

KNOW YOUR RIGHTS



A guide for private renters

Information on the main laws protecting renters' rights, tips on how to defend your rights, and how we can support you.

londonrentersunion.org

ABOUT LONDON RENTERS UNION

London Renters Union is a growing independent organisation aiming to unite London's 3 million private renters and win better housing for everyone.

After launching in early 2018, we have established branches in Newham, Hackney and Lewisham and are growing our membership and new branches across London.

If you are facing an issue with your housing, join the union and your fellow members will support you. We offer a sliding scale membership fee. This means you decide how much to pay based on what you can afford starting from £4 per month. Free membership is available if you are unwaged and cannot afford to pay.

As members of the union we support each other to stand up to landlords and estate agents, including by writing and handing in letters to make demands, taking direct action and blocking evictions.

We are not a service provider or legal specialists, but instead offer mutual support as fellow renters to stand up for our rights. This way we can stop the isolation of facing landlords alone, and win better conditions by coming together and putting pressure on those with power. This work is part of and stands alongside our wider campaigning to transform the housing system.

ABOUT THIS GUIDE

Our rights as renters are not always supported by the law, which is why as well as supporting individual members, we are campaigning for changes in the law.

In the meantime, this guide is to help provide tips and quick reference to the legal rights that we do have and how to challenge private landlords when they don't respect them! This information is about renting from a private landlord.

You can find more detailed information on all of this online - see the 'useful links' on the last page.

CONTENTS

Deposits	4
Disrepair	6
Evictions	8
Licensing	9
Tenancies & rent increases	10
Other issues	11
Six things to check when you move in	12
How we support our members	14
Our 5 step process	15
Useful links	18
Contact us	19

We are not trained legal experts, but this leaflet has been checked and was correct and up to date as of 12/11/2018

DEPOSITS

Take photos when you move into a new property, especially of any damage you can see. When you leave, the landlord can deduct money for unpaid rent and damage. They can't deduct money for anything else like general wear and tear or unpaid bills.

You can dispute any deductions you don't agree with and if you cannot work it out with your landlord directly you can dispute it through the protection scheme. If your landlord withholds some or all of your deposit unfairly, we'll take action as a union together to get it back. It's your money!



DEPOSIT PROTECTION

Your deposit must be protected in one of the three official government approved scheme, and your landlord should inform you of which scheme it is in when you start your tenancy. You can win compensation of up to three times the original deposit if it is not protected within 30 days.

You can check whether your deposit is protected online or over the phone with one of the three government approved schemes, as well as your name and address you will need the deposit amount and the date your tenancy began:

Deposit Protection Service

www.depositprotection.com/im-a-tenant

0330 303 0030

My Deposits

www.mydeposits.co.uk/tenants/deposit-checker

0333 321 9401

Tenancy Deposit Scheme

www.tenancydepositscheme.com

0300 037 1000

Failure to protect your deposit properly means your landlord cannot legally issue you with a Section 21 eviction notice.

DISREPAIR

Your landlord has to keep your house safe. They have to maintain and repair:

- Structure and exterior of the building
- Water, sinks, baths, piping and drains
- Heating
- Electricity

Landlords are not liable to carry out any repair until they have been made aware of the problem.

Landlords have the right to enter a property but must give 24 hours written notice of their intention to do so.



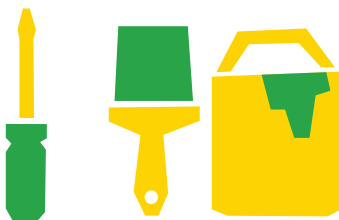
PROBLEM WITH DISREPAIR? WHAT YOU CAN DO

Collect photo evidence and email or write to your landlord. It is important to keep written evidence of when you have contacted the landlord. Repairs should be done in 'reasonable time'.

If your landlord doesn't make the repairs when requested, we can take action together to and make sure they do. Time and time again, landlords and estate agents have made repairs after we've held a small protest outside their offices. It may also be possible to sue your landlord in some cases.

The council can issue an improvement order if you report the landlord and they inspect the property. If the landlord ignores the order, you can get compensation. However, in our experience the council are often slow to respond and unlikely to help unless there are immediate threats to life.

