



## **HOUSES IN MULTIPLE OCCUPATION - MANAGEMENT PACK**

This Management Pack has been produced by Reading Borough Council. Its aim is to provide guidance to help you be a responsible landlord and to comply with the law. Good management can be achieved by knowing your responsibilities, and by having both good procedures and documentation in place.

September 2018

# HOUSES IN MULTIPLE OCCUPATION - MANAGEMENT PACK

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# 1. HOUSING - INTRODUCTION, COUNCIL INSPECTIONS AND PROCEDURES

## Introduction

The Council has legal powers and duties to ensure that rented accommodation, in particular Houses in Multiple Occupation (HMOs), are suitable to live in. The Council carries out routine inspections of housing:

- When it receives information that a property may be unsafe or in disrepair; or
- When it has received a report that relevant housing law is being broken; or
- When an application has been received for an HMO licence; or
- As part of its proactive program of housing inspections.

Proactive inspections normally apply to HMOs, but they may also be carried out in family housing if we believe there is a danger.

## Inspections by the Council

Officers from the Council's Private Sector Housing team are authorised to carry out investigations and inspections. They always carry an identification card with a photograph. They can legally enter any property to carry out surveys and examinations. They have a right to enter and inspect rented property at all reasonable hours providing that 24 hours' notice is given. In some cases, however, they do not have to make an appointment and may come without advance notice.

An officer should:

- Show identification;
- Give feedback from any inspection such as information about defects and guidance on what needs to be done next;
- Distinguish between recommended good practice and what you must do to comply with the law;
- Give reasons in writing for any action you are asked to take;
- State what the law is when there is an apparent breach of the law;
- Give reasonable time to meet statutory requirements except where there is an immediate risk to public health;
- Give information about how to complain against the Council's actions.

## What do officers look for?

In all types of residential properties, officers will look for any disrepair or other problems that could cause harm to the occupiers. The severity of hazards is assessed using the Housing Health and Safety Rating System (HHSRS). A person managing an HMO has a duty to comply with certain management regulations, which are described later in this pack, and officers will check for compliance.

The Housing Act 2004 also introduced a mandatory scheme for the licensing of larger HMOs and officers will be checking to see that any relevant HMO is properly licensed and that there is compliance with the licence conditions.

## 2. HOUSING - ENFORCEMENT POWERS

### What powers do officers have?

Officers have many powers available to them, which they use to improve poor quality housing. If problems are found during an inspection, the officer will normally try to approach you informally first, for example by writing a letter that describes the problem and the action you need to take. We cannot always do this, for example if there is serious non-compliance with housing law or there are hazards that pose an immediate, serious danger to the occupiers. More serious enforcement options include:

- Serving a formal notice. This is a legal document that requires you to take action. You should always read formal notices carefully.
- If specified works are not completed or the matter is urgent, the Council may do the work itself (in default of the landlord) and recover the cost of works (including administration) or put a charge on the property in the local land charges register with interest charged until the debt is cleared.
- The Council may decide to prosecute you. This usually happens when there has been a serious breach of the law, for example a breach of the HMO management regulations that has endangered the occupiers or where a formal notice has not been complied with.
- Civil Penalties - The Council impose a financial penalty which can be up to £30,000, instead of taking a prosecution. It can be applied to certain housing offences under the Housing Act 2004 for failure to comply with an improvement notice, causing overcrowding, management and licensing offences in houses in multiple occupation. A civil penalty can also be applied for a breach of a banning order under the Housing and Planning Act 2016.
- Banning Order - For more serious and repeat offenders, the Council may apply for a banning order to the First Tier Property Tribunal. Banning orders are for a minimum of 12 months. When this is in force, the landlord/property agent is prevented from letting and managing a property and would be unable to hold a licence.
- Rogue landlord database - the Council may enter a landlord or property agent's details into the database if they have been served with a banning order or have received two or more financial penalties. This information is available to other Councils in England to ensure a consistent and targeted approach to enforcement on those landlord or agents operating across Council boundaries.

The Council will take the appropriate action in line with its enforcement policy to ensure that action taken is proportionate to risks involved. A copy of the Enforcement Policy can be obtained from the website [www.reading.gov.uk](http://www.reading.gov.uk). If you wish to obtain a paper copy, please contact the Private Sector Housing team.

## Formal Notices

The Council normally serves formal notices where a property is:

- let in a poor condition and is hazardous;
- fails to meet minimum standards; or
- Where landlords have failed to keep on top of repairs and maintenance resulting in one or more hazards.

The notice may:

- simply advise you of the hazard without requiring repairs (a hazard awareness notice);
- require remedial or improvement works. Examples include an improvement notice served under the Housing Act 2004 or an abatement notice served under the Environmental Protection Act 1990. Timescales for compliance will be given, although in certain circumstances, works will be required immediately to remove the danger;
- prohibit the use of part of all of a property. In rare circumstances where there is a serious, imminent danger of harm, an emergency prohibition order may be served which comes into force immediately.

Most notices have a right of appeal and how to do this will be explained on the notice. This might be to the First-Tier Tribunal - Property Chamber (Residential Property), the County Court or the Magistrates Court.

You should always keep the officer informed of the progress of remedial actions. This helps the officer to make visits to check on the quality of the work and ensure that the standards are being met. In most cases, you may commit a criminal offence if you fail to comply with a formal notice. For many notices, conviction in the Magistrates Court can result in an unlimited fine. You would then still need to comply with the notice.

## What if you wish to make a complaint?

If you are not happy with the way an officer has dealt with you, the Council has a formal complaints process. You can contact a member of staff and they can provide you with a leaflet explaining the procedure.

If you are still not satisfied, you can take your case to the Ombudsman. The Ombudsman has independent investigators who will consider your case if you feel you have been treated unfairly as a result of "maladministration". You must first give the Council a chance to deal with the complaint. A leaflet is available from the Reading Borough Council which gives more information about the Ombudsman.

### **3. AN OVERVIEW OF HOUSING LEGISLATION**

#### **The Housing Act 2004**

Part I of the Housing Act 2004 introduced the Housing Health and Safety Rating System. It also changed the definition of a house in multiple occupation and brought in mandatory licensing of certain types of HMO. The HMO Management Regulations 2006 are enforced through this Act. The Housing Act 2004 also introduced a new mandatory **Tenancy Deposit Protection Scheme** which started on 6 April 2007.

#### **The Local Government (Miscellaneous Provisions) Act 1976**

This Act has sections that cover reconnection or continuance of supplies of water, gas or electricity, where bills go unpaid by an owner or former owner and where the supply companies disconnect them. The cost of paying these bills and having the service reconnected can be recovered by the Council.

#### **The Public Health Act 1936 and 1961**

These Acts contain powers to tackle unsatisfactory sanitary closets and blocked drains. They also contain powers for dealing with infestations by vermin (including insects).

#### **The Environmental Protection Act 1990**

Part 3 of this Act gives the Council powers to deal with premises that are in a condition that are prejudicial to health, which means that are likely to cause illness rather than physical injury.

#### **The Berkshire Act 1986**

Section 39 of this Act allows the Council to take action in cases involving dangerous electrical installations in rented properties.

#### **The Gas Safety (Installation and Use) Regulations 1998**

These regulations place a duty on landlords to have gas installations and appliances tested for safety at least once every 12 months. They are enforced by the Health and Safety Executive.

#### **The Smoke and Carbon Monoxide Alarm (England) Regulations 2015**

These regulations set minimum requirement for smoke detectors in residential properties that have been let and also require there to be a carbon monoxide alarm in each room in which there is a solid fuel burning appliance.

