



# HOMES (FITNESS FOR HUMAN HABITATION) ACT 2018

*Moving forward together*

## What is the Act?

- The Act amends the Landlord and Tenant Act 1985 to require all landlords (private and social) to ensure that their properties, including any common parts of the building, are fit for human habitation at the beginning of the tenancy and throughout.



## What does the Act apply to?

- Tenancies of less than seven years granted on or after 20 March 2019.

---
- New secure, assured and introductory tenancies granted on or after 20 March 2019.

---
- Tenancies renewed for a fixed term on or after 20 March 2019.

---
- From 20 March 2020 – all periodic tenancies (including those that commenced before 20 March 2019).

# What is 'fitness for Human Habitation'?

- The Court will decide whether a property is fit for human habitation by considering the matters under Section 10 of the Landlord & Tenant Act 1985 and Schedule 1 of Housing, Health & Safety Regulations 2005.



## Exceptions to liability

- Where the problems have been caused by the Tenant.

---
- Problem have been caused by the Tenant's possessions.

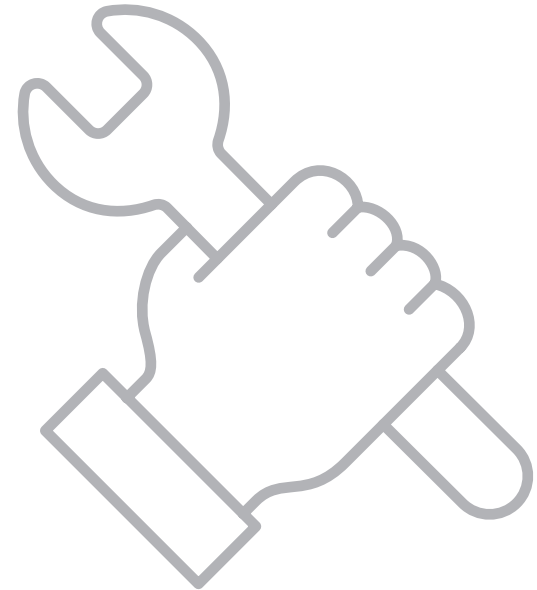
---
- Where the problems have been caused by an act of God.

---
- Where the Landlord has not been able to obtain the consent for any necessary work.

---
- Where the Tenant is not an individual.

# Penalties

- If the Court finds that the property is not fit for human habitation, they may require one or both of the following:
  - **Compulsory improvement to the condition of the property.**
  - **Compensation to the Tenant.**
    - The compensation is currently unlimited.
  - **Prohibited from serving Section 21.**



## When does the Act take effect?

- The Act came into force on 20 March 2019.



# Contact us

For more information please contact a member of our team.



## Erin Duffy

Associate Solicitor  
Basildon

☎ 01268 240000

@ ErinDuffy@palmerslaw.co.uk



## Makayla Phillips

Solicitor  
Basildon

☎ 01268 240000

@ MakaylaPhillips@palmerslaw.co.uk

This document is not intended to be an exhaustive statement of the law and gives general information only. You should not rely on it as legal advice. We do not accept liability to anyone who does rely on its contents. This document was correct at time of publication (July 2019) and is not a substitute for legal advice.