



Ministry of Housing,  
Communities &  
Local Government

Landlord and tenant rights and  
responsibilities in the private  
rented sector

# Ministerial foreword



This consolidated guidance is for landlords and tenants in the private rented sector (PRS). The government is committed to making sure everyone who rents can have a safe, secure, warm and dry place they call home. This guide is just one way in which we have boosted support for landlords, tenants and local authorities to set and maintain high standards in private rental properties.

The PRS is an important part of the housing market, accounting for 4.5m homes and representing around 19% of all housing in England. For many tenants it can provide a range of benefits, including flexibility and choice, while offering a sound business opportunity to those landlords who maintain their properties to a high standard. The relationship between landlord and tenant is essential to make this work, however. This guide aims to ensure both landlords and tenants know their rights and their responsibilities, and that the landlord-tenant relationship can be a professional and positive one.

We want to help make sure tenancies get off to a good start, and any issues that arise are dealt with quickly and properly. The vast majority of tenancies work well. Sadly, there remains a small minority of criminal landlords who choose not to comply with the law, and whose tenants suffer as a result. There are also some tenants who do not uphold their side of the bargain. In situations where things do go wrong, this guide will point you to the laws which apply to you, and help you find further guidance on how to deal with the issue. It will also help you to avoid those situations in the first place by making sure that, whether tenant or landlord, you are aware of your responsibilities.

As you will see from this guide, there is a wide range of supporting material about the law that applies to private renting. Our [How to Rent](#) and [How to Let](#) guides are a great source of information on the steps you can and should take to make sure your rental or tenancy is on the right track.

We have worked in partnership with stakeholders from across the sector to develop this document. We would like to thank the Residential Landlords Association, National Landlords Association and Shelter for agreeing to be part of this process, and the Chartered Institute of Housing and our local authority partners for giving us the benefit of their expertise too.

This guide is part of the Government's work to ensure that both tenants and landlords are able to benefit from being part of a flourishing private rented sector.

## **Mrs Heather Wheeler MP**

Parliamentary Under Secretary of State  
Minister for Housing and Homelessness

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# Introduction and Context

## How to use this guide

This document has been produced to help both landlords and tenants. It sets out the roles and responsibilities of both parties when letting or renting a property in the private rented sector (PRS).

The guidance is comprised of three sections. The first is intended to help tenants understand more about their rights and obligations when renting from a private sector landlord. The second provides landlords with information on how to maintain high standards and create positive relationships with tenants. The third provides information on park homes sites and property guardians.

## What this guidance is for

While the PRS has doubled in size since 2002, recent figures show that the share of all households renting privately has hovered around 19% to 20% since 2013-14. In 2017-18, the PRS accounted for 4.5 million, or 19%, of UK households. By way of comparison, the proportion of households in the social rented sector has not changed for over a decade.

To maintain standards in the private rented sector, it's important that both landlords and tenants understand and fulfil their respective rights and responsibilities. It's also vital to understand that issues can arise on both sides. While most landlords provide decent homes for their tenants, a minority continue to break the law and rent out inadequate or unsafe housing. To help address such issues, this guidance aims to set out clearly the rights and responsibilities of landlords and tenants, and the consequences of breaching these requirements.

# Summary

## Section 1: Tenants

This section is for people who are either existing tenants or are about to rent a house or flat on an [assured shorthold tenancy](#). Most of the guidance will apply equally if you are in a shared property, but in some cases your rights and responsibilities will be different.

The guide does not cover lodgers (people who live with their landlord). It also doesn't cover tenants of a property that is not their main residence. Although property guardians and those living on a park home site do not form part of the PRS, we have included relevant information in section 3.

When you enter into an assured shorthold tenancy, the most common type of private rented tenancy, you are entering into a contractual arrangement that gives you some important rights and also creates obligations. This guide will help you to understand what questions to ask, what your rights are, and what responsibilities you have. It will also direct you to relevant sources of support and advice if things go wrong with your tenancy.

You can also find useful information and a checklist for renters in the Government's How to Rent guide, which can be found [here](#).

## Section 2: Landlords

This section is for landlords letting to tenants on an assured shorthold tenancy, the most common type of tenancy arrangement. By setting up an assured shorthold tenancy you are entering a contractual arrangement to let your property to a tenant.

The landlords' section of the guidance will help you to understand what responsibilities you have as a landlord, and thereby assist you in creating a positive relationship with your tenant. It will also help you to get a clear view of your legal responsibilities as a landlord.

This guide does not cover leasehold, holiday lets or resident landlords who let to lodgers.

You should also refer to the How to Let guide, which can be downloaded [here](#).

## Section 3: Park homes sites and property guardians

Although they do not form part of the PRS, property guardians and owners and residents of park homes sites can find a guide to further information on their situation in this section.

# Tenants

Guidance for tenants renting in the private sector: rights, responsibilities and advice

