

Submission

**Shelter submission to MHCLG's
consultation on electrical safety in the
private rented sector**

April 2018

Shelter helps millions of people every year struggling with bad housing or homelessness through our advice, support and legal services. And we campaign to make sure that, one day, no one will have to turn to us for help.

We're here so no one has to fight bad housing or homelessness on their own.

Summary

- **Shelter fully supports the recommendations made by the working group on electrical safety standards working group, of which we were part, and urges the Government to implement them as soon as possible.**
- The introduction of periodic (five yearly) inspections of electrical installation safety is crucial to improving property conditions and tenant safety within the PRS.
- Inspection reports should be issued to landlords, tenants at the beginning of a tenancy and local authorities on request.
- Visual checks and periodic testing of any supplied white goods should also be good practice.
- Local housing authorities are best placed to enforce regulations on the PRS as they already have responsibility for housing standards and possess valuable local knowledge. Local authority environmental health teams will need additional resource to manage any additional burdens.
- Local authorities should be able to impose both financial penalties and non-financial penalties for non-compliance.
- Shelter strongly supports a prohibition on issuing a Section 21 (eviction) notice if landlords have not given the tenant a copy of the electrical safety report, as is the case with gas safety and energy performance certificates.

Introduction

Shelter welcomes this opportunity to submit evidence to MHCLG's consultation on Electrical Safety in the Private Rented Sector.

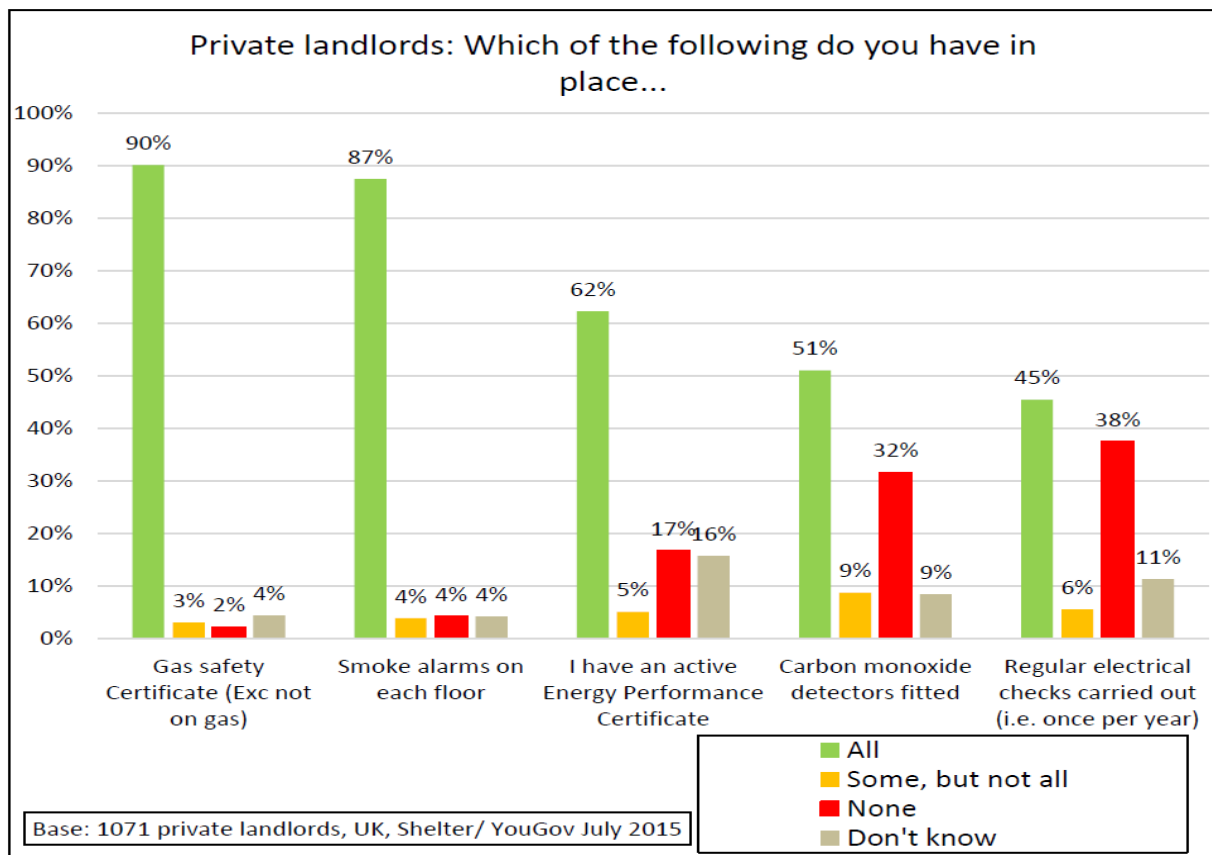
We fully support the recommendations made by the working group on electrical safety in the private rented sector, of which we were part.

