

Health and Safety, and other Legal Requirements

The following requirements are the responsibility of the owner (Landlord). Where we are managing the property they are also our responsibility. Therefore where we are managing we will ensure compliance, any costs of which will be the responsibility of the landlord.

Gas

Annual safety check: Under the Gas Safety (Installation and Use) Regulations 1998 all gas appliances and flues in rented accommodation must be checked for safety at least every 12 months by a Gas Safe registered engineer. They must be maintained in a safe condition at all times, records kept for at least 2 years, and a copy of the safety certificate given to each new tenant before their tenancy commences.

Electrical

There are several regulations relating to electrical installations, equipment and appliance safety, these affect landlords and their agents in that they are 'supplying in the course of business'. They include the Electrical Equipment (Safety) Regulations 1994, the Plugs and Sockets Regulations 1994, the 2005 Building Regulation – 'Part P, and British Standard BS1363 relating to plugs and sockets. The only safe way to ensure safety and to avoid the risk of being accused of neglecting your 'duty of care', is to arrange such an inspection and certificate.

Fire

The Furniture and Furnishings (Fire) (Safety) Regulations 1988 (amended 1989 & 1993) provide that specified items supplied in the course of letting property must meet minimum fire resistance standards. The regulations apply to all upholstered furniture, beds, headboards and mattresses, sofa-beds, futons and other convertibles, nursery furniture, garden furniture suitable for use in a dwelling, scatter cushions, pillows and non-original covers for furniture. They do not apply to antique furniture or furniture made before 1950 and certain other items. Non-compliant items must be removed before a tenancy commences.

Smoke Alarms

All properties built since June 1992 must have been fitted with mains powered smoke detector alarms from new. The common law 'duty of care' means that Landlords and their agents could be liable should a fire cause injury or damage in a tenanted property where smoke alarms are not fitted. We therefore strongly recommend that the Landlord fit at least one alarm on each floor (in the hall and landing areas).

Is your property a House in Multiple Occupation (HMO)?

If your property is on 3 or more levels and let to 5 or more tenants comprising 2 or more households (i.e. not all of the same family) it will be subject to mandatory licensing by your local authority. Whether mandatory licensing as above applies or not, if there are 3 or more tenants not all related in any property, it is still likely to be an HMO and special Management rules will apply.

The Housing Health and Safety Rating System (HHSRS)

The HHSRS provides an analysis of how hazardous a property is through assessment of 29 potential hazards found in housing. Landlords have to maintain their properties to provide a safe and healthy environment. The HHSRS is enforced by local authorities.

Tenancy Deposit Protection

All deposits taken by landlords and letting agents under Assured Short hold Tenancies (ASTs) in England and Wales must be protected by a tenancy deposit protection scheme. To avoid any disputes going to court, each scheme is supported by an alternative dispute resolution service (ADR). Landlords and letting agents can choose between two types of scheme; a single custodial scheme and two insurance-based schemes.

The Disability Discrimination Act 2005

The DDA 2005 addresses the limitations of current legislation by extending disabled people's rights in respect of premises that are let or to be let and common hold premises. Landlords and managers of let premises and premises that are to let will be required to make reasonable adjustments for disabled people.

Energy Performance Certificates (EPCs)

Since 1st October 2008 landlords in England and Wales offering property for rent are required by law to provide prospective tenants with an Energy Performance Certificate for their property. In Scotland EPCs for rental properties have been required since January 2009. The certificates must be provided free either when (or before) any written information about the property is provided to prospective tenants or a viewing is conducted. A EPC is valid for 10 years. We can arrange an EPC inspection for our landlord clients upon request.

The above is a brief summary of landlords' responsibilities and of the laws surrounding tenanted property. We hope that you find it useful. If there are any aspects of which you are unsure, please ask us. We look forward to being of assistance to you in the letting and management of your property. If you wish you can print this page by using your browser Print option.