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GUIDANCE

Fitness of homes for human habitation: guidance for landlords

Explains what landlords must do from 1 December 2022 to ensure their property is in good repair and fit for human habitation.

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Contents

Introduction (#section-86346)

Landlord's obligation to keep the dwelling in repair (#section-86348)

Landlord's obligation to ensure a dwelling is fit for human habitation (FFHH) (#section-86350)

Part 1: the 29 matters and circumstances (#section-86352)

Part 2: landlord requirements (#section-88908)

Introduction

Part 4 of the Renting Homes (Wales) Act 2016 (The Act) sets out the obligations placed on a landlord with regard to the condition of a dwelling. These obligations apply to all occupation contracts made for a term of less than seven years. A landlord under an occupation contract is obliged to ensure a dwelling is both in repair and fit for human habitation (FFHH).

Whilst this guidance addresses the requirement for a dwelling to be FFHH, it is important landlords also understand their complementary obligations regarding repair. Often, a primary cause of a dwelling being unfit for human habitation is the level of disrepair that exists. Tackling disrepair early and effectively can often prevent a dwelling becoming unfit for human habitation.

Landlord's obligation to keep the dwelling in repair

Section 92 of the Act sets out the landlord's obligation to keep the dwelling in repair. This obligation extends to:

- the structure and exterior of the dwelling (including drains, gutters and external pipes), and
- the service installations in the dwelling, such as those:
 - for the supply of water, gas or electricity,
 - for sanitation, and
 - for space heating or for heating water.

A landlord must keep the dwelling in repair at all times, although there may be

instances where a landlord may not have knowledge of the need for a repair. Once the landlord is aware of the need for repairs, they must be carried out in a reasonable time and to a reasonable standard. This includes the obligation to make good any damage resulting from the repairs. The landlord cannot place any obligation on the contract-holder regarding the repairs, for example contributing to the cost, where the repair is not the fault of the contract-holder.

Landlord's obligation to ensure a dwelling is fit for human habitation (FFHH)

Section 91 of the Act places an obligation on a landlord to ensure that, at the start of and during the length of the occupation contract, the dwelling is FFHH. These obligations are set out in The Renting Homes (Fitness for Human Habitation) (Wales) Regulations 2022 ("the FFHH Regulations") [The Renting Homes \(Fitness for Human Habitation\) \(Wales\) Regulations 2022 \(on legislation.gov.uk\)](https://www.legislation.gov.uk/wsi/2022/6/made) (<https://www.legislation.gov.uk/wsi/2022/6/made>) which set out the 29 matters and circumstances to which regard must be had when determining whether a property is FFHH. In addition, there are specific requirements placed upon a landlord to help ensure certain matters and circumstances do not arise.

The aim of the legislation, both the Act and the FFHH Regulations, and this guidance is one of prevention, to ensure landlords maintain dwellings to prevent them from becoming unfit for human habitation. Prevention of any of the 29 matters or circumstances arising is the approach all landlords should be taking. Not only is this approach more cost effective for landlords but, more fundamentally, it will avoid contract-holders potentially living in unfit conditions.

This guidance indicates the actions that may be taken by a landlord to help ensure the dwelling is FFHH.

Part 1 of this guidance addresses each of the 29 matters and circumstances listed under the Schedule to the FFHH Regulations. It provides some context to the possible issues that could potentially arise from each of these matters and circumstances. Whether a property is FFHH is to be determined by having regard to the 29 matters and circumstances. Whether the dwelling is a fit place to live should, in the vast majority of cases, be clear to both landlord and contract-holder. Ultimately, where a dispute cannot be resolved, whether the dwelling is FFHH will be a matter for the court to determine.

In addition to the points raised in this guidance, a landlord should remain aware of any additional issues which may affect FFHH. A court will consider each particular case on its own merit. A landlord who has concerns about the fitness of a dwelling is advised to seek professional advice before issuing an occupation contract.

The guidance provides examples of actions which a landlord should consider in order to prevent / diagnose / treat the occurrence of a particular matter and circumstance. However such examples are not exhaustive and are provided only as an aid to any potential solution. In addition, many of the examples may already be a requirement under the repairing obligations of a landlord under existing legislation.

Part 2 of this guidance deals with specific requirements placed on the landlord as part of the FFHH Regulations, to help ensure some of the 29 matters and circumstances do not arise. For example, to minimise the possibility of fire and its impact there is a requirement for a landlord to ensure the presence of smoke alarms.

The guidance draws on the guidance for landlords and property professionals issued in relation to the Housing Health and Safety Rating System (HHSRS). The Housing Health and Safety Rating System (Wales) Regulations 2006 (“the HHSRS Regulations”) prescribe the hazards associated with a risk of harm. A local authority will assess the dwelling by reference to these matters and

circumstances and classes of harm also specified in the HHSRS Regulations to identify whether a Category 1 or 2 hazard exists. However, whether or not a hazard as set out in Schedule 1 to the HHSRS Regulations exists does not pre-determine whether a dwelling is unfit for human habitation in accordance with the FFHH Regulations. For example while a slight variation of floor surface may be a hazard under the HHSRS it would be highly unlikely on its own, to result in a determination that the dwelling is unfit for human habitation. In the example given above regarding the hazard of falling on a level surface, while a slight variation of floor surface would be unlikely to breach the fitness obligation, a local authority inspection may find it to be a hazard under HHSRS. If an elderly person is living in the dwelling, the local authority is likely to take enforcement action against the landlord.