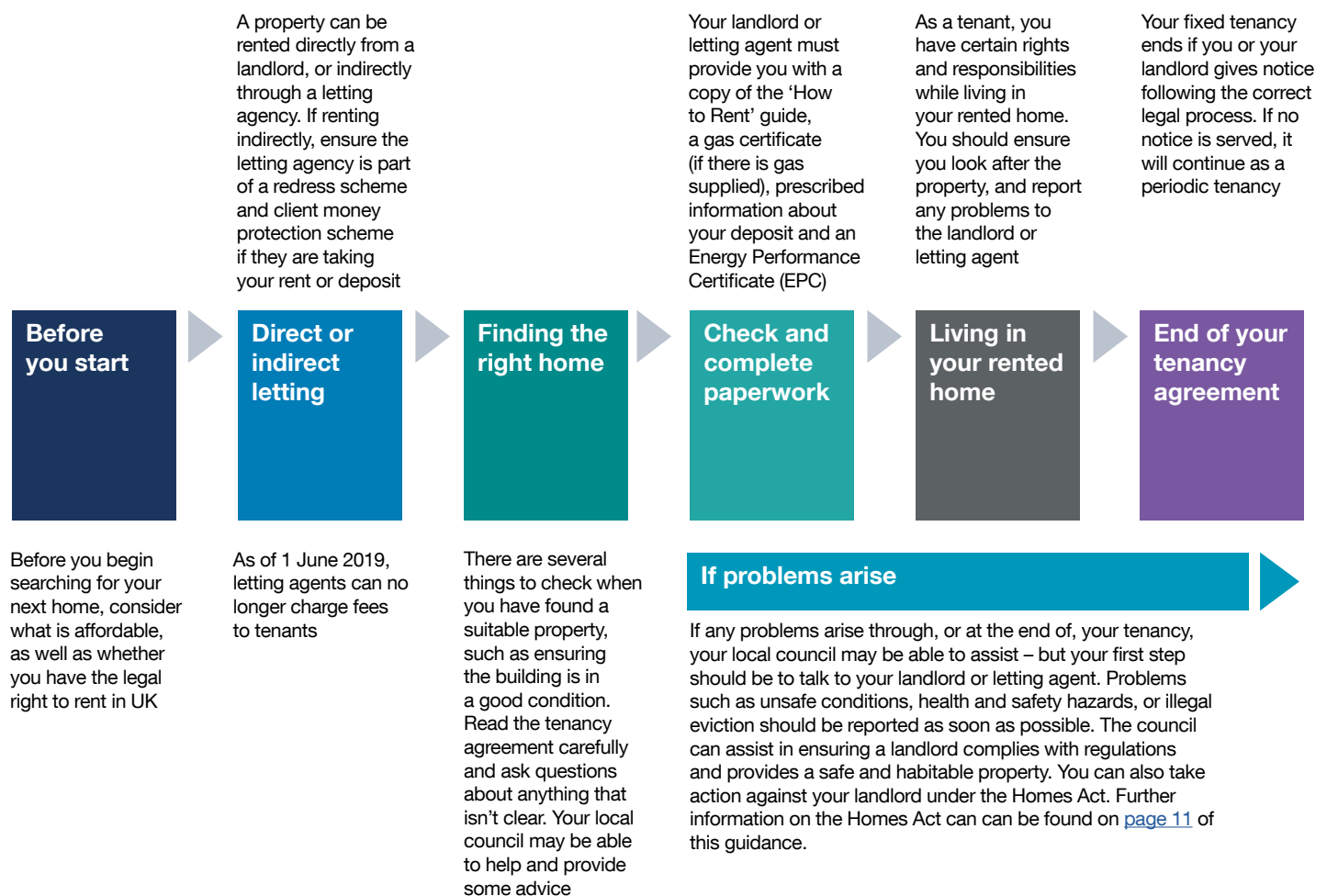
# Guidance for tenants renting in the private sector: rights, responsibilities and advice

The guidance for tenants in this section sets out:

- what to consider when finding a new home in the private rented sector;
- your responsibilities as a tenant;
- your rights as a tenant;
- what you can do if things go wrong during your tenancy;
- useful contacts.

You should also refer to the How to Let guide, which can be downloaded [here](#), and the How to Rent checklist, which can be downloaded [here](#).

## Finding a new home in the private rented sector



# Guidance for tenants renting in the private sector: rights, responsibilities and advice

The main steps involved in renting a home in the private rented sector are shown in the diagram above. These steps are explained in further detail in the How to Rent guide, which is part of the paperwork that your landlord or letting agent is required to provide to you at the start of the tenancy.

## Your responsibilities

As a tenant, you have some responsibilities relating to how you use the property. This generally means you are responsible for the following actions:

<b>Pay the rent on time</b>	<ul style="list-style-type: none"> <li>Rent is usually required in advance.</li> <li>If you fall behind with your rent, the landlord may be able to take legal steps to evict you.</li> </ul>
<b>Pay any other bills</b>	<ul style="list-style-type: none"> <li>Your tenancy agreement should make it clear who is responsible for paying bills such as council tax, gas, electricity and water.</li> <li>You have the right to choose your energy supplier. Failure to pay your bills may affect your credit rating.</li> </ul>
<b>Look after the property</b>	<p>The law requires you to use the property in a “tenant-like” manner. This includes:</p> <ul style="list-style-type: none"> <li>reporting any repairs needed to your landlord or letting agent;</li> <li>if possible, making sure your home is well ventilated (to help avoid condensation and damp);</li> <li>carrying out minor maintenance (such as checking smoke alarms are working and changing light bulbs);</li> <li>disposing of all your rubbish and keeping the house reasonably clean.</li> </ul>
<b>Be considerate to the neighbours</b>	<ul style="list-style-type: none"> <li>If you are not considerate to your neighbours you could be evicted for anti-social behaviour.</li> <li>Your landlord may also be able to take legal steps to evict you.</li> </ul>
<b>Not take in a lodger</b>	<ul style="list-style-type: none"> <li>Unless it is expressly allowed for in your tenancy agreement, you will not be permitted to sub-let or accept a lodger without agreement from your landlord or letting agent. So you must always check first with your landlord if you are thinking of subletting the property or taking in a lodger.</li> </ul>
<b>Appliances operation</b>	<ul style="list-style-type: none"> <li>Make sure that you understand how to operate the boiler and other appliances, and that you know where the stopcock, fuse box and any meters are located.</li> </ul>
<b>Regular testing</b>	<ul style="list-style-type: none"> <li>Test your smoke alarms and carbon monoxide detectors regularly – at least once a month.</li> <li>It is your responsibility as the tenant to ensure that the fire alarm remains in working order.</li> </ul>
<b>Report any repairs and allow access for them to be addressed</b>	<ul style="list-style-type: none"> <li>It’s really important that you report any repair issues that arise so your landlord or letting agent can take action to fix them.</li> <li>Landlords or letting agents should manage the property properly, but in some circumstances may argue that they weren’t able to carry out repairs because they weren’t aware of them. It’s therefore good practice to report any issues promptly and in writing. Reporting repairs may also form part of your tenancy agreement. If you do not report a repair issue and, as a result, a major problem occurs, your landlord may try to reclaim costs from your deposit.</li> </ul>