#### **The Furniture and Furnishings (Fire) (Safety) Regulations 1998**

These regulations apply to the supply of upholstered furnishings within rented accommodation.

#### **The Consumer Protection Act 1987 and the General Product Safety Production Regulations 1994**

These regulations apply when you apply goods in furnished private rented accommodation. This includes electrical equipment, gas appliances, furniture and other goods, which should be in good order.

#### 4. HOUSING ACT 2004 - HOUSING HEALTH AND SAFETY RATING SYSTEM (HHSRS)

##### What is HHSRS?

Part 1 of the Housing Act 2004 introduced the HHSRS: a method to determine if a property is a safe and healthy place in which to live. HHSRS is a risk-based approach to assess potential hazards that may cause harm to occupiers of residential premises or to visitors.

##### What are the hazards assessed by the HHSRS?

The system lists 29 hazards for officers to consider when inspecting properties.

Hazard	Examples of relevant factors
Damp and mould	Mould growth, water leaks, poor insulation
Excess Cold	Poor heating and insulation
Excess Heat	Poor ventilation and insulation and large glazed areas
Asbestos (and MMF)	Presence of asbestos and MMF containing materials
Biocides	Presence of rodenticides and other chemical treatments
Carbon monoxide & fuel combustion products	Defective fuel-burning appliances, poor ventilation
Lead	Lead pipework, lead-based paint
Radiation	Presence of radon gas
Uncombusted fuel gas	Gas installation in disrepair, poor siting, maintenance defects
Volatile Organic Compounds	Presence of materials that release volatile organic compounds
Crowding and space	Overcrowding
Entry by intruders	Poor security arrangements
Lighting	Poor access to natural light and outlook
Noise	Exposure to noise caused by a building defect
Domestic hygiene, pests and refuse	Defects that prevent cleaning, disposal of rubbish and promote pest harbourage
Food Safety	Defects that mean food cannot be stored and prepared safely
Personal Hygiene, Sanitation and Drainage	Defects to drainage and sanitation/hygiene fittings
Water Supply	Defects that interrupt the water supply or make it unsafe
Falls associated with baths, etc.	No handrails, slippery surfaces, poor layout
Falls on level surfaces	Slippery or damaged floor surfaces, trip thresholds
Falls on stairs, etc.	No handrails, poor lighting, slippery surfaces
Falls between levels, e.g. windows	Low window sills, no opening limiters, poor guarding protecting stair wells
Electrical hazards	Disrepair to the electrical installation
Fire	No fire detection equipment, poor escape routes
Flames, hot surfaces etc.	Unguarded open fire places, scalding water
Collision and Entrapment	Doors and windows which are difficult to open and close or poorly located
Explosions	Defective gas installation, disrepair to vented hot water systems
Position and operability of amenities	Poor layout and positioning of appliances and amenities
Structural collapse and falling elements	Subsidence, loose roof slates and chimney pots.

## **How is HHSRS applied?**

Officers perform a visual inspection of the property to see whether there are any defects or deficiencies that create or cause a hazard. Occasionally, the officer may bring another competent person such as a gas engineer or an electrical inspector to assist with the inspection.

If the officer believes a hazard exists, a desktop assessment is carried out to produce a score. This score is used to determine whether remedial action is necessary. Each hazard has a prescribed vulnerable age group and the assessment looks at how that vulnerable group is affected by the hazard. The assessment has two stages:

- Likelihood of harm - the officer looks at how likely the hazard will result in harm over 12 months;
- Harm outcome - the officer determines how serious the results would be if harm does occur as a result of the hazard. There are four classes of harm, which range from injuries or illness that require basic medical attention, through to causing death

The final score produced by this assessment shows whether the hazard is category 1 or category 2. If it is category 1, the Council has a duty to take enforcement action to eliminate or reduce the risk of the hazards. The Council has similar powers to deal with category 2 hazards, which it uses at its own discretion.

## **What should I do as the landlord or the managing agent?**

You should already be carrying out regular inspections of your property to ensure that the common parts are being maintained and should inspect letting rooms when they become vacant and before being re-occupied. In addition to assessing as to whether there are any repair works needed, you should now see if there are deficiencies in the property which may cause an increased risk of a hazard occurring to the occupants, and see if this risk can be reduced.

For example, if you look at the hazard “Falling on stairs, etc.”, you can carry out a visual check to the staircase in the property and consider the following: Is the floor covering fitted securely and in good condition? Are the treads and risers secure and in good condition? Are there balustrading and handrails and are these in good condition? Is there adequate lighting provided in this area? If the staircase is steep and there is no handrail, then you may need to provide a handrail to reduce both the likelihood and the severity of a fall.



## **5. DEALING WITH GENERAL REPAIRS AND MAINTENANCE**

Good landlords will maintain their properties. Property letting is a big investment and ignoring problems at an early stage can lead to expensive bills later.

You should encourage tenants to bring to your attention items of disrepair or poor conditions at the property and try to deal with problems as soon as possible. Have a written procedure for dealing with tenant complaints. Fixtures, fittings and appliances (as well as the property itself) can naturally wear out over time. It is therefore sensible to have plans in place for carrying out routine maintenance and this can help avoid unplanned emergency repairs that might lead to higher costs (such as having to provide emergency accommodation).

### **Identify the areas of your house that need inspecting and require maintenance**

It is worth carrying out routine visual inspections of the condition of your property. On the outside, check roofs, chimneys, walls, doors, windows, gardens and drainage for signs of problems that might need attention. On the inside, check the condition of walls, floors, doors, windows, electric sockets and other electrical fittings, heating, appliances you have provided and bathroom and kitchen facilities, for example sinks and wash hand basins.

### **Frequency of inspections**

Internal structures, fixtures and fittings whether in a self-contained flat or individual room letting, should always be inspected after a tenant leaves. This will help you to identify any damage caused by the tenant and prevent problems when a new tenant moves in. It is worth checking the external condition of the property while you are on site.

Many landlords visit their properties every three - six months to check that the tenant is looking after their home and no damage is being caused. You should always give 24 hours' notice before you visit. You must not visit so frequently that it interferes with the tenant's ability to enjoy their home. For houses in multiple occupation, you will need to check the communal areas more frequently to fulfil your management duties.

Some checks you will not be able to do yourself. Unless you are a competent Gas Safe registered engineer, you will not be able to carry out the annual landlord's gas safety check. If you manage an HMO, you have a duty to arrange for the electrical installation to be checked every five years, which you will not be able to do yourself unless you are a competent inspector. We recommend you keep a list of reliable tradespeople and professional advisors (if appropriate) or both for inspection and repair work.

On the basis of your inspections, make a maintenance plan for the property, which identifies any issues and repairs that will be required over the planned timescale. Agree the plan with your selected tradespeople so that they can make advance preparations for any work.

### **Health and safety**

When anyone works at your property, you should ensure that your contractors have access to adequate heating, lighting, ventilation and toilet facilities. You should discuss with your contractors how the work will be carried out to ensure it is done safely. Properties undergoing building work should be left secured against intruders whenever they are empty and any appropriate warning notices prominently displayed.

It is particularly important that work is carried out safely in properties which have tenants; we advise you to discuss any works with your tenants so they understand what is happening. For further advice on health and safety matters, contact the Health and Safety Executive.

## **Asbestos**

Many materials in and around homes may contain asbestos, particularly those built from the mid-1940s to the early 1980s. An accidental release of asbestos fibres can result in serious health risks for anyone exposed to them and can lead to very expensive remedial works. If you are in any doubt about whether a material contains asbestos, you should have it tested before work starts.

Many jobs that involve asbestos are controlled by health and safety law and in some cases a person maintaining residential properties has duties under the Control of Asbestos Regulations 2014. Please contact the Health and Safety Executive for further advice.

