Cardiff Landlord Forum Cardiff County Hall 15th January 2019

Agenda

- 18:00 Douglas Haig, Chairman's Update
- 18:40 Buffet & Networking
- 19:00 Jenny Buckley, Housing First / Salvation Army
- 19:20 Terry Mason, Housing Hand (Sponsor)
- 19:40 Finish





https://www.housinghand.co.uk/





Agenda

- RLA: Merger and Conference
- 2019 Election
- Holding Deposits Regulations
- Social Leasing
- Cardiff developments
- 2019 Round-up
- What to expect in 2020
- New research

Landlords stronger together

- NRLA will launch this month
- Stronger representation over 80,000 members
- Greater political representation
- Work faster and smarter to recognise changing needs
- Same service and price
- Wales launch at the Senedd for May 2020 - more details to follow at next meeting



RLA Conference

- Future Renting Wales 28th November 2019
- Packed hall
- Hosted by Lucy Owen
- Speakers included Welsh Government, Rent Smart Wales, TDS, and industry experts like Kate Faulkner.
- Messages included how:
- Decarbonising homes can help tackle climate change
- ➤ It is vital for landlords to get professional tax advice when needed
- Deposits in the PRS will be affected by recent legislation
- ➤ That there are "no plans" for a landlord audit underway at Rent Smart Wales
- > Levels of licensing are making each other obsolete
- Check out the online blog on the RLA website



RLA Hustings



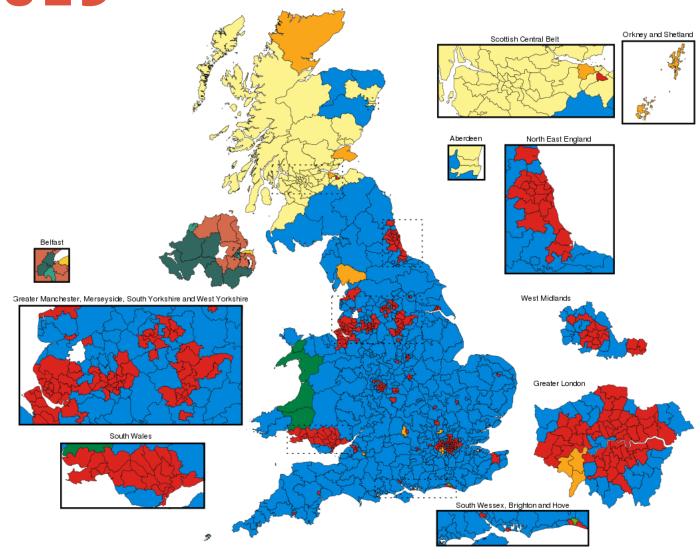
Left to right:

- Ceri John Davies for the Green Party Chair of Cardiff Greens
- Cllr Baroness Debbie Wilcox for Labour Former leader of the Welsh Local Government Association & Newport City Council
- Douglas Haig RLA Vice-Chair & Director for Wales
- David Melding AM for the Conservatives Welsh Shadow Housing Minister & Assembly Member for South Wales Central
- Cllr Joe Carter for the Liberal Democrats Welsh Lib Dems Housing Spokesperson & Cardiff councillor
- Gareth Pearce for the Brexit Party Cardiff Central candidate

- Baroness Wilcox said she will write to the First Minister of Wales, Mark Drakeford AM, to express the strength of feeling from the audience about how they feel they are being demonised and unfairly treated by political parties.
- David Melding AM stated that while his party's plan to end Section 21 (in England), they will also be strengthening Section 8 and the possession rights of good landlords.
- Cllr Joe Carter restated his agreement with the RLA policy
 of the introduction of a dedicated housing court to speed
 up cases so landlords don't unnecessarily lose out while
 waiting for cases to be heard.
- Ceri John Davies he wants to see better use of existing enforcement powers against criminal landlords rather than punishing responsible ones.
- Gareth Pearce said his experience in the property sector abroad showed just how old the PRS stock is in Wales and the need to upgrade those properties, for the good of both tenants and landlords.

