

**Domestic smoke and carbon monoxide alarms: proposals to extend regulations**  
**Consultation response from ARLA Propertymark**  
**January 2021**

**Background**

1. ARLA Propertymark is the UK's foremost professional and regulatory body for letting agents, representing over 9,500 members. ARLA Propertymark agents are professionals working at all levels of letting agency, from business owners to office employees.
2. Our members operate to professional standards far higher than the law demands, hold Client Money Protection and we campaign for greater regulation in this growing and increasingly important sector of the property market. By using an ARLA Propertymark agent, consumers have the peace of mind that they are protected, and their money is safe.

**Questions**

**Smoke alarms in rented homes**

**Q1: Do you support the proposal to extend the smoke alarm requirements as set out in the Smoke and Carbon Monoxide Alarm (England) Regulations 2015 to the social rented sector?**

**a. Yes**

**b. No**

**Q2: Please give your reasons.**

3. Yes, we support the proposal to extend the smoke alarm requirements as set out in the Smoke and Carbon Monoxide Alarm (England) Regulations 2015 to the social rented sector. We have two reasons. Firstly, we want to see fire safety standards increased across all tenures. Secondly, it is sensible that tenants receive the same level of protection irrespective of the type of housing tenure they occupy. This is particularly important in mixed tenure buildings.

**Q3: Do you think that the guidance on where smoke alarms should be situated requires updating?**

**a. Yes**

**b. No**

**Q4: Please give your reasons.**

4. No, we do not think that the guidance on where smoke alarms should be situated requires updating because the guidelines are already very prescriptive.

**Q5: Do you agree with the proposal that landlords should not be required to test smoke alarms during the life of the tenancy?**

**a. Yes**

**b. No**

**Q6: Please give your reasons.**

5. Yes, we agree with the proposal that landlords should not be required to test smoke alarms during the life of a tenancy. To this end, tenants should test smoke alarms monthly and be advised to not tamper with alarms. These requirements should be included in the tenancy agreement.

**Q7: Please provide examples of how social landlords could best support residents to test their smoke alarms regularly and safely.**

6. It is not applicable for us to answer this question.

**Q8: Do you agree with our proposal that legislation be amended to create an obligation for social landlords to repair or replace smoke alarms, once informed that they are faulty?**

**a. Yes**

**b. No**

**Q9: Please give your reasons.**

7. Yes, we do agree with the proposal that legislation be amended to create an obligation for social landlords to repair or replace smoke alarms once informed that they are faulty.

**Q10: Do you agree with our proposal that legislation be amended to create an obligation for private landlords to replace alarms once informed that they are faulty?**

**a. Yes**

**b. No**

**Q11: Please give your reasons.**

8. Yes, we do agree with the proposal that legislation should be amended to create an obligation for private landlords to replace alarms once informed that they are faulty. However, if the alarm is battery operated the tenant should replace the batteries during the tenancy.
9. We also think that the regulations can be improved further. There are two main issues. Firstly, the regulations should be amended so that landlords or their agents must make sure the alarms are tested prior to the commencement of the tenancy and not on the first day of each new tenancy. This would allow some leeway for those landlords that have multiple properties and agents who can be managing multiple check-ins on the same day. Secondly, it is also not practical to expect agents to undertake the testing on the first day of the tenancy. Most tenancies begin on a Friday and some agencies can have upwards of 20 new tenancies (some managed by the agency and some only let by the agency) each week. With, for example, five staff per branch, it is not practical for agents to undertake these checks on the day the tenancy starts. We therefore ask, for practical purposes, that landlords and agents be given some leeway for when the checking needs to take place. This should be prior to the commencement of the tenancy but without a fixed time.

**Q12: Do you agree with our proposal to update our guidance document to ensure the choice of alarm meets relevant product standards?**

**a. Yes**

**b. No**

**Q13: Please give your reasons.**

10. Yes, we do agree with the proposals to update the guidance document to ensure the choice of alarm meets relevant product standards. This will help guarantee that alarms are of an appropriate quality and standard as well as ensure that landlords and letting agents are purchasing alarms from reputable suppliers.

**Q14: Do you support the proposal to commence the regulations as soon as practicable following the laying of regulations?**

**a. Yes**

**b. No**

**Q15: Please give your reasons.**

11. No, we do not support the proposal to commence the regulations as soon as practicable following the laying of the regulations. We think this for two reasons. Firstly, a proper lead in time is needed because greater flexibility on the time frame for implementing legislation ensures that the sector is less likely to fall foul of the regulations as landlords and letting agents will have a realistic period of time to both be informed of regulations and also to ensure they are able to comply. Secondly, depending on how long the coronavirus pandemic continues we envisage on-going difficulty for the private rented sector to comply with new and existing legislation, which includes access to property to carry out checks, maintenance work or renovation. To this end, members report to us problems associated with carrying out work, tenancy checks and maintenance at properties they manage. In many cases, tenants are reluctant to have tradespeople enter the property, some tenants are isolating, and some have coronavirus symptoms. Collectively, these add additional obstacles for compliance.