## **Choosing a contractor**

If you don't have a site manager, you will need to choose your own contractors. We suggest you use contractors who offer a written contract of the type suggested by the Office of Fair Trading and who are members of an approved guarantee scheme.

Some of the works may need to be carried out by specialist contractors such as electricians or damp-proofers, for example, where there needs to be compliance with building regulations. It is recommended that you choose a contractor who:

- Belongs to an approved organisation and/or;
- Can provide guarantees for their work which are underwritten, and will remain valid even if the specialist ceases to trade.

## **Planning permission and building regulations approval**

You may have to obtain planning permission or building regulation approval before carrying out certain works, particularly if the property requires listed building consent. Some works subject to building regulation approval can be carried out by a member of a relevant competent persons' scheme. Details of these schemes can be found on the [www.gov.uk](http://www.gov.uk) website.

## 6. HOUSES IN MULTIPLE OCCUPATION - WHAT ARE THEY?

The term "House in Multiple Occupation" (HMO) is defined by sections 254 and 257 of the Housing Act 2004.

A HMO is a house, or a flat, that is:

- Occupied by 3 or more tenants forming 2 or more households who share (or the building lacks) a basic amenity such as cooking facilities, bathroom or toilet.
- Occupied by 3 or more tenants forming 2 or more households and is a converted building but is not entirely of self-contained flats (whether or not some amenities are shared or lacking);
- Converted into self-contained flats, but does not meet the requirements of the 1991 Building Regulations and at least a third of the flats are occupied under short tenancies.

And is "occupied" by more than one household:

- As their only or main residence; or
- As a refuge by persons escaping domestic violence; or,
- During term time by students; or,
- For some other purpose that is prescribed in regulations

A household is defined as a family (this includes single persons and couples) and their relatives, foster children and any domestic staff. This means a property shared by a group of friends or students can be classed as an HMO.

### **Accommodation comprising separate lettings, i.e. bedsits**

These are houses where there is exclusive occupation of parts of the property and also some sharing of facilities. For example, if you let bedrooms in your property to separate occupiers who don't know each other and they share amenities such as a bathroom or kitchens, we would consider this a bedsit arrangement.

### **Shared Houses**

These are houses which are shared by members of a clear social group, for example a group of students or young single adult friends. The occupiers each enjoy exclusive use of a bedroom but would share other facilities including a common living space. The anticipated duration of the occupancy will often be finite and occupiers may spend short periods away (e.g. vacations). This standard is not intended to apply to purpose built student accommodation.

### **Halls of Residence and other similar establishments**

Houses with some degree of shared facilities where occupation would normally be by people whose accommodation is ancillary to their employment or education and is made available through their employer or in connection with a recognised educational establishment.

## **Hostels, Guesthouses and Bed and Breakfast**

These are the types of property generally described as “hostels”, “guest houses”, and “bed and breakfast”. Occupation would normally be by people with no other permanent place of residence as opposed to hotels which provide accommodation for temporary visitors to an area. This type of HMO would include premises used by Local Authorities for temporary accommodation pending permanent placement for people who would otherwise be homeless. It would also include bona fide hotels used for such purposes, even on a casual basis, and hotels housing a mixture of homeless households and visitors.

## **Residential Care homes and similar establishments**

These are properties where personal care is provided under the Care Standards Act 2000. They are regulated by the Care Quality Commission (CQC). The CQC work with the Fire Authority regarding means of escape in case of fire and may consult with Local Authorities regarding other standards. Where no “personal care” is provided and the occupiers are “supported” then it is likely that the standards required will be those of a bedsit HMO.

## **Self-contained flats**

These are dwellings contained within large buildings which were either built as flats or were later converted into flats. Access to the individual flats is through common entry doors, hallways and staircases within the building. Each flat is self-contained and no amenities are shared between flats. Buildings that contain self-contained flats can be HMOs under section 257 of the Housing Act 2004. This is discussed later in this pack.

## **Exemptions from the HMO definition**

These are listed in Schedule 14 of the Housing Act 2004 and include

- Properties controlled or managed by public sector bodies, e.g. housing associations, police, fire service, NHS/health service;
- Properties regulated by another Act;
- Student accommodation managed or controlled by an educational establishment that have signed up to an Approved Code of Practice from Universities UK or Accreditation Network UK;
- Buildings occupied by religious communities.

## 7. LEGISLATION APPLICABLE TO HOUSES IN MULTIPLE OCCUPATION

### ***The Regulatory Reform (Fire Safety) Order 2005***

This is enforced by the local fire authority. The person responsible for the common parts (such as landings and hallways) of HMOs and buildings containing flats should carry out a suitable fire risk assessment and act to correct any problems found by the assessment.

### ***Housing Act 2004***

This is the main piece of legislation enforced by the Council's Private Sector Housing team. It is split into several parts.

- Part 1 covers HHSRS and the enforcement powers available to officers to deal with any hazards found;
- Part 2 covers mandatory licensing of HMOs and also additional licensing of HMOs. The Council does not currently operate any additional licensing schemes;
- Part 3 covers selective licensing of HMOs. Reading Borough Council does not currently operate any selective licensing schemes;
- Part 7 contains offences relating to the management of HMOs, in particular the Management of Houses in Multiple Occupation (England) Regulations 2006 and the Licensing and Management of Houses in Multiple Occupation (Additional Provisions) (England) Regulations 2007.

### ***The Building Act 1984***

Under section 72 of the Building 1984, the Council's Building Control office can require fire safety works in some cases. This is normally where a property consists of residential accommodation/flats above commercial premises (such as a shop or restaurant) and the property is over 20ft high with inadequate means of escape from fire. Any work to convert a building into an HMO or alter the structure of an existing HMO may require approval under the Building Regulations - if you are in doubt, it is always best to check with the Building Control Office.

### ***Planning legislation for Houses in Multiple Occupation***

You will need planning permission:

- To divide a house into individual flats, flatlets or maisonettes;
- for HMOs which are occupied by more than six persons;

Under planning terms, a dwelling house is known as class C3. A small scale HMO with between 3-6 occupiers is class C4. Planning permission is not normally required to convert a property C3 to C4 use under permitted development rights, but local authorities have powers to remove these rights. The Council operates an Article 4 area within the borough in which these permitted development rights have been removed. The wards covered include Park, Katesgrove and Redlands.

The Council's Planning Office can provide you with more information about the Article 4 area. Further guidance on whether you for planning permission for your property can be found at the Planning Portal website, <https://www.planningportal.co.uk/>

## 8. HOUSING ACT 2004 - LICENSING OF HOUSES IN MULTIPLE OCCUPATION

Under Part 2 of the Housing Act 2004, the person responsible for certain large HMOs are required to have a licence. This currently applies to HMOs that have three or more storeys AND five or more persons living as two or more households and sharing some amenities. It does not apply to buildings that contain only self-contained flats.

From 1 October 2018, all HMOs that are occupied by FIVE or more persons forming 2 or more households, regardless of the number of storeys, will require a licence from the Council.

### Exemptions from Licensing

These are listed below:

- a flat which is a HMO within a purpose built block comprising 3 or more self-contained flats;
- a converted block of flats, also known as Section 257 HMOs.

We can sometimes allow temporary exemption from HMO licensing, for example if the number of occupiers is going to fall below five or if there are plans to convert the HMO back to a single dwelling. If you want to apply for temporary exemption, you will need to get an application form from the Private Sector Housing team. Temporary exemption lasts for up to three months. We may grant a second temporary exemption under exceptional circumstances, but the law does not allow more exemptions after this.

