

Annex 2

Legislative Changes

How to Rent Guide – 17 January 2018 and 26 June 2018 – England only

The Ministry of Housing, Communities & Local Government (MHCLG) has published a new [How to Rent The checklist for renting in England](#), commonly referred to as the How to Rent Guide.

This booklet must be provided to assured shorthold tenants whose tenancy started or was renewed from 26 June 2018 onwards.

Minimum Energy Levels Regulations (MEES) – 1 April 2018 – England and Wales

From 1 April 2018, any building which is to be rented on a new tenancy or a renewal, must have a minimum energy rating of “E”.

From 1 April 2020, the minimum level “E” applies to all tenancies – including existing.

There are a number of exemptions available and if one of those exemptions apply, the property must be registered on the National PRS Exemptions Register.

[Our article about minimum energy levels has more detailed information.](#)

Banning Orders and Rogue Landlord/Agent Database – 6 April 2018 – England Only

From 6 April 2018, a local authority may apply to a tribunal and obtain a banning order against a landlord or agent after they have been convicted of a banning order offence. Banning order offences include: illegally evicting or harassing an occupier, failing to comply with an HHSRS notice, HMO offences, fire offences, drug offences and others.

In addition, a landlord or agent with a banning order must be placed on a national database. A landlord or agent may also be placed on the database if they've been convicted of a banning order offence (even without a banning order).

Gas Safety (Installation and Use) (Amendment) Regulations 2018 – 6 April 2018 – England and Wales

The Gas Safety Regulations are being amended and of particular interest is an improvement in flexibility for landlords and agents when obtaining a gas safety record.

Deregulation Act 2015 – 1 October 2018 – England only

The provisions as outlined below that came into effect for England on 1 October 2015 will apply to all tenancies from 1 October 2018 – not just new tenancies or renewals:

- Use of new section 21 notice (form 6A)
- No longer need to expire section 21 “after last day of a period”

- Section 21 cannot be served for first four months and can no longer be used from six months after service
- Apportioned rent rules after service of section 21 notice
- Retaliatory eviction provisions

Note that the providing of the How to Rent Guide is excluded from the list and is not required for tenancies before 1 October 2015 unless renewed after.

Houses in Multiple Occupation and Residential Property Licensing Reforms – 1 October 2018 –

Any property with 5 or more occupiers and all those occupiers are not related to one another will require an HMO licence irrespective of the number of storeys. Currently, there would need to be 3 storeys in addition to the 5 or more occupiers to require a licence.

Furthermore, draft minimum room size regulations have now been published. The following minimum room sizes in an HMO are likely to be applied in an HMO which requires a mandatory licence:

- a sleeping room for one adult must measure at least 6.51 square metres
- two adults should be no smaller than 10.22 square metres
- rooms for children up to 10 years old must have an area of 4.64 square metres or more.