

Fitness For Human Habitation (FFHH) Act 2018

On the 20th December 2018 the Fitness For Human Habitation Bill received Royal Assent and is therefore now enshrined in law.

The Bill revives a clause which already exists in the Landlord and Tenant Act 1985, requiring all rented homes to be 'fit for human habitation' at the start of the tenancy, and to remain so throughout. In determining whether a house is 'unfit', the Bill includes issues that were not covered by a landlord's legal repair responsibilities, such as damp caused by design defects (lack of ventilation) rather than disrepair, and infestation (rodents, insects, bed bugs) and further adds to legal requirements already pre-existing within the Housing, Health and Safety Rating System (HHSRS) which was introduced by the Housing Act 2004 (in force since 2006).

As this is now a requirement Honey Lettings ask all Landlords to either carry out the checks required or engage **Honey Lettings** in carrying out the checks on behalf of the Landlord. This document includes a 29 point risk assessment to be carried out on a property. By carrying out the assessment you will be able to prove that due diligence has been undertaken regarding the condition and potential risks at the property. The checks will not indemnify the Landlord from prosecution but would help to mitigate any potential claim against the Landlord.

What are the criteria for 'Fitness for Human Habitation'?

If brought in front of a Court they will decide whether a property is fit for human habitation by considering the matters set out in section 10 of the Landlord and Tenant Act 1985. These are whether:

- the building has been neglected and is in a bad condition
- the building is unstable
- there's a serious problem with damp
- it has an unsafe layout
- there's not enough natural light
- there's not enough ventilation
- there is a problem with the supply of hot and cold water
- there are problems with the drainage or the lavatories
- it's difficult to prepare and cook food or wash up
- or any of the 29 hazards set out in the Housing Health and Safety (England) Regulations 2005

How long do I have to fix the problem?

The landlord is considered responsible from when he or she is made aware of the hazard by the tenant. However, any hazard located in common parts of a block of flats or a House in Multiple Occupation (HMO) would make the landlord immediately liable.

The landlord will then have a reasonable amount of time to deal with this hazard, which will depend on the circumstances. Once the landlord has been made aware of a hazard, and is not actively attempting to remedy this hazard, the tenant would be able to take their landlord to court. It is for the court to decide whether the landlord dealt with the hazard in a reasonable time. Landlords should therefore rectify any damages that they are responsible for as soon as possible. If a tenant tells you about a problem that is in a common part of a building, then you are strongly advised to bring it to the freeholder's attention as soon as possible.

What exceptions are there?

The landlord will not be required to remedy unfitness when:

- the problem is caused by tenant behaviour
- the problem is caused by events like fires, storms and floods which are completely beyond the landlord's control (sometimes called 'acts of God')
- the problem is caused by the tenants' own possessions
- the landlord hasn't been able to get consent e.g. planning permission, permission from freeholders etc. There must be evidence of reasonable efforts to gain permission

Carrying out the Assessment

Consideration should be given to the risk that a tenant or visitor may be exposed to and placed in the following categories.

- **MINIMAL RISK:** No perceived hazard
- **MEDIUM RISK:** Risk Category 2 : A hazard needing remedying, although without the need for urgency albeit still needing correction at some time.
- **HIGH RISK:** Risk Category 1 : Hazard is that where the most serious harm outcome is identified, for example, death, permanent paralysis, permanent loss of consciousness, loss of a limb or serious fractures and therefore is best rectified immediately and before renting the property.
- **NOTES:** Where applicable notes should be made regarding the assessed risk.

