

A Landlords Guide To **LEGAL AND SAFETY RESPONSIBILITIES**

Leary & Co.



What Are My Legal And Safety Responsibilities As A Landlord?

As a landlord, your care of duty to your tenants does not end once you hand over the keys. You have some important legal responsibilities that are designed to protect your tenants and keep them safe. Here you'll find an overview of your legal obligations as a landlord. This covers the most important aspects of letting a property but is by no means an exhaustive list of every point of law.



For more information and advice, call us on **0121 2317 166** or email enquiries@leary-co.com

The Gas Safety

(Installation and Use)

Regulations 1988 state that as a landlord you must ensure that all gas appliances, fitting and flues are safe for the use of your tenants and that installation, maintenance and annual safety checks are carried out by a Gas Safe technician. Gas Safe is the organisation that has taken over from Corgi; look for the distinctive yellow triangle – and check for verification on the Gas Safe website. If you are not sure, give us a call at Leary and Co. and we will put you in touch with one of our own trusted Gas Safe suppliers.



The technician will give you a CP12 certificate if all is well, which covers your property for one year. Thus your Gas Safety Check is an annual requirement, and you must keep each certificate, by law, for two years. You must issue existing tenants with a copy of the certificate within 28 days. For new tenants you must supply them with a copy of the certificate before they move in.



Electrical Safety

There isn't a legal obligation to carry out checks on electrical appliances but you do have a legal responsibility to ensure that all the electrical equipment in your rental property is safe. The laws governing this are: The Electrical Equipment (Safety) Regulations 1994, The Plugs and Sockets Regulations 1994, the 2005 Building Regulations – Part P, and the British Standard BS1363 relating to plugs and sockets.

It's a lot to be on top of and you will need a reliable electrician. Make sure that your electrician is registered with the National Inspection Council for Electrical Installers and Contractors (NICEIC). If you want help with this, talk to us as we have a network of trusted suppliers.



It is advisable to ask a NICEIC electrician to carry out a full electrical inspection every 5 years. Your electrician will investigate the

state of the electrical wiring throughout your property, check the safety of all electrical installations and provide you with a "Periodic Inspection Report for an Electrical Installation". You will then have peace of mind that you are within the law and that your tenants are safe.

You might also consider Portable Appliance Testing (PAT). Your electrician will check and



verify the safety of all the electrical appliances that you have provided as part of your Tenancy Agreement, such as washing machines, lamps and heaters

Once again, if you want further advice, or need a trusted electrician, call us at Leary and Co. on 0121 2317 166 or email us.

Fire Safety, Furniture And Furnishings



Resistance standards for domestic upholstered furniture and furnishings. Any furniture that you supply as part of your tenancy agreement must comply with these standards. The penalties for not complying are severe and, in the worst case scenario, could see you in court for manslaughter.

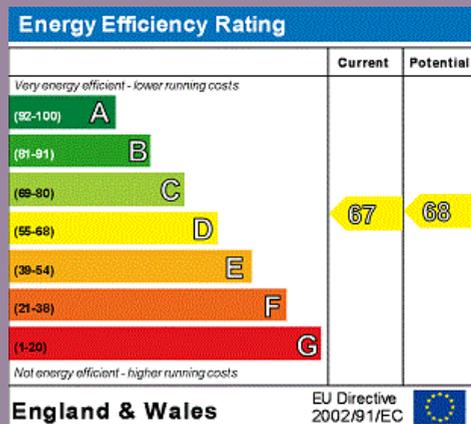
So, when buying furniture for your property, make sure it is from a reputable supplier and is compliant with the regulations. The biggest risks are with second hand and older furniture.

Look for a prominent label, which furniture must carry by law, stating that the item meets the fire safety regulations. There are a few exceptions to the law, such as furniture made before 1950, bedding, carpets and curtains. All properties built since June 1992 must have interlinked, mains-connected smoke detectors or alarms on each floor of the property. If your property falls into this category, your "duty of care" to your tenants involves periodically testing these alarms. If your property was built before 1992, fit it with, at the very least, standard, battery operated smoke detectors. For approximately £5 per detector you could be saving lives and protecting your property.

Energy Performance Certificate (Epc)

By law, all new tenancies must have an Energy Performance Certificate (EPC). An EPC determines how energy efficient your property is, giving it an Energy Efficiency Rating from A, which is the most efficient to G, which is the least efficient. The EPC also awards an Environmental Impact (Co2) Rating, which measures, using the same A-G scale, the impact your property has on the environment.

The average rating for a property in the UK is D-E. The certificate is provided along with a report which contains recommendations on how to improve your efficiency rating. Your EPC lasts 10 years and should be carried out by an accredited energy assessor. There is more information on how to find an accredited assessor on the government's website, or simply give us a call at Leary and Co and we will help you.



Houses In Multiple Occupancy (Hmo)

There are specific laws relating to the letting of property which is for multiple occupancy (HMO). An HMO is a building or part of a building in which two or more households live and share some basic amenities, such as kitchens and bathrooms. If you are letting an HMO you have additional responsibilities for making sure that the communal areas are in a good state of repair and that proper fire safety measures are in place. Some HMOs will also need a licence from the Local Authority.

For more information about your responsibilities as an HMO landlord, contact us on 0121 2317 166.

Landlords Insurance

An important and sometimes overlooked piece of the letting jigsaw, landlord's insurance is not a legal requirement, but you would be mad to let a property without it.

You'll need, at the very least, buildings insurance, which covers you in the event of damage to the fabric of your property. It might also be wise to seek out a policy that includes Property Owner's Liability. This covers you against death, injury or damage to individuals on or near your property, such as tenants, visitors, meter readers and delivery people. If you are employing builders, decorators, gardeners or other tradesmen, you should also consider Employers Liability insurance.

We work in partnership with a local insurance broker, with expertise in the residential lettings sector, to offer you competitively priced insurance cover that will keep you protected

The Tenancy Deposit Protection Scheme

In England and Wales, landlords and lettings agents must, by law, place any deposit they take from a tenant into a Tenancy Deposit Protection Scheme. This is an independent body which holds onto or insures the deposit and, assuming there is no dispute at the end of the tenancy, pays it back, fully or partially. If there is a dispute both parties will be invited to use the Alternative Dispute Resolution process. If this happens the parties agree to abide by the decision and there is no appeal process.

There are 4 government-backed suppliers of these schemes and as a landlord you have 14 days from the commencement of a tenancy to let your tenants know which scheme you are using. We can handle this for you as a letting agent and the Scheme that we are signed up to is the Deposit Protection Service



The Mailbox

Call us

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B1 2JB

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Email us enquiries@leary-co.com

Still open, still beautiful.
as we build our new Mailbox.



HARVEY NICHOLS



NO PARKING
ANY TIME