



Building Regulations and Landlords responsibilities

A Building Regulation application may be required if any of the following works take place:

- Structural alterations
- Drainage works
- Change of use of room(s)
- Alterations making means of escape (or any other part of the building) worse than existing
- Electrical installations
- Replacement windows/doors
- Installation/replacement of heat producing appliances
- Works to a thermal element - Re-roofing, new floor, additional layer on internal or external face of walls
- Introducing heating to an area which was previously unheated
- New oil or gas tank installation

Some work can be covered by competent person schemes windows FENSA, gas appliances CORGI, oil installations OFTEC, electrical Part P schemes etc. For a copy of an explanatory booklet follow the following link <http://www.communities.gov.uk/publications/planningandbuilding/buildingregulationsexplanatory>

The first thing to establish is if the building is a dwelling or a house in multiple occupation (HIMO). There are a number of different Acts and Regulations which impose slightly different requirements/recommendations to properties defined as HIMO's.

As far as the Building Regulations are concerned, if let to an individual (who may sub-let rooms) the building tends to be treated as a normal dwelling.

If the rooms are individually let (especially if the rooms are secure) the building may need to be treated for, Building Regulation purposes, as "other residential".

If a dwelling changes from residential to other residential it can, under some circumstances, be deemed a material change of use and technically an application should be submitted, even if no works take place.

The main difference between residential and other residential is the means of escape and the sound insulation requirements. Fire alarm systems are to a higher level and detectors are required to all bedrooms and most habitable rooms, additional fire protection is required to habitable rooms (20/30 min fire doors), escape routes may need to be protected (no one should be expected to have to jump out of a window if it can be avoided, although escape windows on the first floor may be accepted). Adequate sound insulation should also be provided to all bedrooms.

If there is a floor over 4.5m above ground level the escape need to be double checked. If the existing arrangement involves discharging to a central stair with access through reception rooms to the front and back doors you can not use one of the access rooms as a rented bedroom without improving the means of escape (corridor to outside or additional exit to outside).

In addition a fire risk assessment should be undertaken and any escape must be to a place of safety. If the escape to the rear of a terraced house is into a confined courtyard it may not be deemed to be a place of safety and provision will need to be provided for a protected route to the front of the property.

Landlords also have additional responsibilities towards their tenants by virtue of the Housing Act 2004, the various HIMO regulations and the The Regulatory Reform (Fire Safety) Order 2005 (RRO).

If we are made aware in advance that a property will become a HIMO much of the means of escape provisions will be covered by the Building Regulation application as the requirements for other residential are very similar to those of HMIO's.

If we are not made aware and the work is treated as work to a dwelling remedial works may be required under the above acts which could result in an additional Building Regulation application being required to cover the remedial works (Note, in most instances an amendment would be accepted).

For reference the definition of a HIMO is "a property that is shared by **three or more tenants** who are not members of the same family". Depending on the exact type of HMO some landlords must have a licence from the council. The following links may be of interest

<http://www.communities.gov.uk/publications/fire/regulatoryreformfire>

<http://www.communities.gov.uk/publications/fire/firesafetyrisk4>

http://www.opsi.gov.uk/si/si2006/uksi_20060371_en.pdf

<http://www.landlordzone.co.uk/hmos.htm>

http://www.direct.gov.uk/en/HomeAndCommunity/BuyingAndSellingYourHome/RentingAHome/DG_10020863

<http://www.communities.gov.uk/housing/rentingandletting/privaterenting/housesmultiple/>

<http://www.communities.gov.uk/housing/rentingandletting/privaterenting/housesmultiple/publicationshouses/>