
**Housing
(Standards for Rented Houses)
Regulations, 2008
S.I. No 534 of 2008
Technical Guidance Document**



Comhshaol, Oidhreachta agus Rialtas Áitiúil
Environment, Heritage and Local Government



the 1990s, the number of people in the world who are living in poverty has increased from 1.2 billion to 1.6 billion. The number of people who are living in extreme poverty has increased from 600 million to 800 million.

There are a number of reasons why the number of people in poverty has increased. One reason is that the world population has increased. The world population is now over 6 billion, and it is expected to reach 9 billion by the year 2050.

Another reason is that the world economy has not grown fast enough. The world economy has grown at an average rate of 3% per year since 1980. This is not enough to keep up with the growth of the world population.

A third reason is that the world has become more unequal. The rich countries have become richer, but the poor countries have become poorer. The gap between the rich and the poor has widened.

There are a number of things that can be done to reduce poverty. One thing is to increase the world economy. This can be done by increasing trade and investment.

Another thing is to improve the education and health care of the poor. This can help them to become more productive and to live longer lives.

A third thing is to reduce inequality. This can be done by increasing taxes on the rich and by providing social services for the poor.

There are many other things that can be done to reduce poverty. The important thing is to do something. Poverty is a problem that we can solve.

The world is a better place when everyone has a chance to live a decent life. Let's work together to make that a reality.

There are a number of organizations that are working to reduce poverty. These include the World Bank, the International Monetary Fund, and the United Nations.

There are also many private organizations that are working to reduce poverty. These include the Bill & Melinda Gates Foundation, the Christian Aid, and the Oxfam.

There are many ways that you can help to reduce poverty. You can donate money to one of the organizations mentioned above. You can also volunteer your time.

There are many things that you can do to help the poor. You can buy fair trade products. You can also donate your old clothes and books.

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Part A

Introduction

In the Partnership Agreement Towards 2016, the Government committed to updating and effectively enforcing the minimum standards regulations for rented housing in order that they should reflect the requirements of the modern private rental sector and the general quality of life improvements over the last number of years. Updating these standards is a core component of the Government's housing policy statement Delivering Homes, Sustaining Communities and it is hoped, by revising and effectively enforcing the standards for rented houses, to eliminate sub-standard rental accommodation from the rental sector and ensure that sector's sustainable development into the future.

In September 2006, the Department of the Environment, Heritage and Local Government launched the policy document Action on Rented Accommodation Standards to give effect to the commitment to raise standards. In the course of reviewing the regulations the Department consulted widely with a range of stakeholders including local authorities, sectoral interests such as Threshold and the Irish Property Owners' Association and the Community and Voluntary Pillar under Towards 2016. In addition, account was taken of relevant recommendations in two reports published in November 2007 by the Centre for Housing Research on measures to promote improvement in rented accommodation standards.

As a result of this process new regulations prescribing minimum standards for rented housing, the Housing (Standards for Rented Houses) Regulations 2008 (S.I. 534/2008), will come into effect on the 1st of February 2009, with certain provisions being phased in for existing rental properties over a 4 year period. The purpose of this Technical Guidance Document is primarily to assist local authorities in the practical implementation of the new requirements but it is also hoped that it will be useful to both landlords and tenants. For the landlord, the Technical Guidance Document will assist in ensuring that a rental property complies with the current standards and will be a guide to any upgrading and refurbishment works that need to be undertaken; it will inform tenants of the standards they can expect in rental accommodation. If a landlord or tenant is unsure as to whether or not a rental property complies with the Regulations, they may contact their local authority and request an inspection.

Where the standard of a rental property is found to be in accordance with the standards laid out in this Guidance Document, this will, prima facie, indicate compliance with the Housing (Standards for Rented Houses) Regulations 2008 (S.I. 534/2008). However, while this document is designed to assist and to guide local authorities, the adoption by them of an approach other than that outlined in this guidance is not precluded provided that the property is in compliance with the relevant requirements of the Regulations. Where it is not clear from an inspection if a rental property is in compliance with the Regulations,

the landlord of that property may be required to provide such evidence as is necessary to establish that he has complied with the requirements of the Regulations.

All landlords have a statutory obligation to ensure that their rented properties comply with these minimum standards Regulations and responsibility for the enforcement of the Regulations rests with the local authorities. The local authorities are supported in their enforcement of the Regulations by a dedicated stream of funding provided from part of the proceeds of tenancy registration fees collected by the Private Residential Tenancies Board (PRTB). Successful implementation of the revised standards depends on enforcement by local authorities and the local authorities have made considerable progress in this area in the last number of years.

The number of inspections carried out by local authorities of rental accommodation has increased from 6,815 in 2005 to over 14,000 in 2007. To support this substantial increase in inspections, funding for this purpose from the proceeds of tenancy registration fees has more than doubled between 2005 and 2007, to €4m in 2008. In 2007, the Centre for Housing Research published Good Practice in Housing Management: Guidelines for Local Authorities - Standards in the Private Rented Sector: Strategic Planning, Effective Enforcement to help develop good practice guidelines to assist local authorities with a view to achieving increased effectiveness. It is to be hoped that increased targeted inspections, and repeat inspections where necessary, leading to the effective enforcement of the new Regulations will mean that good quality, affordable rental accommodation will be available to all sectors of society.

Application/Exemptions

These Regulations apply to all houses let for rent or other valuable consideration solely as a dwelling with the exception of the following:

1. A house let to a person only for the purpose of conferring on that person the right to occupy the house for a holiday – i.e. holiday homes,
2. A house let by the Health Service Executive or an approved body as accommodation with sanitary, cooking or dining facilities provided for communal use within the building that contains the house. An approved body for the purposes of this exemption is,
 - a. A body standing approved of under section 6 of the Housing (Miscellaneous Provisions) Act, 1992, or
 - b. A voluntary body standing approved of by the Minister for Health and Children or by the Health Service Executive for the purposes of providing accommodation for elderly persons or persons with a mental handicap or psychiatric disorder,

3. A house that is let by a housing authority pursuant to any of their functions under the Housing Acts, 1966 to 2004, and is a demountable house.