### What do I have to do as the landlord or managing agent?

If you have a HMO that needs a licence, you must contact the Council for an application form, which can be obtained from the Private Sector Housing team. Failure to obtain a licence may result in prosecution and could result in an unlimited fine. In addition, the First Tier Tribunal can make a Rent Repayment Order requiring that you repay up to 12 months' rent to tenants or to the Council. If the HMO is licensable but is not licensed, a landlord cannot avoid licensing by serving a notice to quit (Housing Act 1988, Section 21) on the occupiers as it would be invalid. Information on how to fill in the form and the tests that will be applied are available on the Council's website at: <http://www.reading.gov.uk/hmo>

### The Licence and Conditions

There is a fee for the licence, which ranges from £640 to £1485 for a typical three storey HMO with five bedrooms. The fee is for a new application as opposed to the renewal fee which is lower. The normal duration of the licence is for 5 years, but this can be subject to variation depending on the individual circumstances in an application. Once you have been granted a licence, there will be conditions attached and failure to comply with the conditions is an offence. The conditions that may be attached include:

- The number of persons that are permitted to occupy the property
- Provision of an annual gas safety certificate
- To keep electrical appliances and furniture in a safe condition
- To keep smoke alarms in working order
- To provide tenants with a written tenancy agreement

Other conditions may also be included to deal with different aspects of individual properties, for example:

- restriction on or prohibition of the use of parts of the HMO
- An obligation on the landlord or manager to take steps to deal with anti-social behaviour of tenants or visitors
- Ensuring that the condition of the property, its contents, such as furniture and amenities are in good working order.
- Carrying out specific works or repairs within a particular timeframe
- A requirement that the responsible person attends an approved training course

## 9. MANAGEMENT DUTIES IN HOUSES IN MULTIPLE OCCUPATION

Anyone managing a HMO has duties to maintain good living conditions within the property. Under the Housing Act 2004, the person managing is defined as a person who receives rent, either for themselves or as an agent for another person.

The management duties in most HMOs are set out in the Management of Houses in Multiple Occupation (England) Regulations 2006. For converted blocks of flats which are covered by section 257 of the Housing Act 2004, similar duties are set out in the Licensing and Management of Houses in Multiple Occupation (Additional Provisions) (England) Regulations 2007.

### What is covered by these Regulations?

- Regulation 3 - The manager must ensure that his/her name, address and any contact telephone number are provided to the occupants and are prominently displayed within the property in the case of an emergency.
- Regulation 4 - The manager must ensure that means of escape from fire such as the escape route should be kept free from obstruction, maintained in good repair and, where necessary, have suitable fire escape notices. Fire-fighting equipment and fire alarm systems must be maintained in good working order.
- Regulation 4 - The manager must have reasonable measures in place to protect the occupiers from injury which may be caused by the design and structural conditions of the property and the number of people occupying it. This includes providing protection against falls from windows with low sills and unsafe balconies.
- Regulation 5 - The manager must ensure both the water supply and drainage are maintained in good working order and repair.
- Regulation 6 - Gas and electrical supplies and installations should be maintained in good working order and in constant supply. A gas safety certificate must be available where applicable and supplied on request by the Council. Fixed electrical installation must be inspected and tested at least every five years by a qualified and competent person and a certificate to be obtained, which may be requested by the Council. If requested, the certificate must be supplied within seven days
- Regulation 7 - Common parts, fixtures, fittings and appliances must be maintained in good and clean decorative repair, in a safe and working condition, and kept reasonably clear from obstruction. This includes banisters and handrails, stair coverings, windows, lighting, gardens and yards, walls and fences
- Regulation 8 - Living accommodation and installations and appliances provided should be kept in good repair. Each room should be in a clean condition at the beginning of the tenant's occupation of it. Windows and ventilation should be maintained in good order
- Regulation 9 - Provision should be made for adequate disposal of refuse and litter.

Failure to comply may result in prosecution, for which the maximum penalty on conviction is now an unlimited fine. Alternatively, a civil penalty may be applied with the maximum amount being £30,000. A civil penalty can be issued for each separate breach of the above Regulations.



## Duties of occupiers

Occupiers also have responsibilities under the Regulations which allow managers to fulfil their legal obligations. They must:

- Allow access to the manager at reasonable times and provide necessary information to carry out their management duties;
- Comply with the manager's arrangements for means of escape from fire and refuse storage and disposal;
- Keep the accommodation in an acceptable manner and take reasonable care so as not to damage the property;
- Behave in a reasonable and social manner so as not damage the property and cause a nuisance to other tenants or inconvenience the manager's duties.

## Access to gas and electricity meters and heating Controls

In an HMO, the gas meter and electric meter (consumer unit/fuseboard) should be located in the common parts of the house to enable tenants to access these should an emergency occur. If this is not possible, arrangements should be made to enable tenants to access the meters at such time as they may reasonably require.

Gas and electricity supplies in HMOs that rely on a key or card meter can cause problems, particularly when the credit runs out and there is disagreement about who should 'top up' the meter. If the gas or electricity supplies are cut off for this reason, you may be in breach of your duty to maintain the supply of gas or electricity. Ideally, you should provide a separate meter for each letting. Alternatively, you may arrange to pay for the gas and electric bills and recharge your tenants in the rent, or you can arrange for regular checks to the property to ensure the meter is always topped up.

If the provision of heating in the property is by central heating on a timer system, you should give consideration to the appropriate siting and access of controls and ensure that the provision reasonably meets the occupiers' needs.

## Waste Disposal

You must ensure that there are sufficient facilities to contain and dispose of waste both inside and outside the property. You should ensure the occupiers know:

- The correct day to put bins out for collection;
- Not to leave bins obstructing the pavement;
- What waste should go in which bin. Black bags of rubbish are not collected.

Waste created by building works or maintenance is trade waste. Information about domestic and trade waste can be found at <http://www.reading.gov.uk/rubbish> and <http://www.reading.gov.uk/tradewaste>

## 10. FIRE SAFETY IN HOUSES IN MULTIPLE OCCUPATION

Fire safety measures are required for two reasons:

- To give early warning of a fire in the premises to those at risk of harm;
- To prevent the spread of smoke and fire through the premises to either allow residents to safely escape.

Under the Housing Act 2004, the scale of the fire safety precautions needed in residential properties is generally determined by risk assessment. The Smoke and Carbon Monoxide Alarm (England) Regulations 2015 introduced a minimum requirement for smoke detection in rented properties. This may be sufficient for very low risk houses occupied by a single family, but will not be enough for HMOs. Some HMOs are considered to be lower risk than others, for example those occupied by a group of students with no unusual risk factors. HMOs that are comprised of bedsits (with or without cooking facilities), properties with unsafe layouts, very high occupancy or those linked to commercial premises or a combination of these factors will require a corresponding higher degree of protection.

The following factors should be considered when carrying out a fire risk assessment for an HMO:

- Means of escape
- Fire separation
- Fire Doors
- Automatic Fire Detection
- Emergency Lighting
- Fire Fighting Equipment
- Fire Safety Compliant Furniture and Furnishings

**Note that in HMO, there is a duty under the HMO management regulations for fire safety equipment and escape routes to be maintained. The Council takes breaches very seriously and will likely prosecute offenders.**

We recommend the LACORS document '*Housing - Fire Safety: Guidance on fire safety provisions for certain types of existing housing*' as an easy-to-understand guide on suitable fire safety precautions. This document includes a section which describes fire precautions that will achieve a satisfactory level of safety in most situations. While LACORS no longer exists, this document can be found by doing an internet search for the LACORS fire safety guide.

