



Your

# PASSPORT

to renting a private home



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# Getting started

## About this guide

'Your Passport to Renting a Private Home' is a practical guide to finding and moving into a privately rented home. It is full of useful tips and information about renting privately.

Whether you are finding your own accommodation, or are being supported to do so, this passport is yours, to help you take the steps to your new home.

## When you want more information

As well as this guide, there is a web page where links to useful websites have been gathered. These are highlighted throughout the guide, and you can go to the web page whenever you need more information.

[www.yourpassport.org.uk](http://www.yourpassport.org.uk)

# Why not wait for social housing?

**Many people want to live in social housing. It is cheaper than private housing and gives tenants greater security. But social housing is in very short supply and is difficult to get. You could spend a very long time on a waiting list and still not be offered a home.**

Lots of people find renting privately is the best way forward. It is the quickest route to getting your own home and has other benefits too.

If you are living in a hostel the rent you pay to a private landlord will probably be less than you pay to the hostel. So while renting privately is not always cheap, it can be affordable.

If you would like support to manage your tenancy, this can be arranged. If you are in a hostel speak to your key worker. If not, speak to your local council's housing department, or even your GP.

# About the private rented sector

## What is it?

'Private rented sector', often shortened to PRS, is housing that is rented out as a business. A private sector landlord can be one person or a large company.

## How does it work?

Just like in social housing, when you move into your new home you will get a tenancy agreement. A tenancy agreement is a legal contract that defines your rights and responsibilities as a tenant. It is usually a written document.

Most people moving into the PRS will receive what is called an 'Assured Shorthold Tenancy' (AST). This gives you a legal right to occupy a property for an agreed period of time. To start with this should be for a minimum of six months, but ASTs are often for 12 months and occasionally even longer.

Whatever period of time agreed, you do not have to leave the property at the end of this - as long as you have not had notice from your landlord that they are going to get a court order to end your tenancy.

If no notice has been given to you, tenancies normally become 'periodic' after the fixed term ends, which means that you have a 'rolling' contract. You still have an AST, and all the rights and responsibilities that come with this.

If you and the landlord agree, however, you may decide to sign another tenancy agreement when the first one ends.

## What do I do if I just get a written or verbal agreement?

Sometimes a landlord may give you a written or verbal agreement instead of an Assured Shorthold Tenancy (AST). Whatever this agreement states, your rights and responsibilities will be similar to if you had an AST. The main exception to this is if you live with your landlord.



For more on this, go to page 8  
and read **What happens if I live with the landlord?**

It is best to have things in writing, so if you are offered a verbal tenancy, legally you can ask for a written statement of the main terms of the tenancy. Things like:

- The date the tenancy began
- How much the rent is and when it should be paid

- How often the rent will be reviewed
- The length of the tenancy if a fixed term has been agreed.

You have to apply for this statement in writing and your landlord must provide it within 28 days of receiving your request. If they do not, and do not have a reasonable excuse, they can be fined.



Visit [www.yourpassport.org.uk](http://www.yourpassport.org.uk)  
and go to *About your tenancy*

## Can I share with friends or other people?

Many people look forward to renting a home on their own and having their own private space. Living alone can be good but it is also worth thinking about sharing a home. Sharing is much cheaper and has other advantages.

Some people find that living alone is isolating and lonely. But remember to think very carefully about who you would like to live with. Then, when you do find the right person, sharing a home can be fun.



For more on this, go to page 16  
and read **I'm sharing a property. How do we sort out the bills?**

If you choose to move into a shared home, you can put your name on the tenancy agreement. If you enter into a tenancy agreement with other people it is called a 'shared tenancy'.

In a shared tenancy you are 'jointly and severally liable' for managing the tenancy. This means that any one of you could be held responsible for covering the full amount of the rent if someone does not pay their share.

If there is a breach in the tenancy agreement the landlord can bring an action against one or all of the tenants.

## What happens if I live with the landlord?

If you move into a room in a flat or a house, and share facilities with a landlord (or a member of their family) who also lives there, you will probably have an 'Excluded Tenancy'.