In general you do not have the right to withhold rent if the landlord does not carry out repairs - this could jeopardise your right to stay in the home. However, in certain circumstances you can pay for repairs and deduct the cost from future rent, but always inform the landlord about your intentions in writing and get advice before doing this.



Disrepair or Renewal?

It can be hard to tell whether an issue is disrepair or if an improvement is what is needed, but generally if something has broken (e.g. a glass in the window breaks) the landlord has an obligation to fix it. If it is renewal, just updating or improving a shoddy but working feature such as single glazed windows, the landlord is not obliged to fix it.

EVICTIONS

The law makes it easy for landlords to evict tenants. But a landlord must issue you with a valid Section 21 ('no-fault') or Section 8 (if they say you have broken the terms of the tenancy, eg through rent arrears) notice to quit. A Section 21 notice must give at least 2 months' notice. (Section 8 the minimum varies between 2 weeks and 2 months' notice depending on which terms of the tenancy your are deemed to have broken.)

You can legally stay until the day that the bailiffs are authorised to come to evict you. If you are illegally evicted without a court bailiff, you can get a rent repayment order from the landlord.

The Section 21 notice is invalid if:

- You weren't given a gas safety certificate when you moved in (and every year following)
- You weren't given the "How to Rent" guide or an Energy Performance Certificate at the start of the tenancy – however if the landlord gives these two documents late but before service of the s21 it will not affect the validity of the s21
- Your deposit hasn't been protected or you have not been given written confirmation that your deposit is protected and an explanation of the tenancy deposit protection scheme/rules in writing
- If your council has ordered repair works on the house within the last 6 months
- Your landlord needs a licence but hasn't got one
- Or if the landlord has written the incorrect date or address

Don't tell your landlord that you think the Section 21 is invalid straight away. Instead fill out a defence form and tell them in court, this will buy you more time before the eviction and will frustrate the landlord's process. We can support you to do this.

Non-violently resisting an eviction together as a union can slow things down. If you or someone you know is facing eviction: London Renters Union can offer support in different ways, and have successfully stopped or delayed evictions.

LICENSING

Depending on the council and how many people you live with, your landlord might need a licence to rent out the property. Most Houses of Multiple Occupancy (HMO) do need a licence, and in some boroughs all properties need to be licensed. If your landlord doesn't have the licence they need:

- Your landlord could get a large fine
- You can't be evicted with a Section 21 notice
- You could be evicted if you tell the council, but...
- You could claim up to 12 months rent back from the landlord.

Different councils at different times have combined licensing checks and enforcement visits with UK Border Agency raids, leading to people who can't prove their immigration status being evicted and/or detained. London Renters Union campaigns against this as licensing should be to protect tenants' rights not punish them.



TENANCIES

Even if you don't have a signed tenancy agreement, you still have legal rights as a tenant, if you have

- an identifiable property
- for a period of time
- you pay rent
- and an exclusive area is yours.

If you don't have exclusive possession (i.e. if there are more than 2 people in a room), then landlord will say you only have a license to be in property, and you have fewer rights.

If your landlord lives with you, they effectively sublet to you and so you have fewer rights.

RENT INCREASES

There is very little legal protection to stop your landlord putting up the rent.

For a periodic tenancy (rolling on a week-by-week or month-by-month basis) your landlord can't normally increase the rent more than once a year without your agreement.

For a fixed-term tenancy (running for a set period) your landlord can only increase the rent if you agree, unless there is a rent review clause in your tenancy that says rent can be increased (it should say how and when). If you don't agree, the rent can only be increased when the fixed term ends.

If you don't agree with the rent rise, do not pay the new rent as this will be seen as you 'agreeing'. The best thing if your landlord is raising the rent is to talk to other member of the union about how to negotiate with your landlord for not such a big rise.

OTHER ISSUES

As private renters we face many issues not covered in this guide. This section has information on some further issues.

Right To Rent

Recent law requires landlords to check the immigration status of their tenants. This is part of the government's racist 'hostile environment' towards migrants. We are campaigning against these borders in housing. (See the Joint Council for the Welfare of Immigrants' website for more information).

