

# Landlord information pack

## Helping residential landlords meet their responsibilities

You're a landlord if you rent out your property for people to live in. By law, this means you have responsibilities, including:

- keeping your rented properties safe and free from health hazards
- making sure all gas and electrical equipment you supply is safely installed and maintained
- following fire safety regulations
- providing an Energy Performance Certificate for the property
- protecting your tenant's deposit in a government-approved scheme

As your agent, Fenn Wright can help you find suitable tenants and help you navigate the health, safety and legal obligations too, if you choose.

Please refer to our separate **menu of service options** and **fee summary** sheets to see what we can do at each stage to help you and how much we will charge.

Whichever service you choose from Fenn Wright, we aim to make your experience as a landlord as straight-forward and profitable as possible.

Do remember, that even when you appoint a letting agent to manage a property on your behalf, you - as the landlord, remain responsible for ensuring that all health, safety and legal obligations are met.

So, if you're shopping around for an agent, or thinking about managing on your own, please consider the implications very carefully.

We want you to have peace of mind.



# Health, Safety and Law

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## **Gas Safety**

The Gas Safety (Installation and Use) Regulations 1998 deal with landlords' duties to make sure gas appliances, fittings and flues provided for tenants are safe.

It is the responsibility of landlords to maintain all pipework, appliances and flues in a safe condition and to ensure all gas appliances are serviced in accordance with the manufacturer's instructions.

A gas safety check must be carried out on every gas appliance/flue, every 12 months. A gas safety check will make sure gas fittings and appliances are safe to use.

A record of the annual gas safety check must be provided to your tenant within 28 days of the check being completed or to new tenants before they move in. Landlords must keep copies of the gas safety record for two years.

All installation, maintenance and safety checks need to be carried out by a Gas Safe registered engineer.

Fenn Wright will help you meet these obligations. Please refer to our menu of service options to see what's included in our fees, or speak to one of our lettings experts in branch.

## **Electrical Safety**

Landlords are obliged to ensure that the electrical installation and appliances provided in the property are safe when the tenancy begins and are in proper working order throughout the tenancy.

### **a) Electrical installations**

Electrical Safety First (formally The Electrical Safety Council) recommends that periodic inspections/tests by a qualified electrician are carried out at least every 5 years or even on a change of tenancy. An alternative to a full test/inspection could be a visual condition report - also carried out by a qualified electrician.

Fenn Wright staff do not conduct any kind of electrical inspections/tests as they need to be done by a qualified electrician. The cost of electrical inspections is not included in our fees, but we support the recommendations of Electrical Safety First and will gladly organise them if you ask us to. Please speak to one of our lettings experts in branch to find out more.

### **b) Electrical appliances**

The Electrical Safety First guidance recommends portable appliance testing to satisfy the landlord's obligation to ensure that any portable electrical appliances which they provide under the tenancy are safe at the point of letting and at periodic intervals after that.

Landlords should also check that every appliance they supply has a CE mark and preferably additional safety marks e.g. the British Standard Guidance mark or the BEAB approved mark.

Where the safe use of the equipment relies upon the user being aware of any particular characteristic, suitable information or instruction booklets should be provided.

Fenn Wright staff do not conduct any kind of electrical inspections/tests. We will gladly organise PAT tests at cost, if you ask us to. Please speak to one of our lettings experts in branch to find out more.

### **Oil Safety**

At present there is no law that dictates the frequency of oil appliance servicing or safety inspections - as there is with gas. However, Fenn Wright recommends that any appliance is serviced prior to the first tenancy and appliances/installations are serviced/inspected annually thereafter.

If you choose one of our managed letting services we will gladly organise an OFTEC engineer to do this, if you ask us to. Please speak to one of our lettings experts in branch to find out more.

### **Furniture and Fire Act**

The Furniture and Furnishings (Fire) (Safety) Regulations 1988 (as amended) set levels of fire resistance for domestic upholstered furniture, furnishings and other products containing upholstery.

To ensure that all furniture and soft furnishings comply with the regulations, we insist that the relevant safety labels are attached. We will check these labels are in place whilst preparing the inventory and if any upholstered furniture isn't labelled appropriately, it will need to be removed from the property before the tenancy can start.

### **Legionella**

The Health and Safety Executive issued new guidelines in April 2014, to address the potential for man-made water systems to be a source for legionella bacteria growth.

