

Things to consider when subletting your property

As a landlord, you will have **legal responsibilities** towards your tenants. You may want to contact the Citizens Advice Bureau or a solicitor to ensure you are legally protected. Your responsibilities as a landlord will include:

- ensuring that all furniture and furnishings you provide to your tenants complies with the Furniture and Furnishings Fire Safety Regulations 1998;
- repairing heating and hot water installations, sinks, basins, baths and other sanitary installations that you own within your property;
- ensuring that all electrical appliances supplied in your property are safe to use; and
- ensuring that all gas appliances, pipe-work & flues are safe and well maintained.

You should check with your **home contents** insurer if your policy will provide cover if you sublet your property and make arrangements to extend the cover if it doesn't. You may need to change insurers to a specialist insurer in sublet properties.

Are there restrictions on subletting my property?

You might need your **mortgage lender's permission** to sublet.

If you sublet your property, you are not covered for accidental damage under the **building insurance** policy. Also, if your property is left unoccupied for more than a month you must inform Home Ownership Services, as this may affect your building insurance.

Your property is designed for a certain number of people to live in and we ask that you limit the number of people living in your property under your subletting agreement. **Overcrowding** is often the cause of complaints about noise nuisance.

You can sublet your property for 90 days or less (known as **short letting or holiday lets**).

Planning permission is not required to change a property from a single family dwelling to a small House in Multiple Occupation (i.e. if there are three to six unrelated people living in the property), but would be needed if there are over six unrelated people living in the property. For information about this please call the Council's Residential Environmental Health Team on 020 7527 3083.

What are my obligations once I have sublet my property?

If you sublet your property, the **lease terms** will still apply to you - you are responsible for your tenants' conduct, keeping the property in a good state of repair and paying the service charges and so on. If the terms of your lease are breached (for example, if your tenants or their visitors cause a nuisance in the property or surrounding area) we will take action against you as the legal owner of the property.

You should therefore sublet your property on similar terms to those of your lease. For example, you could ensure the reasonable behaviour of your tenants by inserting anti-social behaviour clauses into your tenancy agreement with them.



You must ensure that your tenants:

- Treat their neighbours with respect. Please ensure they do not make excessive noise or cause any other sorts of nuisance or anti-social behaviour.
- Dispose of all refuse correctly.
- Do not undertake any repairs or alterations to the structure of the property.
- Inform you and us immediately of any emergency repairs needed to the property (e.g. burst pipes or leaks). This is particularly important as these repairs could cause severe damage to other properties and/or the fabric of the building. Your tenants should contact our call centre, Housing Direct on 0800 694 3344.
- Provide access to the property if required.

Please also note that any communal repairs should be reported to Housing Direct by you as the leaseholder, and not by your tenant.

Important information about gas safety

Under the Gas Safety (Installation and Use) Regulations 1998, you are legally responsible as landlord for ensuring all your gas appliances, pipe-work and flues are safe and well maintained.

You must arrange for a **gas safety check** to be carried out by a Gas Safe registered engineer every year. You must also give your tenant(s) a copy of the **CP12 gas safety check record** when they move into your property, and give them a copy of the new CP12 every year. Non-compliance with the Gas Safety regulations can result in criminal prosecution.

For more information on gas safety you can contact HSE gas safety advice line on 0800 300363 or visit www.hse.gov.uk/gas/index/htm or www.gassaferegister.co.uk

Energy performance certificates

As of the 1 October 2008 all rental properties with a new tenancy must have an energy performance certificate (EPC). The certificate is valid for 10 years. **EPCs** can only be produced by an accredited Energy Assessor.

You can find an accredited Energy Assessor at www.ndEPCregister.com, or by contacting an accreditation scheme on the communities and local government website. A lettings agent may also help you locate an assessor.

For more information regarding EPCs, contact Communities and Local Government on telephone 0303 444 0000 or visit their website at <http://epc.direct.gov.uk/index.html>. Local Trading Standards

Officers can fine landlords £200 if they fail to produce an EPC on request.



The Smoke and Carbon Monoxide Alarm (England) Regulations 2015

From 1 October 2015, private landlords must have:

- at least one smoke alarm installed on every storey of their rental property which is used as living accommodation; and
- a carbon monoxide alarm in any room used as living accommodation where solid fuel is used.

At the beginning of each new tenancy, a landlord must ensure that the alarms are in working order.

The local authority has the right to remedial notices to ensure compliance. Failure to comply with this remedial notice could lead to a penalty charge of up to £5,000. For more information please visit: <https://www.gov.uk/government/publications/smoke-and-carbon-monoxide-alarms-explanatory-booklet-for-landlords>

Right to Rent checks

You must carry out a rent check before agreeing any tenancy agreement ensuring that all prospective tenants and occupants in private rented property have a right to rent in the UK. Anyone who lets private property in England, including those subletting or taking in lodgers, should make Right to Rent checks.

You must check that a tenant or lodger can legally rent your residential property in England. Before the start of a new tenancy, you must make checks for all tenants aged 18 and over, even if:

- they're not named on the tenancy agreement
- there's no tenancy agreement
- the tenancy agreement isn't in writing

You can be fined up to £3,000 for renting your property to someone who isn't allowed to rent property in England. For more information go to <https://www.gov.uk/check-tenant-right-to-rent-documents/who-to-check>

Electrical safety standards

The Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020 came into effect for all new tenancies in England from 1 July 2020 or from April 2021 for existing tenancies.

The new regulations will mean that landlords must ensure every fixed electrical installation is inspected and tested at least every five years by a qualified person.

