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Summary Report

Private Tenancies Act (Northern Ireland) 2022

Section 8:

The Smoke, Heat and Carbon Monoxide
Alarms for Private Tenancies Regulations
(Northern Ireland) 2024



May 2024



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Any enquiries regarding this document should be sent to us at:

Housing Division, Private Rented Branch
Level 7, Causeway Exchange
1-7 Bedford Street
Belfast
BT2 7EG

Telephone: 028 9082 3425

E-mail: prs@communities-ni.gov.uk

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Housing Division, Private Rented Branch
Department for Communities
Level 3, Causeway Exchange
1-7 Bedford Street
BELFAST
BT2 7EG

Telephone: 028 9082 3425

E-mail: prs@communities-ni.gov.uk

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Acknowledgements

The Department for Communities (DfC) would like to express its gratitude to colleagues from the Department of Finance (DoF) Housing Advisory Unit, and representatives from Electrical Safety First (a charity based in Scotland and England), local District Councils and the Northern Ireland Fire and Rescue Service (NIFRS) for participating in the expert panel and sharing their expertise and knowledge throughout the development of the Regulations and associated guidance.

Thanks are also extended to all those that gave up their time to participate in the online survey, made written submissions, and attended Stakeholder Forum meetings.

1. Background

1.1 The Private Tenancies Act (Northern Ireland) 2022 was introduced to continue to improve the private rented sector by creating a safer and more secure environment for tenants. Section 8 of the Act enables the Department to make Regulations to specify the minimum standards for the deployment of smoke, heat, and carbon monoxide alarms.

1.2 According to national fire statistics, fires in properties that have alarms in place continue to be:

- discovered more rapidly (less than 5 minutes) after ignition, and
- associated with lower fatal casualty rates.

The installation of smoke, heat and carbon monoxide alarms are therefore intended to reduce the risk of fire and the consequent loss of life, injury, and damage to property. That is why this new legal requirement is being introduced under Section 8 of the Private Tenancies Act (NI) 2022, and it will be an offence for a private rented landlord not to comply.

Evaluation of similar legislation in other UK jurisdictions

1.3 Northern Ireland is the last UK jurisdiction to legislate on alarms within the private rented sector, so an analysis of the legislation and guidance in place in England, Wales and Scotland was undertaken early in the policy development process. That benchmarking enabled the Northern Ireland Regulations to be modelled on the content of ‘The Smoke and Carbon Monoxide Alarm (England) Regulations 2015’ (as amended in 2022) and be supplemented and updated by applying elements from the Welsh legislation and Scottish Statutory Guidance¹. England’s Regulations matched Northern Ireland’s intention to draft Regulations from the primary power contained in the Private Tenancies (Northern Ireland) Order 2006.

1.4 The flow of the Scottish guidance was preferred as the model template for the Northern Ireland guidance notes, and that was supplemented and updated by elements of the English and Welsh guidance.

1 Scotland implemented Statutory Guidance with the detail in the guidance rather than the legislation. The Department had to make Regulations.

Access to Expert Advice

1.4 Given these were technical Regulations, it was recognised that it was essential we had early and ongoing access to necessary professional advice. This expertise was particularly useful in helping to formulate up-to-date Regulations that took account of the different room configurations and assisting with navigating any challenges that arose during the process, such as, drafting the enforcement process for Councils. As noted in the ‘acknowledgements’, we were grateful for the time and assistance given to the team throughout the process from the Northern Ireland Fire and Rescue Service, Council Environmental Health Officers, Electrical Safety First, and internal Mechanical and Electrical Engineer expertise from the Department of Finance, Housing Advisory Unit.

Consultation Exercise

1.5 A 12-week stakeholder online consultation ran from 13 September 2023 to 6 December 2023 on the content of the new Regulations and the associated guidance notes. It was a targeted consultation focused on engaging and obtaining the views of tenants, landlords, electricians, Council enforcement officers, and all associated professional bodies/representatives that the Regulations were fit for purpose, deliverable, and suiting all stakeholders’ needs. This online consultation was supplemented by targeted stakeholder forums. More detail about the consultation and subsequent analysis approach is provided in the next section.

2. Review approach

2.1 The consultation was accessible on the DfC website with the NIDirect Citizen Space platform providing the online survey facilities. A link to the Section 8 Regulations, guidance notes and Regulatory Impact Assessment was published alongside the online questionnaire.

2.2 Before the launch of the stakeholder consultation, a communication strategy was developed in conjunction with the internal departmental Communications Team. The key components of which were:

- Pre-consultation engagement with key stakeholders to bolster consultation responses via Forum meetings.
- Public sector notices placed in the three main daily newspapers.
- Issue of a Press Release, and associated twitter feed.
- Boosting of posts, where possible, across all available social media platforms.

2.3 The online questionnaire targeted five different groups of respondents, with a range of between 4 to 26 questions relevant to that group being asked:

- Private Sector Tenant
- Landlord or Landlord Representative (letting agent)
- Qualified Electrician
- District Council Environmental Health Officer
- Other interested parties (e.g. MLA's.)

Questions Asked

2.4 Respondents, classified under each category, were asked a series of questions to ascertain if the legislation was easy to follow and responsibilities understood. Questions centred around the specifics of fire alarms, their requirements, location, costings, and record keeping. Respondents were not required to answer every question (just those applicable). In addition, respondents had the option to provide additional comments at the end of the series of set questions, but not everyone chose to do so.

Stakeholder Forum Meetings

2.5 To inform the Working Groups deliberations, and to ensure a balanced view was obtained, separate targeted stakeholder forums were also held for:

- Landlords Association of Northern Ireland (LANI),
- Housing Rights and Renters Voice,
- Electrical Contractors involving ECA, NICEIC and Certsure, and
- Environmental Health Officers for all District Councils in Northern Ireland.

Data Analysis Methodology

2.6 The data analysis at Section 3 details the quantitative responses. The quantitative responses were based on the data collected from the tick-box options, i.e. 'yes', 'no' or 'not answered' options, and a percentage analysis approach and application was applied to assess the preferred or dominant views within these responses.

2.7 Separate to that an analysis was undertaken on the qualitative responses. This analysis had three distinctive strands:

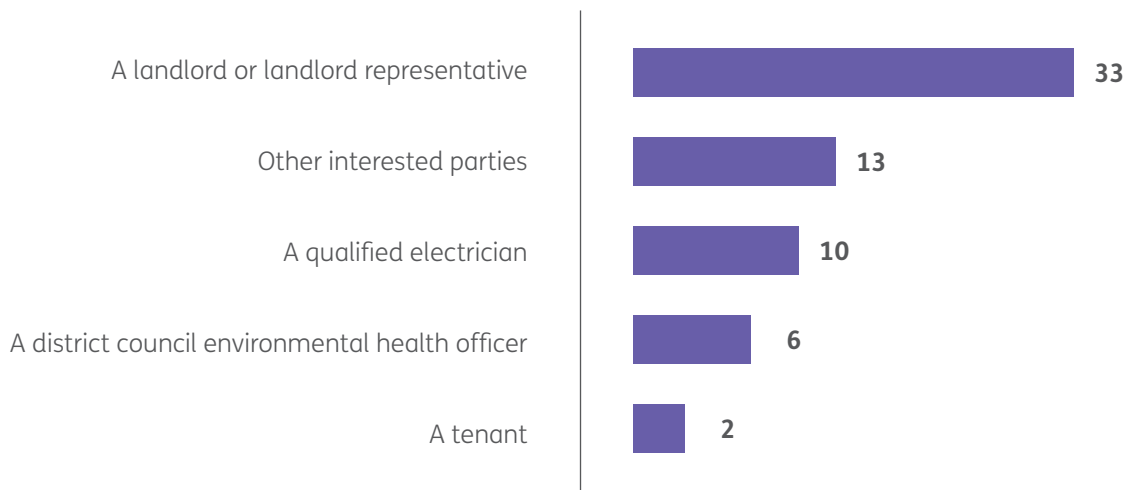
- 1) The online qualitative data within the responses to the consultation i.e. comments provided, were analysed using a 'thematic analysis' method. This method examines the data to identify common themes i.e. topics, ideas and patterns of meaning which occur repeatedly across the collection of responses.
- 2) Once all the comments had been received from the survey, they were carefully analysed by the in-house team and any arising queries referred to the relevant expert in the Advisory Panel when necessary.
- 3) In addition to the online data/ comments, any written submissions or relevant points raised at the stakeholder forum meetings were factored into considerations on whether the draft Regulations and guidance notes should be subject to further amendment before finalisation.

