

## **Housing Fact Sheet – Landlords and Managing Agents**

### **Housing Health and Safety Rating System (HHSRS)**

All rented properties in Rossendale must be free from Category 1 hazards and high Category 2 hazards as determined through the HHSRS.

The key principle of the system is to consider the health and safety of the people living in properties in relation to 29 hazards. These include damp and mould; excess cold; fire; falls; and electrical hazards.

**Further information about the rating system is available:**

<https://www.gov.uk/government/publications/housing-health-and-safety-rating-system-guidance-for-landlords-and-property-related-professionals>

### **Fire Safety and Carbon Monoxide**

The Smoke and Carbon Monoxide Alarm (England) Regulations 2015 state that private sector landlords from 1 October 2015 must have at least one smoke alarm installed on every level of the property (mezzanines do not count), and a carbon monoxide alarm in any room containing a working fireplace that uses coal, wood or another type of solid fuel.

The landlord must make sure that the alarms are working at the start of each new tenancy. Even if an agent manages the property, legally it is the landlord's responsibility to make sure that the property meets the legal requirements.

After the start of the tenancy, tenants should test the alarms regularly themselves to make sure they are still working - ideally at least once a month. The requirements will be enforced by local authorities who can impose a fine of up to £5,000 where a landlord fails to comply with a remedial notice.

<https://www.gov.uk/government/publications/smoke-and-carbon-monoxide-alarms-explanatory-booklet-for-landlords/the-smoke-and-carbon-monoxide-alarm-england-regulations-2015-qa-booklet-for-the-private-rented-sector-landlords-and-tenants>

Please be aware that the regulations do not contain all the fire safety requirements which your property may be subject to. There are fire safety requirements under other legislation which may be applicable, such as under Part 1 of the Housing Act 2004 and the Regulatory Reform (Fire Safety) Order 2005.

### **Gas Safety**

Landlords have a legal duty to arrange gas safety checks in rented properties. A gas safety certificate must be provided in accordance with the Gas Safety (Installation and Use) Regulations 1998. The certificate must be renewed annually and a copy provided to the tenant.

Checks can include:

- a) Making sure products of combustion (fumes) are being safely removed outside via the flue or chimney
- b) Ensuring an appliance is burning the gas properly, and that there's an adequate supply of fresh air for it to do so
- c) Making sure all safety devices are working properly and shutting off an appliance if a fault is found

The Gas Safety (Installation and Use) Regulations 1998 make it mandatory that gas appliances are maintained in a safe condition at all times.

Landlords are required by the regulations to ensure that all gas appliances are adequately maintained and that an annual safety check is carried out by a Gas Safe registered tradesperson.

Further information is also available at:

[http://www.gassaferegister.co.uk/advice/renting\\_a\\_property/for\\_landlords.aspx](http://www.gassaferegister.co.uk/advice/renting_a_property/for_landlords.aspx)

If tenants suspect that gas safety checks have not been carried out they can report the landlord/ Managing Agent to The Health and Safety Executive:

<http://www.hse.gov.uk/gas/domestic/faqtenant.htm>

### **Electrical Safety**

The electrical installation should be inspected by a competent person in accordance with British Standard 7671 at intervals of no more than 5 years with a test certificate provided. It is recommended that the electrical installation is re-inspected after every change of tenancy.

From the 1st July 2020 all new tenancies in private rented sector are required to have an Electrical Installation Condition Report (EICR). From the 1st April 2021 this requirement extended to all existing tenancies.

Following the inspection and testing the landlord must obtain a report from the person conducting that inspection which gives the results of the inspection and the date of the next inspection. They are also required to:

- a) Supply a copy of that report to each existing tenant of the house within 28 days of the inspection
- b) Supply a copy of that report to the Council within 7 days of receiving a request in writing for it from that authority
- c) Retain a copy of that report until the next inspection and supply a copy to the person carrying out the next inspection
- d) Supply a copy of the most recent report to any new tenant of the house before that tenant occupies that house and any prospective tenant within 28 days of receiving a request in writing for it from that prospective tenant.

## **Tenancy Deposit Schemes**

Landlords must put any deposit paid by a tenant into a government-backed tenancy deposit scheme (TDP), if a property is rented on an assured shorthold tenancy that started after the 6 April 2007.

In England and Wales the deposit can be registered with:

- Deposit Protection Service (Custodial and Insured) <http://www.depositprotection.com/>
- MyDeposits - including deposits that were with Capita <http://www.mydeposits.co.uk/>
- Tenancy Deposit Scheme <https://www.tenancydepositscheme.com/>

The deposit must be paid into the scheme within 30 days of the landlord receiving it.

