

NEW STANDARDS REGULATIONS FOR RENTED PROPERTIES:

The Housing (Standards for Rented Houses) Regulations 2008

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Introduction

Since the early 1990's, central government has prescribed minimum standards for the private-rented sector. These standards address a range of themes spanning structural condition to heating, fire safety and refuse collection. All landlords have a legal obligation to ensure that their rented properties comply with these regulations and responsibility for the enforcement of the regulations rests with the relevant local authority.

The outgoing minimum standards regulations for the private rented sector were prescribed in the Housing (Standards for Rented Houses) Regulations 1993, which were made under section 18 of the Housing (Miscellaneous Provisions) Act 1992. However, the most recent Social Partnership Agreement *Towards 2016* included a commitment that minimum standard regulations in the private rented sector would be updated.

Following on from this commitment, the Department of Environment, Heritage and Local Government undertook a review of the sector and from the 1st of February 2009 new updated regulations apply for rental accommodation. These regulations are called the Housing (Standards for Rented Houses) Regulations 2008 (S.I. 534/2008)*.

However, these new regulations will be phased in over a 4-year period as certain aspects of the revised standards will necessitate significant refurbishment works and an associated significant capital investment by landlords. Consequently, certain aspects of the new regulations (i.e. those dealing with sanitary facilities, heating facilities and food preparation, storage and laundry) will not come into effect until the 1st of February 2013 for existing rental properties in order to allow landlords time to make the necessary remedial improvements.



* The Housing (Miscellaneous Provisions) Act 2009 introduced further changes including the making of further provisions relating to standards for rented accommodation and providing for the giving of improvement notices and prohibition notices to landlords. The new legislation also introduced a number of changes to the Residential Tenancies Act, 2004.

What will the New Standards Mean?

Article 5 – Structural Condition

- All rental accommodation must be maintained in a proper state of structural repair.
- Each dwelling must be essentially sound, with roof, floors, ceiling, walls and stairs in good repair and not subject to serious dampness or liable to collapse

Article 6 – Structural Condition

- All rental accommodation must contain self-contained sanitary facilities including a water closet and a shower or bath
- These facilities must be supplied with both hot and cold water
- These facilities must be provided in a room separate from other rooms by a wall and door and contain separate ventilation

Article 7 – Heating Facilities

- All habitable rooms must contain a fixed appliance (or appliances) capable of providing effective heating
- The tenant must be able to control the operation of the heating appliance

Article 8 – Food Preparation, Storage and Laundry

- All rental accommodation must contain the following facilities:
- 4 ring hob with oven and grill
- Provision for the effective and safe removal of fumes to the external air by means of cooker hood or an extractor fan
- Fridge and freezer
- Microwave oven
- Sink with a draining area
- Adequate number of kitchen presses for food storage purposes
- Washing machine within the dwelling unit or access to a communal washing machine facility within the curtilage of the building
- In cases where the accommodation does not contain a garden or yard for the exclusive use of this accommodation, a dryer must be provided

Article 9 – Ventilation

- All habitable rooms must have adequate ventilation, maintained in good repair and working order
- Kitchens and bathrooms must be provided with adequate ventilation for the removal of water vapour to the external air

Article 10 – Lighting

- All habitable rooms must have adequate natural lighting; all rooms (including every hall, stairs and landing) must have a suitable and adequate means of artificial lighting
- Emergency lighting, linked to fire alarm systems, must be provided in all units within a multi-unit building

Article 11 – Fire Safety

- The new regulations will distinguish between multi-unit dwellings and rental units which do not form part of a multi-unit dwelling, as follows:

- Multi-unit dwellings will be required to contain a mains-wired smoke alarm, a fire blanket, emergency lighting in common areas and an emergency evacuation plan
- Rental units that do not form part of a multiple unit must have a fire blanket and either a mains-wired smoke alarm or at least two 10-year self-contained battery-operated smoke alarms

Article 12 – Refuse Collection

- Access to proper, pest and vermin-proof refuse storage facilities is required
- The use of communal storage facilities, where appropriate, will be considered to comply with the regulations

Article 13 – Electricity and Gas

- Installations in the property for electricity and gas supply must be maintained in good repair and safe working order
- Where necessary, there must be provision for the safe and effective removal of fumes to the external air

Implications for the Exchequer

One of the main criteria for tenants in choosing accommodation at the lower end of the market is affordability. However, there is a high probability that the introduction of the new standards will lead to a decrease in the level of affordable accommodation available to low income households where there isn't a direct alternative to that accommodation.

For instance, the implementation of the provisions relating to sanitary and heating services in the revised regulations will mean the phasing out of what is traditionally one of the cheapest types of accommodation – bedsits – from the rental market. There is a high probability that it is housing at the lower end of the market – or older housing stock – that will most likely need considerable capital expenditure in order to comply with the new regulations. However, the available evidence indicates that those living in such accommodation are most likely to be low-income households and those in receipt of a Rent Supplement payment.

Consequently, the potential exposure to the Exchequer is two-fold. Firstly, the required capital investment may encourage affected landlords to target the higher end of the market when bringing their properties back to the rental market. This, in turn, will reduce the supply of housing available to low-income tenants and exert an upward pressure not only on rents but on the overall cost of administering the Rent Supplement payment. Secondly, should higher rents result from the need to upgrade these properties, there is the risk that those oft referred to as the 'working poor' may lack the capacity to absorb even small increases in rents and may need to apply to the Department of Social and Family Affairs for Rent Supplement in the event of rent increases. ♦

