



Private Sector Renting

Why do I need to find a property to rent in the private sector and why can't I get a Housing Association property or council property?

There is not enough affordable or social housing in this area to satisfy demand. This means that people are having to rely more and more on the private sector for their housing. The Council is helping people secure this type of housing. The biggest advantage of private sector properties is 'choice'. You are able to decide what type of property you want to live in, as well as choosing your preferred area.

What is the Overcrowding Scheme?

The scheme is run in conjunction with the (CLG) Department of Communities and Local Government. We will provide you with a Rent Deposit Guarantee and assist you to find a larger, more suitable property for your household. A council officer will provide on-going advice and assistance to secure a property. We will also cover your removal costs and notify utility companies of your move.

How can I find a home to rent in the private sector?

We will contact private landlords and letting agents in the borough on your behalf. You can however contact agents in the area you wish to live in. You should also look at the advertisements in the local press and don't forget to ask people you know if they are aware of any properties available to rent.

How often should I contact the letting agents?

As often as possible. A property could be put on their books at any time and you need to find out about it as soon as you can.

Can I rent any size of property?

Not if you are going to claim Housing Benefit to help you with the rent. Housing Benefit will only pay for the size of property you (and your family) need. If you rent a property that is bigger than you need your Housing Benefit will be restricted and you will have to pay the difference. If you are unsure what size property you (and your family) need, you should speak to the Housing Benefit office as it will depend on how many people there are in your household, their relationship to you, their age and gender.

However, if you are a single person, aged under 25, you will only be able to get Housing Benefit for a room in a shared house. This is called a 'single room rent'. You will not be eligible for Housing Benefit on anything larger.

How will I know if Housing Benefit will meet the rent for the property?

To find out what rent Housing Benefit would use to work out your claim, you should check the current LHA (Local Housing Allowance) rates, which are published every month. This will tell you before you commit yourself to a tenancy, if you can afford to take it on.

What sort of tenancy will I have?

You will usually have an Assured Shorthold Tenancy that lasts for one year. This is called the tenancy period. It does not mean you will have to move at the end of the tenancy period. We will endeavour to secure longer tenancies on your behalf, however this is at the discretion of the landlord.

Most landlords want tenants who will pay their rent on time and look after the property. If you do this you are likely to be able to remain in the property. You may not be issued with a new tenancy agreement if this happens, but the terms of your original tenancy will continue and your tenancy then becomes a 'Periodic Tenancy'.

How does an AST differ from a Secure Tenancy?

A secure tenancy means that your tenancy can only be ended by a court order. The council can only get a court order if it can prove one of the reasons described as "grounds for possession", most commonly rent arrears.

You will remain a secure tenant as long as you live in your home as your only or principal home. It is a condition of your tenancy that you must live in the property. So if you do not, you may lose your security of tenure, which would mean losing your rights as a secure tenant. You have signed a tenancy agreement, which is a legal contract. It makes clear the council's responsibilities to you and your obligations to the council and to your neighbours.

Besides paying Housing Benefit will the Council give me any other help?

We will provide you with a deposit for a property. If we can do this, the deposit is paid direct to your landlord or letting agent and when you leave the property the money is repaid to us. If any or all of the deposit is withheld because of damage to the property or the fixtures and fittings caused by you or a member of your household, you may have to repay this amount to the Council.

A lot of adverts say 'No DSS'

It is true that some landlords will not take tenants who are on State benefits. However, we would always advise you to try for a property even when an advert says this. We strive to procure properties from landlords and agents who are willing to accept Housing Benefit applicants.

Can I remain on the Housing Register if I rent a property in the private sector?

Yes you can, however if you move from a council property into a larger private sector property your banding may be affected.

Tenant's Responsibilities

A tenancy doesn't just give you rights - it also brings responsibilities. It's important you stick to the rules and don't break your tenancy agreement, and to get advice as soon as possible if you have problems. Most tenants can be evicted (providing the correct procedure is followed) if they don't follow to certain basic rules. These include:

Not leaving your home empty

It may sound obvious, but in order to keep your tenancy, you must actually live in it and use it as your main home. This does not mean you can't go on holiday but sometimes it will be worth letting your landlord know if you will be leaving it empty for a while, or they might think you've abandoned the property.

