

# **Homes (Fitness for Human Habitation) Bill**

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## EXPLANATORY NOTES

Explanatory notes to the Bill, prepared by Ms Karen Buck, are published separately as Bill 15 – EN.

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**B I L L**

TO

Amend the Landlord and Tenant Act 1985 to require that residential rented accommodation is provided and maintained in a state of fitness for human habitation; and for connected purposes.

**B**E IT ENACTED by the Queen’s most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

**1 Amendments to the Landlord and Tenant Act 1985**

- (1) The Landlord and Tenant Act 1985 is amended as follows.
- (2) Substitute the following for section 8—

**“8 Fitness for Human Habitation**

- (1) This section applies to any lease under which a dwelling— 5
  - (a) is let wholly or mainly for human habitation; and,
  - (b) is a lease to which section 13 applies; and,
  - (c) is not exempted by section 14.
- (2) For the purposes of subsection (1) it is immaterial— 10
  - (a) whether the dwelling is or is to be occupied under the lease or under an inferior lease derived out of it; or,
  - (b) that the lease also demises other property (which may consist of or include one or more other dwelling-houses).
- (3) In a lease to which this section applies there is implied a covenant by the lessor— 15
  - (a) that the dwelling is fit for human habitation at the time of the grant; and
  - (b) that the lessor will thereafter keep it fit for human habitation.
- (4) The implied covenant shall not be taken to require the lessor— 20
  - (a) to carry out works or repairs for which the lessee is liable by virtue of his duty to use the premises in a tenant-like manner, or would be so liable but for an express covenant on his part,

- (b) to rebuild or reinstate the premises in the case of destruction or damage by fire, or by tempest, flood or other inevitable accident,
  - (c) to keep in repair or maintain anything which the lessee is entitled to remove from the dwelling-house, 5
  - (d) to carry out works or repairs which, if carried out, would put the lessor in breach of any obligation imposed by statute or subordinate legislation;
  - (e) to carry out works or repairs which require the consent of a superior landlord and which consent has been refused (whether reasonably or otherwise). 10
- (5) The implied covenant shall also not be taken to impose on the lessor any liability in respect of the dwelling being unfit for human habitation if that unfitness is wholly or mainly attributable to—
- (a) the lessee’s own breach of covenant; or, 15
  - (b) disrepair which the lessor is not obliged to make good because of an exclusion or modification under section 12 of this Act.
- (6) Any provision of a lease or agreement relating to a lease (whether made before or after the grant of the lease) is void insofar as it purports—
- (a) to exclude or limit the obligations of the lessor under this section; or 20
  - (b) to authorise any forfeiture or impose on the lessee any penalty, disability or obligation in the event of his enforcing or relying upon these obligations.”
- (3) In subsection (1) of section 9 of the Landlord and Tenant Act 1985, delete “condition and undertaking” in sub-paragraph (a) and replace with “covenants”. 25
- (4) In section 10 of the Landlord and Tenant Act 1985, after “facilities for preparation and cooking of food and for the disposal of waste water” insert “any other matter or matters that may amount to a Category 1 hazard under section 2 of the Housing Act 2004”. 30

## **2 Short title, extent and commencement**

- (1) This Act may be cited as the Homes (Fitness for Human Habitation) Act 2015.
- (2) This Act extends to England and Wales.
- (3) This Act shall come into force— 35
  - (a) in England at the end of the period of three months after it receives Royal Assent and shall apply to all leases and agreements for leases made on or after that date; and
  - (b) in Wales on a date to be appointed by the Welsh Ministers.

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To amend the Landlord and Tenant Act 1985 to require that residential rented accommodation is provided and maintained in a state of fitness for human habitation; and for connected purposes.

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