The following types of accommodation do not have to comply with Article 8 (Food Preparation and Storage and Laundry) of the Regulations and will continue to be covered by Article 7 of the Housing (Standards for Rented Houses) Regulations 1993 (S.I. 147/1993).

1. A house let by a housing authority under section 56 of the Housing Act, 1966 (as amended)
2. A house let by a housing body approved under section 6 of the Housing (Miscellaneous Provisions) Act, 1992.

Transitional Arrangements

The date from which these Regulations take effect depends on whether or not the house is an existing rental property. An existing rental property (referred to in the Regulations as "an existing tenancy") is a house let for rent or other valuable consideration solely as a dwelling at any time from the 1st day of September 2004 up to and including the 31st day of January 2009.

The landlord may be required to provide such evidence as is necessary to establish that a property is an existing rental property. Since the 1st of September 2004, tenancies covered by the Residential Tenancies Act 2004 have been obliged to register with the Private Residential Tenancies Board (PRTB) and that registration will provide the necessary evidence that the property is an existing rental property. Other evidence may include rent books, evidence of registration with a local authority, tax returns or stamped copy leases.

- Articles 1, 2, 3, 4, 5, 9, 10, 11, 12, 13 and 14 will apply to existing rental properties from the 1st day of February 2009.
- Articles 6, 7 and 8 will apply to existing rental properties from the 1st day of February 2013
- Articles 6 and 7 of the Housing (Standards for Rented Houses) Regulations, 1993 (S.I. No. 147 of 1993) will continue to have effect in relation to existing rental properties until the 1st February 2013.
- Article 7 of the Housing (Standards for Rented Houses) Regulations, 1993 (S.I. No. 147 of 1993) will continue to have effect in relation to a house let by a housing authority under section 56 of the Housing Act, 1966 (as amended) and a house let by a housing body approved under section 6 of the Housing (Miscellaneous Provisions) Act, 1992.

The effect of this phasing-in period is that landlords will be given a reasonable timeframe within which to undertake any works necessary to bring their property into compliance with the Regulations. The entirety of the provisions of these Regulations will come into effect on the 1st day of February 2009 for any rental property being let for the first time on or after the 1st day of February 2009.

Tenants' Obligations

Tenants have a statutory obligation under the Residential Tenancies Act 2004 to ensure that no act or omission by them results in the landlord not complying with his obligations under these Regulations. For example, a tenant drying clothes inside a house or not opening windows could lead to condensation/dampness in the house and, thereby, to the landlord being in breach of his obligations under the Regulations. Where the tenant's action or lack thereof results in the landlord being in breach of the Regulations then the tenant is in breach of his statutory obligations under the Residential Tenancies Act 2004. As a result, the landlord may, in certain circumstances, be able to terminate the tenancy under section 34 of the Residential Tenancies Act 2004 or he may make a complaint to the Private Residential Tenancies Board (PRTB). However, a claim by a landlord that a breach of the Regulations was caused by the action of a tenant will not be a defence where a landlord is found not to be in compliance with the standards obligations.

Listed Buildings

The objective of these Regulations is to improve minimum standards in the rental sector and listed buildings will continue to be required to meet the requirements of the Regulations. Under Part IV of the Planning and Development Act 2000, buildings that form part of the architectural heritage can be protected by being designated as protected structures or by being located within architectural conservation areas.

Where a building is a protected structure (or has been proposed for protection) or is located within an architectural conservation area, the usual exemptions from requirements for planning permission do not apply. In the case of a protected structure any works, whether internal or external, which would materially affect its character, will require planning permission. In an architectural conservation area, any works to the exterior of a building that would affect the character of the area also require planning permission. The owner or occupier of a protected structure is entitled to ask the planning authority to issue a Declaration under S.57 of the Planning and Development Act 2000 identifying works that would, or would not, require planning permission in the case of their particular building.

It is advisable for landlords to contact the conservation officer in their local authority for advice when considering undertaking works. For general advice on planning issues relating to architectural heritage, a publication entitled Architectural Heritage Protection Guidelines for Planning Authorities (2004) is available to purchase from the Government Publications Sales Office or can be downloaded from www.enviro.ni

The Guidance

The standards and specifications (including technical specifications) referred to in this Technical Guidance Document are those that are likely to be suitable for the purposes of the Regulations. Where the standard of a rental property is found to be in accordance with the standards laid out in this Technical Guidance Document, this will, prima facie, indicate compliance with the Housing (Standards for Rented Houses) Regulations 2008 (S.I. 534/2008). However, the adoption of an approach other than that outlined in the guidance is not precluded provided that there is compliance with the relevant requirements of the Regulations. The landlord of a house may be required to provide such evidence as is necessary to establish compliance with the Housing (Standards for Rented Houses) Regulations 2008. Nothing in this Technical Guidance Document exempts a landlord from the obligation to comply with any other statutory obligation.

Technical Specifications

Standards for rented houses regulations are made for specific purposes e.g. to ensure the availability across the rental market of good quality accommodation. Technical specifications are relevant to the extent that they relate to these considerations. Any reference to a technical specification is a reference to so much of the specification as is relevant in the context in which it arises.

A reference to a technical specification is to the latest edition (including any amendments, supplements or addenda) current at the date of publication of this Technical Guidance Document. However, if this version of the technical specification is subsequently revised or updated by the issuing body, the new version may be used as a source of guidance provided it continues to address the relevant requirements of the Regulations.