Unlike an AST, there is no minimum tenancy period for an excluded tenancy. You might choose this if you don't want to be tied into a fixed term, although it also means you have less security.



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and go to *About your tenancy*

## What are my rights and responsibilities?

### Your rights under an AST

- The property you live in as a tenant is YOUR home, NOT your landlord's. Your landlord cannot enter your home without giving written notice in advance unless it is an emergency.
- You can't redecorate your home without your landlord's permission. If they do agree, they might sometimes pay for materials (like paint and wallpaper) if you do the work yourself.

- Your landlord is responsible for repairs to the structure and exterior of the property. Any installations and services they provide, such as heating, hot water, sinks, baths and toilets, must work properly.
- Your landlord must make sure any gas and electrical installation is done properly and arrange a yearly CORGI gas inspection to check gas appliances are safe. It is also good practice for landlords to arrange safety checks for electrical appliances and installations, although there is no legal requirement for them to do this.

## **Your responsibilities under an AST**

Tenants in the private sector have the same responsibilities as tenants in social housing. This means you must:

- Pay your rent on time (even if you are in dispute with your landlord about anything)
- Pay the bills – for gas, electricity, telephone, council tax and water charges (unless it has been agreed that your landlord will pay any of these)
- Not leave your home empty for long periods of time
- Take care of the property (if not, the money for any repairs and replacements may be taken out of your deposit)
- Make sure you and your guests do not cause a nuisance to your neighbours or local community.

If you do not follow these and other rules set out in your tenancy agreement, your landlord can evict you. This applies to all tenants, including those in social housing. If you are in any doubt as to your rights or responsibilities under your tenancy agreement you can speak to the Citizens Advice Bureau or call Shelterline.



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and go to *Getting support*

## What happens if I want to move out?

You need to provide written notice to your landlord if you want to move out.

If you want to move out during the fixed term of your tenancy, you must agree this with your landlord (unless you are permitted to leave without your landlord's agreement by clause in your tenancy agreement). Some landlords may agree if you give them at least one month's notice, others will not.

If your landlord does not agree, you can still move, but legally you are obliged to pay the rent for the remaining period of your tenancy.

Although your landlord has a responsibility to try to re-let the accommodation, you have to wait until a suitable tenant has been found before you are released from your rental commitments.

If your tenancy is periodic, you will probably need to give one month's notice, although check your tenancy for details.

## What if the landlord wants the property back – can he just throw me out?

If you pay your rent on time, it is not usually in a landlord's interest to end a tenancy. Finding new tenants takes time and money. But if your landlord does want their property back, they cannot simply throw you out. They must give you written notice, usually two months.

## What happens at the end of my tenancy agreement?

A fixed term AST does not mean you automatically have to leave at the end of it. Your landlord must still give you two months written notice. If you do not move out by this time, the landlord may get a court order to end the tenancy.

This means that if you have a 12-month fixed term AST, and the landlord wants the property back at the end of the 12 months, they must give you two months' written notice 10 months into the tenancy at the latest.

If it has become a periodic tenancy (See 'How does it work?' on page 5) your landlord **MUST** still give you two months' notice in writing if they want you to leave.

Even if you only have a simple written or verbal agreement, (see 'What do I do if I just get a written or verbal agreement?' on page 6), you must still be given two months' notice.

In the case of Excluded Tenancies where it is not necessary to go to court to end the tenancy (see *'What happens if I live with the landlord?'* on page 8), your landlord does not have to give you two months' notice, but only 'reasonable notice'. If you pay your rent weekly, then they should usually give you at least one week's notice.

If it is paid monthly, they should usually give you one month's notice. As an excluded tenant, the landlord doesn't have to give you written notice but you should still request that they put it in writing.

## **What happens if my landlord says I have broken the tenancy agreement?**

Your landlord can give you written notice if you break the rules of the tenancy agreement.

If they do this, they must still provide you with written notice, setting out the legal grounds. Rent arrears of eight weeks or more, damage to property, anti-social behaviour, or any other breach of contract means your landlord can give you written notice.

The length of the notice will differ depending on the legal grounds being used.