# Guidance for tenants renting in the private sector: rights, responsibilities and advice

## Your rights

When you sign an assured shorthold tenancy agreement, you gain a set of rights as a tenant that your landlord or letting agent should respect and adhere to. If your landlord behaves in a way that contravenes these rights, their actions may be regarded as constituting a legal offence, and your local council may be able to take enforcement action. Under your shorthold tenancy agreement, your landlord is legally obliged to do the following:

<b>Provide all 'start of tenancy' paperwork</b>	<p>The landlord or letting agent must provide you with:</p> <ul style="list-style-type: none"> <li>• a copy of the <i>How to Rent</i> guide;</li> <li>• a Gas Safety Certificate (where gas is supplied to the property);</li> <li>• prescribed information about which tenancy deposit protection scheme your deposit has been protected with;</li> <li>• an Energy Performance Certificate (EPC).</li> </ul>
<b>Structural maintenance</b>	<ul style="list-style-type: none"> <li>• The landlord should maintain the structure and exterior of the property.</li> </ul>
<b>Smoke alarms</b>	<ul style="list-style-type: none"> <li>• The landlord or letting agent should fit smoke alarms on every floor and carbon monoxide alarms in rooms that contain appliances using solid fuels such as coal and wood. The landlord should also make sure these alarms are working at the start of your tenancy. If they are not there, ask your landlord in writing to install them.</li> <li>• More information is available in the <a href="#">How to Rent a Safe Home Guide</a>, and in the specific guidance relating to the Smoke &amp; Carbon Monoxide Alarm Regulations 2015, which can be accessed <a href="#">here</a>.</li> </ul>
<b>Fix any problems</b>	<ul style="list-style-type: none"> <li>• The landlord or letting agent should deal with any problems with the water, electricity and gas supply.</li> </ul>
<b>Maintenance</b>	<ul style="list-style-type: none"> <li>• The landlord or letting agent should maintain any appliances and furniture they have supplied.</li> </ul>
<b>Carry out repairs</b>	<ul style="list-style-type: none"> <li>• The landlord or letting agent should carry out most repairs in a timely manner. If something is not working, report it to your landlord or agent as soon as you can.</li> <li>• Your local council has a duty to take action if your property has deficiencies that could pose a serious threat to you and the other occupants. If your landlord or letting agent doesn't carry out the repairs, you can ask the local council to carry out an inspection using a risk assessment tool called the Housing Health and Safety Rating System (HHSRS), after which the council may take action.</li> <li>• The Homes (Fitness for Human Habitation) Act 2018 enables you to take your landlord to court if the property is not fit for human habitation. This right applies from 20 March 2019 for new tenancies, and from 20 March 2020 for existing tenancies.</li> <li>• For further information on the Homes Act, please see the guidance <a href="#">here</a>.</li> </ul>
<b>Gas safety check</b>	<ul style="list-style-type: none"> <li>• If the property contains any gas appliances, the landlord should arrange an annual gas safety check by a qualified Gas Safe engineer.</li> </ul>
<b>Prior notice of visits</b>	<ul style="list-style-type: none"> <li>• The landlord or letting agent should give at least 24 hours' notice of any visits for activities such as repairs.</li> </ul>

# Guidance for tenants renting in the private sector: rights, responsibilities and advice

## Licensing

- Under the [Housing Act 2004](#), larger houses of multiple occupation (HMOs) that are of three or more storeys and occupied by five or more people forming at least two separate households must be licensed.
- With effect from 1 October 2018, mandatory licensing of HMOs was extended to include smaller properties used as HMOs in England which house five or more people in two or more separate households. New mandatory conditions to be included in HMO licences have also been introduced, setting minimum sizes for rooms used as sleeping accommodation and requiring landlords to comply with local council refuse schemes.
- Your landlord should get a licence for the property if it meets the relevant criteria. Check with your [local council](#) to find out if your landlord needs an HMO licence and has obtained it. HMOs don't need to be licensed if they are managed or owned by a housing association or co-operative, a council, a health service or a police or fire authority.

## Meet minimum Energy Performance Certificate (EPC) requirements (unless the property qualifies for an exemption)

- From 1 April 2018 all properties let on a new tenancy must have an EPC of at least Band E.
- From 1 April 2020 this applies to all tenancies.
- HMOs that are subject to mandatory licensing require electrical installations to be checked every 5 years.

## What to do if problems arise

Sometimes situations arise where landlords fail to meet their responsibilities. In such cases you should contact your local authority who can help. Under new legislation, local authorities have been granted strong enforcement powers that enable them to target rogue landlords. This section will give you an understanding of the actions your local authority can take to assist you when your landlord or letting agent has not provided you with a safe and decent home.

## Health and safety issues in your property

Your home may become unsafe due to a 'hazard' – which is defined as a problem in a home. Hazards are rated according to how serious they are and how likely they are to affect someone's health and safety. There are two types of hazards – category 1, which are the most serious, and category 2. Examples of category 1 hazards include:

- exposed wiring;
- a dangerous or broken boiler;
- rats, pests or other infestations;
- damp and mould on the walls or ceiling.