Interpretation

In this document, unless otherwise stated, a reference to "Regulations" refers to the Housing (Standards for Rented Houses) Regulations 2008 (S.I. 534/2008). A reference to a section, sub-section, part or paragraph is, unless otherwise stated, a reference to a section, sub-section, part or paragraph as the case may be, of this document. A reference to another Technical Guidance Document is a reference to the latest edition of a document published by the Minister for the Environment, Heritage and Local Government under article 7 of the Building Regulations, 1997. Where carrying out new works landlords should be aware that, in general, Building Regulations apply to the construction of new buildings and to extensions and material alterations to buildings. In addition, certain parts of the Building Regulations apply to existing buildings where a material change of use takes place. Otherwise, the Building Regulations do not apply to buildings constructed prior to 1st June 1992.

This document should be read in conjunction with the Housing (Standards for Rented Houses) Regulations 2008 (S.I. 534/2008). It is a technical guidance document only and is not, and does not purport to be, a legal interpretation of the Housing (Standards for

Rented Houses) Regulations 2008 (S.I. 534/2008) or any other legislation referred to therein.

Assessment Checklist

A comprehensive assessment checklist is provided in the appendix to this document for the assistance of local authority inspectors in assessing rental accommodation. This checklist is intended as an indicative guide to local authorities and may form a basis for authorities' individual assessment approaches. Alternatively, a local authority may elect to adopt a different assessment model. Local authorities are free to devise their own standard operating procedures and practices for the inspection of rented houses.

This checklist is made up of two parts: part A is entitled House Property Details and part B is called the House Property Checklist. Where a question arises as to whether a house is in compliance with the Regulations, an inspector may request from the landlord further evidence substantiating compliance and the landlord may be required to provide such evidence as is necessary to establish that the property complies with the requirements of the Housing (Standards for Rented Houses) Regulations 2008 (S.I. 534/2008).

Part B

Section A.

Article 5 of the Housing (Standards for Rented Houses) Regulations 2008 (S.I. 534/2008): Structural Condition

The purpose of this article is to ensure that the walls, floors, roof, ceilings and staircases of a rented house are in a proper state of structural repair.¹ It is not intended that an inspection under Article 5 will provide a structural assessment of the house. The only way to accurately assess the structural condition of a building is to commission a structural survey by a Chartered Structural Engineer/ Building Surveyor, providing access to all areas of the building resulting in a condition report and survey of the building. Where an inspector carries out an inspection for the purpose of the Regulations and finds that the conditions set out at 1 to 8 below have all been met, this will indicate compliance with the Regulations. As stated previously, the adoption of an approach other than that outlined below is not precluded provided that the relevant requirements of the Regulations are complied with and the landlord may be required to furnish evidence to the inspector of such compliance.

Requirement under Article 5 of the Regulations:

- That the house shall be maintained in a proper state of structural repair. A proper state of structural repair is defined as essentially sound, with roof, floors, ceiling, walls and stairs in good repair and not subject to serious dampness or liable to collapse because they are rotted or otherwise defective.

The house will be in compliance with the Regulations where:

1. The ground /walls /floor are free from movement as one moves through the house.
2. The building appears free from risk that it is dangerous or near collapse.
3. The house is free from signs of serious dampness.
4. The ceilings, walls and floors are free from obvious visible signs of water/moisture ingress.
5. The surfaces of the walls or floor are free from serious dampness.
6. The stairs is in good repair and not liable to collapse.

¹ It is proposed, following the enactment of the Housing (Miscellaneous Provisions) Bill 2008, to introduce a more comprehensive definition of "a proper state of structural repair". The definition will be expanded to include an obligation to maintain, for example, windows, doors, fascias, gutters, downpipes and gardens. Following the enactment of the Bill, amending regulations will be drafted and updated technical guidance will be issued to take account of the new definition.

Section B.

Article 6 of the Housing (Standards for Rented Houses) Regulations 2008 (S.I. 534/2008): Sanitary Facilities

The purpose of the revised Regulations relating to Sanitary Facilities is to ensure that each house has exclusive access to its own sanitary facilities and that those facilities are contained within the habitable area of the house. The effect of this will be that tenants do not have to exit their house in order to access toilet/washing facilities and that they do not have to share sanitary facilities with tenants of another house. It does not mean that each tenant in a house must have access to their own private sanitary services but that two houses cannot share the same sanitary services. This article also provides for a continuous supply of cold water and a facility for the piped supply of hot water to wash-hand basins, showers and baths. The room(s) containing the watercloset and/or fixed bath or shower must be in a room separated from the other rooms in the house by a wall and door, and must contain adequate ventilation. (See also Article 9 for ventilation requirements for bathrooms)

Requirement under Article 6 of the Regulations:

- There shall be provided within the habitable area of the house, for the exclusive use of the house:
 - (a) A watercloset, with dedicated wash hand basin adjacent thereto with a continuous supply of cold water and a facility for the piped supply of hot water, and
 - (b) A fixed bath or shower with continuous supply of cold water and a facility for the piped supply of hot water.

The above requirements shall:

- be maintained in good working order ,
- have safe and effective means of drainage,
- be properly insulated and secured,
- have minimum capacity requirements for hot and cold water storage facilities, and
- be provided in a room separate from other rooms by a wall and a door and containing separate ventilation.

The house will be in compliance with the Regulations where:

1. There is a watercloset, with a dedicated wash hand basin adjacent thereto with continuous supply of cold water and a facility for the piped supply of hot water, all in good working order.
2. There is a bathroom containing either a fixed bath or shower with a continuous supply of cold water and a facility for the piped supply of hot water, all in good working order.
3. The rooms listed at 1 and 2 above are within the house.
4. The rooms listed at 1 and 2 above are separated from adjacent rooms or spaces by a wall with a door.
5. The rooms listed at 1 and 2 above have separate means of ventilation.
6. There is adequate hot and cold water storage capacity.
7. The drains serving the wash hand basins, sinks, baths, showers and toilets allow waste to flow freely.

Section C.