A notice seeking possession (under section 21 of the Housing Act 1988) is likely to be invalid and unsuccessful if the landlord has failed to secure a deposit.

Tenants can apply to the [local county court](#) if they think that the landlord hasn't used a Tenancy Deposit scheme when they should have.

If the court finds that the landlord hasn't protected a deposit, it can order the person holding the deposit to either:

- repay it
- pay it into a TDP scheme's bank account within 14 days
- The court may also order the landlord to pay you up to 3 times the deposit within 14 days of making the order.

Further information is available at: <https://www.gov.uk/tenancy-deposit-protection/overview>

## **Redress Scheme**

The law says that most private sector lettings agents and managing agents must belong to a redress scheme. The Redress Schemes for Lettings Agency Work and Property Management Work (Requirement to Belong to a Scheme etc) (England) Order 2014) requires all letting and property management agents to join one of two approved Redress Schemes:

- The Property Ombudsman
- The Property Redress Scheme

Whilst the majority of lettings agents and property managers provide a good service there are a minority who offer a poor service and engage in unacceptable practices. This requirement will mean that tenants and landlords with agents in the private rented sector and leaseholders and freeholders dealing with property managers in the residential sector will be able to complain to an independent person about the service they have received.

The requirement will be enforced by local authorities who can impose a fine of up to £5,000 where an agent or property manager who should have joined a scheme has not done so.

In order to join, businesses must show that they meet the **Industry Code of Practice**. Both schemes will offer independent investigation of complaints about hidden fees or poor service. Where a complaint is upheld, tenants and leaseholders could receive compensation.

Letting and property management agents must be a member of a redress scheme. Failure to do so could result in a penalty of up to £5000.

Further information is available at: <https://www.gov.uk/government/publications/lettings-agents-and-property-managers-redress-schemes>

## **Deregulation Act 2015**

For any assured shorthold tenancies commencing after the 1st October 2015 the requirements are:

1. Tenants must be provided with a valid EPC, a gas safety certificate and the governments [‘How to rent checklist’](#)
2. There must be a working smoke alarm on each floor
3. There is a new form of [section 21 notice](#) that must be used;
4. A section 21 notice can only be served after 4 months of the tenancy commencing;
5. A section 21 notice is only valid for 6 months

Landlords that have not supplied these documents are unable to serve a section 21 Notice until they do so.

This Act also introduced changes relating to properties in disrepair and what the legislation regards as ‘Retaliatory Evictions’ – where the landlord evicts the tenant rather than fixing the problem.

Where the landlord receives a complaint in writing from the tenant about the condition of a property, this has to be responded to within 14 days. The landlord has to set out in his reply what he intends to do and the timeline for doing the repair work. However, if the Landlord then either fails to properly respond to the written complaint or serves a section 21 notice then the tenant can complain to the Council. Depending upon what action is taken by the Council, the Landlord’s rights to evict under section 21 may be suspended for 6 months

Further information is available at:

<https://www.gov.uk/government/publications/retaliatory-eviction-and-the-deregulation-act-2015-guidance-note/guidance-note-retaliatory-eviction-and-the-deregulation-act-2015>

## **Energy Performance**

Since 01 April 2020 all domestic private rented properties must have an Energy Performance Certificate (EPC) with a minimum rating of an E to be lawfully let out.

Landlords must ensure there is a valid EPC when marketing a property for sale or rent. Tenants should receive a copy of the EPC before they move into the property.

Landlords with properties that have an EPC rating of F or G (as shown on a valid EPC for the property) must not continue letting the property until it is improved to an EPC rating of E or above.

Non-compliance with the Minimum Energy Efficiency Standards may lead to a penalty of up to £5,000. Information about the Minimum Energy Efficiency Standards can be found by following this link:

**[www.gov.uk/guidance/domestic-private-rented-property-minimum-energy-efficiency-standard-landlord-guidance](https://www.gov.uk/guidance/domestic-private-rented-property-minimum-energy-efficiency-standard-landlord-guidance)**

## **Mandatory Licensing of Houses in Multiple Occupation (HMO's)**

Licensing of HMOs From the 1st October 2018 it is a legal requirement for all HMOs to be licensed if the property is occupied by five or more persons, from two or more separate households.

To apply for a licence please contact Rossendale Council for further details, or go [https://www.rossendale.gov.uk/info/210172/housing\\_and\\_homelessness/10681/shared\\_houses\\_and\\_flats\\_in\\_multiple\\_occupation](https://www.rossendale.gov.uk/info/210172/housing_and_homelessness/10681/shared_houses_and_flats_in_multiple_occupation)

Further information can be found by following this link:  
<https://www.gov.uk/house-in-multiple-occupation-licence>