

Your place

Your guide to private renting



Housing services: creating homes, building communities



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What does private renting mean?

When you rent privately, you rent a property from a landlord or a letting agent.

The amount of rent you pay is set by your landlord and can be weekly, four-weekly or calendar monthly.

Privately renting gives you more choice such as:

- Location
- Property type
- Property size

What is a tenancy?

A tenancy is a legal contract between you (the tenant or tenants) and your landlord or letting agent.

The tenancy will state:

- The date your tenancy started
- The length of your tenancy (this will be a minimum of six months). This is called the 'fixed term'
- How much your rent will be and when you must pay it
- Both yours and the landlord's obligations
- How the landlord will deal with repairs

The tenancy must be signed by the tenant/s and the landlord.



When you sign a tenancy agreement, your landlord must give you the following:

- A copy of the **Energy Performance Certificate** (EPC) for the property
- A copy of the most recent **gas safety certificate**
- A copy of the government booklet '**How to Rent**'
- A copy of your **tenancy agreement**
- **Bond protection certificate and prescribed information.** (Once the tenancy has started, your bond will be paid into a recognised scheme).

Keep these documents safe as you will need them in the future.

What is an inventory?

An inventory is a complete record of the contents of the property you are renting. It also includes a detailed description of the condition of all the items that are in the property and the property itself, including the decoration and carpets.

Your landlord or letting agent should supply you with an inventory. Ask for one if they haven't done so.

You can make an inventory yourself if your landlord or agent won't provide one. Ask an independent witness (someone who doesn't live in the property) to sign it. You should then send a copy to the landlord.



It also helps if you take photos of the property (especially any existing damage) when you first move in.

You could consider employing an independent inventory clerk to make the inventory for you. These are private companies that charge you for their service. Using one could help if there is a dispute between you and your landlord at the end of the tenancy.

An inventory can help avoid a dispute over your tenancy deposit when you move out, because it proves what state the property was in when you moved in. It's in your and your landlord's interest to provide and check an inventory.

Right to Rent checks

Before you can rent a home in England, a landlord or letting agent must check your immigration status and that of anyone aged 18 or over who will be living with you.

They will ask to see your passport or other official documents that prove your immigration status. They must take copies of the documents and keep the copies safe. Current or expired passports are acceptable documents for British, Irish and EU citizens.

If you are a British or Irish citizen without a passport, your birth certificate plus another accepted proof of identity should be enough. For a full list of acceptable documents, see the booklet 'Right to Rent documents check' at www.gov.uk.

A landlord or letting agent is allowed to charge you a fee for right to rent checks.



What sort of properties are available?

Private rented properties will be one of two types:

The whole property - For example, a house or flat rented to you or your whole family. You do not share this accommodation with anyone else.

This property could be:

- Furnished – With all furniture and white goods included
- Part furnished – With only the main furniture included (normally the fridge, cooker and washing machine)
- Unfurnished – no furniture included.

Check what furniture is included before you sign a tenancy agreement.

The rent you pay for this property does not normally include any utilities or bills.

Shared property - These properties are normally furnished. You would have access to your own bedroom but share the kitchen, bathroom and living areas with other tenants. Your landlord would not live with you.

The rent you pay on this property type normally includes:

- Council Tax
- Water rates
- Gas and electricity
- TV license

Check with your landlord what bills are included before signing a tenancy agreement.



What is a lodger?

You are a lodger if you rent a room in your landlord's home and you share facilities with them such as the bathroom and kitchen.

Lodgers do not have the same level of tenancy security as someone who holds an assured shorthold tenancy. This also means that you are not tied in to a fixed term and you could leave with minimal notice, if you wish. The landlord does not have to give you a written agreement but you could ask for one.

You are still liable for the agreed rent and any bills that are arranged with the landlord.

Your landlord might ask you to pay a deposit to cover any damage or unpaid rent. The deposit is your money and should be returned to you when you leave.

Ask your landlord for information about what deductions could be made from your deposit, for example to cover unpaid rent. Get this in writing if possible.

Ask your landlord for an inventory listing the contents and condition of your room and any rooms you share with your landlord. You and your landlord should check and sign the inventory to avoid disputes when you leave.

