

Complying with Local Authority Regulation as a Domestic Property Landlord



This guide is brought to you by Hertfordshire's Better Business for All partnership, which works to enhance relationships between Hertfordshire businesses and Local Authority regulators (i.e. Environmental Health, Trading Standards, Fire Safety, Licensing and others).

The aim is to help regulators better understand the challenges businesses face, in order to support and advise them effectively. In turn, this ensures Hertfordshire businesses understand how to be compliant with the law, which supports their business' productivity and growth.

You can keep up with the campaign on twitter [#BetterRegulation](#) and follow [@BbfaHerts](#)

And check out the website at www.hertfordshirelep.com/Better-Regulation

Safety in Blocks of Flats:

- Legislation requires that landlords carry out fire risk assessments in all common areas of properties.
- You should also keep your residents and visitors informed by placing signs detailing actions to be taken in the event of a fire, and where their nearest fire assembly point is located, making sure that all residents are able to understand any instruction provided.

Advice or further information can be gained by contacting the Fire Protection Department at the County Council on **01707 292310** or by visiting www.hertfordshire.gov.uk/services/fire-and-rescue/fire-rescue-and-being-prepared

Who is this Guide Aimed At?

Whether you are a portfolio buy-to-let landlord or have one rental property; whether you have single family occupants or properties occupied by multiple households – there are standards you need to adhere to in order to ensure your property[s] is suitable and safe and that you are complying with the law.

Your Local Authority is always there to help if you have any questions or need some advice on

Overview of your responsibilities



As a landlord, you must ensure you understand your responsibilities stated below:

- Duty to consult your mortgage provider
- Duty to check tenants' right to rent (and advisable to receive references)
- Duty to understand money laundering regulations
- Duty to provide start of tenancy information
- Duty to protect tenancy deposits (and any tenant money) via a government approved tenancy deposit protection scheme
- Duty to provide a tenancy agreement (obligations will differ dependent on the type i.e rent-to-rent agreements)
- Duty to protect tenants' personal data
- Duty to carry out necessary repairs
- Health and safety (includes fire safety) obligations
- Check if your property requires a licence (more info below)
- Duty to follow rules on rent and rent increases (and to understand what fees you can legally charge)
- Duty to follow eviction rules

Further detail on the above can be found on the Government pages: <https://www.gov.uk/browse/housing-local-services/landlords>

This guide focuses on the areas of regulation that Councils enforce, so if you need advice and guidance then your Local Council can help you further.

Safety in the Home

Private Sector Housing Teams are based in your district councils and work to protect the health, safety and welfare of residents, traders, workers and visitors to Hertfordshire. This includes supporting businesses to comply with legislation to make sure your rental properties are safe, and that any pests, waste and noise are controlled.

Landlords and property managers must ensure that their properties comply with safety requirements, both when let to tenants and throughout tenancies. It is possible to delegate this responsibility to a residential letting agent, although landlords remain ultimately liable. Landlords are responsible for:

- The electrical installation and any electrical appliances that you provide are safe, to reduce the risk of electrocution or fire. Electrical installations should be inspected and tested at least every five years. Appliances should be inspected more frequently dependent on their type and use
- It is best practice to register all your new household appliances with the manufacturer or via www.registermyappliance.org.uk, so that you will be notified in the event of a product recall. All appliances in the property should be checked that they have not been subject to a product recall by checking the national database: www.productrecall.campaign.gov.uk. This should be done at the beginning of each new tenancy and periodically thereafter.
- All gas appliances must be checked annually by a registered Gas Safe Engineer and you must give your tenants a copy of the Landlord Gas Safety Certificate before they move into the property, and annually thereafter
- Any furniture and furnishings they provide is fire safe – upholstered furniture should usually be fire resistant
- Ensuring there are working smoke alarms fitted on each floor of their rented properties at the start of a tenancy and a carbon monoxide alarm in any room containing a solid fuel burning appliance (e.g. a coal fire, wood burning stove)
- Ensuring there is a safe means of escape from the property in the event of a fire
- Before the start of the tenancy, carry out an inspection of your property and look for any obvious hazards. The accommodation must be in good repair, well-maintained, and capable of being effectively heated. Any safety hazards must be promptly dealt with. Common hazards include fire safety, damp and mould, falls on stairs and security
- All properties marketed for rent or sale must have an Energy Performance Certificate (EPC) with an energy rating of E or above. A copy must be shown to all prospective tenants and all tenants must be given a copy of the certificate with their tenancy. To find if a property already has an EPC or to find an accredited energy assessor, please visit www.epcregister.com

Safety in Houses in Multiple Occupation (shared houses)

- Houses in multiple occupation (HMOs) (some of which require a licence to operate – see below) must have extra fire precaution equipment and facilities. Landlords are required to have fire doors, protected escape routes, and fire blankets.
- They should carry out a fire risk assessment in all areas of their properties to identify any fire risks and hazards, understand who is at risk and decide if anything needs to be done to remove or reduce that risk. As part of this assessment, landlords should ensure there is adequate means of escape in case of a fire. For further guidance see www.gov.uk/government/publications/fire-safety-risk-assessment-5-step-checklist

An HMO landlord will also have to meet certain safety standards in addition to those already mentioned, including ensuring:

- the property is not overcrowded, with regards to the number and size of rooms
- there are enough cooking and bathroom facilities for the number living there
- communal areas and shared facilities are clean and in good repair
- there are enough rubbish bins/waste disposal arrangements

Licences for Houses in Multiple Occupation (HMOs)

If you let your property to several tenants who are not members of the same family (a household), it may be a 'House in Multiple Occupation' (HMO).

A household consists of either a single person or members of the same family who live together. It includes people who are married or living together and people in same-sex relationships.

