



How to... rent a safe home

A guide for current and prospective tenants in England

Contents

1. What to do if you are worried about your rented property	3	Heat	10
Checks to make on a property before you rent	3	Trip and fall hazards	10
Once you have moved in, if you have an issue or complaint you should	3	Fire risks	11
2. Landlord duties	5	Electrical hazards	11
Repairs	5	Overcrowding	12
What to do if repairs aren't done	6	Security	12
Gas safety certificate	7	Lighting and noise	12
Energy Performance Certificate (EPC)	8	Hygiene	12
Smoke and carbon monoxide alarms	9	Water supply	13
Electrical safety	9	Pests and vermin	13
3. Potential hazards	10	Chemicals and hazardous substances	13
Cold	10	Structural defects	14
Damp and mould	10	Product safety	14
		4. Additional information	15

Please be aware that some advice in this guide may be affected by the latest coronavirus (COVID-19) guidance for renting.

Please refer to guidance for landlords, tenants and local authorities reflecting the current COVID-19 outbreak.

Who is this guide for?



This guide is for current and prospective tenants and supplements the government's 'How to rent' guide. It gives a more detailed explanation of the main hazards you could find in a rental property which would suggest it may not be safe for you and your household to live in.

It also explains your landlord's duties and what you can do if you have concerns or need to make a complaint.

1. What to do if you are worried about your rented property

Landlords have a legal obligation to keep your home in repair, fit for human habitation and free from serious hazards. Landlords must not harass their tenants and must follow [legal eviction processes](#) should they want to evict their tenant.

Checks to make on a property before you rent

- Is there a working smoke alarm on each floor?
- Is a carbon monoxide alarm fitted? (for properties with solid fuel appliances, e.g. log burners or open fires).
- Have you seen a current gas safety certificate?
- Where can the gas or water supply be switched off in an emergency?
- Have you been provided with an Energy Performance Certificate?
- Does the hot water and heating system work?
- When are refuse and recycling collected?
- Are all electrical installations safe and in good working order? For new tenancies from 1 July 2020 and existing tenancies from 1 April 2021 your landlord must provide you with a report showing this at the start of your tenancy and then at least every five years.
- Do you know what to do in case of a fire?
- Are there any obvious health and safety issues? Section 3 contains further information on potential hazards.
- Does everything work as it should? E.g. water, windows, lavatories etc.

Once you have moved in, if you have an issue or complaint you should

Tell the landlord

- Report any need for repairs and any health and safety issues to your landlord and/or property agent.
- Put your concerns in writing, including by text or email, and keep a copy.
- Do this straight away for serious risks to your health and safety, such as faulty electrical wiring. Always do this as soon as you become aware of the problem. You may be in breach of your tenancy agreement if you do not.
- Let your landlord know if you consider the issue to be urgent and the reason why.



Always consider giving your landlord an opportunity to put things right

- Generally, landlords are allowed a reasonable period of time, after being made aware of an issue, to put that issue right.
- However, if you are worried about contacting your landlord for any reason, you can contact your local authority.
- You should also inform your local authority about serious problems that are an imminent risk to your health if your landlord does not resolve these.
- What is a reasonable period will depend on the circumstances. With something serious or dangerous, like a boiler failure, or electricity outage, it might be reasonable to expect the landlord to arrange for a technician to attend within 24 hours to carry out an initial inspection.
- Co-operate with your landlord for the purpose of providing access to your home so that the necessary inspections and works can be carried out you may need to take time off work to be at home to allow access.
- Give your landlord a reminder if you think there is an unreasonable delay.
- If the delay continues, and your landlord does not appear to be taking steps to deal with the problem, consider seeking advice – Citizen's Advice, Shelter, a housing advice centre, a solicitor or the local authority may be able to help. Never withhold rent – doing so could make you vulnerable to eviction.

2. Landlord duties

Landlords must legally keep their properties safe, healthy and free from things that could cause serious harm, according to the [Homes \(Fitness for Human Habitation\) Act 2018](#).