Deposits paid by lodgers are not covered by tenancy deposit protection rules. No matter what kind of property you rent, you should consider getting insurance for your own contents to cover them against fire, theft or damage.



How can I find a property?

There are lots of places to look for a property to rent privately and here are some of the best ways:

The internet:

There are many websites that advertise properties and room shares and include:

- Clickflatshare.co.uk
- Spareroom.co.uk
- Easyroommate.com
- Roombuddies.co.uk
- Zoopla.co.uk
- Onthemarket.com
- Google.co.uk (then search for Gumtree York)

Social media:

Facebook has pages such as:

- Houses/property for sale/rent in York
- Rooms, houses, flats for rent in York
- Houses/flats for rent in York

You could join these pages and also post your own details and state the type of property you are looking for.

Local newspapers:

Houses, flats and rooms are advertised in the York Press, for example, which has a property supplement on Thursdays

Word of mouth:

Ask family, friends or work colleagues if they know of any landlords or properties available. If your place of work has an information board, you could put up a notice or speak to colleagues.

Only put basic details on any notice and don't give personal details such as your current address.



Local shops:

These often have cards in their windows where landlords can advertise their properties.

You could also put up a card of your own with details of the type of property you are looking for.

Can a letting agent help?

There are lots of letting agents in York that offer a variety of property types and price ranges.

Search on the internet for 'letting agents in York' or look at websites such as www.yell.com

Finding a property through a letting agent may involve additional costs such as:

- Administration fees
- Credit check fees
- Tenancy administration costs
- Guarantor check costs.

Some letting agents also own properties or might manage tenancies on behalf of the landlord.

Can the Council help me find a property?

We have our own letting agency, called Yorhome. Properties are let through this agency to people who have been accepted on to our Private Rented Scheme.

To see if you are eligible for this scheme, see page 18.



Our Housing Standards Team run a landlord accreditation scheme and often advertise properties for let. Although these are mainly student lets, some landlords will offer Assured Shorthold Tenancies.

To see if there are any properties available please see their website – www.yorproperty.co.uk

You can find out more at:

https://england.shelter.org.uk/housing_advice/private_renting/how_to_rent_from_a_private_landlord_or_letting_agent

Tips to find private rented accommodation

Here are some ideas to consider when searching for a new home. The following should give you a better chance of finding the right place.

Arranging to view a home

- Wherever possible, talk on the phone or visit estate agents' offices yourself to ask about properties and to arrange viewings
- Find out if the landlord will accept people on benefits/low income. Not all landlords/letting agents do. There is no legal obligation to tell the landlord this and it may be better to discuss this in person.



At a viewing

Letting agents can influence a landlord about whom they should let their property to. Making a positive impression on the letting agent might make all difference if a landlord has lots of applications to choose from.

- Be on time for viewings
- Don't smoke while waiting outside the property
- Dress smartly.

What to take with you

If you see a property you want to apply for, you can speed up the process by taking along all the documents and information the agent or landlord will need to see. Things to take:

- Proof of ID for every member of your household aged over 18. This is particularly important if you are not a UK national
- References from employers or previous landlords. Make sure to confirm that they are willing to act as a reference first.

What do I need to start a tenancy?

To start a tenancy you will need to pay:

- **Fees** (if you used a letting agent to find your home)
- **Bond** (also called a deposit to secure the tenancy)
- **First month's rent** (also called 'rent in advance')



Fees

If you are finding a property through a letting agency, they may charge you fees. You must ask for a breakdown of these fees before signing a tenancy agreement. Letting agents must clearly display their fees for all to see.

You may be asked to pay fees at the same time as you make an application for a property. If you do not secure the tenancy, these fees should be repaid to you.

If you are unable to afford to pay your fees, City of York Council may be able to assist you. Please see the section in this book called 'Can I get any financial assistance' (on page 15).

Bond/deposit

Most landlords require a bond/deposit to be paid by the tenant at the beginning of the tenancy. This is normally equivalent to one month's rent, but can be higher. There is no limit to how much the landlord can charge for a bond/deposit.

What is a bond/deposit?

You pay a bond/deposit to give your landlord protection in case you leave your property without paying rent or if you cause damage to the property or its contents. A landlord would be able to claim the amount it cost them to repair any damage or cover any unpaid rent.

