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Tenant Fees

A brief guide for

landlords and agents

A brief guide for landlords and letting agents.

This leaflet has been produced to provide landlords and letting agents with an outline of what is required of them by the Tenant Fees Act 2019 as from the 1st June 2019. If you have any detailed queries you should take legal advice or contact Trading Standards.

As from the 1st June 2019 landlords and letting agents will no longer be able to charge fees beyond those listed below;

**• the rent,**

**• a refundable tenancy deposit capped at no more than five weeks’ rent (this increases to six weeks of rent where the annual rent is £50,000 or more),**

**• a refundable holding deposit capped at no more than one week’s rent,**

**• payments to change the tenancy when requested by the tenant. This is capped at £50, or reasonable costs incurred if higher,**

**• payments associated with early termination of the tenancy, when requested by the tenant,**

**• payments in respect of utilities, communication services, TV licence and council tax,**

**• A default fee for late payment of rent and replacement of a lost key/security device giving access to the housing, where required under a tenancy agreement**

Agreements entered into before 1 June 2019 may still include charges or other fees until 31 May 2020, when all fees not contained in the list above must stop.

Trading Standards authorities have a duty to enforce the Tenant Fees Act. You can contact your local Trading Standards service in Waltham Forest via Citizens Advice Consumer Services on Tel: 03454 04 05 06

**Who are Trading Standards?**

Trading Standards can determine whether a tenant or relevant person has been charged an unlawful or unfair fee by a landlord or agent and can issue a fine for breach of the ban, if this is established.

**Do tenants have any other enforcement options?**

The Act also makes provision for tenants to be able to recover unlawfully charged fees through the First-tier Tribunal. An outstanding unlawful fee prevents landlords from recovering possession of their property via the section 21 eviction procedure until they have repaid the unlawfully charged fees or holding deposit. Tenants can also seek repayment through the relevant redress scheme (where this concerns an agent).

**What is a lead enforcement authority?**

The Secretary of State (i.e. the Government) can arrange for a lead enforcement authority whose duty it is to oversee the operation of the tenant fees ban. Bristol City Council is currently appointed as the lead enforcement authority, operating as the National Trading Standards Lettings and Estate Agency Team.

**What evidence will I need?**

You should keep any evidence of payments that you have requested a tenant to make, for example; • tenancy or pre-tenancy agreements • receipts and invoices • bank statements • correspondence from the tenant – emails, letters, texts • notes that you made at the time or shortly after any conversation with a tenant

**What are the penalties for failing to comply?**

In the first instance a breach of the legislation will usually be considered a civil offence. In such cases a financial penalty of up to £5,000 will be levied on you.

If a subsequent breach occurs within 5 years then an offence is committed, and local authorities may prosecute or may impose a financial penalty of up to £30,000 as an alternative to prosecution. In such a case, local authorities will have discretion whether to prosecute or impose a financial penalty. Where a financial penalty is imposed this does not amount to a criminal conviction.

A breach of the requirement to repay the holding deposit is a civil offence and will be subject to a financial penalty of up to £5,000.

Each request made for a prohibited payment is a breach which could result in multiple penalties.

Download and keep a copy of the Government’s [**“Guidance for Landlords and Agents” document**](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/791280/TFA_Guidance_for_Tenants.pdf)**.** <https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/819634/TFA_Landlord_and_Agent_Guidance_190722.pdf>

Contacts;

Waltham Forest Housing Advice; 020 8496 3000

Citizens Advice Consumer Services; 03454 04 05 06