

Your duties as landlord

Secretary of a Tenants' Association requiring the landlord to provide information about tenants who are not members of the association

The Tenants' Associations (Provisions Relating to Recognition and Provision of Information) (England) Regulations 2018

Duty 1: Acknowledgment of request notice

When served by a secretary of a tenants' association with a request notice for information about relevant qualifying tenants who are not members of the association, a landlord must within seven days (beginning with the date on which the request notice was received):

1. acknowledge receipt of the request notice in writing; and
2. Inform the secretary of the tenants' association that the landlord will provide a substantive response to the notice.*

Duty 2: Contacting relevant qualifying tenants

Once served with a request notice, a landlord must, as soon as practicable, send an information form to each relevant qualifying tenant about whom information has been requested.

The "information form" is a written document which:

1. informs the leaseholder that a tenants' association has requested that the landlord provide information relating to the qualifying tenant;
2. sets out what information has been requested in relation to the qualifying tenant;
3. identifies the tenants' association that has made the request;
4. includes the postal address of the tenants' association and its e-mail address (if it has one);
5. asks the qualifying tenant for written consent to disclose the information to the tenants' association,
6. Informs the qualifying tenant that the information will not be disclosed without that consent;
7. informs the qualifying tenant that the tenants' association has stated in its request that the information will only be used to ask the qualifying tenant if they want to become a member of that association;
8. informs the qualifying tenant that any queries relating to the tenants' association should be directed to that tenants' association;
9. asks the qualifying tenant to reply within 28 days (beginning with the date of receipt of the information form):

- confirming that they consent to all of the information being disclosed;
 - confirming that they consent to some of the information being disclosed (and what that is);
 - confirming that they do not consent to any of the information being disclosed;
10. gives a postal address and e-mail address (if the landlord has one) which can be used to reply to the landlord; and
11. is signed and dated by the landlord.

Duty 3: Substantive response to request notice

A landlord has four months (beginning with the date on which the request notice was received) to provide a substantive response to the tenants' association.

This substantive response must be in writing.

The substantive response must either state:

1. all information which the landlord has consent to disclose; or
2. That there is no such information.

The substantive response must:

1. state the number of qualifying tenants to whom the landlord sent an information form; and
2. state the number of such qualifying tenants who did not give written consent for information to be disclosed
3. Be signed and dated.
4. Be accompanied by a statement signed and dated by the landlord that the information contained in the substantive response is true to the best of the landlord's knowledge and belief.

Duty 4: Further disclosure

Where a landlord receives consent from a qualifying tenant to disclose known information after the four month period, the landlord must disclose that known information as soon as reasonably practicable after consent has been received. Such further disclosure must be in writing and accompanied by a statement that the information comprising the further disclosure is true to the landlord's knowledge and belief. This statement must be signed and dated by the landlord.

Landlord's failure to comply with duties

The First Tier Tribunal (Property Chamber) ("the FTT") can deal with landlords who fail to comply with their duties.

The secretary of a tenants' association can apply to the FTT for an order requiring a landlord to:

1. **acknowledge their request notice;**
2. **contact relevant qualifying tenants ;**
3. **provide a substantive response to the request notice.**

*If the landlord does not consider the request notice to be valid they must, within seven days beginning with the date on which the notice was received-

1. Inform the secretary of the tenants' association in writing that the landlord will not provide a substantive response because the landlord does not consider the notice received to be a valid request notice: and

2. Give reasons as to why the landlord does not consider the notice to be a valid one.

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