Health and safety risks in the home are assessed by local councils using the Housing Health and Safety Rating System (HHSRS). There are also additional health and safety requirements for housing in multiple occupation (HMO). HMOs are shared homes containing multiple households such as bedsits, shared student housing and hostels.

### Reporting a hazard:

If you're worried about a potential hazard in your home, you should report it to your landlord or letting agent immediately.

Once you've informed them about a problem in the property, your landlord is responsible for most repairs. However, you should give them a reasonable amount of time to carry out the work.

If you've reported a potential health and safety hazard and your landlord or letting agent hasn't resolved it in a reasonable time, you should contact your local council. An environmental health officer may then arrange to visit your home to assess any hazards within it. You can also ask the council to inspect a neighbouring property if issues with it could affect your own health and safety.

# Guidance for tenants renting in the private sector: rights, responsibilities and advice

## Enforcement:

The council must take action if it finds any category 1 hazards in your home. For example, it can order your landlord to carry out repairs or make improvements – and if your landlord or letting agent fails to do this they could be prosecuted and fined. The council can also take emergency remedial action if it thinks you are at serious risk of harm. In such cases, the council has the right to carry out the necessary work and charge your landlord for it.

For less serious hazards, your local council may give your landlord notice that it's aware of the problem, and provide them with advice on how to solve it. If your landlord or letting agent doesn't improve the conditions in your home, you should tell the council and ask it to take further action.

You are also able to take action yourself if your landlord or letting agent is renting out a property in poor condition and/or fails to carry out necessary maintenance. The Homes (Fitness for Human Habitation) Act 2018 gives you the right to take your landlord to court if the property is not fit for human habitation. The law also allows you to seek redress, including financial compensation where appropriate.

For further information on the Homes Act, please see the guidance [here](#).

## Harassment

Harassment is defined as any act likely to interfere with the peace and comfort of those living in the property, or persistent withdrawal of services that are reasonably required for the occupation of the home. This means that harassment can be anything a landlord does, or fails to do, that makes you feel unsafe in your property or forces you to leave.

For example, harassment can include:

- cutting off services such as electricity;
- withholding keys: perhaps there are two tenants in the property, but the landlord will only give one key;
- refusing to carry out repairs;
- anti-social behaviour by a landlord's agent;
- threats and physical violence;
- repeatedly entering the property without your permission or without giving you adequate notice.

## Reporting harassment:

If you believe your landlord or letting agent is harassing you, make sure you keep a note or diary of all incidents and copies of all communications. If you decide to take action, these may be useful as evidence. Also, since harassment is a criminal offence, you should notify the police straight away if your landlord is making you feel unsafe. You should also contact your local authority.

For further information about what to do if you feel you are being harassed by your landlord or letting agent, please see the guidance [here](#).

# Guidance for tenants renting in the private sector: rights, responsibilities and advice

## Results of enforcement:

Under the Protection from Eviction Act 1977 and Housing and Planning Act 2016, your local authority has a number of enforcement powers that it can use to tackle harassment by a landlord. The landlord or letting agent may be subject to:

- a fine; and/or
- imprisonment for up to two years.

## Eviction

For many landlords and tenants, a longer-term tenancy suits both parties well, since it provides greater security for the tenant and a regular income stream for the landlord. However, occasions do arise where a landlord wishes to take possession of their property, for example if they decide they want to sell it or move into it themselves. But whatever the reason, landlords must follow strict procedures if they want their tenant to leave their property.

Your landlord or letting agent may be guilty of evicting you illegally if you:

- are not given the required degree of notice to leave the property, which is a section 21 notice giving at least two months' notice;
- are served a section 21 notice when a landlord has not complied with some legal responsibilities, such as those set out in the 'start of tenancy paperwork' section of this [guide](#);
- find the locks have been changed;
- are evicted without a court order;
- are given notice to leave the property within six months of an improvement notice being issued by the local council.

You should also contact your local council's Housing Department if you feel you are at risk of homelessness due to eviction.

## Reporting illegal eviction:

If you believe you have been – or are threatened with being – evicted illegally, you should contact your local authority. Under the Protection from Eviction Act 1977, your local authority has several enforcement powers to address illegal eviction by a landlord. The landlord may be subject to:

- a requirement to pay rent;
- a fine; and/or
- imprisonment for up to two years.

For further information about what to do if you are threatened with illegal eviction, please see the guidance [here](#).

## Tenant fees

The Tenant Fees Act, coming in to force on 1 June 2019, means that all fees charged by letting agents and landlords to tenants are banned, except for holding deposits, rent, deposits and charges for defaulting on the contract. Also, all of these allowable fees are subject to additional restrictions under the Act.

## Breach of the act:

In cases where a banned fee or payment is taken, you will be able to get any money wrongly paid refunded to you via the county court.

Local Trading Standards can help tenants with the recovery of fees.

## Results of enforcement:

- Local Trading Standards will issue a fine of up to £5,000 for a first offence.
- Subsequent breaches are criminal offences, or alternatively may result in fines of up to £30,000 via civil penalties.

For more information on your rights in relation to tenant fees, please see the guidance [here](#).

