



Residential Landlord

A Guide to your Health
and Safety Obligations



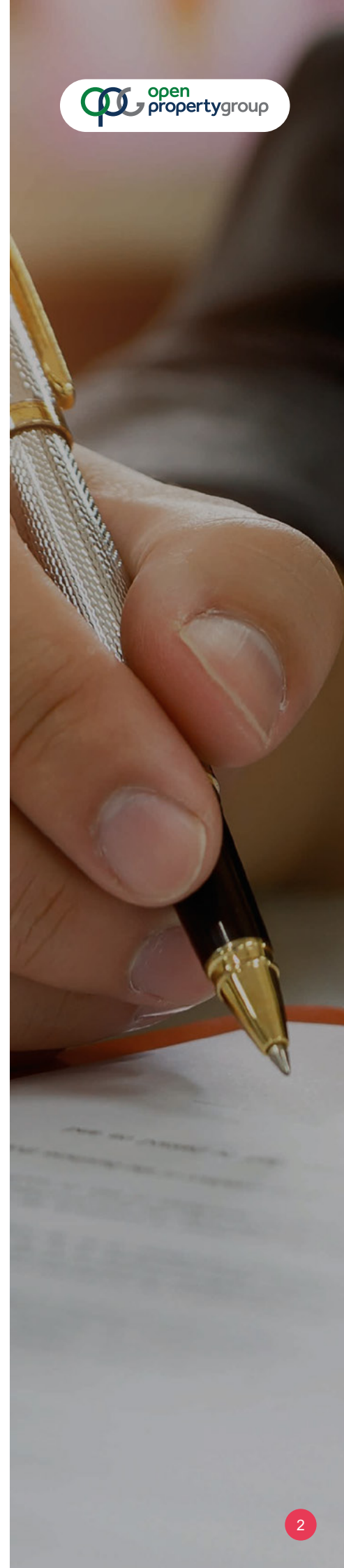
As a landlord your legal obligations towards your tenants can be confusing, with well over 100 statutory regulations and around 400 individual requirements aimed at private sector landlords alone. Keeping track of existing or new legislation can be difficult.

A survey carried out on behalf of Citizens Advice found that 'half of all landlords in England did not know or understand their legal obligations and that renters weren't aware of their rights or didn't feel able to enforce them'.

The approval of the [Homes \(Fitness for Human Habitation\) Bill](#) in March 2019 (an amendment to 'The Landlord and Tenant Act 1985'), has seen tenants being granted new powers to take action against their landlords if they feel the landlord is not meeting their obligations.

The revised bill will mean that the tenant will be able to take legal action against their landlord to force them to put right any problems or hazards within the property that make it unfit to live in, with the tenant able to seek compensation if the landlord doesn't comply.

Landlords will have to make sure their properties are up to standard from the start of the tenancy and throughout the rental period.



What is...

Fit For Human Habitation

The definition of what is, and is not, fit for human habitation is contained in the amended Landlord and Tenant Act 1985 and includes:

- Where the building is neglected and in bad condition
- Where the building is unstable
- Serious damp problems
- Unsafe layout
- Insufficient natural light
- Insufficient ventilation
- Problems with the supply of hot and cold water
- Problems with drainage or lavatories
- Difficulty in preparing and cooking food or washing up

In addition, if the property is subject to any of the 29 'hazards' set out in Schedule 1 of the Housing Health and Safety (England) Regulations 2005, it will be deemed unfit for human habitation. Those hazards include:

- Exposure to house dust mites, damp, mould or fungal growths
- Exposure to low or high temperatures
- A lack of adequate space for living and sleeping
- A lack of adequate lighting
- Exposure to noise
- Electrical hazards/exposure to electricity



We have provided the following guide to help you understand some of the responsibilities and legal obligations you will have regarding the health and safety of your tenants. Please be aware that the laws featured are applicable to England and that there may be slight variations you will need to consider if your property is located in Scotland, Wales or Northern Ireland.

What is...

