

# Landlord Law Members Training – Things to check when buying a ‘buy to let’ property



With independent Housing  
Consultant Dave Prinsep

If you have any questions for Dave, please put  
them in the questions box in the GoToWebinar  
panel. We will answer as many as we can.

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# Buying to Let

## Property Issues

Dave Princep BSc LLB MCIEH

# Law

## Disrepair

- Landlord & Tenants Act 1985 Section 11  
Landlord to keep in good repair the building, services & heating.
- Houses in Multiple Occupation Regulations  
Manager to keep in repair the building, services & heating and maintain safety services

## Health & Safety

- Housing Health & Safety Rating System – Housing Act 2004 Part 1  
Landlords to provide accommodation which is a safe and healthy environment (includes garden)

## Energy Efficiency

- Energy Performance of Buildings (England & Wales) Regs 2012  
Energy Performance Certificates - Required to rent a dwelling
- Energy Efficiency (Private Rented Property) (England & Wales) Regs 2015.  
Premises must be EPC Band E or above in order to rent out

## 29 Hazards under Housing Health & Safety Rating System (HHSRS)

<b>PHYSIOLOGICAL</b>	<b>PSYCHOLOGICAL</b>	<b>INFECTION</b>	<b>ACCIDENTS</b>
Damp & mould growth	Crowding and space	Domestic hygiene, pests & refuse	Falling between levels
Excess cold	Lighting	Personal hygiene sanitation & drainage	Falls associated with baths etc.
Excess heat	Noise	Food safety	Falling on level surfaces
Volatile Organic Compounds	Entry by intruders	Water supply	Falling on stairs
Biocides			Electrical hazards
Lead			Flames, hot surfaces
Asbestos & manufactured mineral fibres			Structural collapse and falling elements
Carbon Monoxide & fuel combustion products			Position & operability of amenities
Uncombusted fuel gas			Fire
Radiation			Explosions
			Collision and entrapment

# Guidance

**HHSRS – Operating Guidance**

**HHSRS – Guidance for Landlords & Property Related Professionals**



# Buying to Let

- Buyer Beware (Caveat Emptor)
- Pre-Contract Enquiries (Allows buyer to get full picture of property & location)
  - Standard forms often used, but may be able to raise additional questions
- Lender will insist on valuation report if obtaining a mortgage - cursory look
- Recommended to have property surveyed.
- Varying levels of Survey are available and costs vary according to type.
  - *Use competent surveyor (often Royal institute of Chartered Surveyors – RICS)*
- Landlord SHOULD/MUST also consider additional Health & Safety issues which may be missed by standard surveys.
  - Check that surveyor is aware of the Housing Health & Safety Rating System (HHSRS) – *Housing Act 2004 Part 1*

# Buying to Let

- Local Search from Council & Authorities
  - Additional questions can be requested
- Check Energy Performance Certificate
  - Must be made available when viewing and/or if requested from vendor/agent
- Check (if available)
  - Building Regulation compliance
    - Insurance often available to cover future enforcement by Building Control – but unlikely to protect against enforcement/action under private rented sector legislation
  - Gas Safety Certificate (rented)
  - Electric Installation Condition Report
  - Structural Surveys
- Since **Homes (Fitness for Human Habitation) Act 2018** landlords liable to legal action if premises not “fit”. May not be fit due to
  - Poor Maintenance/Disrepair
  - Original Design
  - Construction or Manufacture

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# Premises Issues

- Age of Building - *Building Regulation Compliance*
  - Excess Cold
  - Excess Heat
  - Falls
  - Asbestos
  - Lead
  - Collision & entrapment
  - Electrical
- Building Type – *No. of Storeys, Flats, Block Flats*
  - Fire
  - Falls
  - Water
  - Dampness & Mould
  - Lighting
  - Collision & entrapment
  - Noise
- Size, Location & Orientation
  - Fire
  - Excess Cold
  - Excess Heat
  - Radiation
  - Crowding & Space

# Homes (Fitness for Human Habitation) Act 2018



- has a dramatic effect on a landlord's repairing and risk assessment obligations
- implies covenant that a landlord must ensure that *any dwelling* is fit for human habitation at beginning of tenancy and for its duration;
- includes a list of issues which affect fitness, both repair and all hazards under the Housing Health and Safety Rating System (HHSRS)
- if landlord fails to let/maintain a property that is fit for human habitation, tenant will have right to take legal action for breach of contract (covenant) on the grounds that the property is unfit for human habitation.
- Will become law
  - For new tenancies (including statutory periodic) from 20 March 2019
  - Existing periodic tenancies from 20 March 2020 (*probably* will not affect existing contractual tenancies entered into before 20 March 2018)

# Homes (Fitness for Human Habitation) Act 2018

## Relevant Matters affecting fitness

- Repair
- Stability
- Freedom from damp
- Internal arrangement
- Natural lighting
- Ventilation
- Water supply
- Drainage and sanitary conveniences
- Facilities for preparation and cooking of food and for the disposal of waste water.