Landlords are responsible for carrying out most repairs.

Do not rent from a landlord who cannot show that they have met their legal duties and do not accept a reduced rent in exchange for poor or dangerous conditions.

Repairs

Your landlord is always responsible for repairs needed to:

- The structure and exterior of your home. This includes the drains, gutters and external pipes. It also includes essential means of access such as a front garden path.
- The installations in your home for the supply of water, gas and electricity.
- The 'installations for sanitation', which are things like basins, sinks, baths and other sanitary fittings.
- The installations for heating the property and providing hot water.
- Your landlord may also be responsible for repairing any communal areas of the building, like stairwells or halls. If the way you live in your home is affected by problems in these areas, let your landlord know.
- For some shared properties, like Houses in Multiple Occupation (HMOs) or bedsits, your landlord must maintain communal areas and shared facilities like bathrooms, kitchens, toilets and gardens and keep them clean and in good working condition.

Your responsibilities

- A tenant may have to pay the cost to repair damage that they have caused, e.g. water leaking into another flat from an overflowing bath. Tenants are also responsible for paying to put right any damage caused by their family and friends or any other visitors they allow into the property.
- Do not carry out repairs unless the tenancy agreement says you can. You cannot be forced to do repairs that are your landlord's responsibility.
- Tenants must give reasonable access to the landlord or the agent, and to relevant workers, to enable the repairs to be carried out. Landlords should give at least 24 hours' notice requesting access at a 'reasonable' time of the day.

Protection from being evicted if you complain

- 'Retaliatory eviction' is when a landlord asks a tenant to leave their property because they have made a complaint, for example about conditions. This is unacceptable.
- If you have an assured shorthold tenancy (AST – the main type of tenancy agreement between tenants and landlords) and you have raised a legitimate complaint about the condition of your property with your landlord and your local authority, and the local authority serves a notice, you may have protections under the Deregulation Act 2015.
- Once you have [made a complaint](#), the local authority should carry out an inspection of the property and, if appropriate, they will serve a notice on your landlord. If this is either an 'improvement notice' or a 'notice of emergency remedial action' under the Housing Act 2004, your landlord cannot legally evict you for 6 months using the 'section 21' process provided you have followed the correct procedure. Guidance on this can be found [here](#).



CONTRACT

What to do if repairs aren't done

- You can tell your local authority, especially if you think that it is a risk to your health and safety – see section 3 below.
- If your home is not 'fit for human habitation', you can take your landlord to court under the Homes (Fitness for Human Habitation) Act 2018. The court can make the landlord carry out repairs or put right health and safety problems. The court can also make the landlord pay compensation to you, if appropriate. See more [information](#).
- If you have suffered loss and experienced inconvenience because your landlord is in breach of their repairing obligations, you can also consider taking action in the county court. The county court can order the landlord to do the necessary works and to pay you compensation.
- If the state of your home is a 'statutory nuisance' because your health is affected, you can consider taking action in the magistrates' court under section 82 Environmental Health Act 1990. The magistrates can order the landlord to do the necessary works and to pay you compensation.
- Before considering taking court action, you should seek independent advice on your rights and responsibilities. See more [information](#).



Gas safety certificate

Landlords must make sure gas appliances and flues are safely installed and maintained by a Gas Safe registered engineer.

The landlord must provide a gas safety certificate at the start of the tenancy (before the tenant moves in), and within 28 days of each annual gas safety check, if there is a gas installation.

For Assured Shorthold Tenancies, the London County Court held that the no-fault eviction procedure (a section 21 eviction) could not be used if a copy of valid gas safety certificate had not been provided to the tenant before the tenant entered into occupation.

The Judge decided that providing the certificate after the tenant moved in would not remedy this. While this ruling is not binding on judges in other cases, it is likely to be followed by other courts. The ruling does not prevent a landlord from using a section 8 notice to seek possession under one of the grounds in the Housing Act 1988.

You can find details of registered gas engineers which you can check against their identification and registration number online at [Gas Safe Register](#).

