

MLAS Code of Conduct

DECLARATION

A. I declare that I will conform to the Midland Landlord Accreditation Scheme's following Code of Conduct:

CODE OF CONDUCT

All tenants will be treated with appropriate courtesy and respect.

- 1 I will always act in a fair, honest and reasonable way in all my dealings with tenants and will respect their rights to peaceful and quiet enjoyment of the property;
- 2 I will not discriminate in my dealings with prospective and/or existing tenants or treat them less favourably than others because of their colour, creed, ethnic or national origin, disability, age, sex, marital status, sexuality, politics, or their responsibility for dependants;
- 3 I will, emergencies excepted, give the tenant reasonable notice (at least 24 hours and in writing, stating reasons) when access to the property is required by the landlord, contractor or agent.
- 4 I will provide tenants with a written statement of the terms of their occupancy (a tenancy agreement), together with a current inventory, a contact telephone number or other means of contacting the landlord or their agent in an emergency, and details of what conditions as attached to the deposit or bond.
- 5 For agents, I will provide a written statement of terms and conditions to landlords detailing all the rights, responsibilities and liabilities of the agency agreement.
- 6 I will acknowledge promptly all written communications received from the tenant and will respond appropriately to telephone or other verbal messages and will, when so requested, provide the tenant with a written statement of their tenancy account;
- 7 Before proceedings are commenced, I will notify the tenant in writing of any breach of the tenancy agreement that is to be used as a basis for legal proceedings against the tenant;
- 8 I will not cause harassment to a tenant or instruct or undertake any action that involves the tenant being illegally evicted or harassed;
- 9 Subject to any statute and/or separate agreements and unless I have good legal cause, I will return promptly at the end of the tenancy, any deposit paid by the tenant, which is held by me or on my behalf. If required, a written statement accounting for and explaining any deductions will be provided. The tenant will also be told of the steps they can take if they are not satisfied that the deductions are fair and reasonable.
- 10 I will not refuse a tenant a reference for the purposes of securing a new tenancy, without good cause.

The landlord will, and an agent will take all reasonable steps to, ensure that the tenant is provided with accommodation that complies with relevant legal requirements, in particular

- 11 I will take all reasonable steps to ensure all accommodation I provide will not fall below the current minimum legal standards for habitation. That is it is in a reasonable state of repair, has adequate fire safety and amenities and meets basic standards of management.
 - a. Agents who are not responsible for property standards will inform the landlord in writing of any areas requiring attention, or other statutory requirement, and will notify the local authority if the landlord fails to rectify. However in the case of a serious risk to anyone's health or safety, I will, when made aware by any occupier, also advise them to notify the local authority. In the event of the occupier being unable to do this I will report the matter on their behalf.
 - b. Landlords, or managing agents, will prepare an improvement plan if the property does not meet the current minimum standards. The improvement plan will set out how, and within what period, improvement will take place. Any local authority having reason to inspect such a property, whilst fulfilling their statutory functions, may request this plan.
- 12 All disrepair or defects in the property for which I am responsible will be attended to promptly with minimum disturbance to the tenant.
- 13 Subject to statutory rights of appeal, I will comply with all statutory notices served by a local authority;
- 14 Subject to statutes, I shall hold all relevant safety certificates in respect of gas installation and appliances in the accommodation provided for letting which are my responsibility, and copies of these will be provided to the tenant. Where automatic fire detection or emergency lighting is a requirement, I shall ensure that installations are properly serviced by a competent person in accordance with the relevant British Standards;
- 15 I will not advertise or claim any property as belonging to any person or organisation accredited under the MLAS unless the responsible local authority's private sector housing team has been notified in writing that the property is (or is to be) rented out to tenants;
- 16 I will take steps to maintain and improve my knowledge of current relevant legislation and good practice.
- 17 For agents only, I shall provide all landlords with information about the MLAS and urge them to apply to join the scheme.
- 18 I will not act in such a manner that brings the Midland Landlord Accreditation Scheme into disrepute.

