



THE WAY YOU RENT IS CHANGING

THIS DECEMBER WELSH GOVERNMENT WILL BE INTRODUCING NEW HOUSING LAW... **RENTING HOMES (WALES) ACT 2016**

FREQUENTLY ASKED QUESTIONS

When will the new law apply?

The Renting Homes (Wales) Act 2016 came into force on 1 December 2022. All the regulations made under the Act will also come into effect on the same date.

What happens to existing tenancies?

Under the new law 'Occupation Contracts' will replace existing tenancies and licences.

There are two main types of Occupation Contract: standard and secure. Standard contracts will replace assured shorthold tenancies which are currently used mainly in the private rented sector, and secure contracts will replace the secure and assured tenancies used mainly in the social rented sector.

On 1 December 2022, all existing Tenancy Agreements automatically converted to an occupation contract.

When can I expect to receive my new Occupation Contract?

- If you became a tenant prior to 1 December 2022, you will be converted to the new Occupation Contract and will receive a written statement within a six-monthly period following 1 December 2022.
- For new tenants (known as Contract holders) on or after 1 December 2022, you will receive a written statement within 14 days of the occupation date under the Contract.

Are contract-holders (previously known as 'tenants') required to sign and return the written statement document to MHA?

There is no statutory requirement for a contract holder to do so. However, it is good practice to sign the document and keep in a safe place should you need to refer to it.

Can I get evicted for not paying my rent?

Yes, if you stop paying your rent MHA can take steps to gain possession of your home. We will first serve you a Possession Notice, which lets you know that we intend to apply to court. We can't apply to court during the first month and the notice expires 6 months after giving it to you. We will try to contact you to offer support before this. If you are struggling to pay your rent, please talk to us.

How much notification will I receive of a rent increase?

You will receive 2 months' notice, rather than one month, as is currently the case.

Can a contract-holder who is committing anti-social behaviour be evicted?

Yes, your contract has terms on Anti-social behaviour and Prohibited conduct. If the contract-holder breaches these terms, the landlord can serve a possession notice and commence court proceedings on the same day. Anti-social behaviour and other prohibited conduct can include excessive noise, verbal abuse, and physical assault. It also includes domestic abuse (including physical, emotional, and sexual, psychological, emotional, or financial abuse).

How much notice do I have to give if I want to end the contract?

The notice period given by a tenant (or 'contract-holder' as they are known under the new law) should not be less than four weeks after the day on which the notice is given to the landlord (as it currently stands).

Does the new law say anything about sub-letting?

A contract-holder will not be able to create a sub-contract unless that is permitted by the contract (i.e. does your contract say that you can sub-let?).

What about joint tenants: will anything change under the new law?

The Act will introduce new provisions around joint contract-holders. This will allow a contract-holder to be added or removed from a joint contract, without the need to end the contract for all, as is currently the case.

What about my succession rights?

There are improved succession rights for you to pass on your home. In the event a contract-holder dies, you now have the reassurance of added security for your loved ones. Both 'priority' and 'reserve' successors are now able to take over the 'Occupation Contract', subject to meeting the requirements of the Act.

What is the main difference between 'priority' and 'reserve' successors?

Priority successor is a spouse/civil partner (or living as either).

Reserve Successors can be a family member/ carer (living at the property for 12 months prior to the Contract-holder's death).

Both Priority and Reserve successors must have no other home to occupy at the time of death and must be 18+ years old to hold the contract when they succeed.

If there is more than one person eligible to succeed, a Priority successor will have priority over a Reserve.

What are the Fitness for Human Habitation Requirements?

The new law places an obligation on all landlords to ensure their properties are fit for human habitation. Regulations set out further information on the fitness for human habitation requirement. A contract-holder will not be liable to pay rent for any period during which the property is deemed to be unfit, and a landlord will not be able to issue a Landlord's Notice, or break clause if they are not in compliance with the Fitness requirements.

If a contract-holder believes that a property is unfit but the landlord does not agree it would ultimately be for the court to decide whether a property is unfit based on the standards set out in the Regulations.

A court claim would be made the same way as a disrepair claim currently.

However, if a contract-holder with-held rent on the basis they think the property is unfit, but this has not been agreed, this would potentially create a ground for possession, this being either breach of contract or the serious rent arrears ground.

Has the law changed in relation to smoke alarms?

Yes. The new requirements are set out in the Renting Homes (Fitness for Human Habitation) (Wales) Regulations 2022. **Regulation 5 says that:**

The landlord must ensure that, during each period of occupation, on each storey of the property there is a smoke alarm which is:

- (a) In repair and proper working order.
- (b) Connected to the property's electrical supply.
- (c) Linked to every other smoke alarm in the property which is connected to the electrical supply.

Therefore, whilst it is not a requirement that every smoke alarm at a property is connected to the property's electrical supply, at least one smoke alarm on each storey of the property must be.

A dwelling which is subject to an occupation contract which converted from an existing contract has a period of 12 months to install a smoke alarm from the date of conversion.

Has the law changed in relation to carbon monoxide alarms?

Yes. The new requirements are set out in the Renting Homes (Fitness for Human Habitation) (Wales) Regulations 2022. **Regulation 5 says, amongst other things, that:**

The landlord must ensure that, during each period of occupation, a carbon monoxide alarm which is in repair and proper working order is in each room of the property which contains a gas appliance,

an oil fired combustion appliance or a solid fuel burning combustion appliance.

The Regulations do not stipulate whether the carbon monoxide alarms should be battery powered or connected to the property's electrical supply. These requirements will apply to all contracts which begin on or after 1 December 2022.

Are there any changes in relation to gas and electrical safety or Energy Performance Certificates?

Yes. As set out in the Fitness for Human Habitation Guidance, landlords will be required to ensure that a valid Gas Safety Certificate, Electrical Inspection Condition Report, and Energy Performance Certificate are provided to the contract-holder.

These requirements will apply to all new contracts which begin on or after 1 December 2022. For landlords with existing tenancies which will convert to occupation contracts on 1 December 2022, the landlord has a period of 12 months from that date to undertake the EICR to avoid the property becoming unfit for human habitation.

Under the new law, a contract-holder is entitled to withhold rent for any period when the property is unfit, which includes failing to meet these requirements. A landlord will not be able to serve a Landlord's Notice until such time as they are in compliance with these requirements.

This FAQ has been extracted from Guidance provided by Welsh Government.

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