

## Training session 03

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# Your landlord and the law

June 2025

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**These notes are part of a series of 10 training sessions**

- 01 Know your social housing rights
- 02 The standards your landlord needs to meet
- 03 Your landlord and the law
- 04 Equality and diversity in social housing
- 05 Your landlord and your money
- 06 Awaab's Law – making your home safer, faster
- 07 Handling your complaints
- 08 Working with your landlord – resident panels
- 09 Running your residents' association
- 10 Access to information (coming soon)

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## Introduction

This guidance outlines the key areas of the law that Registered Providers need to ensure they are compliant and records that they should maintain; it does not seek to provide detailed legal advice.

# Housing law

**Building regulations** – Registered Providers must ensure that they do not breach building regulations by undertaking unpermitted works.

**Crime and disorder** – Registered Providers have responsibilities to ensure that their residents are upholding good behaviour requirements and not causing nuisance to their neighbours. In the more extreme cases, they should be aware of the powers that are available to them under the Policing, Crime and Anti-Social Behaviour Act 2014 and the need to work in partnership with relevant statutory bodies.

**Fire safety and building safety** – the Building Safety and Fire Safety Act 2021, the Building and Fire Safety Regulations 2021 and 2022 define the landlord's statutory obligations as the Responsible Person for building under their ownership and management.

**Housing Acts** – the most significant pieces of housing law are the Housing Act 1985, the Landlord and Tenant Act 1985 and the Housing Act 1988; subsequent legislation has added to the provisions of these Acts. All landlords need to comply with the statutory provisions contained within housing legislation regarding security of tenure, granting leases, allocating housing, overcrowding, succession, mutual exchange, rent setting and service charge billing and other relevant issues.

**Immigration status** – landlords must ensure themselves that employees and tenants have the necessary right to remain in the UK.

**Planning, listing and by-laws** – landlords should be aware of any restrictions placed on their development activities or property management and maintenance.

**Regulatory compliance** – Registered Providers it must ensure that it complies with the Regulatory Framework.

**Repairs legislation** – landlords have a duty to maintain their homes to agreed standards and failure to do so could result in claims being brought by tenants and leaseholders for disrepair, reduce resident satisfaction and increased complaints.

**Safeguarding and abuse** – Registered Providers should be aware of their responsibilities and duty of care to young people and vulnerable adults living in their properties.

**Tenancy and leasehold management** – the rights and responsibilities of tenants and leaseholders as defined in their occupancy agreements must be always upheld.

## Corporate law

**Contracts** – Registered Providers must be aware of the legal provisions and requirements contained within any contract that they enter into with third parties including, but not limited to, development agreements, project management contracts, service level / management agreements and repairs and maintenance contracts

**Data protection** – Registered Providers will routinely process and store personal data regarding its residents, employees and contractors. Governing Bodies must be aware of their statutory responsibilities related to the Data Protection Act and the General Data Protection Regulations 2018, register with the Information Commissioners Office and report to it any breaches they are aware of.

**Equality, diversity and inclusion** – the Equalities Act 2010 places statutory duties on organisations to ensure equal and fair treatment for all residents and service users and enshrines in law the Protected Characteristics.

**Employment** – Registered Providers must be compliant with all relevant employment law including, but not limited to, health and safety at work, statutory provisions for leave and sickness, working time regulations, pay and deductions, training, pension provision and ensure that they establish effective systems for performance management.

**Financial reporting standards** – Registered Providers must maintain their financial accounts and present them in a manner which is consistent with internationally agreed standards.

**Freedom of Information** – landlords that are Public Bodies must comply with the requirements of the Freedom of Information Act 2000 and respond within statutory timescales to all requests for information.

**Health and safety** – Registered Providers must ensure that the homes and communal areas that they own or manage are adequately maintained at all times. Regular inspections should be undertaken to assess fire safety, emergency exits, trip hazards and any other issues that could pose risk to residents' personal safety and records of such inspections should be retained for as appropriate. Following the Social Housing (Regulation) Act, all Registered Providers must also appoint a Health and Safety Lead whose responsibilities include:

- Monitoring compliance with health and safety requirements

- Assessing the risk of failure to comply with health and safety requirements
- Notifying the Regulator for Social Housing of any risks of material failures
- Making recommendations for addressing areas of non-compliance

**Human rights** – Registered Providers must ensure that they are respecting individual rights regarding their homes as enshrined in the Human Rights Act 1998.

**Rules or Articles** – appropriate constitutions, legal instruments, financial regulations, standing orders and other governance frameworks should be adopted. These should support and enable the organisation to operate in line with its objectives and priorities and should be kept up to date and be mindful of society and company law and other statutory and regulatory provisions.

**Tax and fraud** – Registered Providers must register for and make appropriate arrangements to report all employment, contract, corporation, capital gains and value added tax activity. They must ensure that their financial procedures enable them to comply with requirements regarding tax avoidance, money laundering, enveloping and inheritance tax.

## Record keeping

All corporate entities need to maintain accurate and relevant records of their business activities and Governing Body decisions. It is for organisations to decide whether these records are held in paper form or electronically and how best to maintain back-up copies. For Registered Providers the key records that must be maintained relating to their function as landlords are:

**Assets and Liabilities register** – Registered Providers must maintain up to date information regarding their assets and liabilities and in particular any liabilities that are secured against their property assets.

**Complaints records** – Registered Providers must register with the Housing Ombudsman Service and comply with the requirements of its Complaints Handling Code; records of all complaints should be retained to respond to any requests from the Ombudsman.

**Contractor files** – detailed files regarding all building and repairs contractors should be maintained; these must include copy of insurance documentation and information regarding company registration, ownership and tax status.

**Deeds, loans and grant agreements** - for all properties owned by the organisation.

**Procurement records** – information relating to tendering and procurement exercises should be maintained; particularly where the provisions of the Public Procurement Thresholds apply.

**Repairs records** – warranties, safety test certificates and repairs orders should be maintained for all properties owned or managed by the organisation.

**Service Level / Management Agreements** - with third party organisations including service providers and contractors.

**Stock condition surveys** – periodically Registered Providers should undertake surveys of their properties to inform their asset management and financial plans.

**Tenant and leaseholder files** – detailed files regarding all tenants and leaseholders should be maintained; these must include copy of the original tenancy or lease agreement, application forms and supported information and all relevant correspondence.