



BREIFING NOTE – OVERVIEW AND SCRUTINY BOARD MEETING

Tuesday 5th July 2022

Housing Enforcement Powers relevant to the Private Rented Sector

The following is a brief list of the main legislative provisions applying to the Private Rented Sector.

Housing Act 2004

Pt 1. This is the core legislation applicable to housing, intended to ensure all residential accommodation is compliant with prescribed standards (Housing Health & Safety Rating System). It is applicable to owner occupied accommodation as well as privately rented accommodation. The main enforcement provisions available to address shortcomings in accommodation standards are,

- Improvement Notices
- Prohibition Orders
- Hazard Awareness Notices
- Emergency Prohibition Order
- Emergency Remedial Action
- Suspended Improvement Notice
- Suspended Prohibition Order

Pt 2. The licencing of Houses in Multiple Occupation - Imposes the requirement to licence (only where these involve 5 or more persons constituting 2 or more households involving sharing of amenities), and additional standards applicable.

Pt 4 – Management Orders – Allows LA to take over management of a non-compliant HMO for a specified period.

The Management of Houses in Multiple Occupation (England) Regulations 2006

Imposes standards applicable to management of a HMO (licensable or unlicensable HMO).

Smoke Alarms and Carbon Monoxide Regulations 2015

Imposes requirement for PRS properties to have smoke detection/alarm, and Carbon Monoxide detection/alarm where open source of ignition is present.

Electrical Standards in the Private Rented Sector (England) Regulations 2020

Imposes requirement for all PRS properties to have an electrical safety inspection undertaken every 5 years and to be compliant, enforcement via Remediation Notice and financial penalty.

Energy Efficiency (Private Rented Property)(England & Wales) Regulations 2015

Imposes requirement that all PRS properties meet a minimum energy efficient standard rating of E, enforcement via Compliance Notices and financial penalty.

Housing and Planning Act 2016 – Introduced the use of Civil Penalty Notices as an alternative to prosecution for the following offences under the Housing Act 2004

- Failure to comply with improvement notice (Housing Act 2004 Section 30)
- Licensing of HMOs under Housing Act 2004 Part 2 (Housing Act 2004 Section 72)
- Licensing of houses under Housing Act 2004 Part 3, (Housing Act 2004 Section 95)
- Failure to comply with overcrowding notice, (Housing Act 2004 Section 139(7))
- Management regulations in respect of HMOs. (Housing Act 2004 Section 234)

Housing Act 1985 – Overcrowding Standards

Housing Act 1985 – Demolition Orders, Declaration of Clearance Areas

The Redress Schemes for Lettings Agency Work and Property Management Work (Requirement to belong to a Scheme etc) (England) Order 2014-

Introduced power to fine agents operating without being registered to a prescribed Scheme.

Officer Details:

Name: Steve Shammon
Title: Private Sector Housing Team Leader