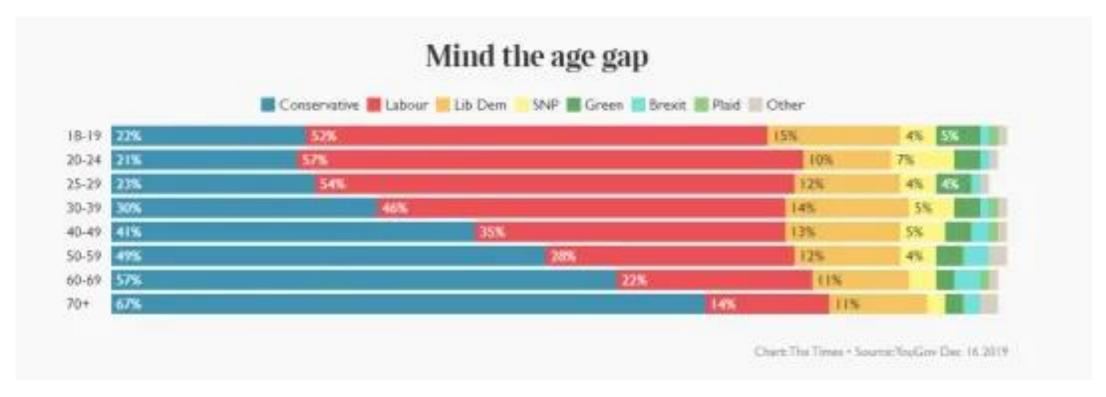
General Election 2019

- Conservative landslide, winning 365 seats,
 making gains at Labour's expense in the
 Midlands, North of England, and North Wales.
- Wales: Labour 22 (-6), Conservative 14 (+6), Plaid Cymru 4 (no change), Lib Dems 0 (no change).
- New Secretary of State for Wales: Simon Hart MP, South Pembrokeshire & Carmarthen West.
- If same seats change hands in Welsh Parliament elections in 2021, the following would lose their seats:
- Education Minister
- Economy & Transport Minister
- > Rural Affairs & Environment Minister
- > Deputy Housing & Local Government Minister
- Deputy Minister & Chief Whip
- ➤ Deputy Presiding Officer
- > Former First Minister Carwyn Jones





The "Bowtie" Reverses



- 2019 general election saw a reverse of the cross-over age where the voter becomes more likely to vote Conservative than Labour.
- Corbyn still won most of the youth vote, but the *Times* with *YouGov* have worked out the crossover age at which more people vote Tory than Labour was eight years younger than in 2017, having fallen from 47 years old to 39. This is more similar to 2015 levels.



60% 50% 40% Conservative 30% Labour Liberal Democrat 20% 10% 0% 2005 2010 2015 2017 2019 Source: Ipsos Mori

Proportion of PRS Proportion of PRS Change Since Last Percentage Percentage **Election** tenants voting in 2017 tenants voting in 2019 point change change **Conservative** 31% 31% No change No change Labour 54% 46% -8 points -14.8% **Liberal Democrat** 7% 11% +57.1% +4 points Other 8% 12% +4 points +50%

How private renters voted

- The proportion of private sector tenants which voted Labour fell by 8 percentage points compared to the 2017 election
- Turnout among PRS tenants in 2019 was 51%, down from 53% in 2017.
- Source: Ipsos Mori



RLA Manifesto & Government Policy

RLA Priorities	Support vulnerable tenants (end LHA freeze, direct UC payments to landlords)	End the Right-to-Rent	Improve justice for tenants & landlords	Reject all forms of rent controls	Ensure any possession reform maintains landlord right to take back the property
UK Conservative Government Policy	Continue to roll-out UC, but end the LHA freeze.	Introduced and will continue policy.	No mention of housing court or reform in Queen Speech	Against rent controls	End "no fault" evictions; strengthen possession rights of "good" landlords.
Devolved?	No	No	No	Yes (does not affect Wales)	Yes (does not affect Wales)
RLA Reaction?	Welcome end to LHA freeze.	Will continue to fight in the courts	Possession reform must come with better court process.	Very happy that the new government will not introduce rent controls.	Need more detail on strengthening rights, but welcome idea. Abolishing S21 a mistake without replacing with new, suitable mechanism.