You should check the gas safety certificate and check for any problems highlighted.

This column tells you if the gas appliances in your home are safe to use. You should contact your landlord or agent if you have any questions or concerns.

*sample gas safety record image provided by www.gassaferegister.co.uk

If you smell gas or suspect a carbon monoxide leak

Call the national gas emergency helpline on **0800 111 999**.

- Do** turn off the gas at the meter unless the meter is in a cellar/basement
- Do** put out naked flames
- Do** open doors and windows
- Do** keep people away from the area affected
- Don't** smoke or strike matches
- Don't** turn electrical switches on or off
- Don't** turn the gas supply on again until it's been checked by a Gas Safe registered engineer



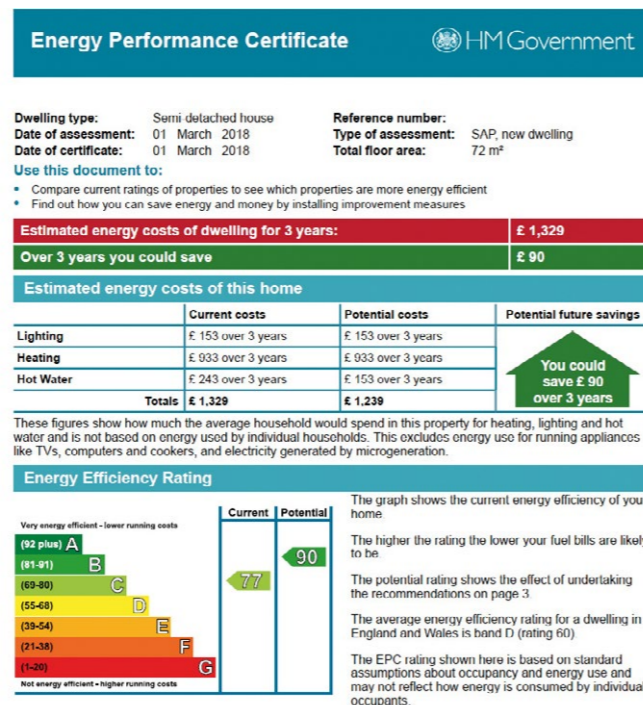
Energy Performance Certificate (EPC)

The EPC will:

- give an indication of running costs of the property (bills for gas and electricity)
- tell you the overall energy efficiency rating for the property
- help you identify drawbacks to the property; such as solid walls, uninsulated roof, single glazed windows etc., which could lead to excess cold and/or increased heating costs
- list improvements that have been recommended; such as double glazed windows, loft insulation (this is not an exhaustive list)

Landlords must:

- provide a valid EPC to someone who is interested in renting the property, at the earliest opportunity
- provide a valid EPC to the person who ultimately becomes the tenant
- show the energy rating of the home when it is being advertised
- improve properties with Energy Performance Certificate (EPC) ratings of F or G by carrying out energy efficiency works before they can be rented out for new tenancies.
- Further information for landlords can be found [here](#)



Tenants can ask their landlords to make to make energy performance improvements based on the EPC recommendations.

Since April 2018, unless they have been granted an exemption, landlords have not been permitted to rent out homes that have an EPC rating of F or G.

A section 21 notice served by a landlord under an AST will not be valid unless and until the landlord has provided the tenant with a copy of the EPC.

Smoke and carbon monoxide alarms

All properties must have:

- working smoke alarms on every floor used as living accommodation
- a carbon monoxide alarm in all rooms using solid fuels – such as a coal fire or wood burning stove



Landlords must make sure that alarms are working on the first day of the tenancy. After that, tenants should take responsibility for their own safety and test alarms regularly to make sure they are working and replace the batteries where needed. Landlords must pay for the cost of a broken or faulty alarm.

Houses in Multiple Occupation usually require additional fire safety measures such as heat alarms, fire extinguishers and fire blankets. For more information see this [guidance](#).