3. Data analysis – quantitative results

There were 64 responses to the online survey. It should be noted that not all respondents answered every question within their section. As a result, the base numbers presented in the charts and tables below may differ for each question. Due to the low number of responses received by some respondent categories, caution is advised when interpreting the data presented in these sections.

Results:

Type of Respondents:



Base: 64

Just over half of respondents (33) were responding as Landlords or Landlord Representatives. Around one fifth of responses were from other interested parties (13). Of the remaining responses, ten were received from qualified electricians, six from District Council environmental health officers and two responses were received from tenants.

Section 1: Private Sector Tenants results

In total there were 2 responses from Private Sector Tenants. Due to the low number of responses caution is advised when interpreting the data presented in this section. In view of this the Department held forum meetings to directly engage with Renters Voice and Housing Rights as stakeholders, to help ensure tenant views were properly taken into account.

Table 1.1: Did you find the guidance notes, which explain the responsibilities as a tenant, under the Regulations easy to follow?

Option	Total
Yes	2
No	0
Total	2

Both tenants who responded found the guidance notes easy to follow.

Table 1.2: Are you content with what has been listed as your responsibility as a tenant?

Option	Total
Yes	2
No	0
Total	2

Both tenants who responded were content with what was listed as their responsibility as a tenant.

Table 1.3: Does the property you rent already have alarms fitted?

Option	Total
Yes	2
No	0
Total	2

Both tenants who responded have alarms fitted in their homes that they rent. One tenant stated that they have two smoke alarms, one in the hall near to the kitchen and one upstairs on landing ceiling. Additionally, they have a gas alarm in the hall near the gas boiler in the downstairs cloakroom. Another tenant has a smoke alarm in their hall and a carbon monoxide alarm in the kitchen.

Table 1.4: Are the alarms installed: Hard wired, Battery operated, A combination of both hardwired and battery operated?

Option	Total
Hardwired	0
Battery	0
A combination of both hardwired and battery	2
Total	2

All the alarms installed by both tenants are a combination of both hardwired and battery operated.

Table 1.5: Where are the alarms installed/located: - Smoke and heat alarms

Option	Total
Ceiling	1
Wall	1
Total	2

One tenant stated that their smoke alarm is installed on the ceiling, the other tenant has their alarm installed on the wall.

Table 1.6: Where are the alarms installed/located: - Carbon monoxide alarms.

Option	Total
Ceiling	0
Wall	2
Total	2

Both tenants who responded had their carbon monoxide alarms installed on their walls.

Table 1.7: If your property has an open plan layout including a kitchen, are you aware that a heat alarm will provide adequate cover under the condition that the alarm is located within 7.5m from any point in the room?

Option	Total
Yes	1
No	1
Total	2

One tenant was aware of this, while one tenant was not.

Table 1.8: Is an expiry date visible on all installed alarms?

Option	Total
Yes	0
No	2
Total	2

No expiry date is visible on any alarms that are installed in both tenant's homes.

Table 1.9: Have you been informed of the lifespan of all alarms in your property?

Option	Total
Yes	0
No	2
Total	2

Neither tenant was informed of the lifespans of all the alarms in their properties.

Table 1.10: Do you feel you meet the requirement for specialised alarms?

Option	Total
Yes	0
No	2
Total	2

Neither tenant felt they met the requirement for specialised alarms. However, one tenant remarked that they could not reach either smoke alarm in their property if the battery was to expire.

Table 1.11: Are you able to test alarms within your property easily on a regular basis?

Option	Total
Yes	1
No	1
Total	2

One tenant was able to test their alarms easily on a regular basis, however another tenant was unable to reach the alarms, due to having mobility problems.

Table 1.12: Have any alarm batteries in the property been replaced during your rental period?

Option	Total
Yes – my landlord replaced them	1
Yes – I replaced them	1
Total	2

Both tenant’s alarm batteries have been replaced during the rental period. One of the tenants had their batteries replaced by their landlord, and the other replaced the batteries themselves.

Table 1.13: If there was a fault with any of the alarms, would you know what to do?

Option	Total
Yes	2
No	0
Total	2

Both tenants would know what to do if there was fault with any of the alarms.

Table 1.14: If there was a fault with any of the alarms, would you know who to contact?

Option	Total
Yes	1
No	0
Total	1

Only one tenant answered this question – they would know who to contact in this case.

Table 1.15: If your landlord was contacted about a faulty alarm, was it replaced in a timely manner?

Option	Total
Yes	1
Not had a faulty alarm	1
Total	2

One tenant had their alarm replaced by their landlord, while the other has never experienced a faulty alarm.

Table 1.16: Do you agree recording the alarms and including testing information alongside the tenancy notice, or inclusion in any Tenancy Pack, will assist you to check the alarms to ensure they are safe and in proper working order?

Option	Total
Yes	2
No	0
Total	2

Both tenants agreed with this statement.

Table 1.17: Do you agree it is beneficial to keep the alarm information in a tenancy pack detailing the manufacturer’s instructions on how to test and the expiry date?

Option	Total
Yes	2
No	0
Total	2

Both tenants agreed with this statement.

Table 1.18: If you were to report an issue to your landlord and no action is taken, would you know how to contact your Local Council?

Option	Total
Yes	2
No	0
Total	2

Both tenants would know how to contact their Local Council.

Table 1.19: Is there anything else you would like to add or comment on in respect of the introduction of these new Regulations/guidance notes?

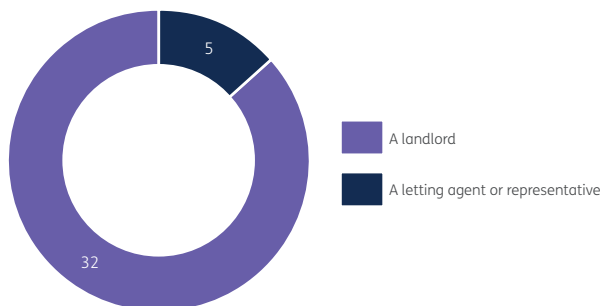
Option	Total
Yes	1
No	1
Total	2

One tenant highlighted that many tenants now only have estate agents as their main contact for ongoing problems or emergencies due to many landlords not living in Northern Ireland or being away for a long time. As such, they considered that the legislation should include estate agents and their responsibilities also.

Section 2: Landlord / Landlord representatives results

In total there were 33 responses from Private Sector Landlords and Landlord representatives. It should be noted, however, that not all respondents answered every question. As a result, the base numbers presented in the charts and tables below may differ for each question. Due to the low number of responses caution is advised when interpreting the data presented in this section.

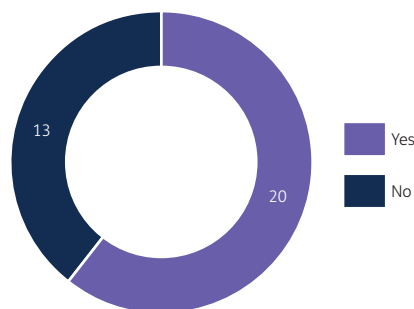
Figure 2.1: Are you responding as:



Base: 37

For this question 32 respondents said they were responding as a landlord and 5 respondents said they were responding as a letting agent or representative. Please note that some respondents responded to both options, and it is not possible to determine which option is correct. Therefore, there are 37 responses to this question however this relates to 33 unique respondents.

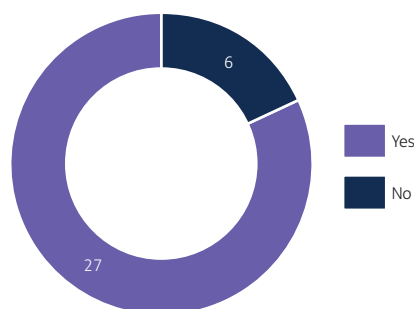
Figure 2.2: Do you rent more than one property?



Base: 33

Around three fifths (20) of the respondents rent more than one property, whilst the remaining two fifths (13) only rent one property. Of those who rent more than one property the number of properties range from 2 to over 100.