Landlords Responsibility to Repair and Maintain

The definition of what is, and is not, fit for human habitation is contained in the amended Landlord and Tenant Act 1985 and includes:

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- ✓ Where the building is unstable
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- ✓ Unsafe layout
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- ✓ Problems with the supply of hot and cold water
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Electrical Safety Regulations

As a landlord you are subject to the following obligations regarding electrical safety and your rental properties:

- ✓ Landlords are required to make sure that all electrical installations (e.g. sockets, switches and light fittings) and electrical equipment (e.g. toasters and kettles) supplied are safe at the outset of the tenancy. Tenants are responsible for maintaining any electrical items that they bring into the property
- ✓ Regularly carry out safety checks to make sure that the electrical installations and appliances are safe and working correctly
- ✓ Landlords of HMOs are required to have an electrical safety inspection performed once every 5 years. The inspection certificate must be retained and provided to the local authority upon request. In Scotland this is law for all rental properties, not just HMO's. Please check the specific laws applicable for the country your properties are situated in



Electrical Safety Regulations

Plugs and Sockets (Safety) Regulations 1994 for landlords

This regulation requires that any plug, socket or adapter supplied for intended domestic use complies with the appropriate standard, and that:

- The live and neutral pins on plugs are part insulated to prevent shocks when removing plugs from sockets and that all plugs are pre-wired
- Live parts should not be accessible
- Leads should not be worn or frayed and should be complete with no joins
- Trailing leads and the use of multiple plug adaptors should be avoided
- Correct plugs should be fitted and correctly fused In addition, The Ministry of Housing, Communities & Local Government are currently discussing the implementation of new legislation regarding electrical safety for all rental properties, including:
 - 5-yearly mandatory electrical installation safety checks for all private rented properties
 - Mandatory safety certificates confirming installation checks have been completed along with any necessary repair work, provided to both landlord and tenants at the beginning of the tenancy and made available to the local authority upon request



At time of writing, no specific date has been given for the introduction of these changes, but it is understood that the new rules will be implemented over a two-year period starting with all new private tenancies in year one, followed on by existing tenancies in the second year.

Gas Safety Checks

In order to access your property once a tenant is in situ, you must obtain their written permission before entry is gained and any inspections or works are undertaken.

It's good practice to have pipes and appliances checked between tenancies, enabling complete access to the property, highlighting any work needed and ensuring repairs are made safely and with minimum disruption to your tenants.

As a landlord, you are required to:

- ✓ Ensure gas fittings and flues are maintained in a safe condition. Gas appliances should be serviced in accordance with the manufacturer's instructions. If these are not available, it is recommended that they are serviced annually by a Gas Safe registered engineer
- ✓ Ensure an annual safety check is carried out on each gas appliance/flue
- ✓ Keep the record of the gas safety check until two further checks have been carried out
- ✓ Issue a copy of the latest safety check record to existing tenants within 28 days of the check being completed, or to any new tenant before they move in



As a landlord, you are responsible for your tenants' safety and you must ensure that all gas appliances including flues, fittings and pipework are in good working order and are serviced regularly by a Gas Safe (www.gassaferegister.co.uk) Registered Engineer. It's also good practice to ensure that your tenants know where and how to turn the gas off and what to do in the event of a gas emergency.

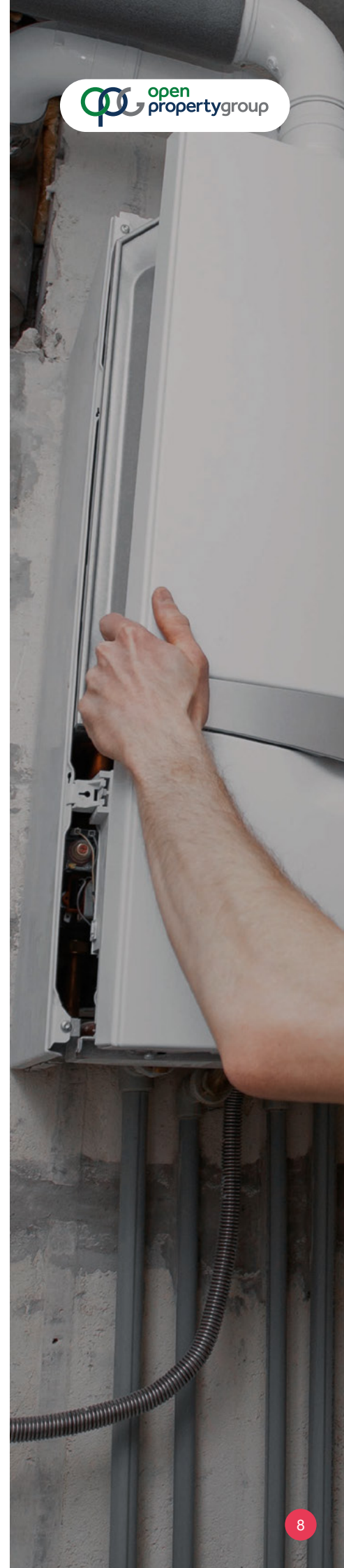
Gas Safety Checks

During the annual gas safety check your registered Gas Safety engineer will need to carry out an inspection on any flues your property may have.