Article 7 of the Housing (Standards for Rented Houses) Regulations 2008 (S.I. 534/2008): Heating Facilities

The purpose of this article is to ensure that each habitable room in the house has a fixed appliance or appliances, which are capable of providing effective heating. The operation of such appliances must be capable of being independently manageable by the tenant. One of the main effects of this article is that central heating systems centrally controlled by a landlord will no longer be permissible. The Regulations also provide that there must be provision for the safe and effective removal of fumes to the external air. (See also Article 9 for ventilation requirements)

Requirement under article 7 of the Regulations:

- Every room used, or intended for use, by the tenant of the house as a habitable room shall contain
 - (a) a permanently fixed appliance or appliances capable of providing effective heating,
 - (b) suitable and adequate facilities for the safe and effective removal of fumes and other products of combustion to the external air,

- The operation of any appliance referred to above shall be capable of being independently manageable by the tenant.

The house will be in compliance with the Regulations where:

1. The heat producing appliance is capable of being independently managed by the tenant.
2. The heat producing appliance is capable of providing effective heat.
3. The heat producing appliance is in working order.
4. The heat producing appliance has an adequate supply of air to it for combustion and for the efficient working of any flue pipe or chimney.
5. The heat producing appliance has adequate provision for the discharge of the products of combustion to the outside air.

Section D:

Article 8 of the Housing (Standards for Rented Houses) Regulations 2008 (S.I. 534/2008): Food Preparation and Storage and Laundry

This article requires that each house be provided with adequate facilities for the hygienic storage, preparation and cooking of food. This will have the effect of modernising kitchen facilities in rental accommodation and allowing tenants to enjoy a better quality of life. Each house shall have sole access to these facilities from the habitable area of the house and sharing of these facilities between different lettings is not permitted. The purpose of the article is to ensure that modern cooking, cleaning and storage facilities are available to all tenants. Houses must have access to a washing machine or to a communal facility for washing clothes. Where the house does not have the exclusive use of a garden or yard, a dryer (vented or circulation type) must be provided.

Note: Houses let by a housing authority under section 56 of the Housing Act 1966 (as amended) or by a housing body approved under section 6 of the Housing (Miscellaneous Provisions) Act 1992 are exempt from this article of the Regulations.

Requirement under article 8 of the Regulations:

- There shall be provided, within the habitable area of the house, for the exclusive use of the house:
 - (a) 4 ring hob with oven and grill,
 - (b) Suitable facilities for the effective and safe removal of fumes to the external air by means of a cooker hood or extractor fan,
 - (c) Fridge and freezer or fridge-freezer,

- (d) Microwave oven,**
 - (e) Sink, with a piped supply of cold water taken direct from the service pipe supplying water from the public main or other source to the building containing the house and a facility for the piped supply of hot water, and an adequate draining area,**
 - (f) Suitable and adequate number of kitchen presses for food storage purposes,**
 - (g) Washing Machine, or access to a communal washing machine facility within the curtilage of the building, and**
 - (h) Where the house does not contain a garden or yard for the exclusive use of that house, a dryer (vented or recirculation type).**
- **The facilities listed (a) – (h) above must be maintained in good working order and good repair and responsibility for maintenance of those facilities rests with the landlord.**

The house will be in compliance with the Regulations where:

- 1. There is a cold water supply to the kitchen sink taken direct from the service pipe supplying water to the public main or other source.**
- 2. There is a sink and an adequate draining board.**
- 3. There is a four ring hob, an oven and a grill.**
- 4. There is a suitable facility for the removal of fumes to the external air by means of a cooker hood or extractor fan.**
- 5. A fridge is supplied.**
- 6. A freezer is supplied. An icebox in a fridge will not suffice as a freezer for the purpose of the Regulations.**
- 7. A microwave oven is supplied.**
- 8. There is a reasonable amount of storage cabinets.**
- 9. There is a washing machine or access to a communal washing machine facility within the curtilage of the building.**
- 10. Where the house does not have a garden or yard for the exclusive use of that house, a dryer must be provided.**
- 11. All of the above requirements are in good working order and repair.**

Section E:

Article 9 of the Housing (Standards for Rented Houses) Regulations 2008 (S.I. 534/2008): Ventilation

The purpose of article 9 is to ensure that all houses are adequately ventilated and that the means of ventilation is maintained in good repair and working order. It should be noted that the guidance for ventilation is based on the standards applicable to material change of use, alteration works and new building works in the Building Regulations. As with all of the guidance the adoption by local authorities of an approach other than that outlined in this guidance is not precluded provided that the property is in compliance with the relevant requirements of the Regulations.

Requirement under article 9 of the Regulations:

- **Every room used, or intended for use, by the tenant of the house as a habitable room shall have adequate ventilation**
- **All means of ventilation shall be maintained in good repair and working order**
- **Adequate ventilation shall be provided for the removal of water vapour from kitchens and bathrooms**

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The house will be in compliance with the Regulations where:

- 1. The room containing a kitchen (of more than 6.5 sqm in floor area) has a wall or window vent.**
- 2. The vent must provide 6500sq mm of ventilation.**
- 3. The room containing a kitchen (of more than 6.5sqm in floor area) must have an openable window section or door directly to external air. In a kitchen of less than 6.5 sqm in area, which does not contain an openable window to external air, the mechanical extract ventilation should include an automatic 15 minutes over-run or be controlled by a humidistat and provision should be made for air supply via a 10mm gap under the door or equivalent. ***
- 4. The area of this openable section must be a minimum of 1/20th of floor area.**
- 5. In the room containing a kitchen (of any size) there must be mechanical extract ventilation or ceiling/wall vent exiting at or above roof level (passive stack vent).**
- 6. In each bathroom/wc, where there is an openable window or door to external air, the opening section must be a minimum 1/20th of floor area.**
- 7. In each bathroom/wc, there must be a mechanical extraction vent unobstructed or passive stack vent with humidity control, in working order.**
- 8. In each bathroom/wc, without opening section to external air for rapid ventilation the mechanical extraction vent must have 15 minutes overrun or be controlled by humidistat.**

9. In each habitable room there must be an openable external window/door.
10. The openable section of the window/door must be a minimum of 1/20th of the floor area.
11. In each habitable room wall/window vents must be unobstructed.
12. The vent must provide 6500sq mm of ventilation.