Part 1: the 29 matters and circumstances

1 Damp and mould growth

Includes:

- house dust mites
- mould or fungal growth

Both are caused by dampness and/or high humidity.

Causes of dust mite and mould and fungal growth

Both are related directly to dampness which is caused by:

- reduced ventilation levels

- increased humidity, especially beyond 70 per cent
- warmer indoor temperatures in winter because of dwelling design in renovated houses.

Potential landlord actions

- damp proof courses, membranes and detailing around doors and window openings
- external fabric kept in good repair to avoid rain penetration
- frost protection for pipes and tanks
- properly installed baths, sinks etc., with
- properly installed drainage
- properly installed and maintained rainwater goods
- properly ventilated roof and under floor spaces to ensure timber remains air dry
- adequate extraction of moisture laden air during peak times, such as cooking, bathing and laundry
- continuous low-level background ventilation where necessary
- sufficient means of ventilation to cope with moisture from normal domestic activities without the need to open windows that could lead to heat loss, noise and security risks
- appropriate ventilation for dwellings of high occupant density

Indoor temperatures

If most of the conditions above are met then raising indoor temperatures, taking into account energy efficiency and cost of heating, can significantly reduce dust mite problems. So an efficient heating system appropriate for the fabric (thermal properties) of the building is important.

What about flats and HMOs?

Preventive measures are particularly important here because of the likelihood of occupants having to be more confined to one or two areas; thus making them more vulnerable to any dampness etc., that might be present.

2 Cold

This covers the threats to health when temperatures fall below the minimum satisfactory levels for relatively long periods.

Causes

- changes in outdoor temperature among other factors
- dwellings with low energy efficiency ratings, poorly insulated or poorly protected against the elements (poorly fitted windows or doors)
- generally the most susceptible are properties built before 1850, with the likelihood lowering by varying degrees over time, with more energy efficient dwellings built after 1980
- absence of central heating/poor inefficient heating systems
- excessive damp which reduces thermal insulation

Potential landlord actions

- appropriate levels of thermal insulation to minimise heat loss. Level depends on location/exposure/relationship to other dwellings/buildings orientation
- appropriate heating system safely and properly installed and maintained and controllable by occupant
- appropriate/properly installed/maintained occupant controllable low-level

background ventilation without too much heat loss/draughts

- means for rapid ventilation at times of high moisture production in kitchens/bathrooms through fans
- properly sited/sized permanent openings (e.g. air bricks/open-able windows)
- properly fitting butt-jointed floor boarding/doors/windows

What about flats and HMOs?

Centrally controlled space heating systems should operate in a way that makes sure occupants are not exposed to cold indoor temperatures. Occupants should be allowed to control temperature within their dwelling

3 Heat

This category includes threats from excessively high indoor air temperatures.

Causes

- ventilation conditions
- thermal capacity of the dwelling – smaller dwellings are more prone than larger
- large areas of south facing glazing
- faulty or sub-standard heating controls

Potential landlord actions

- large areas of south facing glazing could have shuttering or blinds to control heat in summer months
- means of cooling during hot summer weather, either by natural ventilation or

- air conditioning
- controllable heating systems

What about flats and other HMOs?

Many flats and bedsits can be affected as these are more likely to be dwellings which:

- are badly insulated
- are located directly under an un-insulated roof
- have only a south facing direction
- have heating systems not under the control of the occupier

4 Asbestos and Manufactured Mineral Fibres

Includes the presence of and exposure to asbestos fibres and Manufactured Mineral Fibres (MMF, which includes rockwool and glass fibre blankets) in dwellings. (White, blue and brown forms of asbestos fibres are included, that is chrysotile and both forms of amphibole.)

Asbestos

- Part of a wide range of building products found in most traditionally built houses and flats. Generally in locations not likely to be disturbed so airborne fibre levels tend to be low
- More of a problem in non-traditionally or 'system built' flats built between 1945 and 1980, because of sprayed coatings and partitioning as well as chrysotile materials in positions at risk from damage or disturbance. So, airborne fibre levels are higher.
- Buildings most affected are high-rise council estates built in the 1950s and

60s

MMF

Mostly used in loft and cavity wall insulation. Modern products release few, if any, fibres and are not bio-persistent so risk is minimal.

Potential landlord actions

Asbestos:

- damaged or likely to be damaged or disturbed asbestos should be assessed for repair, sealing, enclosure or removal by licensed (HSE) contractors
- existing asbestos can be managed in situ (covered or protected and the condition monitored) if it is in good condition and unlikely to be damaged/ worked on/disturbed
- keeping a record of asbestos location in the building
- protecting it from any potential damage by occupants

MMF:

- minimise possible exposure to fibres during maintenance/installation/removal

5 Biocides

These are chemicals used to treat timber and/or mould growth in dwellings.

The potential for harm depends on the chemical in use and people are usually affected by inhalation, skin contact and swallowing.

Potential landlord actions

Treatment of the dwelling should be undertaken, where possible, whilst uninhabited. Where this is not possible the procedures and safety measures applicable to an individual product must be followed.