All references to an individual in this Code will apply equally to relevant Directors, Partners and/or employees of a Company or business accredited under this scheme.

FIT AND PROPER PERSON

B AND I declare that I am a fit and proper person to be accredited in that neither I, nor any person associated or formerly associated with me, have any unspent convictions that are relevant to my application and in particular:

- (a) any offence involving fraud or other dishonesty, or violence or drugs or any offence listed in Schedule 3 to the Sexual Offences Act 2003;
- (b) any unlawful discrimination on grounds of sex, colour, race, ethnic or national origins or disability in, or in connection with, the carrying on of any business; and
- (c) contravention of any provision of the law relating to housing or of landlord and tenant law; (including any civil proceedings that you have lost).

And that during the last 5 years neither I, nor any person associated or formerly associated with me, have:

- (a) been in control of any property subject to a control order under S379 of the Housing Act 1985;
- (b) been refused a licence or had a licence removed for any property in relation to HMO, additional or selective licensing under the Housing Act 2004;
- (c) been found to have breached a condition on a licence for any property in relation to HMO, additional or selective licensing under the Housing Act 2004;
- (d) been found by a local authority to have acted otherwise than in accordance with any Code of Practice approved under Section 233 of the Housing Act 2004;
- (e) been in control of any property that has been the subject of any proceedings by a local authority (such as breaches of the Environmental Protection Act, planning control of compulsory purchase proceedings.);
- (f) been in control of any property on which the local authority has carried out work in default; or
- (g) been in control of any property, which has been the subject of an interim or final management order or a special interim management order under the Housing Act 2004

Accrediting Agents Policy

Agents represent a significant percentage of those accredited within the Midland Landlord Accreditation Scheme (MLAS). They can directly shape landlord tenancy relations, frequently are the first people to inspect properties bought into the rental market, influence landlords' decisions and directly impact on the private rented market in their own right. Letting and managing agents are largely unregulated and some agents are not members of recognised trade organisations. It is therefore important that agents are encouraged to become accredited and to promote accreditation among the landlords they deal with on a day-to-day basis.

Agents can be accredited in their own right providing they satisfy the following:

1. The Agency must satisfy the 2/3rds rule that applies to all companies and partnerships, which states that 2/3rd of the directors and 2/3rd of the staff involved with the day-to-day lettings business must be accredited in order for the organisation to become accredited. This means these staff must attend a one-day development course, be "fit and proper" persons and comply with the MLAS code of conduct.
2. If the Agency has several branches, individual branches can only be accredited provided the 2/3rds rule above is satisfied for that branch.
3. The Agency must be a member of NALS (National Approved Letting Scheme), ARLA (Association of Residential Letting Agents), ARMA (Association of Residential Managing Agents), NAEA (National Association of Estate Agents) RICS (Royal Institution of Chartered Surveyors) or a professional body that is governed by a code of conduct, enforced by the professional body.
4. Agents not a member of a recognised organisation, will need to provide evidence of competency in operating their business in a fair and legal manner.
5. The Agency must have written contracts with their landlords.
6. The Agency must not let or advertise a property on behalf of a landlord who has been expelled from MLAS (this can be checked on the website or MLAS).
7. The Agency must recommend in a written format that their landlords become members of the MLAS and:
 - make MLAS information readily available in their offices and/or
 - include the MLAS logo on printed material where possible or
 - include a link to the MLAS website (www.mlas-online.co.uk) on their website
8. The Agency must tell tenants if the individual landlord they are letting from is accredited or not.
9. The Agency must take responsibility for ensuring that all properties they let meet the MLAS code of conduct

MLAS will endeavor to:

1. Provide the MLAS Accredited Agent Logo and the MLAS logos to help to promote the Scheme
2. Place Accredited Agents' details on MLAS website
3. Provide agents with leaflets to place in their office (electronic copies available from the MLAS website).
4. Provide the Agent with an accreditation certificate in that agent's name.

Breach of the code of conduct or resignation or removal from an approved trade organisation would be prima facie grounds for removal of Accreditation Status.