



Renting Homes (Wales) Act 2016

2016 anaw 1

PART 4

CONDITION OF DWELLING

CHAPTER 2

CONDITION OF DWELLING

(THIS CHAPTER APPLIES TO ALL SECURE CONTRACTS, ALL PERIODIC STANDARD CONTRACTS, AND ALL FIXED TERM STANDARD CONTRACTS MADE FOR A TERM OF LESS THAN SEVEN YEARS)

Landlord's obligations as to condition of dwelling

94 Determination of fitness for human habitation

- (1) The Welsh Ministers must prescribe matters and circumstances to which regard must be had when determining, for the purposes of section 91(1), whether a dwelling is fit for human habitation.
- (2) In exercising the power in subsection (1), the Welsh Ministers may prescribe matters and circumstances—
 - (a) by reference to any regulations made by the Welsh Ministers under section 2 of the Housing Act 2004 (c. 34) (meaning of “category 1 hazard” and “category 2 hazard”);
 - (b) which may arise because of a failure to comply with an obligation under section 92.
- (3) The Welsh Ministers may by regulations—
 - (a) impose requirements on landlords for the purpose of preventing any matters or circumstances which may cause a dwelling to be unfit for human habitation from arising;

Changes to legislation: *Renting Homes (Wales) Act 2016, Section 94 is up to date with all changes known to be in force on or before 20 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

- (b) prescribe that if requirements imposed under paragraph (a) are not complied with in respect of a dwelling, the dwelling is to be treated as if it were unfit for human habitation.

Commencement Information

- I1** S. 94 in force at 5.8.2016 for specified purposes by [S.I. 2016/813, art. 2\(a\)](#), **Sch. Pt. 1**
I2 S. 94 in force at 1.12.2022 in so far as not already in force by [S.I. 2022/906, art. 2](#)

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Changes and effects yet to be applied to :

- specified provision(s) savings for amendments by 2018 anaw 1, s. 6, Sch. 6 by [S.I. 2019/110 reg. 5](#)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 20(3)(ma) inserted by [2019 anaw 2 Sch. 3 para. 4\(2\)](#)
- s. 135(2)(ia) inserted by [2019 anaw 2 Sch. 3 para. 4\(3\)](#)
- s. 186A-186C inserted by [2019 anaw 2 Sch. 3 para. 4\(1\)](#)
- s. 198A inserted by [2019 anaw 2 Sch. 3 para. 5](#)