

July 2012

Your Legal Rights - Flooding

Britain has experienced the wettest weather since records began. Whilst for many people the rain is a minor inconvenience, for some parts of the country each day of rain increases the risk of localised flooding.

This guide aims to help you understand your legal rights should your property be affected by flooding.

If you need further assistance you should contact your trade union to see if you are entitled to free legal advice from Thompsons Solicitors.

What are flood warnings and what do they mean?

There are three different alerts / warnings the Environment Agency can issue when an area may be affected with flooding.

1. Flood alert; flooding is possible and residents should be prepared.
2. Flood warning; flooding is expected, immediate action is required.
3. Severe flood warning; severe flooding is expected, there may be a danger to life.

More information can be found on the Environment Agency's website:

www.environment-agency.gov.uk/

Be prepared

Insurance

It is always advisable to have appropriate insurance on your property and the contents. Always read your policy carefully! Occasionally the small print within the policy excludes certain types of claim, for example if you are within a certain distance from a river or flood plain your policy may not cover you for flood damage. Keep your insurance policy documents in a safe place, preferably in a waterproof folder.

Protecting Your Home

You should start to take steps to minimise the amount of damage that could be caused to your property. The Environment Agency has a downloadable 'flood plan kit' on it's website: www.environment-agency.gov.uk The plan contains excellent advice on how to protect your home and possessions and includes useful tips such as ensuring your gas and electricity supply is safely turned off. If severe flood warnings have been issued in your area, the Environment Agency advises that you stay in a safe place with a means of escape and be ready should you need to evacuate from your home. It is

important that you call 999 if you are in immediate danger. Your local authority may also have emergency flood plans for your area.

What should I do if my property is affected by flooding?

If your property is damaged by flood water make sure you contact your insurance company as soon as practically possible. All insurance companies keep records of customers, so even if your insurance policy documents have been damaged as a result of the flood you should still be able to make a claim.

Your insurance company should take care of any repair work necessary and start to make arrangements to replace items. It's always a good idea to keep details of the advisors / contractors you speak to along with the date, time and details of your conversation. If possible, make sure you keep a list of all items damaged along with photographs.

If your property is too severely damaged for you to continue living in your home whilst repairs take place, your insurance company should relocate you to a bed and breakfast / hotel locally – dependant on your insurance policy.

I rent my own property from a private landlord, what are my rights?

Section 11 of the Landlord and Tenant Act 1985 says that your landlord is legally responsible for certain repairs. Under section 11 your landlord must:

- keep the property's structure and exterior in a good standard of repair, even if it was in a poor state of repair when the tenancy began.
- repair the property when damage has been reported. Your landlord is obliged to rectify any problems.
- ensure that the property's supply of utilities (gas, electricity, water etc) is in working order.

Your tenancy agreement may also include extra contractual responsibilities for your landlord to follow. Read through your tenancy agreement carefully and contact your landlord. If your landlord fails to carry out their obligations you may be able to take action against them for breach of contract.

I'm a Council / Housing Association tenant, what are my rights?

Both local authorities (councils) and housing associations (private registered provider of social housing (PRPSH)/registered social landlord (RSL)) have a legal duty to repair damage and disrepair in your property. Section 11 of the Landlord and Tenant Act 1985 also applies to PRPSH / RSL.

I believe it is dangerous to stay in my property

The government has produced guidance on potential health and safety hazards for tenants. The Housing Health and Safety Rating System - Guidance for Landlords and Property Related Professional contains details of what is classed as a hazard and can be found online at:

www.communities.gov.uk/publications/housing/housinghealth

If you believe your property is hazardous but your housing provider will not move you to alternative accommodation you should contact your local environmental health department who will use the guidance above to determine if they need to take further action against your landlord.

For Council / Housing Association tenants, your housing provider should provide you with suitable alternative accommodation if you cannot live in your property whilst repairs are being carried out.

For private tenants if the damage is so serious that you cannot live in your property, your landlord is not legally obliged to provide you with alternative accommodation. If you have to leave, you should either ask the landlord to terminate the tenancy or to suspend the rent on your property until you can move back in.

If you have to leave your property and you have nowhere else to stay you may be able to make a homelessness application to your Local Authority. If you are considered to be in priority need you should be offered suitable accommodation until you can go back to your own property.

Crisis Loans

Regardless of whether you own or rent your property, you may be entitled to claim a crisis loan. Crisis loans are discretionary interest-free loans from the Department of Work and Pensions intended to help with expenses in emergency situations. Crisis loans can be used for advances on rent for alternative accommodation or for everyday purchases such as clothing, toiletries etc.

Crisis loan applications can be made, and in urgent circumstances approved, by telephone. In England, Wales and Scotland, the telephone number to make a claim is 0800 032 7952.

Useful Organisations

Sign-up for flood warnings

Floodline Warnings Direct is a free service which sends you a direct message when flooding is expected and may affect your property.

Flood warnings will give you time to prepare for flooding which could save you

time, money and heartache. You can receive warnings by telephone, mobile, email, SMS text message or fax.

Sign up online at www.environment-agency.gov.uk or
Tel: 0845 988 1188
Typetalk: 0845 602 6340.

THIS FACT SHEET IS INTENDED AS A GENERAL STATEMENT OF THE LAW AND DOES NOT PURPORT TO RENDER SPECIFIC ADVICE, LEGAL OR OTHERWISE, SPECIFIC ADVICE ON A PARTICULAR PROBLEM SHOULD ALWAYS BE SOUGHT.

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