**Q16 For local authorities only: What additional operational or financial burdens do you consider would be placed on you by enforcing our proposals on smoke alarms? Please provide any costings to support your answer.**

12. It is not applicable for us to answer this question.

**Part B: Carbon monoxide alarms**

**Carbon monoxide alarms upon installation of combustion appliances**

**Q17: Do you support the proposal to amend the statutory guidance (Approved Document J) supporting Part J of the Building Regulations to require carbon monoxide alarms to be fitted alongside the installation of fixed combustion appliances of any fuel type (excluding gas cookers)?**

**a. Yes**

**b. No**

**Q18: Please give your reasons.**

13. Yes, we do support the proposal to amend the statutory guidance (Approved Document J) supporting Part J of the Building Regulations to require carbon monoxide alarms to be fitted alongside the installation of fixed combustion appliances of any fuel type (excluding gas cookers). This will ensure that the rules are aligned with the Gas Safety (Installation and Use) Regulations 1998 where landlords must arrange an annual gas safety check on every gas appliance and flue by a registered Gas Safe engineer.

**Q19: Do you think that the guidance in Approved Document J on where carbon monoxide alarms should be situated requires updating?**

**a. Yes**

**b. No**

**Q20: Please give your reasons.**

14. No, we do not think that the guidance in Approved Document J on where carbon monoxide alarms should be situated requires updating the guidelines are already very prescriptive.

**Q21: Do you think that the guidance in Approved Document J on what type of carbon monoxide alarm should be installed requires updating?**

**a. Yes**

**b. No**

**Q22: Please give your reasons.**

15. No, we do not think that the guidance in Approved Document J on what type of carbon monoxide alarm should be installed requires updating because the guidelines are already very prescriptive.

**Carbon monoxide alarms in rented homes**

**Q23: Do you support the proposal to amend the Smoke and Carbon Monoxide Alarm (England) Regulations 2015 to require private landlords and social landlords to install a carbon monoxide alarm in any room used as living accommodation where a fixed combustion appliance of any fuel type (excluding gas cookers) is used?**

**a. Yes**

**b. No**

**Q24: Please give your reasons.**

16. Yes, we support the proposal to amend the Smoke and Carbon Monoxide Alarm (England) Regulations 2015 to require private landlords and social landlords to install a carbon monoxide alarm in any room used as living accommodation where a fixed combustion appliance of any fuel type (excluding gas cookers).
17. We also think that the regulations can be improved further. There are two main issues. The regulations should be amended so that landlords or their agents must make sure the alarms are tested prior to the commencement of the tenancy. This would allow some leeway for those landlords that have multiple properties and agents who can be managing multiple check-ins on the same day. Further, it is also not practical to expect agents to undertake the testing on the first day of the tenancy. Most tenancies begin on a Friday and some agencies can have upwards of 20 new tenancies (some managed by the agency and some only let by the agency) each week. With, for example, five staff per branch, it is not practical for agents to undertake these checks on the day the tenancy starts. There is precedent for this type of leeway as a gas safety check does not need to be undertaken on the day the tenancy starts. We therefore ask, for practical purposes, that landlords and agents be given some leeway for when the checking needs to take place.

**Q25: Do you think that the guidance on where carbon monoxide alarms should be situated requires updating?**

**a. Yes**

**b. No**

**Q26: Please give your reasons.**

18. No, we do not think that the guidance on where carbon monoxide alarms should be situated requires updating because the guidelines are already very prescriptive.

**Q27: Do you agree with the proposal that landlords should not be required to test carbon monoxide alarms during the life of the tenancy?**

**a. Yes**

**b. No**

**Q28: Please give your reasons.**

19. Yes, we do agree with the proposal that landlords should not be required to test carbon monoxide alarms during the life of the tenancy.

**Q29: Please provide examples of how landlords could best support residents to test their carbon monoxide alarms regularly and safely.**

20. We believe there are two things that can be done to best support residents to test their carbon monoxide alarm regularly and safely. Firstly, information should be added to the How to Rent Guide. Secondly, information outlining testing requirements should be added to the tenancy agreement.

**Q30: We are proposing that legislation be amended to create an obligation for landlords to repair or replace carbon monoxide alarms, once informed that they are faulty. Do you agree?**

**a. Yes**

**b. No**

**Q31: Please give your reasons.**

21. Yes, we agree that legislation be amended to create an obligation for landlords to repair or replace carbon monoxide alarms, once informed that they are faulty.

**Q32: Do you support the proposal to commence the requirements as soon as possible after laying amended carbon monoxide alarm regulations?**

**a. Yes**

**b. No**

**Q33: Please give your reasons.**

22. No, we do not support the proposal to commence the requirements as soon as possible after laying amended carbon monoxide alarm regulations. We think this for two reasons. Firstly, a proper lead in time is needed because greater flexibility on the time frame for implementing legislation ensures that the sector is less likely to fall foul of the regulations as landlords and letting agents will have a realistic period of time to both be informed of regulations and also to ensure they are able to comply. Secondly, depending on how long the coronavirus pandemic continues we envisage on-going difficulty for the private rented sector to comply with new and existing legislation, which includes access to property to carry out checks, maintenance work or renovation. To this end, members report to us problems associated with carrying out work, tenancy checks and maintenance at properties they manage. In many cases, tenants are reluctant to have tradespeople enter the property, some tenants are isolating, and some have coronavirus symptoms. Collectively, these add additional obstacles for compliance.

**Q34 For local housing authorities only: What additional operational and financial burdens do you consider would be placed on you by enforcing our proposals on carbon monoxide alarms? Please provide any costing to support your answer.**

23. It is not applicable for us to answer this question.