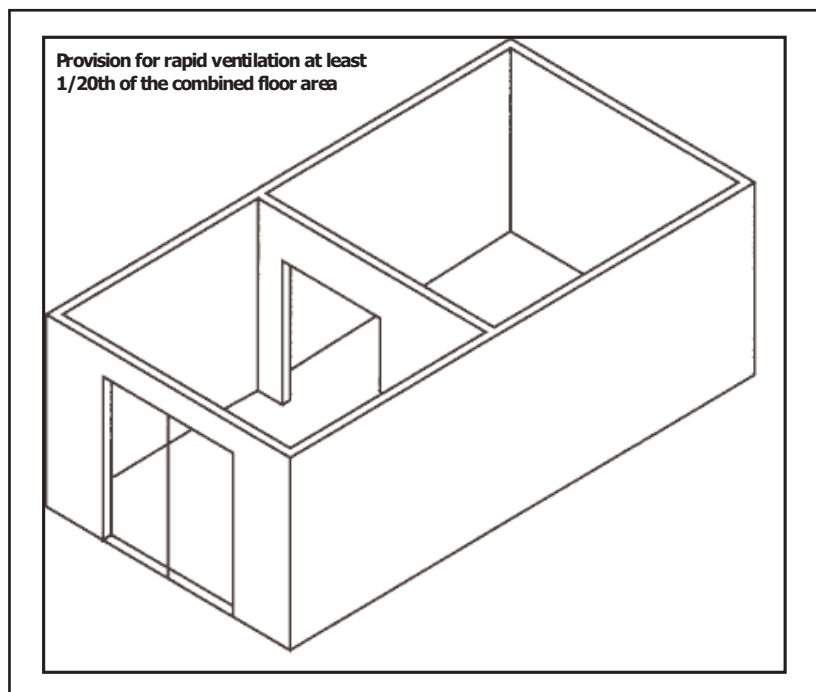
***Ventilation of Habitable Rooms through other rooms and spaces**

Two habitable rooms may be treated as a single room for ventilation purposes if there is an area of permanent opening between them equal to at least 1/20th of the combined floor areas (see Diagram).

There must be a permanent opening between the two rooms equal to 1/20th of the combined floor area for the two rooms to be considered as one.

The "other" room must have provision for rapid ventilation equal to at least 1/20th of the combined floor area and 6500 mm² background ventilation.

Two rooms treated as a single room for ventilation purposes



Section F:

Article 10 of the Housing (Standards for Rented Houses) Regulations 2008 (S.I. 534/2008): Lighting

Article 10 ensures that all habitable rooms have natural lighting and that all rooms have an adequate means of artificial lighting. It is not necessary under the Regulations that halls, stairs and landings have natural lighting but they should have an adequate source of artificial lighting. For safety reasons, all multi-unit buildings must be provided with emergency lighting in common areas, linked to fire alarm system (see article 11 - Fire Safety). The windows of bathrooms/shower rooms must be screened to ensure privacy.

Requirement under article 10 of the Regulations:

- Every room used or intended for use, by the tenant of the house, as a habitable room, shall have adequate natural lighting.
- Every hall, stairs and landing within the house, and every room used, or intended for use, by the tenant of the house shall have a suitable and adequate means of artificial lighting.
- The windows of every room containing a bath and/or shower and a watercloset shall be suitably and adequately screened to ensure privacy.

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The house will be in compliance with the Regulations where:

1. There is adequate natural lighting in all habitable rooms.
2. There is adequate artificial lighting for the circulation routes and all rooms used or intended for use by the tenant.
3. Any window in the room containing a bath and/or shower and a watercloset is adequately screened.

Section G:

Article 11 of the Housing (Standards for Rented Houses) Regulations 2008 (S.I. 534/2008): Fire Safety

Article 11 provides for improved fire safety measures in rented accommodation. It distinguishes between houses in multi-unit buildings and houses not forming part of a multi-unit building. Houses in multi-unit buildings must contain a mains-wired smoke alarm, a fire blanket, emergency lighting and an emergency evacuation plan. Where a rental unit is not part of a multiple unit, it must have either a mains-wired smoke alarm or at least two 10-year self-contained battery operated smoke alarms and a fire blanket. The effect of these requirements will be to reduce the risk to the tenant in case of fire. Certain wireless or radio controlled fire alarm systems may be deemed to comply with the Regulations where they comply with I.S.3218

Requirement under article 11 of the Regulations:

- **Subject to the provisions below, the house shall contain either a mains-wired smoke alarm or at least two 10-year self-contained battery-operated smoke alarms and a fire blanket.**
- **Each self-contained house in a multi-unit building shall contain a mains-wired smoke alarm, a fire blanket and an emergency evacuation plan.**
- **Emergency lighting, linked to the fire alarm system, shall be provided in all common areas within a multi-unit building.**

The house will be in compliance with the Regulations where:

- 1. Single Houses**
 - a. **There is a mains-wired smoke alarm OR a minimum of two 10- year self-contained battery-operated smoke alarms.**
 - b. **There is a fire blanket in the house.**
- 2. Multi-Unit Buildings**
 - a. **In a multi-unit building there is emergency lighting, linked to the fire alarm system, in the common areas.**
 - b. **The house in a multi unit building has a mains wired smoke alarm**
 - c. **There is an emergency evacuation plan displayed in the house.**
 - d. **There is a fire blanket in the house.**

*** Certain wireless or radio controlled fire alarm systems may be found to comply with the Regulations where they comply with I.S. 3218. The landlord may be required to provide such evidence as is necessary to establish that any fire alarm system is in compliance with I.S. 3218.²**

Section H:

Article 12 of the Housing (Standards for Rented Houses) Regulations 2008 (S.I. 534/2008): Refuse

The "Sustainable Urban Housing: Design Standards for New Apartments" document published by the Department of the Environment, Heritage and Local Government in September 2007 addressed the issue of refuse storage, recommending that adequate provision be made for the storage and collection of waste materials. These Regulations provide that each house must provide for suitable pest and vermin-proof refuse storage facilities.

