

HOUSING (STANDARDS FOR RENTED HOUSES) REGULATIONS 2008

Clients who already own or who have recently purchased residential properties for investment and rental purposes should take note of the recent introduction of the Housing (Standards for Rented Houses) Regulations 2008. The 2008 Regulations extend the obligations of landlords in providing a property that is structurally sound, properly ventilated, heated and in good repair and are a significant amendment to the previous Regulations dating back to 1993.

COMMENCEMENT

The 2008 Regulations apply to all new tenancies from 1st February 2009. There is a wide definition of tenancy in the Regulations and the definition includes a periodic tenancy and a tenancy for a fixed term whether oral, in writing, or implied.

The 2008 Regulations will apply to existing tenancies on a phased basis. Initially only the provisions relating to the structural condition, ventilation, lighting, fire safety, refuse, electricity and gas installations will affect existing tenancies from 1st February 2009.

The provisions relating to sanitary and heating facilities, food preparation, storage and laundry shall then apply to existing tenancies from 1st February 2013. The definition of “existing tenancy” under the Regulations is where the property has been let for rent or valuable consideration solely as a dwelling between 1st September 2004 and 31st January 2009.

Set out below are the key provisions contained in the Regulations which Landlords should be aware of and which apply to all new tenancies from 1st February 2009 and to all existing tenancies on a phased basis.

KEY PROVISIONS

(New tenancies and existing tenancies from 1st February 2009)

Structural Condition

All properties to which the Regulations apply must be in a proper state of structural repair which means that the properties must be essentially sound with all roofs, ceilings, stairs and floors in good repair and without any serious dampness or rot or without them being liable to collapse.

Ventilation

All habitable rooms must have adequate ventilation which is to be maintained in good repair and working order. Particular reference is made in the Regulations to the removal of water vapour from the bathroom and kitchen areas to the external air.

Lighting

Every habitable room must have adequate natural lighting and all rooms, as well as any stairs, landing and hall, must have access to artificial lighting. The windows of all bathrooms must be suitably screened to ensure privacy.

Fire Safety

Every house must have a fire blanket and either a smoke alarm wired to the mains electricity supply or at least two ten-year self contained battery-operated smoke alarms. Every self contained unit within a multi unit building should contain a mains wired smoke alarm, a fire blanket and should have an emergency evacuation plan with emergency lighting in common areas linked to the fire alarm system.

Refuse facilities

Tenants should be provided with access to suitable and adequate pest and vermin-proof refuse storage facilities.

Electricity and Gas

Installations for the supply of electricity and gas should be maintained by the Landlord in safe working order and repair with mechanisms in place (where necessary) to remove any fumes to the external air.

KEY PROVISIONS

(New tenancies from 1st February 2009 and existing tenancies from 1st February 2013)

Sanitary facilities

Each property must have for its exclusive use a toilet with a dedicated wash hand basin and a fixed bath or shower with a continuous supply of cold water and a facility for the supply of hot water. The bathroom must be separate from other rooms and must be separately ventilated for the removal of water vapour from the air. The bathroom should also be maintained and in good working order, have effective drainage, should be properly insulated and secured and should adhere to minimum capacity requirements for hot and cold water storage facilities.

Heating Facilities

Every habitable room of the house must have a permanent fixed appliance which provides heat and the house must have adequate facilities for the safe removal of any fumes to the exterior of the premises. The tenant must be able to independently regulate the operation of the heating appliance.

Food preparation, Storage and Laundry

Each house must have a four ring hob with an oven and grill, and extractor fan, a fridge and freezer or a fridge freezer, a microwave a sink with piped cold water and a facility for piped hot water and adequate presses for food storage. Each premises must also have a washing machine and, where there is no garden or yard, a dryer or access to communal washing and drying facilities. All such facilities must be maintained by the Landlord in good working order and repair.

Enforcement and Exemption

A new sanctions regime provides for the issue by housing authorities of Improvement Notices and Prohibition Notices resulting from breaches of obligations by landlords.

An Improvement Notice will set out for landlords the works they must carry out to remedy any breach of the Regulations. Where an Improvement Notice is not complied with, the housing authority may issue a Prohibition Notice. This notice will direct the landlord not to re-let the property until the breach of the Regulations has been rectified and the property fully complies with the Regulations.

It should be noted that the Regulations do not apply to holiday homes, to houses let by the Health Services Executive or a Housing Authority.

In addition, Landlords should be aware of the legal obligation to register any tenancy with the Private Residential Tenancies Board and of the need to obtain a BER (Building Energy Rating) Certificate for any property for sale or rent where applicable.