



Legal Obligations to Let

We will ensure that you are aware of your legal obligations on becoming a Landlord – and can help you to comply with all current relevant legislation

EPCs

An Energy Performance Certificate provides an energy efficiency rating for a property and also shows the environmental impact of the building by indicating its carbon dioxide emissions.

Since 1st October 2008 all Tenants must be provided with energy efficiency information at the time that they first view the property and all marketing material should include the Energy Efficiency banding.

The certificates can only be produced by trained Domestic Energy Assessors and are valid for 10 years.

Please let us know if you would like us to organise this on your behalf when we can give you a price which will vary depending on the size of the property.

Gas Safety Certificates

This is a legal requirement to ensure that all gas appliances in a rental property are safe. It must be renewed annually and there are heavy and serious penalties for not having a valid certificate. It is recommended that a boiler service is carried out at the same time in order to lengthen the life expectancy of the appliance and maintain efficiency. Having them carried out at the same time is also more cost effective to you as a Landlord.

It has now become a requirement that a valid Gas Safety Certificate is given to the occupier(s) at the start of each new tenancy.

Electrical Equipment (Safety) Regulations 1994

As a Landlord you have a duty of care to your Tenant and are responsible for ensuring that electrical installations and appliances are safe and comply with these Regulations. We can arrange an electrical safety inspection if required.

All appliances at a rental property must be PAT tested to ensure that they are safe and fit for use. This should be carried out annually.

Furniture and Fire Regulations

Any soft furnishing left in a rental property must comply with current legislation. This includes sofas, armchairs, beds and mattresses but excludes things such as carpets and curtains and any furniture pre 1950. Please ensure that all soft furnishings left in the property carry a fire safety label complying with BS7177.

If in doubt, please remove them.

Consent to Let

If you have a mortgage on your rental property you must obtain consent from your mortgage lender. Evidence of this will be requested prior to letting.

If your property is leasehold, please ensure that you have obtained consent from your Landlord/Freeholder prior to letting. We would also need a copy of the Head Lease highlighting any specific covenants or restrictions relating to sub-letting.

Insurance

Most domestic insurance policies do not cover a property when it is tenanted. It is a Landlord's responsibility to ensure that the Building Insurance is in place together with cover for third party claims and malicious or accidental damage by Tenants. We are happy to refer you to a specialised, reputable and competitive company if you wish.

Tax for UK Resident and non-Resident Landlords

If you let out a property in the UK (including your home), tax is payable on the rental income you receive and you are deemed to be a Landlord. Landlords will need to declare this income on their Self Assessment Tax Return. If you don't already complete a Tax Return you are legally required to notify HM Revenue and Customs (HMRC) of any liability you may have. If the property you are letting out is jointly owned you should only be taxed on a proportion of the income you receive but all parties will need to complete a Tax Return.

Tax for Non-Resident Landlords

HMRC legislation requires UK letting agents to deduct income tax at the current basic rate from a Landlord's net rental income i.e. after any deductions for maintenance etc. The withheld tax is then passed to HMRC.

It is advisable, if you are intending to be out of the UK for a period in excess of 6 months each year, to apply to HMRC for approval. You can download the form directly from the HMRC website www.hmrc.gov.uk/cnr/nrl1.pdf. Once authorisation has been received from HMRC then rental income can be paid without deduction at source.

As with UK Landlords, if a rental property is jointly owned, all parties will need to apply for Non Resident Landlord approval numbers.

Deposit Protection

Tenancy Deposit Protection (TDP) Schemes ensure that money taken from a Tenant as a deposit is kept safe throughout the duration of the tenancy.

Within England and Wales there are two types of TDP schemes – custodial and insurance based.

Custodial scheme – the Landlord or Agent pays the Tenant's deposit to the scheme, where it will be kept until the end of the tenancy. This is the scheme that accommodatingu.com has opted for. More information is available at www.depositprotection.com

Insurance schemes – the Landlord or Agent keeps the tenant's deposit in a nominated account but pays an insurance premium to the scheme meaning the tenant's deposit is protected. It is important for landlords (or their Letting Agents) to be fully aware of the laws and penalties relating to deposit protection. A Court can order Landlords to make a compensation payment to the Tenant of up to 3 times the value of the deposit if they fail to protect a Tenant's deposit within 30 days of the start of the tenancy, or give the Tenant's details of the scheme used.

Right to Rent Act 2016

With effect from April 2016, you must check that a tenant or lodger can legally rent your residential property in England.

Before the start of a new tenancy, you must check all tenants aged 18 and over, even if:

- they're not named on the tenancy agreement
- there's no tenancy agreement
- the tenancy agreement isn't in writing

Landlords can now be fined up to £3,000 if satisfactory checks are not made before the start of a new tenancy.

Further information is available at www.gov.uk/check-tenant-right-to-rent-documents

Legionella and Landlord's responsibilities

The practical and proportionate application of health and safety law to landlords of domestic rental properties is that whilst there is a duty to assess the risk from exposure to Legionella to ensure the safety of their tenants, this does not require an in-depth, detailed assessment. The risks from hot and cold water systems in most residential settings are generally considered to be low owing to regular water usage and turnover.

Implementing simple, proportionate and appropriate control measures will ensure the risk remains low. For most domestic hot and cold water systems, temperature is the most reliable way of ensuring the risk of exposure to Legionella bacteria is minimised i.e keep the hot water hot, cold water cold and keep it moving. Other simple control measures to help control the risk of exposure to Legionella include:

- flushing out the system prior to letting the property
- avoiding debris getting into the system (eg ensure the cold water tanks, where fitted, have a tight fitting lid)
- setting control parameters (eg setting the temperature of the hot water cylinder to ensure water is stored at 60°C)
- make sure any redundant pipework identified is removed.

The risk is further lowered where instantaneous water heaters (for example combi boilers and electric showers) are installed because there is no water storage.

The Smoke and Carbon Monoxide Alarm (England) Regulations 2015

Private sector landlords are required from 1 October 2015 to have at least one smoke alarm installed on every storey of their properties and a carbon monoxide alarm in any room containing a solid fuel burning appliance (eg a coal fire, wood burning stove). After that, the landlord must make sure the alarms are in working order at the start of each new tenancy.

The requirements will be enforced by local authorities who can impose a fine of up to £5,000 where a landlord fails to comply with a remedial notice.

Further information is available from <https://www.gov.uk/government/publications/smoke-and-carbon-monoxide-alarms-explanatory-booklet-for-landlords/the-smoke-and-carbon-monoxide-alarm-england-regulations-2015-qa-booklet-for-the-private-rented-sector-landlords-and-tenants>