6 Carbon monoxide and fuel combustion products (nitrogen dioxide, sulphur dioxide and smoke)

These are all linked to the (partial) combustion of gas, oil, solid fuels for heating and cooking in dwellings.

Nitrogen dioxide

- respiratory damage
- aggravated asthma
- increased risks of bacterial and viral infection of the lung

Sulphur dioxide

- bronchitis and breathlessness as a result of open fires
- aggravated asthma

Causes

All these result from an incomplete or improper combustion of the fuel or blockages or other defects to the flue.

Carbon monoxide in dwellings:

- incomplete combustion of all fuels containing carbon, gas, oil and solid fuels

Nitrogen dioxide:

- produced by gas and oil burning appliances

Sulphur dioxide:

- has a distinct smell and produced mainly by oil and solid fuel burning appliances

Potential landlord actions

Carbon dioxide, nitrogen dioxide, sulphur dioxide:

- proper installation and maintenance of gas/oil/solid fuel burning appliances
- adequate air supply for such appliances
- proper siting and connection with adequately sized flues
- adequate ventilation in rooms with such appliances, including extraction where required
- regular maintenance of flues, extractor fans and ventilation
- gas heating appliances to be fitted with flues for correctly balanced flow of air inside and out
- ventilated lobby between integral garage and living accommodation
- properly sited and maintained carbon monoxide detectors.
- regular maintenance of carbon monoxide alarms

See also Part 2 of this guidance.

7 Lead

There are two main sources around dwellings – paint and water pipes. Other sources of lead might include soil, especially around older buildings with flaking external paintwork and areas around industrial premises using (or having previously used) lead. There may also be lead traces in soil close to busy roads because of the exhaust fumes from leaded petrol.

Potential landlord actions

The presence of lead in drinking water may be a result of lead pipes but also lead solder. It is impossible to tell the difference between lead solder and non-leaded solder on pipework joints just by looking at it. The only way it can be done is to carry out a specialised test on the solder. Prevention is best, always use a reputable plumber and check that they are using non-leaded solder on your water system.

If you are concerned about lead pipes or lead solder, you can have your water tested for lead content. Please contact your water company if you have a mains water supply or your local authority if you have a private water supply. Some water companies, for example Dŵr Cymru Welsh Water, offer free lead tests to customers on request.

8 Radiation

The main source of harmful radiation in dwellings is from radon gas. Radon is colourless and odourless formed by the radioactive decay of the small amounts of uranium that occur naturally in all rocks and soils. It is not possible to detect it, either in the air or the water, without testing and measurement. Radon can be dissolved in water, particularly in private water supplies, but it is airborne radon

that poses a more significant threat.

What level of radon is a cause for concern?

Radon is measured in Becquerels per cubic metre of air (Bqm-3). The average level in UK homes is 20 Bqm-3. For levels below 100 Bqm-3, the individual risk remains relatively low and not a cause for concern. However, the risk increases as the radon level increases. Within domestic properties Public Health Wales recommends that radon levels should be reduced where the average is more than an Action Level of 200 Bqm-3. This Action Level refers to the annual average concentration as measured using two detectors (in a bedroom and living room) over three months, to average out short-term fluctuations.

Additional advice is provided at Public Health Wales (radon)

(<https://phw.nhs.wales/topics/radon/>).

9 Uncombusted fuel gas

This hazard includes the threat of asphyxiation resulting from the escape of fuel gas into the atmosphere of a dwelling.

Potential landlord actions

- There should be appropriate properly designed and installed pressure regulators, meters and pipework.
- The installation should be regularly tested to ensure there are no leaks or other defects, and in particular where there have been any alterations to the dwelling or to the gas installations.
- Appliances should be properly designed and installed. The appliances should be regularly serviced and maintained by a competent person.

- For LPG, which is heavier than air, there should be adequate low level ventilation or means of ensuring any gas escaping can drain safely away. This is particularly important where the floor level is below the adjacent ground level.
- Gas detectors are available which should provide warning to occupants if fuel gas is building up within the dwelling, enabling them to take action and/or to escape. The appropriate siting of such detectors will depend on which gas is being supplied.

10 Volatile organic compounds (VOCs)

Are a range of organic chemicals that are gaseous at room temperature and found in a wide variety of materials in the home. Formaldehyde is included in this hazard. People in newly built/refurbished dwellings are most likely to be exposed to VOCs.

Causes

VOCs produce vapours at room temperatures. Sources typically within the control of the landlord include:

- urea formaldehyde foam insulation (UFFI)
- particle board, chipboard, plywood
- paints, glues, solvents

Typical levels of VOCs found in UK homes do not present a risk to health. However, exposure to higher levels may be found, for example, during painting for extended periods of time. Emission rates are affected by temperature, relative humidity, ventilation rates and occupant activity. Emission from building materials and treatments normally falls over the first year, although it will be affected by ventilation rates. Furnishings such as carpets and other fabrics will

absorb VOCs (or may have been pre-treated) and will release them later.

Potential landlord actions

Emissions of VOCs from building materials and treatments and from furnishings should be minimised. Low emission materials and products should be used where possible. Dwellings should also be provided with means of ensuring adequate and appropriate ventilation. Landlords should take particular care during alterations or repair to the dwelling which is likely to increase the presence of VOCs. This will be of particular concern where there is an inadequate or damaged ventilation system.