PLUS

- **any prescribed hazard** (*HHSRS hazard - Housing Act 2004 Part 1 – see previous table*)





HAZARDS

# Energy Performance Certificate (EPC)

## EPC Front Sheet

Fuel Costs  
*Standardised*



Chart

*Efficiency (Asset Rating)*  
*Currently Minimum Band E –*  
*by 2030 to be Band C*



Top Recommendations  
*More within body*



### Energy Performance Certificate (EPC)

17 Any Street, District, Any Town, B5 5XX

Dwelling type: Detached house      Reference number: 0000-0000-0000-0000-0000  
 Date of assessment: 15 August 2011      Type of assessment: RdSAP, existing dwelling  
 Date of certificate: 12 December 2011      Total floor area: 165 m<sup>2</sup>

**Use this document to:**

- Compare current ratings of properties to see which properties are more energy efficient
- Find out how you can save energy and money by installing improvement measures

<b>Estimated energy costs of dwelling for 3 years</b>	<b>£5,367</b>
<b>Over 3 years you could save</b>	<b>£2,763</b>

#### Estimated energy costs of this home

	Current costs	Potential costs	Potential future savings
Lighting	£375 over 3 years	£207 over 3 years	<div style="background-color: #2E8B57; color: white; padding: 10px; border: 1px solid white;">                     You could save <b>£2,763</b> over 3 years                 </div>
Heating	£4,443 over 3 years	£2,087 over 3 years	
Hot water	£549 over 3 years	£330 over 3 years	
<b>Totals</b>	<b>£5,367</b>	<b>£2,604</b>	

These figures show how much the average household would spend in this property for heating, lighting and hot water. This excludes energy use for running appliances like TVs, computers and cookers, and any electricity generated by microgeneration.

#### Energy Efficiency Rating

	Current	Potential	
Very energy efficient - lower running costs			
(92-100) <b>A</b>			
(81-91) <b>B</b>			
(69-80) <b>C</b>			
(54-68) <b>D</b>		<b>75</b>	
(39-53) <b>E</b>	<b>49</b>		
(21-38) <b>F</b>			
(1-20) <b>G</b>			
Not energy efficient - higher running costs			

The graph shows the current energy efficiency of your home.

The higher the rating the lower your fuel bills are likely to be.

The potential rating shows the effect of undertaking the recommendations on page 3.

The average energy efficiency rating for a dwelling in England and Wales is band D (rating 60).

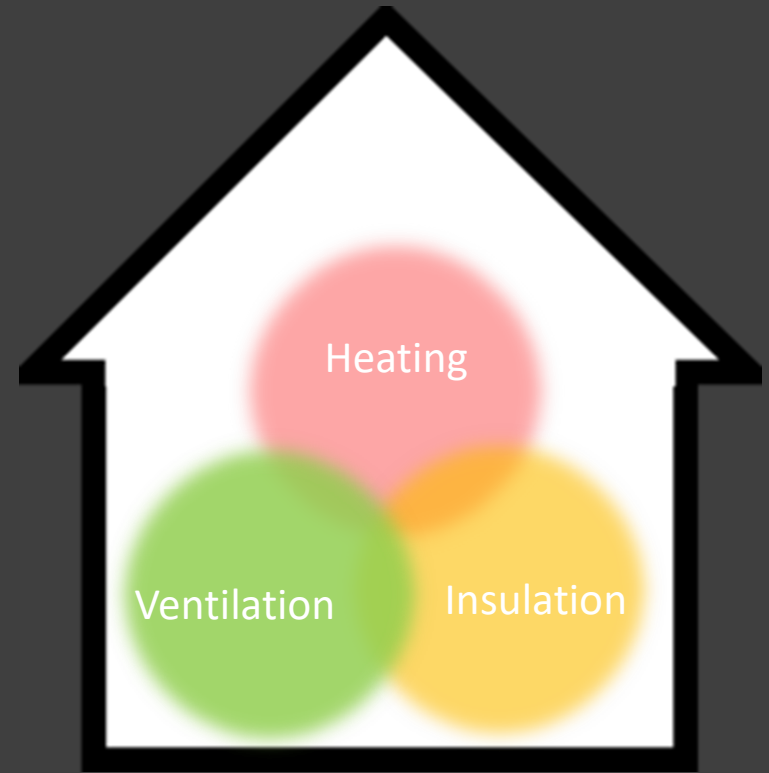
#### Top actions you can take to save money and make your home more efficient