### Means of escape

It is important that residents have a safe way to escape from their home in the event of a fire. If the escape route is within the building, it will include any staircases, landings and hallways that occupiers need to pass through to reach the outside. In particular:

- All final exit doors to the outside should be able to be opened without the use of a key (although they must also be capable of being secured against intruders).
- If the escape route is complicated, there should be signs to show the way out.
- The escape route must be kept clear of obstructions at all times.
- All cracks and holes in plaster should be repaired or filled with materials which will provide the required standard.

The construction of the escape route should prevent penetration by smoke and fire. In higher risk HMOs, this will mean all doors, walls, floors and ceilings surrounding the escape route and underneath of staircases on the route must be constructed to resist the passage of fire, smoke and fumes for at least half an hour. In low risk HMOs, walls, floors and ceilings surrounding the means of escape should ideally be half-hour fire resistant but it would be acceptable to have sound, traditional construction that is in good repair.

The safety of escape routes can also be compromised by items kept within them. The following should not be permitted within the escape route:

- Portable heaters of any type and heaters which have unprotected flames or radiant bars
- Fixed heaters using a gas supply cylinder
- Cooking appliances
- Upholstered furniture
- Storage of any kind (unless it is kept in a locked cupboard, which is constructed to the same standard of fire resistance as the rest of the escape route)
- Lighting involving the use of a naked flame
- Gas meters other than those installed in accordance with the appropriate Gas Safety Regulations. Gas pipes must be made of a material with a high melting point in order to comply with Gas Safety Regulations.

It is sometimes acceptable to fit escape windows if it is not possible to have an internal escape route. You should take advice on whether this is a suitable approach, as there are several factors that need to be considered.

## **Fire Separation**

There should be adequate fire separation both between lettings and between lettings and the escape route. Generally all lettings in licensable HMOs must be separated from each other and from the protected route by half-hour fire resisting materials. This includes walls, floors and ceilings. In low risk HMOs, walls, floors and ceilings ideally should be half-hour fire resistant but it would be acceptable to have sound traditional construction which is in good repair.

In cases where there is a commercial premises attached to the HMO, there should be fire separation by at least one hour fire resistance. In certain circumstances, the automatic fire detection system in the HMO may be required to extend into the commercial premises.

## **Fire Doors**

Fire doors are designed to withstand fire and to prevent the passage of heat, flames and smoke through a doorway. In high risk HMOs, all letting rooms and any other rooms opening on to the protected route must be fitted with a fire door and should meet the requirements listed below:

- Fire doors must be a minimum half-hour fire resistant and comply with the requirements of British Standard 476;
- If a lock is provided on a fire door (for example, into a separate letting), it must be designed so that it can be unlocked on the inside without using a key;
- Self-closing devices on fire doors should be capable of fully closing the door in one smooth continuous motion, overcoming the resistance of any door latch. The self-closing mechanism chosen must comply with British Standard EN 1154:1997;

- The fire door should close squarely and lie flush against rebates of the frame;
- The fire door should be fitted with a minimum of three hinges with melting point in excess of 800 °C;
- Fire doors must be fitted with intumescent strips to the top and side edges of the door or door frame. Smoke seals should not be fitted unless there is interlinked automatic fire detection on both sides of the fire door;
- Gaps between the door and frame must be no larger than 3 mm and no more than 8 mm beneath the door.

To be effective, fire doors must be kept closed and occupiers should be informed of this. We recommend that you keep copies of any letters or notices you give to occupiers to remind them of this.

### **Automatic fire detection**

HMOs should have an interlinked, mains-powered automatic fire detection (AFD) system installed. The type and scale of the AFD system will depend on the risk factors within a property, but as a general rule the larger the HMO is, the larger and more extensive the fire detection system will have to be.

There are several different grades of fire detection equipment:

- Grade A - a system of smoke and/or heat detectors with a control panel. The panel conforms to BS EN 54-2. The system will also have a power supply that conforms to BS EN 54-4. The system will have been installed in accordance with BS 5839 Parts 1 and 6
- Grade B - a system with fire detectors (other than smoke alarms) and sounders. The system will also have a control panel that conforms to either BS EN 54-2 or to Annex C of BS 5839 Part 6. The system will have a power supply that conforms to BS EN 54-4;
- Grade C - a system with fire detectors and alarm sounders (which may be smoke alarms) connected to a common power supply. The power supply will comprise of normal mains and stand-by supply. There will be an element of central control, such as a small dedicated control panel;
- Grade D - a system with interlinked mains powered smoke alarms (with heat alarms in areas not suitable for smoke alarms if necessary). Each alarm will have an integral stand-by supply to keep the system operating during a power cut. Interlinking between the alarms can be achieved by cabling or radio. There is no control panel;
- Grade E - system with interlinked mains powered smoke alarms (with heat alarms in areas not suitable for smoke alarms if necessary). The alarms will not have a stand-by supply. Interlinking between the alarms can be achieved by cabling or radio. There is no control panel. We do not recommend the use of grade E systems due to the lack of standby power supply;
- Grade F - a system of battery powered smoke alarms which are not interlinked. A grade F system is not suitable for an HMO.

There are also several different categories of coverage:

- LD1 - this category of coverage has detectors in all circulation areas which are part of the escape route and also in all rooms and areas in which a fire may start;

- LD2 - this category of coverage has detectors in all circulation areas which part of the escape route and also in all rooms or areas that present a high fire risk to occupiers (e.g. kitchens);
- LD3 - a system incorporating detectors in circulation spaces that form part of the escape routes from the dwelling only.

So, for example, a system described as Grade A LD2 will meet the Grade A requirements and will have LD2 coverage.

All fire detection and warning equipment should be maintained and routinely tested. The nature of maintenance and testing required will depend on the grade of the system. The LACORS fire safety guidance suggests the following:

- 1) Grade A
  - Routine testing: test at least one detector/call point in each zone weekly; record any defect in the log book; and take appropriate remedial action.
  - Routine maintenance: a six-monthly service should be carried out by a competent person, usually a specialist alarm engineer, under a maintenance contract. Record test in the log book and obtain a periodic inspection and test certificate.
  
- 2) Grade D and E
  - Routine testing - these systems should be tested every month by use of the test button on the smoke alarm.
  - Routine maintenance - all alarms should be cleaned periodically in accordance with the manufacturer's recommendations.
  - The LACORS guidance also recommends that all detectors should be tested at least once a year to ensure that they respond to smoke. Tests should not involve the use of open flame or any form of smoke or non-specific aerosol that could contaminate the detection chamber or the electronics of the detector. Suitable specific test aerosols are available. The test is usually carried out by a specialist alarm engineer under a maintenance contract and should be recorded in the log book, and a periodic inspection and test certificate obtained.

Grade B and C systems should be serviced at six-monthly intervals in accordance with the supplier's instructions. Grade F systems should be cleaned periodically in accordance with the manufacturer's instructions.

### **Emergency Lighting**

There is a no definite requirement for emergency lighting and the need for this should be judged using the principles of risk assessment. Normally, emergency lighting will only be required if the escape route is long or complicated. Emergency lighting systems must be designed to comply with BS 5266.

It is recommended that you take out a maintenance contract with a suitably qualified person to undertake maintenance of the system on your behalf. The following tests should be carried out and the results recorded:

- Monthly - each light unit must be activated from its battery by simulating a failure in the normal supply and an inspection made of each luminaire to ensure it is functioning correctly.
- Six-monthly - each light unit must be activated as in the monthly check but left on for a prolonged period. In the case of lights with batteries rated at 3 hours, the light must be left on for one hour and in the case of lights with batteries rated at one hour, these must be left on for fifteen minutes. An inspection must be made of each unit to ensure it is functioning correctly. Clean covers and check that units are not obstructed.
- Annually - if system is over 3 years old, as for the 6 monthly test but the batteries must be tested to their full duration.