Figure 2.3: Do you find the guidance notes, which explain responsibilities under the Regulations, easy to follow in respect of your responsibilities as a landlord?

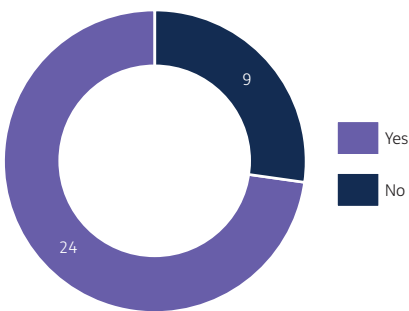


Base: 33

Just over four fifths (27) of the respondents agreed that the guidance notes were easy to follow, whilst the remaining fifth (6), did not. Some thought that they were not clear enough and thought that adding points in a layman’s format would have been better.

Others use organisations such as Housing Rights if the guidance is unclear. Some did not see points about the frequency of inspection be mentioned. And some were confused on how to link battery alarms if the smoke alarms have to be interlinked.

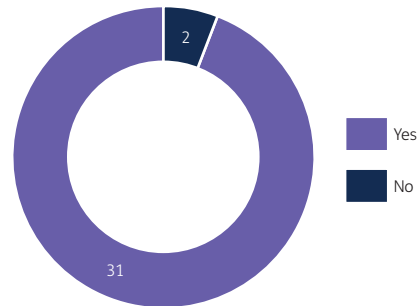
Figure 2.4: Are you content with what has been listed as your responsibility as a landlord?



Base: 33

Just under three quarters (24) of respondents were happy with their listed responsibilities. However, one respondent highlighted that the responsibilities must be checked by the authorities or else some may be not act on their responsibilities. The remaining quarter (9) were not happy with their responsibilities. Reasons for these included concerns about tenants' responsibilities, and not fully understanding and keeping up with legislation.

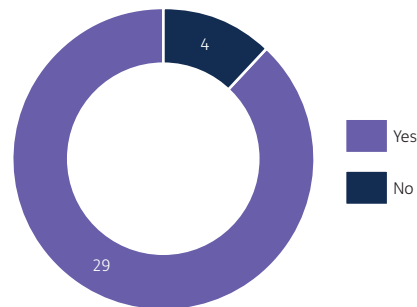
Figure 2.5: Once the Regulations come into force do you understand it will be an offence not to comply?



Base: 33

The majority of landlords (31) understood this, however two landlords did not.

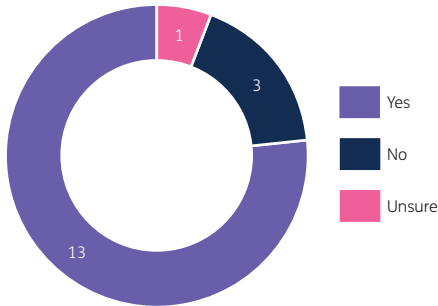
Figure 2.6: Does each property you rent to tenants have alarms fitted?



Base: 33

Just under nine tenths (29) of landlords had alarms in all their properties, whereas the remaining tenth (4) of landlords did not. The locations and number of these alarms included hallways, living rooms, landings and kitchens.

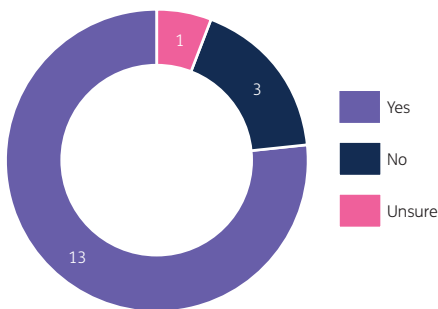
Figure 2.7: Are the alarms installed hard wired?



Base: 17

Just over three quarters (13) of landlords had hard wired alarms installed, and under one quarter (3) of landlords did not. One landlord was unsure.

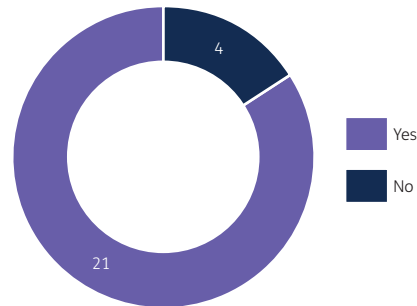
Figure 2.8: Are the alarms installed battery operated?



Base: 17

Just over three quarters (13) of landlords had battery operated alarms installed, and under one quarter (3) of landlords did not. One landlord was unsure.

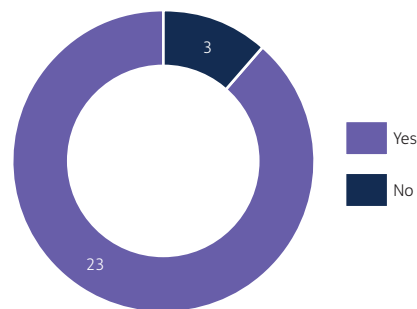
Figure 2.9: Are the alarms installed a combination of both hard wired and battery operated?



Base: 25

Just over four fifths (21) of landlords had a combination of both hard wired and battery operated and the remaining fifth (4) landlords did not.

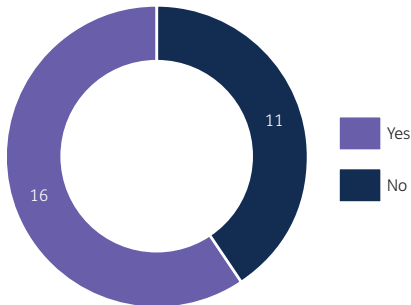
Figure 2.10: If you have installed hard wired alarms did a qualified electrician complete the installation?



Base: 26

Just under nine tenths (23) of landlords had a qualified electrician install the hard-wired alarm while the remaining tenth (3) of landlords did not.

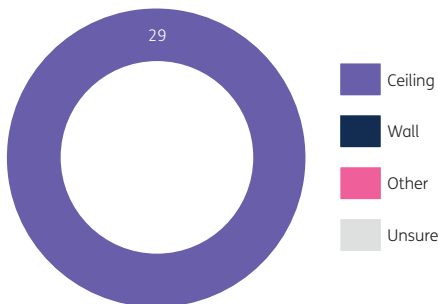
Figure 2.11: Are any of the alarms interlinked?



Base: 27

Just under three fifths (16) of landlords had interlinked alarms, while the remaining two fifths (11) of landlords did not.

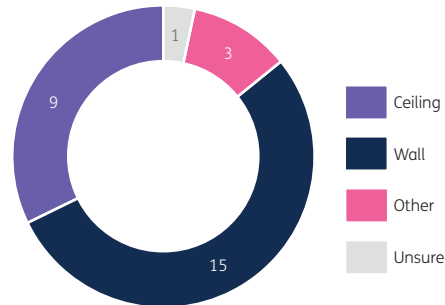
Figure 2.12: Where are the smoke and heat alarms installed/located?



Base: 29

All landlords that responded (29) indicated that their smoke and heat alarms were installed on the ceiling.

Figure 2.13: Where are the carbon monoxide alarms installed/located?



Base: 28

Just over half of landlords (15) indicated that their carbon monoxide alarm was located on the wall. Just under a third of landlords (9) placed their carbon monoxide alarm on the ceiling. A tenth of landlords (3) placed their carbon monoxide alarm in a place other than the ceiling or the wall – most commonly on the floor. One landlord was unsure as to where their carbon monoxide alarm was located.

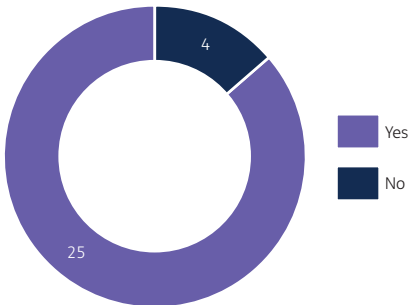
Figure 2.14: If your property has an open plan layout including a kitchen, are you aware that a heat alarm will provide adequate cover under the condition that the alarm is located within 7.5 metres from any point in the room?



Base: 28

Three-fifths of landlords (17) who responded were aware of this, the remaining two-fifths (11) were not.