Recommended measures	Indicative cost	Typical savings over 3 years	Available with Green Deal
1 Increase loft insulation to 270 mm	£100 - £350	£141	✔
2 Cavity wall insulation	£500 - £1,500	£537	✔
3 Draughtproofing	£80 - £120	£78	✔

See page 3 for a full list of recommendations for this property.

When the Green Deal launches, it may allow you to make your home warmer and cheaper to run at no up-front cost. To find out more, contact the Green Deal Advice Service on 0800 XXX XXX or visit [www.greendealadvice.org](http://www.greendealadvice.org).

# Damp & Mould



# Damp & Mould- Ideal

- Dwelling should be maintained free from
  - rising,
  - penetrating and traumatic dampness,
  - or persistent condensation
- There should be sufficient and appropriate means of ventilation to deal with moisture generated by normal domestic activities without the need to open windows
- There should be provision for the safe removal of moisture-laden air during peak production – including
  - extraction during cooking or bathing, either by mechanical means, or passive stack
  - direct venting of clothes drying facilities ( ) to the exterior.



Excess Cold



# Excess Cold - Ideal

- Adequate thermal insulation
- Adequate heating – minimum standard 18 C
- Cost of heating (on peak electric) may be factor in deciding adequacy
- In multi-occupied buildings space heating may be centrally controlled, but occupants should be provided with controls to allow occupants to regulate the temperature within their dwelling

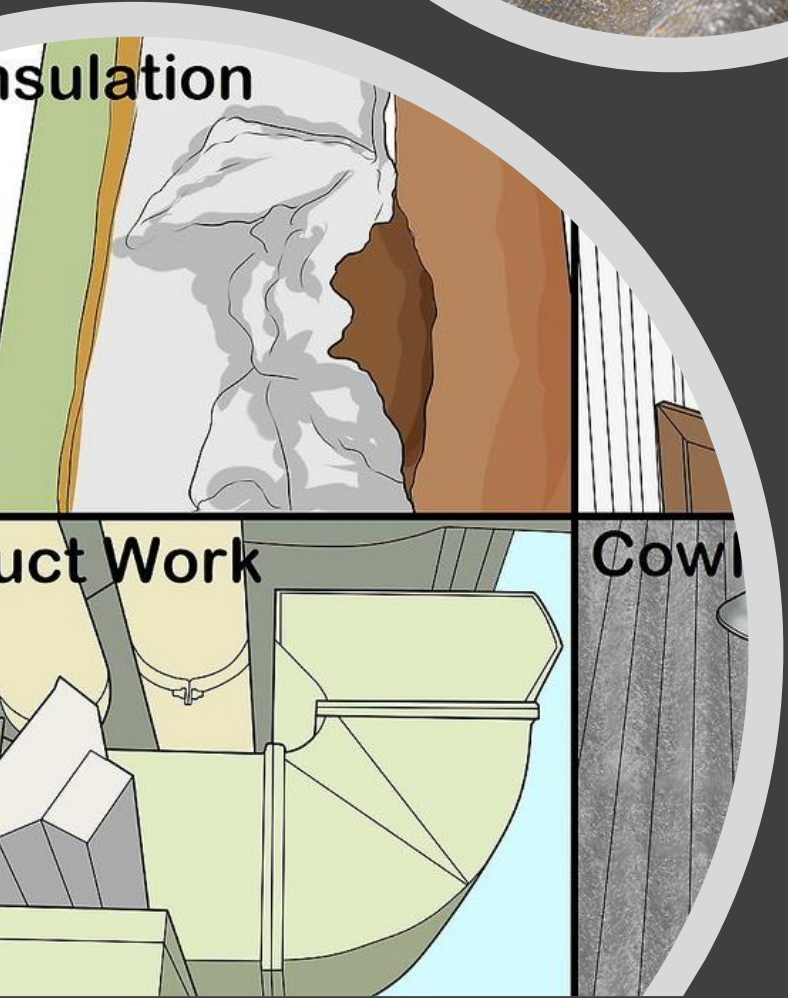
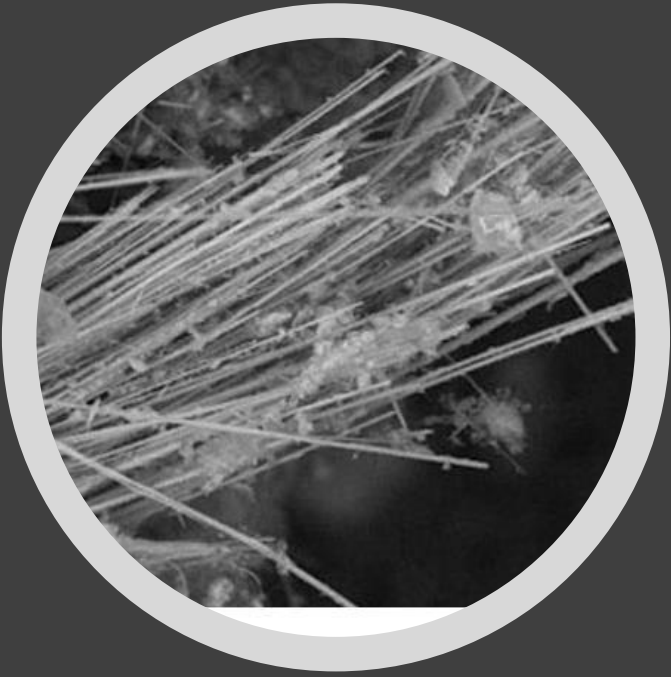