The recommended means by which the engineer can carry this out is through use of an inspection hatch, enabling complete access to the concealed flue. However, if this is not available, it may be possible to install an automatic safety system which monitors the void for the presence of carbon monoxide and, if detected, will shut the boiler down. Speak to your Gas Safe registered engineer for advice on which solution may be appropriate for you.

New 'MOT'-style regulations were introduced in 2018 enabling landlords to carry out their annual gas safety check in the two months before an inspection due date, whilst retaining the existing expiry date, as if the check had been carried out exactly 12 months after the previous check. This avoids a landlord having to wait until the last minute with the risk of not gaining access, or having to shorten the annual cycle check to comply with the law.

It may be worth considering signing up for the Gas eBulletin (<http://www.hse.gov.uk/gas/ebulletin.htm>) published by the Health & Safety Executive (HSE), as this will help you keep up to date and current regarding your gas safety obligations.



Carbon Monoxide and Smoke Alarms

The Smoke and Carbon Monoxide Alarm (England) regulations came into force on the 1st October 2015. All landlords letting rental properties in England are required to follow these laws which will be enforced by local authorities who can impose a fine of up to £5,000 where a landlord fails to comply.

The regulations require private rented-sector landlords to install:

- A carbon monoxide alarm in any room used as living accommodation where a solid fuel burning appliance is used (e.g. a coal fire, wood burning stove)
- At least one smoke alarm on every storey of their rental property which is used as living accommodation

Following this, the landlord (or someone acting on behalf of the landlord) must re-check all alarms at the start of each new tenancy, to ensure they are in working order.

Although it is not a legal requirement, it is also considered good practice to install carbon monoxide alarms in rooms with gas appliances installed, as they can also emit carbon monoxide.

Once the tenants have moved into your property it is their responsibility to test all smoke and carbon monoxide alarms on a regular basis to ensure they are in working order. You should encourage them to test them on a monthly basis and change the batteries regularly. Any broken or damaged smoke alarms should be reported to you (their landlord), and replacements should be organised.



For further, detailed information regarding Carbon Monoxide and Smoke alarms and your responsibilities to your tenants, please read this guide on [gov.uk](https://www.gov.uk)

Fire Safety Rules

Many rules and regulations apply regarding fire prevention and your responsibilities for your tenants' safety. Different types of residential accommodation are subject to different rules and regulations, so it is important that you comply with the legislation that applies to you and your specific properties.

As a landlord you need to ensure where possible that your tenants are protected from accidents such as electric shocks, fires, burns and scalds. Your responsibilities include:

- Follow safety regulations specific to your rental property type
- Provide a smoke alarm on each storey and a carbon monoxide alarm in any room with a solid fuel burning appliance (for example a coal fire or wood burning stove)
- Provide access to escape routes at all times, by keeping escape routes clear and checking that your tenants understand they need to do the same
- Making sure there are no fire hazards near areas where fires may start. For example, ensuring electrical leads and tea towels are not kept near ovens/hobs and that combustible objects are not stored near boilers or fuse boxes
- Only allow a 'spark' type device to be used when lighting a gas cooker, as opposed to matches
- Check appliances have had a PAT (portable appliance test) annually
- Make sure the furniture and furnishings you supply are fire safe, by complying with the Furniture and Furnishings (Fire Safety) Regulations 1988
- Provide fire alarms and extinguishers if the property is a large HMO. For best practice, it is also recommended you include a fire extinguisher in all properties



If the worst was to happen, it is essential that you can prove to your local housing officer or a court that you complied with all regulations and did everything possible to ensure the safety of your tenants.



Health and Safety Hazards and your Responsibilities

Legionella

As a landlord you have a legal responsibility to ensure the health and safety of your tenants by ensuring that the property is free from any health hazards. A landlord is required by law to carry out a simple assessment to assess the risks of Legionella to their tenants. However, Health and Safety law does not require landlords to produce or obtain, nor does HSE recognise, a 'Legionnaires testing certificate'.