"Lifetime Deposits"

- RLA welcome UK Conservative Government policy.
- Inspired by RLA deposit "passporting" proposal.
- Will mean tenants can move the same deposit from property to property.
- Eliminates need to raise funds for new deposit before having previous one returned, solving cash flow issue.



	from Property in		2019 1st		Higher tha
Constituency	2017/18	2019 Majority	Party	2019 2nd Party	Majority?
Aberavon	1,130		Labour	Conservative	
Aberconwy	2,660	2,034	Conservative	Labour	YES
Alyn & Deeside	2,290		Labour	Conservative	YES
Arfon	1,860	2,781	Plaid Cymru		
Blaenau Gwent	840	8,647	Labour	Brexit Party	
Brecon &	4,010	7,131	Conservative	Liberal Democrat	
Bridgend	2,450		Conservative	Labour	YES
Caerphilly	1,960		Labour	Conservative	
Cardiff Central	2,980	17,179	Labour	Conservative	
Cardiff North	4,080	6,982	Labour	Conservative	
Cardiff South &					
Penarth	3,170	12,737	Labour	Conservative	
Cardiff West	3,560	10,986	Labour	Conservative	
Carmarthen East &					
Dinefwr	3,320	1,809	Plaid Cymru	Conservative	YES
Carmarthen West &					
South	3,560	7,745	Conservative	Labour	
Ceredigion	3,940	6,329	Plaid Cymru	Conservative	
Clwyd South	2,370	1,239	Labour	Conservative	YES
Clwyd West	3,340	6,747	Conservative	Labour	
Cynon Valley	1,280	8,822	Labour	Conservative	
Delyn	2,450	865	Conservative	Labour	YES
Dwyfor Meirionnydd	2,950	4,740	Plaid Cymru	Conservative	
Gower	3,410	1,837	Labour	Conservative	YES
Islwyn	1,510	5,484	Labour	Conservative	
Llanelli	2,050	4,670	Labour	Conservative	
Merthyr Tydfil &					
Rhymney	1,220	10,606	Labour	Conservative	
Monmouth	4,860	9,982	Conservative	Labour	
Montgomeryshire	3,530	12,138	Conservative	Liberal Democrat	
Neath	1,640	5,637	Labour	Conservative	
Newport East	1,710	1,992	Labour	Conservative	
Newport West	2,610	902	Labour	Conservative	YES
Ogmore	1,650	7,805	Labour	Conservative	
Pontypridd	2,170	5,887	Labour	Conservative	
Preseli					
Pembrokeshire	3,490	5,062	Conservative	Labour	
Rhondda	1,000	11,440	Labour	Conservative	
Swansea East	1,240	11,440	Labour	Conservative	
Swansea West	2,330		Labour	Conservative	
Torfaen	1,430		Labour	Conservative	
Vale of Clwyd	2,490		Conservative		YES
Vale of Glamorgan	4,090	-	Conservative		YES
Wrexham	1,940		Conservative		
Ynys Mon	2,600		Conservative		YES
,-	2,500	.,000			

Electoral Power of Landlords

- Data obtained by The Times via FoI to HMRC on the number of people in each constituency in 2017/18 declaring income from property based on SA105 returns and the short tax return (SA200).
- In 2017:
- ➤ 119 out of 650 UK constituencies have a landlord population higher than the majority in the election.
- ➤ 9 out of Wales' 40 all but one have majorities under 4,000. Four held by the Conservatives, three by Labour, and two by Plaid Cymru.
- In 2019 (pictured):
- ➤ 11 out of Wales' 40 constituencies have a landlord population higher than the majority in the 2019 election.
- ➤ 6 of these are held by the Conservatives, 4 by Labour, and one by Plaid Cymru. All but two have majorities under 2,000 votes.

This goes to show that landlords will have a lot of influence the next time the UK goes to the ballot box.

Renting Homes (Fees, etc.) Act 2019

- Welsh Government laid regulations in November. Information a landlord or agent must provide to a tenant before taking a holding deposit:
- a) amount of holding deposit;
- b) identify the dwelling in respect of which the deposit is paid;
- c) name, address, telephone number and any email address of the landlord (and if instructed, the letting agent);
- d) nature and duration of the contract;
- e) proposed occupation date;
- f) amount of rent or other consideration;
- g) rental period;
- h) any proposed additional contract terms or proposed modifications or exclusions to fundamental or supplementary terms;
- i) amount of any security deposit;
- j) whether a guarantor is required and, if so, any relevant conditions;
- k) reference checks the landlord (or letting agent) will undertake;
- l) information the landlord or letting agent requires from the prospective contract-holder.