Claiming benefits

You can apply for Housing Benefit or the new Universal Credit for help with paying some or all of your rent. The switch to Universal Credit is causing delayed payments for some renters, resulting in arrears and evictions. 'No DSS' discrimination against renters who claim benefits is common, with many landlords and estate agents refusing to rent to claimants. As a union we support each other to block evictions and campaign against this discrimination.

Applying for accommodation from the council

If you are made homeless, for example following an eviction, or your current rented accommodation is unsuitable or unaffordable, you may need to apply for temporary accommodation or housing from your local council. Councils do not always provide housing when they have a duty to. Some of our members have also been told they are 'intentionally homeless', but we believe there is no such thing as 'intentional homelessness', and have successfully supported members in holding councils to account in these situations.

SIX THINGS TO CHECK WHEN YOU START A NEW TENANCY

1. Is the inventory/tenancy agreement/advert accurate?
2. Is there any existing damage/disrepair?
 - Take detailed photos of markings on walls, carpets and floors, any damp or cracks.
3. Did your landlord/letting agent give you:
 - a. the gas safety certificate
 - b. an energy performance certificate
 - c. the “How to Rent” guide
4. Is your deposit protected? (with which scheme?)
5. Should your property have a license, and does it?
 - *This website has up to date information on which boroughs operate selective licensing: www.londonpropertylicensing.co.uk/selective-licensing*
6. Take photos of the gas and electricity meters (and water if you have one), and get in touch with gas/electricity companies to let them know you have moved in, so that you cannot be charged for previous gas/electricity bills.

If you find out that your deposit isn't protected, or the landlord hasn't given you all of the correct documents, you can decide when you want to let them know that. For example you might want to wait until they serve a Section 21 eviction notice as this will make the notice invalid and buy you some time.

Serial No

GAS SAFETY RECORD

This record can be used to document the outcomes of the checks and tests required by The Gas Safety (Installation and Use) Regulations. Some of the outcomes are as a result of visual inspection only and are recorded where appropriate. Unless specifically recorded no detailed inspection of the flue lining, construction or integrity has been performed. Registered Business-Engineer details can be checked at www.gasregister.co.uk or by calling 0800 408 3500.

Details of Registered Business

Gas Safe Register No _____

Registered Engineer's Name _____

Gas Safe Register Licence Number _____

Business _____

Address _____

Postcode _____

Contact No _____

Details of Site

Name (Mr/Mrs/Miss/Ms) _____

Address _____

Postcode _____

Contact No _____

Appliance Details

Location of	Type	Manufacturer	Model	Owned by Landlord Yes/No	Inspected Yes/No	Type of chimney/flue
1						
2						
3						
4						
5						

Inspection Details

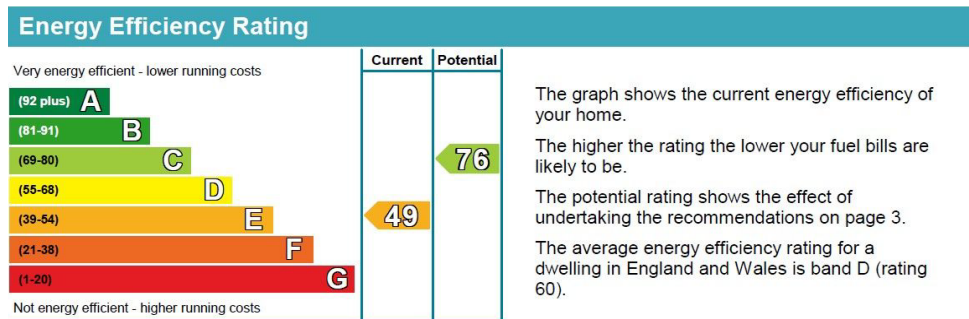
	Operating pressure in mbar and/or heat input kW/h or Btu/h	Operation of safety device(s)	Ventilation satisfactory	Visual condition of chimney flue and termination	Chimney/Flue operation checks	Combustion analyser reading (if applicable)	Appliance serviced	CO Alarm fitted	CO Alarm tested (if fitted)	SAFE TO USE
1		Pass/Fail/NA	Yes/No	Pass/Fail/NA	Pass/Fail/NA		Yes/No	Yes/No	Pass/Fail/NA	Yes/No
2										
3										
4										
5										

Defect(s) identified _____

GAS classification _____

Warning/Advisory Record _____

Gas safety certificate



Top actions you can take to save money and make your home more efficient

Energy performance certificate

How to rent

The checklist for renting in England

This information is frequently updated. Search on GOV.UK for How to rent

How to rent guide

HOW WE SUPPORT OUR MEMBERS

If you're facing an issue such as a stolen deposit, a disrepair issue, eviction or any other issue and want support from the union in addressing the problem, get in touch with us and we will work out if we can help.

