

# Southwark Council

## Private Rental Housing Standard

### Introduction

To date most schemes for Private Rental Sector (PRS) accreditation and regulation have concentrated either on the landlord or the property. It is our view that the services offered by the landlord and the condition of the property are part of a package that needs to be taken together to deliver an effective accommodation solution to the resident and protects the interests of the landlord.

The Council recognises the contribution the Private Rental Sector (PRS) makes to the community and economy of this area. The PRS is very diverse and offers accommodation at an incredibly wide range of quality and choice. As a tenure it provides accommodation to a wide range of residents in the Council's area, though there is clear evidence that there are some problems with standards of management and repair.

It is recognised as a good accessible solution to many families and individuals accommodation needs. We are also aware that the growth of the sector in recent years has increasingly led to changes in occupancy patterns, with residents occupying PRS properties for extended periods which tended to be less common in the past.

In response to this and the commitment of the GLA to a London Rental Standard, Southwark has developed a management and maintenance standard. The standard was widely consulted and received a very positive response

This standard combines a range of sources, including the GLA's new London Rental Standard, which it complies with, though as this standard will be applied to the property letting and not the landlord the terms are couched differently. The intent is similar however and this is to introduce a system by which landlords and residents are aware of a consistent minimum standard for the business of residential letting.

The intention of the standard is not to introduce an onerous, costly, bureaucratic or time consuming process for the management of rental accommodation. The standard is closely tied to existing duties and requirements within the sector.

It seeks to represent a code of good practice which does not significantly go beyond the current expectations of a competent rental property manager who acts to protect the capital value of his investment and enhance the income stream it produces.

It is explicitly not the intention of this standard to stifle or curtail the variety and diversity of the sector. Residents have the right to choose what suits their needs in terms of space, cost and quality. We are keen to allow Landlords to offer what the market desires and dictates.

However we believe that this relationship is not always well regulated by market forces and there are both Landlords and Residents who behave badly and seek to derive advantage from the other party. There are also real concerns about homes that are of a poor standard in terms of safety, security, repairs and energy efficiency.

Our objective in this standard is to clarify the minimum that should be delivered in terms of the condition of the property and provide guidance as to how the property management services should work throughout the period of occupation.

### **Structure of the Standard**

The terms of the standard are separated into two parts, firstly a section which describes how the property will be managed, before, during and after the period of occupation. Also what services the landlord will provide to the resident, together with some expectations in terms of response to requests for repairs or other management action.

The second section describes a standard for the condition, maintenance and repair of the property during the period of occupation.

This section is related to the terms of the Governments Decent Homes Standard which is the benchmark for social housing in UK. Whilst this is not unduly onerous it has sponsored and driven standards in social housing to such an extent that the homes in this sector are now substantially more modern, warm and well maintained than the PRS or owner occupied sectors. It is therefore considered as a good reference point to start a process of development.

It is not intended to be overly prescriptive, neither is it intended to force Landlords to invest unnecessarily in their properties, however we expect that rental properties meet minimum standards that protect the wellbeing and safety of residents and offers our support to what is sometimes an uneven and unfair relationship.

## **Part One – The Management Standard**

The management standard requires that landlords act and deliver services in compliance with the terms below.

- 1) **The Landlord:** must be a 'fit and proper' person as defined by the Housing Act 2004
- 2) **Written rental agreement:** this must always be provided before the resident occupies the property and will include the following:-
  - a) The rent and key terms
  - b) Frequency of payment
  - c) The period of tenancy or license
  - d) Any deposit required
  - e) How the deposit will be returned and the terms of any deductions together with an undertaking to return the balance of the deposit within a reasonable time, which is to be stated in the agreement.
  - f) A clear description of which party is responsible for paying:-
    - i) Council Tax
    - ii) Utility bills
    - iii) Phone, broadband, satellite TV or other media services
    - iv) Any other regular charges known to affect the letting
  - g) Any other fees or charges to be made with regard to the letting of the property with a clear description of what they are for and if they are returnable at any point. This is to include all fees charged by letting agents to the resident.
  - h) How any rent increases will be imposed including a statement making clear what notice the landlord must give the tenant before the rent increase will take effect.
  - i) How the letting will be terminated
  - j) How any dilapidations will be claimed

A copy will be kept by the landlord and a copy given to the resident. The agreement must be signed and dated by both parties.

