

Guide to Landlord Responsibilities

There are a number of safety regulations in place to help protect tenants while they rent a property. These include regulations that cover:

- The building
- Gas
- Furnishings
- Electricity

Latham Estates Sales and lettings website includes information about some of these regulations but for further information speak to a member of the lettings team at our Latham Estates branch or for full details of current legislation visit www.communities.gov.uk

Safety Regulations & Responsibilities for Landlords

Gas and Electrical Safety Responsibilities for Landlords

The General Products (Safety) Regulations 1994 require that all goods must satisfy general safety provisions. The law requires that all electrical appliances are safe and strongly recommends that they are tested.

In 1995 there were 27 deaths from electrocution within the home and 39 in the workplace; 23,756 people suffered electric shocks and an alarming 7,500 fires were caused by faulty electrical appliances and leads.

The Electrical Equipment (Safety) Regulations 1994 and The Plugs & Sockets etc. (Safety) Regulations 1994 state that when an unsafe appliance is found in rented accommodation, Trading Standards check that the landlord or agent has taken all reasonable precautions to avoid supplying an unsafe item. In the event of an incident in a property involving electricity the landlord must be able to demonstrate that his supply and appliances are safe, he can only do this if it is tested professionally. Duty of care demands that this is done on a regular basis, particularly at the point at which the property first becomes available to let.

The Gas Safety (Installation and Use) Regulations 1998 state that all let and managed property MUST be annually tested for safety. Failure to comply with these regulations can result in a substantial fine or even, in the worst cases, imprisonment. Only GAS SAFE registered businesses using ACOP qualified engineers can carry out work on gas appliances and piping. All landlords have a DUTY OF CARE to ensure their tenant's safety. To this end battery operated smoke alarms are advisable. Once a landlord has supplied an alarm the tenant becomes responsible for the battery. Latham Estates Sales and Lettings uses only full qualified contractors to carry out both gas and electrical safety tests. These firms not only carry the right qualifications but have Quality Assured standards and Professional Indemnity Insurance. Our Contractors' Safety Inspectors are all qualified to the latest industry recognised gas and electrical standards. As legislation increases and qualifications evolve, these engineers keep pace because training is on-going. Safety Inspectors regularly attend manufacturer courses to enhance their knowledge of - for example - specific boilers, old and new.

Fire and Furnishings Regulations for Landlords

Since 1 January 1997, all furniture provided in furnished rented accommodation - houses, flats and bedsits - must meet the fire resistance requirements of the Furniture and Furnishings (Fire) (Safety) Regulations, 1988.

What products do the Regulations cover?

Any of the following items which contain upholstery:

- beds, mattresses and headboards
- sofa beds, futons and other convertibles
- nursery furniture
- scatter cushions, seat pads and pillows
- garden furniture intended for use in a dwelling
- loose and stretch covers for furniture

The regulations do not apply to:

- sleeping bags or loose covers for mattresses
- bed clothes (including duvets) and pillow cases
- Carpets and curtains All furniture and loose and stretch covers must carry a permanent label attached showing the item complies with the Regulations

Properties cannot be let through Latham Estates Sales and Lettings which contain non-compliant furniture. If you require advice or further information about whether furniture complies with the Regulations. The responsibility for compliance with the Regulations rests with the person letting the accommodation - this can be estate agents, letting agents, landlords or property managers.

Becoming a Landlord - Helpful Hints for Property Owners and Landlords

Upon deciding to rent your property

- Apply for mortgage lenders consent.
- Notify your insurance companies.
- Obtain gas and electrical appliance safety certificates. (Oil & Solid Fuel C.H. Systems must also be checked & serviced annually - record to be kept)
- Decide what furniture and /or fittings you intend to leave in the property. It is not advisable to leave bedding, televisions, videos and personal items.
- Ensure furnishings to be left in the property comply with fire regulations.
- Carry out any necessary repairs and remove anything potentially dangerous.
- Make sure the property is in a clean and tidy condition, particularly the kitchen, bathroom, carpets and curtains - as YOU would hope to find it if moving in yourself! A Tenant can tell if the property is well cared for and is more likely to look after it during the tenancy if it is clean at the start.
- Overseas landlords apply for tax exemption certificates - please ask your Reeds Rains letting centre for more details.

Immediately after you are notified that an application for tenancy has been received by Latham Estates Sales and Lettings, please:

- Remove all personal items from the property.
- Remove all unwanted and non compliant furniture.
- Ensure that the property is clean and the garden is tidy.
- Arrange re-direction of your mail via the Post Office.
- Landlord to inform all utility companies of the change of occupancy along with British Telecom or other supplier that you will not be requiring further use of the telephone line from the commencement of the tenancy. Whilst Latham Estates Sales and Lettings try to ensure that utility companies are furnished with the correct readings, Latham Estates Sales and Lettings can not be held responsible for the utility companies failure to recognise the information provided.
- Let your local Latham Estate Sales and Lettings branch have three separate sets of access keys / 2 sets on a Let Only.
- Ensure that the central heating boiler pilot light is lit.
- Should you require rent indemnity or legal protection, buildings, contents insurance cover, inform the Latham Estate Sales and Lettings Centre.