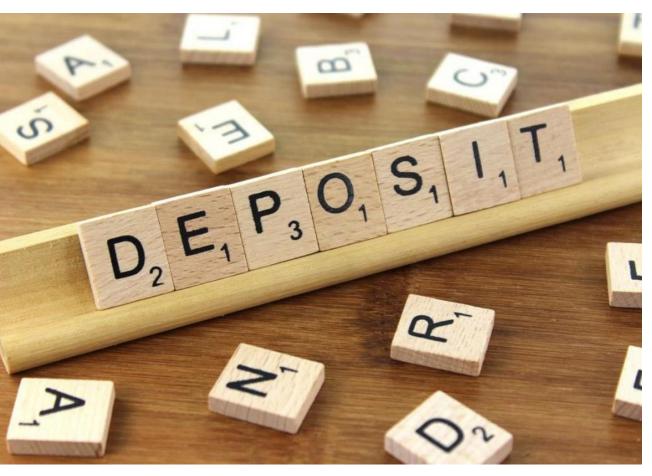


Holding Deposit Regulations

- b) identify the dwelling in respect of which the deposit is paid;
- c) name, address, telephone number and any email address of the landlord (and if instructed, the letting agent);
- d) nature and duration of the contract;
- RLA communicated with the Welsh Government and Assembly Members about point (c) citing:
- > safety concerns
- > possible data protection issues
- > the principle of offering that information before money has exchanged hands
- > the consequences for letting agents.
- The Welsh Government also wanted this implemented with less than a month's notice by 13 December 2019. The RLA made clear this was unacceptably short notice.



Regulations Revoked



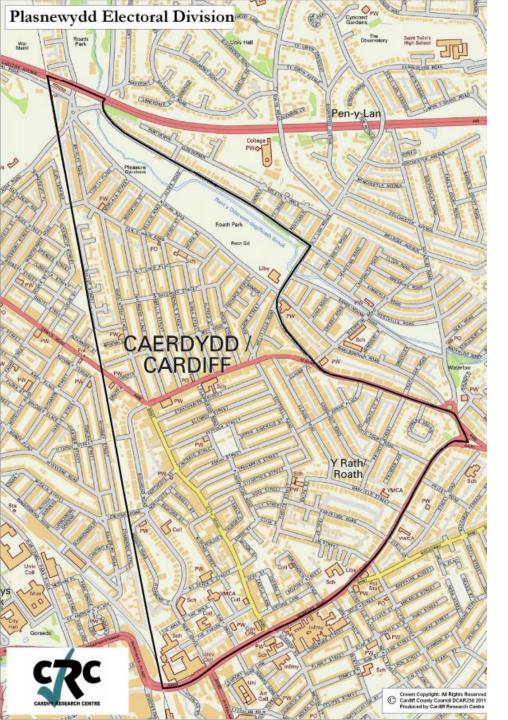
- RLA Victory!
- Welsh Government have made **replacement regulations**
- The regulations changed to specify that "contact details" required to be provided by the landlord.
- Where property is managed by an agent, only the agent's contact details will be required.
- Contact details not defined and therefore a business address could be provided rather than a home address.
- Following a request for clarification from the Welsh Government, RLA Wales has ascertained that "there is no requirement for the landlord's home address to be supplied at any stage should an alternative contact address be given."
- It also recognised landlords and agents need more time to make the changes and has delayed implementation of replacement regulations until February 28th, 2020.



Social leasing

- Also known as Private Sector Leasing Scheme
- Guaranteed rental payments for up to five years at the relevant LHA rate
- Agents would manage property through a short-term lease
- A grant of up to £2,000 to make properties FFHH.
- If there was any serious structural damage that would require repairs in excess of £2,000, a loan of £8,000 could be obtained at a 0% interest rate.
- Any damage made by tenants, will be repaired and costs covered by agents.
- Support for vulnerable tenants.
- Cardiff, Conwy, and Carmarthenshire (where they have already piloted the programme as an separate local authority scheme) have been chosen by the Welsh Government as one of the three pilot areas for the PRS leasing scheme.
- Housing Options Cardiff will be at the next Forum to present more information.





