Guidance on Homes (F Residen

The Homes (Fitness for Human March 2019.

For applicable tenancies (see belo in tenancy agreements (whethe landlords, private residential land the property is fit for human habita

These obligations extend to the pi or shared areas) which the landlor

Being an implied covenant in the against the landlord if the landlord tenant would have to rely on loca their rented property.

There is also an implied covenar authorised in writing by the landle condition and state of repair which upon prior written notice (at least 2

It is not possible to contract out of

This legislation was enacted to up their landlords to account and to ir

Whilst this Act extends to England England.

Applicable tenancies

The Act will apply to:

- All leases of less than sev renewal of an existence tel
- All fixed term tenancies of tenancies on or after the 2
- In respect of periodic tenar
 12 months from the comm

'Fitness for Human Habitation'

In defining whether a property i (including those set out in the Hou

- 1. Standard of repair;
- 2. Stability;
- 3. Freedom from damp;
- 4. Internal arrangement;
- 5. Natural lighting;

Habitation) Act 2018 for Agents

he Act') comes into force on 20

ntroduces a new implied covenant nent or not) that social housing on their behalf, must ensure that g and throughout the tenancy.

e building (including any common st.

hant has a direct cause of action maintenance. Prior to the Act, a a landlord about the condition of

hent that the landlord or agent (if erty for the purpose of viewing its sonable times of the day and only

t tenants have more power to hold sing.

changes only affect properties in

after 20 March 2019 (including a 9);

2019 but that become periodic

20 March 2019, the Act will apply 02020).

on, the Act lists various matters ating System (HHSRS)):

- 6. Ventilation;
- 7. Water supply;
- 8. Drainage and sanitary con
- 9. Facilities for preparation ar
- 10. Hazards prescribed in the

However, the question is whethe matters that it is not reasonably property condition as it is, and whe

Therefore, the standard is not met

It will be for the courts to decide above and considering expert evid

Exemptions from the implied co

Under the Act, a landlord will not property is in an unfit state arising

- 1. A tenant failing to use the
- The property is damaged a
 Consent for works was re
- landlord).

Consequences of breach

This legislation is unlikely to affect are fit for human habitation, howe with these obligations as their tena

The legislation is silent on when t limits which the landlord must res their concerns with the landlord However, if the property is rented moment the defect occurs. If a te and prove to the court that their la

- If the property is not fit for against their landlord for b landlords. It is possible th entire length of the contract
- The tenant will therefore I injunction for specific per obligations to make the pro
- The standard for "Fitness there is likely to be room for

Next steps:

In order to ensure that you don't fa be followed by both landlords and

1. Take photographic inventor term inspection) and at the

r the disposal of waste water; and

befective in one or more of these The property is judged on the ne actual person who lives in it.

hazards under the HHSRS.

lard having regard to the matters

of this implied covenant where a cluding:

nanner;

aster (fire, storm or flood); or d from a third party (i.e. superior

already providing dwellings which andlords ensure that they comply irectly if they don't comply.

landlord of a defect and any time a tenant would first have to raise them enough time to respond. sis, the landlord is liable from the claims would need to be genuine is not the fault of the tenant.

nant has the right to bring a claim ue court proceedings against their ally be sued for damages for the

for breach of contract or seek an e landlord to comply with their

wide under the Act. As a result, urts.

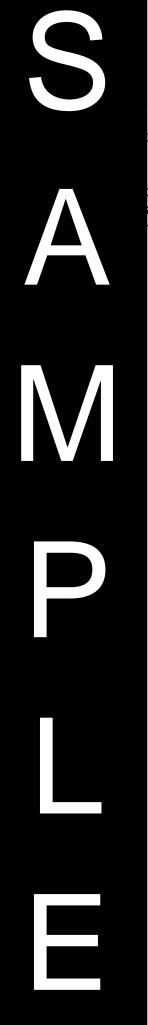
s, the following best practices can

enancy, during the tenancy (midneck-out;

Habitation) Act 2018.



- Landlords or agents should to ensure the property rem
- Keep a paper trail of all of condition of the property (a condition);
- Respond quickly and tho tenant regarding the state
- In respect of common are party, the landlord and/or I a state fit for human habita



frequent inspections are required ion;

tenant relating to the repair and pssible to evidence the repair and

, issues or reports made by the perty; and

of the building owned by a third nake sure these areas are kept in