11 Crowding and space

This includes all the hazards associated with lack of space and crowding. It takes into account the psychological needs for both social interaction/privacy. It also looks at the effects of crowding on space requirements for household activity.

As a minimum, landlords should ensure the requirements of Part 10 of Housing Act 1985 relating to overcrowding are complied with at all times. Failure to meet these requirements may be a criminal offence

12 Entry by intruders

This hazard is concerned with keeping a dwelling secure against unauthorised entry and maintaining its safety.

Causes

- location – where local area has high levels of poverty and crime
- poor lighting around dwelling area
- doors and windows – poorly constructed/fitted/in disrepair/inadequate locks
- lack of viewers to external doors
- lack of/broken security chains to external doors
- no caretaker/entry phone system to block of flats
- lack of/defective burglar alarm systems

Potential landlord actions

- design of the estate and area around the dwelling to reduce hiding places, as far as possible (e.g. fences etc.) for burglars and intruders
- well-lit and defined pedestrian routes serving the dwelling
- is the dwelling made safe against unauthorised entry so as to delay and deter intruders and make the occupants feel safer
- the operation and suitability of all window locks and dead locks, replacing where required
- security lights/indoor grilles
- the operation and suitability of spy holes and chains on entrance doors, replacing where appropriate

A balance has to be struck between the security of the dwelling and the potential to increase other potential risks e.g. locked doors and windows and means of escape in the case of fire.

What about flats and HMOs?

Concierge, caretaker systems and entry-phone controls have been found to

reduce crime/fear of crime. Consideration should be given to whole building security as well as that between individual residents of the same building.

13 Lighting

Includes threats to physical and mental health associated with inadequate natural/artificial light. It also includes the psychological effect linked with the view through glazing from the dwelling.

Potential landlord actions

The layout of the dwelling, particularly living rooms and kitchens. There should be sufficient natural light during daylight hours to enable normal domestic tasks to be carried out without eyestrain. Windows should be of adequate size, and of appropriate shape and position to allow for reasonable daylight penetration into rooms. Artificial lighting should be positioned to provide sufficient light to enable domestic and recreational activities to be carried out without eyestrain and without creating glare or shadows. Artificial light is particularly important where domestic tasks require adequate light, for example in the kitchen over worktops, sinks and cookers. Windows should be wide enough to provide for a reasonable view of the immediate surroundings.

14 Noise

This includes threats to physical and mental health from exposure to noise in the home caused by a lack of sufficient sound insulation. It does not cover unreasonable noisy behaviour of neighbours (domestic or commercial).

Potential landlord actions

- double/secondary glazing and lobbies to external doors where there are high outside noise levels (e.g. traffic)
- possible triple glazing near airports/sources of very high noise levels
- insulation of upper floor/ceiling/roof space where aircraft noise is likely
- plumbing from WCs/cisterns sited away from separating walls
- bathrooms/WCs in flats not sited above living rooms/bedrooms
- better construction/conversions of partitions and party walls especially in flats/maisonettes

15 Domestic hygiene, pests and refuse

This is concerned with protection against infection. Includes hazards resulting from:

- poor design/layout/construction of the dwelling so that it is difficult to be kept clean and hygienic
- access into and harbourage within the dwelling for pests
- inadequate and unhygienic provision for storage and disposal of household waste

Causes

- inadequately stored/accumulated refuse allowing access to insects/rodents/pests/birds/squirrels/foxes/cats/dogs
- service ducts and holes around pipes, e.g. central heating, harbour insects and provide access between dwellings in blocks
- access to open drains by rodents
- access for rodents by means of ill-fitting doors and windows

- uneven and/or cracked internal walls and/or ceilings allowing access for pests
- missing/damaged brickwork including airbricks to external walls and other disrepair to external walls and roof

Potential landlord actions

- the design/construction and maintenance of building should help it to be kept clean preventing build-up of dirt and dust
- personal washing / sanitation / food preparation / cooking / storage areas should be capable of being maintained in a hygienic condition
- reduction or eradication of the means of access by pests into buildings
- are all internal surfaces easily cleaned and/or pest resistant material used where possible
- dwelling exterior free of cracks and unprotected holes, otherwise grilles or other methods to be used for protection
- service ducting/roof/floor spaces to be effectively sealed but with suitable access if treatment is needed
- drain openings, WC basins to be sealed with an effective water tight seal
- drainage inlets for waste and surface water to be sealed
- any points in walls penetrated by waste, drain or other pipes or cables to be effectively sealed
- holes through roof coverings, eaves and verges to be blocked to deny ingress to rats/mice/squirrels/birds. Necessary holes to be covered by grilles
- adequate and closed storage for refuse awaiting collection or disposal outside dwelling
- suitable storage for refuse within the dwelling
- storage to be accessible to occupants but not be a danger to children
- refuse facilities should not cause hygiene problems

What about HMOs?

- should be a clearly defined area for refuse containers – in the open air/away from windows/ventilators, and in shade or shelter
- chutes may be used or waste storage containers with free ventilation
- communal chutes are recommended with HMOs of more than four-storeys. Should discharge into large containers within a store
- stores should be designed to reduce invasion by pests
- should be designed so as not to let air from the store enter any living space

16 Food safety

Includes the threat of infection resulting from inadequate facilities for storage, preparation and cooking of food.