Additional Licensing in Plasnewydd

- Plasnewydd licence ended in November after five years. Council did not consult in time, so currently no need for additional licence.
- Plasnewydd additional licensing consultation out now closes Friday 31 January 2020. Follows renewal of Cathays area last year.
- Written to Cllr Thorne with concerns about time to answer the consultation, especially with overlap of Christmas break.
- RLA Wales consultation response shows opposition because:
- The Scheme has been ineffective as a majority of the properties are not up to standard as a result of the licensing process and less than one in five notices served relating with security have been complied with.
- Additional licensing undermines both Rent Smart Wales' founding principles as the "single licensing authority" and the Welsh Government's intention to introduce Fitness For Human Habitation standards.
- ➤ Councils could use existing enforcement powers and databases to root out criminal landlords without creating another layer of licensing and bureaucracy, for which landlords have to pay.
- Landlords already might struggle financially if their tenants have been subject to welfare reform.

Additional Licensing in Plasnewydd

- Consultation document can be found at Cardiff.gov.uk > Your Council > Have Your Say > Live Consultations.
- Link to a survey for Plasnewydd landlords. Other interested parties can submit comments in writing to <u>PlasnewyddConsultation@Cardiff.gov.uk</u>
- Be aware there is currently a consultation on renewing schemes in Castle and Uplands wards and introducing one in St Thomas ward in Swansea.



Celestia Developments

- Celestia Complex has appeared on BBC One's X-Ray in December.
- Current estimates put costs of all repairs per homeowner in region of £14,000.
- Redrow's have offered "soft loan" to deal with certain aspects of their fire safety defects. Loan does not guarantee to cover all of the costs associated with addressing the fire safety issues or other serious longterm building defect.
- Currently homeowners are paying for 24/7
 fire watch in the complex.
- Enforcement notices served by South Wales Fire & Rescue are being appealed.



2019 Summary: January-March

January

- Julie James, AM Swansea West, becomes Local Government & Housing Minister in Mark Drakeford's new Welsh Government, having previously been Leader of the House & Chief Whip.
- Warned Newport Council the high cost of additional licences for HMOs will leave landlords with no choice but to pass the cost on to tenants, all while criminal landlords will continue to ignore the additional licensing scheme.

February

• Rent Smart Wales published new data on enforcement at the start of the month, revealing almost 500 fixed penalty notices have been issued across Wales, with 62 convictions.

March

- On the first of the month, the High Court ruled the government's Right to Rent scheme breaches human rights law. The RLA supported the JCWI to have the policy declared discriminatory.
- Research from the RLA revealed landlord licensing schemes to be a postcode lottery - with the most expensive schemes costing 21 times more than the cheapest and NO clear link between a council having a licensing scheme in place and levels of enforcement.





2019 Summary: April-May

April

 Mark Drakeford AM, the Leader of Welsh Labour and First Minister of Wales announced that the Welsh Government would also be banning Section 21.

May

- The RLA's biggest ever survey of more than 6,500 landlords and agents revealed more than 46% plan to sell some or all of their rental homes as a result of government plans to end Section 21 repossessions.
- The RLA backed a new campaign launched by homeless charity Crisis, asking the government to commit to restoring Local Housing Allowance rates to support benefits tenants struggling to pay their rent.
- RLA Wales attended all four Welsh party conferences, meeting with senior party figures, including the First Minister, Boris Johnson MP, Adam Price AM, and Jane Dodds.





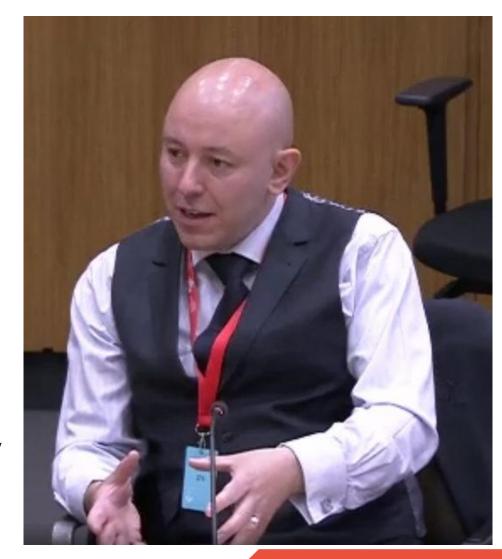
2019 Summary: June-July

June

- The RLA attended high level talks at Downing Street on ending discrimination against housing benefits claimants, months after the government announced letting adverts which potentially discriminate against would-be tenants on housing benefit should end.
- Proposals for a national register of landlords were included in a government commissioned report on selective licensing, with the RLA warning such a move could end up harming those it was designed to help.
- RLA Wales celebrated the second birthday of its award-winning partnership project with Tai Pawb, Open Doors.