Legionnaires' disease is an extremely dangerous form of pneumonia caused by the inhalation of small droplets of contaminated water containing Legionella. All man-made hot and cold-water systems can provide an environment where Legionella can grow, though in domestic water systems the chances of this developing are considered to be low due to the regular turnover of water.

By implementing simple measures, you can ensure that the risk remains low. For most domestic hot and cold-water systems, temperature is the most reliable way of ensuring the risk of exposure to Legionella bacteria is minimised i.e. keep the hot water hot, cold water cold and keep it moving. Other simple measures to help minimise the risk of exposure to Legionella include:

- Flushing out the system prior to letting the property
- Avoiding debris getting into the system (e.g. ensure the cold-water tanks, where fitted, have a tight-fitting lid)
- Setting control parameters (e.g. setting the temperature of the hot water cylinder (calorifier) to ensure water is stored at 60°C)
- Make sure any redundant pipework identified is removed
- The installation of water-heaters such as combi boilers and electric showers as there is no water storage



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If your properties are left empty for long periods, such as in student lets, it is important that the water within the system is not left to stagnate. Both hot and cold water should be used at least once a week to minimise the chances of any problems occurring. Alternatively, it may be worth considering draining the system if the property is to remain vacant for a long period.

Health and Safety Hazards and your Responsibilities

Damp and Mould

Mould is a fungus that can adversely affect people's health and can aggravate conditions such as asthma, potentially causing serious breathing difficulties.

There is a lot of confusion about who is responsible for mould and damp in a property. If the damp and mould are caused by a structural problem such as rising and penetrating damp, then the landlord is liable for any repairs needed in order to solve the problem.

It is a legal requirement under the 'repairing obligations' set out in Section 11 of the Landlord and Tenant Act 1985. The Act states that the "structure and exterior of the dwelling-house" as well as "the supply of water, gas and electricity" and "heating and heating water" need to be kept in good working order.

However, when condensation is the cause of the damp and/or mould then the problem is often a result of the tenants' lifestyle, e.g. showering without opening a window or hanging washing over a radiator to dry. A well-insulated property without enough ventilation will prevent moisture from escaping and cause condensation to form.

Although educating your tenants on how to prevent condensation build up may help, it may be impossible for them to prevent it altogether, especially in multiple occupancy houses.

As a landlord it may be more sensible to invest in some effective ventilation so avoiding any long-lasting damage to your property.



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Health and Safety Hazards and your Responsibilities

Asbestos

Asbestos was banned from use in 1999 but is still present in many older buildings. Under Regulation 4 of the Control of Asbestos Regulations 2006, landlords have certain duties towards their tenants to minimise the risks of exposure to asbestos.

Landlords must identify whether asbestos is present in their properties by carrying out an Asbestos Risk Assessment. This assessment will establish whether asbestos is present, its current state of repair, any danger to health and further actions (if needed) that need to be taken to prevent any disturbance.

A record should be kept of this assessment and regular inspections must take place in order to prevent any degeneration. Landlords must inform new tenants if there is asbestos in the building at the start of their tenancy and must inform anyone else entering the property that may be at risk, such as external contractors.

For more information regarding your obligations regarding asbestos in your property, go to;

[View the guide \(digital only\)](#)



Health and Safety Hazards and your Responsibilities

Asbestos (Continued)

It is your responsibility to manage any risk by:

- Finding out if there is asbestos in the premises (or assessing whether 'asbestos containing materials (ACMs)' are likely to be present and making a presumption that materials contain asbestos, unless you have strong evidence that they do not), its location and what condition it is in
- Making and keeping an up-to-date record of the location and condition of the ACMs or presumed ACMs in your premises
- Assessing the risk from the material
- Preparing a plan that sets out in detail how you are going to manage the risk from this material
- Taking the steps needed to put your plan into action
- Reviewing and monitoring your plan and the arrangements made to put it in place
- Setting up a system for providing information on the location and condition of the material to anyone who is liable to work on or disturb it. Anyone who has information on the whereabouts of asbestos in your premises is required to make this available to you as the dutyholder, but you will need to assess its reliability. Those who are not dutyholders, but control access to the premises, have to co-operate with you in managing the asbestos



Health and Safety Hazards and your Responsibilities

Pests and Vermin

Landlords have a legal responsibility to ensure a property is free from all pests and vermin by ensuring that the building is in a good state of repair. This is covered under section 11 of the Landlord & Tenant Act 1985, stating that it is the 'obligation of the landlord to keep in repair the structure and exterior of the property'.

