



# 29 Matters and Circumstances

Part 4 of the Renting Homes (Wales) Act 2016 sets out a landlord's responsibility to provide dwellings that are safe and fit for human habitation (FFHH). By preventing any of the 29 matters or circumstances arising in your rental it will avoid contract-holders potentially living in unfit conditions and will also be the most cost effective approach for you.



## 1. Damp, mites and mould or fungal growth

Exposure to house dust mites, damp, mould or fungal growths.



## 2. Cold

Exposure to excessively low temperatures.



## 3. Heat

Exposure to excessively high temperatures.



## 4. Asbestos and Manufactured Mineral Fibres

Exposure to asbestos fibres or manufactured mineral fibres.



## 5. Biocides

Exposure to chemicals used to treat timber or mould growth.



## 6. Carbon monoxide and fuel combustion products

Exposure to carbon monoxide; nitrogen dioxide; sulphur dioxide and smoke.



### **7. Lead**

The ingestion of lead.



### **8. Radiation**

Exposure to radiation.



### **9. Uncombusted fuel gas**

Exposure to uncombusted fuel gas.

**VOC**

### **10. Volatile organic compounds**

Exposure to volatile organic compounds.



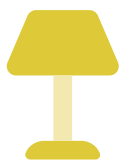
### **11. Crowding and space**

A lack of adequate space for living and sleeping.



### **12. Entry by intruders**

Difficulties in keeping the dwelling secure against unauthorised entry.



### **13. Lighting**

A lack of adequate lighting.



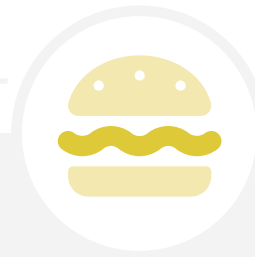
### **14. Noise**

Exposure to noise.



### **15. Domestic hygiene, pests and refuse**

- 1) Poor design, layout or construction such that the dwelling cannot readily be kept clean.
- (2) Exposure to pests.
- (3) An inadequate provision for the hygienic storage and disposal of household waste.



### **16. Food Safety**

An inadequate provision of facilities for the storage, preparation and cooking of food.



### **17. Personal hygiene, sanitation and drainage**

- An inadequate provision of -
- (a) facilities for maintaining good personal hygiene;
  - (b) sanitation and drainage.



### **18. Water supply**

An inadequate supply of water free from contamination, for drinking and other domestic purposes.



### **19. Falls associate with baths etc**

Falls associated with toilets, baths, showers or other washing facilities.



### **20. Falling on surfaces**

Falling on a surface.



### **21. Falling on stairs etc**

Falling on stairs, steps or ramps.



### **22. Falling between levels**

Falling from one surface to another (including falling from height)



### **23. Electrical hazards**

Exposure to electricity.



### **24. Fire**

Exposure to uncontrolled fire and associated smoke.



### **25. Flames, hot surfaces etc**

Contact with—

- (a) controlled fire or flames;
- (b) hot objects, liquid or vapours.



### **26. Collision and entrapment**

Collision with, or entrapment of body parts in, doors, windows or other architectural features.



### **27. Explosions**

An explosion at the dwelling.



## 28. Structural collapse and falling elements

The collapse of the whole or part of the dwelling including falling elements.



## 29. Position and operability of amenities etc

The position, location and operability of amenities, fittings and equipment.

If a landlord's rental property is not fit to live in, a contract-holder does not have to pay rent. It is up to a landlord and contract-holder to decide if a property is fit to live in, based on the 29 'matters and circumstances' above (and the criteria below). Where a dispute cannot be resolved, it will be for the court to determine. In the majority of cases however it is expected that escalation to the courts will not be necessary, as it should be clear to both the landlord and the contract-holder whether the dwelling is of a reasonable condition to live in.

\*The criteria for FFHH also encompasses **three** specific things which must be in all rentals in Wales:

1. a working carbon monoxide alarm present in any room containing a gas appliance, an oil-fired combustion appliance or a solid fuel burning combustion appliance (for instance a gas cooker, gas boiler or wood-burning stove). A relevant room includes halls, landings and corridors;
2. working, mains powered and interlinked smoke alarms, on each floor of the dwelling; AND
3. the electrical service installations must be safety inspected, in accordance with the British Standard BS7671, by a qualified person at intervals of 5 years or sooner where a previous electrical inspection has made such a recommendation. This is known as 'periodic inspection and testing' (PIT). A copy of the condition report (Electrical Condition Report – ECR) setting out the results of an electrical safety inspection must be given to the contract-holder. In addition, you must provide the contract-holder with written confirmation of all investigatory and remedial work carried out on the electrical service installation as a result of an inspection.

**Please note:** The FFHH requirements do not replace the method of assessing rental properties that Council's use under the Housing Health and Rating System (HHSRS) (Part 1 of the Housing Act 2004). Councils could still require works to be undertaken at a rental even if it was suitable under FFHH. Rent Smart Wales also has a published guide about the HHSRS on its website 'resources' page.

*\*Points 2 and 3 above do not come into force for 'converted contracts' until the 30 November 2023 i.e. where occupants living at the rental before 1st December 2022 remain in situ.*

### Further guidance

Welsh Government has released comprehensive guidance on The Renting Homes (Fitness for Human Habitation) (Wales) Regulations 2022 ("the FFHH Regulations") on their website at: [gov.wales/fitness-homes-human-habitation-guidance-landlords](https://gov.wales/fitness-homes-human-habitation-guidance-landlords)