July

- The RLA addressed a Welsh Assembly committee for their inquiry into empty properties, saying real leadership is needed if councils are going to prioritise work to bring empty homes back into use.
- New plans to extend the notice period for so-called 'no fault' evictions in Wales would give tenants 12-month contracts by default. This went out for consultation, closing in September.





August

- RLA research out reported 54% of private landlords who let to tenants on Universal Credit in the previous 12 months had seen them fall into rent arrears.
- Further figures from the association showed 79% of private landlords with experience of using the courts to repossess properties were dissatisfied with the way they work, with 91% backing calls for a dedicated housing court.
- Historic announcement that the RLA and NLA were planning to merge to create a single unified organisation.

September

- The tenants fee ban come into force in Wales, preventing landlords and letting agents from charging certain fees relating to a tenancy.
- The Welsh Government backs the recommendations of a working group, that included the RLA, on de-carbonisation of homes.

October

 An Assembly Committee report on Empty Properties included recommendations suggested by the RLA such as forming a national plan with councils and training council officers to enforce existing options.

2019 Summary: August-October





November

- November saw the RLA host its third annual Future Renting Wales conference in Cardiff.
- Confidence in the PRS was falling with Wales seeing the largest drop, according to RLA figures, with the gap between the percentage of landlords planning to sell properties and those planning to buy up seven-fold in the last two years.
- New government figures were released showing it now takes private landlords an average of 22.6 weeks from making a claim to the courts for a property to be repossessed to it actually happening the third quarterly increase in a row.
- Landlords with properties with an energy performance rating of F or G were told they would not be expected to pay up to £5k in order to improve the energy efficiency rating of the property, after a recommendation to raise the cap from £3,500 was rejected.
- This week, the Welsh Government announced plans to introduce a pilot 'lease' scheme for private landlords, designed to increase housing stock in the country.

December

- New regulations demanding landlords in Wales give comprehensive information packs to prospective tenants before accepting holding deposits were put on ice, following the intervention of the RLA.
- RLA Wales hosted a hustings in Cardiff.

2019 Summary: NovemberDecember





Cases for landlords to look out for in 2020

Right to Rent Appeal - The Queen on the application of Joint Council for the Welfare of Immigrants v The Secretary of State for the Home Department

- This case concerns the Government's controversial Right to Rent scheme rolled out across England in 2016. Earlier this year, the scheme was declared by the High Court to be incompatible with the European Convention on Human Rights (ECHR). The High Court held that the scheme was unlawful on the basis that it inevitably led landlords to discriminate due to the pressure on them and the way the advice from the government was structured.
- The Secretary of State appealed, and the case was heard by the Court of Appeal TODAY. There, the Government appears to be taking a line from the High Court and amplifying it further on the basis that any discrimination is being carried out by landlords contrary to government advice. Ultimately, the question for the Court of Appeal is whether that guidance is sufficient to help landlords avoid discrimination and whether it will stay sufficient.



Cases for landlords to look out for in 2020



Section 8 notices and landlord licensing in Wales - Jarvis v Evans & Evans (B5/2019/2258)