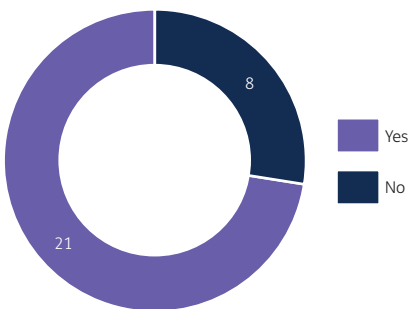
Figure 2.15: Are you aware the lifespan of alarm is 10 years?



Base: 29

Just under nine tenths (25) of landlords were aware of this, the remaining tenth of landlords (4) were not.

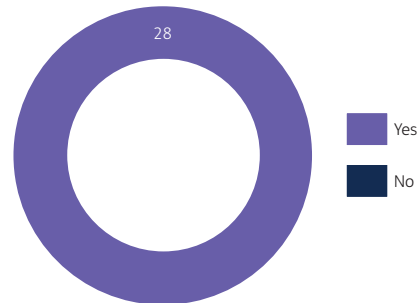
Figure 2.16: Are you aware of an expiry date being visible on any alarm that is installed?



Base: 29

Just under three quarters of landlords (21) were aware of this, the remaining quarter (8) were not. Of those who answered yes, they included details about where and how this was recorded. The main places where this is recorded is on the alarm, or on inventory when the tenant initially moves in.

Figure 2.17: Do you test all alarms before a tenant moves into your rental property?



Base: 28

All landlords that responded to the question (28) test the alarms before the tenant moves into the rental property.

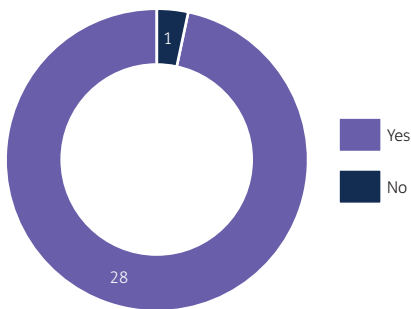
Figure 2.18: If you have answered YES, do you keep a record?



Base: 26

Just over half of landlords who responded (14) kept a record of this, the remaining half did not (12). Places where this record is kept include on the tenancy agreement, on the servicing certificate and on a checklist.

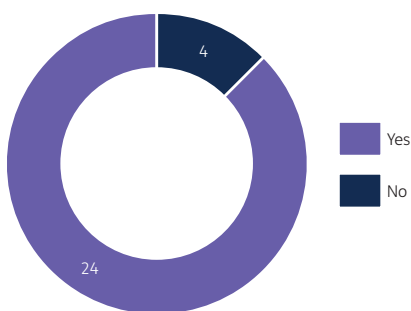
Figure 2.19: If you discover a fault with any of the alarms when testing, would you replace the battery/unit immediately before the tenancy commences?



Base: 29

Nearly all of landlords that responded (28) would replace the battery/unit before the tenancy started. One landlord would not and would provide temporary battery alarms but would replace the faulty unit as soon as an electrician is available.

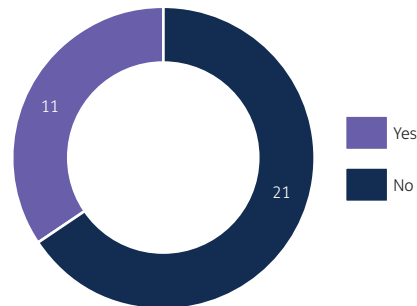
Figure 2.20: If the tenant contacts you to report the alarm/s are not working, do you replace the alarms immediately?



Base: 28

Over four fifths of landlords (24) would replace the alarm immediately. The remaining fifth (4) of landlords would not replace the alarm immediately. Reasons given for this included checking the alarm themselves, contractor availability and feeling it is the tenant’s responsibility.

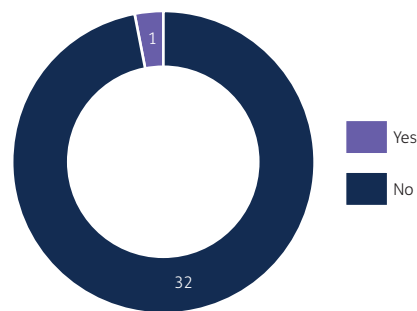
Figure 2.21: Do you foresee any barriers or difficulties regarding you meeting the required standard of these Regulations?



Base: 32

Almost two thirds of landlords (21) did not foresee any barriers or difficulties meeting the required standard of these Regulations. However, the remaining 11 respondents did foresee some barriers or difficulties. The reasons for this included access, costs and lack of enforcement.

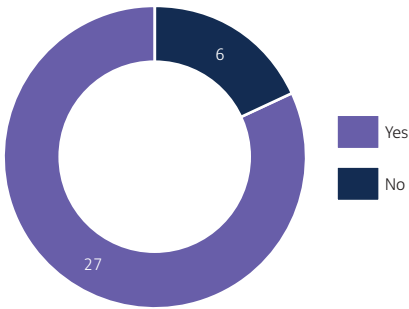
Figure 2.22: Have you a tenant that requires specialised alarms?



Base: 33

One landlord currently has a tenant that requires a specialised alarm and has installed the alarm for them. The tenant in question is deaf and the electrician has installed a specialised alarm that includes a vibrating pad under the pillow. All other landlords that responded to the question (32) did not have any tenants that require a specialised alarm; however one landlord has had to install specialised alarms for tenants in the past.

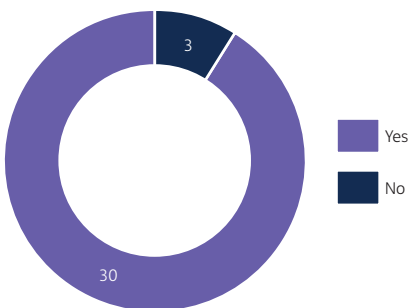
Figure 2.23: Do you agree recording the alarms information and providing this information to the tenant, will assist both you and the tenant, to check the alarms to ensure they are safe and in proper working order?



Base: 33

Just over four fifths of landlords (27) agreed with this statement, and the remaining fifth (6) did not. Of those that did not agree the reasons for disagreeing included time burdens, not having the information, and not feeling the tenants would take it seriously.

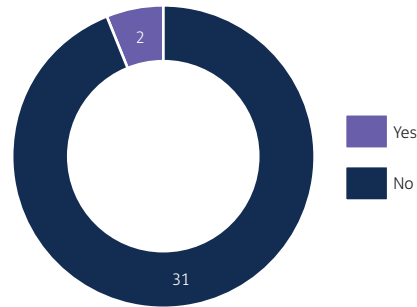
Figure 2.24: Are you aware you are responsible for the cost?



Base: 33

The majority of landlords who responded (30) were aware that they were responsible for the cost; the remaining three landlords were not.

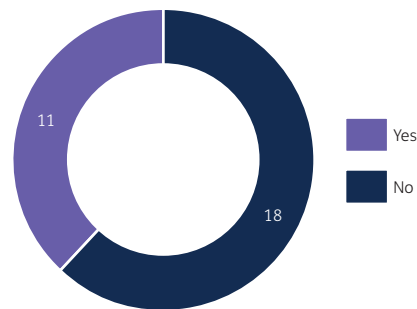
Figure 2.25: Do you believe you are entitled to Legal Aid support?



Base: 33

The vast majority of landlords who responded (31) believed that they were not entitled to Legal Aid support. The remaining two respondents believed that they were if they were going to be subject to new Regulations.

Figure 2.26: Is there anything else you would like to add or comment on in respect of the introduction of these new Regulations/guidance notes?



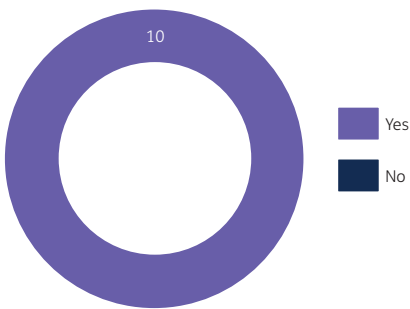
Base: 29

Just under two fifths of landlords that responded (11) had something to add or comment on in respect of the new Regulations/guidance notes. These comments included: improvements to safety, more increased rights to tenants as opposed to landlords, more burden on landlords in regard to time and money, and tenants not co-operating.