# Guidance for tenants renting in the private sector: rights, responsibilities and advice

## Useful contacts

The best point of contact for any issues relating to your assured shorthold tenancy is your local council. Under recent legislation, local authorities have gained strong enforcement powers to deal effectively with any issues that may arise relating to your tenancy. In addition to your local authority, the following organisations may be useful points of contact:

<b>Help and Advice</b>	<a href="#">Citizens Advice</a> : Citizens Advice is the main legal charity in the UK. You will generally find a Citizens Advice Bureau (CAB) office in most cities, towns and large villages.
	<a href="#">Shelter</a> : Shelter is a national housing charity. It offers a housing advice telephone helpline on 0808 800 4444 as well as face-to-face advice services. You can find out here if Shelter has an advice centre near you.
	<a href="#">Law Centres Network</a> : Not-for-profit Law Centres can act for you in legal proceedings at no charge. You may be eligible for legal aid if you need it.
	Solicitors: Although solicitors are businesses that need to charge for their services in order to operate, they do offer some free services. Many firms will offer an initial interview either free of charge or for a fixed fee.
	<a href="#">Money Advice Service</a> : This can provide free and impartial advice to help you manage your finances better.
	Your insurance company: Insurance policies often come with free legal help as part of the package.
	Tenants' rights groups: There may be one of these in your area. You can find them by searching the internet.
<b>Tenancy Deposit Protection Schemes</b>	<a href="#">Which?</a> Run by the Consumers' Association, Which? champions the interests of consumers across many areas of our lives.
	<a href="#">Deposit Protection Service</a>
	<a href="#">Tenancy Deposit Scheme</a> <a href="#">mydeposits</a>
<b>Letting agent redress schemes</b>	<a href="#">The Property Ombudsman</a>
	<a href="#">Property Redress Scheme</a>
<b>Client money protection schemes</b>	<a href="#">Client Money Protect</a>
	<a href="#">Money Shield</a>
	<a href="#">NALS Client Money Protection</a>
	<a href="#">Propertymark</a>
	<a href="#">RICS</a> <a href="#">UKALA Client Money Protection</a>

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# Landlords

Rights and responsibilities of landlords  
operating in the private rented sector

# Rights and responsibilities of landlords operating in the private rented sector

## Summary

The vast majority of landlords in England provide decent, well-maintained homes for their tenants, and are good landlords committed to acting in their tenants' best interests. One of our main aims in producing this guidance is to foster and encourage these good practices, and to empower landlords to maintain the high standards that most already uphold. However, a small minority of landlords rent out unsafe and substandard accommodation to their tenants. An even smaller proportion do so knowingly and with criminal intent.

Enforcement should only be targeted only at those landlords who are non-compliant or acting illegally. In order to ensure that this is the case, and that good landlords do not get into trouble unwittingly, it is vital that all landlords have a clear understanding of what is involved in providing accommodation that is deemed safe and fit for human habitation. This guidance provides the information you will need to maintain good standards, and also ensures that you will know what the consequences are of not meeting the legal requirements.

Information on the following areas is included in this section for landlords:

- licensing obligations;
- legal requirements;
- landlord responsibilities;
- issues with a tenancy.

You should also refer to the How to Let guide which can be downloaded [here](#), and the How to Rent checklist which can be accessed [here](#).

## Licensing obligations

As a landlord, you may need to obtain a licence to let your property under one of three types of licensing:

- mandatory House in Multiple Occupation (HMO) licensing;
- additional HMO licensing;
- selective licensing.

If your property falls under any of these three types of licensing arrangement, you are legally required obtain the relevant licence. Failure to license a property is a criminal offence. Further information on each type of licensing is provided below. For comprehensive information on licensing, please read the following guidance: Houses in multiple occupation and residential property licensing reform: [guidance for local housing authorities](#).

# Rights and responsibilities of landlords operating in the private rented sector

The table below sets out definitions of the three types of licensing.

## Mandatory HMO licensing

For mandatory licensing to apply, the HMO (or housing in multiple occupation) must be occupied by five or more people, from two or more separate households. In addition, there are three tests that are applied to determine whether a property falls under mandatory HMO licensing:

- The standard test.
- The self-contained test.
- The converted building test.

For more information on these tests, please see: [Houses in multiple occupation and residential property licensing reform: guidance for local housing authorities](#).

### What should a landlord do:

- Read the guidance linked to above to establish whether your property is covered by mandatory HMO licensing.
- If it is, contact your local authority to obtain a licence.
- Ensure you comply with the relevant HMO management regulations.

## Additional HMO licensing

In cases where it will be of benefit to the local area, local authorities have the power to license HMOs that are not covered by the national mandatory scheme. This is called Additional Licensing.

### What should a landlord do:

- Contact your local authority to establish whether your property is covered under an Additional Licensing scheme.
- If it is, obtain a licence from your local authority as soon as your property becomes licensable.
- Ensure you comply with the relevant HMO Management Regulations.

## Selective licensing

Local authorities also have the power to introduce Selective Licensing schemes that apply to *all* privately rented houses located within a particular area.

### What should a landlord do:

- Contact your local authority to establish whether your property is covered under a Selective Licensing scheme.
- If it is, apply for a licence as soon as your property becomes licensable.



# Rights and responsibilities of landlords operating in the private rented sector

Further information and guidance on HMO licensing options, and on whether you are required to obtain one, can be accessed [here](#).

## Getting your property ready

Before you can rent out your home, it's your responsibility to ensure that the property is safe and fit for human habitation. If a property is unsafe or unfit you could be committing a civil or criminal offence, and may be subject to enforcement action by your local authority. To help you understand the requirements under the Housing Act 2004, it's important that you read [this guidance](#), which is aimed at non-specialists and especially private landlords. This will help you identify the types of work that may need to be carried out to ensure your property is safe and fit for habitation.

To ensure that your property is safe and fit, your responsibilities as a landlord include taking the following steps:

- have a gas safety check carried out every 12 months by a Gas Safe registered engineer;
- ensure any furniture provided meets the required safety standards;
- ensure any electrical equipment provided meets the required safety standards;
- ensure a smoke alarm is installed on each floor of your home and that carbon monoxide detectors are present in any room with a coal fire or wood-burning stove;
- ensure you have an Energy Performance Certificate (EPC) for your property. Privately rented properties must have a minimum EPC rating of E for new lets and renewal tenancies (unless exempt). Failure to comply with this could result in a fine of £5,000 from the local authority. Further detailed guidance on EPCs can be accessed [here](#).