- This case concerns Section 8 notices and landlord licensing in Wales. In the appeal, the
 circuit judge overturned a possession order on the basis that the section 8 notice was
 ineffective because the landlord was not registered or licensed pursuant to the
 licensing requirements set out in The Housing (Wales) Act 2014 (HWA).
- Unlicensed landlords face a number of sanctions ranging from criminal prosecutions and financial penalties to rent repayment orders and rent stopping orders. Unlicensed landlords are also restricted from serving Section 21 notices to terminate assured shorthold tenancies. The key issue in this case is whether a failure to register and/or obtain a licence also prevents a landlord from serving a notice under section 8 Housing Act 1988, for example, if the tenant is in rent arrears.
- The landlord, Jarvis, had completed the relevant training course but had registered and obtained a licence in the name of his company, not in his personal capacity. The tenants argued that as Mr Jarvis was the landlord and as he was not registered or licensed the S8 notice was invalid. The landlord argued that the restrictions on terminating tenancies set out in the HWA did not apply to S8 notices. The judge disagreed concluding that serving a S8 notice was 'serving notice to terminate a tenancy'. The judge allowed the tenants' appeal and overturned the possession order.
- Jarvis' request for permission to appeal was granted yesterday. Among the arguments to be considered is whether the judges' interpretation of the HWA amounts to a disproportionate interference with a landlord's right to regain possession of their property when there is a legitimate reason for doing so, in this case, significant rent arrears. If permission to appeal is granted, it is likely that any hearing will be listed towards the second half of 2020.
- RLA involved in both cases, in the first as an intervener, and are supporting the landlord in the second.

APRIL: Minimum Energy Efficiency Standards

- Since 2018, landlords have been unable to let their property to new tenants unless it has a minimum energy efficiency rating of an E (unless exempted) on its EPC.
- Being extended to cover all existing tenancies from April 2020, meaning anyone whose rentals have F or G ratings will no longer be able to legally let them out.
- Landlords expected to pay up to £3,500 towards energy efficiency improvement works. However, if work will cost more than that landlords can apply for an exemption.





APRIL: Capital Gains Tax

- CGT is paid on profits made through the sale of any property that isn't your main home, so will affect the sales of most second properties.
- Changes will affect timescale for payment and tax relief you can claim. Currently if you once lived in the home you now let out, you are eligible for 'lettings relief'.
- From April this will be abolished and landlords will only be able to claim lettings relief if they share the property with their tenant. It will also limit the 'final exemption period' from 18 months to nine.
- Also, from April, landlords will need to pay the full amount of CGT owed on a sale within 30 days. At the moment they have until the next tax year.





2020 Wales Legislation

Renting Homes (Wales) Act

- Landlords with properties in Wales can expect to see the 2016 Renting Homes (Wales) Act implemented this year.
- Tenancy agreements will be converted to a new standard contract with a new fitness standard brought in
- Will change the Welsh equivalent of Section 21 Section 173 - and mandatory eviction grounds. Consultation results yet to be released.
- There will also be measures to tackle retaliatory eviction.

Renting Homes (Fees, etc.) (Wales) Act

Following a consultation last summer, the Welsh
Government will "further describe the default payments
which will be considered as permitted payments under the
Act. The intention is to provide clarity on what can be
charged in respect of certain payments in default and the
limits on any such charge." The Welsh Government
intends to make these regulations early in the New Year.





What else to expect in 2020

- Local authorities in Wales to continue investigating introducing additional licensing requirements on HMOs.
- ➤ Cardiff, Rhondda Cynon Taf, Newport, Ceredigion, and Conwy all introduced or renewed schemes in 2019.
- > Cardiff currently consulting on a renewal & Swansea on an introduction.
- > No other renewals due in 2020.
- Mission-creep at Rent Smart Wales as they prepare for the first registration and licence renewals in early 2021.
- ➤ RSW are currently consulting with partners on the cost and method of re-registrations and re-licensing which will need to be decided this year.
- > RLA Wales currently has concerns about the use of this opportunity for RSW to further ask landlords to meet new requirements and provide more information to comply.
- > RLA / NRLA Wales to continue making representations to RSW during these confidential meetings.





