

Renting Homes – Frequently asked questions

Caerphilly Homes has put together a list of questions and answers that you may find useful.

What is the Renting Homes (Wales) Act?

The Act makes it simpler and easier for landlords and tenants to rent a home in Wales. It introduced changes to tenancy laws to increase the protection in place for you as tenants (social and private) as well as clearly identifying your rights and responsibilities.

Who does it affect?

All tenants and landlords in both the social and private rented sectors in Wales.

How will the Act affect me?

You will continue to receive the same service from Caerphilly Homes as your landlord.

Your legal rights to live in your home will not be any less secure and you will not have to move home.

You will keep all the rights from your current tenancy agreement plus gain some new ones.

When did the changes begin?

Your tenancy agreement automatically converted to an occupation contract on 1 December 2022.

Do I need to do anything?

No, there is nothing that you need to do right now. Your tenancy agreement will automatically convert to an occupation contract on 1 December 2022.

How has Caerphilly Homes prepared for the changes?

Caerphilly Homes has been liaising closely with Welsh Government, Welsh Local Government Association, and other housing organisations to prepare for the changes, and our staff are working hard to ensure the changes are implemented as seamlessly as possible.

How has Caerphilly Homes provided tenants with information about the act?

We have provided information to our tenants in lots of different ways including using social media and our Caerphilly Homes newsletter. The Welsh Government has also been raising awareness using the radio and billboards covering the information that tenants need to be aware of.

Have staff received training on the Renting Homes Act?

Yes, staff have received the training that they require to carry out their role.

How will Caerphilly Homes support me through the changes?

Our staff will be available to answer any queries you may have regarding the changes.

How many types of Occupation Contracts are there?

Two, a secure contract and a standard contract.

What is the difference between a secure contract and a standard contract?

A *Secure contract* will replace secure tenancies currently issued by the Council and assured tenancies issued by Registered Social Landlords (RSLs).

A *Standard contract* will be used by the private rented sector (PRS). The Council and RSL's can also use a standard contract in certain circumstances e.g., they could issue a 'supported standard contract' for supported accommodation.

What does the new contract contain?

Your occupation contract will be set out in a 'written statement'. The purpose of the written statement is to confirm the terms of the contract. This written statement must contain all required contractual terms. Your current rights will remain the same.

What are the contractual terms?

The contractual terms will include the following.

Key matters – e.g. Names of the contract holder(s) address of the home & rental amount. These will be included in every contract.

Fundamental Terms –Cover the most important aspects of the contract, including the landlord's obligations regarding repair etc.

Supplementary Terms –Deal with the more practical, day to day matters applying to the occupation contract, for example, the requirement to notify the landlord if a repair is required or requests for landlord consent.

Additional Terms – these contain any other specifically agreed matters, for example a term which relates to the keeping of pets.

When I transfer over to the new contract, will the length of my tenancy be affected?

No, the length of your tenancy will remain the same.

When will I receive my new contract and will it be a paper copy?

Existing tenants will receive their new occupation contracts within six months from 1 December 2022 which will replace their current Tenancy Agreement.

Contract holders (tenants) who rent a property after the 1 December 2022 will sign the new contract and will receive a copy within 14 days.

What do I need to do when I receive my contract?

Read your contract and check that you understand your rights and responsibilities before signing.

Where can I find out more information?

The Welsh Government have a dedicated website which can be viewed using the following link: <https://gov.wales/tenants-housing-law-changing-renting-homes>

What has changed?

How things are described:

Caerphilly Homes was previously described as a 'social landlord', this has changed to 'community landlord'.

Tenancy Agreements have been replaced by Occupation Contracts.

Tenants are now referred to as Contract holders.

Is it going to cost me money or increase my rent?

No, this has no effect on your rent and will not cost you any money. However, you will have a longer notice period (2 months) before any rent increases can be introduced.

What does Fitness for human habitation (FFHH) mean?

Landlords must ensure that the properties they rent are fit for people to live in. This includes completing electrical safety testing, fitting working smoke alarms and carbon monoxide detectors. In addition, rent will not be payable for any period during which the courts decide that the dwelling is not fit for human habitation.

For more information on this topic please click on this link <https://gov.wales/fitness-homes-human-habitation-guidance-landlords>

Can I withhold rent if my home is not fit to live in?

Rent will not be payable for any period during which the property has been determined by the Courts as not fit for human habitation.

Any concerns you have should be raised with Caerphilly Homes and you should continue to pay rent. If the Court decides that Caerphilly Homes has complied with the fitness obligation, you will be required to pay any rent you have withheld.

Joint contracts – what has changed?

Previously if one tenant ended their joint tenancy, the whole tenancy came to an end, leaving the remaining tenant without a tenancy.

Under the Act Contract-holders can be added, to create a joint contract and can also leave a contract, without the need to end one contract and start another. This gives greater protection to the remaining contract holder.

What does have enhanced succession rights mean?

The Act enables a 'priority' and 'reserve' successor to succeed to the occupation contract if the existing contractor holder dies but there are some restrictions.

If you share your home, two successions to the contract will be allowed to take place, for example a spouse followed by another family member. In addition, a new succession right for carers is created

Priority successor = a spouse/partner

Reserve Successor = a family member or carer.

I live in Supported accommodation how does the act affect me?

If you have lived in supported accommodation for more than 6 months, you become entitled to a 'supported standard contract'. This operates in a similar way to the standard contract but may include terms relating to:

the ability to relocate the contract-holder within the building

the ability to temporarily exclude the contract-holder from the dwelling for up to 48 hours, a maximum of 3 times in 6 months

Are there any changes relating to property abandonment?

Yes, under Renting Homes, Landlords can repossess an abandoned property without needing a court order, after serving a four-week warning notice and carrying out investigations to be sure the property is abandoned. This will make it quicker and easier for landlords to take back an abandoned property

Private Rented Sector

I'm a private rented tenant (contract holder) how does the Act affect me?

Some of the main changes that will affect you are as follows.

You will receive new standard occupation contracts and for the first time the Act places a legal requirement on private landlords to issue a contract in writing to contract-holders within the first 14 days of occupation.

You will also have increased security as the notice period that a landlord must give a contract holder under 'no fault' grounds (currently commonly known as a 'section 21 notice') changes from 2 months to 6 months. This notice cannot be served until 6 months after the contract starts. This means all contract-holders will have a minimum 12 months of security at the start of their tenancy.

What does protection against retaliatory eviction mean?

If a private landlord responds to a request for repair by issuing a possession notice, they will no longer be automatically entitled to possession if the Court is satisfied the landlord issued the notice to avoid carrying out the repair.

Where can I find out more information?

The Welsh Government have a dedicated website which can be viewed using the following link: <https://gov.wales/tenants-housing-law-changing-renting-homes>

Or by visiting Rent Smart Wales using the following link:
<https://www.rentsmart.gov.wales/en/home/>.