Causes

- cracks/chips/other damage to internal surfaces of sinks and worktops prevent thorough cleansing and permit pathogenic and food spoiling organisms
- damp affected surfaces may degrade and become crumbly/flaky and support growth of micro-organisms
- humid conditions can cause food to decay more quickly
- in HMOs tends to be more confusion over responsibility for kitchen cleanliness
- in HMOs higher risk of infection where higher number of people share facilities

Potential landlord actions

Generally kitchen facilities should be in a properly designed room or area to cater for safe and hygienic preparation and cooking of food.

Storage:

- suitable storage for food to slow down deterioration and decomposition
- facilities should be of adequate size for the number of occupants for hygienic storage of fresh foods
- there should be facilities for food cupboard/larder, refrigerator and freezer with appropriate sockets
- such facilities should have smooth impervious surfaces for easy cleaning and maintaining in hygienic condition
- separate shelves for different foods
- facilities should be cool and dry and protected from direct sunlight

Preparation areas:

- there should be adequate sized sink/dual sink free from cracks, chips or other damage plus drainer
- hot and cold water
- suitable drainage for waste water
- suitably sized work tops, securely fixed; smooth impervious surface, easily cleanable
- at least four appropriate power sockets associated with the worktop(s) as well as two for general use

Cooking:

- facilities should be of adequate size for the household with appropriate connections for fuel (gas or electricity)

- should be capable of being readily cleansed and maintained in hygienic condition

Design, layout and state of repair

- kitchen floor should be reasonably smooth and impervious for easy cleaning and maintaining in a hygienic condition
- corners and junctions should be sealed and covered to avoid uncleanable junctions
- wall surfaces should be smooth, or with impervious finish and easily cleaned, especially those adjacent to cookers/sinks/drainers and worktops
- joints between sink/drainer/worktop and adjacent wall should be sealed and water tight
- layout/relationship of facilities should ease the stages of preparation, cooking and serving
- adequate and appropriate lighting especially over the facilities
- suitable ventilation of whole of kitchen area, especially the cooking area

What about flats and HMOs?

Much the same provisions as for single dwellings but shared facilities need adequately sized oven/hob/space.

17 Personal hygiene, sanitation and drainage

Includes threats of infection/threats to mental health associated with the above, including personal washing and clothes washing facilities.

Causes

Personal hygiene/sanitation:

- any deficiencies within the facilities themselves leading to excessive sharing, such as too few sanitary closets for number of occupants
- cracks, chips or other damage to internal surfaces of facilities
- possibly of hands coming into direct contact with WC seat/basin

Drainage:

- discharge of untreated foul waste onto paths/gardens
- waste water discharged onto paths/gardens

HMOs

- increased risk of infection when sharing personal hygiene/sanitation facilities, especially where there is infectious illness in households
- higher risk of infection because of higher ratio of people to facilities
- possible leaking facilities may be unknown to the users but affect different dwellings in same building

Potential landlord actions

Personal hygiene:

- sufficient numbers of properly connected and fitted baths / showers
- bathroom or shower room to have privacy, heating, lighting and ventilation
- sufficient number of suitably connected and sited wash hand basins for occupants
- suitably connected, easily cleaned sinks with proper waste drainage for each

dwelling

- appropriate facilities for washing and drying clothes with adjacent power sockets and vent outlets

Sanitation (provision of):

- properly installed / securely fixed / easily cleansed WC basin with hinged lid / seat of impervious material
- connected to a properly working flushing system
- connected to proper / adequate drainage system
- number of sanitary closets to be related to number of levels in dwelling and the number of persons (irrespective of age)
- sanitary compartments separate from bathrooms
- compartments / bathrooms to be ventilated to external air
- lockable doors from inside to compartments / bathrooms but openable in emergency

Drainage:

- wastewater to be discharged into properly designed trapped drainage inlets/ vertical drains connected to the main sewerage system
- properly designed soakaways for private treatment or storage system for foul sewage
- systems to be ventilated to prevent siphonage of traps and facilities connected to sewer
- surface water to be discharged into properly designed trapped drainage inlets connected to main drainage system

What about flats and HMOs?

Consideration should be given to each individual dwelling separately and any shared facilities.

18 Water supply

This is limited to the supply after delivery to the dwelling and concerned with water for drinking, cooking, washing, cleaning and sanitation.

Potential landlord actions

- water pipework and storage facilities provided and maintained according to requirements of BS8558
- plumbing systems to meet requirements of Water Supply (Water Fittings) Regulations 1999
- stored private drinking water supplies regularly sampled and analysed
- tanks covered to prevent ingress of contamination (i.e. birds/insects etc.)
- appropriate materials used for pipework/storage tanks/fittings
- proper maintenance of water filters and softening systems

19 Falls associate with baths etc

Includes any fall associated with bath, shower or similar facility, whether that fall is on the same level or from one level to another.

Potential landlord actions

The placement of bath, shower or similar facility to ensure there is unobstructed ingress and egress and the installation is secure.

20 Falling on surfaces

Includes falls on any level surface such as floors, yards and paths. Also trip steps / thresholds / ramps where the change in level is less than 300mm.