N.B. INSTRUCTION MANUALS or LEAFLETS, in ENGLISH, must be left at your property for all APPLIANCES, THE CENTRAL HEATING BOILER AND SYSTEMS before the Schedule of Condition & Inventory can be undertaken. By LAW, copies of these must be given to each Tenant at the commencement of the Tenancy. ALTERNATIVELY, CLEAR HAND WRITTEN OR TYPED INSTRUCTIONS WILL BE REQUIRED. (Failure to provide these will result in unnecessary delays)

Information for Overseas Landlords

Section 42a Income and Corporation Tax Act 1988 and Taxation of Income from Land (Non-residents) Regulations 1995, SI 1995 No 2902.

For Landlords who live abroad the Latham Estate Sales and Lettings Full Management Service is available, the Let Only service cannot be used. Overseas landlords are regarded as non-UK residents for tax purposes, and need to apply to the Inland Revenue for Non-Resident Landlord status. A landlord that has already been approved to receive rents without deduction of tax from the Inland Revenue must contact the Inland Revenue and request that an NRL8 (approval notice) be issued to Latham Estate Sales and Lettings. A landlord who does not hold approval will need to apply to the Inland Revenue to be approved for the non-resident landlord scheme. If the application is successful the Inland Revenue will issue an NRL8 to Latham Estate Sales and Lettings. Latham Estate Sales and Lettings Centres hold forms for this (NRL1) and will guide landlords through the whole process if required. The Inland Revenue issues the following notes as a guide to this scheme.

The Non-resident Landlords Scheme is a scheme for taxing the UK rental income of nonresident landlords. The scheme requires UK letting agents to deduct Basic Rate tax from any rent they collect for non-resident landlords. When working out the amount to tax, the letting agent can take off deductible expenses. Letting agents don't have to deduct tax if the Inland Revenue tells them not to. The Inland Revenue will tell an agent not to deduct tax if non-resident landlords have successfully applied for approval to receive rents with no tax deducted. But even though the rent may be paid with no tax deducted, it remains liable to UK tax. So nonresident landlords must include it in any tax return the Inland Revenue sends them.

Most applications are dealt with within two weeks (the Inland Revenue Centre for Non-Residents aims to approve 95% of all applications within this time).

Pointers

1. One certificate is required per person; therefore if Mr and Mrs, or several landlords, all parties must apply for an individual certificate.
2. If changes in circumstances occur during the tenancy, the agent must receive written confirmation of the change AND the date the change occurred.
3. C/O addresses will always be handled as overseas landlords and tax will be deducted until a completed and signed declaration of residential status is received by the agent, the Inland Revenue are very strict with regard to this matter.
4. Should a friend or relative be looking after affairs whilst the landlord is abroad, an Enduring Power of Attorney document will need to be made available to the agent.
5. Should a professional person (accountant, tax advisor or solicitor) be looking after the affairs for the landlord, the agent will require written authority from the landlord to allow information to be released to that person.
6. Landlords who spend part time abroad and part time in the UK over the course of the year will need to apply to join the nonresident landlord scheme using NRL1.
7. The scheme does apply to the Armed Forces and other crown servants. If a member of the Armed Forces or other crown servant had approval pre-1996 they will need to re-apply to join the non-resident landlord scheme using NRL1.
8. Some confusion often reigns with the following localities, Isle of Wight and Northern Ireland. These landlords are NOT classed as overseas. Southern Ireland (Eire), the Channel Islands and the Isle of Man are classed as overseas.

9. Should a landlord choose not to use an agent for the letting of property whilst abroad, the liability for collection of tax, in the event that non-resident status has not been sought, passes to the tenant.

Important Information on Houses with Multiple Occupancy

Notes

From 6 April 2006 mandatory HMO licensing came into force across England. The Government hopes that this new legislation will raise the standard of accommodation for people living in HMO's.

Which HMO's need a licence?

Under the national mandatory licensing scheme an HMO must be licensed if it is a building consisting of three or more storeys and is occupied by five or more tenants in two or more households. Local Housing authorities have discretionary powers to widen the remit of licensing to also include other smaller HMO's if they think that enough of them in an area are badly managed. **If you are unsure whether an hmo needs a licence, check with your local housing authority.**

What is a Household?

- Couples married to each other or living together as husband and wife (or in an equivalent relationship in the case of persons of the same sex).
- Relatives living together, including parents, grandparents, children (and step children), grandchildren, brothers, sisters, uncles, aunts, nephews, nieces or cousins.
- Half-relatives will be treated as full relatives. A foster child living with his foster parent is treated as living in the same household as his foster parent. Therefore three friends sharing together are considered, three households. If a family rents a property that is a single household.

When do I have to apply for a licence?

Mandatory licensing came into force on 6 April 2006. HMO landlords are encouraged to apply immediately for a licence to avoid the penalties, which were introduced on 6 July 2006; Failure to register for a licence. Failure to register for a licence is a criminal offence and can result in a fine of up to £20,000. For more information on HMO's contact your local housing authority and visit <https://www.gov.uk/renting-out-a-property/houses-in-multiple-occupation-hmo>