### **Fire-fighting Equipment**

As with emergency lighting, the need for fire-fighting equipment should be judged using the principle of risk assessment.

There should be a fire blanket in each kitchen area within an HMO. Fire blankets should conform to BS 6575 and be wall mounted 1.5 m from floor level away from the cooker.

The need for fire extinguishers is more difficult to assess and the benefits they may bring must be assessed against other factors, such as their potential misuse for vandalism or propping open fire doors. If provided, fire extinguishers should be mounted on a dedicated stand or hung on brackets approximately 1 m from the floor. They should be sited away from heaters and in a position where they will not obstruct the escape route. All extinguishers should comply with BS EN 3-7 and maintained in proper working order. They should be properly serviced annually in accordance with BS 5306-3.

### **Fire Safety Compliant Furniture and Furnishings**

Furniture and furnishings provided should comply with the Furniture and Furnishings (Fire Safety) Amendment Regulations 1993. This will include any upholstered furniture such as chairs, sofas, children's furniture, bed, upholstered headboards, mattresses, scatter cushions, seat pads, pillows and upholstered garden furniture.

These Regulations and its requirements can be enforced by Environmental Health under the licence conditions for houses in multiple occupation that fall under the mandatory licensing scheme; and in all other properties by Trading Standards.

## 11. PROVISION OF AMENITIES IN HOUSES IN MULTIPLE OCCUPATION

An HMO will have a number of different households and it is therefore necessary to ensure there are adequate amenities available for occupiers to use. Assessment of the required amenities is linked to the Housing Health and Safety Rating System (HHSRS), in particular the following hazards:

- Domestic hygiene, pests and refuse;
- Food safety; and
- Personal hygiene, sanitation and drainage.

The law already prescribes some amenity standards in HMOs that fall under mandatory licensing. In addition, locally adopted standards on amenities and space will be used to determine the number of occupiers permitted to reside in the property. These standards as detailed below will be used as guidance for all other HMOs and may be enforced if a category 1 hazard is found.

### Facilities for the storage, preparation and cooking of food

The following standards apply:

- The floor area for a shared kitchen shall be not less than 7.0 square metres;
- The kitchen shall be not more than two floors distant from any user;
- A sink on base unit supplied with an integral drainer; constant hot and cold water, trapped drainage and tiled splashback; shall be provided for **every six persons** sharing the kitchen. A wash hand basin shall not be used in place of a sink;
- A cooking appliance with four rings or burners, oven and grill (or equivalent) shall be provided in a **ratio of one for every three persons** using the facilities. Where 3-6 occupants are using the kitchen it may be acceptable to provide a convection microwave oven and grill rather than the second cooker. It is not acceptable to provide a microwave as the only appliance for cooking;
- Two 13 amp electric sockets, in addition to any serving major appliances set at a convenient height and safe position shall be provided for **every six persons** sharing the kitchen;
- A fixed worktop of impervious material, minimum dimensions of available worktop space 50cm x 200 cm shall be provided for **every six persons** sharing the kitchen;
- A food storage cupboard (minimum capacity 0.16 cubic metres) **per person** and a refrigerator (minimum capacity 0.15 cubic metres) with an adequate freezer compartment (or, where the freezer compartment is not adequate, adequate separate freezers) **for every three persons** using the facilities;

In addition, a shared kitchen must:

- contain a suitably located extractor fan or an openable window (opening to the outside);
- contain appropriate refuse disposal facilities;

- have a fire door fitted with intumescent strips. In addition cold smoke seals and a self-closing device must be fitted where the door opens onto the means of escape from the property or a habitable part of the property. This may require an extension of the fire detection system to both sides of the fire door;
- contain a fire blanket.

Where occupiers have their own facilities, located within their unit of accommodation, they do not count towards the number of people using the communal facilities. Where this occurs, the requirement for the number of communal (shared) facilities may be reduced. Where individual lettings are provided with facilities for the storage, preparation and cooking of food, the following standard must be achieved:

- a hob with minimum two rings or burners in a one person room or a hob with a minimum of four rings or burners for a two person room. The hob must securely fixed and located so it is next to a work surface where the rings or burners match the height of the adjacent work surfaces;
- an adequately sized oven/grill OR a combination microwave that includes a grill/convection option;
- a sink on base unit supplied with constant hot and cold water, trapped drainage and tiled splashback; (a wash hand basin shall not be used in place of a sink).
- a fixed worktop of impervious material, minimum dimensions of available worktop space 50 cm x 100 cm;
- two 13 amp electric sockets, in addition to any serving major appliances set at a convenient height and safe position.
- a food storage cupboard (minimum capacity 0.16 cubic metres) and a refrigerator (minimum capacity 0.15 cubic metres);
- provision of a fire blanket.

### **Personal Washing Facilities and Sanitary Conveniences**

The extent of the provisions required will depend on the number of occupiers.

#### *1-4 persons using communal facilities*

- At least one bath/shower room and one toilet (the bathroom and toilet may be combined);
- A wash hand basin is required within the bathroom/toilet.

#### *5 persons using communal facilities*

- At least one bath/shower room and one separate toilet compartment with wash hand basin (the toilet can be contained within a second bathroom).

#### *6-10 persons using communal facilities*

- At least two bath/shower rooms; and
- Two separate toilet compartments with wash hand basins (one of the toilets can be contained within one of the bath/shower rooms).



### *11-15 persons using using communal facilities*

- At least 3 bath/shower rooms; and
- 3 separate toilet compartments with wash hand basins (but two of the toilets can be contained within two of the bath/shower rooms).

The following provide a **guide** for the facilities required:

- A bath must be of minimum dimensions 1700 mm x 760 mm or a shower of minimum dimensions 800 mm x 800 mm;
- A two course tiled splash back is to be provided to the bath. Any shower cubicles provided should have fully tiled walls or be self-standing cubicles. The hot and cold water should be adequate and available at all times;
- Baths, showers and WC's shall not be provided in rooms containing facilities for the storage, preparation and cooking of food;
- These facilities shall be not more than two floors distant from any user and should provide enough space to change and dry;
- The walls and floor of any bathroom or shower room should be reasonably smooth and non-absorbent and capable of being readily cleaned;
- A suitably located extractor fan or an openable window (opening to outside) must be present.

Where some of the occupants have their own facilities, located within that unit of accommodation, they do not count towards the number of people using the communal facilities. Where this occurs, the requirement for the number of communal (shared) facilities may be reduced.

This requirement provides an alternative to increasing the level of shared amenity where they are inadequate for the number occupants. The alternative requirement can be met by installing a separate bathroom with toilet for some occupants, so that they do not need to use the shared facilities.

The following provide a **guide** for the facilities required:

- Each WC to be provided with a wash hand basin to be supplied with constant hot and cold water supplies and a splashback;
- Toilets, baths and showers can be provided for exclusive use of one letting but these facilities shall be not more than two floors distant from the user;
- Bath or shower rooms should provide enough space for the facilities and to change and dry;
- It is not considered suitable to have an unscreened bath or shower in the corner of a bedroom.
- A suitably located extractor fan or an openable window (opening to outside) must be present.

## 12. SPACE STANDARDS IN HOUSING

Overcrowding in dwellings is a problem as not only does it cause ill-health for the occupiers, it may also lead to property damage through factors such as damp caused by condensation. The law on overcrowding has developed over the years and there are currently two pieces of law that apply to all residential properties.

### Housing Act 1985 - Statutory overcrowding

Under the Housing Act 1985, there are two tests to check whether a property is overcrowded.

#### Test 1

This calculates the numbers who can occupy a dwelling by looking at the number of rooms suitable for sleeping in.