Excess Heat



Regularly in paint until 1960s

# Lead



# Asbestos

# Radiation

- Mainly radon from ground. Odourless, colourless gas
- Significantly increases risk of cancer.
- Check at Ukradon – maps & advice. [www.ukradon.org](http://www.ukradon.org)

## Process to Manage Radon

- **1 Check**

Is the property in a Radon affected area?

- **2. Measure**

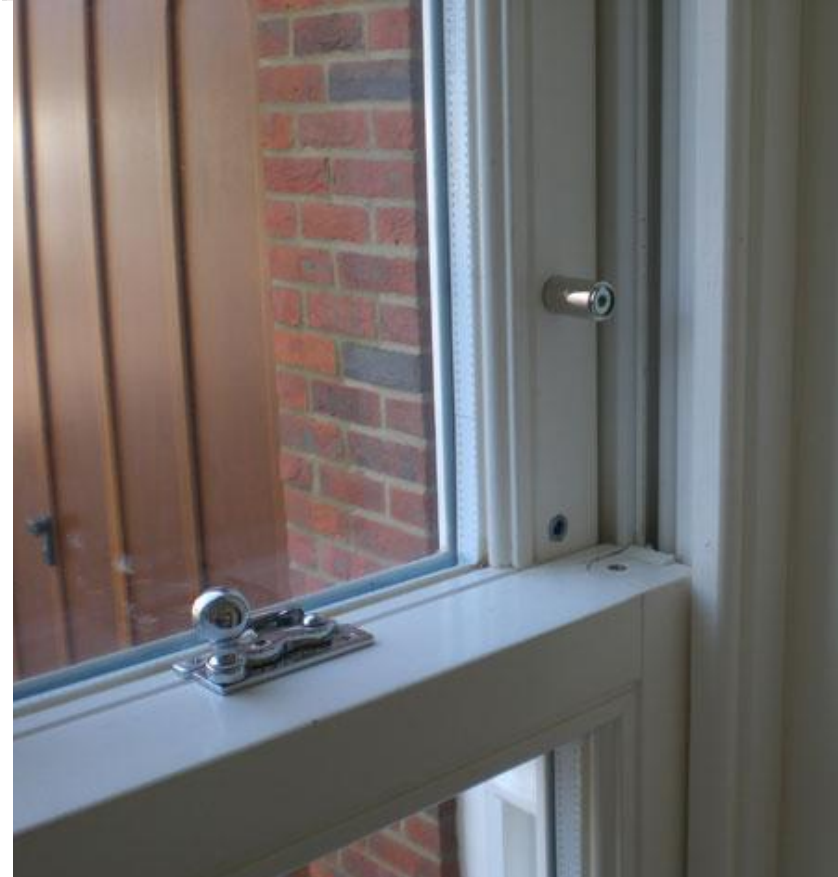
If likely to be affected install detectors for around 3 months

- **3. Remedy**

Improve ventilation

- Action Level is 200 Becquerel per cubic metre (**Bq m<sup>-3</sup>**).