# Rights and responsibilities of landlords operating in the private rented sector

## Legal requirements

Before the tenancy agreement is signed, as the landlord you are legally required to:

<b>Conduct Rent Checks</b>	<ul style="list-style-type: none"> <li>• Check whether a tenant is aged 18 or over and can legally rent in England.</li> <li>• You should be aware that some documents may need to be cross-checked with the Home Office. Please see further information on the right to rent check <a href="#">here</a>.</li> </ul>
<b>Protect Tenancy Deposits</b>	<ul style="list-style-type: none"> <li>• Protect you tenant's deposit with a government approved deposit protection scheme and provide the tenant with prescribed information about how the deposit is protected.</li> <li>• If you have not protected the deposit and provided the prescribed information, your tenant can take you to court and you will be liable to pay them between one and three times the amount of the deposit. You will not be able to evict a tenant using a Section 21 eviction notice unless you refund their deposit first.</li> </ul>
<b>Provide the necessary documentation</b>	<ul style="list-style-type: none"> <li>• Provide a copy of the How to Rent guide, Energy Performance Certificate and gas safety certificate where gas is supplied.</li> <li>• You cannot evict a tenant with a Section 21 notice if you have not provided them with these documents.</li> </ul>
<b>Right to rent</b>	<ul style="list-style-type: none"> <li>• Conduct the right to rent immigration check.</li> <li>• This check should include the tenant and any adult who will be living with them.</li> <li>• Further information can be accessed <a href="#">here</a>.</li> </ul>
<b>Make sure the property is free from serious health and safety hazards.</b>	<p>You are legally responsible to repair any damage to:</p> <ul style="list-style-type: none"> <li>• the exterior and/or structure of the property;</li> <li>• sinks, baths, toilets, pipes and drains;</li> <li>• heating and hot water;</li> <li>• chimneys and ventilation;</li> <li>• gas appliances;</li> <li>• electrical wiring;</li> <li>• common parts of a building, such as entrance halls, communal stairways and shared kitchens.</li> </ul>
<b>Other health and safety obligations</b>	<p>As noted above, you are also legally required to:</p> <ul style="list-style-type: none"> <li>• have a gas safety check carried out every 12 months by a Gas Safe registered engineer;</li> <li>• ensure any furniture provided meets the required safety standards;</li> <li>• ensure any electrical equipment provided meet the required safety standards;</li> <li>• ensure a smoke alarm is installed on each floor of the property and that carbon monoxide detectors are present in any room with a coal fire or wood-burning stove.</li> </ul> <p>More information is available in the How to Rent guide, and specific guidance on the Smoke &amp; Carbon Monoxide Alarm Regulations 2015 can be accessed <a href="#">here</a>.</p>
<b>Obtain licence (if applicable)</b>	<ul style="list-style-type: none"> <li>• Get a licence for the property, if it is a licensable property. Please see <a href="#">page 16</a> of this guidance for further information.</li> </ul>

More information about your responsibilities as a landlord is provided in the [Government's guidance on Housing and Local Services](#).

## Responsibilities of your letting agent

<b>Letting agents and property managers</b>	<ul style="list-style-type: none"> <li>• Since 1 October 2014 it has been a legal requirement for lettings agents and property managers in England to join a government approved redress scheme.</li> <li>• <a href="#">This guidance</a> provides detailed information about the requirement and who it applies to.</li> <li>• The letting agent should obtain membership of a government approved client money protection scheme if they hold client money.</li> </ul>
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# Rights and responsibilities of landlords operating in the private rented sector

## During a tenancy

As a landlord, you are responsible for the following duties once the tenancy has started:

<b>Utility maintenance</b>	<ul style="list-style-type: none"> <li>Keep in good repair and proper working order the supply of water, gas, electricity and heating.</li> </ul>
<b>Ensure the property is free from serious health and safety hazards</b>	<ul style="list-style-type: none"> <li>Keep the property safe and free from serious health and safety hazards. Further information on health hazards is provided in the <a href="#">How to Rent a Safe Home guide</a>.</li> </ul>
<b>Maintain structural integrity</b>	<ul style="list-style-type: none"> <li>Maintain the structure and exterior of the property.</li> </ul>
<b>Complete repairs</b>	<ul style="list-style-type: none"> <li>Carry out most repairs. If something is not working, ask your tenant to report it to you (or your agent) as soon as they can.</li> </ul>
<b>Maintain appliances and furniture</b>	<ul style="list-style-type: none"> <li>Maintain any appliances and furniture you have supplied.</li> </ul>
<b>Smoke alarms and Carbon Monoxide alarms (if applicable)</b>	<ul style="list-style-type: none"> <li>Fit smoke alarms on every floor, and carbon monoxide alarms in rooms with appliances using solid fuels such as coal and wood.</li> <li>Make sure these alarms are in working order at the start of a tenancy.</li> </ul>
<b>Gas Safety check</b>	<ul style="list-style-type: none"> <li>If there are any gas appliances in the property, you must arrange an annual gas safety check by a Gas Safe engineer.</li> </ul>

You should also expect your tenants to fulfil their own responsibilities – which include the following:

