

Regulations for the Installation of Smoke and Carbon Monoxide Alarms for Landlords Fact Sheet.

On 11 March 2015 the Housing Minister announced that landlords would be required to install and check smoke and carbon monoxide alarms in their properties. This is part of the Government's plans to create a bigger, better and safer private rented sector. New regulations were passed by both Houses of Parliament on 14 September 2015.

THE CHANGES

The Government has introduced the Smoke and Carbon Monoxide Alarm Regulations (2015) to make landlords in the private rented sector in England responsible for ensuring that smoke and carbon monoxide detectors are appropriately installed and are in proper working order at the start of a new tenancy. The Regulations effect England only and came into force on 1 October 2015.

ELIGIBILITY

The law will apply to landlords renting residential accommodation to one or more tenants occupying all or part the property as their only or main place to live.

NB: The law will not apply to social landlords.

WHAT YOU NEED TO DO

From 1 October 2015 landlords will have to 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. They will also have to put a carbon monoxide alarm in any room where a solid fuel is burnt, such as wood, coal or biomass and includes open fires. It does not include gas, oil or LPG. Landlords or agents will then have to ensure that the alarms work at the start of each new tenancy. For example by pressing the test button until the alarm sounds.

NB: The start of each new tenancy is the first day of the tenancy and the first day of the tenancy is the date stipulated in the tenancy agreement (even if the tenant decides to actually move into the property on a later date).

Landlords are also required to demonstrate that the alarms were working at the start of the tenancy, so it is advisable to get the tenant to sign a receipt confirming the smoke and carbon monoxide alarms are working or ensure it's in the inventory at check-in which is signed by the tenant.

During the tenancy it is a tenant's responsibility to ensure the alarms work and it is their responsibility to change the batteries during the tenancy. However, should the alarms become faulty during the tenancy landlords are responsible for replacing them.

NB: Under the proposals, a bathroom or lavatory is classed as a room used for living accommodation and a room covers halls or landings. Stairways are also included in the regulations. For instance, for maisonettes or flats above shops where the flat is on the first floor but you enter via stairs on the ground floor a smoke alarm will be required in the stairwell.

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A new tenancy will include agreements entered into on or after 1 October 2015. It does not include a periodic statutory tenancy which starts following the end of a shorthold tenancy. In addition, landlords do not need to check the alarms when a tenancy is renewed under the same conditions i.e. for the same premises by the same landlord to the same tenant.

On 4 September 2015 the Department for Communities and Local Government (DCLG) issued an explanatory booklet to help landlords further understand and comply with the Smoke and Carbon Monoxide Alarm (England) Regulations 2015: www.gov.uk/government/publications/smoke-and-carbon-monoxide-alarms-explanatory-booklet-for-landlords

THE IMPACT

Local authorities will be responsible for enforcing the new rules. If the local authority thinks that a landlord has not implemented the new rules correctly they will issue a notice advising the landlord what they need to do to resolve the problem. The local authority must give the notice within 21 days from when they believe that the landlord has breached the rules. The landlord has 28 days to respond and/or make good what is needed to comply.

NB: Landlords cannot be held responsible if they can show that they have taken reasonable steps to comply with the rules but cannot enforce the changes, such as if a tenant refuses to allow for the work to be done.

ENFORCEMENT

If landlords do not take action, the local authority can arrange for the required work to be carried out (with the consent of the occupier) to ensure that tenants are protected. Local housing authorities also have the right to impose a fixed penalty charge (like a parking ticket) of up to £5,000 on landlords who do not comply with the rules.

TIMETABLE

The Regulations were put forward under sections of the Energy Act 2013 and the Housing Act 2004. They come into force on 1 October 2015.