

GUIDANCE NOTES

Rentsmart Wales

Do you Manage a Rental Property?

Landlords and agents are now required by law to be registered or licenced.

A new law has been introduced in Wales which applies to all landlords and agents of private residential property. If you own, rent out, manage and/or live in a rented property then this law will impact on you.

Are you a Landlord?

If your answer is 'yes' to the following questions then you'll need to register as a landlord:	
Do you own a residential property that you don't live in? 'Yes' <input type="checkbox"/>	Registration is quick and easy. It can be done on-line at rentsmart.gov.wales or telephone 03000 133344 to request a paper form to complete and return.
Do you let someone else live in it? 'Yes' <input type="checkbox"/>	Landlords must provide their name, contact information and date of birth. They must also provide the address and details of each rental property for which they are the landlord. There is also a fee to pay.
Do you receive money for them living there? 'Yes' <input type="checkbox"/>	During registration the landlord must state who undertakes the letting and management at each rental property. It is that person who will need a licence from Rent Smart Wales. If there is a sharing of responsibilities, then all parties will need to be licensed.

I own the property with someone else, do we all have to register?

No, one landlord can register on behalf of other joint landlords but they must include on the registration the name and date of birth of each of the other joint landlords.

I am part of an organisation which is the landlord of private rented property, what do we have to do?

Companies who own and rent out properties are landlords and must register. The person completing the landlord registration on behalf of the organisation must also provide the company registration number as appropriate.

I do not manage my rental property day to day, I instruct an agent to manage on my behalf, do I have to register?

Yes. As the legal landlord of the property the obligation is on you to register. An agent cannot register on your behalf. However, you will not need to obtain a licence; instead you must instruct a licensed agent and note their details on your registration.

Registration will last for 5 years and will then need to be renewed. During the registered period, landlords are under a legal obligation to keep the information they have provided up to date, eg if they change address or buy or sell a rental property.

What happens if I do not register?

Landlords have 12 months from introduction on 23 November 2015 to register. After this time a person found guilty of this offence can be issued with a fixed penalty of £150, or if taken to court can be fined up to £1,000.

What happens if I do not keep my registration up to date or I provide false or misleading information?

A person found guilty of not keeping their information up to date can be issued with a fixed penalty notice of £150, or if taken to court can be fined up to £200.

Providing false or misleading information is a more significant offence and a fixed penalty notice would be £250 and the potential court fine is unlimited.

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If your answer is 'yes' to one of the following questions then you'll need to apply for a licence:	
Are you a landlord who self-manages your rental property? 'Yes' <input type="checkbox"/>	You can apply for a licence on-line at rentsmart.gov.wales or you can telephone 03000 133344 to request a paper form to complete and return.
Are you an agent who lets and manages properties on behalf of landlords? 'Yes' <input type="checkbox"/>	An applicant will be granted a licence if they: <ul style="list-style-type: none"> <input type="checkbox"/> are 'Fit and Proper' <input type="checkbox"/> have attended approved training (including any staff they employ who have letting and management tasks) <input type="checkbox"/> have paid the fee
Are you a friend, family member or associate of a landlord who looks after their rental properties for them? 'Yes' <input type="checkbox"/>	Approved training is available through Rent Smart Wales, or approved training offered by alternative providers. Look out for the approved brand when looking for a suitable course.

I own a property jointly and we both undertake letting and management activities, do we both have to obtain a licence?

Yes, you will both need to obtain an individual landlord licence. This licence will cover you at any rental property for which you have a landlord interest in Wales and permits you to undertake letting and management activities.

What happens if I do not obtain a licence?

Landlords and agents have 12 months from introduction on 23 November 2015 to obtain their licence. After this time a person found guilty of letting and managing rental property in Wales without a licence can be issued with a fixed penalty of £250, or if taken to court could face an unlimited fine.

How much will it cost to obtain a licence?

There are different fee costs for landlords and agents to obtain a licence. Licence training costs will depend on which training is chosen and how many people the applicant must have trained in order for them to obtain a licence (eg an agency with 20 staff will have much higher training costs than a landlord who has no staff and undertakes all letting and management themselves.)

Once licensed, what happens next?

A licence lasts 5 years. However, in order to keep the licence the licensee must comply with its conditions. A condition of all licences is that the person complies with the Welsh Government issued Code of Practice.

If a landlord or agent cannot obtain a licence, or due to non compliance the licence is removed, they are unable to undertake the letting and management of rental properties in Wales.

Are you a tenant?

Rent Smart Wales offers a number of services for tenants and encourages them to use www.rentsmart.gov.wales

- **on-line check:** tenants can verify that a landlord is registered and the agent or self-managing landlord is licensed for a rental property in Wales by using the on-line search
- **anonymous reporting:** tenants are able to report un-registered properties and landlords and agents operating without a licence
- **tenant guidance pages:** tenants can access help and useful information on their rights and obligations when renting.

To find out more and to apply

Visit www.rentsmart.gov.wales or call 03000 133344
 Rent Smart Wales, PO Box 1106, CARDIFF CF11 1UA

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