If a landlord makes a claim on the bond but it is not for the full amount of the bond then any surplus money would be paid back to you.



If there is no claim on the bond then the full amount would be returned to you.

What happens to my bond during the tenancy?

When you pay a cash bond/deposit your landlord must protect your money by paying it into a government-approved tenancy deposit scheme. Your landlord is not allowed to keep hold of your money.

You can find out more at:

https://england.shelter.org.uk/housing_advice/private_renting/what_is_a_tenancy_deposit

As well as protecting your deposit with a tenancy deposit protection scheme, your landlord must give you the following information in writing (this is also called 'prescribed information'):

- Contact details for the scheme which holds your deposit
- How to get your deposit back when you leave the property
- What deductions can be made from your deposit
- How the scheme can help resolve a dispute about the return of your deposit
- What happens to your deposit if the landlord or tenant cannot be contacted when the tenancy ends
- Their own contact details including name, address and phone number
- A copy of the deposit protection certificate, which must be signed by the landlord.

Keep any tenancy deposit documents safe as you will need them if your tenancy ends.



What if I don't have money for a bond/deposit?

If you don't think you can afford a bond, please see the section 'Can I get any financial assistance' on page 15.

Rent in advance

Landlords require your first month's rent to be paid on the day you sign the tenancy, even if you are going to be claiming Local Housing Allowance or are entitled to the Housing Cost element of Universal Credit.

This means that you are up-to-date with your rental liability and this reduces the risk of falling into arrears.

What if I do not have money for rent in advance?

If you don't think you can afford a month's rent in advance, you may be eligible for financial assistance' (see page 15).

Financial guarantors

Your letting agent may request a financial guarantor if you are unemployed, have a bad credit rating or are renting for the first time, as they might consider you as more risky than other tenants.

As a result, they might require you to ask someone to act as 'guarantor' – to provide a guarantee that the rent will be paid. A guarantor can be anyone you know that meets the criteria set by the landlord or letting agent, ie, a parent, sibling, relative or friend.



This means that if you fail to pay the rent one month, the landlord can legally call on your guarantor to make the payment instead of you.

If you secure a property by having a guarantor, it is worth building up an emergency savings pot so you don't leave your guarantor with the financial burden of paying your rent if you lose your job or fall ill.

Can I get any financial assistance?

If you are unable to afford a bond, fees or your first month's rent you could consider the following options:

Ask family or friends

You could ask family or friends for financial assistance or, if it's your birthday or Christmas, you could ask for money as a present.

If your family is able to lend you money, they may not charge interest and may accept smaller repayments over a longer period of time, which a commercial lender wouldn't.

Save up each week/month

If you are not homeless immediately, if you have some time to find a new private rented home, and once you have paid all your essential outgoings, you could start putting money aside for a new home each week or month.

Credit unions – such as South Yorkshire Credit Union - offer savings accounts where you can make regular payments and access your money easily.



Even saving a small amount each week will make securing private rented accommodation easier.

Loans

We do not recommend getting pay day loans, internet loans or door step loans.

Credit unions offer loans at set rates and are considered to be ethically run. They can offer loans to cover your first month's rent, bond and letting agency fees. They work out how much you can afford to borrow based on what you can afford to pay back.

To apply for a loan, you must be a member of the credit union. There is a small charge to open an account with a credit union and you must be able to provide two forms of Identification.

You can visit South Yorkshire Credit Union at West Offices where you can find out more information about how they might help you.

The Private Rented Scheme

This is administered by the Housing Options team at City of York Council. It helps people who are homeless or at risk of homelessness by offering a written bond, help to pay the first month's rent and help with letting agency fees.

We provide this service to help you avoid homelessness by securing accommodation in the private sector.

We cannot help with bonds if you secure accommodation as a lodger.

What is a written bond?

A written bond works in the same way as a cash bond/deposit, but no money is exchanged.

City of York Council guarantees that the agreed amount for your written bond would be available to the landlord at the end of the tenancy to cover any uninsured losses or damage.

We, the landlord and the tenant would sign the documents and an inventory would be completed prior to the tenancy starting.

Securing a property through this scheme would not change the type of tenancy you would hold, and would not change your rights as a tenant, or change the obligations of the landlord.

