

THE FITNESS FOR HUMAN HABITATION ACT

This key part of legislation is the basis for a court to decide whether a property is safe for a tenant to live in.

It gives tenants the power to seek redress if a landlord doesn't comply with the Act.

The Homes (Fitness for Human Habitation) Act 2018 covers issues of safety throughout the interior and exterior of the property including:

- Neglect of the building and instability of its structure
- Damp and mould issues
- Lack of natural light or ventilation
- Issues with running water or drainage
- Lack of an adequate food preparation area
- Failure to comply with Housing and Health Safety Standards

A court can force the landlord to make compulsory improvements to the condition of the property **and** potentially ordered them to pay compensation to the tenant at the discretion of the judge, as well as the tenant's legal costs.



DASH Services offers landlord members a reliable signposting service to help navigate their way around an ever changing market place. Can we help you?



For more advice,
visit our website at
dashservices.org.uk

An overview of the Act

The Homes (Fitness for Human Habitation) Act came into force in 2019. Importantly it didn't add any obligations for landlords other than those already in force, but it does strengthen tenants' rights in terms of redress if their landlord does not keep their properties safe.

The Landlord and Tenant Act 1985 was amended to require all landlords to ensure that their properties, including common areas of the building, are fit for human habitation at the start of and throughout the tenancy.

What criteria determines 'Fitness for Human Habitation'?

The courts ultimately decide whether a property is fit for human habitation. They consider the following criteria set out in the Landlord and Tenant Act:

- Has the building been neglected and is in a bad condition?
- Is the building unstable?
- Is there a serious problem with damp?
- Does the building have an unsafe layout?
- Is there a lack of natural light?
- Is there a lack of ventilation?
- Is there a problem with the supply of hot and cold water?
- Are there problems with drainage or lavatories?
- Is it difficult to prepare and cook food or wash up?
- Does the property not comply with HHSRS standards?

What action can tenants take?

Where a landlord fails to provide accommodation that the tenant believes breaches one or more of the above criteria, the tenant has the right to take action in the courts for breach of contract on the grounds that the property is unfit for human habitation.

The remedies available to the tenant are an order by the court requiring the landlord to take action to reduce or remove the hazard, and/or damages to compensate them for having to live in a property which was not fit for human habitation.

There are some exemptions

- If the problem is caused by tenant behaviour which is in breach of the tenancy.
- If the problem is caused by unforeseen circumstances beyond the landlord's control.
- If the problem is caused by the tenants' own possessions.
- If the landlord hasn't been able to get consent such as planning permission, permission from freeholders etc. There must be evidence of reasonable efforts to gain permission.

This legislation also doesn't apply if the tenant is not an individual, so local authorities, national parks, housing associations, and educational institutions as an example.

Further resources

DASH Services is a Private Rented Sector service for Local Authorities, Landlords & Tenants and is hosted by Derby City Council on behalf of a number of different Councils across England.

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Homes (Fitness for Human Habitation) Act 2018 - Guide for landlords

Further detailed guidance for landlords on compliance with minimum standards required when letting private property can be found at Gov.UK.

Find out more at [GOV.UK](https://www.gov.uk)

How to let

General guidance for landlords on letting a property in the private sector is available below:

<https://www.gov.uk/government/publications/how-to-let>

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