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**Your Landlord
Checklist
for Renting Out
a Property**

Landlord legal requirement checklist

Ticking off the items on this list will help you keep track of your legal responsibilities. This only applies to private residential landlords in England.

Address:	
Date:	

How you became a landlord doesn't matter but how you handle the responsibilities that come with your new role does.

Whether you've bought a property to provide an income for your retirement or you've inherited a house and have become a landlord by accident rather than choice - it makes no difference to your obligations.

Being a landlord can be a satisfying experience, both financially and personally, but there are also risks.

So, if you're looking to protect your property, your tenants and your reputation, this checklist is the key to unlocking your success as a landlord.

☐ Do you have permission from your mortgage adviser?

If you have a mortgage on the property, then you will need to go through its terms to check for conditions about letting and residence. Contact your lender to find out what you need to do.

You don't have to have a buy-to-let mortgage to rent out a property, but your lender may want you to change to one, or to reach some other kind of arrangement before they consent to letting the property to tenants.

☐ Do you have permission from the freeholder?

Secondly, if you own your property leasehold (with or without a mortgage), then you may need permission from the freeholder to let the property.

The freeholder might give consent with conditions: such as a limit on the amount of time you can let it for. You'll have to make sure any conditions are properly built into the contract you draw up with your tenant.



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☐ Do you require a Housing Licensing?

All large Houses of Multiple Occupation (HMOs) require a license. Your property is a large HMO if:

- It is rented to 5 or more people from more than one household.
- Some or all of the tenants share bathroom or kitchen facilities.

Many councils operate additional HMO licensing, so even if your property is rented to fewer people, you may still need a license.

Selective licensing was introduced in 2006 to crack down on rogue landlords and tackle unacceptable behaviour by tenants. In areas where selective licensing applies, all landlords must have a license to rent out a property. Contact your local council to see whether your property is in a selective licensing area.

☐ Have you checked landlord insurance?

Perhaps the most important way to protect yourself as a landlord is to make sure you have the right insurance cover in place. Standard home insurance won't provide you with all the protection you need, and you may even find that your policy is invalid if you ever need to claim. This is because there are risks that come with renting a property that home insurance policies aren't designed to cover.

The peace of mind that comes from having the safety net of a landlord insurance policy in place is priceless. Protecting your property ultimately means that you're defending your future profits too, so it's important not just from an emotional but a financial perspective as well.

The types of cover that your landlord insurance can provide include:

- Buildings and landlord's contents insurance (your tenants will be responsible for insuring their own stuff).
- Loss of rent so that your cash flow is protected if your tenants have to move out following an insured event such as a flood or fire.
- And if they do have to move elsewhere, then the cost of alternative accommodation is also covered.

☐ Will you be using Rent Guarantee Insurance?

In times of economic uncertainty, even the most reliable tenants may hit tough times and find themselves unable to afford the rent. Having a rent guarantee policy in place can protect you from being out of pocket as a landlord if tenants are unable to meet their rental commitments.



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☐ **Do you have a valid Energy Performance Certificate for this property?**

The EPC is an assessment of how energy-efficient your property is. You will need one whenever you are renting (or selling) your property. In England & Wales, you must have one ordered to show potential tenants before you let the property.

Once you have one for the property, it remains valid for 10 years and must be rated “E” or higher.

☐ **Do you have a valid Gas Safety Certificate?**

You will need to have a Gas Safety check performed on your property every year. The check includes appliances, flues and pipework. It must be performed by a **Gas Safe** engineer. The engineer will advise what work, if any, is recommended after the check.

You should follow their advice and fix any issues before the tenants move in.

☐ **Do you have a valid Electrical Installation Condition Report (EICR)?**

Landlords with properties in England need to conduct an Electrical Installation Condition Report (EICR) in order to let their English properties from 1st July 2020. If the report recommends work, the landlord must perform it. Properties let without an EICR risk a £30,000 fine for the landlord.

The requirement will extend to all tenancies in England from 1st April 2021. That means that landlords must ensure they have an EICR performed for all their properties in England by this date, and then serve the tenants with a copy of the report within 28 days. As above, if work is recommended in the report, then it must be performed.

☐ **Have you read up on Portable Appliance Testing (PAT)?**

Performing Portable Appliance Testing is not a legal requirement for landlords prior to renting a property, though has the same benefits as described above. You are responsible for the safety of electrical appliance that are supplied to the property for the tenants’ use, so making sure they are all safe should be a priority!

PAT testing is a great way to do this, while also ensuring you have a record of the steps you took to protect your tenants’ safety.



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☐ Have you supplied working smoke and Carbon Monoxide alarms?

In England, landlords must install a smoke alarm on every inhabited floor of the property.

Legally, you also have to install a carbon monoxide (CO) alarm in “any room used as living accommodation where solid fuel is used.” We, however, would very strongly recommend that all landlords provide all their properties with an audible CO alarm.

You must ensure both kinds of alarm are working at the start of every new tenancy.

☐ Fire Safety & Furniture

If you are supplying furnishings to your property, you'll need to make sure that they meet Furniture and Furnishings (Fire Safety) Regulations. The regulations apply to a wide range of furniture including sofas, chairs, beds and mattresses.

As a private landlord, you will need to ensure each item you supply to the property is compliant with these regulations. You can do this by looking at the labels and asking the supplier/manufacturer.

☐ Fire Risk Assessment (FRA)

The legal obligation to conduct a FRA will vary from property to property, so the safest default position is to assume that it will apply to all rented property.

Ensuring as the landlord, you have installed the requisite number of fire safety and warning systems such a fire blanket and heat detector, can provide good evidence of your due diligence in the event of the worst-case scenario occurring. It will also be prudent that you have looked at the fire escape routes and ensure that these are clear of obstructions and where necessary clearly marked.