# Entry by Intruders

# Entry by Intruders - Ideal

- Location & defensive space both public and private.
- Lighting - to immediate neighbourhood & entry points to dwelling, including any security lighting.
- Doors and windows – ensure substantial construction, not in disrepair & locks to all windows not accessible from outside
- Door viewer - provide viewers to external doors

## **Many Council have own standards. Example**

- Yale & 5 Lever Mortice lock to front door.
- 5 Lever Mortice lock to rear.
- Window locks to all accessible windows.
- Thumb turn lock – access from inside without use of key

On average PRS > 2x more likely to be burgled than Owners  
HMOs 3-4 times more likely than single households  
16 – 24 approx. - 3x  
Students - 2.7x

# Lighting



# Noise

## *NB*

- *Includes noise from outside building AND poor noise insulation between flats.*
- *Tenants more likely to complain about noise than owner occupiers*
- *Properties converted into flats before 1991 Building Regs more likely to suffer noise due to poor sound insulation & internal arrangements within block*

## **Ideal**

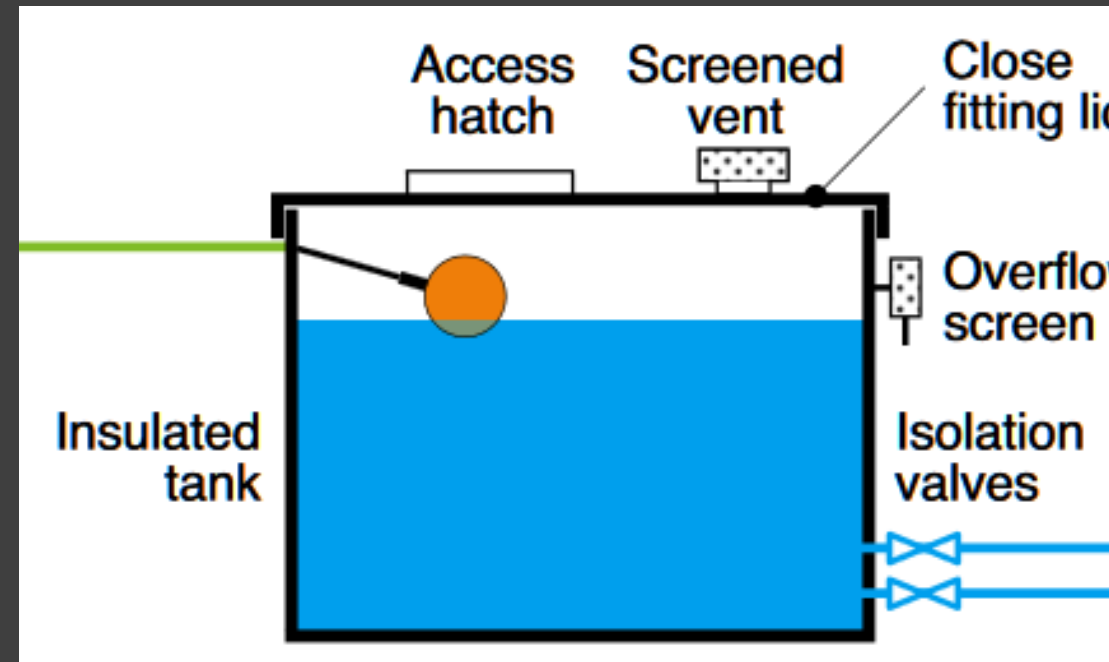
- To prevent problems from traffic and other outside noise, the level of insulation should be appropriate to the ambient noise levels. Where noise levels are high, double or secondary glazing and lobbies to external doors may be necessary.
- Triple glazing may be necessary close to airports or other sources of very high noise levels