Potential landlord actions

Landlords should conduct visual inspections to ensure the risk of trip hazards are minimised, e.g. ripped/torn carpets, loose floorboards and broken paving etc. Adequate lighting will help enable users to identify any obstructions and any trip steps or projecting thresholds.

21 Falling on stairs etc

Covers any fall associated with a change in level greater than 300mm and includes falls associated with:

- internal stairs or ramps within the dwelling
- external steps or ramps within the immediate area of the dwelling
- internal common stairs or ramps within the building containing the dwelling
- unit and giving access to the dwelling or shared facilities
- external steps or ramps within the immediate area of the building which contains the dwelling unit and giving access to that dwelling or shared facilities

Does not include trip steps/thresholds/ramps where the change in level is less than 300mm. These are considered under falling on level surfaces.

Potential landlord actions

- tread dimensions to be between 280mm and 360mm
- rise dimensions to be between 100mm – 180mm
- pitch (angle of stairs) to be less than 42°
- stairs should be checked for above average steepness or shallowness
- consistency/uniformity in dimensions of rise and going within a flight (except for obvious change in direction of stair e.g. use of winders)
- nosing should not project more than 18mm beyond any riser
- treads and nosing should provide appropriate friction (carpet etc., if possible)
- provision of carpet/rug etc., at foot of stairs to help cushion possible impact;
- openings in stairs or banisters should be less than 100mm
- avoidance of alternating treads, particularly those not conforming to current Building Regulations
- handrails/banisters must be provided either side of the staircase
- handrails to be sited between 900mm and 1000mm measured from the top of the handrail to the pitch line or floor/easy to grasp/extend the full length of the flight
- should be designed to prevent climbing
- stair width should be a minimum of 900mm-1000mm
- provision of adequate landing/floor space leading to the stairs (top and bottom) so user can check start/dimensions of stairs and steps
- adequate natural lighting to the top and foot of the flight
- adequate artificial light to the top and foot of the flight
- adequate and convenient means of controlling the artificial lighting;
- no glare from natural/artificial lighting
- avoid doors which open directly onto stairs or the head of the stairs causing obstruction or increasing the likelihood of a fall
- avoidance of projections and sharp edges on stairs and glass or radiators at the foot of the stairs
- all elements of stairs and steps should be kept in good repair

- dwelling should be adequately heated and insulated to avoid impairment of movement and sensation

22 Falling between levels

Includes falls between two levels within and outside a dwelling or building where the change in level is more than 300mm. Includes falls from out of dwellings, e.g. windows, balconies, accessible roofs and over landing balustrades. Also includes falls from any other change in level not served by stairs or steps (e.g. over the guard rails to galleried rooms/basement wells or to garden retaining walls).

Does not include falls from stairs/steps/ramps/chairs/tables/ladders.

Potential landlord actions

Landlords should carry out visual inspections to ensure the likelihood of falling between levels is minimised as far as possible.

23 Electrical hazards

Include hazards from shock and burns resulting from exposure to electricity but not risks associated with fire caused by deficiencies to the electrical installations, e.g. ignition caused by a short circuit.

Potential landlord actions

- electrical wiring installation meets the latest requirements of Institute of Engineering and Technology/British Standard (BS 7671) (Often available in

local reference libraries)

- adequate number of appropriately sited electrical socket outlets
- appropriately sited fuses and meters
- adequately earthed electrical system
- installation, i.e. supply, meters, fuses, wiring, sockets, light fittings and switches to be maintained in good repair
- electrical installations to avoid close proximity to water including areas of damp
- lightning Protection System to be kept in good repair

See also Part 2 of this guidance.

24 Fire

Includes threats from accidental (as opposed to arson) uncontrolled fire and any associated smoke.

Causes

Occupiers' reactions on discovering fire can possibly influence escape from fire, but factors in the cause of fire can include:

- sources of ignition (cooking appliances/space heaters/electrical equipment)
- solid fuel as main fuel leads to a higher likelihood of fire though with a lower fatality rate than from gas/electric space heaters
- electrical distribution equipment in poor condition
- nature of harm influenced by presence/absence of automatic fire detection/ alarm systems

Potential landlord actions

- safe siting for cookers, away from flammable materials
- properly designed/installed/serviced/maintained space heating
- sufficient/appropriately sited electric socket outlets
- properly installed/maintained/regularly checked and tested distribution board and wiring
- Residual Current Devices
- fire and smoke permeable resistant materials in design of the building where possible
- fire stops to cavities including ventilation and heating systems
- design and construction of the building to limit the spread of fire/smoke
- properly constructed/fitted internal doors with self-closers where appropriate
- furniture to comply with current regulations (currently the Furniture and Furnishings (Fire) (Safety) Regulations 1988 as amended) in furnished accommodation
- detectors and smoke alarms properly designed, sited, maintained and regularly tested
- means of escape from all parts of dwelling/building, e.g. openable door window/protected staircase etc. /depending on height of building

See also Part 2 of this guidance.

25 Flames, hot surfaces etc

This is concerned with injuries from:

- burns which are caused by contact with a controlled fire or hot flame or hot objects or hot non-water based liquids
- scalds which are caused by contact with water-based liquids and vapours

It also includes burns and scalds from spills during cooking or preparing hot drinks. It does not include burns from an uncontrolled fire at the dwelling.