Number of Rooms	Maximum number of units
1	2 units
2	3 units
3	5 units
4	7 ½ units
5 or more	2 for each room

#### Test 2

This calculates the numbers who can occupy a dwelling by looking at the sizes of the rooms available for sleeping in.

Room Size		
Size	Number of Units	
110 sq. ft (10.2m <sup>2</sup> ) or more	<i>is suitable for</i>	2 units
90 sq. ft (8.36m <sup>2</sup> ) or more but less than 110 sq. ft (10.2m <sup>2</sup> )	<i>is suitable for</i>	1½ units
70 sq. ft (6.5m <sup>2</sup> ) or more but less than 90 sq. ft (8.36m <sup>2</sup> )	<i>is suitable for</i>	1 unit
50 sq. ft (4.6m <sup>2</sup> ) or more but less than 70 sq. ft (6.5m <sup>2</sup> )	<i>is suitable for</i>	½ unit

After applying both tests, the permitted number of occupiers is the lowest of the two figures produced. Some rules apply to these standards:

- Anyone aged over 10 counts as one unit, anyone between one and ten as 0.5 units and children under one as 0 units;
- Ceiling height - if the ceiling is less than 5 ft high, the floor area beneath is not counted as available sleeping space;
- Unusual shaped rooms - rooms may be disregarded as sleeping space if an unusual shape makes it impracticable for them to be used for sleeping;
- Living rooms and bedrooms are counted as possible sleeping accommodation;
- Two people of the opposite sex who are not living together as a couple cannot sleep in the same room (children under 10 are not counted).

## **Housing Act 2004 - HHSRS**

Overcrowding in a dwelling will now normally be assessed using the Housing Health and Safety Rating System. As a rough rule, a dwelling with one bedroom is suitable for up to two people, a dwelling with two bedrooms is suitable for up to four people, a dwelling with three bedrooms is suitable for up to six people and a four-bedroom dwelling suitable for up to seven people.

It is important to note, however, that this will be affected by a number of factors, such as the ages, genders and relationships of the occupiers and also room sizes. Other factors that we will look at include:

- The availability of suitable living area;
- The availability of a suitable kitchen area;
- The availability of suitable bathroom and toilet areas;
- The number of bedrooms available and whether they are adequately sized for each household or potential household.

As a general rule, members of the opposite sex who are not living together as partners should not share a bedroom. The HHSRS Operating Guidance states that the need for privacy in children begins to develop from the age of eight years, which will have a bearing of whether a child of this age or older should share a bedroom with another occupier of the opposite sex. HHSRS also considers that children of any age need just as much space as an adult. For these reasons, HHSRS is considered more generous than the tests in the 1985 Act.

### **Standards Applicable to Houses in Multiple Occupation**

Along with amenities, the sizes of the sleeping rooms within the HMO will determine the total number of occupiers. For HMOs that fall under mandatory licensing, the following minimum standards will apply to determine the number of occupants permitted in each letting. These standards may also be applied as a guide to HMOs which do not require licensing

- 4.64 square metres for one person aged under 10 years;
- 6.51 square metres for one person aged 10 years or over;
- 10.5 square metres for two persons aged 10 years or over.

For rooms with cooking facilities with the room, the following minimum room sizes shall apply:

- 10.5 square metres (if occupied by one person);
- 14.5 square metres (if occupied by two persons).

When determining room sizes, the useable floor space will be considered. Useable floor space is any area where the ceiling height is above 1.5m.

## 13. GENERAL HEALTH & SAFETY IN RENTED PROPERTIES

### Electrical Installations

You should ensure you maintain the fixed electrical installation in safe condition while your property is let. This will help reduce the likelihood of electric shock or a fire occurring.

As started in part 9 of this pack, anyone managing an HMO has duties under the Management Regulations to maintain the electrical installation. You will also be required to present a test report when applying for an HMO licence. In all other properties, we recommend you arrange for an electrical inspection once every five years. The inspection should be carried out by a competent inspector in accordance with the current edition of BS 7671 IET Wiring Regulations.

Many electrical works are now covered by Part P of the Building Regulations. This means they should either be carried out or certified by a member of relevant competent persons' scheme (such as NICEIC, ELECSA or NAPIT), or notified to the Council's Building Control office.

### Electrical Appliances

The Electrical Equipment (Safety) Regulations 1994 make landlords and letting agents responsible for ensuring any electrical appliances they provide as part of the letting are safe.

One way to help achieve this is to only supply appliances with a CE marking (at minimum). We suggest you also arrange for safety checks to be carried out on appliances at regular intervals. This is known as portable appliance testing (PAT). A record of these safety checks should be made in a logbook and it is good practice for a label to be attached to the appliance. Should the check reveal that there is a safety hazard, the appliance should be removed immediately or repaired on the spot.

### Gas Safety

The Gas Safety (Installation and Use) Regulations 1998 require landlords to have gas installations checked for safety at least once a year by a Gas Safe registered engineer.

If you manage an HMO, be aware that the Council can require you to produce a gas safety certificate at any time and you will need to provide it within seven days. You will need to produce a gas safety certificate if you apply for an HMO licence.

We also recommend that you fit carbon monoxide detectors. Please note that we require these as a mandatory condition when issuing an HMO licence. They may also be required under the Smoke and Carbon Monoxide Alarm (England) Regulations 2015 (see part 3).

Note that under the Assured Shorthold Tenancy Notices and Prescribed Requirements (England) Regulations 2015, if you fail to give your tenants a copy of the gas safety certificate, you may not be able to serve a section 21 notice to quit.

## Home Security

Properties with improved security will create a more secure home for your tenants. Home security is also a hazard that can be assessed using the Housing Health and Safety Rating System. The following should be considered:

- Improved security of gardens and yard areas by capping fences with trellis and keeping side gates locked (special provisions will need to be made if this means a fire escape route will be blocked);
- Fit good quality external doors with suitable locking mechanisms;
- Locks to windows, especially those located on the ground floor, near flat roofs and solid fall pipes;
- Fitting locks that meet the current British Standard;
- Fitting a burglar alarm. This should be fitted by a qualified installer and regularly serviced. Be careful to ensure a 20 minute cut out if fitted to prevent nuisance being caused to neighbours.

More information can be found on the Thames Valley Police website, [www.thamesvalley.police.uk](http://www.thamesvalley.police.uk)

## Pest Control

It is important for you to keep your property in good repair and clean to help prevent pests entering or multiplying. If you manage an HMO, we will expect you to deal with any infestation that is considered a nuisance or prejudicial to health. This may involve improving the structure and repair of the property, implementing adequate cleaning and waste disposal arrangements and/or arranging for a pest control contractor to control and eradicate the infestation.

We recommend you use a professional pest controller to deal with rodent infestations, as they have access to a wider range of poison baits and can also tell you about any repair work that needs to be done to prevent future infestations. You can find information about pest control on the Council website at: <http://www.reading.gov.uk/pests>

We also recommend you use a professional pest controller to deal with cockroach and bedbug infestations.

## 14. ANTI-SOCIAL BEHAVIOUR

Anti-social behaviour is behaviour causing damage, disturbance, distress, harm or fear, which has a significant impact on peoples' lifestyles, routines, or their environment. The following are examples of anti-social behaviour:

- Rude or abusive comments;
- Loud noise late at night;
- Threats;
- Vandalism;
- Being drunk and disorderly;
- Prostitution.