London Renters Union is not a service provider, but instead we're a community based on solidarity, and we expect you to be actively involved. We support each other to stand up for ourselves and to stand up for one another. We follow a process to build on our strength as a union, which is coming together collectively to win changes. This is explained in more detail over the next few pages. Throughout this process, we will always let you decide what kind of steps we take.

We mainly support each other at local branch meetings, but don't worry if it's totally impossible for you to make the next meeting or we don't have a branch in your area yet. We'll do our best to make sure you're not alone.

To find out when your next branch meeting is and to get support from other London Renters Union members, email **hello@londonrentersunion.org** or call or text **07729 044 081**.

The important thing to remember is that you're not alone and you've done nothing wrong – together, we can take on landlords and win!

OUR 5 STEP PROCESS

“Power never concedes without a demand.”

- **Frederick Douglass, 1857**

1. Initial contact

Whether by email, phone or in a conversation at one of our events, let us know your problem and we will record the initial details into our database and let part of our member support team know. We then encourage you to join the union as a member and come to your next local meeting and bring all relevant photos, documents with you, including tenancy agreements and relevant correspondence with your landlord/council etc.



2. Collect information

At a local meeting, we will ask you to share your situation with 2-3 other members. They will help gather all of the important information and talk through what you want and what our next steps could be. They will also talk about whether you are happy to share your story publicly as this can be useful to others in similar situations and for building the union's strength.

If we think the union might not be the best positioned to help, or don't have the resources, or need help from other organisations to proceed, we might help you to access other services at this point.

We will work out if there is someone in a position of power (a 'power holder' - often your landlord) who could make a decision that improves your situation. If this isn't possible, we will still try to work out what practical or emotional support the union can provide. But if we can, we aim to make a demand on the power holder, to enter into negotiations until the situation is resolved.



3. Make demands on the power holder

Normally, we will work together to write a letter to the power holder, listing our demands, giving a clear date that we expect a reply, and making clear that we will escalate our actions if we need to.

We will send the letter or get a small group of people to go with you to hand in the letter to the power holder.

Often this step has been enough, and landlords or other power holders will respond and resolve the situation or begin to negotiate. If they do not, we move on to collective action.

4. Collective action

If we think there is a reasonable chance that a protest or other form of collective action will help to achieve a positive outcome, we will plan this within the local branch. A collective action might be a bigger public petition, a public protest outside a letting agent or landlord's business, or another way of collectively putting pressure on the power holder.

5. Escalation

If the power holder responds in a way that means we can begin to negotiate or settle with them, we will do that.

If not, we can consider ways of escalating, including disruption of their business, public shaming, legal action, boycotts, occupations, media, open letters, getting support from neighbours and members of the local community, etc.

We will support you to continue this until the power holder negotiates.

USEFUL LINKS

Shelter

Support and legal advice, and detailed legal advice on website.

england.shelter.org.uk

0808 800 4444

Advice for Renters

Information, advice and legal support for London tenants.

advice4renters.org.uk

020 7624 4327

Housing Rights website

Detailed guidance on migrants' rights in accessing housing.

housing-rights.info

Joint Council for the Welfare of Immigrants

Website includes useful guide for migrants about 'Right to Rent'.

jcwi.org.uk/resources



CONTACT US

Email - **hello@londonrentersunion.org**

Instagram - **[#londonrentersunion](https://www.instagram.com/londonrentersunion)**

Twitter - **[@LDNRentersUnion](https://twitter.com/LDNRentersUnion)**

Facebook - **[facebook/londonrentersunion](https://www.facebook.com/londonrentersunion)**

Website - **londonrentersunion.org**



**LONDON
RENTERS
UNION**

Different languages of this booklet
are available – contact:

hello@londonrentersunion.org