# Can I get any financial help?

## Housing Benefit and Local Housing Allowance

Since April 2008 for tenants renting privately, Housing Benefit has been replaced by a 'Local Housing Allowance' (LHA).

Just like Housing Benefit, LHA is paid to people who are unemployed or on a low income to help pay the rent on their home.

The amount of LHA you receive depends on the area you live in, what size accommodation you need, and your age. If you are going to live on your own, you can only claim for one bedroom within your accommodation. You cannot claim LHA for a two-bedroom home, even if friends or family visit you regularly.

Before you start looking for a house or flat, find out what the LHA level is for your circumstances. You can do this by calling your local council or checking their website. Then you can look for accommodation within this amount.

If your rent is less than the LHA you are entitled to, you can keep up to £15 of the difference. This means that if the LHA is £120 per week and you find a property for £105, you can keep the £15 difference. But if the rent is £100 you cannot keep the full £20 difference, only the £15.

## Deposits and Rent Deposit Schemes

Most landlords require a deposit at the start of your tenancy, as well as the first month's rent in advance. A deposit is usually the same sum as one month's rent.

LHA does not cover deposit costs or pay in advance, but you may be able to get help through a 'Rent Deposit Scheme' or 'Access Scheme'. These offer landlords a guarantee, bond or cash on your behalf so that you can start a tenancy.

Ask your key worker or housing officer for more information about schemes that might be able to help you.



Visit [www.yourpassport.org.uk](http://www.yourpassport.org.uk)  
and go to *Finding a new home*



For more on this, go to page **21**  
and read **Finding a new home**

## Tenancy deposit protection

If you pay a cash deposit, your new landlord is no longer allowed to hold on to it. Instead they have to pass it on to a special scheme that acts as an independent third party. This makes it harder for landlords to withhold deposits unfairly at the end of a tenancy.

Within 14 days of you handing over your deposit the landlord or agent must give you the details about how your deposit is protected, including:

- the contact details of the tenancy deposit scheme selected
- the landlord or agent's contact details
- how to apply for the release of the deposit
- information explaining the purpose of the deposit
- what to do if there is a dispute about the deposit.

If a landlord does not protect your deposit or provide this information they can be fined. If your landlord has not protected your deposit in one of the government-approved schemes you can take legal action against them. If a court finds that your landlord is in breach of the legislation, you could be awarded three times the amount of the deposit.

## What about other costs?

On top of your rent and deposit, you are normally responsible for charges such as gas, electricity, water and council tax.

You may want to get a telephone line, install broadband or get a TV license – but check with your landlord first.

You might also consider getting contents insurance to protect your possessions from fire, damage or theft.

Your key worker or housing officer can provide further guidance about what these costs will add up to.

## Community Care Grants

See 'Settling into your new home' on page 24 to find out about Community Care Grants (CCGs). A CCG can help you with some of the costs of settling into your new home.

## I'm sharing a property. How do we sort out the bills?

Paying bills in a shared property can lead to arguments, but there are ways to avoid disputes.

When you move in call all the utility companies (gas, water, electricity) and council tax department to tell them the date you first moved in. This makes sure you will not be charged for the time before this.



For more on this, go to page 7  
and read **Can I share with friends or other people?**



Visit [www.yourpassport.org.uk](http://www.yourpassport.org.uk)  
and go to *Shared tenancies*

In shared accommodation you can put everyone's names on all the bills, or put different bills in different housemates' names. Although the second option seems easier, remember that the named person is then legally responsible for paying the whole bill.

To avoid problems you can set up a 'house' bank account in all the tenants' names. You can then set up direct debits for all your bills and you and the other tenants pay into the account each month.

This way you all make smaller, regular payments instead of one big payment every three months. Also, if you pay bills by direct debit, you often get a discount.

Ask if you can have an itemised bill. Some telephone companies provide a PIN system so that you can work out each tenant's bill easily.

Unpaid bills do not go away. Council tax departments and utility companies pursue people named on the account even if they have moved. They can take legal action if you do not pay your bills after several demands so it is important that you pay promptly.

## **I've got some debts – will I still be able to rent privately?**

If you have any debts, make sure your key worker or housing officer knows about them before you start the process of looking for your new home. Then you can work out together what kind of accommodation you can afford.

