

Housing and Planning Act 2016

Up-date 31 January 2017



Overview of PRS measures in Housing & Planning Act

5 measures designed to tackle rogue landlords/property agents

- Database of rogue landlords/property agents
- Banning orders for most prolific offenders
- Civil penalties of up to £30,000
- Extension of Rent Repayment Orders
- Tougher fit and proper person test for landlords of licensed properties



Financial Penalties as alternatives to prosecution ('civil penalties')

- COMING INTO FORCE APRIL 2017
- 2016 Act amends Housing Act 2004 so certain offences will be able to attract a financial as alternative to Court
- Maximum financial penalty will be £30,000 for each offence – includes offences relating to licensing
- Local authority will be able to retain income from financial penalty to use for housing related purposes
- Local policy to decide when to prosecute or Civil penalty



Rent Repayment Orders

Extending Rent Repayment Orders to cover situations where:

- Tenant has been illegally evicted or harassed, or the landlord used violence to obtain entry
- Landlord has failed to comply with a statutory notice, e.g. an Improvement Notice; or
- Landlord has breached a banning order

COMING INTO FORCE APRIL 2017



Database of Rogue Landlords and Property Agents & Banning Orders

- Database – To help Councils keep track of rogue landlords and target enforcement action
- Banning Orders prohibiting landlords letting property or being involved in letting/management activities
- Banning offences – likely to include fraud, harassment, failure to comply with Housing Act requirements

COMING INTO FORCE OCTOBER 2017



HMO reforms

- Changes to HMOs that are required to have an HMO licence
- Discussion paper November 2015 and a further consultation exercise in November/December 2016
- Final decision regarding mandatory licensing expected imminently

COMING INTO FORCE APRIL 2017 [but likely to be a grace/amnesty period of 6 months]



HMO reforms

- Requirement to hold HMO licence likely to be extended to:
 - All houses and converted flats housing 5 or more persons forming 2 or more households
 - Some purpose-built flats housing 5 or more persons forming 2 or more households
- HMOs currently licensed under Selective Licensing that require an HMO licence under new laws will need to submit new application



HMO reforms

- Additional licence fee of £400 will be payable
- All HMOs will be visited before licence granted and licence will specify permitted numbers and identify any works
- Licence conditions do state that HMOs should comply with relevant standards
- Standards can be viewed via Council's HMO licensing web pages 'Further Information'