Electrical safety

Under the Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020, landlords have to get their property electrics checked at least every five years by a properly qualified person. This applies to new tenancies from 1 July 2020 and existing tenancies from 1 April 2021. The electrical installations must be safe and your landlord must give you proof of this. For more information please see our [guidance on electrical safety standards in the private rented sector](#).



3. Potential hazards

There are a range of potential hazards in a property that could harm the health and safety of people living or visiting there. Local authorities can assess your property for health and safety hazards including the following:

Cold

A cold home is one that cannot be maintained at a temperature between 18°C to 21°C at a reasonable cost to the occupier. Living in cold conditions can cause serious health problems.

Landlords must:

- Supply adequate heating in proper working order
- Ensure the property is insulated, meeting at a minimum EPC E rating
- Repair broken windows and doors

Tenants:

- Check if there is [central heating](#) (radiators or air vents connected to a central heat source, such as a boiler), and that it is working properly
- If there is no central heating, make sure there is an [alternative type of adequate heating](#) throughout the property, such as storage heaters
- A low EPC rating indicates that your property does not retain heat very well and may be very cold during the winter.
- Ask your landlord to carry out some of the recommendations in the [Energy Performance Certificate](#).

Damp and mould

Damp and mould can cause or worsen respiratory problems, infections, allergies or asthma. They can also affect the immune system, particularly in young children and those with certain medical conditions. Damp also contributes to excess heat loss and puts up heating bills, as well as causing damage to building fabric and contents, including clothes and furniture.

Landlords must:

- Tackle dampness including, if necessary, making repairs to the property's structure and exterior (this includes repairs that are likely to be the cause of damp and mould, such as leaking gutters)
- Make sure that the property is properly ventilated

Tenants:

- Look out for damp patches on walls and ceilings, mould, peeling wallpaper and condensation on windows
- Check the property is adequately insulated, heated and ventilated, for example ensure you can open and close windows securely

Heat

Excess heat in a property can cause dehydration, strokes, heart attacks, breathing difficulties and infections. This is more likely to affect older people

Trip and fall hazards

Trips and falls can lead to significant injury, broken bones or loss of confidence. These are more likely to take place in baths and showers, on stairs or around low balconies and windows. Older people and children under 5 may be more vulnerable to trips and falls.

Landlords:

- Keep stairs and floor surfaces in good repair and free from trip hazards
- Make sure that large windows at a low-level have restrictors or safety rails
- If there is an escape window in case of a fire, ensure that it can be opened for this purpose quickly and easily
- Ensure there is good lighting on stairs and that stairs have appropriate handrails

Tenants:

- Look for any obvious trip hazards and/or uneven surfaces (particularly on stairs, bathroom floors and at the exits of showers)

Fire risks

Fire can cause serious harm, or death, from burns and the inhalation of smoke or gas.

Landlords:

- Provide working smoke alarms on every floor
- Situate cooking, heating and other electrical appliances away from flammable materials and fire exits
- Regularly test appliances and maintain them in a good condition, making sure that any furniture supplied has the required labels and fire resistance
- In large [Houses in Multiple Occupation \(HMOs\)](#), make sure the house has the correct means of escape and other fire precautions and that it is correctly maintained

Tenants:

- Check for working smoke alarms on each floor
- Find the easiest way to escape in the event of a fire, and check that locks on fire exit doors can be opened without a key
- Check that any furniture or soft furnishings provided are correctly labelled for fire resistance.
- For more information, click [here](#) to see the Product Safety section.



Electrical hazards

Faulty wiring and old, untested electrical installations can lead to fires, shocks, burns and even death. Wired fuses or cartridges present a much higher risk and are a significant fire hazard.

Landlords:

- Make sure that electrical installations and electrical equipment supplied is safe at the outset of the tenancy
- Regularly carry out basic safety checks to make sure that the electrical installations and appliances are safe and working
- Carry out [safety checks on electrical installations](#) at least every 5 years

Tenants:

- Check that the lights turn on and off and check that plug sockets are not coming loose from the wall
- Check there are no frayed or exposed cables
- Check there are [Residual Current Devices \(RCDs\)](#) protecting all circuits (an RCD is a safety device that switches off electricity automatically if there is a fault)
- Try to minimise the use of extension sockets and leads as this can be a fire risk.
- If you feel you do not have enough electrical sockets contact your landlord or local authority.



