

AN MOT... ON A HOUSE!

By **Graham Kinnear**

Many property landlords feel that the amount of legislation that they are obliged to comply with has increased manifestly over the last few years. Others think that some of legislative decisions are inconsistent, such as requiring a landlord to produce a Gas Safety Certificate at the start of the tenancy but not requiring the landlord to check the electrical installation on an annual basis. Regardless of your view, it is certainly a subject which promotes discussion in the property community.

A further recent suggestion has been made by Dr Julie Rugg, a leading housing academic at York University who believes that all rented homes in England should be subject to yearly "Property MOT" tests, carried out by independent property inspectors, to tackle sub-standard living conditions.

On the face of it I can imagine many landlords being upset at a potential extra cost and an additional test to comply with, but I believe that annual inspections of this nature would be a good idea.

Such an inspection has the ability of bringing together a number of critical issues for the landlord in one simple, convenient visit.

Many landlords who manage their own properties do not inspect them regularly enough to spot problems at an early stage. Indeed, their technical knowledge may be such that they are unable to identify defects in their early stages. The majority of landlords appear to operate a reactive management service, attending their property only when they are notified of a problem. To illustrate this issue, I was once involved with a property where the tenant, with the landlord's consent, fitted a shower. Unbeknown to the landlord, the tenant did not seal the shower tray sufficiently and by the time the tenant reported a problem, the ensuing rot meant that the bathroom needed to be removed

and the floor joists replaced at a cost of several thousand pounds. An earlier inspection could have noted that some silicone was all that was needed to finish the shower installation properly.

Requiring an MOT would ensure that the property was inspected by someone suitably qualified at least once a year. In the event that an issue such as wood rot, damp, invasive plants such as Japanese Knotweed or simply damaged rainwater goods were noted, then the remedial costs at an early stage could be significantly less than waiting until the tenant noticed a more significant defect and reported it to you.

I suspect that if introduced, the inspection would focus in a similar way to the current HHSRS, and would consequently consider items such as damp and mould, excess cold, asbestos, carbon monoxide, radiation, crowding and space, security, lighting, noise, likelihood of falls, electrical hazards, fire safety, structural integrity. Surely it makes sense that these issues are regularly reviewed and risk assessed?



More encouragingly, the report states that the existing HMO licence and selective licensing regime should be replaced with simpler regulation. I certainly agree with this suggestion as in my experience, landlords are generally unhappy about the costs of selective licensing as it is an additional cost to the landlord without a corresponding improvement in the quality of the property they offer. If you study the number of prosecutions under selective licensing, the majority are for failing to obtain a licence rather than for actual breaches of the Housing Act 2004. In my local authority area there have been 26 prosecutions – three for breaches of the Housing Act and 23 for failing to have a licence.

The MOT on the other hand could ensure that issues are highlighted early and provide the incentive for a landlord to invest in the maintenance and improvement of their property. Furthermore, the system may even make the remote management of your portfolio more achievable than is currently the case.

Arguably there is a benefit for all concerned. The MOT could give tenants the confidence that the property is fit for purpose and that standards will not lapse in the future. Additionally, it could give the tenant a better understanding of what repair and maintenance obligations the landlord is responsible for. Landlords will take comfort that there are no undiagnosed issues at their property and that they are better protected from a housing-related prosecution.

Optimistically, I wonder whether an MOT-style system could improve the profile of our industry? Many commentators still believe that there are huge numbers of sub-standard properties being let. Such a system would not only demonstrate that this is not the case, but that it would not be so on an ongoing basis either. Annual gas safety inspections have been around for many years now and I cannot recall ever seeing a headline which states that there are thousands of sub-standard boiler installations in rented property. With an MOT inspection, I can only presume that the media would have to concur that all rented properties are safe.

This could be just what we need!

As usual I am happy to assist YPN readers with their property issues and can be contacted on 01843 583000 or graham@grahamkinnear.com.

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