When the tenancy ends, we would carry out an exit visit with yourself and the landlord. If the landlord makes a claim on the bond, and we agree with it, we would reimburse them out of the written bond sum we had agreed.

In some circumstances, we may be able to offer a cash bond. Any money we pay to a landlord for losses or damages are then recharged to you and you must pay this debt.

We can offer a written bond up to the value of your monthly rent. Not all landlords accept written bond guarantees. So if you are going to need one, please ask the landlord you're dealing with if they will accept one. If the landlord wants more information on the scheme, please ask them to contact the Housing Options team on **01904 554500**.



How else can the scheme help me financially?

Rent in advance

If you are eligible, the scheme can also help you with your first month's rent. This would be in the form of a grant.

The maximum grant you can be considered for is up to the value of the monthly rent of the property you may have secured a tenancy for.

Letting agency fees

If you are eligible, the scheme can make a one-off payment to a letting agent to the value of £250. This would be to cover the fees that they charge.

We will only make this payment on successful applications to a letting agent, and on confirmation that they are offering you a tenancy for a minimum of six months.

Am I eligible for this scheme?

To be eligible for the scheme, you must:

- Be eligible under immigration law
- Be homeless or at risk of homelessness within 56 days
- Have a local connection to York
- Agree to verification, credit checks and references
- Agree to support or advice sessions and attend them
- Agree to repay any housing-related debt



You would not be eligible for this scheme if you have any unpaid housing-related debts, for example:

- Rent arrears with any local authority or housing association
- Monies owing from any previous Private Rented Scheme application, including rent in advance and bond recharges
- Recharges for damage to local authority or housing association property
- Rent owing from any resettlement projects including including Union Terrace, YACRO, Peasholme, Howe Hill, Scarcroft Road Project and SASH
- Any temporary accommodation provided by a local authority including stays in hostels or bed and breakfast accommodation

How do I apply for the scheme and what happens next?

To apply for the scheme, you must have an interview with a housing options worker. At this interview we will assess if you are eligible for the scheme.

Please bring to the interview the following documents for all household members over 18:

- proof of address
- proof of income
- proof of National Insurance number
- bank statements for all accounts
- proof of any savings

Once you have been accepted on to the scheme, you can then look for a property in the private sector.



However:

- You must be moving into a new tenancy that is for at least six months
- Your landlord must NOT live with you in the property
- You must not be entering into a lodger agreement
- The property must be within or close to City of York Council's boundaries
- The landlord and the property must be suitable and meet legal requirements

What do I do when I have found a property?

Once you have found a property, you must ask your housing options worker for an appointment to discuss your application.

Please ensure you bring to the meeting the following details about the property:

- Rental amount
- Address of the property
- Name of landlord
- Contact details of the landlord
- Details of any bills included in the rent
- The date the landlord wants the tenancy to begin

Do not sign anything or pay anything until you have discussed your application with your housing options worker.

Your housing options worker will complete the next part of the application with you and carry out a full affordability assessment.



If the property is not considered affordable, we will not be able to assist you with a written bond, the first month's rent or letting agency fees.

By accepting a written bond or a loan towards your first months rent, you are agreeing to the terms and conditions of the private rented scheme and must repay any money owed. Failure to repay this money will affect any future housing assistance from the local authority.

Can I get any help towards my rent?

You may be eligible for the local housing allowance (LHA).

If you have an active local housing allowance claim, you must tell the housing benefits team on **01904 551556** as soon as you start your new tenancy. If there are any other changes to your circumstances, you will need to make a claim for Universal Credit.

To discuss local housing allowance, please call the Housing Benefits team.

Universal Credit and housing costs

If you are claiming Universal Credit you may be entitled to the Housing Cost element. This element is instead of claiming local housing allowance, and will be included in your Universal Credit payment. It will not come as a separate payment.

You must tell the job centre that you have secured a private rented property and they can include a payment towards your housing costs in your monthly payment. You must take a copy of your tenancy to the job centre as soon as possible.



If you need to discuss the Housing Cost element or need advice about your entitlement or to update your claim if you have secured accommodation, please call the Universal Credit helpline on **0345 600 0723**.

There is a maximum amount you would be entitled to claim. This is in line with local housing allowance rates – see the next section of this leaflet.