Having debts does not mean you cannot move into a new home, but it might mean that finding a property through a lettings agency, many of which require credit checks, will be difficult.

You can also go to your local Citizens Advice Bureau for debt advice.



For more on this, go to page **19**  
and read **Being in (and out of)**  
**employment**

## What do I do if I fall behind with my rent?

If you fall behind with your rent in any type of property – council, housing association or privately rented – you risk losing your home. This is true even if you are waiting for your Local Housing Allowance.

If you are worried about paying your rent, it is important not to ignore the problem. Landlords can be very understanding if you talk to them about any problems you are having.

You can talk to your housing officer, key worker, or other professionals involved in setting up your tenancy for advice and support. And Shelter has a free helpline.



Visit **[www.yourpassport.org.uk](http://www.yourpassport.org.uk)**  
and go to *Getting support*

# Being in (and out of) employment

## If I get a job, will I still be able to afford it?

Think about your budget before you take on a tenancy so that you are confident you can comfortably pay the rent and bills. The landlord or current tenants can normally give you a rough idea of how much the monthly bills are.

Look at your earnings and what you spend so that you can work out what your budget is. Lots of people do not know how they spend their money so take time to look through your bank statements to see exactly where your money goes.

When you first move into your new home you may find that your finances are stretched, especially if you are on a low income or working part-time. To avoid this try to limit how much you spend on non-essential things.

It may be tough at first, but remember that your earnings may increase. As you progress in your job, and gain more skills and experience, you are more likely to get a higher salary either with your current employer or another. As your income increases, living independently will get easier.

## What if my situation changes?

People often do not know they are entitled to benefits. Even if you are working you may still be entitled to financial support, such as:

- Jobseekers Allowance (if you are working under 16 hours per week)
- Local Housing Allowance
- Working Tax Credits.

Make sure you check with JobCentre Plus.

Although it can be worrying, most landlords accept Local Housing Allowance if you become unemployed. You can also claim Jobseekers Allowance to cover living expenses.

If you do lose your job, tell the Job Centre Plus and Local Housing Allowance offices immediately so you do not fall behind with your rent.

Local Housing Allowance rates vary in different areas so find out what the maximum rate is where you are going to live. Then find a rent level within this limit.

Changes in your income can affect your benefits. For example, as you earn more, your Local Housing Allowance will decrease. You will normally be better off when you earn more money, but check with JobCentre Plus or the Citizens Advice Bureau first. They can work out how the changes will affect your overall income. There are also online calculators which can help you do this.

# Finding a new home

## How do I find accommodation?

The quality and price of accommodation in the private rented sector varies a lot. So it is important to find out the average rent in the areas you want to live. You can do this by looking at websites or at adverts for vacant rooms and homes.

Schemes that help you to cover the deposit or first month's rent can sometimes help you to find accommodation and you can also find accommodation in local papers and college or work noticeboards.

Letting agencies are another option. They may save you leg work, but remember to check what their charges are for using their services and if there are any other associated costs.



Visit [www.yourpassport.org.uk](http://www.yourpassport.org.uk)  
and go to *Finding a new home*



For more on this, go to page **14**  
and read **Deposits and Rent Deposit Schemes**

## I'm not sure about looking at places on my own...

Think about your safety when viewing properties and if possible go with a friend. That way they can give you a second opinion too.

If you do have to go alone try not to go late at night and always tell someone the address. If you feel unsafe, leave immediately.

## What should I think about when I look around a property?

There are several things to think about when you look at a property. The landlord has to make sure the property meets minimum health and safety standards, but you should also check that it is in a good state of repair and that appliances work.

Don't be afraid to ask questions or point out to the landlord or agent anything that needs attention before you move in.

Think about the area. Do you feel safe and secure? How about coming home if you are working late?

Is the area near a tube station or bus stop? How long will it take to get to work or see your friends and family?



For more on this, go to pages **26** and **27** and read **Questions to ask landlords**

## What's an inventory?

An inventory is a document that describes the condition of a property and its contents when you move in. The inventory will be checked when you move out, so you must leave the property as you found it, excluding what is considered as normal wear and tear.