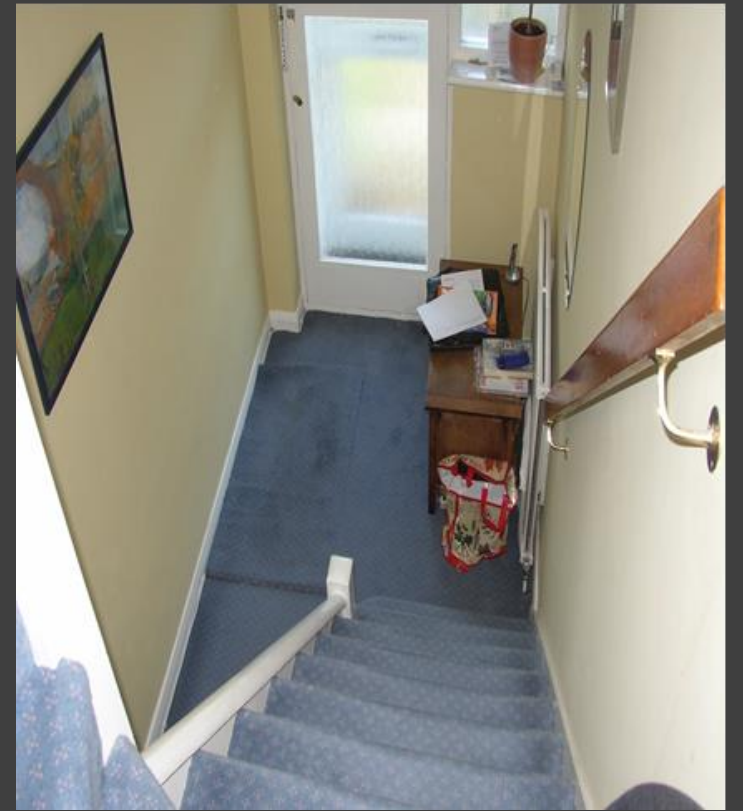


# Water (Legionella)

Must be able to achieved 50 C after 1 minute  
at point of discharge

- Higher risk
  - Spas & Jacuzzi
  - Fountains
  - Swimming pools
  - Air-conditioning plant
  - Complex developments/blocks





# Falling on Stairs

# Falling on Stairs - Ideal

- Steps
  - all have same rise and same going,
  - level treads & may have open risers, but gaps > 100mm
  - surface not slippery
- Headroom should be 2m - may be 1.9m for lofts.
- Landings at top and bottom of every flight.
- Handrail
  - Height - between 900mm and 1000mm. Easily gripped.
  - One side < 1 metre wide; both sides > 1 metre
  - 3+ steps should have handrail
- Flights and landings - guarded sides to 900mm.
- Gradient less than 42°
  - Existing Steep stairs may require additional precautions e.g. handrails both sides, additional lighting, carpeted etc



# Falls Between Levels

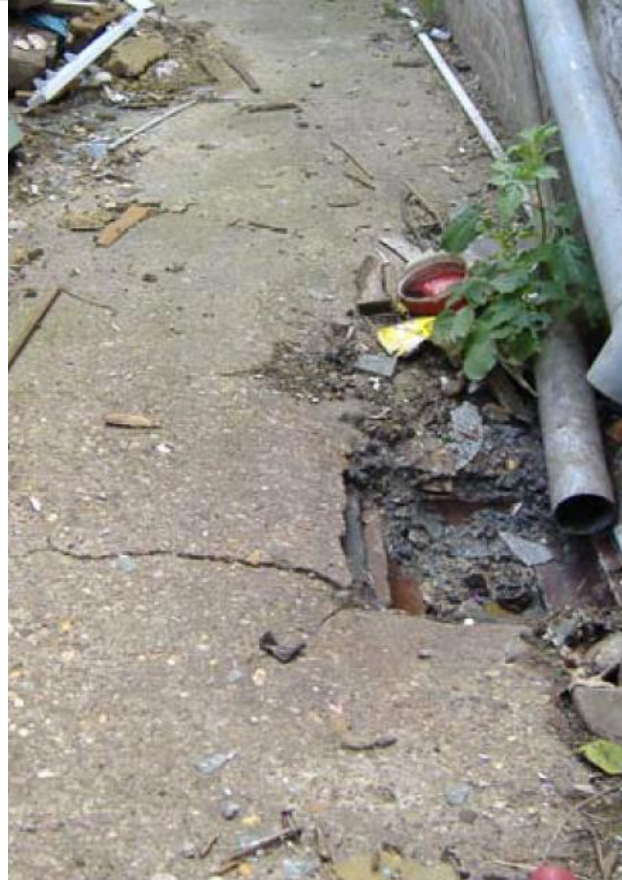


# Falling between Levels - Ideal

- Windows above ground – safety catches limiting opening to 100mm
  - Easily overridden by adult in case of fire
- Cill should not be less than 1100mm, especially floors above 2<sup>nd</sup> floor.
  - Compromise at lower levels – as should be able to see through window when seated i.e. 800 cill height.
  - Above 2<sup>nd</sup> floors glazing should have 1100mm safety rail.
- Balconies etc – guarding at least 1100mm high with not gaps allowing 100mm sphere to pass through.



