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Rental Property Knowledge: a website for Landlords, Letting Agents and Tenants. The site hosts the UK's busiest on-line rental property forum

Highlights:

The theme of this issue is the new Housing Health & Safety Rating System (HHSRS) which comes under the [Housing Act 2004](#) and its bundle of measures to be introduced April 2006

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Housing Health & Safety Rating System - The Housing Act 2004

The new **Housing Health and Safety Rating System (HHSRS)** is something that landlords should now be aware of.

It comes into force in April 2006.

Why the Change?

Under the new system the focus will shift to whether a house in poor condition is likely to damage the occupants' health. This is thought to be better than the old "fitness standard" which tended to look more at issues just to do with the building.

What kinds of Properties Will Be Covered?

As before, the HHSRS applies to all buildings not just those that are let out or those which are HMOs.

For houses that are not houses in multiple occupation (HMOs), the trigger for the property inspection will be if the local council becomes aware that there could be a problem with health and safety.

However, all HMOs which need a license will also have to be inspected for hazards within 5 years of an HMO license being granted.

How will it Work?

The local authority environmental inspector will now look at the condition of a building and give a score on any one of a long list of potential health and safety hazards.

The score will rate (1) how likely a risk (e.g. fire) is to occur within the next 12 months and (2) how likely it is to have a severe impact should it actually happen.

(The list of hazards is longer than under the old health and safety regime and includes things like fire, damp, overcrowding, poor lighting, pests etc. It's worth noting that it includes all the things that are also part of the HMO fitness standard.)

This rough score will then be put into bands and categories with the worst being



a Category One risk.

For houses in multiple occupation inspectors will have to consider if there is an increased risk because the facilities are shared. However, the actual behaviour of the occupants won't be taken into consideration. Nevertheless, when assessing a hazard the inspector **will** have to examine if the property is fit for the widest range of occupants possible.

What this means is, even if you let to students, the inspector will have to consider risks on the basis that the occupiers **could be** elderly people or children instead. So, if you've got healthy 20 year olds in your house the inspector will look at the likelihood of a fall happening to someone who is say aged 70.

Welcome

Part 1 of the new Act replaces the housing fitness regime set out in the Housing Act 1985. The separate Houses in Multiple Occupation (HMO) fitness test will also be replaced by this.

The test of fitness is to be replaced with a new evidence-based risk assessment process, carried out using the Housing Health and Safety Rating System (HHSRS).

HHSRS is a new approach to

the assessment of risks to health and safety in residential premises and is similar to processes used in industry.

Local authorities will in future base residential enforcement decisions on assessments under HHSRS.

The courses of action available to authorities are: serve an improvement notice requiring remedial works; make a prohibition order,

which closes the whole or part of a dwelling or restricts the number of permitted occupants; suspend these types of notice; take emergency action; serve a hazard awareness notice; make a demolition order or declare a clearance area.

Landlords, as always, need to make sure they are exercising due diligence by applying careful management and they should always be adequately insured. Editor

What Powers will HHSRS Inspectors Have?

What Powers will Inspectors Have?

Inspectors will have a wider range of powers than they had under the old system. Once they have identified a risk, the action they can take depends upon how serious the risk is. If it's a Category 1 risk they must take certain enforcement actions whereas if it's a Category 2 risk there is more discretion.

Firstly, a *hazard warning notice* could be served. Hazard warning notices have no time scale and there are no penalties, but most good landlords would carry out improvements to stop the problem developing into something more serious (as

well as trying to stay on the good side of the authorities!)

Secondly, an *improvement notice* could be issued. This would require that certain improvements are carried out. If the work to start the improvement does not start within 28 days or is not completed in a set time, fines can be levied of £5,000.

Thirdly, *Prohibition orders* can stop or limit all or part of the property being used. Again, there are fines for non-compliance.

Fourthly, if the problem is so serious that it could

cause immediate harm the inspector can issue an *Emergency Remedial Action* or an *Emergency Prohibition Order*. Under the Emergency Remedial Action, the local authority can enter the house and do the work, charging the cost back to the owner.

For improvement notices, prohibition orders and remedial actions there is an appeals process that can be used.

In really bad cases, the local authority can make a demolition order or a compulsory purchase order, as is the case now.

Inspectors will have a wider range of powers than they had under the old system.

