



Brookland Estates
Property Management

eBOOK – Property Safety Legionnaires' Disease



Legionnaires

Landlords are legally bound to keep their properties free from health hazards under the Section 3(2) of the Health and Safety at Work Act 1974, and Legionella (as a potential health hazard) is covered under it.

Legionnaires' Disease is a disease, similar to pneumonia and which can kill. It is generally caused by breathing in small droplets of water contaminated by the bacteria. It is not a disease that is passed from one person to another.

The legionella bacteria are found in the natural environment and may contaminate domestic hot and cold water systems. **They thrive at temperatures between 20 – 45°C but are killed by high temperatures at 60°C or above.**

In houses or flats with domestic water systems, the risks are generally low, provided the risk assessment is regularly carried out and any issues acted upon.

So why do estate agents and lettings agents need to be aware of this illness?

The duty to provide a risk assessment falls on the person in control of the property, which could be the Landlord or the agent.

The greatest risk is where water can stagnate within the water system, so where property has been empty for some time the water system should be flushed or water run through the systems prior to letting.

The highest risk in a domestic water system is likely to come from showers, especially those fed from the hot water system (rather than instantaneous showers fed from the cold water main), so tenants should be advised to clean shower heads on a regular basis.

In Lettings, if tenants are exposed to risk, or at worst someone were to die, then heavy fines or even imprisonment can be imposed on agents. Estate Agents and Letting agents must ensure Legionella risk is properly assessed and controlled.

The HSE provides advice in several documents available free on their website. <http://www.hse.gov.uk/legionnaires/what-you-must-do.htm>



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The advice for most residential properties is that any risk of legionella is low and that a simple risk assessment is likely to be sufficient. In basic terms common sense measures can help prevent Legionnaires' disease.

In most properties, avoiding the breeding of the Legionella is easy enough as long the hot water is kept hot, the cold water is kept cold, and the water is kept moving round the system.

In practice, there is most likely to be a problem if the property has been unoccupied for several months before a new tenancy starts, so it is in these cases where you should be most cautious and ensure you carry out sufficient checks to satisfy yourself that Legionella isn't present in the property.

If the property has been vacant for a while – running all taps for a few minutes will help, as will making sure cold water tanks are sealed and no debris can get in.

This could be added to the Property Manager's check list for routine inspections, or to accompanied viewings for a vacant property.

Minimising Risk

Risk assessments in between tenancies are a good idea and can be carried out by anyone (i.e. not somebody professionally accredited), but if you do not feel confident enough to carry out the risk assessment yourself, you can arrange for someone to do so on your behalf.

You may wish to minimise the risk of Legionella breeding in the water system by installing electric showers or combi – boilers, which are generally cold water-fed and only heat small volumes of water, while they are in operation – the water therefore does not sit dormant in the system, which is when it is most at risk of becoming home to Legionella.

It's important to remember that a Legionella risk assessment is not necessarily required – if the property has been in regular use (i.e. the water system has been used at least once a week), Legionella is extremely unlikely to be present.

Before a tenancy starts, you might want to flush out the system to ensure that there's nothing in the water that could harm a new occupant.

The shower is the highest-risk area of the water system for breeding Legionella, and for peace of mind between tenancies, you may want to remove the shower head and hose and place them in a bucket of water and disinfectant for an hour or two.

The cold water temperature should be below 20 degrees and the hot water temperature should be above 50 degrees.



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You should take readings, using a simple digital thermometer, from the outlets nearest and furthest from the boiler.

If either of those temperatures are not correct, you'll need to investigate why, which may necessitate calling in a plumber.

You may also have to send the water off for testing for the presence of Legionella to a UKAS-accredited lab. If Legionella is detected, you may need to employ an environmental agency to flush out the water system and disinfect all potentially infected appliances.

Tenants also have a responsibility to keep themselves safe

Lettings agents should make tenants aware of the following:

- Tenants should regularly clean shower heads
- They should run the water if they leave the property for an extended period of time
- They should also make sure hot and cold water taps are used at least once a week for at least 2 minutes to minimise the chances of stagnation
- Tenants should let the Agent know if there is a problem with their cold or hot water supply and Agents and Landlords should question about hot water temperatures to identify any possible risk.
- Finally Tenants should also follow any suggestions highlighted during the risk assessment and be aware of the risks of Legionella
- Check your Management contracts to ensure who has the responsibility for Legionnaires' disease – it may be that your Landlord remains responsible for risk assessments, but you will always be responsible in terms of repairs, if you are managing the property.

“The practical and proportionate application of health and safety law to landlords of domestic rental properties is that, whilst there is a duty to assess the risk from exposure to Legionella to ensure the safety of their tenants, this does not require an in-depth, detailed assessment.”

It will ultimately be rare for Legionella to be detected in any of your properties, as long as they do not stand empty for extended periods of time.