Falls on Level



Falls on Level

# Falls on Level - Ideal

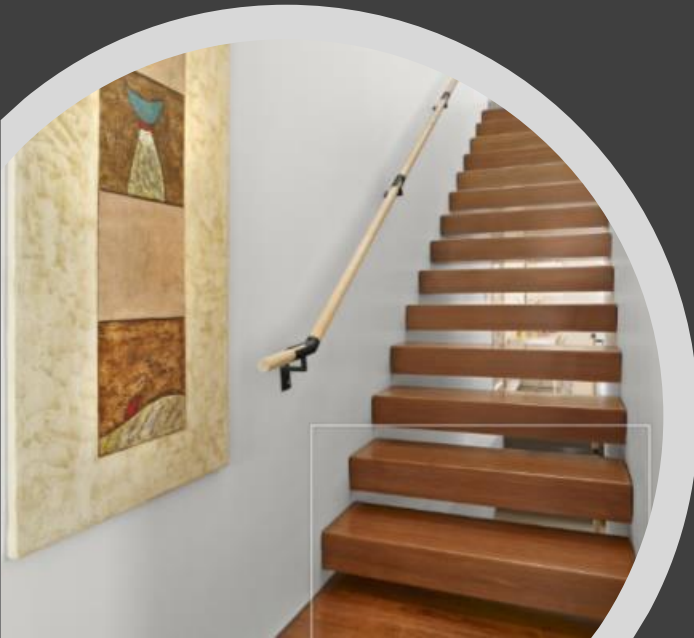
FALLS LESS THAN 300mm

- Adequate natural and/or artificial lighting
  - Artificial lighting may be necessary externally
- Surface variations – should be level and even
  - Internally <5mm; externally >20mm
- Provide adequate central heating/insulation

# Gaps, Openings etc.



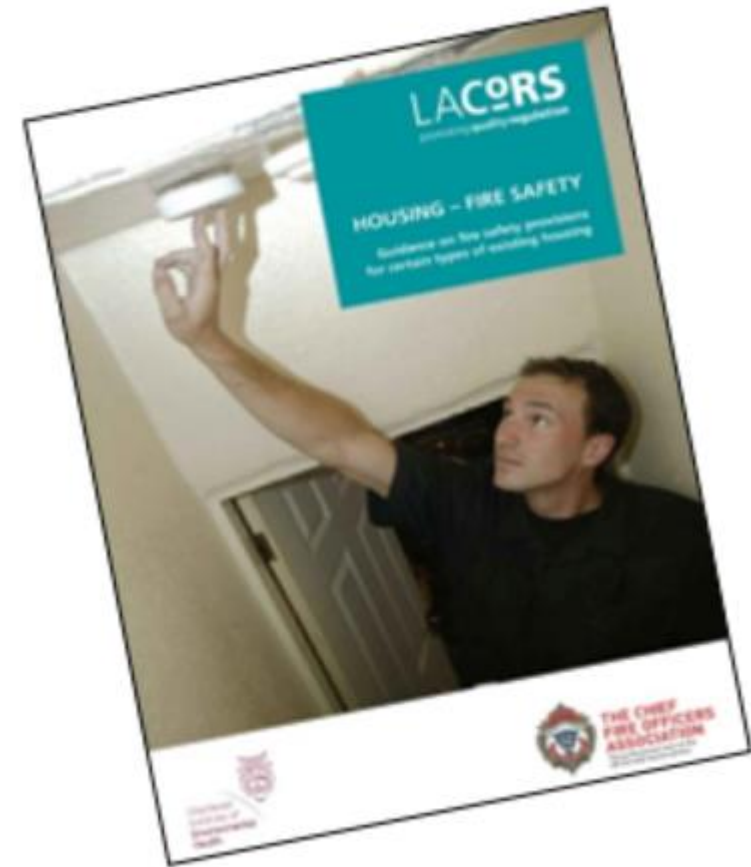
100 mm sphere must not be able to pass through any gaps