Useful Links:

[LandlordZONE—Legal Briefing](#)

[ODPM—Housing, Health and Safety Rating System](#)



Will it Affect Whether I Can Get an HMO License?

Will it Affect Whether I Can Get an HMO or Other Licence?

Some people are concerned that if they have an HMO that is going to be subject to licensing **and** they also have a hazard identified under the HHSRS, this could mean they won't get their licence.

The good news on this is that local authorities can't

use licence conditions, to deal with a hazard that's been identified under the HHSRS.

The government has made it clear that HMO applications depend upon the person applying being a fit and proper person, the management of the building being OK and the property being suitable for the number of occupants

(see previous article for more information on licensing)

So whilst it's possible that a condition of a licence may involve the landlord doing something that also happens to correct a health and safety hazard, **the actual fixing of the hazard cannot be used as a condition of granting a licence.**

Local authorities can't use license conditions, to deal with a hazard that's been identified under the HHSRS.



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Won't This All Be Confusing?

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Possibly, yes. It's easy to see how the granting of licences for HMOs could be confused with the HHSRS inspection, especially where the local au-

thority, to save cost, do the assessment for the HMO licence application **at the same time** as doing an HHSRS inspection.

As well as the possible confusion between licensing and HHSRS, some

landlords associations have expressed worries that the opinion on what constitutes a health and safety threat will vary widely between different boroughs and different inspectors.

What Should I Do Now?

What Should I Do Now?

As well as complying with the existing regulations on gas, electricity and soft furnishings, landlords should keep their property in a good state of repair.

There's a lot to know about—so do a bit of reading up—you will find all you need on the Landlord-ZONE web site.

In particular, it's possible

that lots of landlords may not be familiar with the new electrical safety requirements (Building Regulation Part P) which only came into force on January 1st this year.

This says that almost all domestic electrical work should be carried out by electrician authorised by a body such as NICEIC.

If you want to do it yourself and you are not an authorised electrician, this means

that you are now limited to just replacing light switches and sockets on existing circuits (as long as they are not in dangerous areas like kitchens and bathrooms) and you must obtain a Building Control Certificate from your local authority if any major electrical work is undertaken.

In summary, HHRS could mean major changes and we will have to watch and see how it works out in practice.

Book Review: [Debt Recovery by Mark Fairweather and Rosie Border](#)

Debt Recovery is an important part of the Landlording process. Although successful landlords avoid debts by selecting their tenants very carefully, this happens to all of us eventually.

The small claims system is a user-friendly and quite inexpensive way of collecting debts, so long as you are prepared to do it yourself.

But you must go about it the right way if you are to be successful. This book will

show you exactly how to do it.

The Pocket Lawyer series includes several books of interest to landlords which are designed for lay people who want 'how to' guidance in situations that would normally require expert advice.

Each title is written by experts in their field - in this case a practising solicitor — providing all the information you need in one concise book .

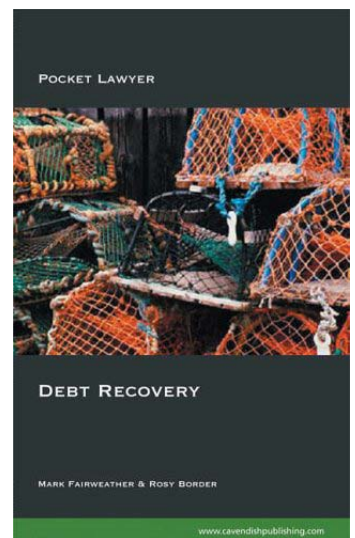
The Pocket Lawyer books have an accessible and user-friendly structure and they are supported by a companion website which provides free updates and ready-to-use documents and letters .

From gentle reminders, through to obtaining and enforcing a court judgment, all the way to bankrupting an individual or forcing a company into liquidation, this book will ensure that you clear the legal hurdles and avoid the traps.



The granting of licenses for HMOs could be confused with the HHSRS

There's a lot to know about—so do a bit of home work—you will find all you need on the LandlordZONE web site.



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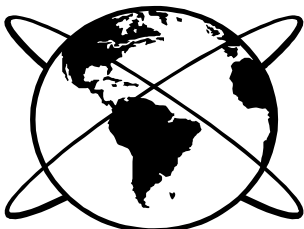
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