

Is your rented home safe and habitable?

The new Housing (Fitness for Human Habitation) Act 2018 received Royal Assent on the 20th December 2018 and came into force on the 20th March 2019. Rented homes in England and Wales must now formally meet a 'fitness for human habitation' requirement. But what exactly does this mean?

It is estimated that by the end of 2021, 40% of the UK's population will live in privately or socially rented accommodation. For many, the housing market is inaccessible, and with the number of rogue landlords increasing, action is being taken to afford renters more protection. Some properties are uninhabitable and dangerous and the risk of personal injury is high. This Act seeks to improve living conditions and ensure the health and safety of those in rented homes.

The new Act implies into any tenancy agreement that the accommodation is fit for human habitation and will remain this way for the duration of the lease. Importantly, to be covered, the tenancy must be granted on or after the 20th March 2019. It will also apply to all injured in rented property periodic tenancies on the commencement date of the agreement after the 20th March 2020.

*"Everyone deserves a safe place to live, regardless of whether you own your own home or rent it...
This new law is a further step to ensure that tenants have the decent homes they deserve"
Heather Wheeler MP, Housing Minister*

The Act covers various problems, ranging from damp and mould to structural collapse or the risk of falling and causing injury. However, problems caused by tenant behaviour and acts of God are not covered. The problem must be so bad that it makes your property not fit to live in.

If there is a significant risk of danger to personal health or safety, the landlord has 24 hours to resolve the issue and a further 3 working days to rectify the problem. For less urgent problems, landlords are given up to 28 days to carry out repairs. This Act was designed to assist tenants in ensuring potential dangers are eliminated, and homes are 'safe, secure, warm and dry'. Landlords face a legal obligation to address these problems within the above time frames or they face being taken to Court. The Court then has the power to make an Order, forcing the landlord to carry out the repair works. The landlord may be ordered to pay compensation.

It is hoped that this Act will reduce the number of accidents caused by failing and sub-standard living conditions. The onus remains on the landlord to ensure rented homes are 'fit for human habitation'. Problems or risks to safety should be reported to your landlord as soon as they are identified to prevent injury.