

Exeter Landlord's Checklist

There are a number of things that need to be completed before a tenancy begins. By not undertaking the below you could be acting illegally and your ability to regain possession of your property may be affected.

Check	Action
<input type="radio"/>	<p><u>ICO Registration</u></p> <p>Anyone who uses, stores or deletes personal information needs to register with the Information Commissioner's Office (ICO). You need to supply tenants with a personal data privacy notice, before you ask for any data, to comply with the General Data Protection Regulations (GDPR). As a landlord, you will be handling your tenant's personal data and you are responsible for keeping it safe. You will also need to do the same procedure for any contractors or third parties used.</p>
<input type="radio"/>	<p><u>Right to Rent</u></p> <p>Check needs to be undertaken on all over 18s to ensure the tenant(s) are legally allowed to live in the UK. This applies to all residents in the property and not just those on the tenancy.</p>
<input type="radio"/>	<p><u>How to Rent Guide</u></p> <p>Tenants need to be issued with the latest version of the Government's How to Rent guide at the start of the tenancy, including tenancy renewals.</p>
<input type="radio"/>	<p><u>Gas Safety certificate</u></p> <p>This needs to be supplied by a Gas Safe engineer and dated within the past 12 months.</p>
<input type="radio"/>	<p><u>Electrical Safety</u></p> <p>A current Electrical Safety report (EICR – Electrical Installation Condition Report) needs to be supplied for all new tenancies after 1 July 2020 and existing tenancies from 1 April 2021. The report needs to be supplied to new tenants before they move in, to existing tenants within 28 days of receiving it, and to any prospective tenant within 28 days of their request to view the report.</p>
<input type="radio"/>	<p><u>Energy Performance Certificate</u></p> <p>An Energy Performance Certificate, valid for 10 years, needs to be provided, where applicable. The property must achieve a minimum rating of E (unless an exemption has been granted). From 1 April 2020 there is a payment threshold of £3,500 before an exemption will be considered; check the Exemption Register for full details.</p>
<input type="radio"/>	<p><u>Portable Appliance Testing (PAT)</u></p> <p>Any electrical appliance supplied as part of a tenancy needs to be maintained in a safe condition. Portable appliance testing is best practice to ensure this however it is not a legal requirement.</p>

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○	<p><u>Carbon Monoxide and smoke alarms</u></p> <p>The Smoke and Carbon Monoxide Alarm (Amendment) Regulations 2022 will come into force on 1 October 2022. From that date, all relevant landlords must:</p> <ol style="list-style-type: none"> 1. Ensure at least one smoke alarm is equipped on each storey of their homes where there is a room used as living accommodation. This has been a legal requirement in the private rented sector since 2015. 2. Ensure a carbon monoxide alarm is equipped in any room used as living accommodation which contains a fixed combustion appliance (excluding gas cookers). 3. Ensure smoke alarms and carbon monoxide alarms are repaired or replaced once informed and found that they are faulty. <p>The requirements are enforced by local authorities who can impose a fine of up to £5,000 where a landlord fails to comply with a remedial notice.</p>
○	<p><u>Is furniture fire resistant?</u></p> <p>All furniture provided must be fire resistant. Furniture must meet the fire resistance requirements in the Furniture and Furnishings (Fire) (Safety) Regulations 1988 (Amended 1989, 1993 and 2010). This can include items such as beds, headboards, mattresses, sofas, garden furniture and cushions. Note any items stored/left in the property (loft, garage, shed) must also comply.</p>
○	<p><u>Legionnaires</u></p> <p>Undertake a risk assessment to identify and assess potential sources of exposure, and steps taken to prevent/control any risk that is identified. Tenants should be given a brief guide about what to do at the start of the tenancy.</p>
○	<p><u>Holding Deposit</u></p> <p>A Holding Deposit can only be 1 week`s rent (monthly rent x 12 divided by 52) – irrespective of the number of tenants. An accompanying Notice needs to be given out and signed by the tenant which explains about the money and what can happen to it after referencing, be it kept or returned. Note there is a time limit of 15 calendar days between taking the money and signing the agreement; exceeding this timescale is illegal unless a further notice has been issued.</p>
○	<p><u>Tenancy Deposit</u></p> <p>Deposits need to be secured in to one of the three government approved schemes. The DPS, The Dispute Service and MyDeposits. The Deposit Scheme Leaflet needs to be given to the tenant before the tenancy starts.</p>
○	<p><u>Prescribed Information</u></p> <p>Tenancy deposit protection certification and required information about the tenancy deposit protection scheme needs to be passed to the tenant within 30 days of receiving the security deposit. Once received from the Scheme, the Deposit Certificate needs sending to the tenant.</p>
○	<p><u>Tenancy Agreement</u></p> <p>Legally, you don't need to provide a written tenancy agreement, but it is always advisable that you do to protect yourself and the tenant. Given the amount of recent legislation, it is essential the agreement (normally an AST – Assured Shorthold Tenancy) is up to date with current wording, as many older tenancies might not be found to be reliable if called upon in court or a deposit dispute.</p>

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○	<p><u>Inventory</u></p> <p>Prepare a comprehensive written inventory and condition of property detailing what items are in the property and the physical condition of each room in the property, at the beginning of the tenancy and the condition they are in, with quality and clearly dated photographs. This will provide the evidence for subsequent midterm inspections and the final checkout.</p>
○	<p><u>Do you need a HMO licence?</u></p> <p>All HMOs with 5 or more occupiers living in 2 or more households. Sharing an amenity such as a kitchen, bathroom or toilet, regardless of the number of storeys require a mandatory HMO licence. A copy of the licence needs to be displayed in the property and should be given to each tenant at the start of the tenancy.</p>
○	<p><u>Fit for human habitation</u></p> <p>At the start and for the duration of the tenancy the property needs to be fit for habitation. This means that the 29 hazards need to be assessed and any remedial action to address any risks are implemented to ensure the safety of the tenant and their visitors.</p>
○	<p><u>Consents Required</u></p> <p>Ensure you have permissions from your mortgage provider, the insurer and the freeholder if you have a leasehold interest, to let the property out. Failure to do so, can in certain circumstances deem the tenancy to be null and void.</p>
○	<p><u>Insurance</u></p> <p>Ensure you have adequate buildings insurance, which should include public liability and malicious damage.</p>
○	<p><u>Council Tax</u></p> <p>Notify the council tax department of the new tenancy details.</p>
○	<p><u>Meter readings</u></p> <p>Take meter readings and transfer utilities to the tenant's name.</p>

This checklist is for information only and does not constitute legal or professional advice. Always seek legal or professional advice before entering into a tenancy agreement.