



# 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*

**91 Landlord's obligation: fitness for human habitation**

- (1) The landlord under a secure contract, a periodic standard contract or a fixed term standard contract made for a term of less than seven years must ensure that the dwelling is fit for human habitation—
  - (a) on the occupation date of the contract, and
  - (b) for the duration of the contract.
- (2) The reference in subsection (1) to the dwelling includes, if the dwelling forms part only of a building, the structure and exterior of the building and the common parts.
- (3) This section is a fundamental provision which is incorporated as a term of all secure contracts, all periodic standard contracts, and all fixed term standard contracts made for a term of less than seven years.

## **92 Landlord’s obligation to keep dwelling in repair**

- (1) The landlord under a secure contract, a periodic standard contract or a fixed term standard contract made for a term of less than seven years must—
  - (a) keep in repair the structure and exterior of the dwelling (including drains, gutters and external pipes), and
  - (b) keep in repair and proper working order the service installations in the dwelling.
- (2) If the dwelling forms part only of a building, the landlord must—
  - (a) keep in repair the structure and exterior of any other part of the building (including drains, gutters and external pipes) in which the landlord has an estate or interest, and
  - (b) keep in repair and proper working order a service installation which directly or indirectly serves the dwelling, and which either—
    - (i) forms part of any part of the building in which the landlord has an estate or interest, or
    - (ii) is owned by the landlord or is under the landlord’s control.
- (3) The standard of repair required by subsections (1) and (2) is that which is reasonable having regard to the age and character of the dwelling, and the period during which the dwelling is likely to be available for occupation as a home.
- (4) In this Part, “service installation” means an installation for the supply of water, gas or electricity, for sanitation, for space heating or for heating water.
- (5) This section is a fundamental provision which is incorporated as a term of all secure contracts, all periodic standard contracts, and all fixed term standard contracts made for a term of less than seven years.

## **93 Obligations under sections 91 and 92: supplementary**

- (1) The landlord must make good any damage caused by works and repairs carried out in order to comply with the landlord’s obligations under section 91 or 92.
- (2) The landlord may not impose any obligation on the contract-holder in the event of the contract-holder’s enforcing or relying on the landlord’s obligations under section 91 or 92.
- (3) This section is a fundamental provision which is incorporated as a term of all secure contracts, all periodic standard contracts, and all fixed term standard contracts made for a term of less than seven years.

## **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;
  - (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.