

Landlord Legal Responsibilities, Obligations & Regulations

As a landlord there are a number of legal responsibilities and obligations which you MUST (and should) abide by. These are all necessary; failing to comply with these could result in prosecution.

Please note, this article is for private residential properties in England and Wales that is Governed under the [Housing Act \(the official rule book\)](#), which may not necessarily apply to mixed use premises such as houses in multiple occupation (HMOs) where unrelated occupiers, who live independently from one another, share common areas of the same building.

Landlord License

Sections 79, 80 and 81 of the Housing Act 2004 provide for the introduction of a “landlord licensing” scheme.

Landlords with properties in selective areas are required to get a “landlord license” from their local council before being permitted to let their property. These areas are selected based on low demand for housing and significant or persistent anti-social behaviour problems. Failing to do so can result in punishable fines of up to £20,000.

To qualify for a licence a landlord must be able to demonstrate that they are acting within the law and taking appropriate steps to manage their properties, which is defined by the local council. If you're unsure if your property is in a landlord license zone, you can call your local council or speak to local letting agents.

Gas safety appliances

The Gas Safety Regulations 1998 place a statutory duty on all landlords of residential property to ensure that all gas appliances, pipe work and flues are maintained in a safe condition.

An inspection of all gas appliances that is provided with in the property by the landlord must be inspected annually by a Gas Safe Registered Engineer. After inspection a warranted Gas Safety Certificate will be issued for proof of inspection; both tenant and landlord should keep a copy.

Fire Safety, Housing Act 2004

Fire Safety in Rental Property

This area of law is covered by both the Housing Act 2004 and the Regulatory Reform (Fire Safety) Order 2005.

Landlords are under a common law duty to ensure that the property they provide is safe. All residential properties in England and Wales should comply with building regulations.

Fire Extinguishers

There is no legal requirement to provide fire extinguishers or fire blankets in single occupation tenanted properties, but again, this may be a wise precaution, at least in the kitchen area.

Having made the decision to provide fire extinguishers though, the landlord or agent must then arrange for regular servicing – usually on a 12 monthly basis. They should also not be used by untrained persons.

Smoke alarms

There is currently no legal requirement for landlords to provide fire/smoke alarms in single occupation tenanted properties. However, neglecting the installation of smoke alarms could mean that the Landlord is failing to ensure that the property provided is safe, which is his duty under common law. It is strongly advised to have smoke alarms installed.

Smoke alarms are required for houses of multiple occupation (HMO). The building regulations require that all properties built after June 1992 must have a mains operated inter-connected smoke alarms fitted on every level of the property. Although older properties do not have to comply, it is advised for landlords to provide at least battery operated smoke alarms in the property.

The Furniture and Furnishings Regulation 1993

All furniture a landlord provides must be fire resistant. Furniture must meet the fire resistance requirements in the Furniture and Furnishings (Fire) (Safety) Regulations 1988.

These regulations require that the following furniture supplied by the landlord in let properties meet fire safety standards:

- beds, headboards of beds, mattresses
- sofas, sofa-beds, futons and other convertibles
- nursery furniture
- garden furniture which is suitable for use in a dwelling
- scatter cushions, bean bags, window seats and seat pads; pillows
- padded stools and padded chests
- put-u-up beds and garden loungers/seats
- loose and stretch covers for furniture

Furniture manufactured since March 1989 will comply with these regulations and most will be marked with a label showing compliance.

The regulations do not apply to:

- sleeping bags
- bed-clothes, duvets and pillowcases
- loose covers for mattresses
- curtains and carpets
- furniture and furnishings manufactured before 1 January 1950 as the inflammable materials were not in use prior to 1950
- properties let continuously to the same tenant since prior to December 1996 until there is change of tenancy

Non-compliance with the above regulations is a criminal offence and carries penalties of a £5,000 fine, 6 month's imprisonment, or both. In the event of a death, charges could extend to manslaughter.

Repairs & Maintenance- Section 11, Landlord and Tenant Act 1985

The landlord is responsible for the structure and exterior of the property; baths, sinks and other sanitary items; heating and hot water installations. However, this only applies if the tenant has a fixed tenancy contract for under 7 years, else these issues become the tenants responsibility. The landlord is not responsible for damages caused by the tenants.