Overcrowding

It is illegal for landlords to let a property to more people than it is suitable for. Overcrowding can cause accidents and the spread of contagious disease and can prevent quick and safe exit in the event of a fire.

For Houses in Multiple Occupation (HMOs), there are now [nationally mandated conditions as to the minimum room size](#) which may be occupied as sleeping accommodation. HMOs are properties which are occupied by three or more people from two or more families and who share facilities like kitchens or bathrooms.

A room smaller than the specified size must not be used as sleeping accommodation, and communal space in other parts of the HMO cannot be used to compensate for rooms smaller than the prescribed minimum.

Local authorities may impose stricter space and amenity standards for HMOs in their area and it is important to check with your local authority what their HMO standards are, including acceptable room sizes.

Landlords:

- Make sure that rooms for sleeping and the kitchen, bathroom, living or other recreational spaces are sufficient for the number of occupants

Tenants:

- Walk through the property and see if there is enough room for each person who will live there
- Make sure there are adequate kitchen and bathroom facilities for the number of occupants
- Look for a suitable area where you can cook and prepare food

Security

Properties should be safe and secure. If the property is burgled and it's not the landlord's fault, the landlord will not be responsible for the loss of your belongings, so you should have your own home contents insurance policy

Landlords:

- Make sure that windows, doors or other points of entry can be properly secured
- Make sure access to the property is well-lit

Tenants:

- Check there are suitable locks on the doors and windows

Lighting and noise

Inadequate lighting and excessive noise can cause health problems, as well as things like trips and falls

Landlords:

- Provide adequate lighting (although tenants are usually responsible for replacing light bulbs after the start of the tenancy)

Tenants:

- Make sure there are appropriate fittings for light bulbs, and that bulbs can be easily changed

Hygiene

Poor hygiene can cause illness, so you should be able to keep your property clean, prepare meals safely and rely on well-functioning drainage

Landlords:

- Should provide adequate cooking, bathroom and waste disposal facilities
- In large [HMOs](#), landlords must provide enough bins and adequate means of disposing of rubbish

Tenants:

- Ask about how often refuse is collected, especially in any shared communal areas
- Check there is space for and access to outdoor bins
- Ask who is responsible for the upkeep of the garden
- Make sure there is sufficient usable space in the kitchen for safe storing, preparing and cooking food

Water supply

Inadequate or unsafe water supply or lack of space for personal washing and for clothes washing or drying, and lack of facilities for the removal of wastewater (blocked/broken drainpipes) can lead to illness.

Landlords:

- Keep the water supply in repair and proper working order
- Make sure the property has an adequate water supply and drinking water is supplied from the mains, instead of a water storage tank

Tenants:

- Check the plumbing works by flushing toilets and turning taps or showers on
- Run the hot water and make sure there is adequate hand washing facilities
- See if there is a cold feed for drinking water (rather than from cold water tank)

Pests and vermin

Infestations from insects, rats and mice can cause illness including vomiting and diarrhoea. Pests and vermin can also cause asthma, other allergic reactions and stress. Pests can contaminate food and preparation surfaces.