- 3) **Supplementary Documentation:** the landlord must supply the following documentation, in writing and before occupation, to the resident and keep their own copy for the full period of occupation:-
  - a) Landlords Gas Safety Certificate, which is in date, if the property has any gas appliances
  - b) Fire Risk Assessment, which is compliant with the Regulatory Reform (Fire Safety) Order 2005, if the letting has any common areas and is not a self contained single dwelling
  - c) Current Energy Performance Certificate, to be available before the property is let.

- d) A schedule of condition and/or inventory appropriate to the property concerned. Landlords must be aware that they may not make deductions from deposit payments without suffering actual losses and they must be able to provide evidence to support their claims.
  - e) Any other documentation required by law or good practice at this time or in the future.
- 4) **Deposit:** must be protected, it must be accounted for in compliance with the regulations and a copy of how the deposit is protected must be provided to the tenant. If the property falls outside the scope of the regulations for deposit protection we still require the written agreement to be clear on the amount of the deposit, how it will be repaid and what items can be claimed from the deposit before return.
- 5) **Contact details:** providing the tenant with the contact details of the landlord or his agent including: -
- a) The address
  - b) Two contact telephone numbers (mobile and landline)
  - c) An email address.
- 6) **Availability:** landlords should be available during business hours and must respond within a reasonable period of time. If unavailable, tenants should be advised and given alternative contact details, particularly as it is clearly also in the Landlords interest to be able to respond quickly in an emergency.
- 7) **Reasonable notice of access:** except in case of an emergency, landlords should give the tenant at least 24 hours notice, in writing or by the residents preferred means and stating reasons when access to the property is required by the landlord, contractor or agent.
- 8) **Emergency repairs:** these should be dealt with or made safe as soon as practically possible and normally on the same day that a landlord is notified. Emergency repairs are defined as any defect where there is a risk of danger to the health, safety and security of the tenant or a third party on the premises, or that affects the structure of the building adversely.
- 9) **Urgent repairs:** wherever possible these should be dealt with within three working days of a landlord being notified. These include the failure of core facilities in the property, heating, hot water, windows and doors, electrical problems are examples.
- 10) **Other Repairs:** the landlord must make reasonable efforts to attend to repairs in a timely manner. It is accepted that minor repairs are not a priority but residents should not have to wait more than 60 days for resolution.
- 11) **Property condition:** landlords must ensure that properties comply with all legal requirements throughout the period of the letting including :-
- a) Must not let a property with an HHSRS category 1 hazard or significant or multiple category 2 hazards.
  - b) If the resident notifies the landlord of a new hazard the risks must be assessed and action taken if a category 1 or significant category 2 hazards are identified.

- c) Where relevant, properties must also comply with any licensing or accreditation requirements.
  - d) Landlords must always comply with notices served by a local authority.
- 12) **End of tenancy:** the deposit should be returned promptly and in full, minus verified costs that are chargeable to the tenant's deposit. Landlords should provide tenant references if requested.
  - 13) **Complaints:** landlords must respond to tenant complaints reasonably and promptly and be prepared to co-operate with Southwark Council officers if complaints are escalated.
  - 14) **Dealing with tenants fairly:** landlords must always act in a fair, reasonable and professional manner in their dealings with tenants. They must not discriminate in their dealings with prospective and/or existing tenants or treat them less favorably than others because of their colour, creed, ethnic or national origin, disability, age, sex, marital status, sexuality, politics, or their responsibility for dependents.
  - 15) **Third Parties:** in the letting of flats and other dwellings where the landlord does not control the whole building, this standard requires that the landlord takes all reasonable steps to ensure that the duties falling on parties outside the letting agreement, for example management companies, are discharged properly and in a timely fashion and the landlord will pay service and other charges when requested.

## **Part Two – The Property Standard**

The requirement to provide and maintain a property to a reasonable standard is clearly implied in a letting agreement. In practice this tends to be open to considerable interpretation, often to the detriment of the resident. It is our intention that all domestic PRS properties let in Southwark meet this standard as a minimum.

Our standard will be based around the following core areas.