Your property is an HMO if both of the following apply:

- **at least 3 tenants live there, forming more than one household**
- **toilet, bathroom or kitchen facilities are shared**

An HMO must have a licence if it is occupied by 5 or more people. A council can also include other types of HMOs for licensing. Check with your local council to see if you require a licence.

You must tell the council if:

- **you plan to make changes to an HMO**
- **your tenants make changes**
- **your tenants' circumstances change (for example they have a child)**

An Environmental Health Officer from the council must carry out a Housing Health and Safety Rating System (HHSRS) risk assessment on your HMO within 5 years of receiving a licence application. If the inspector finds any unacceptable risks during the assessment, you would have to carry out work to eliminate them.

Along with mandatory HMO licenses, some Local Authorities have local licensing schemes. You can check with your local council to find out if certain properties need to be licensed under an Additional or Selective licensing scheme.

Other licenses for landlords to be aware of are issued by the Highways team at Hertfordshire County council:

- **Skip licences, for when a skip is placed on the highway (road)**
- **Scaffold, hoarding and mobile crane licences**

Developments to a Property – Planning and Building Control

Most new buildings or major changes to existing buildings or to the local environment need consent – known as planning permission. Without a planning system everyone could construct buildings or use land in any way they wanted, no matter what effect this would have on other people who live and work in their area. Any new HMO property with six or more people may require planning permission for change of use.

When will I need planning permission?

There is no set answer for this as it varies depending on what kind of use or development is proposed. The first step would be to check with your District Council Planning team.

How do I make a planning application?

You can submit a planning application directly through the Planning Portal (<https://www.planningportal.gov.uk>) and it will be received by the correct District Council.

Building Control

Building Control (sometimes referred to as building regulations) ensures that any changes to a property or any new buildings built are in line with current legislation and that changes are made to a high standard. It is a different process to planning permissions and sometimes you may need both.

When would I need to contact Building Control?

You would usually need approval from Building Control to construct new buildings or to add extensions or make alterations/renovations to existing buildings.

Certain types of building work, such as installing a new or replacement central heating system or boiler, installing a new or replacement fuse box and fitting new electrical sockets in a bathroom, must be certified by Building Control bodies as being compliant with the regulations (www.gov.uk/government/collections/approved-documents). Check with your District Council's Building Control Team to find out if a Building Regulations application is required.

Consumer Law

Landlords must consider Consumer Protection law regarding misleading advertising of their rental properties. For example, you must not advertise a property with an incorrect rental price or claim to a prospective tenant that a property is still available once it has been let. Landlords must ensure they do not promote their services in ways that are unfair to other businesses too, for example by providing misleading information about their qualifications or experience, or by making unfair comparisons between their properties or services and those of other landlords or letting agents.

If there is a dispute between a landlord and tenant which cannot be resolved through the landlord's own

complaints-handling procedure, they must inform tenants if they are a member of an approved alternative dispute resolution (ADR) scheme.

In Hertfordshire, the County Council has the responsibility for Trading Standards across the whole County – The Trading Standards pages on the Council's website has a wide range of information for businesses on these areas of regulation:

www.hertfordshire.gov.uk/services/business/business and a Business Advice Line: **01707 281401**

Insurance

There is no law which says you must carry insurance as a landlord but it is highly recommended. Landlord Insurance is a special type of insurance policy for landlords.

You need a policy which is specifically designed for letting and one which covers several additional risks. Additional items such as loss of rent, rent default, tenant damage, and damage to building or landlord's furnishings and fixtures are covered by landlord's insurance policies. If you have a mortgage your lender will almost certainly insist that the property is properly insured. The National Landlord Association is a good source for further information regarding landlord insurance (see contact details below).



Services and Schemes from your Local Authority Private Sector Housing Teams

Your Local Authority teams offer free advice and guidance to landlords, managing agents, and tenants on the standards which apply to privately rented properties. They may also have schemes for landlords for letting a property to people who have approached the council for housing assistance. Services as part of these schemes can include: a matching service, rent top-up, tenant vetting, viewings, inspections and more. Contact your local council to find out if they run such a scheme and if it could benefit you.

District Council contacts

Contacts for most licensing, environmental health, planning and building control enquiries.

Broxbourne	01992 785555	www.broxbourne.gov.uk
Dacorum	01442 228000	www.dacorum.gov.uk
East Herts	01279 655261	www.eastherts.gov.uk
Hertsmere	0208 207 2277	www.hertsmere.gov.uk
North Herts	01462 474000	www.north-herts.gov.uk
St Albans	01727 866100	www.stalbans.gov.uk
Stevenage	01438 242242	www.stevenage.gov.uk
Three Rivers	01923 776611	www.threerivers.gov.uk
Watford	01923 226400	www.watford.gov.uk
Welwyn & Hatfield	01707 357000	www.welhat.gov.uk

Useful contacts

Legislation.gov.uk - Home to all UK legislation
Hertfordshire Growth Hub – Provides support for Hertfordshire businesses
www.hertsgrowthhub.com

GOV.uk – the portal to all central government services, including HM Revenue and Customs
www.gov.uk

Useful articles:

www.gov.uk/renting-out-a-property
www.gov.uk/government/publications/the-private-rented-property-minimum-standard-landlord-guidance-documents

Health and Safety Executive – National regulator for health and safety matters
www.hse.gov.uk

Information Commissioner's Office (ICO)
<https://ico.org.uk/for-organisations>

National Landlords Association (NLA)
www.landlords.org.uk

Residential Landlords Association (RLA)
www.rla.org.uk

Shelter
https://england.shelter.org.uk/housing_advice/private_renting/landlord_responsibilities