# Electrics

- Check any inspection reports
- Currently - Electrical Installation Conditions Report (EICR) only required by law if House in Multiple Occupation (bedsit or sharers where 3 + persons in 2 + households)
- NB EICR to be made mandatory for all rented premises “soon”

# Fire



**LACORS** – Housing Fire Safety

# Collision & Entrapment

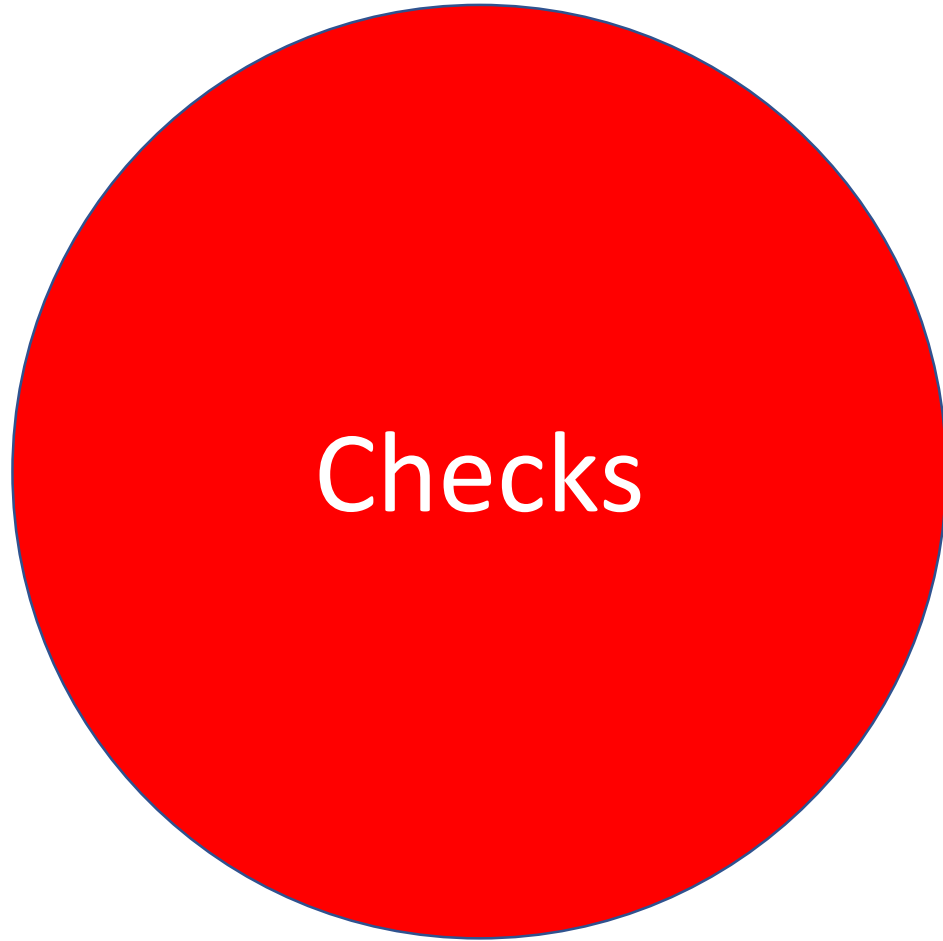
Includes

- low doorway heights
- Windows opening near doorways/walkways
- Restricted and badly lit access ways and emergency exits

# Operability

Includes

- low ceiling height affecting use of premises i.e. in kitchen near work surface
- Inaccessible openable windows
- Inaccessible utility meters



# Key Checks

- Survey – repairs, condensation
- EPC – ideally should be Band C or above
- Ventilation
  - Extract fans in bathroom & kitchen (or passive stack – newly built)
- Check Central Heating – on-peak electric heating problematic
- Hot water system – must be above 50 C at point of discharge after 1 minute
- Age and survey for Noise, Asbestos & Lead hazards
- Ukradon's radon map – if likely to be affected install monitoring
- Security & window locks to accessible windows

# Key Checks

- Stairways compliant with Building Regulations
- Exterior for tripping hazards & falls
- Window restrictor above ground floor
- All Railings above 1100mm high
- No gaps in railings, barriers etc above 100mm
- Electrical Installation Conditions Report
- LACORS fire safety guidance
- Layout of premises – kitchen, services etc