- Safe** – There are no serious hazards in or around the property that have not been addressed, resolved or mitigated before and at all times during occupation.
- Secure** – The resident has proper control of the dwelling and can enjoy their occupation unmolested by unwanted or unlawful intrusions.
- Warm** – The property can be heated to a suitable degree of comfort without spending unreasonably on fuel costs.
- Working** - The fabric and systems of the property function as any reasonable person would expect and are repaired and maintained as required at the request of the resident in a timely fashion.

## **Safe Homes**

### **1) Statutory Duties**

- a) The property must not have any hazards assessed at Category 1 or significant or multiple Category 2 hazards under the HHSRS system.
- b) If the property has any Gas appliances it must have a current Landlords Gas Safety Certificate at all times that it is occupied
- c) If the property is not a single self contained dwelling it must have a Fire Risk Assessment that complies with the Regulatory Reform (Fire Safety) Order 2005. If any alteration to the property or re-letting to a different resident group occurs the Fire Risk Assessment must be reviewed to ensure it is still valid and meets the needs of the property. Any works required by the Fire Risk Assessment must be undertaken in a reasonable time.
- d) Any other certification required must be in place. This includes solid fuel appliances and flues, electrical inspections and certification and any additional standards applicable to houses in multiple occupation as described in the annexes.

### **2) Fabric & Structure**

- a) The structure of the property must be properly maintained. Roofing, walls, windows, guttering & rainwater goods, doors, floors, external stairs will be weather tight, function correctly, be securely affixed and prevent the ingress of moisture.
- b) The property will be free from damp in all the occupied rooms.
- c) The external access to the property will be maintained to prevent risks from slips, trips and falls. Suitable handrails and guards will be provided if required on stairs and paths. There will be clear instructions placed in prominent locations to prevent escape routes

being compromised by landlords or residents possessions, rubbish and flammable materials.

- d) There will be effective lighting to the access ways and common areas as required.
- e) The property will have arrangements for the suitable and sanitary storage of all the refuse and recycling bins provided by the local authority.
- f) The landlord will take all reasonable steps to eliminate infestation of vermin and insects.
- g) All staircases shall have:
  - i) Gaps between their spindles and gaps between their balustrades which are no more than 100mm, two way light switch provided in all stairwells/hallways with more than one floor so that the light can be switched off/on from either floor or floors,
  - ii) Be free from obstruction and not unreasonably steep,
  - iii) A suitable handrail securely affixed.
  - iv) All staircases should where possible conform to current building regulations. Any stairway or step should not vary from current building regulation requirements in such a way as to present an unreasonable level of hazard to users.
- h) Fire Safety - The following standards shall apply
  - i) All homes shall have adequate fire separation between separate units of accommodation
  - ii) All front doors to flats which lead off a communal hallway shall be half hour fire resistant doors, designed to meet BS476 Part 22.
  - iii) If the kitchen adjoins a fire escape route, a half hour fire door complying with BS476, Part 22 shall be provided. If this requirement is impracticable, then a mains powered electricity heat rise detector shall be installed in the kitchen and wired to a suitable alarm.
  - iv) All glazed kitchen doors shall have fire resistant glass, or other suitable safety glass.
  - v) The preferred standard for smoke alarms shall be electrically operated interlinked smoke alarms installed to each floor complying with BS5839, Part 6.
  - vi) Flats in converted houses or above commercial premises shall have mains operated interlinked smoke alarms.
  - vii) In other properties, as a minimum standard, battery operated or plug-in smoke alarms shall be installed on each floor and to be tested every year.

## **Secure Homes**

The resident is entitled to be and feel secure in their home. This includes the ability to prevent unwanted and unlawful entry, windows and doors that can be safely and properly secured and means to control entry to the property.

- 1) Doors shall meet the following standards:
  - a) All external front (main entrance) doors and frames shall be of exterior grade quality and should be reasonably secure from access by intruders. They shall have a British Standard five lever mortise dead lock or equivalent.
  - b) All other external doors shall have a British Standard mortise dead lock.
  - c) All external front doors shall open freely, have a bell or adequate knocker fitted and be clearly numbered.
  - d) All internal doors shall open, close and fasten properly.
  - e) All doors with large glass panels shall be fitted with safety glass or film.