Section 3: Qualified Electricians results

In total there were 10 responses from qualified electricians. It should be noted, however, that not all respondents answered every question. As a result, the base numbers presented in the charts and tables below may differ for each question. Due to the low number of responses caution is advised when interpreting the data presented in this section.

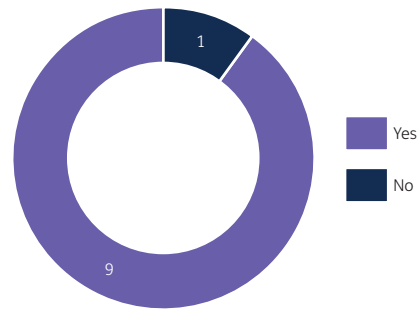
Figure 3.1: Did you find the guidance notes, which explain the installation of alarms, easy to follow?



Base: 10

All electricians who responded to the question (10) found the guidance notes easy to follow, however one wanted to ensure that the installation was done by a National Inspection Council for Electrical Installation Contracting (NICEIC) approved contractors.

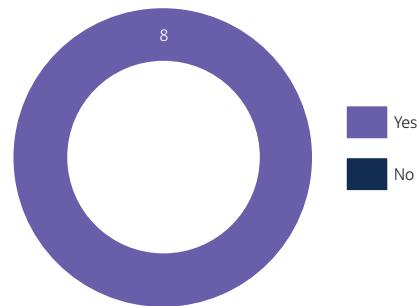
Figure 3.2: Did you find the guidance notes easy to follow regarding mains wired alarms?



Base: 10

Nine tenths of electricians who responded (9) found the guidance notes easy to follow. The remaining tenth (1), however, felt that there should be better guidance on locations.

Figure 3.3: Are the guidance notes correct regarding mains wired alarms?

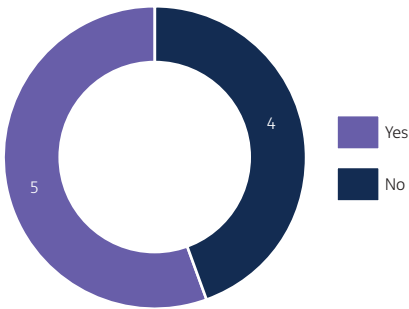


Base: 8

All electricians who responded to the question (8) agreed that the guidance notes were correct regarding mains wired alarms, however, one electrician added that they would need to be signed off by a NICEIC qualified electrician like gas safe.

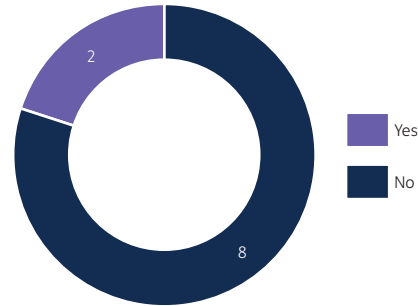
Figure 3.4: Using online tradesperson sites to gather information it was established that the cost for installation of one mains wired alarm is in the region of £150. Do you agree with the costing?

Base: 9



Over half of electricians who responded (5) agreed with the costings, with one highlighting that NICEIC contractors will charge more than just a qualified person. The remaining electricians (4) disagreed with the costings. The reasons included that it would cost more due to floorboards being lifted or being more qualified. However, some thought that it would incur a lesser cost.

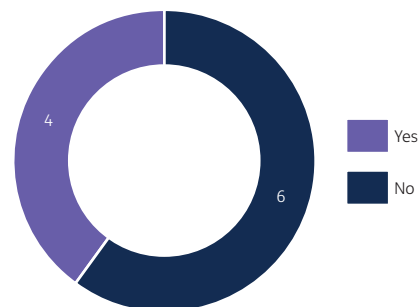
Figure 3.5: Are we correct in assuming the cost (circa £200) is for an electrician to install a pack of 5 alarms (3 smoke, 1 heat and 1 carbon monoxide alarms)?



Base: 10

One fifth of electricians who responded (2) agreed with the pricings that were given. The remaining four fifths did not (8). They thought the price would be around £200-£800, depending on the materials, labour, certification and if the floorboards needed to be lifted.

Figure 3.6: Is there anything else you would like to add or comment on in respect of the introduction of these Regulations/guidance notes?



Base: 10

Two fifths of electricians who responded to question (4) had something further to say. These points included: improved recognition of the work that electricians carry out, the costs involved and emphasis on making sure someone who is qualified does the work.

Section 4: District Council Environmental Health Officers results

In total there were 6 responses from District Council Environmental Health Officers. It should be noted, however, that not all respondents answered every question. As a result, the base numbers presented in the charts and tables below may differ for each question. Due to the low number of responses caution is advised when interpreting the data presented in this section.

Table 4.1: Did you find the Regulations/guidance notes easy to follow with regard to Council enforcement responsibilities?

Option	Total
Yes	5
No	0
Total	5

All District Council environmental health officers who responded to the question agreed that the Regulations/guidance notes were easy to follow. One Council had some comments in regard to the Regulations/guidance notes. These included an interval of testing every five years to ensure that the standards are still met, and having the landlords produce a ‘Minor Electrical and Installation Works Certificate (MEIWC) to the tenant and Council, as opposed to just ‘written confirmation’.

Table 4.2: Is the information regarding the enforcement process correct?

Option	Total
Yes	5
No	0
Total	5

All District Council environmental health officers agreed the enforcement process is correct. Respondents stated that they will determine the most appropriate course of action from their enforcement process depending on the situation. They would also like more guidance and Regulations regarding repeat offences, as that is not currently included, clarity on the definition of the landlord for the purposes of enforcement and being able to charge the landlord for enforcement action.

Table 4.3: Do you think we have got the landlord and tenant responsibilities right in the Regulations/guidance?

Option	Total
Yes	5
No	0
Total	5

All of the District Council environmental officers who responded largely agreed with the responsibilities for each party and acknowledged it was the tenant’s responsibility to test alarms to ensure they are in proper working order.

However, they also sought clarity within the Regulations and/or guidance in relation to the position, numbers, and types of alarms required for common parts of buildings and the enforcement process where these are not in place.

Table 4.4: Is there anything else you would like to add or comment on in respect of the introduction of these new Regulations/guidance notes?

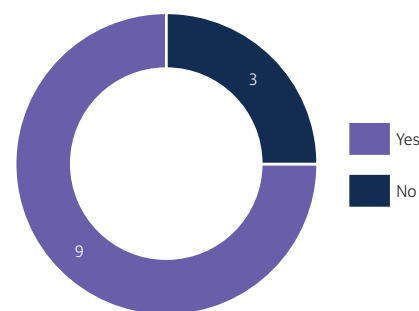
Option	Total
Yes	5
No	0
Total	5

All District Council environmental health officers would like to add that they would like further clarification to the extra protections considered necessary for flues transferring through bedrooms. They also highlighted that the Northern Ireland Fire and Rescue Service’s current scheme of installing smoke alarms might not be compliant with the requirements. They also raised concerns with funding to implement these new Regulations and the fact that these Regulations do not include single let properties.

Section 5: Other interested parties results

In total, there were 13 responses from Other interested parties. It should be noted, however, that not all respondents answered every question. As a result, the base numbers presented in the charts and tables below may differ for each question. Due to the low number of responses caution is advised when interpreting the data presented in this section.

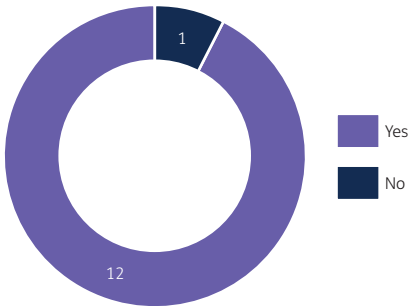
Figure 5.1: Did you find the guidance notes, which explain responsibilities of both landlords and tenants, under the Regulations easy to follow?



Base: 12

Three quarters of the interested parties (9) who responded agreed that the guidance notes were easy to follow, the remaining quarter (3) did not. Suggestions for improvements included adding example scenarios for both tenants and landlords, making the guidance notes more accessible, adding the responsibilities of tenants in the Regulations and not just the guidance, and adding more guidance on the location of smoke alarms.

Figure 5.2: Is there anything else you would like to add or comment in respect of the introduction of these new Regulations/guidance notes?