The full guidance notes are available on the HSE website or can be downloaded from <http://www.arla.co.uk/media/610774/legionaires-guidance.pdf>. These guidelines state that it is the landlord's responsibility to carry out a risk assessment of the water system at a property before it is let.

Fenn Wright staff do not conduct this risk assessment. However, we will gladly organise a professional risk assessment, if you ask us to. Please speak to one of our lettings experts in branch to find out more.

### **Smoke and Carbon Monoxide Alarms**

It is expected that in 2015 it will be a statutory requirement for all landlords to install not only smoke alarms but also carbon monoxide alarms in their rental properties.

Whilst details of the legislation are yet to be published it is likely that a carbon monoxide alarm will need to be fitted in any - and every - room which contains a solid fuel appliance. And that a smoke alarm will be required on each floor of a property.

It is Fenn Wright's recommendation that all landlords fit these alarms now, without waiting for the law to come into force. We will gladly organise this for you, if you ask us to. Please speak to one of our lettings experts in branch to find out more.

### **Energy Performance Certificate**

All rental properties - that are not Listed buildings - are required by law to have an energy performance certificate (EPC) before they can be let. An EPC gives a property an energy efficiency rating from A (most efficient) to G (least efficient) and is valid for 10 years. If you need an EPC for your property, our surveyors can provide one at a cost of £95 plus VAT.

## **Tax**

You'll have to pay Income Tax on your rental income, minus your day-to-day running expenses such as maintenance repairs and our fees.

If you live abroad and do not pay UK tax, you will need to obtain a tax exemption certificate from the Inland Revenue. Without this certificate we are obliged to deduct tax from the rent we collect on your behalf, and forward it directly to the Inland Revenue at the end of every quarter.

To apply for the certificate, use this link and follow the HMRC instructions:

<http://search2.hmrc.gov.uk/kb5/hmrc/forms/view.page?record=Ed5BaOnynis&formId=738>.

When you submit your application, you will need to use your agent's F.I.C.O. number. For Fenn Wright this number is - 922 NA 003098. Please be aware that if the property is owned in joint names, each person will need to apply for a certificate.

## **Mortgages**

If you have a mortgage on the property you want to rent out, you must get permission from your mortgage lender.

Sometimes lenders impose restrictions or even forbid letting, so you need to obtain this permission before you instruct Fenn Wright.

## **Tenant Deposit**

The law stipulates that you must place your tenants' deposit in a tenancy deposit protection (TDP) scheme, within 30 days of receiving it.

Fenn Wright registers all deposits with the government approved Tenant Deposit Scheme (TDS). This service is included in our fees - except when we are engaged on a 'let only' basis, when we only cover holding the deposit for the first 12 months, after this period we do make an annual charge to continue holding the deposit.

At the end of the tenancy, if the landlord and tenants cannot agree about the amount of money to be returned, the deposit remains protected until the dispute is settled. If you choose one of our managed letting services we will negotiate the deposit deductions as part of the check-out process, which tends to prevent disputes occurring.

## **Buildings insurance**

You should take care to review any existing insurance policy when letting a property for the first time as most standard buildings insurance will not include cover for rented property and/or its contents.

A failure to inform your insurer that you are letting a property could invalidate any subsequent claim.

It is the responsibility of the landlord to insure the building and its contents, fixtures and fittings. The tenants are responsible for insuring any of their own possessions.

There are various specialist insurance products designed for landlords and we suggest you consider policies that include public liability insurance too.

## **Right to Rent immigration checks for landlords, agents**

Under Section 22 of the Immigration Act 2014 a landlord must not authorise an adult to occupy property as their only or main home under a residential tenancy agreement unless the adult is a British citizen, or European Economic Area (EEA) or Swiss national, or has a Right to Rent in the UK.

### The changes

The law introduces a requirement from 1 February 2016 for all landlords of private rental accommodation in England to carry out Right to Rent checks for new tenancy agreements to determine whether occupiers aged 18 and over have the right to live in the UK legally.

NOTE: The law does not apply to children (under the age of 18) living at the property and you only need to check people who will be using your property as their only or main home. You do need to conduct checks on all adult occupiers not just the tenancy holder.

### Eligibility

You need to make Right to Rent checks if you are a private landlord; have a lodger; are sub-letting a property; are an agent appointed by a landlord to make Right to Rent checks.

# Contact us

## Fenn Wright lettings branches

### Chelmsford

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### Ipswich

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## Lettings administration

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Maintenance	01206 245 888

[fennwright.co.uk](http://fennwright.co.uk)