## **Warm Homes**

It is increasingly clear that living in inadequately heated homes has a negative effect on the health and life chances of a wide range of vulnerable people. It is intended that this standard begins to address the poor energy performance of some PRS properties

The Government is clear in its expectation that domestic rental properties will be required to improve in terms of energy efficiency. The Energy Act 2011 stipulates that from April 2016 private residential landlords will be unable to refuse a tenants' reasonable request for consent to energy efficiency improvements, where a finance package, such as the Green Deal and/or the Energy Company Obligation (ECO), is available.

Provisions in the Act also provide for powers to ensure that from 1<sup>st</sup> April 2018, it will be unlawful to rent out a residential or business premise that does not reach a minimum energy efficiency standard (the intention is for this to be set at EPC rating "E").

These requirements will be subject to there being no upfront financial cost to landlords; therefore, landlords will have fulfilled the requirement if they have reached a rating of "E" or carried out the maximum package of measures funded under the Green Deal and/or ECO.

It is currently possible to get cavity wall and roof insulation at low or no cost for most traditional properties and therefore there is no practical reason not to insist on simple energy efficiency measures to be included in this standard.

- 1) The landlord shall provide an EPC to the resident before occupation.
- 2) Insulation
  - a) The following standards shall be met:
  - b) All accessible loft spaces shall have insulation of at least 200mm of modern rockwool insulation or its equivalent.

- c) All hot water tanks shall be foam lagged or have a good quality insulating cylinder jacket, which has been properly fitted,
  - d) All water tanks and pipes which may be liable to damage by frost shall be adequately protected with lagging,
  - e) Any letting of one, two or three stories with a cavity wall, which can be reasonably insulated, shall be insulated
- 3) Heating and Hot Water Systems
- a) Heating and hot water shall be provided and shall meet the following standards:
    - i) There shall be a permanent heating source provided in every habitable room and a hot water system to provide hot water to sinks, baths and showers.
    - ii) If heating and hot water is by electricity it shall be of reasonable capacity and available on an off peak tariff
    - iii) The heating system provided shall be sufficient to maintain an internal room temperature of 21 degrees Celsius in the living room and 18 degrees Celsius in the bedrooms, bathroom, kitchen and hallway when the outside temperature is minus 1 degree Celsius.
  - b) All gas heating systems shall be fully serviced by a registered gas operative at least every two years.
  - c) All central heating systems shall have a timer and thermostat capable of controlling the temperature within the dwelling and the timing of heating and hot water. Electrical systems should also have timers and thermostatic controls.
  - d) All hot water systems shall be able to operate independently from the heating system.
- 4) Doors, windows and other openings shall have reasonable and effective draught proofing.

### **Working Homes**

The basic principle is that the parts of the property should function as intended and be adequately maintained in order to continue to function.

#### 1) External

##### a) Garden (where applicable)

##### i) All gardens shall:

- (1) Be cleared of rubbish and have all vegetation, shrubs and trees cut back and tidy at the beginning of the letting. The Landlord may pass this obligation to the resident thereafter.
- (2) Have their walls and fences in good order.
- (3) Have gates (if present) that operate well with gate posts/pillars that are secure,

(4) Have sheds or ancillary buildings (if present) which are empty, in good repair and safe.

## 2) Internal

- a) Stopcock - The location of the stopcock should be easily accessible, the location identified to the resident at the move in and should be capable of turning off the fresh water supply without undue effort.
- b) Walls and ceilings shall meet the following standards:
  - i) Dampness - All habitable rooms shall be free from damp, mould, peeling paper, etc
  - ii) Condensation occurs sometimes in all homes. Condensation problems due to structural features shall not be so pervasive as to constitute a health hazard or be a statutory nuisance.
  - iii) Plaster shall be sound, securely affixed and show no movement when examined.
- c) All woodwork shall be free from rot of any description. The decorative state shall not be so poor that paint is flaking away or be unduly difficult to clean.
- d) Windows/Glazing - The following requirements shall apply to windows and glazing:
  - i) External and internal windows in bathrooms and toilets shall be glazed with obscure glass or treated with plastic film to provide privacy.
  - ii) All glazing which is under 800mm/2.8 feet from the floor (and greater than 25cm in any direction) shall be glazed with toughened glass or have safety film properly applied to prevent shattering if it is broken,
  - iii) All main habitable rooms (living rooms and bedrooms) shall have a glazed window of an area allowing reasonable levels of natural light. Bedrooms and living rooms should not have borrowed light or ventilation,
  - iv) All windows shall be reasonably secure from entry by intruders.
- e) Ventilation - The following standards shall apply:
  - i) All main habitable rooms (i.e. living rooms and bedrooms) shall have at least one window that opens.
  - ii) This requirement also applies to kitchens, bathrooms and WC cubicles if they rely on natural ventilation.
  - iii) Opening parts of windows should be easy to reach and operate.
  - iv) If a kitchen, bathroom or WC is an internal room it shall have mechanical extract ventilation capable of three air changes per hour.
  - v) A light switch shall activate any mechanical ventilation and the fan shall have a twenty minute overrun when the light is switched off or be controlled by a moisture switch.