2 I.S. 3218:1989 - Code of Practice for Fire Detection and Alarm Systems for Buildings - System Design, Installation and Servicing. This standard is issued by the National Standards Authority of Ireland (NSAI).

Requirement under article 12 of the Regulations:

- **The house shall contain suitable and adequate, pest and vermin-proof refuse storage facilities**

The house will be in compliance with the Regulations where:

There is suitable and adequate, pest and vermin proof refuse storage facilities provided for each house. Where there is more than one house in the building, these facilities can be provided individually for each house or a communal facility can be provided for the building provided it is suitable and adequate to collect and store the refuse in an appropriate manner between collections.

Section I:

Article 13 of the Housing (Standards for Rented Houses) Regulations 2008 (S.I. 534/2008): Electricity & Gas

Article 13 provides that all electricity and gas installations be maintained in good repair and safe working order. It is also provides that there must be, where necessary, provision for the safe and effective removal of fumes to the external air. (See also ventilation). Landlords should have current Periodic Inspection Reports from the Electro-Technical Council of Ireland (ECTI) for electricity installations and compliance with NSAI guidelines for gas installations to prove compliance with the Regulations.

Requirement under article 13 of the Regulations:

- **Installations in the house for the supply of electricity and gas shall be maintained in good repair and safe working order with provision, where necessary, for the safe and effective removal of fumes to the external air.**

The following will prove compliance with the Regulations:

- 1. A current ETCI Periodic Inspection Report by a registered electrical contractor for the electrical installation in the house. The result of the tenancy inspection shall show a standard which requires that "no remedial work is required".**
- 2. A current Declaration of Conformance for an IS 813³ annex E inspection by a Registered Gas installer for the gas installation in the house.**

3 Annex E of the National Standard for Domestic Gas Installation 813 (IS813). This standard is issued by the National Standards Authority of Ireland (NSAI).

Appendix 1

Definitions

Emergency Lighting: Lighting provided for use when the power supply to normal lighting fails

Existing Rental Property: A house let for rent or other valuable consideration solely as a dwelling between 1st day of September 2004 and the 31st day of January 2009.

Fridge-Freezer: An upright unit comprising of a separate refrigerator and freezer.

Habitable Room: Room used for living or sleeping purposes but does not include a kitchen having a floor area of less than 6.5 square metres, a bathroom, toilet or shower-room.

House: Any building or part of a building used or suitable for use as a dwelling and any outoffice, yard, garden or other land appurtenant thereto or usually enjoyed therewith

Landlord: The person for the time being entitled to receive (otherwise than as agent for another person) the rent paid in respect of a dwelling by the tenant thereof

Passive Stack Ventilation: A ventilation system using ducts from high level locations within rooms to terminals on or above the roof, which provides a flow of air by combustion of the natural stack effect, i.e. the movement of air due to the difference in temperature between inside and outside, and the effect of wind passing over the roof of the dwelling.

Tenant: The person for the time being entitled to the occupation of a dwelling under a tenancy.

Tenancy: Includes a periodic tenancy and a tenancy for a fixed term, whether oral or in writing or implied.

Appendix 2

A sample checklist has been set out below for the benefit of local authorities as a suggested approach to the inspection of rented houses. The use of this checklist is not prescribed or obligatory under the Regulations and local authorities are free to devise and implement their own standard operating procedures and practices for inspections carried out for the purposes of the Regulations and enforcement actions to be taken. The checklist may also be of use to landlords and tenants in assessing whether or not a rented house complies with the Regulations. Where a landlord is unsure as to whether or not a property complies with the Regulations, they may contact the relevant local authority and request that an inspection be carried out. Tenants should address any concerns in the first instance to the landlord, and may also request that the local authority carry out an inspection.

CHECKLIST

The purpose of this checklist is to enable assessment of minimum standards for rented accommodation, as regulated by the Housing (Standards for Rented Houses) Regulations 2008 (S.I. 534/2008).

It is based on minimum accommodation standards under the following headings;

- A STRUCTURAL CONDITION
- B SANITARY FACILITIES
- C HEATING FACILITIES
- D FOOD PREPARATION, STORAGE & LAUNDRY
- E VENTILATION
- F LIGHTING
- G FIRE SAFETY
- H REFUSE FACILITIES
- I ELECTRICITY & GAS

The Assessment is made up of two parts;

PART 1 – Property Details

PART 2 – Property Checklist

The Inspector should complete the two parts in order to complete the assessment.

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IMPORTANT NOTE

If, during the visual assessment, it is not possible to ascertain whether a house is in compliance with the Regulations, the landlord may be required to provide such evidence as is necessary to establish that the requirements of the Housing (Standards for Rented Houses) Regulations 2008 (S.I. 534/2008) are being complied with.