To help prevent the possible infestation of pests and vermin the landlord must also:

- Provide adequate refuse facilities
- Properly seal pipes and service ducts
- Ensure doors and windows are properly fitted Make sure personal washing and food preparation areas are kept in a good state of repair, so capable of being cleaned and sanitised
- Ensure drainage inlets for waste and surface water are sealed

Landlords may also need to employ a pest control contractor where infestations have taken place. However, if the infestation has been caused by the existing tenants' lifestyle, e.g. such as leaving rubbish out for long periods, incorrect food storage or poor hygiene, then the tenant will be liable for the costs involved with any treatment required.



Health and Safety Hazards and your Responsibilities

Under the Homes (Fitness for Human Habitation) Act, landlords are legally required to ensure that their properties are not overcrowded.

In order to assess whether your property is overcrowded, there are two methods of calculation.

One is through the 'Room Standard' method. If you have two people of the opposite sex required to sleep in the same room, then your property is classed as overcrowded. Though there are two exceptions to this rule - if the two people are a couple, or if they are children aged under 10.

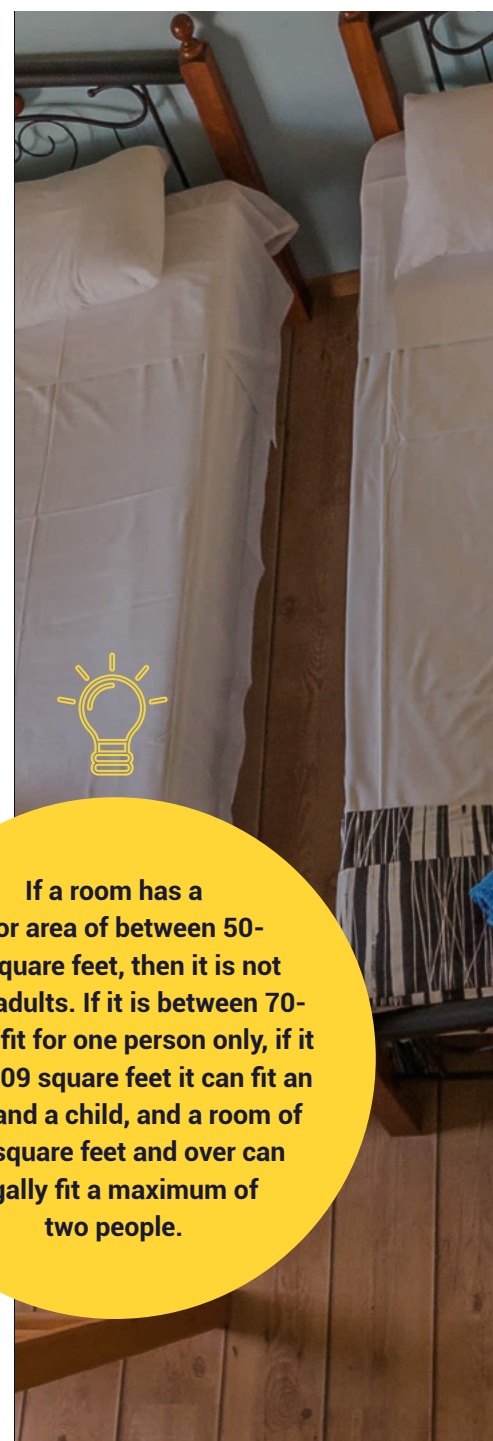
The other method is called the 'Space Standard' method. This can be calculated in two ways, either through the number of rooms or the floor space of each room in your property.

If you base it on the number of rooms your property has, then the maximum number of people allowed is as follows:

1 room	2 people	Max
2 rooms	3 people	Max
3 rooms	5 people	Max
4 rooms	7.5 people	Max
5 rooms	10 people	Max

You should only include bedrooms and living rooms when counting the number of rooms.

If you base your calculation on floor space, you will need to measure the size of each room that is used as a bedroom or living room.



If a room has a floor area of between 50-69 square feet, then it is not fit for adults. If it is between 70-89, it's fit for one person only, if it is 90-109 square feet it can fit an adult and a child, and a room of 110 square feet and over can legally fit a maximum of two people.

