

Legionella - Information for Landlords

You may have heard in recent months of new requirements for landlords to have legionella risk-assessments carried out at their rental properties. Furthermore, The Property Ombudsman



Service (of which Proudhouse Property Management is a member) places a requirement on agents to advise landlords on the risks of Legionella in rental properties. To that end, the aim of this information sheet is to advise you on legionella and on how to fulfil your obligations as a landlord.

The information provided here is, where indicated, all referenced from the HSE Website www.hse.gov.uk

What is Legionella and what are the risks?

Legionnaires' disease is a potentially fatal form of pneumonia caused by the inhalation of small droplets of contaminated water containing Legionella. All man-made hot and cold water systems are likely to provide an environment where Legionella can grow. Where conditions are favourable (e.g. suitable temperature range, aerosols, water stored and/or recirculated, 'food' for the organism to grow such as rust, sludge, scale, biofilm etc.) then the bacteria may multiply thus increasing the risk of exposure.

<http://www.hse.gov.uk/legionnaires/legionella-landlords-responsibilities.htm>

The Law

The law is clear that if you are a landlord and rent out your property (or even a room within your own home) then you have legal responsibilities to ensure the health and safety of your tenant by keeping the property safe and free from health hazards. <http://www.hse.gov.uk/legionnaires/legionella-landlords-responsibilities.htm>

There are the Regulations and there is a Code of Practice.

The regulations are:

Section 3(2) of the Health and Safety at Work Act 1974
Control of Substances Hazardous to Health Regulations 2002

The Code of Practice:

The best means of compliance is to fulfill the requirements of the L8 Approved Code of Practice; ie conduct a formal risk assessment. However, bear in mind that this Code of Practice covers a wide range of circumstances and not just rental properties. In fact, rental properties form only a very small subject area and domestic systems are generally considered to be low risk.

You can read the Code of Practice here:

<http://www.hse.gov.uk/pubns/books/l8.htm>

Proudhouse feel the best advice can be provided by dispelling a few myths which are being bandied around by agents and landlords:

Myth busters

Myth 1: A written legionella risk assessment is a legal requirement for rental properties. Not strictly true! However, it is the best (and probably only) way of demonstrating compliance with the regulations.

Myth 2: Only a qualified risk assessor can undertake a legionella risk assessment. Not true! In fact HSE guidance specifically states the following: "Most landlords can assess the risk themselves and do not need to be professionally trained or accredited"

Myth 3: Risk assessments are a necessary expense. Again, the HSE website advises to the contrary: "In most cases, the actions landlords need to take are simple and straightforward so compliance does not need to be burdensome or costly."

Myth 4: A legionella risk assessment requires technical knowledge of plumbing and water systems. Not really! HSE guidelines state:

For most domestic hot and cold water systems, temperature is the most reliable way of ensuring the risk of exposure to Legionella bacteria is minimised ie keep the hot water hot, cold water cold and keep it moving. Other simple control measures to help control the risk of exposure to Legionella include:

- flushing out the system prior to letting the property

- avoiding debris getting into the system (eg ensure the cold water tanks, where fitted, have a tight fitting lid)
- setting control parameters (eg setting the temperature of the hot water cylinder (calorifier) to ensure water is stored at 60°C)
- make sure any redundant pipework identified is removed.

Myth 5: A risk assessment needs to be carried out every year. Not true! HSE guidelines state the following:

“The law does not prescribe that the risk assessment be reviewed on an annual or biennial basis. It is important to review the assessment periodically in case anything changes but where there are difficulties gaining access to occupied housing units, appropriate checks can be made by carrying out inspections of the water system, for example, when undertaking mandatory visits such as gas safety checks or routine maintenance visits”.

Myth 6: A landlord is legally required to keep records for 5 years. Again; HSE guidance is very helpful here: “Landlords are not necessarily required to record the findings of the assessment (this is only a statutory duty for employers where there are five or more employees), but they may find it prudent to keep a record of what has been done for their own purposes”.

What does Proudhouse advise?

The reason why we have highlighted the myths above is because we are hearing of quite a few examples of landlords being incorrectly informed and then having to pay for an expensive risk assessment ranging £125 - £200 per property. We think this is unfair and some agents are being selective with their advice.

However, we want to help you fulfill your duty and we understand that there is a good chance that you will not be in a position to undertake an assessment yourself or that you may not feel comfortable visiting your tenants etc. We request you take one of the following actions please:

- 1) Make a statement to us, in writing, that you have been advised of legionella and are content with the requirements (you may want to make your own private arrangements which do not have to include Proudhouse).
- 2) Have us arrange a risk-assessment for you. This will be undertaken by a trained assessor and the fee is £75 and will generate a written report for each property. Proudhouse will “gold-plate” this option by carrying out further basic checks and controls of the property at every tenancy changeover subsequent to the initial risk assessment (note the changeover checks will not be labelled as another “risk assessment” as such but we will record details in our client management software of basic measures such cylinder thermostat settings, flushing of taps, pipes and shower heads etc).

In all cases, Proudhouse will be providing a suitable Legionella and legionaires disease information leaflet to tenants at the commencement of new tenancies.

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