MINIMUM STANDARDS FOR RENTED HOUSES

PART 1 - Property Details

Address of Property	
Type of Property	
Number of Occupants	
Total Area (sqm)	
Kitchen Area (sqm)	
Landlord's Address and Contact Phone Number	
Agent's Address and Contact Phone Number	
Name of Tenant (where available)	
Contact Phone No. of Tenant	
PRTB Registration Number	
Date of Inspection	
Name of Inspector	
Name of Local Authority	
Address of Local Authority	
Contact details of Local Authority	

Minimum Standards of Rented Accommodation

PART 2 - Property Checklist

A - Article 5: STRUCTURAL CONDITION

- (1) A house to which these Regulations apply (hereinafter referred to as "the house") shall be maintained in a proper state of structural repair.
- (2) For the purposes of sub-article (1), "a proper state of structural repair" means essentially sound, with roof, floors, ceiling, walls and stairs in good repair and not subject to serious dampness or liable to collapse because they are rotted or otherwise defective.⁴

ITEM REF	REQUIREMENT ASSESSMENT IS MADE UPON VISUAL INSPECTION ONLY.	YES (please tick)	NO (please tick)
A1	Are the ground /walls /floor free from movement as one moves through the house?		
A2	Does the building appear free from risk that it is dangerous or near collapse?		
A3	Is the house free from signs of serious dampness?		
A4	Are the ceilings, walls and floors free from obvious visible signs of water/moisture ingress?		
A5	Are the surfaces of the walls or floor free from serious dampness?		
A6	Is the stairs in good repair and not liable to collapse?		

⁴ It is proposed, following the enactment of the Housing (Miscellaneous Provisions) Bill 2008, to introduce a more comprehensive definition of "a proper state of structural repair". The definition will be expanded to include an obligation to maintain, for example, windows, doors, fascias, gutters, downpipes and gardens. Following the enactment of the Bill, amending regulations will be drafted and updated technical guidance will be issued to take account of the new definition.

Minimum Standards of Rented Accommodation

B - Article 6: SANITARY FACILITIES

- (1) There shall be provided within the habitable area of the house, for the exclusive use of the house:
- (a) A watercloset, with dedicated wash hand basin adjacent thereto with a continuous supply of cold water and a facility for the piped supply of hot water, and
 - (b) A fixed bath or shower with continuous supply of cold water and a facility for the piped supply of hot water.
- (2) The requirements of sub-article (1) shall:
- (i) be maintained in good working order,
 - (ii) have safe and effective means of drainage,
 - (iii) be properly insulated and secured,
 - (iv) have minimum capacity requirements for hot and cold water storage facilities, and
 - (v) be provided in a room separated from other rooms by a wall and a door and containing separate ventilation.

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ITEM REF	REQUIREMENT	YES (please tick)	NO (please tick)
B1	Is there a watercloset, with dedicated wash hand basin adjacent thereto, with continuous supply of cold water and a facility for the piped supply of hot water, all in good working order?		
B2	Is there a bathroom containing either a fixed bath or a shower bath, with a continuous supply of cold water and a facility for the piped supply of hot water, all in good working order?		
B3	Are the rooms containing items in B1 or B2 within the house?		
B4	Are the rooms containing items in B1 and B2 separated by wall (with door) from adjacent rooms or spaces?		
B5	Do the rooms containing items in B1 or B2 have separate means of ventilation?		
B6	Is there adequate hot and cold water storage capacity?		
B7	Do the drains serving the wash hand basins, sinks, baths, showers and toilets allow waste to flow freely?		

Minimum Standards of Rented Accommodation

C - Article 7: HEATING FACILITIES

- (1) Every room used, or intended for use, by the tenant of the house as a habitable room shall contain:
- (a) a permanently fixed appliance or appliances capable of providing effective heating,
 - (b) suitable and adequate facilities for the safe and effective removal of fumes and other products of combustion to the external air.
- (2) The operation of any appliance referred to in sub-article (1)(a) shall be capable of being independently manageable by the tenant.

ITEM REF	REQUIREMENT	YES (please tick)	NO (please tick)
C1	Is the heat producing appliance capable of being independently managed by the tenant?		
C2	Is the heat producing appliance capable of providing effective heat?		
C3	Is the heat producing appliance in working order?		
C4	Does heat producing appliance have adequate supply of air to it for combustion and for the efficient working of any flue pipe or chimney?		
C5	Does heat producing appliance have adequate provision for the discharge of the products of combustion to the outside air?		

Minimum Standards of Rented Accommodation

D - Article 8: FOOD PREPARATION AND STORAGE AND LAUNDRY

- (1) Notwithstanding Article 4, this Article shall not apply where the house is let by a housing authority under Section 56 of the Housing Act 1966 (as amended) or by a housing body approved under Section 6 of the Housing (Miscellaneous Provisions) Act 1992.**
- (2) Subject to sub-article (1), there shall be provided, within the habitable area of the house, for the exclusive use of the house:**
 - (a) 4 ring hob with oven and grill,**
 - (b) Suitable facilities for the effective and safe removal of fumes to the external air by means of a cooker hood or extractor fan,**
 - (c) Fridge and freezer or fridge-freezer,**
 - (d) Microwave oven,**
 - (e) Sink, with a piped supply of cold water taken direct from the service pipe supplying water from the public main or other source to the building containing the house and a facility for the piped supply of hot water, and an adequate draining area,**
 - (f) Suitable and adequate number of kitchen presses for food storage purposes,**
 - (g) Washing machine, or access to a communal washing machine facility within the curtilage of the building, and**
 - (h) Where the house does not contain a garden or yard for the exclusive use of that house, a dryer (vented or recirculation type).**
- (3) facilities under sub-article (2) shall be maintained in good working order and good repair.**
- (4) Responsibility for maintenance of facilities under sub-article (2) shall rest with the landlord.**

ITEM REF	REQUIREMENT	YES (please tick)	NO (please tick)
D1	Is there a cold water supply to the sink taken directly from the service pipe supplying water to the public main or other source?		
D2	Is there a sink with an adequate draining board?		
D3	(i) 4 ring hob, oven & grill present in working order? (ii) suitable facility for removal of fumes to the external air by means of a cooker hood or extractor fan?		
D4	Fridge present? Freezer present? Microwave oven present?		
D5	Is there a reasonable amount of storage cabinets in the kitchen?		
D6	Is there a washing machine or access to a communal washing machine facility within the curtilage of the building? Where the house does not have a garden or yard for the exclusive use of that house, is there a dryer?		
D7	Are all of the above requirements in good working order and repair?		

