

REPLY TEMPLATE

Name of Organisation/Individual responding	Association of Residential Letting Agents (ARLA)
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If you are responding on behalf of or representing the views of any Section 75 Category please indicate below

Yes Section 75 Category Represented
(Please indicate)

No X

Religious belief; Political opinion;
Racial/Ethnic group; Age; Marital
status; Sexual orientation; Men &
women generally; Disability

Question 1: What is your view on the inclusion of separate and specific provision in relation to thermal comfort as part of a revised standard?

Association of Residential Letting Agents (ARLA) believes that comfortable temperatures in private rented property are not only vital for the health and well-being of occupants, but it is an important issue because it effects tenant's energy bills.

In addition, more energy efficient properties do assist landlords. Maintenance costs are lower in energy efficient properties and tenants that don't have to pay significant sums of money to keep their homes at a comfortable temperature generally stay in properties longer, thus void periods are reduced.

However, ARLA members in Northern Ireland have said that as long as there is adequate heating in a property they consider that the current standard is fine. But, they do agree that the introduction of a minimum Energy Performance Certificate rating for private rented dwellings would be a good thing.

Question 2: Do you consider that provision for the detection of fire and carbon monoxide should be a priority for focus within an updated Housing Fitness Standard?

Yes, ARLA considers that provision for the detection of fire and carbon monoxide should be a priority for a revised Housing Fitness Standard. Some ARLA members in Northern Ireland have expressed the view that all private rented properties should have mains wired smoke alarms and carbon monoxide alarms.

Furthermore, ARLA is entirely supportive of the aims of the regulations in England to ensure that all tenancies have a smoke alarm fitted on every floor of their property where there is a room used wholly or partly as living accommodation. We also back the requirement for landlords to put a carbon monoxide alarm in any room where a solid fuel is burnt. However, we raised concerns with the UK Government about the extremely short timescale for compliance. Concerns were also raised from letting agents and inventory providers about what constitutes the alarms being in working order, with guidance from the Government stating to only 'press the test button.'

Last year the Scottish Government introduced legislation to make landlords legally responsible for fitting carbon monoxide detectors in their properties from 1 October 2015. However, for landlords who have a scheduled annual gas safety check the Scottish Government has allowed landlords to arrange work to install detectors at the same time. This has provided some added flexibility. As a result it is expected that within one year of the legislation coming into force all private rented properties in Scotland will have appropriate carbon monoxide detectors installed.

Question 3: Do you consider that electrical safety should be a priority for focus within an updated Housing Fitness Standard?

Yes, ARLA considers that electrical safety should be a priority within an updated Housing Fitness Standard. ARLA members in Northern Ireland have told us that from their experience of checking rental property a very high number require upgrades in relation to electrical safety.

ARLA agrees with the concept of mandatory electrical inspections in all private rented property and Northern Ireland should at least be brought in line with the changes introduced in Scotland - with a certificate every five years. However, any change in the rules should clearly outline via a check list as to what is expected of the landlord and letting agent in order to comply.

Question 4: What is your view on the provision of reasonable security measures is an appropriate element within an updated Housing Fitness Standard?

ARLA believes that landlords have a duty of care to ensure the property is safe and secure for all tenants. It is our view that locks and lights are the two main things that make life difficult for burglars. We are supportive of reasonable security measures, such as the use of robust locks, to be included within the updated Housing Fitness Standard. However, we do not think that there should be a legal requirement for burglar alarms to be installed in all private rented property. The fitting of security alarms can be complex and it is expensive.

Question 5: What is your view on the prevention of accidental falls as an area for focus within an updated Housing Fitness Standard?

Information from ARLA members indicates that the measures in place in the existing fitness standard are sufficient. However, if an updated Fitness Standard does include a focus on the prevention of accidental falls we believe that there must be a clearly defined check list of what landlords and letting agents must do in order to comply. For example, it should be clearly defined

in the rules how to establish that a banister is sturdy. The instructions must be simple, clear and well defined.

Question 6: Are there any other issues currently not addressed within the Housing Fitness Standard that you believe should be included within a revised Housing Fitness Standard?

ARLA welcomes the Department for Social Development's review of the housing fitness standard. We feel strongly that a greater emphasis must be placed on the practical implementation of current rules against the working practices of letting agents and the capacity for the local authorities to enforce these rules before more extremely prescriptive legislation is introduced. For instance, in England it is very difficult for enforcing bodies to monitor whether smoke and carbon alarms have been tested on the first day of a tenancy.

To improve property conditions landlords need to be given simple steps and a range of flexible funding options to support delivery.

Question 7: How, in your view, has grant assistance made a contribution to tackling unfitnes and is government intervention still required?

As outlined in the Discussion Paper we understand that there is likely to be additional costs to landlords if new standards are introduced. ARLA members have told us that grant assistance is vital, but in their experience the decision making process is lengthy and complicated and this puts many landlords off making an application.

In addition, ARLA has long held the view that the Government must provide appropriate incentives to landlords to improve their properties. For instance, we believe it should be standard practice to refund the cost (estimated to be between £60-120) of the Energy Performance Certificate when landlords act upon one of the recommended 'lower cost' improvement measures.

Question 8: What are your views on the provision of loans as an alternative to grant to assist in tackling unfitnes?

Provision of housing in the private rented sector would improve if landlords were offered flexible funding options. Currently fitness inspections are carried out after the tenants move in. Many landlords are not cash rich and do not have funds available to carry out required works.

Your views on the options outlined are welcome, particularly which would most effectively addresses the deficiencies of the Northern Ireland Housing Stock and the resultant impact on tenants affected by unfitnes

Option A of an Enhanced Housing Fitness Standard seems like the most reasonable way to update the Housing Fitness Standard in Northern Ireland. We would not advocate the introduction of Option B and suggest that the Department avoids introducing the Housing Health and Safety Rating System (HHSRS) in Northern Ireland. This is because the method of assessing private

rented housing conditions under the HHSRS in England should be reviewed with a view to changing it to an easier to use set of “Fit and Human Habitation” criteria. It is our view that the HHSRS is too complicated and poorly understood by tenants, landlords, agents and enforcement officers. The HHSRS does not provide practical assistance for landlords and agents to know what is expected of them in relation to the main hazards under HHSRS.

Views are welcome on the options available to the Department for making available assistance to address fitness in an effective and sustainable way.

For the private rented sector in Northern Ireland to reap the benefits of an updated fitness standard it is imperative that the criteria for improvement must be based on the condition of the property not the tenant. This is because of the transient nature of the private rented sector and in many cases the tenant requests improvements but has moved on before the work is carried out.

Views are welcome on the proposals to:

- i. Target any available assistance towards the costs of certain fitness criteria;**
- ii. Introduce a revised standard in phases.**

It's essential that housing enforcement teams are properly resourced to enforce the rules. Figures from Shelter show that only 428 landlords from across all of England were prosecuted in 2014 for housing offences. Therefore, it is essential that prosecuting bodies are given the powers to become revenue generators for local authorities rather than revenue drains. The fines collected should be kept by the enforcing body and ring-fenced with the money going towards further enforcement.

The Government in Northern Ireland should promote the benefits of being a better landlord and encourage consumers to use trained and qualified landlords and letting agents. ARLA has long campaigned for more appropriate regulation of the letting industry. To improve the sector and provide a better service to both landlords and tenants, we believe that all letting agents should be professionally qualified and required to undertake regular Continued Professional Development.