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PROTECTED

Trust the experts

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More than 1000 delegates gathered at ExCel London to learn about the latest lettings updates at the ARLA Propertymark Conference

Landlords are under pressure and need solutions. Government has piled one piece of legislation on top of another while local authorities, desperate for revenue, are looking to raise it through enforcement activity.

ARLA Propertymark has long been at the heart of the private rented sector, providing letting agents with training and legal advice and supporting over 9,500 letting agents to help landlords.

Agents who display the ARLA Propertymark Protected logo are up to date on the latest legal changes and offer higher levels of protection than are legally required. But we also hold these agents accountable. We expect them to meet high standards, hold client money separately and have their accounts independently inspected regularly.

ARLA Propertymark has been providing financial protection for landlords and tenants for years and in 2017 our campaign to make Client Money Protection mandatory for letting agents led to Government agreeing to change the law.

Choose an agent with the tools to protect you, your property and tenants.

WHY USE AN ARLA PROPERTYMARK PROTECTED AGENT?

Agents do not currently have to be qualified, anyone can set up a lettings agency but only an ARLA Propertymark agent offers true protection and peace of mind. All agents who belong to ARLA Propertymark are required to operate in a transparent way, providing services which are subject to independent scrutiny. Any agent who falls below Propertymark's standards will be subject to disciplinary action.

USING A PROPERTYMARK PROTECTED AGENT PROVIDES GUARANTEES:

- Your income is backed by Propertymark Client Money Protection, a scheme which reimburses landlords and tenants for missing rent or deposits if their agent's business fails*
- The responsible agent holds a property management and lettings qualification to at least Level 3 (A Level standard or equivalent)
- Your agent's experience is supported by regular continuing professional development and refresher training
- They must belong to one of two Government approved independent redress schemes: The Property Ombudsman or Property Redress Scheme
- Your agent is up to date with complex legislative changes and best practice
- Your agent understands the complexities of the Tenant Fees Act 2019 and which payments are permitted under which circumstances
- The agent must comply with a nationally recognised Code of Practice
- All agents offering Propertymark Protection must hold appropriate Professional Indemnity Insurance
- If they hold client money their accounts are independently inspected regularly
- If your agent is also dealing with sales they need to be registered with HM Revenue and Customs for anti-money laundering

ARLA Propertymark members are required to undertake training every year, this means that agents are up to date with best practice and understand legislative changes which regularly alter the requirements involved in residential lettings.



*Subject to scheme limits

CONFUSED?

HOUSING
AND
PLANNING
ACT 2016

RENT ACT
(MAXIMUM FAIR RENT)
ORDER 1999

PROTECTION FROM
HARASSMENT
ACT 1997

SECTION
8

RENT ACT 1977
PARTY WALL ETC ACT 1996

TOWN AND COUNTRY
PLANNING ACT 1990

ENERGY
EFFICIENCY

(PRIVATE RENTED PROPERTY)
(ENGLAND AND WALES)
REGULATIONS 2015

THE ASSURED
TENANCIES AND
AGRICULTURAL
OCCUPANCIES
(FORMS) (AMENDMENT)
(ENGLAND) REGULATIONS 2003

ENVIRONMENTAL
PROTECTION
ACT 1990

NOISE ACT 1996
TORTS
(INTERFERENCE WITH GOODS)
ACT 1977

DATA PROTECTION ACT 1998

PART P BUILDING REGULATIONS
(ELECTRICAL SAFETY IN DWELLINGS)

IMMIGRATION ACT 2014

GENERAL DATA
PROTECTION REGULATIONS

(GDPR)

REGULATION (EU) 2016/679)

COUNCIL TAX
(CHARGEABLE
DWELLINGS ORDER) 1992

LAW OF
PROPERTY
ACT 1925

MORTGAGE

TAX
RELIEF

RENT
SMART
WALES

OCCUPIERS'
LIABILITY
ACT 1957

CONSUMER PROTECTION
FROM UNFAIR
TRADING REGULATIONS 2008

CONSUMER
RIGHTS

ACT 2015 PART 2

ELECTRICAL
EQUIPMENT
(SAFETY)

