

FACT SHEET

Your Obligations as a Landlord

KEY CONTACT



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As a landlord you should be aware that, in the last few years, a number of regulations applying to residential Assured Shorthold Tenancies have been introduced or amended.

The Deposit

If you take a deposit you need to ensure that it is paid into a tenancy deposit within 30 days of receiving the payment. You must provide the tenant or, where relevant, the person who has paid the deposit on the tenant's behalf, with prescribed information about the deposit scheme within 30 days of receipt of the deposit. The deposit scheme can usually provide you with a copy of the prescribed information.

KEY CONTACT



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Compliance with the Tenant Fees Act 2019

The Tenant Fees Act 2019 (the '2019 Act') restricts the type and amount of fees that can be charged in connection with the administration of rented property. The 2019 Act applies to all tenancies granted on or after 1 June 2019. The 2019 Act prohibits all charges in connection with a tenancy except for those which are permitted by Schedule 1 to the 2019 Act.

A valid section 21 notice cannot be served upon a tenant if the landlord has charged a tenant for any sums that are prohibited by the 2019 Act or is holding an unauthorised deposit. The 2019 Act caps the amount of deposit at the equivalent of five weeks' rent if the annual rent is less than £50,000 or six weeks' rent if the annual rent is £50,000 or more.

Insurance

Assured Shorthold Tenancy agreements often set out the insurance obligations of both parties. The usual practice is for the landlord to be responsible for insuring the building and the tenant to be responsible for insuring their possessions. As a landlord you must insure the property and its contents for their full value against loss or damage by any 'insured risks' which are usually defined in your own lease if the property is leasehold. You should provide the tenant with a summary of your insurance policy requirements so that the tenant's policy does not invalidate your insurance.

References

It is good practice to obtain references for the tenant from their employer and/or previous landlords.

You may also want to consider requesting a guarantee from a friend or relative of the tenant in case any rent payments are missed.

Fire Regulations

You need to comply with the following regulations:

- » Ensure that any furniture provided by you has a manufacturer's label stating that the furniture meets statutory fire resistance requirements
- » You must install a smoke alarm on each storey of the property that is wholly or partly used as living accommodation and test that this is in working order on the day the tenancy begins. You should also let the tenant know if the alarm is connected to the mains supply or if it is battery-operated.

Carbon Monoxide Alarm

You must install a carbon monoxide alarm in any room used wholly or partly as living accommodation that contains a gas supply and test that this is working on the day the tenancy begins.

Gas Safety

You must have all gas appliances and flues checked by an engineer registered with the Gas Safe Register at least every 12 months. You must provide a copy of the safety certificate you receive to the tenant.

Electrical Equipment

You must ensure that all electrical equipment is safe. However, you are not required to provide the tenant with a certificate of electrical safety.

Energy Performance Certificate

You must obtain an Energy Performance Certificate for the property and provide a copy to the tenant at the start of the tenancy. You should retain proof that you served the tenant with this document.

How to Rent Checklist

You should provide the tenant with a copy of the booklet 'How to Rent: The Checklist for Renting in England' at the start of the tenancy. You should again retain proof that you served the tenant with this document.

Repairing Obligations

You must keep the property in good order at all times. You are responsible for the structure and exterior of the property, sinks, baths, toilets and other sanitary fittings including pipes and drains, heating and hot water installations, all gas appliances, pipes, flues and ventilation, electrical wiring.

If the local authority has concerns over any aspect of safety of your property, it can carry out an inspection and require repairs to be carried out. You should also be aware that, if the local authority has served a notice of improvement on your property, you will not be able to serve a section 21 notice until it has been complied with and a period of a further six months has passed. As a landlord you should respond promptly to any issues of disrepair raised by the tenant to ensure that the tenant does not complain to the local authority or consider a counterclaim if possession proceedings are issued.

Houses in Multiple Occupation

Your property may be a house in multiple occupation if you let it to at least three tenants who form more than one household and who share a toilet, bathroom or kitchen facility. You will need to contact your local authority housing officer to see if you need a licence to operate a HMO.

Immigration Status

You must check the tenants' immigration status to ensure that they have the right to occupy the property before renting it to them. Failure to do this could lead to a civil penalty of up to £3,000 and/or a criminal offence carrying with it a penalty of up to five years' imprisonment. The obligation to ensure that the tenant has the right to occupy the property continues throughout the tenancy agreement and therefore you should have procedures in place to continue to check the tenant's status if there are any concerns.

This fact sheet has been provided for information purposes only and should not be construed as legal advice. Whilst every effort has been made to ensure that the information in this fact sheet is correct (as at October 2021), it is intended as a guide only and should not be relied upon. Specialist legal advice should be sought so that all the factors specific to your circumstances can be taken into account.