



PainSmith Solicitors Legal Update

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The Regulatory Reform (Fire Safety) Order 2005 and HMOs

When the Regulatory Reform (Fire Safety) Order 2005 (RRFSO) was introduced a number of groups highlighted a crucial inconsistency in the regulations. The regulations clearly stated that they applied to the common parts of HMOs but also stated, equally clearly, that they did not apply to single, private dwellings.

This left landlords of properties that were basically private houses but happened to be let to three or more sharers in something of a quandary as the regulations were somewhat contradictory. PainSmith Solicitors, in common with many other providers, advised at the time that landlords and agents should do their best to comply with the regulations in any event until the situation was clarified. It was expected that the DCLG would provide guidance early in 2007 although this has not yet been received. Simultaneously the Chief Fire Officers Association (CFOA) has convened a working group which is looking at a number of aspects of the regulations with the aim of publishing further guidance.

CFOA is shortly looking to communicate the results of its deliberations. They are now taking the view, which is expected to be endorsed by the DCLG, that single, private dwellings let as HMOs will not be covered by the RRFSO. They accept that this is not a particularly satisfactory outcome but it does represent the most commonsensical approach.

The CFOA working group is expecting to make its guidance available over the next two weeks or so. They are also working on a full guidance for fire standards in HMOs which should be available for consultation later this year with an expected final publication date in December 2007.

Agents are reminded that, even though the RRFSO will not apply to HMOs which are single private dwellings, the HHSRS applies to all residential rented premises and will continue to do so and that the standard being applied for fire safety by Environmental Health Officers carrying out inspections is the same as that set out by the RRFSO so it is probable that this altered guidance will have little actual effect.

The CFOA website can be found at www.cfoa.org.uk.

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