997 will be either assured shorthold tenancies, or assured tenancies.

If you agree a new tenancy with an existing assured shorthold tenant, it will automatically be a shorthold tenancy – you do not have to give your tenant notice of this.

If you agree a new tenancy with an existing assured tenant, it will automatically be assured – you do not have to give your tenant notice that it is not a shorthold tenancy but it may be helpful to make this clear in the tenancy agreement.

An assured tenant has greater security of tenure.

Tenancies which started before 15 January 1989 are subject to different legislation.

It sounds complicated. Can anyone help me?

Letting agents can find tenants, start the tenancy, collect rent or provide a full management service for peace of mind.

Some agents, such as members of the National Approved Letting Scheme, work to specified standards of service.

Membership of the scheme is open to agents who are members of the following professional bodies:

- Association of Residential Letting Agents
- Royal Institution of Chartered Surveyors
- National Association of Estate Agents

and to Registered Social Landlords (housing associations).



Where can I get more information?

A more detailed booklet Assured and Assured Shorthold Tenancies – A Guide for Landlords is available, via the Communities and Local Government website: www.communities.gov.uk

Alternative formats can be requested from: alternativeformats@communities.gsi.gov.uk

You can also get advice from a solicitor, Citizens Advice Bureau, local authority Housing Advice Centre or a Landlords' Association. Check whether your local authority has an Empty Property Officer who will be able to give you advice.



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