Landlords:

- Ensure the property is free of pests and vermin (in cases where these have not been caused by the lifestyle of the tenant)
- Maintain the structure and exterior of the property (helps to prevent entry by pests or vermin)
- Provide secure waste disposal facilities

Tenants:

- Check for pests like bed bugs or carpet mites if the property is furnished
- Look for cracks, holes or voids that would allow the entry or shelter of pests
- Look for signs of vermin – such as mice droppings or nests

Chemicals and hazardous substances

- Asbestos.** If Asbestos is present **landlords** should seek professional advice on its removal.
- Tenants** your landlord should seek professional advice on its removal. You should not attempt to remove it yourself.
- Asbestos** was banned in use in new building in around 2000. It was commonly used in building materials in the 1950s and 1960s as a material to resist the spread of fire. It was also used in [Artex](#) predominantly before 1985. Materials containing asbestos are generally safe if they are in good condition but if broken or damaged can release harmful fibres and dust into the air. You can find out more from: <http://www.hse.gov.uk/asbestos>.
- In certain parts of the country there is a risk to health from exposure to **radon gas** and you can find more details from: <http://www.ukradon.org>.
- Lead from paint or water/waste pipes** has the potential to cause nervous disorders, mental health or behavioural problems. Paint with a high level of lead content tends to be found in older houses and dissolved lead is only likely in acidic (i.e. usually private) water supplies.
- Gas appliances** which are faulty can release carbon monoxide, which can cause suffocation. Commonly seen carbon monoxide warning signs include stains on fireplaces and popping sounds coming from a kitchen grill which can burn when closed. For more information about carbon monoxide: <http://www.hse.gov.uk/gas/domestic/co.htm>.
- Leaking gas can cause explosions. You should know what to do and how you can [switch off the gas supply in case of a gas leak](#).
- Solid fuel appliances** can also cause carbon monoxide poisoning. Carbon monoxide alarms are required by law for privately rented properties with such appliances. For more information about the [Smoke and Carbon Monoxide Alarm \(England\) Regulations 2015](#).

Structural defects

Properties that have been badly maintained can lead to a risk of physical injury.

Make sure:

- The roof looks in a good state of repair – look for any loose tiles or leaking gutters
- The windows open and close properly
- There are no cracks or holes in walls, loose panels or badly fitted partitions or structural elements
- You can access the property entrance and all rooms safely – you should not have to put yourself at risk of physical injury by climbing or walking on structurally unsafe ground, stairs or landings

Product safety

- You and your landlord should check regularly to ensure all that products, fixtures and fittings provided are safe and that there haven't been any product recalls
- Help is available at [the Royal Society for the Prevention of Accidents \(ROSPA\)](#), [Trading Standards](#) and [the Child Accident Prevention Trust](#)
- Ensure blinds are safe by design and they do not have looped cords. This is especially important in a child's bedroom. More information can be found at <https://www.rospa.com/campaigns-fundraising/current/blind-cord>.



4. Additional information

This guide is not exhaustive

You should always seek advice from an independent organisation on any specific situation that arises.

Your local council's environmental health team will be able to advise you on specific cases.

Shelter have produced advice on [how to get in contact with your local environmental health team](#).

You can also find your local council's website here: www.gov.uk/find-local-council.

See further [information about landlord and tenant rights and responsibilities](#).

These organisations may also be able to help

[Shelter](#) – the housing and homelessness charity.

[Citizens Advice](#) – free, independent, confidential and impartial advice to everyone on their rights and responsibilities.

[Gas Safe Register](#) – help and advice on gas safety issues.

[Electrical Safety First](#) – help and advice on electrical safety issues.

[Accreditation Network UK](#) – a central resource for tenants, landlords and scheme operators interested in accreditation of private rented housing.

[Care & Repair England](#) – an independent charitable organisation which aims to improve older people's housing.

Government accepts no responsibility for the content of external sites.

Also in this series

The government's [How to rent](#) guide helps tenants and landlords in the private rented sector understand their rights and responsibilities.

The government's [How to let](#) guide provides information for landlords and property agents about their rights and responsibilities when letting out property.

The government's [How to lease](#) guide helps current and prospective leaseholders understand their rights and responsibilities.

The government's [How to buy a home](#) guide provides information to home buyers.

The government's [How to sell a home](#) guide provides information to those looking to sell their home.



T: +44 (0) 20 7935 0011
E: enquiries@napierwatt.co.uk
w: napierwatt.co.uk

35 Berkeley Square . Mayfair . London . W1J 5BF

STAY CONNECTED



NAPIER WATT