<b>Pay the rent on time</b>	<ul style="list-style-type: none"> <li>Rent is usually required in advance.</li> <li>If tenants fall behind with their rent, you may be able to take legal steps to evict them.</li> </ul>
<b>Pay any other bills</b>	<ul style="list-style-type: none"> <li>Your tenancy agreement with the tenant should make it clear who is responsible for paying bills such as council tax, gas, electricity and water.</li> <li>The tenant has the right to choose their energy supplier.</li> </ul>
<b>Look after the property</b>	<p>The tenant is required to look after the property to a certain standard, and:</p> <ul style="list-style-type: none"> <li><a href="#">report any repairs needed</a> to you;</li> <li>where possible, make sure the home is well ventilated (to help avoid condensation and damp);</li> <li>carry out minor maintenance (such as checking smoke alarms are working and changing light bulbs);</li> <li>dispose of all their rubbish, and keep the house reasonably clean.</li> </ul>
<b>Be considerate to the neighbours</b>	<ul style="list-style-type: none"> <li>You can act against your tenants for anti-social behaviour if they are not considerate to their neighbours.</li> </ul>
<b>Not take in a lodger</b>	<ul style="list-style-type: none"> <li>Unless it is expressly allowed for in the tenancy agreement, the tenants will not be permitted to sublet or take in a lodger without your consent. So your tenants must always check with you first if they wish to do either of these things.</li> </ul>
<b>Regular testing</b>	<ul style="list-style-type: none"> <li>The tenants must test the smoke alarms and carbon monoxide detectors regularly – at least once a month</li> <li>It is the tenant's responsibility to ensure that the fire alarm remains in working condition.</li> </ul>
<b>Report any repairs and allow access for them to be addressed</b>	<ul style="list-style-type: none"> <li>Tenants have a responsibility to report any repair issues that arise so you can take action to fix them. In many cases, you will not be responsible for any repair work until you know about it.</li> </ul>

# Rights and responsibilities of landlords operating in the private rented sector

## Ending the Tenancy

If you or the tenant wants to terminate the tenancy, there are things that both of you must do.

<b>Give notice</b>	<ul style="list-style-type: none"> <li>You must give proper notice if you want the tenant to leave. Normally, the landlord must give at least two months' notice, and – unless there is a break clause – the tenant cannot be required to leave before any fixed period of the tenancy has come to end.</li> <li>A section 21 notice cannot be served during the first four months of a tenancy, and cannot be actioned during the first six months of a tenancy.</li> </ul>
<b>Return the deposit</b>	<ul style="list-style-type: none"> <li>If the tenant has met the terms of their tenancy agreement, then they should get all of their deposit back at the end of their tenancy.</li> <li>You can withhold part of their deposit to compensate for any damage caused to your property or furnishing or cleaning required, or for unpaid rent, but not for reasonable wear and tear.</li> </ul>
<b>Ensure rental payments are up to date</b>	<ul style="list-style-type: none"> <li>Your tenant cannot withhold rent because they think that it will be taken out of the deposit.</li> </ul>
<b>Ensure your tenant has not left bills unpaid</b>	<ul style="list-style-type: none"> <li>Check with your tenant if they are up to date with their bills/utility payments.</li> </ul>

## Issues with a tenancy

Most tenancies in the private rented sector go smoothly, with landlords and tenants remaining on good terms and enjoying mutual benefits from the tenancy agreement. However, in some cases issues arise. This section looks at some of these issues to help you avoid them or – if they do occur – to ensure they are addressed quickly and effectively.

## Health and safety issues

It is important that your property is well maintained and free from serious hazards. Your local authority has a duty to take action if your property has deficiencies that could pose a serious threat to the tenants. Also, if your tenant has a complaint about the condition of the property, it is your responsibility to repair it. If you don't, your tenant can ask the local authority to carry out an inspection, after which the authority may take action.

Among others, the actions it can take include:

- serve an improvement notice;
- serve an emergency prohibition notice;
- issue a civil penalty of up to £30,000, depending on the specific circumstances.

For further information on maintaining a property free of hazards, please see the following guidance [here](#).

# Rights and responsibilities of landlords operating in the private rented sector

## Tenant issues

While tenants have specific rights, they also have responsibilities.

All landlords should be aware of tenants' right to be allowed to live in their rental property without unlawful interference. If you are experiencing issues with your tenant, you must take care to ensure you do not do anything which constitutes harassment. Harassment can include:

- stopping services such as electricity;
- withholding keys: for example, there may be two tenants in a property, but the landlord will only give one key;
- refusing to carry out repairs;
- anti-social behaviour by a landlord or their agent;
- threats and physical violence.

Tenants are protected by the Protection from Eviction Act 1977. This Act provides tenants with additional rights and categorises the following actions as criminal offences:

- physically evicting a residential tenant other than by court proceedings;
- doing anything to cause the tenant to leave the property and give up their tenancy;
- preventing a tenant from exercising their rights under the tenancy agreement;
- doing anything which will interfere with the 'peace or comfort' of the tenant or members of their household;
- withdrawing or withholding services which are reasonably required for the occupation of the property as a residence.

Again, it's clear that most landlords would never even contemplate committing any of the above offences. The vast majority of landlords continue to maintain high standards of conduct and behaviour. However, in the case of the small minority of

landlords who might commit one of these offences, tenants can seek assistance from the local authority to act against their landlord.

For more advice and guidance on this issue, please read this booklet: [Protection against harassment and illegal eviction](#).

## Evicting a tenant

For many landlords and tenants, a longer-term tenancy suits both parties well, since it provides greater security for the tenant and a regular income stream for the landlord. However, occasions do arise where a landlord wishes to take possession of their property, for example if they decide they want to sell it or move into it themselves. But whatever the reason, landlords must follow strict procedures if they want their tenant to leave their property.

1. The landlord must give the tenant a section 21 notice if they want the property back after a fixed term ends. A landlord can serve a section 8 notice if the tenant has broken the terms of the tenancy agreement within the fixed term.
2. The landlord must apply to the court for a possession order if the tenant does not leave by the date specified on the notice. The landlord can apply for an 'accelerated possession order' if they are not claiming any unpaid rent.
3. If the tenant still does not leave, the landlord must apply for a warrant for possession. This means bailiffs can legally remove the tenant from the property.

