

Landlord Legal Requirements

The following requirements are the responsibility of the landlord.
If we are managing the property we will ensure
compliance with these requirements.

Any costs which are incurred 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 within twelve months of being installed, and thereafter at least every twelve months by a Gas Safe registered engineer.

Maintenance: There is a duty to ensure that all gas appliances, flues and associated pipework are maintained in a safe condition at all times.

Records: Full records must be kept for at least two years of the inspections of each appliance and flue, of any defects found and of any remedial action taken.
Copies to tenants: A copy of the safety certificate issued by the engineer must be given to each new tenant before their tenancy commences, or to each existing tenant within 28 days of the check being carried out.



Electrical

There are several regulations relating to electrical installations, equipment and appliance safety which 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.

Although there is currently no legal requirement for an electrical safety certificate (except in the case of all HMOs) for tenanted property, it is now widely accepted in the letting industry that the only safe way to ensure safety and avoid the risk of being accused of neglecting your duty of care to a tenant is to arrange for such an inspection and certificate.



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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, bedcovers including duvets, loose covers for mattresses, pillowcases, curtains, carpets or sleeping bags. Items which comply will have a suitable permanent label attached.

Non-compliant items must be removed before a tenancy commences.



Smoke Alarms

All properties built since June 1992 must be fitted with mains powered smoke detector alarms from new. Although there is no legislation requiring smoke alarms to be fitted in other tenanted properties,

it is generally considered that 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 three or more levels and let to five or more tenants comprising two 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 three or more tenants not related in any property, it is still likely to be an HMO and special management rules apply. Learn more here:

<http://www.communities.gov.uk/publications/housing/licensinghouses>

The Housing Health and Safety Rating System (HHSRS)

The HHSRS provides an analysis of how hazardous a property is through assessment of twenty-nine 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.

For further information visit:

<http://www.communities.gov.uk/hhsrs>

The Tenancy Deposit Scheme

From 6th April 2007, all deposits taken by landlords and letting agents under Assured Shorthold Tenancies (ASTs) in England and Wales must be protected by a tenancy deposit protection scheme. Landlords and letting agents must not take a deposit unless it is dealt with under a tenancy deposit scheme.

To avoid any disputes going to court, each scheme will be supported by an alternative dispute resolution service (ADR). Landlords and letting agents will be able to choose between two types of scheme; a single custodial scheme and two insurance-based schemes. You can learn more on the government website, which includes an overview of the requirements, and also links to the sites of the companies running the various schemes: <http://www.direct.gov.uk/en/TenancyDeposit/index.htm>

Tenancy Deposit Protection - Prescribed Information

It is legally required that certain information be given to the tenant within 14 days of a deposit being taken. A special 'Tenancy Deposit - Prescribed Information' form is available from our agency. It is crucial that this form is completed accurately and in full and that a printed version is attached to the relevant scheme's Terms and Conditions. Visit the website Landlords Legal Requirements tab for download links.

The TDSL forms should be attached to copies of both documents. It is recommended that a signed copy of the form is given to each individual tenant and that you retain a copy signed by every tenant to confirm that the information has been supplied. If we are providing our Full Letting and Management Service we will handle this for you.

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. Under the new duties, provided certain conditions are met (for example, that a request has been made), landlords and managers of premises which are to let, or of premises which have already been let, must make reasonable adjustments, and a failure to do so will be unlawful unless it can be justified under the Act.

Landlords will only have to make reasonable adjustments and they will not have to remove or alter physical features of the premises. Learn more here: http://www.dwp.gov.uk/aboutus/dda_factsheet4-premises.pdf

Full Management Service

Energy Performance Certificates (EPCs)
From 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.

The certificate 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 new certificate will not be required for each let since, in the case of rental properties, EPCs will be valid for ten years. The requirement is being introduced to comply with the EU's Energy Performance of Buildings Directive (EPBD) which applies to all property, including rented property. We can arrange an EPC inspection for our landlord clients upon request. The cost is expected to be up to £100.

Visit the Landlords Legal Requirements page on our website for useful links.

**Any questions? Eddie Carter is waiting to take your call.
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