Homes (Fitness for Human Habitation) Act 2018

29 Point Check List

PROPERTY NAME :

DATE CHECKED :

RISK ASSESSED

		MINIMAL	RISK ASSESSED		NOTES
			MEDIUM Risk Category 2	HIGH Risk Category 1	
1	Damp & Mould Growth Threats to mental & physical well-being from living with dampness, mould & fungal growths and dust mites.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2	Excess Cold Threats to health from exposure to sub-optimal indoor temperatures.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3	Excess Heat Caused by excessively high indoor temperatures	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4	Asbestos & MMF Caused by exposure to asbestos and manufactured mineral fibers (MMF).	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5	Biocides Threats to health from those chemicals used to treat mould growth and timber in dwellings.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6	Carbon Monoxide & Fuel Combustion Products Hazards due to high levels of CO,NO2, SO2 & smoke in the Atmosphere.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7	Lead Threats to health from the ingestion of lead.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8	Radiation Threats to health from radon gas, airborne, or dissolved in water. E.g., leakage from micro waves might be considered.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9	Uncombusted Fuel Gas The threat of asphyxiation due to fuel gas escaping into the atmosphere within a dwelling.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
10	Volatile Organic Compounds VOC's are diverse group of organic chemicals which includes formaldehyde that are gaseous at room temperature, and are found in a variety of materials within the home.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
11	Crowding and Space Health hazards linked to a lack of living space for sleeping and a normal family/household life.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
12	Entry by Intruders Problems keeping a dwelling secure against unauthorised entry, and the maintenance of defensible space.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
13	Lighting Threats to physical and mental health linked to inadequate natural and/or artificial light. It includes the psychological effect associated with the view from the dwelling through glazing.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
14	Noise Threats to physical and mental health caused by noise exposure inside the dwelling or within its cartilage.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
15	Domestic Hygiene, Pests & Refuse Health hazards due to poor design, layout and construction to the point where the dwelling cannot readily be kept clean and hygienic; access into and harborage within dwelling for pests; inadequate and unhygienic provision for storing and disposal of household waste.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
16	Food Safety Threats of infection due to inadequate facilities for the storage, preparation and cooking of food.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
17	Personal Hygiene, Sanitation & Drainage Threats of infection and threats to mental health associated with personal hygiene, including personal washing and clothes washing facilities, sanitation and drainage.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
18	Water Supply for Domestic Purposes The quality and adequacy of the water supply for drinking and for domestic purposes such as cooking, washing, cleaning and sanitation.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
19	Falls Associated with Baths etc. Falls associated with a bath, shower or similar facility.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
20	Falls on the Level Falls on any level surface such as floors, yards and paths. It also includes falls associated with trip steps, thresholds or ramps, where the change in level is less than 300mm.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
21	Falls Associated with Stairs and Steps Falls associated with stairs, steps and ramps where the change in level is greater than 300mm. It includes falls on stairs or internal ramps within the dwelling, internal common stairs or ramps within a building, access to the dwelling and to shared facilities or means of escape in case of fire. It also includes falls over stair, step or ramp guarding (balustrading).	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
22	Falls between Levels Falls from one level to another, inside or outside a dwelling, where the difference in levels is more than 300mm. For example, falls out of windows, falls from balconies or landings, falls from accessible roofs, into basement wells, and over garden retaining walls.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
23	Electrical Hazards Hazards from electric shock or electricity burns, including from lightning strikes.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
24	Fire Threats from uncontrolled fire and smoke. It includes injuries from clothing catching alight, which appears to be common when people attempt to put out a fire. It does not include clothing catching alight from a controlled fire by reaching across a gas flame or an open fire used for space heating.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
25	Hot Surfaces & Materials Burns or injuries caused by contact with a hot flame or fire, and contact with hot objects or hot non-water based liquids, and scalds – injuries caused by contact with hot liquids and vapours. It includes burns caused by clothing catching alight from a controlled fire or flame.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
26	Collision & Entrapment This includes risks of physical injury from: Trapping body parts in architectural features, e.g. trapping limbs or fingers in doors / windows; Colliding with objects e.g. glazing, windows, doors, low ceilings and walls.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
27	Explosions Threat from the blast of an explosion, from debris generated by the blast, and from the partial or total collapse of a building as a result of an explosion.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
28	Position & Operability of Amenities Threats of physical strain associated with functional space and other features at dwellings.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
29	Structural Collapse & Falling Elements The threat of the dwelling collapsing, or a part of the fabric falling because of inadequate fixing or disrepair, or as a result of adverse weather conditions. Structural failure may occur internally or externally.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

CHECKED BY :