Causes include

- bare hot surfaces of 70°C or more
- unguarded open flames – space or water heaters
- tap water too hot – above 60°C
- no heat control taps or heat controlled mixer taps and anti-scald fixtures wrongly set
- poor layout of kitchen space, especially where the cooker is in the wrong place
- cooking area/kitchen not far enough from living or sleeping area

Potential landlord actions

- design and layout of the kitchen, including location of the cooker, the design and controls of heating appliances
- fires and heaters – there should be protection from any open flame to prevent clothing catching alight
- surfaces should be covered if the temperature is more than 70°C
- ideally, hot water should be no more than 60°C in kitchens, 41°C for hand basins and 46°C for baths

What about flats and other multi-occupied buildings?

Risk can be increased where the kitchen is shared and people are using it at the same time. If possible, there should be separate worktop space and separate cooking facilities for each dwelling. Where cooking is done in a bedroom or living room there needs to be enough distance between the kitchen area and the

sleeping or living area. There should also be an adequate number of electric sockets in the kitchen area to cut down the risks of scalds.

26 Collision and entrapment

Includes threat of trapping body parts such as fingers or limbs in architectural features e.g. doors or windows. Also includes striking (colliding with) features such as glazing, windows, doors, low ceilings or walls.

Potential landlord actions

Landlords should conduct visual and physical inspections to minimise the likelihood of collision or entrapment occurring.

27 Explosions

Includes the threat from debris created by a blast and the partial or total collapse of the building as a result of the explosion.

Potential landlord actions

Landlords should conduct visual and/or physical inspections to minimise the likelihood wherever possible.

28 Position and operability of amenities etc

Includes threats of physical strain associated with functional space and other features at the dwelling.

It also includes physical strain which may result from avoidance of other hazards (see Collision and Entrapment and Falls hazards).

Potential landlord actions

Landlords should conduct visual and physical inspections to minimise the likelihood of strain or injury occurring. For example, the position of light switches when ascending or descending stairs.

29 Structural collapse and falling elements

Includes threats of whole dwelling collapse and/or an element or a part of the fabric being displaced or failing because of inadequate fixing, disrepair or adverse weather conditions. Structural failure can be internal, threatening the occupants or within the immediate external area putting members of the public at risk.

Potential landlord actions

Landlords should conduct visual and physical inspections to minimise the likelihood of injury occurring. This should include exterior inspections with regard to roof tiles or slates etc.

Part 2: landlord requirements

As stated earlier in this guidance a landlord must consider all the 29 matters and circumstances listed under Part 1 to which regard is to be had when determining

whether the dwelling is FFHH. In addition, the FFHH Regulations place specific requirements on landlords to help prevent certain matters and circumstances arising. Where a landlord fails to comply with these requirements, the dwelling is to be treated as if it were unfit for human habitation. There are three requirements imposed on a landlord:

- ensuring the presence of smoke alarms in proper working order
- ensuring the presence of carbon monoxide detectors in proper working order
- ensuring the inspection and testing of the electrical installation

Smoke alarms

The presence of smoke alarms is intended to reduce the risk of fire and associated smoke and any consequent injury or loss of life. Without a smoke alarm fitted an occupier is at least four times more likely to die. The FFHH Regulations require a smoke alarm, in proper working order, to be present on every storey of a dwelling. Landlords must ensure each of these smoke alarms is in proper working order, connected to the electrical supply and inter-linked with all other smoke alarms connected to the electrical supply. To ensure that this requirement is met, the opportunity to test smoke alarms should be sought e.g. whilst carrying out a necessary repair or electrical testing in the dwelling.

Depending on the size of the dwelling landlords may consider it appropriate to ensure the presence of more than one smoke alarm on each storey. Landlords may also consider it appropriate to fit an additional heat alarm in the kitchen area. Smoke alarms should be sited where they can be heard by the occupier when asleep, usually a hall and landing area. Once the minimum requirements of the regulations have been met a landlord may install additional smoke alarms which are battery powered. The FFHH regulations do not require these additional battery powered alarms to be inter-linked.

The fire service provides guidance on the type of alarms available and their

fitting. In addition, BS 5839 (part 6) sets out the requirements for the proper fitting of smoke alarms in domestic properties. A contractor specialising in the fitting of smoke alarms should be able to advise you on this standard.

Request a safe and well visit (<https://www.northwalesfire.gov.wales/keeping-you-safe/at-home/free-smoke-alarm/>) from North Wales Fire and Rescue Service.

Request a home safety visit (<https://www.southwales-fire.gov.uk/your-safety-wellbeing/at-home/request-a-visit/>) by South Wales Fire and Rescue Service.

Request a Safe and Well visit (<https://www.mawwfire.gov.uk/eng/your-safety/in-your-home/safe-and-well-visit/>) from Mid and West Wales Fire and Rescue Service.

A landlord must note the manufacturer's recommended life span of a fire alarm, which will depend on the alarm. An alarm which has passed its expiry date may not be fully operational and incapable of detecting smoke.

A dwelling which is subject to an occupation contract which converted from an existing contract on the date of implementation will not be required to install a smoke alarm for a period of up to twelve months from the date of conversion. This exemption will no longer apply to the dwelling should the converted contract end.