Keeping up to date with your rent

Rent is usually paid in advance, normally on a monthly or weekly basis. Check your agreement or ask your landlord to clarify how much rent you have to pay and the day of the week/month that it is due on. If you fall behind with the rent, your landlord may be able to evict you and make you pay the rent you owe. If you are having problems like this, get advice quickly. An adviser may be able to help you avoid losing your home. If you're claiming housing benefit, you must also keep your claim up to date. Otherwise, you could fall behind with the rent and face eviction. You have to inform the housing benefit department of any changes in your circumstance, and they may ask you for information from time to time even if your situation stays the same. Ask them for receipts when you hand in an application form or any other documents. If you're having problems related to housing benefit, don't assume that the council will sort it out. As the tenant it is your responsibility to ensure that the rent is paid, so get advice as early as possible.

Paying the bills

Most tenants have to pay the bills for electricity, gas, water and telephone, as well as paying council tax and getting a TV licence. Your tenancy agreement will say whether you are responsible for paying the bills or not. If you don't pay them, the services could be cut off and you may have to pay to be reconnected.

Giving your landlord access when necessary

Most tenancy agreements contain information about how and when your landlord can get access to the property, for example if repairs are needed. You are entitled to be given reasonable notice of this.

However, you also have the right to live in your home without unnecessary interference from the landlord. Most tenants have the right to stop the landlord from coming in unless they want her/him to. If your landlord or someone acting on her/his behalf harasses you or tries to make life difficult for you in your home, they may be committing a criminal offence. If this is happening to you get help from an adviser.

Taking care of the place

Most tenants have some responsibilities regarding the upkeep of their homes. You should always look after the property as best you can and avoid causing damage to it, or to your neighbours' property.

In general, landlords are responsible for repairs and maintenance of the exterior and the structure of the property, as well as the plumbing, wiring and central heating. They are also required to ensure that gas and electrical installations comply with safety standards. As a tenant, you are responsible for:

- looking after internal decorations, furniture and equipment. This doesn't include 'fair wear and tear' though. If the carpet becomes a little thin, it's fair wear and tear; if you burn a hole in it, you'll probably have pay for it.
- not using appliances that you think might not be safe
- reporting any repairs needed or other problems that you are aware of
- minor maintenance (such as checking smoke alarms are working, changing light bulbs, etc). If you have problems doing this sort of thing, get advice - you may be able to get support at home.
- If you cause any damage or break anything, you'll need to repair or replace it.
- dealing with your rubbish properly. Make sure it's bagged up properly, and only put out when and where it's supposed to be
- sticking to any terms in your tenancy agreement regarding pets, parking, gardening, caravans, etc
- heating the property adequately and making sure it's kept well ventilated. In particular, make sure that if you go away during the winter leaving the property unoccupied, you may need to ensure the heating is left on a timer to keep the place warm. A burst water pipe may be your landlord's responsibility to fix, but it's still your home that will be flooded!

Not causing a nuisance

You should take care not to behave in an antisocial way that could upset or annoy your neighbours. Antisocial behaviour is a legal reason for eviction, regardless of what kind of tenancy you have. Antisocial behaviour can include things like:

- having the stereo or TV on too loudly
- not keeping pets under control
- allowing your children to be a nuisance
- leaving rubbish piled up everywhere
- making a lot of noise outside your home, or when you come in
- using the house for illegal activities, such as drug dealing.

As well as respecting your neighbours, you should not behave in an antisocial or aggressive way towards your landlord, or any council, housing association or housing co-op staff you deal with.

Being responsible for your household and visitors

As well as not breaking any of the terms of your tenancy agreement yourself, you are also responsible for the behaviour of everyone in your household and of anyone staying with or visiting you. You could be held responsible (and possibly evicted) if they cause damage or are antisocial, so don't be afraid to take control.

Smoking

Unless the tenancy agreement says that your property is non-smoking, then you are allowed to smoke and allow visitors to smoke in your accommodation. However, smoking is not allowed in any parts of the building that are shared with other tenants.

Asking permission when it's needed

Most tenants have to ask permission from the landlord if they want to:

- make improvements to the property
- sublet or take in a lodger
- pass on the tenancy to someone else
- run a business from the property.

Check to see what your tenancy agreement says about these. Depending on the type of tenancy you have the landlord may have the right to refuse. It may also say that you need to ask permission for other things, such as keeping a pet, smoking or parking a caravan on the property. Always put your request in writing and make sure you get your landlord's written permission before you go ahead.

Ending your tenancy properly

If you want to move out, it is very important to end your tenancy properly first. You can't just post the keys through the letterbox and walk away. Otherwise you could end up still being liable for the rent, even though you're no longer living there. It may be possible to end your tenancy immediately if the landlord accepts this (best to get their acceptance in writing) but you normally have to give your landlord the necessary notice.