Base: 13

The vast majority of interested parties who responded (12) wanted to add further comments within the additional comments box in relation to the new guidance and Regulations. Comments added included:

- Inconsistencies with the British standards for installing CO and smoke alarms.
- Information about nuisance alarms.
- Formatting and grammar issues in relation to Regulation and guidance notes.
- Requesting more information online for tenant’s suitability needs to test alarms.
- Provision of an operational grace period and ensuring Councils are sufficiently funded to enforce the Regulations.
- Caution on not extending provision for single let properties.
- A potential shortage of alarms on implementation of the legislation.
- Inclusion of more information about the dangers and signs of carbon monoxide poisoning,.
- A request for the fitness standard to be updated in light of all new legislation being enacted.

Appendix 1: Data Tables

Data Tables: Type of Respondent

Option	Total
Tenant	2
Landlord/Landlord representative	33
Qualified electrician	10
District Council environmental health officer	6
Other interested parties	13
Total	64

Data Tables: Private Sector Tenants

Did you find the guidance notes, which explain responsibilities as a tenant, under the Regulations easy to follow?

Option	Total
Yes	2
No	0
Total	2

Are you content with what has been listed as your responsibility as a tenant?

Option	Total
Yes	2
No	0
Total	2

Does the property you rent already have alarms fitted?

Option	Total
Yes	2
No	0
Total	2

Are the alarms installed:

Option	Total
Hardwired	0
Battery	0
A combination of hardwired and battery	2
Total	2

Where are the smoke and heat alarms installed?

Option	Total
Ceiling	1
Wall	1
Total	2

Where are the carbon monoxide alarms installed?

Option	Total
Ceiling	0
Wall	2
Total	2

If your property has an open plan layout including a kitchen, are you aware that a heat alarm will provide adequate cover under the condition that the alarm is located within 7.5 metres from any point in the room?

Option	Total
Yes	1
No	1
Total	2

Is an expiry date visible on all installed alarms?

Option	Total
Yes	0
No	2
Total	2

Have you been informed of the lifespan of all alarms in your property?

Option	Total
Yes	0
No	2
Total	2

Do you feel you meet the requirement for specialised alarms?

Option	Total
Yes	0
No	2
Total	2

Are you able to test alarms within your property easily on a regular basis?

Option	Total
Yes	1
No	1
Total	2

Have any alarms batteries in the property been replaced during your rental period?

Option	Total
Yes - My landlord replaced them	1
Yes - I replaced them	1
Total	2

If there was a fault with any of the alarms, would you know what to do?

Option	Total
Yes	2
No	0
Total	2

If there was a fault with any of the alarms, would you know who to contact?

Option	Total
Yes	1
No	0
Total	1

If your landlord was contacted about a faulty alarm, was it replaced in a timely manner?

Option	Total
Yes	1
No	1
Total	2

Do you agree recording the alarms and including testing information alongside the tenancy information notice, or inclusion in any Tenancy Pack, will assist you to check the alarms to ensure they are safe and in proper working order?

Option	Total
Yes	2
No	0
Total	2

Do you agree it is beneficial to keep the alarm information in a tenancy pack detailing the manufacturers instructions on how to test and the expiry date?

Option	Total
Yes	2
No	0
Total	2

If you were to report an issue to your landlord and no action is taken, would you know how to contact your Local Council?

Option	Total
Yes	2
No	0
Total	2

Is there anything else you would like to add or comment on in respect of the introduction of these new Regulations/ guidance Notes?

Option	Total
Yes	1
No	1
Total	2

Data Tables: A landlord or landlord representative

Are you responding as:

Option	Total
A landlord	32
A letting agent or representative	5
Total	37

Do you rent more than one property?

Option	Total
Yes	20
No	13
Total	33

If you rent more than one property, how many properties do you rent?

Option	Total
2	2
3	3
4	1
5	3
6	1
8	1
10	1
12	2
15	2
40+	1
60+	1
100+	1
Total	19

Did you find the guidance notes, which explain responsibilities under the Regulations, easy to follow in respect of your responsibilities as a landlord?

Option	Total
Yes	27
No	6
Total	33

Are you content with what has been listed as your responsibility as a landlord?

Option	Total
Yes	24
No	9
Total	33

Once the Regulations come into force do you understand it will be an offence not to comply?

Option	Total
Yes	31
No	2
Total	33

Does each property you rent to tenants have alarms fitted?

Option	Total
Yes	29
No	4
Total	33

Are the alarms installed hardwired?

Option	Total
Yes	13
No	3
Unsure	1
Total	17

Are the alarms installed battery operated?

Option	Total
Yes	13
No	3
Unsure	1
Total	17

Are the alarms installed a combination of both hard wired and battery operated?

Option	Total
Yes	21
No	4
Total	25

If you have installed hard-wired alarms, did a qualified electrician complete the installation?

Option	Total
Yes	23
No	3
Total	26

Are any of the alarms interlinked?

Option	Total
Yes	16
No	11
Total	27

Where are the smoke and heat alarms installed/located?

Option	Total
Ceiling	29
Wall	0
Other	0
Unsure	0
Total	29

Where are the carbon monoxide alarms installed/located?

Option	Total
Ceiling	9
Wall	15
Other	3
Unsure	1
Total	28

If your property has an open plan layout including a kitchen, are you aware that a heat alarm will provide adequate cover under the condition that the alarm is located within 7.5 metres from any point in the room?

Option	Total
Yes	17
No	11
Total	28

Are you aware the lifespan of alarms is 10 years?

Option	Total
Yes	25
No	4
Total	29

Are you aware of an expiry date being visible on any alarm that is installed?

Option	Total
Yes	21
No	8
Total	29

Do you test all alarms before a tenant moves into your property?

Option	Total
Yes	28
No	0
Total	28

Do you test all alarms before a tenant moves into your property – if you have answered YES, do you keep a record?

Option	Total
Yes	14
No	12
Total	26

If you discover a fault with any of the alarms when testing, would you replace the battery/unit immediately before the tenancy commences?

Option	Total
Yes	28
No	1
Total	29

If the tenant contacts you to report the alarm/s are not working, do you replace the alarms immediately?

Option	Total
Yes	24
No	4
Total	28

Do you foresee any barrier or difficulties regarding you meeting the required standard of these Regulations?

Option	Total
Yes	11
No	21
Total	32

Have you a tenant that requires specialized alarms?

Option	Total
Yes	1
No	32
Total	33

Do you agree recording the alarms information and providing this information to the tenant, will assist both you and the tenant, to check the alarms to ensure they are safe and in proper working order?

Option	Total
Yes	27
No	6
Total	33

Are you aware you are responsible for the cost?

Option	Total
Yes	30
No	3
Total	33

Do you believe you are entitled to Legal Aid support?

Option	Total
Yes	2
No	31
Total	33

Is there anything else you would like to add or comment on in respect of the introduction of these new Regulations/ guidance notes?

Option	Total
Yes	11
No	18
Total	29

Data Tables: A qualified electrician

Question 1: Did you find the guidance notes, which explain the installation of alarms, easy to follow?

Option	Total
Yes	10
No	0
Total	10

Did you find the guidance notes easy to follow regarding mains wired alarms?

Option	Total
Yes	9
No	1
Total	10

Are the guidance notes correct regarding mains wired alarms?

Option	Total
Yes	8
No	0
Total	8

Using online tradesperson sites to gather information it was established that the cost for installation of one main's wired alarm is in the region of £150. Do you agree with this costing?

Option	Total
Yes	5
No	4
Total	9

Are we correct in assuming the cost (circa £200) is for an electrician to install a pack of 5 alarms (3 smoke, 1 heat and 1 carbon monoxide alarms)?

Option	Total
Yes	2
No	8
Total	10

Is there anything else you would like to add or comment on in respect of the introduction of these new Regulations/guidance notes?

Option	Total
Yes	4
No	6
Total	10

Data Tables: A District Council environmental health officer

Did you find the Regulations/guidance notes easy to follow with regard to Council enforcement responsibilities?

Option	Total
Yes	5
No	0
Total	5

Is the information regarding the enforcement process correct?

Option	Total
Yes	5
No	0
Total	5

Do you think we have got the landlord and tenant responsibilities right in the Regulations/guidance?

Option	Total
Yes	5
No	0
Total	5

Is there anything else you would like to add or comment on in respect of the introduction of these new Regulations/guidance notes?