REGULATIONS 1994

EQUALITY ACT 2010

SMOKE AND
CARBON
MONOXIDE
ALARM

(ENGLAND) REGULATIONS 2015

PROTECTION FROM
EVICTION
ACT 1977

HOUSING ACT 1988

LIMITATION
ACT 1980

THE TERRORISM
ACT 2000

ACCOMMODATION
AGENCIES ACT 1953

TENANT
FEES
ACT 2019

OCCUPIERS'
LIABILITY
ACT 1984

ANTI-SOCIAL
BEHAVIOUR
ACT 2003

FINANCE ACT 1995

HMO LICENSING

IMMIGRATION
HOUSING ACT 2016

COUNCIL TAX
(ADDITIONAL PROVISIONS
FOR DISCOUNTS DISREGARDS)
ORDER 1992

MHCLG HOW TO
RENT GUIDE

DEREGULATION
ACT 2015

THE PROCEEDS
OF CRIME
ACT 2002

HEALTH & SAFETY
AT WORK ETC ACT 1974

NOISE AND
STATUTORY NUISANCE
ACT 1993

TENANCY
DEPOSIT
PROTECTION

SECTION
21

MONEY
LAUNDERING,

TERRORIST FINANCING AND TRANSFER OF FUNDS
(INFORMATION ON THE PAYER)

REGULATIONS 2017

LANDLORD
AND TENANT
ACT 1985

TOWN AND
COUNTRY PLANNING
(CONTROL OF ADVERTISEMENTS)
(ENGLAND) REGULATIONS 2007



ENFORCEMENT

Ignorance of the law is no defence. Enforcement is starting to catch up with legislation. Potential penalties for failing to carry out Right to Rent checks are £3,000 per adult occupier while failure to carry out checks on gas appliances can carry both a fine and a prison sentence.

- Fixed penalty notices of £30,000 for a range of housing offences.
- Rent repayment orders allow tenants and local authorities to reclaim rent from landlords.
- Local authorities have access to tenancy deposit schemes to identify rented housing and target enforcement.
- Local authorities will soon be able to ban landlords from letting property for a range of offences.

If you decide to use an agent, make sure you ask the following questions:

- Which independent redress scheme do you belong to?
- Is a full list of your fees and charges freely available as required by law?
- Are you offering ARLA Propertymark Protection?



PROTECTING YOUR MONEY

From 1 April 2019, agents managing properties in England have had to belong to a Client Money Protection scheme.

ARLA Propertymark members have *chosen* to be regulated and have gone on to successfully campaign for *all* letting agents to be compelled to belong to a Client Money Protection scheme so that all landlords and tenants benefit from financial safeguards.

Make sure you ask to see evidence of your letting agent's Client Money Protection scheme membership.

If your agent offers Propertymark Protection, independent checks will be made regularly on your agents' finances and you will be covered by our reimbursement scheme in the event that anything goes wrong.* Other agents are only now being pulled into line with ARLA Propertymark agents.

Rogue letting agent Manish Manek was found guilty of 17 counts of theft involving tenants' deposits and rent owed to landlords. He stole £47,000 before fleeing the UK in October 2012. A police investigation found that Manek had been putting tenant deposits and rent into his personal account.

He was finally arrested and sentenced to jail leaving landlords and tenants out of pocket. His victims never saw their money returned. If a letting agent is not covered by Client Money Protection, both landlords and tenants can lose their money.

You wouldn't book a holiday which was not protected, don't trust your property to an agent who does not offer Client Money Protection.

*See www.propertymark.co.uk/complaints/client-money-protection for scheme limits



HOW MUCH DOES YOUR AGENT KNOW?

Ask your agent these questions and satisfy yourself that they are equipped to manage your property.

What have you based your valuation on and how do the comparables relate to my property?

Agents must be transparent with their fee structure. Where can I find your fees on your website?

Are you giving tenants all of the documentation required by law at the start of a tenancy?

What do you do about inventories and property schedules?

What are your arrangements for checking smoke and carbon monoxide alarms?

What is your approach to electrical testing on portable appliances? and legionella testing?

How often do you visit the property and what reporting procedures do you have in place?

How can you protect me and my property in this increasingly litigious world?

What if the tenant defaults on rent payments and what is your timeline of expectations?

If I need to regain possession of my property, how will you go about it?

PRINCIPLED, PROFESSIONAL, PROPERTYMARK PROTECTED.

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www.arla.co.uk/find-agent