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GUIDE FOR LANDLORDS AND TENANTS

RENTING HOMES (WALES) ACT 2016



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Demise of Assured Shorthold Tenancies

On 15 July 2022 the rules about renting a home in Wales will change. The Renting Homes (Wales) Act will be introduced.

Key Changes

- Most tenancies and licences including assured shorthold, assured and secure tenancies will be replaced by:
 - i. A secure occupation contract
 - ii. A standard occupation contract
- The type of contract hinges on who owns the property – private landlords will generally provide secure occupation contracts.
- Tenants will be known as “contract holders”

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Terms of the new contract

- Standard terms will be introduced and it is mandatory they are included in the occupation contract.
- Within 14 days of moving into a property the Landlord must provide to the contract holder (tenant) with a written statement. This must clearly set out the rights of both the Landlord and the contract holder.
- If a Landlord fails to do so in that time frame, or provides an incomplete or incorrect statement, he will face penalties.

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Repairs and Conditions of Rented Properties

All rented property **MUST** be fit for human habitation.

The test is based on the existing Housing Health and Safety Rating System.

Landlords must keep the structure and exterior in repair and ensure installations for the supply of water, gas/electricity, sanitation, heating and hot water are in proper working order.

These are mandatory obligations to be included in the occupation contract.

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RETALIATORY EVICTIONS

A Landlord will be prohibited from evicting a contract holder because they complained about the condition of the property.

If a Landlord applies for a possession order but the order is refused on the basis that it was a retaliatory eviction, he will be prevented from issuing a further “no fault notice” until the expiration of 6 months.

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JOINT CONTRACT HOLDERS

A joint contract holder will be able to move out without the contract ending for the remaining joint tenants.

New joint tenants can be added without having to end the current contract and start another one.

JOINT CONTRACT
HOLDERS

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ENDING OCCUPATION CONTACTS

There will be a notice period of 6 months (note that currently if a s21 notice is served, the requirement is 2 months).

No notice may be given until 6 months after the contract starts (cannot be given at the commencement of the contract).

Any notice provided by the Landlord will be defective unless compliant with certain obligations – registration, licensing, deposit protection, health and safety.

Break clauses will be prohibited unless the contract is for a fixed term of 2 years or more (break clause cannot be exercised within first 18 months)

ENDING OCCUPATION
CONTACTS

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Enhanced Succession Rights

The Act will provide a more simplistic method for certain groups of people. It allows 2 succession to the contract to take place, for example a spouse followed by another family member or some carers to take over the contract on death.

ABANDONMENT

A new procedure will be introduced for Landlords to be able to obtain possession of an abandoned property. This enables landlords to repossess an abandoned property without needing a court order, after serving a four week warning notice and carrying out investigations to satisfy the property is abandoned.

ENHANCED SUCCESSION
RIGHTS

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Useful Links:

<https://sheltercymru.org.uk/get-advice/renting/the-renting-homes-wales-act-2016/>

<https://gov.wales/landlords-housing-law-changing-renting-homes>

Here at MLS we are regularly instructed by landlords and tenants to advise on compliance and possession claims.

If you have any questions, please contact us on 01244 478 730 and we will be happy to help.

Why not book a free consultation with your local solicitor today?

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We hope you found this guide useful, should you require further support or have any questions, please reach out to us.

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