What else to expect in 2020



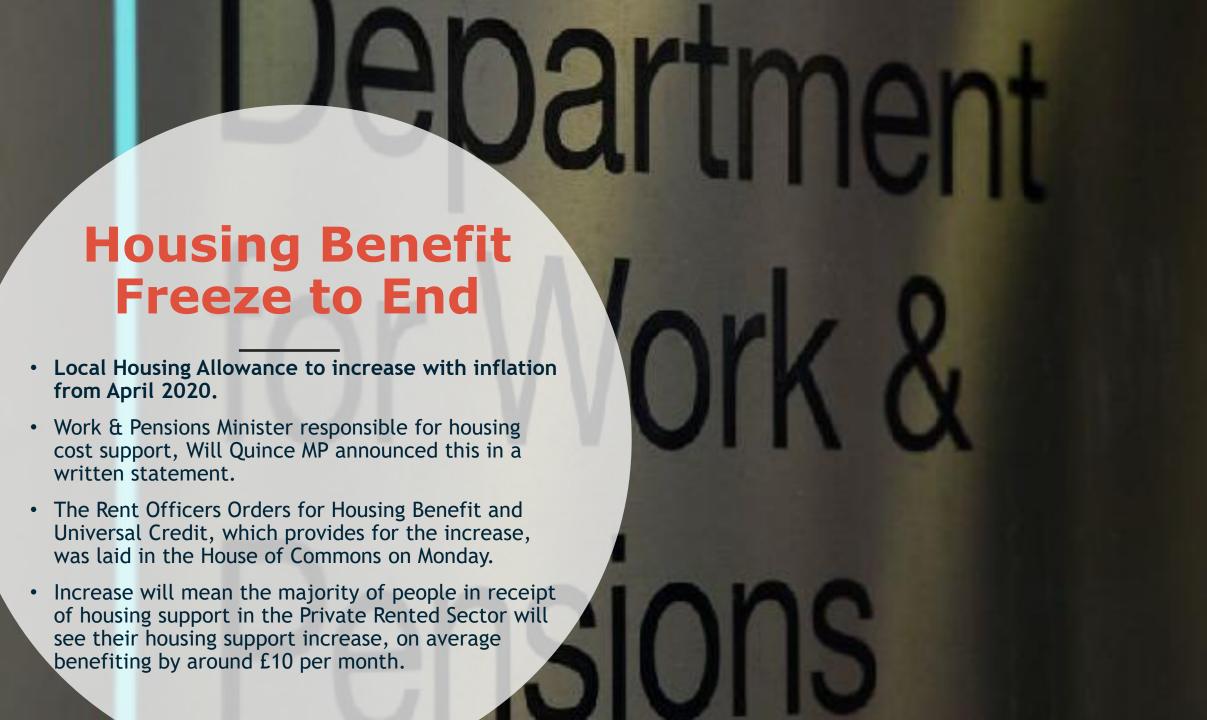
- Parties setting out their stall for the 2021 Welsh Parliament elections.
- ➤ Will Welsh Labour be able to stomach being less "pro-tenant" than the UK Conservative Government?
- ➤ Will the Welsh Conservatives seek policy alignment with its parent party?
- ➤ Will Plaid Cymru continue to propose rent controls and full abolition of "no-fault" evictions?
- ➤ What will the Brexit Party offer to survive and the Lib Dems to resurge?

Good Landlord Case Studies

- If you have a story about yourself or another landlord where you/they have helped a tenant, please send it in.
- Examples could be:
- > Helping a tenant stay in their home
- > Helping them access benefits
- ➤ Made adaptations
- >Allowed them to keep pets
- Even better if a tenant can write in!
- Please send case studies & suggestions to calum.davies@rla.org/uk







RLA PEARL: LATEST RESEARCH

Released last month

- Right-to-Rent research:
- > 44% of landlords less likely to rent to those without a British passport up from 42% last year.
- Fear of getting things wrong also means that 53% of landlords are now less likely to rent to those with limited time to remain in the UK, up from 49% in 2017.
- > 20% of landlords say that are less likely to consider letting property to EU or EEA nationals, up from 17% in 2017.
- > Comes as the High Court today begins a Judicial Review of the scheme.
- Q3 2019 Survey: Finance, Tax, & Supply in the PRS
- Overall confidence remains low: fewer than 5% of landlords are now more confident than they were in the previous quarter. A fall in confidence has been particularly noticeable in London.
- Current tax regime is stifling investment, lowering confidence, and reducing consumer choice in the PRS.
- Almost two-thirds of landlords let property which meets current EPC targets set out in the government's Clean Growth Strategy.



- Get involved
- Take RLA Surveys and become an RLA Insight Partner
- Q4 Survey Out Now topic is safety standards & licensing
- Survey on Rent Smart Wales recently closed results to be shared at Welsh party conferences
- Check out reports & surveys via the website https://research.rla.org.uk/ & links on Twitter @RLA_PEARL







Any Questions?





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