We recommend you include a clause in your tenancy agreement banning your tenants from acting in an anti-social way. If your tenant or their visitors are being anti-social, you can remind them that they are in breach of their tenancy agreement. If you hold a licence for a HMO in Reading, you will find a condition in your licence that places responsibility on you for dealing with anti-social behaviour in your property. You should act swiftly to deal with anti-social behaviour. If the behaviour persists or is severe, you should consider taking possession proceedings. You may also want to contact other organisations, for example the police or the Council to give them information about the behaviour. Working in partnership with other relevant agencies will normally produce the best results.

If your tenant is complaining about a neighbour, please advise them to discuss this with the neighbour first. If this does not work (or you feel this would be unsafe), you can complain to the police or the Council. Your tenant will normally be asked to keep a log of all incidents. If the problem is occasional and unpredictable, it is best to call the police for each individual incident. If the problem is regular noise, the Council's Environmental Protection & Nuisance team may be able to help. Alternatively, if the noise disturbance is a question of varying lifestyles between tenants, a mediator may be able to help.

Some forms of anti-social behaviour may involve serious criminal activity and where this is the case, the police should be told immediately. Keep in close contact with your tenant - if they are very unhappy, they may just leave the property.

## 15. ENERGY EFFICIENCY

We encourage landlords to look at steps they can take to improve the energy efficiency of the properties they let. There are several advantages to this:

- The easier it is to keep a home warm, the less likely it is that condensation will happen. This can benefit you by giving reduced maintenance and redecoration costs;
- If your property has modern heating and insulation, you are far less likely to have action taken against you under Part I of the Housing Act 2004;
- Modern heating and insulation may make the property more attractive to tenants, resulting in shorter void periods;
- An improved Energy Performance Certificate (EPC) rating. The EPC provides details to tenants on how energy efficient the property is.

Since 1 October 2008, it has been a legal requirement to obtain and provide EPCs for a rented property that is self-contained, for example a single family dwelling. Under the Assured Shorthold Tenancy Notices and Prescribed Requirements (England) Regulations 2015, you may not be able to serve a section 21 notice if you have failed to give your tenant a copy of the EPC.

### **Energy saving features**

More information about energy saving features is available from the Energy Saving Trust website, <http://www.energysavingtrust.org.uk/>

### **Involve and advise your tenants**

Show your tenants how to use the heating system, particularly if there are night storage heaters installed. Give them information about how to prevent condensation and mould growth.













**Inventory for whole house/flat**

Property/Flat

Tenant(s) Name & Signature

Landlord/Agent & Signature

Date

<i>External</i>	<i>Details and Condition</i>	<i>Remedial Action if any and timescale</i>
Gate/Fence/Walls		
Garden/Paths/Drives		
Front and rear door inc. locks		
Rear Door and locks		
Windows and frames		
Roofs and Chimneys		
Gutters and soil pipes		
Others e.g. bins		
<b>Property</b>		
<i>Room/Area:</i>	<i>Details and Condition</i>	<i>Remedial Action if any and timescale</i>
Walls		

Floor		
Ceiling		
Window(s)		
Electrical Fittings		
Lights/Shades/bulbs		
Radiator		
<b>Furniture (List others)</b> Desk Wardrobe Bed		
<b><i>Room/Area:</i></b>	<b><i>Details and Condition</i></b>	<b><i>Remedial Action if any and timescale</i></b>
Walls		
Floor		
Ceiling		
Window(s)		
Electrical Fittings		
Lights/Shades/bulbs		
Radiator		
<b>Furniture (List others)</b> Desk Wardrobe Bed		
<b><i>Property</i></b>		
<b><i>Bathroom/Shower Room:</i></b>	<b><i>Condition</i></b>	<b><i>Remedial Action if any and timescale</i></b>
Walls		
Floor		
Ceiling		

Window(s)		
Door		
Lights/Shades/bulbs		
Radiator		
Bath/Shower		
Toilet		
Wash hand basin		
<b><i>Kitchen:</i></b>	<b><i>Condition</i></b>	<b><i>Remedial Action if any and timescale</i></b>
Walls		
Floor		
Ceiling		
Window(s)		
Door		
Electrical Fittings, plugs and sockets, extractor fan		
Lights/Shades/bulbs		
Radiator		
Cupboards, worktops and drawers		
Cooker and microwave		
Sink, taps and drain		
Fridge and freezers		







### Management Folder Contents Form

Property Address:

Date completed:

Document	Frequency	Date provided	Landlord signature
Landlord contact details	Ongoing		
Copy of property fire risk assessment	Ongoing		
Fire alarm test logs	6 Monthly		
Emergency lighting test logs (where applicable)	Monthly		
Fire fighting equipment test logs	Annually		
Gas safety certificate	Annually		
Periodic electrical installations test certificate	5 Yearly		
Fire alarm test certificate (where panelled system provided)	Annually		
Emergency lighting test certificate (where provided)	Annually		
Energy Performance Certificate (where applicable)	10 yearly		
HMO management training records	Ongoing		
Complaints procedure	Ongoing		

<b>Any other useful documentation</b>			



## **NOTICE TO TENANTS**

### **FIRE PRECAUTIONS**

(e.g., door closers, fire doors and the fire alarm system)

HAVE BEEN PROVIDED IN THIS PROPERTY BY THE LANDLORD  
TO PROTECT YOUR HEALTH AND SAFETY

PERSONAL POSSESSIONS SHOULD NOT BE STORED IN  
CORRIDORS AND THE STAIRCASE AREA

TAMPERING WITH FIRE PRECAUTIONS RISKS LIVES

***PLEASE DO NOT DO IT***

Damaging the fire precautions provided by  
the landlord is **against the law and you  
could be prosecuted**

# ON DISCOVERING A FIRE

## 1. Raise the alarm

**FIRE!**

- Operate the nearest fire alarm point if one is available

## 2. Call the fire brigade

- This should be done from a safe place by using a neighbour's telephone, pay phone or mobile.

## 3. Only attempt to extinguish the fire

- If you feel it is safe to do so, without taking personal risk.

## 4. When leaving the room, ensure the door closes behind you.

# ON HEARING THE ALARM

## 1. Leave the house closing all doors behind you.

## 2. Proceed to a safe assembly point on the pavement opposite the house.

- Do not rush
- Do not attempt to pass others
- Do not use the lifts

# A TEN-POINT GUIDE TO FIRE SAFETY FOR TENANTS

1. Don't prop open fire doors. These should always be kept shut.
2. Keep escape windows and doors clear of any obstruction.
3. Do not overload sockets or use appliances that are damaged or have damaged cables. If you have to use an adaptor or extension lead, ensure it is in good condition, is properly fused and complies with an appropriate standard.
4. Position portable heaters so they are backed up against a wall facing into the room and ensure they are secure from falling over. Do not place them near curtains or furnishings and do not use them for drying clothes.
5. Do not leave cooking unattended and keep cooking appliances clean and free of crumbs, fat and grease that can easily catch fire.
6. Do not leave candles and tea lights unattended and properly extinguish them when not in use. Make sure that they are placed on fire resistant surfaces and away from furnishing and fabrics.
7. Ensure cigarettes are properly extinguished before going out or to bed.
8. Do not cover up, disconnect or tamper with smoke alarms/the fire alarm system. Report all faults and false alarms to your landlord so that they can be addressed.
9. Read the instructions on fire blankets and fire extinguishers so you know how to use them.
10. If a fire becomes uncontrollable, do not attempt to extinguish it. Get out and dial 999.



# NOTICE TO TENANTS

Property Address: \_\_\_\_\_

## The Owner is:

Name

\_\_\_\_\_

Address

\_\_\_\_\_

\_\_\_\_\_

Telephone No.

\_\_\_\_\_

## The Manager is:

Name

\_\_\_\_\_

Address

\_\_\_\_\_

\_\_\_\_\_

Telephone No.

\_\_\_\_\_