



*a guide to
legislation*

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you can rest assured we've got everything covered

If we are managing your property, we can arrange for all of these checks to be done for you by our fully qualified contractors at a cost to be advised by our office.

We have put together a summary of your obligations below:

EPC – Energy Performance Certificates

These certificates are valid for 10 years.

There is a legal requirement for landlords to produce an Energy Performance Certificate (EPC) for all prospective tenants. This must have been ordered before you advertise your property to rent.

The certificate will provide a rating of the energy efficiency and carbon emissions of a building from A to G, where A is very efficient and G is very inefficient. This allows prospective tenants to consider energy efficiency and fuel costs before deciding to rent the property. These certificates are valid for 10 years.

From April 2018, proposed legislative changes would make it unlawful to let residential or commercial properties with an EPC Rating of F or G (i.e. the lowest 2 grades of energy efficiency).

The Gas Safety (Installations and Use) Regulations 1998

You must provide your tenant with a Gas Safety Certificate which must be renewed annually. An engineer on the gas safe register must complete the check before the tenant is allowed to move in. The certificate confirms that:

- Pipe-work, appliances and flues provided for tenants are maintained in a safe condition.
- All appliances and flues in the property have an annual safety check.
- All gas equipment (including any appliance left by a previous tenant) is safe or otherwise removed before re-letting.

The gas safety certificate must be provided to the tenant within 28 days of completing the check or to any new tenant before they move in. A copy of the certificate must be kept for two years.

Electrical Equipment (Safety) Regulations 1994

There is no statutory obligation for landlords to have professional checks carried out on the electrical system or appliances. However, legislation under the Consumer Protection Act 1987 means there is an obligation to ensure that all electrical equipment is safe.

We recommend that a qualified electrician undertake an initial electrical check before letting your property and further periodic inspections of appliances and wiring should be carried out as per the recommendations.

Furniture and Furnishings (Fire) (Safety) Regulations 1988

Furniture and furnishings supplied in rental accommodation must comply with the above regulations. Some materials used to fill or cover furniture, particularly older and second hand furniture, may be a fire risk and often produce poisonous gases when burning, such as cyanide or carbon monoxide.

Before renting out a property

You must ensure you have fulfilled your obligations with regard to current legislation, designed to ensure the tenant's safety, which you as a landlord are responsible for. There are severe penalties for non-compliance.

furnished or unfurnished – it's your choice

Manage your property well and the risks to you as landlord or agent are minimal, but manage it badly and your risks are quite high.

You have two choices: Let your property unfurnished or make sure all your furniture and furnishings meet the regulations, they must carry an appropriate permanent label at point of sale.

Smoke and Carbon Monoxide Alarm Regulations (2015)

Landlords must ensure that a smoke alarm is fitted on every floor of their property where there is a room used wholly or partly as living accommodation. It is also mandatory to put a carbon monoxide alarm in any room where a solid fuel is burnt, such as wood, coal or biomass. This includes open fires but does not include gas, oil or LPG.

Landlords or agents have to ensure that the alarms work at the start of each new tenancy.

Legionella Risk Assessment

The law is clear that if you are a landlord and rent out your property (or even a room within your own home) then you have legal responsibilities to ensure the health and safety of your tenant by keeping the property safe and free from health hazards.

A simple risk assessment undertaken by a competent person will be sufficient to ensure you comply with current legislation but it is important to review the assessment periodically in case anything changes in the system.

Implementing simple, proportionate and appropriate control measures will ensure the risk remains low. For most domestic hot and cold water systems, temperature is the most reliable way of ensuring the risk of exposure to Legionella bacteria is minimised i.e. keep the hot water hot, cold water cold and keep it moving. Other simple control measures to help control the risk of exposure to Legionella include:

- Flushing out the system prior to letting the property.
- Avoiding debris getting into the system (e.g. ensure the cold water tanks, where fitted, have a tight fitting lid).
- Setting control parameters (e.g. setting the temperature of the hot water cylinder (calorifier) to ensure water is stored at 60°C).
- Make sure any redundant pipework identified is removed.

Tenants should be advised of any control measures put in place that should be maintained e.g. not to adjust the temperature setting of the calorifier, to regularly clean showerheads. They should inform the landlord if the hot water is not heating properly or there are any other problems with the system so that appropriate action can be taken.

It is important that water is not allowed to stagnate within the water system and so there should be careful management of properties left vacant for extended periods (e.g. student accommodation left empty over the summer vacation). As a general principle, outlets on hot and cold water systems should be used at least once a week to maintain a degree of water flow and minimise the chances of stagnation.

Rent Smart Wales

This legislation has been introduced in order to raise standards in the private rented sector in Wales by introducing a new law requiring the registration and licensing of landlords and agents.

Landlords and Agents have twelve months to comply with the new legislation by applying for a license from the launch date of 23rd November 2015.