Minimum Standards of Rented Accommodation

E - Article 9: VENTILATION

- (1) Every room used, or intended for use, by the tenant of the house as a habitable room shall have adequate ventilation.**
- (2) All means of ventilation shall be maintained in good repair and working order.**
- (3) Adequate ventilation shall be provided for the removal of water vapour from kitchens and bathrooms.**

ITEM REF	REQUIREMENT	YES (please tick)	NO (please tick)
E1	<p>In a room containing a kitchen (of more than 6.5sqm in floor area) is there a wall or window vent?</p> <p>Is the vent providing 6500sq mm of ventilation?</p>		
E2	<p>In a room containing a kitchen (of more than 6.5sqm in floor area) is there an openable window section or door directly to external air?</p> <p>In a kitchen of less than 6.5 sqm in area which does not contain an openable window to external air, the mechanical extract ventilation should include an automatic 15 minutes over-run or be controlled by a humidistat and provision should be made for air supply via a 10 mm gap under the door or equivalent.</p> <p>Is the area of this openable section min. 1/20th of floor area?</p>		
E3	<p>In the room containing a kitchen (of any size) is there mechanical extract ventilation or ceiling/wall vent exiting at or above roof level? (passive stack vent)</p>		
E4	<p>In each bathroom/wc, where there is an openable window or door to external air, is the opening section of min. 1/20th of floor area? (N/A is a possible answer where there is no openable window)</p>		
E5	<p>In each bathroom/wc, is there a mechanical extraction vent visible or passive stack vent with humidity control, in working order?</p>		
E6	<p>In each bathroom/wc, without opening section to external air, does the mechanical extraction vent have 15 minutes over-run or is it controlled by humidistat? (N/A is a possible answer where there is an openable window)</p>		
E7	<p>In each habitable room is there an openable external window/door?</p> <p>Is the area of this openable section min. 1/20th of floor area?</p>		
E8	<p>In each habitable room are there wall/window vents unobstructed?</p> <p>Is the vent providing 6500sq mm of ventilation?</p>		

Minimum Standards of Rented Accommodation

F - Article 10: LIGHTING

- (1) Every room used, or intended for use, by the tenant of the house as a habitable room, shall have adequate natural lighting.
- (2) Every hall, stairs, and landing within the house and every room used, or intended for use, by the tenant of the house shall have a suitable and adequate means of artificial lighting.
- (3) The windows of every room containing a bath and/or shower and a watercloset shall be suitably and adequately screened to ensure privacy.

ITEM REF	REQUIREMENT	YES (please tick)	NO (please tick)
F1	Is there adequate natural lighting in all habitable rooms?		
F2	Is there adequate artificial lighting for the circulation routes and for all rooms used or intended for use by the tenant?		
F3	Is any window in the room containing a bath and/or shower and watercloset adequately screened?		

Minimum Standards of Rented Accommodation

G – Article 11: FIRE SAFETY

- (1) Subject to sub-article (2), the house shall contain a fire blanket and either a mains-wired smoke alarm or at least two 10-year self-contained battery-operated smoke alarms.
- (2) Each self-contained house in a multi-unit building shall contain a mains-wired smoke alarm, a fire blanket and an emergency evacuation plan.
- (3) Emergency lighting, linked to the fire alarm system, shall be provided in all common areas within a multi-unit building.

ITEM REF	REQUIREMENT	YES (please tick)	NO (please tick)
G1	<p>(i) In a house which is not part of a multi-unit building is there a mains-wired* smoke alarm OR a minimum of two 10 year self-contained battery-operated smoke alarms?</p> <p>(ii) Is there a fire blanket in the house?</p>		
G2	If the house is in a multi-unit building is there emergency lighting, linked to the fire alarm system, in the common areas?		
G3	<p>If the house is in <u>multi-unit building</u>:</p> <p>I Is there mains-wired* smoke alarm in the house?</p> <p>II Is there a fire blanket in the house?</p> <p>III Is there an emergency evacuation plan displayed in the house?</p>		

*Certain wireless or radio controlled systems may be regarded as compliant with the Regulations where they comply with I.S. 3218:1989 - Code of Practice for Fire Detection and Alarm Systems for Buildings - System Design, Installation and Servicing. This standard is issued by the National Standards Authority of Ireland (NSAI). A landlord may be required to provide such evidence as is necessary to establish that any fire alarm system is in compliance with I.S. 3218.

Minimum Standards of Rented Accommodation

H – Article 12: REFUSE FACILITIES

The house shall have access to suitable and adequate pest and vermin-proof refuse storage facilities.

ITEM REF	REQUIREMENT	YES (please tick)	NO (please tick)
H1	Are there suitable and adequate pest-proof refuse storage facilities available to the house?*		

* Where there is more than one house in the building, these facilities can be provided individually for each house or a communal facility can be provided for the building provided it is suitable and adequate to collect and store the refuse in an appropriate manner between collections.

Minimum Standards of Rented Accommodation

I – Article 12: ELECTRICITY AND GAS

Installations in the house for the supply of electricity and gas shall be maintained in good repair and safe working order with provision, where necessary, for the safe and effective removal of fumes to the external air.

ITEM REF	REQUIREMENT	YES (please tick)	NO (please tick)
I1	<p>Is there a current ETCI Periodic Inspection Report by a Registered Electrical Contractor for the electrical installation in the house?</p> <p>ETCI : Electro-Technical Council of Ireland</p> <p>Does the ETCI Periodic Inspection Report show that all items inspected by the Registered Electrical Contractor achieve a standard that requires "NO URGENT ATTENTION" in the electrical installation?</p>		
I2	<p>Is there a current Declaration of Conformance for an IS 813 * annex E inspection by a Registered Gas Installer for the gas installation in the house?</p>		

*Annex E of the National Standard for Domestic Gas Installation 813(IS813). This standard is issued by the National Standards Authority of Ireland (NSAI)