



Brookland Estates
Property Management

eBOOK – Property safety overview



Property Safety Overview

In terms of property safety, this is one of the most important elements to understand, in relating to Landlords' obligations and your responsibilities as a letting agent. This is because poorly managing a property in terms of safety can lead to deaths of tenants and prosecution under criminal law and even a manslaughter charge.

Firstly, Gas safety

You will no doubt be aware of the key obligations in relation to gas safety, the law relating to this is the Gas Safety (Installation & Use) Regulations 1998

Landlords of residential property must ensure that all gas appliances, pipework and flues are maintained in a safe condition.

A GAS SAFE registered engineer must provide the landlord with a Gas Safety Record annually.

The Landlord/ agent must provide the tenant(s) with a copy of that safety record at the start of the tenancy or within 28 days if the check has been done during tenancy.

You need to understand the importance of these gas checks, as you need to relay this importance to the tenants. Tenants should be strongly advised to provide access for both safety checks and maintenance work in the interests of their own safety. If a tenant refuses access and it is necessary to demonstrate what steps have been taken, any notes you have made and emails / letters sent will be your defence in court, if there is a problem.

However, action to gain access does not involve making arrangements for forced entry into property.

2 – The Furniture and Furnishings (Fire) (Safety) Regulation

Furniture manufactured since March 1989 will comply with these regulations, but furniture made before this will not. This is because the



foam in furniture manufactured before 1989 emitted poisonous gas if it was set on fire. This applies to beds, mattresses and sofas for example, rather than sleeping bags and duvets etc. Your obligations are to ensure that any furniture provided in a rental property have the relevant safety labels, or it can be proved when they were made. Antique furniture follows different rules. We have provided more details in the ebook.

3 – The Smoke and Carbon Monoxide Alarm (England) Regulations 2015

Private sector Landlords are required to have at least one smoke alarm installed on every story of their properties and a carbon monoxide alarm in any room containing a solid fuel burning appliance (eg 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 and encourage tenants to make regular checks to ensure they are still working.

The requirements will be enforced by local authorities who can impose a fine of up to £5,000 where a Landlord fails to comply with a remedial notice.

4 – Electrical Safety

It is not mandatory to have electrical equipment checked each year however, failing to make sure that electrical equipment and appliances are safe is a criminal offence.

It is good practice for Landlords to have all electrical appliances and electrics (wiring, plugs and sockets, etc.) checked before the start of a tenancy and regularly thereafter.

You should provide instruction booklets and guarantees for tenants. The following guidelines apply to all electrical appliances supplied for the tenancy:

Best practice advice to offer Landlords is to have electrical systems formally checked and tested every 5 years and keep record of these checks for 5 years although this is currently under review.

5 – Legionella

Legionnaire's 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.



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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.

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.

In basic terms common sense measures can help prevent Legionnaire's disease. 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 Property Managers check list for routine inspections, or to accompanied viewings for a vacant property.

6 – Housing Health and Safety Rating System

In addition to these safety guidelines you should be aware of the Housing Health and Safety Rating System. In general terms, before choosing to market a property for let, the property should be assessed under basic Housing Health and Safety Rating System standards. If the property does not fit the standards, then repairs should be suggested or you may even consider not taking the property on the market.

If a tenant feels a Landlord is not looking after a property, then they can report any issues to the local authority. If the Letting agent feels that the issue reported forms part of the Housing Health and Rating System of hazards they can order a Landlord or agent to carry out a repair OR even instruct repairs and bill the Landlord.

Tenants can take action against their Landlord in the event of a repair problem by calling the Environmental Health department. Although the tenant may only have issue with one thing (such as a faulty boiler), the environmental health team may inspect the entire property for risks under HHSRS. Therefore, Landlords should be aware of *all* potential risks. The most common and often most serious hazard found by local authorities in rented accommodation is excess cold.

Housing health and safety rating system lists 29 hazards broken down into 4 groups

- **Physiological requirements**



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- **Psychological requirements**
- **Protection against infection**
- **Protection against accidents**

You should be aware of the hazards identified in each of these groups in case you spot anything either on market appraisal, viewing or inspection.

7- Homes Fitness for Human Habitation Act 2018

The Act creates a new duty on all residential Landlords, by implying a covenant into a residential tenancy, to ensure that the property is fit for human habitation at the beginning of the tenancy and throughout.

Tenants have the right to take legal action if Landlords fail to keep properties in a state that is fit for human habitation.

The term “fitness for human habitation” is defined in the Landlord and Tenant Act 1985. It states that a property is to be regarded as unfit for human habitation if it is “so far defective in one or more of those matters, that it is not reasonably suitable for occupation in that condition. Tenants will have the “right to take legal action if Landlords fail to keep properties in a state that is fit for human habitation.

Remember if you are managing an HMO (house in multiple occupation), you may have additional responsibilities. We will cover these in a separate film.

Action Point

Have a look at each of the Property Safety ebooks for more detail.