Electrical faults can prove fatal for renters. The private rented sector has the highest percentage of homes judged to have a 'significantly higher than average fire risk' and 26% of tenants have had electrical faults (such as faulty fuses, wires and sockets) in their homes in the past five years.¹ However, there is currently no legal requirement on private landlords to carry out electrical safety checks, except for houses in multiple occupation (HMOs).

¹ Shelter renters survey 2017

Shelter has long campaigned for the introduction of mandatory electrical safety checks in the private rented sector, and there is widespread support for it. In a survey conducted by Shelter, the majority of landlords supported this legislation: 51% were in favour and 23% were against. Support amongst those landlords who are already carrying out these checks is even stronger, at 71%.² In a recent survey of Parliamentarians, the vast majority of MPs from across all parties agreed that mandatory 5 yearly electrical safety checks are necessary in the private rented sector.

Many responsible landlords are trying to address this problem, in fact 45% of landlords we surveyed are already carrying out safety checks on their properties, with a further 6% saying they were being carried out on some. Introducing this law will require those who do not currently carry out any checks to do so, and have minimal costs for landlords already carrying out checks.



² Shelter Landlords survey 2016

Recommendations of the Working Group on Electrical Safety Standards

Shelter was a member of the Electrical Safety Standards working group, established following the Housing and Planning Act 2016, to provide recommendations to Ministers on what, if any, legislative requirements for electrical safety should be introduced, and to ensure that any requirements strike the right balance between protecting tenants while not over-burdening landlords.

All working group members agreed that stand-alone, non-regulatory options such as a guidance note for landlords reminding them of their obligations under the Landlord and Tenant Act 1985 and something similar in the How to Rent guide for tenants, would not be sufficient, and that legislation is needed to improve electrical safety standards in private rented properties.

We agree with all eight of the recommendations made by the working group of which we were part and urge the Government to take this opportunity to improve the private rented sector without any further delay.

In addition, we would like to take this opportunity to highlight the following key points:

Periodic inspections

- There is currently no legal requirement for landlords in England to ensure that electrical installations are regularly checked and no evidence is required to demonstrate to tenants that the electrics are safe at any point during a tenancy. Periodic (5 year) inspections are essential to improving the PRS.
- This is important as the PRS has higher levels of disrepair and a higher proportion of older housing than any other housing sector, and is more likely to have a higher risk of fire. This recommendation would bring electricity into line with the protections and requirements in place for gas, carbon monoxide and smoke alarms, and it is already a requirement in Scotland and for Houses in Multiple Occupation (HMO's).
- We believe that a five yearly interval strikes the right balance between the risks to tenants versus costs on landlords.

Inspection reports

- Reports from inspections should be issued to landlords to ensure that those who manage properties through an agency are aware that the work has been done.
- Reports should be issued to the tenant at the beginning of the tenancy, to ensure that tenants are certain their properties are safe and their landlord is complying with the law.
- They should also be issued to local authorities on request as is already a requirement for gas and already in place in Scotland. This would also help enforcement by producing a record of inspections and any required work.

Visual checks of installations and supplied appliances at change of tenancy

- Visual checks should be good practice, supplementing the more thorough inspections and helping landlords identify and take action on problems as soon as possible.
- Periodic testing of any supplied white goods should also be good practice.

Enforcement by Local Housing Authorities

- Local housing authorities are best placed to enforce regulations on the PRS as they already have responsibility for housing standards and possess valuable local knowledge.
- However, local authority environmental health teams will need additional resource to manage any additional burdens.

Penalties for non-compliance

- Local authorities should be able to impose both financial penalties and non-financial penalties for non-compliance. The severity of the penalty should reflect the severity of the non-compliance.
- Where no inspection has taken place, landlords must be required, with the issuing of hazard awareness or improvement notices, to arrange one.
- Failing to adhere to a notice should carry with it a fine of up to £30,000, commensurate with the new civil penalties introduced under the Housing and Planning Act 2016.

Prohibition on issuing a Section 21 (eviction) notice if landlords have not given the tenant a copy of the report

- It is already the case that landlords cannot issue a Section 21 notice if they have not given their tenants a copy of their gas safety and energy performance certificates - to protect tenants from retaliatory eviction for complaining about safety issues. We strongly support extending the list of prescribed information to include electrical installation safety documentation.

Proposed PRS electrical testing competent person scheme

- Anyone conducting electrical inspections in the PRS should be subject to assessment to the requirements of ISO/IEC 17024, underpinned by a relevant qualification, to ensure they possess the necessary competence – i.e. knowledge, skills and experience – required to perform the inspection correctly, and that consumers are protected.

April 2018

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