Carbon monoxide alarms

Carbon monoxide is a gas, produced when carbon based fuel is burnt without enough oxygen. You cannot see, smell or taste it but it can injure and kill quickly.

Not only is it responsible for a considerable number of deaths and poisonings each year; many people are likely to be affected by carbon monoxide without realising it.

Combustion appliances such as boilers, gas and open fires, heaters and stoves fuelled by solid fuel, oil or gas all have the potential to cause CO poisoning if they are poorly installed, poorly maintained or incorrectly used. Particularly where there is inadequate (or lack of) proper ventilation, flues and chimneys.

The FFHH Regulations require a landlord to ensure that a carbon monoxide alarm is present in any room which has a gas, oil or solid fuel burning appliance installed. Carbon monoxide alarms are essential in providing perhaps the only warning an occupier will have of the presence of carbon monoxide. Carbon monoxide is a 'silent killer' and almost every fatality results from the lack of early warning to its presence.

Additional information on the **causes and effects of carbon monoxide can be found at the Public Health Wales website** (<https://phw.nhs.wales/topics/carbon-monoxide/>).

The placement of carbon monoxide alarms should be considered carefully. Smoke alarms, because heat and smoke rise, are normally placed on the ceiling. This is not necessarily the best place to install carbon monoxide detectors. The concentration of carbon monoxide could reach dangerous levels before reaching ceiling height. As a general guide, carbon monoxide alarms are usually installed lower than smoke alarms. The guidance accompanying carbon monoxide alarms should always be followed carefully, including noting the expiry date of the alarm. Carbon monoxide sensors are usually more fragile than those within smoke alarms and usually need to be replaced more regularly.

The requirement for a landlord to ensure that smoke alarms and carbon monoxide alarms are present under these Regulations does not replace any duties placed on a landlord under existing legislation, including the Management of Houses in Multiple Occupation (Wales) Regulations 2006 and the Gas Safety (Installation and Use) Regulations 1998.

Inspection and testing of electrical installation

Although fires in the home are reducing overall, the proportion of domestic fires caused by electricity is steadily increasing.

Anything receiving constant use will deteriorate over time and an electrical installation is no different. The electrical installation within rented accommodation is likely to be subject to greater levels of deterioration because of the changes of occupancy. It should therefore be inspected and tested regularly to ensure it is safe for continued use. This test is known as 'periodic inspection and testing' (PIT).

PIT is carried out on wiring and fixed electrical equipment to check that they are safe, the test will:

- reveal if any of your electrical circuits or equipment is overloaded
- find any potential electric shock risks and fire hazards
- identify any defective electrical work
- highlight any lack of earthing or bonding

Periodic inspection and testing must be carried out only by a qualified person, such as a registered electrician. The electrician must be competent to carry out a PIT in accordance with the UK standard for the safety of electrical installations, BS 7671 – Requirements for Electrical Installations (IET Wiring Regulations). Further information on finding a qualified electrician can be found at:

- **find a registered electrician (on Electrical Safety First)**
(<https://www.electricalsafetyfirst.org.uk/find-an-electrician/>)
- **find an electrician (on Registered Competent Person Electrical)**
(<https://www.electricalcompetentperson.co.uk/>)

Once the PIT has been completed you will be issued with an Electrical

Installation Condition Report (EICR). An EICR (or an Electrical Installation Certificate covering the whole of a newly built dwelling^[1] (#_ftn1)) satisfies the definition of an 'electrical condition report' required under Regulation 6 of the FFHH regulations. The EICR will inform you of any deterioration, defects, dangerous conditions and any non-compliance with the present-day safety standard that might give rise to danger. If no such issues are found the EICR will confirm the electrical installation is satisfactory for continued use.

A landlord is required to have the electrical installation of the dwelling tested every five years unless the requirements of the previous EICR indicate a shorter testing interval is required. Where a shorter interval is recommended the five-year period will not apply and a future test must be undertaken at the recommended interval. Failure to do so will mean the dwelling is considered unfit for human habitation.

The current EICR must be made available to the contract-holder within 14 days of the occupation date. Where a PIT is carried out after the occupation date the EICR must be provided to the contract-holder within 14 days of the inspection date.

In addition, a landlord is also required to provide the contract-holder written confirmation of all investigatory and remedial work carried out on the electrical installation. This written confirmation must be provided to the contract-holder within 14 days of the occupation date. Where investigatory and remedial work is carried out after the occupation date the written confirmation must be provided within 14 days of the landlord receiving this confirmation.

A dwelling which is subject to an occupation contract which converted from an existing contract on the date of implementation will not be subject to the requirements of PIT for a period of twelve months from the date of conversion. This exemption will no longer apply to the dwelling should the converted contract end.

[1] (#_ftnref1) By providing an Electrical Installation Certificate (“EIC”) the qualified installer is certifying that the electrical service installation in the whole of the newly built dwelling has been installed, inspected and tested in accordance with the electrical safety standards (as set out in the current Wiring Regulations). Because an EIC is only provided where the electrical service installation on inspection and testing meets the electrical safety standards, it is a form of electrical condition report and will meet the requirements of regulation 6 for a period of five years from the date of issue of the EIC.

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