Health and Safety Hazards and your Responsibilities

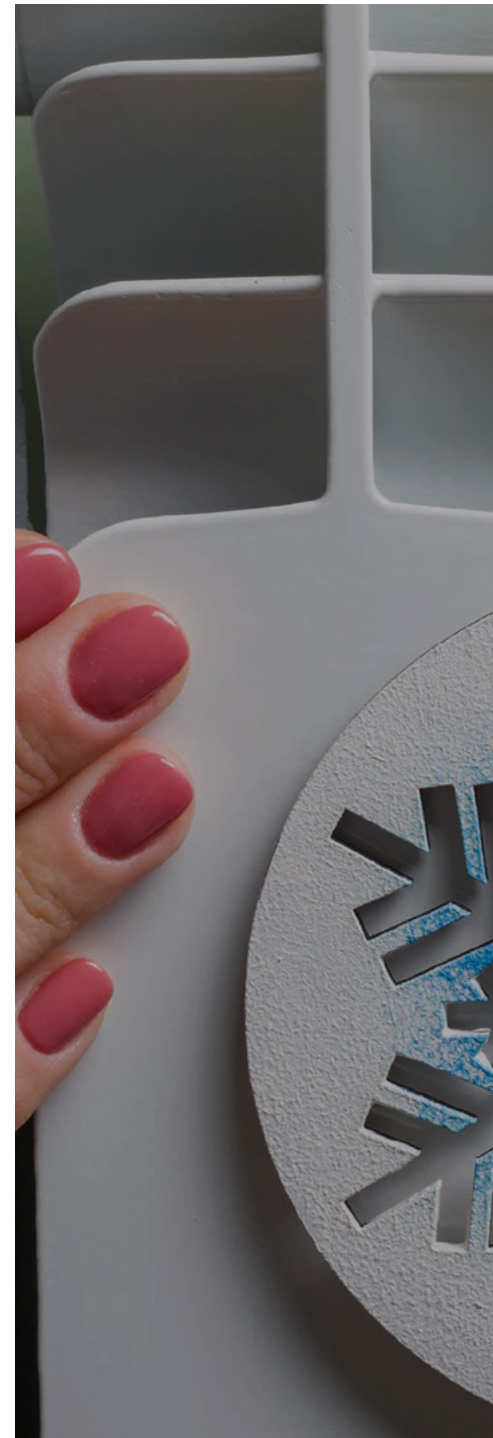
Exposure to cold

It is your legal responsibility to provide your tenants with a reliable source of heating and hot water at all times. If the system malfunctions or has a breakdown of any kind, it is your responsibility to repair or replace the broken equipment and restore access to heating and hot water for your tenants as quickly as possible.

The only exception to this is if the heating or hot water system has been damaged due to the negligence of your tenants.

Your obligations are:

- The minimum heating standard must be at least 18°C in sleeping rooms, and 21°C in living rooms, when the temperature outside is minus 1°C, and should be available at all times
- The landlord is responsible for any repairs and replacements required under the Landlord and Tenant Act (1985) and overrules any other document or statement
- Tenants are responsible for damages they have caused to the property and equipment



Final Words and Helpful Links

When renting your property it is paramount that you keep up-to-date with all legislation, both current and pending, to ensure that you are meeting all your legal obligations. By making sure that the property you rent out is free from all health hazards you will be ensuring that your tenants are safe, your property is profitable and protected and you are on the right side of the law.

Here are some links to websites (included in this article) to documents that may be useful to you with regards to your safety obligations towards your tenants.

How to Rent a Safe Home

[View the guide \(digital only\)](#)



Homes (Fitness for Human Habitation) Bill

[View the guide \(digital only\)](#)



The Landlord and Tenant Act

[View the guide \(digital only\)](#)



Schedule 1 of the Housing Health and Safety (England) Regulations 2005

[View the guide \(digital only\)](#)



Gas Safe

[View the guide \(digital only\)](#)



Gas eBulletin

[View the guide \(digital only\)](#)



Smoke and Carbon Monoxide Alarm Regulations

[View the guide \(digital only\)](#)



Fire Safety Regulations

[View the guide \(digital only\)](#)



Asbestos Guide

[View the guide \(digital only\)](#)



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**We'll Buy Any Type Of Property;
Vacant, Rented or with problems**

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