Option	Total
Yes	5
No	0
Total	5

Data Tables: Other interested parties

Did you find the guidance notes, which explain responsibilities of both landlords and tenants, under the Regulations easy to follow?

Option	Total
Yes	9
No	3
Total	12

Is there anything else you would like to add or comment on in respect of the introduction of these new Regulations/ guidance Notes?

Option	Total
Yes	12
No	1
Total	13

4. Data analysis - qualitative results

4.1 The following is a summary of the issues flagged within the qualitative comments received during the consultation period. The summary includes the DfC Departmental response and the resulting recommendation.

Issue No 1 – The date Regulations will come into force

The Landlord Association Northern Ireland (LANI) flagged the importance of setting a realistic date for when the Regulations will come into force from date of laying. It was highlighted the Department needed to give due consideration to alerting private rental landlords, letting agents and other interested parties to the new Regulations through a pro-active communication strategy prior to ‘operationalising’ the new legislation. Propertymark also requested a grace period for introducing the Regulations. This issue was also raised by “other interested parties” via the online consultation.

Departmental Response

The feedback from the online consultation confirmed that many private rental landlords already had some configuration of alarms installed within their properties.

It is accepted that effective communication of the new requirements and an acceptable timeframe are prerequisites for assisting private rented landlords to comply.

Recommendation

The Regulations, when made, will provide a grace period for compliance by way of setting a ‘coming into operation’ timeframe.

The Department from the date the Regulations are made, will implement a phased approach in the form of three months for new tenancies and 6 months for existing tenancies, in order to provide landlords the opportunity to bring their property/properties up to the required standard.

The Department will work with the in-house Communications Team to work to develop an effective communication strategy to promote awareness of new legislative requirements and timeframe for compliance.

Issue No 2 – Property with PV inverter in place

The Electrical Contractors Association raised an issue regarding a PV inverter (for solar panels). A PV inverter is the device that converts sunlight directly into electricity.

BS 5839-6 requires a smoke detector in a loft where a PV inverter is installed.

Departmental Response

The aim of the Section 8 Regulations is to set ‘minimum standards’ for private rental properties. We recognise that more green energy measures may be retrospectively applied to existing housing stock, in line with progressing strategies and policies to address climate change and energy costs in due course.

Currently, such installations are beyond the scope of these Regulations, and it is our assessment that such issues should be addressed **for all properties** in the future by changes to Building Regulations.

Recommendation

No change recommended to Regulations as drafted.

Advice will be included within the associated guidance Notes as follows:

“Where photovoltaic solar panels are fitted, with battery storage or other associated equipment, installed in an attic, loft or ceiling void, it is recommended that additional smoke detection be installed above the items following the recommendations of British Standard 5839-6.”

Issue No 3 – Carbon Monoxide Alarm - Flue passing through a bedroom

All Councils and the National Fire Chief Council (NFCC) asked for clarification on whether the Regulation alarm provisions should be expanded to take account of a flue passing through a bedroom in respect of alerting a tenant to any escaping carbon monoxide fumes.

Departmental Response

The matter was referred to the appropriate experts from the Advisory Panel and following discussion the Department is content to amend the draft Regulations to require a carbon monoxide alarm be installed in any room that has a fixed combustion appliance, or a flue passing through it.

Recommendation

The Regulations are amended as follows:

“ 3(1)(c) a carbon monoxide alarm installed in any room or circulation space of the dwelling-house which contains a fixed combustion appliance or a flue.”

The definition of a “flue” means a pipe or channel that leads to the outside of a dwelling-house, taking smoke, gases, or hot air away from a fixed combustion appliance.

Issue No 4 – Hardwired Alarms and qualified electrician

Councils raised a query regarding mains wired alarms. The guidance states if installing hard wired alarms, they may be subject to building control with an associated link provided for Building Control Northern Ireland (BCNI). However, the Council stated Building Control NI does not take account of carbon monoxide alarms, and highlighted the guidance should be clear and state battery alarms do not require Building Regulation approval. The Council also stated there is a significant difference in the Building Regulations and these Regulations in relation to fitting alarms retrospectively and varying interpretations which could lead to confusion and inconsistencies when enforcing the minimum standards. Electricians input to the online consultation also highlighted the person installing hardwired alarms needed to be qualified.

Departmental Response

The new Regulations are inclusive of Carbon Monoxide Alarms, which means in respect of minimum standards they are over and above what the Northern Ireland Building Regulations currently require (specifically where a flue passes over sleeping accommodation).

In Northern Ireland Building Regulations from 31 October 2012, it is a requirement that where a combustion appliance is installed in a dwelling, reasonable provision must be made to detect the presence of carbon monoxide and give early warning to the occupants. It covers new homes or where a new fixed combustion appliance is installed.

The Building Control Regulations are not retrospective, but these new private rental sector Regulations will be.

Further stakeholder meetings with Council representatives clarified that our associated guidance notes signposted the need for building control approval only for hardwired alarms. Council representatives were subsequently content the Department had highlighted the different requirements for hardwired and battery alarms.

Smoke, heat, and Carbon Monoxide battery alarms do not require Building Control applications. The guidance confirms the work in respect of hardwired alarms should be completed by a qualified electrician.

Recommendation

Guidance notes and Regulations will be amended to cover battery alarm versus hardwired alarm requirement scenarios.

The guidance notes will specifically reflect that battery operated alarms are not subject to building control requirements and in respect of installing mains hardwired alarms a link will be provided to access Building Control NI (BCNI) requirements. Associated feedback will be shared with Building Standards Branch.

[It is noted Council representatives intend to set up a working group to ensure uniformity on enforcement is applied across all Council areas.]

Issue No 5 – Recommendations for expansion of detail within guidance

Council representatives recommended that the associated guidance notes for smoke alarms should be expanded to include heat alarms and cover the provision of smoke alarms in circulation spaces. It was highlighted it would be advisable to provide additional installation recommendations within guidance or to refer to the relevant sections of BS5839 Part 6. Whilst this standard has been referenced in the Regulations/guidance, consideration should be given to replicating referencing standards for all alarm types required by the Regulations.

“Other Interested parties” from the online consultation as well as Council representatives, highlighted the Regulations refer to the standards BS EN 50292 and BS 5839 for installation and maintenance of carbon monoxide alarms and smoke/heat and alarms but there was no reference to the standards required for the product/component in either the Regulations or guidance.

Further amendments to the Regulations and guidance were recommended. PropertyMark also requested advice be provided in the guidance on where alarms should be located and positioned.

Departmental Response

The Regulations and guidance have been amended in line with the above recommendations. Section 6 confirms alarms must meet the British Standard and display the kitemark logo and be fitted on the ceiling or wall according to the manufacturer’s instructions.

Recommendation

Regulations and Guidance notes amended to reflect points highlighted by Councils and PropertyMark.

Issue No 6 – Single lets

The consultation stated that these Regulations do not cover Houses in Multiple Occupancy (HMOs) and single let properties, as these are covered by separate legislation/guidance.

A single let property is housing leased from private landlords and utilised by the NI Housing Executive to accommodate homeless people. Single lets are often managed by large private companies, such as Homecare Independent Living. The company, rather than the landlord, will deal with the resident and the Housing Executive. Residents tend to stay longer in single lets than in other types of temporary accommodation.

Councils and “other interested parties” from the online consultation, highlighted they were not aware of any specific legislation/guidance in relation to single lets and sought clarification from the Department in respect of this matter.

Departmental Response

The Housing Executive has advised that single lets are provided under licence, rather than a private tenancy. There are already requirements in place for these properties to have smoke and carbon monoxide alarms. The Housing Executive has also advised that it will review these new requirements and endeavour to mirror them in its requirements for single lets.

Recommendation

The Housing Executive will review requirements for single lets.

Issue No 7 – Smoke Alarms in bedrooms

The National Fire Chief Council requested that a requirement be included to have smoke alarms in all bedrooms.