Landlords who are evicting tenants who they think may potentially become homeless should advise them to contact the Housing Department of their local authority.

For more information on how to evict your tenant appropriately and legally, please see the following guidance: [Evicting tenants \(England and Wales\)](#).

# Rights and responsibilities of landlords operating in the private rented sector

## Tenant fees

The Tenant Fees Act, coming into force on 1 June 2019, means that all fees charged by letting agents and landlords to tenants are banned, except for holding deposits, rent, deposits and charges for defaulting on the contract. Also, all of these allowable fees are subject to additional restrictions under the Act.

### Breach of the act:

In cases where a banned fee or payment is taken, tenants will be able to get any money wrongly paid refunded to them via the county court. Local Trading Standards can assist tenants with the recovery of fees.

### Results of enforcement:

- Local Trading Standards will issue a fine of up to £5,000 for a first offence.
- Subsequent breaches are criminal offences, or alternatively may result in fines of up to £30,000 via civil penalties.

For more information on your responsibilities in relation to tenant fees, please see the following guidance [here](#).

## Repeat offending

Local authorities have a number of powers that are reserved for use against the most serious and repeat offenders. While most landlords will never come into contact with these powers, they are in place to ensure that all landlords operating in the private rented sector are operating on a level playing-field.

In our guidance, we've highlighted the potential consequences that landlords might face if they commit specific offences:

- civil penalties of up to £30,000 as an alternative to prosecution for certain specified offences;
- banning orders for the most serious offences;
- local authorities can apply for a rent repayment order requiring rogue landlords to repay an amount of rent, up to a maximum of 12 months, previously paid by a tenant;
- management orders in circumstances where a banning order has been made, giving local authorities the right to take possession of the property, collect rent, set rent levels, carry out repairs and manage tenancies.

## Banning orders and the national database of rogue landlords

If landlords or property agents have been convicted of a sufficiently serious offence, local authorities have powers to apply for banning orders which will ban them from letting housing in England and engaging in letting agency work and/or property management work. Offences that fall into this category include failing to comply with a formal notice issued by the local authority requiring safety improvements or ending illegal evictions.

If landlords or property agents receive a banning order, they will be added to the database of rogue landlords. They may also be added to the database if they are convicted of a banning order offence or receive two or more civil penalties within a 12-month period. Before your local authority can publish the details of a rogue landlord or agent on the database, they must notify the landlord or agent and allow 28 days for an appeal to be lodged.

Further information on the rogue landlord database can be accessed [here](#).

# Rights and responsibilities of landlords operating in the private rented sector

## Further sources of information

In cases where disputes with tenants arise, landlords have several sources they can go to for the advice they need and there are also services available for resolving disputes:

<b>Sector Bodies</b>	<a href="#">Guild of Residential Landlords</a>
	<a href="#">London Landlord Accreditation Scheme</a>
	<a href="#">National Landlords Association</a>
	<a href="#">Residential Landlords Association</a>
	<a href="#">Royal Institution of Chartered Surveyors</a>
	<a href="#">iHowz (formerly the Southern Landlords Association)</a>
<b>Help and Advice</b>	<a href="#">Citizens Advice</a>
	<a href="#">Your Local Trading Standards</a>
	<a href="#">The Law Society</a>
	<a href="#">Property Checklist</a>
	<a href="#">Lets with Pets (For advice on renting to pet owners)</a>
	<a href="#">Money Advice Service</a>
<b>Tenancy Deposit Protection Schemes</b>	<a href="#">Deposit Protection Service</a>
	<a href="#">Tenancy Deposit Scheme</a>
	<a href="#">mydeposits</a>
<b>Letting agent redress schemes</b>	<a href="#">The property Ombudsman</a>
	<a href="#">Property Redress Scheme</a>

If you have pursued your agent because you want them to transfer money they hold on your behalf but you believe they are not able to repay, because for example they have become insolvent, then you should contact the agent's client money protection scheme:

<b>Client money protection schemes</b>	<a href="#">Client Money Protect</a>
	<a href="#">Money Shield</a>
	<a href="#">NALS Client Money Protection</a>
	<a href="#">Propertymark</a>
	<a href="#">RICS</a>
	<a href="#">UKALA Client Money Protection</a>

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# Park homes and property guardians



# Park home sites and property guardians

## Park homes

Park homes are not part of the private rented sector. Privately-owned parks where home sites are occupied wholly – or in part – for permanent residential use are subject to different rules of enforcement from standalone households and HMOs.

The Mobile Homes Act 2013 introduced changes to the procedures and penalties for enforcement of site licence conditions on residential parks. These procedures and penalties have been put in place to address the minority of park owners who do not run their parks well and allow conditions to deteriorate, affecting the amenity of the park and health and safety of the residents.

For further information on park home sites, it is important that you read the following guidance:

[Mobile Homes Act 2013: new licensing enforcement tools – a guide for park home site owners.](#)

[Consolidated implied terms in park home pitch agreements](#)

[Park homes: know your rights.](#)

[Park homes: Information for park home residents in England on their rights and obligations under the Mobile Homes Act 1983.](#)

## Property guardians

A property guardian is someone who has entered into an agreement to live in a building or part of a building that would normally be otherwise empty for the purpose of securing and safeguarding the property. This can often be a building which was not intended to be used as a residence.

Many guardians will not hold a tenancy agreement, and instead will hold a licence. If you are a property guardian or considering entering into a guardianship, it is important that you know the difference, and what your rights are under each circumstance. To find out more go to [Property guardians: a fact sheet for current and potential property guardians.](#)



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