☐ Is your property legionnaires disease free?

Assessing properties for the risk of Legionnaires' disease is a legal requirement. Legionnaire's is a disease caused by bacteria which can grow in stagnant water. You do not need to hire someone to do this – usually landlords will be competent enough to assess their own properties.

In most homes, the risk will be low, because domestic water systems are typically in constant use, so the water will not be stagnant for long. Further, UK homes tend not to have water storage tanks; the hot water tends to be heated enough



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to kill bacteria, and the cold water is supplied by the mains, which in the UK is treated to prevent bacterial growth.

If your property is atypical in its water system and you feel it is at a higher risk, or you don't feel competent in making the assessment, you can hire an assessor.

☐ Have you conducted the Right to Rent checks?

Landlords now need to check that their tenants have the 'right to rent' i.e. that they can legally reside in the UK.

You'll need to perform a Right to Rent Check on your tenants *before* they move in. This is an inspection of the original, physical documents proving the tenants' right to rent, in the presence of the tenants (so as to be able to verify photo ID in person).

Remember: it's illegal to only check tenants you suspect are not British! There are also large penalty fines of up to £3,000 if the Home Office finds you have let to an illegal immigrant.

Here is a **Government guide** to checking your tenants' Right to Rent documents. You will also need to keep copies of the documents.

☐ Have you referenced your tenants?

You need to feel confident that your tenants will pay the rent on time, treat your property with respect and be good neighbours. Landlords and letting agents do this by tenant referencing.

Ask for proof of income and look for tenants with a monthly income of at least three times the rent. Carry out a credit check through an organisation like Experian to ensure that your prospective tenant isn't in debt and doesn't have a poor credit history. If your tenant fails your reference checks, you could ask them to provide a guarantor.

Obtain references from previous landlords or, if your applicant hasn't rented a home before, from their employer. Make sure you contact the referee to check that the information provided is correct.

☐ Draw Up a Contract (AST)

You'll need to set up a proper Assured Shorthold Tenancy agreement (AST) in order to specify the rules, terms, length, tenants and rent of the tenancy.



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It's essential that every adult that will be living in the property signs the AST and that you make a copy available to all tenants.

☐ **Have you provided the tenant with the 'How to Rent' guide?**

You can either give your tenant a physical copy of the '[How to rent checklist \(PDF, 557 KB\)](#)', or you could email it to them. At each renewal of the tenancy agreement make sure that you provide the most recent version of the checklist

☐ **Have you conducted an Inventory of the property?**

An inventory is a report of the condition and contents of your property. You should perform one, ideally, on the first day of the tenancy, and then get the tenants to sign it to show they agree with the report's assessment of the property.

It's OK to give them a few days to volunteer amends, but the sooner you get it signed by all parties, the better. Achieving this quickly reduces the chance that damage will occur after the move-in, but before the inventory is agreed.

Although the law doesn't require you to undertake an inventory of the property, it is very much advisable. Aside from being a great record of what is in your property and its condition, it is also invaluable if you need to make deductions from the security deposit at the end of the tenancy. It can be used to compare condition before and after, and justify any deductions.

Many landlords prefer to get a neutral third party in to perform the inventory. Professional inventory clerks know what to look out for and make the inventory digitally accessible – and thus able to be signed digitally – which is often much preferable.

☐ **Have you Registered the tenants Security Deposit?**

When you take the security deposit as part of the move-in process, you need to register it in a **Government approved scheme**. There are three in England & Wales, and different schemes in **Scotland** and **Northern Ireland**.

Serving Prescribed Information for the Security Deposit

After registering the deposit, you'll need to give your tenants information about how you have registered their deposit and how they can contest deductions, etc. From the date the tenant pays you, **you have 30 days** to do this.



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The information you need to give your tenants can be found [here](#), but the specific scheme you choose will also have material to help you fulfil this requirement. Here is an [example document](#).

If you don't give your tenants the prescribed information about their deposit, then it may impede your ability to serve a section 21 eviction notice. [Read more about section 21 evictions here](#).

☐ Have you done your research on Paying Tax on Rental Income?

If you expect to have taxable profits from your rental income, then you'll need to prepare to pay income tax on that money.

The way to do this is via the property section of a [Self Assessment tax return](#). The return should be completed by 5th October of the following financial year. This gives you about five months after the end of the financial year in April to complete the return.

This only applies if your rental income after expenses is over £2,500, so doing the maths on this before your tenancy will help you avoid stress – and a tax penalty – later should you fail to complete your tax return in time!

Find out what costs can be claimed [here](#).

☐ Have you registered with the Information Commissioner's Office (ICO)?

Under the Data Protection Act individuals and organisations that process personal information need to register with the ICO. If you store, use or delete personal information about your tenants (e.g. name, email, telephone number), you should be registered with the ICO.

☐ Fulfil your maintenance and repair obligations

If the shower stops working on a Saturday morning or the boiler breaks in the middle of the night, you can expect a call from an anxious tenant. As inconvenient as it can be at times, try your best to resolve any issues or faults as soon as possible. It'll show that you're a responsible landlord and go a long way in reinforcing your good relationship.

Remember though that you need to agree a time that suits your tenants to enter your property and carry out any necessary repairs. Although you own the property, it's illegal for you to let yourself in. Without giving your tenants at least 24 hours' notice before you turn up, your tenants could accuse you of harassment which could result in prosecution.



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This is a brief overview of the private rented sector which can have an adverse effect should full compliance not be undertaken. Using a competent and knowledgeable agent is essential in assisting compliance and in addition they can provide vital updates when new legislation is introduced or when there are significant court decisions which will have an impact on a landlord.

If you are thinking of becoming a landlord, [contact us](#) to find out about our services.



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