If you get an inventory, read it thoroughly and make sure you agree with everything BEFORE you sign it. If there is anything you do not agree with, for example if something is damaged, you should agree an amendment to the inventory with your landlord that takes account of the damage.

If you do not get an inventory, you can write your own and ask the landlord to sign it.



Visit [www.yourpassport.org.uk](http://www.yourpassport.org.uk)  
and go to *Settling into your new home*

It's a good idea to take photos of the property and contents, especially anything that is damaged or stained, as it may be useful proof when you move out. If there are items that do not work properly you can ask your landlord to replace them before you move in.

# After I've moved in

## Settling into your new home

Moving house is exciting but can also be unsettling. You can make it easier by getting to know your area and making sure you feel comfortable in your new surroundings.

Furnishing your home can be expensive but there are a number of projects and resources that can provide you with the items you might need.



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and go to *Settling into your new home*

Once you have moved in you need to find out about local services and amenities, like GP surgeries and post offices.

## Community Care Grants

If you are claiming Jobseekers Allowance or Income Support you may be able to get a Community Care Grant (CCG) to help you with buying furniture or other costs to help you settle into your new home. You do not have to pay it back.

The amount you get will depend on your circumstances. A CCG is not considered as income, so it does not affect other benefits. Contact your local JobCentre Plus for more information.



Visit [www.yourpassport.org.uk](http://www.yourpassport.org.uk)  
and go to *Money*

## What about support after I have moved in?

There are a range of services that can provide support and assistance when you move into your new home. Speak with your key worker or housing officer to work out the level of support you will receive and what they can help you with when you have moved.

The Supporting People website provides a list of 'floating support' services in London boroughs.

If you need advice or guidance on problems like noisy neighbours, legal issues, difficulties with landlords, or if you are finding it hard to pay your rent or bills, the Citizens Advice Bureau provide a one-stop shop that can point you to specialist advice.



Visit [www.yourpassport.org.uk](http://www.yourpassport.org.uk)  
and go to *Getting support*

## Will I still be able to afford to go out?

London is one of the most expensive cities in the world but you might be surprised at how much there is to do that is either free or low in cost.



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and go to *Settling into your new home*

# Questions to ask landlords

**When you look at accommodation, these are some of the questions you should ask the landlord or letting agent.**

- When is the accommodation available – what is the tenancy start date? You also need to know the notice period for where you are currently living so you can check the landlord is happy to wait until then.
- What is the monthly rent?
- What does the rent include? Are any utility costs (such as gas, electricity and water) and council tax included in the rent?
- If they are not included, what is the likely cost of these?
- Is the property furnished /unfurnished /part-furnished?
- Is a deposit required?

- If so, how much will it be?
- How will the deposit be protected?
- Are there any agent's fees to consider?
- Is the property likely to be let for a long period?
- Are there any plans to sell the property?
- Can the landlord provide copies of gas and electricity safety certificates?
- What type of tenancy is being issued? Can the landlord provide a written copy to look at before you agree to move in?
- Is the accommodation scheduled for any works such as repairs or decorations?

# Checklist

Use this checklist to help you gather together information you will need to move into your new home. Not all of it will be relevant to your situation. Ask your key worker or housing office to help you decide which paperwork might be useful.



Information about your place on the council housing list and other housing options available to you

A copy of your "resettlement plan" or "action plan"

Your current tenancy agreement

Rent statements and/or receipts of rent payments

Bank statements (preferably covering the last three months)

Payslips (preferably covering the last three months)

Details of current benefit entitlement (Job Seekers allowance JSA, Local Housing Allowance LHA, tax credits, etc)

Repayment plans for any outstanding debts

Details of any deposit, guarantee or rent in advance arrangements

Details of referees (preferably one from employment and one from your housing provider)

Your contract of employment

Details of the LHA entitlement for the borough/ areas you wish to live in

Your new tenancy agreement

Inventory for your new home

Community Care Grant application

Contact details of support available to you after move on

Contact details of any resettlement support available to you after move on

Information on furniture stores