DoF Building Standards have also recently consulted on amending Part E (Fire safety) of the Building Regulations (Northern Ireland) 2012 which sets requirements for fire safety when building work or a material change of use occurs in relation to a building. Building work includes erection of a building, structural alteration or extension of a building or the provision of a service or fitting. **Building Regulations do not apply directly to a building itself but rather to the type of ‘work’ being done.**

In respect of smoke alarm provision DoF have proposed that for new dwellings or dwellings created as a result of a material change of use at least one smoke alarm to be provided – (a) In the circulation route or routes on each storey; (b) In all habitable rooms; and at least one heat alarm to be provided in every kitchen. All alarms would be required to be mains powered with battery or capacitor back-up and interconnected so that they all give an audible alarm when one of them is activated.

The DoF definition of “habitable room” has been drafted as – “any room in a dwelling other than a kitchen, utility room, bathroom, shower room, dressing room or WC”. This will mean a smoke alarm will be required in all bedrooms, living rooms, study, lounge etc.

Departmental Response

The Department considers that an extension to require smoke alarms in all bedrooms is out-with the setting of minimum standards within this Department's Regulation. It is considered, at this point in time, sufficient cover has been deployed if a smoke alarm is in place within a radius of 3 metres of each bedroom.

Recommendation

No change recommended to Regulations as drafted.

Issue No 8 – Specialised Alarms and amendments to guidance

Housing Rights and “other interested parties” responding to the online consultation, requested the inclusion of a duty on landlords to ensure that Smoke, Heat and Carbon Monoxide alarms are adapted to meet the needs of deaf tenants and ensure alarms are accessible to tenants with any mobility difficulties.

Amendments were also suggested to make parts of the associated guidance more user friendly and an easier read. It was recommended that the style of the text would be improved by standardising the text to present tense and adopting a consistent active, and direct approach throughout.

Departmental Response

The request around specialised alarms is noted and it is accepted that landlords should make an informed decision when choosing the best and most appropriate alarms to suit their tenant's needs. The aim of these Regulations is to introduce minimum alarm standards within private rental properties and therefore to detail specific circumstances and scenarios around the deployment of different specialised alarms has not been specifically legislated for at this point in time. The associated guidance notes, like other jurisdictions, draw landlords' attention to the need to tailor alarms to suit any disability requirements to protect lives and any damage to properties.

The suggested textural amendments were helpful, the majority of which have been accepted in amending the style of the guidance.

Recommendation

Landlords' responsibilities in considering the deployment of specialised alarms to be referenced up front in the guidance notes.

Style of guidance notes to change to adopt a consistent style throughout.

Issue No 9– Incorrect referencing / miscellaneous

The following points were highlighted for attention:

1. Council Feedback

Fines and Penalties: The guidance at section 9 and 10 referring to an offence under Article 68(1), of the Private Tenancies (Northern Ireland) Order 2006 should be Article 11B. Article 68(1) includes 11B.

2. Common areas

More details are required on how the common areas of a property will be adequately covered.

3. Testing of alarms

Council queried who is responsible for testing the alarms and there should be awareness training for tenant/ landlord. PropertyMark also requested a landlord tests the alarms before a tenancy commences.

4. Communication plan

PropertyMark and “other interested parties” responding to the online consultation request a pro-active communication strategy to raise awareness for both landlords and tenants before the Regulations are made. This will ensure landlords are fully aware of their duties, as this will be crucial for compliance.

5. Enforcement and Resources

PropertyMark had concerns over the enforcement of the new requirements

and recommended a tenants’ reporting model be considered. They highlighted the lack of resources in respect of the inspecting of properties and noted that once the Regulations are operational there is likely to be a substantial demand for alarms, which could lead to shortages of interlinking alarm packs and delays in installation of any hardwired alarms. This issue was also raised on the online consultation by “other interested parties”.

6. Agent/organisation acting on behalf of a landlord

PropertyMark highlighted the guidance should include advice if a property is managed on behalf of landlord by an agent. This issue was also highlighted by a tenant within the online consultation.

7. Amendments and recommendations from online consultation

“Other interested parties” from the online consultation, recommended amendments in the guidance and highlighted issues related to nuisance alarms.

8. The Fitness Standard should be updated to reflect new legislation

“Other interested parties” from the online consultation, recommended amendments to the fitness standard to reflect the new legislation.

9. Cost of alarms

Electricians from the online survey highlighted alarms may cost more than the estimated figures quoted.

Departmental Response

1. Council Feedback

Fines and Penalties: Noted. Regulations have been amended to 11B.

2. Common areas

Common areas of a property come under the Building Regulations (Northern Ireland) 2012.

3. Testing of alarms

The guidance states landlords test the alarms before a tenancy commences and should advise tenants to test alarms once a week (a link for the Northern Ireland Fire and Rescue Service is also included for fire safety advice). Therefore, the onus should be on the tenant/landlord to test the sounding of alarms to verify if in proper working order.

4. Communication plan

The Department commits to producing an effective communication strategy to raise awareness of the minimum requirements before the Regulations become operational and will continue to work in partnership with all key stakeholders on publicising same and engaging on any points that require further clarification. The associated guidance will remain a live document and can be updated if required.

5. Enforcement and Resources

The Councils already have policy and procedures in place which commence any necessary action when a report of non-compliance is received. These Regulations do not have the remit to introduce a reporting model and it would only serve to be a duplication of existing

Council enforcement measures. The spike in demand for alarms will be managed within the communications strategy by interacting with suppliers and in line with the operational grace period.

6. Agent/organisation acting on behalf of a landlord

For the purpose of the Regulations, “a landlord has ultimate responsibility to ensure the property is compliant. However, it is recognised an individual or organisation (such as an agent) who has overall control of the tenancy, can act on behalf of a landlord, to meet the required standards”.

7. Amendments and recommendations from the online consultation

The guidance and Regulations have been amended. Regarding the reference to the ongoing noise created by alarms continually sounding (nuisance alarms) this type of issue is dealt with by the Council and stakeholders were signposted to the following link for further information: **[Other types of noise \(belfastcity.gov.uk\)](https://www.belfastcity.gov.uk/other-types-of-noise)**.

8. The Fitness standard should be updated to reflect the new legislation

The Department has fitness standard scheduled for phase 2 emanating from the Private Tenancies (Northern Ireland) Order 2006.

9. Cost of alarms

The Department has updated the Regulatory Impact Assessment to reflect an increase in alarms costs for a standard 3-bedroom property to be £200.

Recommendations

1. Council Feedback

Regulations amended.

2. Common areas

Not applicable to these Regulations.

3. Testing of alarms

Responsibilities reflected in guidance.

4. Communication plan

Resource to be put into producing an effective communication strategy with all stakeholders.

5. Enforcement and Resources

Remains with Councils to action within their in-house procedures.

Pro-active communication will be taken forward to alert NI suppliers on incoming Regulations. The operational date of the Regulations has been extended following the consultation responses.

6. Agent/organisation acting on behalf of a landlord

Guidance has been amended to reflect this recommendation.

7. Amendments and recommendations from the online consultation

Guidance has been amended to reflect the recommendations and stakeholders signposted to Council for noise control.

8. The Fitness Standard should be updated to reflect legislation.

The Fitness Standard will be revisited under the policy refresh of what will come forward under Phase 2 of the private rented sector reform.

9. Cost of alarms

Cost estimated now to be in the region of £200.

5. Conclusion

5.1 The responses to the online survey and the stakeholder forum meetings greatly assisted in the shaping of what will become the finalised Regulations and guidance notes. The main changes that needed to be applied were:

- An extension to the grace period for phased introduction of the Regulations.
- More concise and easier to follow guidance notes to provide clarity.
- The location and types of alarms throughout the property.
- A breakdown of the responsibilities of the landlord and tenant.

5.2 It was helpful to have confirmation that the shaping of the original drafts had not been too far off the mark with regards to content and detail. As the Regulations are subject to the negative resolution legislative process, they will progress to come into force during 2024.

5.3 In recognition of the feedback on an effective communications exercise needing to be put in place to alert all key stakeholders to when the legislation becomes law the Private Rented team will seek to reach as many private rented landlords, letting agents, etc, as possible through pro-active engagement.

5.4 The consultation confirmed that many private rental properties already have alarms in place therefore any retrospective fitting of new alarms to meet the minimum standards outlined in the Regulations should not prove over onerous within the three months grace period applied once they come into force.

Private Rented Branch
Housing Division
Department for Communities
Level 3, Causeway Exchange
1-7 Bedford Street
BELFAST BT2 7EG

E-mail:

PRS@communities-ni.gov.uk

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