## 3) Electrical Items - All homes shall meet the following standards:

- a) All electrical wiring shall be covered and securely affixed. All surface mounted wiring shall be enclosed in suitable plastic electrical conduit.

- b) All plugs and socket mountings shall be in good repair and securely affixed.
  - c) The dwelling must have its own consumer unit or fuse box which is easily accessible and allows the safe isolation of electrical supply within the dwelling.
  - d) All habitable rooms, corridors, access ways, stairways, halls, landings and common areas must have suitable and safe fixed electric lighting
  - e) Any electrical items provided by the landlord must be safe and function as intended. PAT testing must be done at the commencement of the letting.
- 4) Flooring
- a) All flooring surfaces shall be in such condition that they do not present any danger to residents or contribute to slips, trips or falls. It must be securely fixed.
  - b) It must be suitable for the room concerned and it must be possible to keep floors clean and sanitary without special materials or equipment.
- 5) Kitchens -shall meet the following minimum standards:
- a) Shall have a safe supply of potable drinking water
  - b) Sockets shall be appropriately spaced with,
    - i) At least two double sockets at worktop height,
    - ii) Two low level sockets for fridge and washing machine if space permits those appliances,
  - c) Suitable cooking facilities should be provided for the number of persons occupying the dwelling
  - d) If free standing, the cooker shall be fixed to the wall with a retaining strap or chain
  - e) Sinks and worktops shall be sealed around edges with silicone sealant or other suitable and hygienic arrangement
    - i) All wastes, pipes and traps shall be free of defects with no leaks or drips.
    - ii) Any holes around waste pipes and traps shall be sealed so as to prevent the ingress of vermin,
    - iii) Taps shall be in good working condition (i.e. no dripping).
  - f) Suitable and adequate kitchen units and worktop to be provided which are in good condition, sanitary and easy to keep clean.
  - g) There must be adequate storage units and work surface space for the size of the home and the number of people in occupation.
  - h) Bathrooms and toilets
    - i) Floor covering shall be vinyl type or tile and shall be free from defects.
    - ii) Floors shall be sealed around their edges by appropriate means.

- iii) The bath shall be fitted securely and there shall be no leaks from seals or adjacent tiling.
- iv) Bathrooms shall be constructed to ensure that water from normal activities can not lead to any egress into the rest of the structure of the home.
- v) All bath panels shall be free of defects and securely fitted
- vi) Showers are not essential but where provided the landlord shall ensure that their normal use will not damage the home through water egress or otherwise,
  - (1) Separate shower cubicles shall be tiled or sealed to a height of at least 1.8 metres and all shower bases shall be adequately sealed with a curtain/door provided.
  - (2) Showers fitted above baths will have tiling or other waterproof surface which shall be of a sufficient height to protect the decoration of the wall and prevent the escape of water.
  - (3) If a shower is provided over a bath the bath shall be of a reasonable design so as not to give rise to a slipping hazard to those who use the shower.
- vii) Wash hand basins shall be sealed around the edges with suitable sealant.
- viii) Waste pipes and taps shall be free of defects with no leaks or drips, taps to be easy to operate and in good working order
- ix) Light fittings shall be of a sealed type appropriate for bathrooms operated by pull cord.
- x) The toilet shall be clean, securely attached, free of defects, with a secure seat and the cistern shall fill at a reasonable rate.
- xi) The floor covering in separate WC shall be sealed and sanitary.