This legislation requires landlords to:

- keep the structure and exterior of the property in good repair, including drains, gutters and external pipes
- keep installations for the supply of water, gas, electricity and sanitation in good repair and proper working order
- keep installations for space heating and water heating in good repair and proper working order

The Electrical Equipment (Safety) Regulations 1994

Every electrical appliance supplied by the landlord must be safe to use; the electrical installation in the house must be completely safe.

Unlike the Gas Safety Regulations, there is no mandatory requirement for the equipment to undergo any safety testing, but that should NOT be an incentive to be careless.

Although there is no requirement for equipment to be checked, it's recommended for every landlord to check all electrical appliances and electrics before the start of a tenancy and regularly thereafter.

The following guidelines apply to all electrical appliances supplied for the tenancy:

- live parts should not be accessible
- leads should not be worn or frayed and be complete with no joins
- trailing leads and the use of multiple plug adaptors should be avoided
- correct plugs (marked 'B SECTION 136') should be fitted and correctly fused
- plug sockets should be firmly fastened to the wall or skirting
- any moving parts should be guarded
- electric blankets should be serviced according to the manufacturer's instructions
- microwave doors should be clean, free from corrosion and effective
- washing machines, cookers, etc, should be serviced and in good working order
- electrical heaters and central heating appliances should be serviced annually
- fireguards should meet BS3248
- any fire extinguishers should be marked 'BS6575 1985'

Plugs and Sockets (Safety) Regulations 1994

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

- the live and neutral pins on plugs are part insulated so as to prevent shocks when removing plugs from sockets and all plugs are pre-wired.

Obtaining consent to let a property

Before letting a property, landlords must obtain permission and/or inform the following:

- mortgage lender
- In respect of leasehold properties, the head landlord
- Any housing association or other body which has regulations applying to the property, e.g shared ownership
- Any adult who has been living in the property with the landlord as husband, wife or partner who may have occupancy rights.
- The landlord's insurance company who must confirm that cover will be maintained if the property is let.

Tenancy Deposit Protection

Landlords must secure their tenants deposits into one of three government approved Tenancy Deposit Protection (TDP) schemes.

Over the years a lot of tenants have complained that they have unfairly lost their security deposit; consequently the government introduced this legislation to help apply some unbiased moderation to the disputes.

Taxation of Income from Land (Non-Residents) Regulations 1995

Any landlord who is considered non-resident for taxation purposes is liable to pay tax on their rental income from letting property.

The details can be complicated depending on your circumstances, so it's best to check with the Inland Revenue how much tax you're liable to pay, or if you're permitted to be exempted from tax.

Energy Performance Certificate (EPC)

Landlords must provide an Energy Performance Certificate to all new and prospective tenants.

The certificate will give each building a SAP (Standard Assessment Procedure – out of 100 possible) rating, and this will equate to an energy rating from A to G, similar to those seen on white goods. For those who don't speak geek, in English it means, it will show the energy efficiency levels of a property.

Check for legionnaires disease

The person responsible for managing the property, whether it be the Landlord or letting agent, is responsible for combating Legionnaires Disease.

Health and safety legislation requires that risk assessments for the Legionella bacteria which cause Legionnaires' disease are taken. The assessments must identify and assess potential sources of exposure, and steps taken to prevent/control any risk that is identified.

Anyone can be appointed to assess/monitor Legionella as long as they have the relevant skills to implement the control measures and strategies i.e. they are suitably informed, instructed, trained and assessed. There must be evidence to show that the risk assessment has taken place, and records showing what precautions were taken.

Here's a more detailed article on [landlords and their responsibility to combat Legionnaires disease on the HSE website](#). It discusses the legislation in-depth and how to comply.

'Right to rent' immigration checks

Under section 22 of the Immigration Act 2014 a landlord should not authorise an adult to occupy property as their only or main home under a residential tenancy agreement unless the adult is a British citizen, or EEA or Swiss national, or has a "right to rent" in the UK.

This legislation rolled out on the 1st of December 2014, but only to a select few areas in the Midlands (Birmingham, Walsall, Sandwell, Dudley and Wolverhampton), but it will roll out to the rest of the country in 2015. Essentially, the landlord is required to check for proof of ID and citizenship.