If you are on the lowest of incomes or claiming an income-related benefit, you may be entitled to the maximum amount.

Calculating local housing allowance (LHA)

Your allowance is calculated using local housing allowance rates current at the time of your claim. These rates are assessed after a year, or if your circumstances change.

The amount you are entitled to is calculated using the number of bedrooms your household needs.

York's local housing allowance rates are:

Category		Weekly amount	Monthly amount
Room in shared house	(S1)	£67.09	£291.52
1 bedroom	(B1)	£98.96	£430.00
2 bedrooms	(C2)	£123.58	£535.98
3 bedrooms	(D3)	£141.24	£613.72
4 bedrooms	(E4)	£200.09	£869.44

You will need one bedroom for:

- every adult couple or single tenant aged 35 or over
- any other adult aged 16 or over (this includes boarders or sub-tenants)
- any two children of the same sex
- any two children, regardless of sex, under the age of 10
- any other child
- single people under 35 are only entitled to the shared room rate

If the standard local housing allowance rate is:

- less than your rent, you will have to pay the difference
- more than your rent, you will only get the amount of your weekly rent.

What are my rights?

Everybody has the right to have:

- Their landlord's or letting agent's name and address
- A written tenancy agreement
- An inventory or list of furniture in the property
- A copy of the energy performance certificate (EPC) and a valid gas safety certificate.

If a landlord lives in the property and shares the facilities with you, your rights are more limited.

The Housing Options team can advise you on your rights



Can my landlord increase my rent?

Rent may increase if you sign a new contract

Landlords can increase the rent if they renew your tenancy agreement.

If you sign a new tenancy agreement, you have to pay the amount of rent it sets out.

Rent increases during a fixed-term tenancy

Your landlord can't increase the rent during a fixed-term tenancy unless:

- there is a clause in your agreement that says when and how the rent can be increased
- you agree to the increase

If you don't have a fixed term agreement

If you never had a fixed-term tenancy agreement or your tenancy's fixed term has ended and the tenancy hasn't been renewed, you'll have what is known as a periodic tenancy.

Rent for a periodic tenancy can be increased if you agree to the increase, or if you accept it by paying it.

If you don't agree to the rent rise, your landlord must give you at least one month's written notice of a proposed rent increase using Form 4. The new rent will apply after the notice expires. This will be a minimum of 28 days.



Can my landlord ask me to leave?

Yes, a landlord can ask you to leave if they want your accommodation back.

If your landlord lives with you, there is no minimum notice period that they must give you. However, it is usual for them to give you reasonable notice.

If you have a tenancy agreement, your landlord must give you:

- A written Section 21 Notice on the form 6A
- A minimum of two month's notice from the date you receive it

Your landlord can also serve you with a notice if you breach the terms of the tenancy ie, anti-social behaviour or if you don't pay your rent.

If you have rent arrears that are equal to or higher than two month's rent, your landlord can apply direct to the court to gain possession of the property. Your landlord must notify you if they do this.

If you receive any notice from your landlord, you can get advice from the Housing Options team. Please bring your notice with you when you attend our drop-in service.



Where can I get other advice and help from?

If you are served with a notice from your landlord or have a housing problem, please contact our Housing Options team on **01904 554500**.

If you have a problem with the condition of your property or repairs are not being carried out by your landlord, please contact our Housing Standards and Adaptations team on **01904 552300**.

If you have a query about your local housing allowance claim, please contact our Housing Benefits team on **01904 551556**.

If you need assistance with your Universal Credit claim, please contact the help line on **0345 600 0723**.



Write or call in;
Housing Options
City of York Council
West Offices
Station Rise
York YO1 6GA
01904 551550

If you have an emergency outside office hours, or at the weekend, contact our emergency duty team for advice about how we can help on **01609 780780**.

Email: housing.options@york.gov.uk

The Housing Options service is available from 8.30am to 5pm,
Monday to Friday.

We will arrange for a signer or interpreter to be available for an
interview if you ask for this in advance.



This information can be provided in your own language.

我們也用您們的語言提供這個信息 (Cantonese)

Ta informacja może być dostarczona w twoim (Polish)
własnym języku.

Bu bilgiyi kendi dilinizde almanız mümkündür. (Turkish)

 **01904 551550**