

# Environmental Health (Private Sector Housing) Regulations Update

March 2019



# Developments in housing regulation

- Homes Fitness for Habitation Act 2018
- Mandatory HMO Licensing changes
- Minimum room sizes



# Homes Fitness for Habitation Act 2018

- The Act is for tenants who:
  - rent privately
  - rent from a housing association; or
  - rent from their local council
- The Act does not cover people who have ‘licences to occupy’
- Immediately if signed tenancy agreement on or after 20 March 2019, whether or not moved in
- If signed before 20 March 2019, wait until 20 March 2020 before can use the Homes Act (unless sign a new tenancy or tenancy becomes a monthly rolling contract).

## Homes Fitness for Habitation Act 2018

- If dwelling is not 'fit for human habitation', tenants can take their landlords to court.
- The court can make the landlord
  - carry out repairs or
  - pay compensation to the tenant.
- Exceptions:
  - Problems caused by tenant behaviour
  - Events like fires, storms and floods ('acts of God')
  - Possessions or furniture belonging to previous tenants
  - The landlord hasn't been able to get permission from certain other people.

## Homes Fitness for Habitation Act 2018

- building neglected and is in a bad condition
- building is unstable
- serious problem with damp
- unsafe layout
- not enough natural light
- not enough ventilation
- problem with the supply of hot and cold water
- problems with drainage or toilets
- difficult to prepare and cook food or wash up
- a problem with any of the 29 HHSRS hazards

# Before a tenant makes a claim

- You will need to **write to your landlord** asking them to solve the problem.
- In writing by email or letter.
- If you go to court, you will need to show that you tried to sort out the problem with your landlord first.
- If you have a letting agent, send the letter or email to them too.
- Print and fill in county court form N1 and send to county court.

# Financial penalties

- Failing to licence an HMO
  - 5 persons: £2,000 to £8,000
  - 6/7 persons: £10,000 to £17,500
  - 8 or more persons: £20,000 to £30,000
- Failing to comply with a condition in an HMO Licence
  - Less serious maintenance defects: £600 to £8,000;
  - Poor maintenance of fire detection, emergency lighting, gas, electricity £10,000 to £17,500;
  - Faulty fire detection, emergency lighting, gas, electricity: £20,000 to £30,000
- Overcrowding an HMO or dwelling:
  - £600 to £17,500 depending on amount and duration
- Breaching HMO Management Regulations
  - Breach of standard regulations: £2,000 to £8,000;
  - Failure to provide safe gas, electricity or water supplies £10,000 to £17,500;
  - Lack of provision of fire safety measures £20,000 to £30,000
- Failing to comply an Improvement Notice
  - £600 to £8,000 depending on seriousness of hazards;
  - £10,000 to £30,000 for the most serious Category 1 hazards

# Additional factors to decide level of fine

- Culpability
- History of offences
- Harm to tenants
- Mitigating factors
- Proportionality
- Impact of fine (on the landlord and as a deterrent to others)



# Mandatory HMO Licensing October 2018

- All 5 person HMOs regardless of number of storeys
- Purpose built flats where there are up to two flats in the block and one or both are occupied as an HMO



# New mandatory HMO licence conditions

- To specify which rooms in an HMO are suitable for sleeping accommodation, and by how many adults and children
- To comply with the provision of facilities for the proper disposal and storage of domestic refuse
- To prescribe the numbers and use of receptacles for the storage and disposal of domestic waste from the HMO.

# Minimum room sizes

- Minimum national room sizes for sleeping accommodation in HMOs (first stated in the Housing Act 1985 in the context of Statutory Overcrowding) :
- Separate living room:
  - 6.5 square metres single (70 square feet)
  - 10.2 square metres double (100 square feet)
- No separate living room:
  - 10.2 square metres single
  - 15 square metres double