

# **HOUSING FACTSHEET**



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

All rented properties in Pendle must be free of Category 1 Hazards and high Category 2 Hazards as determined through the HHSRS.

Further information around HHSRS can be found at:-

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/9425/150940.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/9425/150940.pdf)

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/8262/144527.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/8262/144527.pdf)

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

Currently mandatory licensing applies if the HMO or any part of it:

- comprises three storeys or more; and
- is occupied by five or more persons from two or more households.

From April 2019 any HMO occupied by five or more persons and occupied by persons from two or more households will require a licence regardless of storeys.

## **Fire Safety and Carbon Monoxide**

The Smoke and Carbon Monoxide Alarm (England) Regulations 2015

Landlords are required to have at least one smoke alarm installed on every storey of their properties and a carbon monoxide alarm in any room containing a solid fuel burning appliance (e.g. a coal fire, wood burning stove). After that, the landlord must make sure the alarms are in working order at the start of each new tenancy.

Landlords may be issued with a fine of up to £5,000 for failing to comply with a remedial notice. Further information is available at:

<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 premises 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**

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 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)

## **Tenancy Deposit Schemes**

As a landlord you must put your tenant's deposit in a government-backed tenancy deposit scheme (TDP) if you rent your home on an assured shorthold tenancy that started after the 6 April 2007. In England and Wales your 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.tds.gb.com/>

You must put the deposit in the scheme within 30 days of getting it as you cannot give notice of possession (under section 21 of the Housing Act 1988 if the deposit has not been protected. Further information is available at:

<https://www.gov.uk/tenancy-deposit-protection/overview>

## **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 three approved Redress Schemes:

- The Property Ombudsman;
- Ombudsman Services Property; and
- The Property Redress Scheme.

In order to join, businesses must show that they meet the **Industry Code of Practice**. All three 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. You must provide the tenant 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/uploads/system/uploads/attachment\\_data/file/465275/Retaliatory\\_Eviction\\_Guidance\\_Note.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/465275/Retaliatory_Eviction_Guidance_Note.pdf)

### **Deposits**

Any deposit taken after April 2007 and not protected within 30 days may give rise to a claim for damages (between 1-3 times the value) and the landlord will be prevented from serving a section 21 notice. You should contact your solicitor to discuss your options if you think you are in this situation as steps can be taken to lessen your exposure and, partially, rectify the position.

### **Energy Performance**

The Energy Performance of Buildings (England and Wales) Regulations 2012 requires an Energy Performance Certificate (EPC) whenever a building is rented out. Letting agents must provide an EPC free of charge to the person who takes up the tenancy. Failure to provide an EPC to a tenant may incur a Penalty Charge Notice of £200. EPCs are valid for 10 years.

### **The Energy Act 2011/ The Energy Efficiency (Private Rented Property) (England and Wales) Regulations 2015.**

From 1 April 2018, all rented property (both domestic and non-domestic) which is to have a new tenancy must have an EPC rating of at least "E".

<http://www.legislation.gov.uk/ukxi/2015/962/contents/made>

The regulations will come into force for new lets and renewals of tenancies with effect from 1st April 2018 and for all existing tenancies on 1st April 2020. It will be unlawful to rent a property which breaches the requirement for a minimum E rating, unless there is an applicable exemption. Exemptions are registered on the Public Exemptions Register.

Where a property has been let which does not meet the minimum standard, the tenancy remains valid between the landlord and tenant but a fine will be payable by the landlord of up to £5,000.

There are separate regulations effective from 1st April 2016 under which a tenant can apply for consent to carry out energy efficiency improvements in privately rented properties.