



Homes Bill

(Fitness for Human Habitation and Liability for Housing Standards)

CIEH Parliamentary Briefing

Overview

Karen Buck MP's Private Members' Bill, Homes (Fitness for Human Habitation and Liability for Housing Standards) Bill, will receive its **Second Reading in the House of Commons on Friday 19th January 2018**.

In the wake of Grenfell, CIEH is calling on MPs to attend the Reading and support the Bill to improve housing safety across our country and give both private and social renters the right to a safe home.

The Bill

The bill seeks to update the law requiring rented homes to be presented and maintained in a state fit for human habitation.

It would also introduce new means of redress for renters, who will be able to seek action through the courts where a property is in an unfit condition.

The main content of the Bill is to amend the Landlord and Tenant Act 1985 to require that residential rented accommodation is provided and maintained in a state of fitness for human habitation.

Why is this change needed?

Whether private or social, tenants currently have no way of enforcing property standards or threats to their safety due to dangerous housing conditions without the help of Local Authorities. Existing legislation only allows tenants to take action when something is in disrepair.¹

For example, existing legislation would not allow a tenant to take action on a fire safety risk to the premises or the building, from construction or refurbishment, if there is no nuisance or disrepair.

Local authorities use the Housing Health and Safety Rating Scheme (HHSRS) to assess the safety of rented housing

in their areas. However, we are aware that inspection and enforcement by local authorities is variable throughout the country and in some cases almost non-existent.²

Many councils have not served one Improvement Notice, in 2013/14 it was one in five, and half the local authorities in a survey had served fewer than six (the average being 17). In practice, this means that there is a real prospect that a tenant's local authority won't take steps to address serious hazards.

There are many reasons for the lack of formal action by local authorities but we understand from our members that this can be down to local priorities and subsequent investment in housing enforcement teams locally as well as the squeeze on overall budgets and resources for local government.

For social tenants, the situation is worse. Whilst technically councils can enforce against housing associations, there is no evidence available to show that action is regularly taken against housing associations and these premises are inspected.³

For council tenants, the Housing Act 2004 is ineffective, even though the HHSRS is tenure neutral and can apply to any dwelling. Local Housing Authorities cannot enforce against themselves. Therefore council tenants have no way to enforce or seek to have enforced basic fitness standards, including fire safety. The Decent Home Standard is merely administrative and unenforceable.

As Grenfell made clear, council tenants need an ability to enforce safety standards against their landlord, which is currently impossible.

¹ Section 11 of the 1985 Act only deals with disrepair and requires something to be out of repair (damaged and not fulfilling its function), and effectively the same applies for Section 4 Defective Premises Act 1972. Statutory nuisance proceedings under Section 82 Environmental Protection Act 1990 do not cover the same ground, as it is only relevant where nuisance is affecting the demised premises.

² The challenge of tackling unsafe and unhealthy housing: Report of a survey of local authorities for Karen Buck MP, Prof Stephen Battersby, Dec 2015.

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Retaliatory evictions

At present, the Deregulation Act 2015, makes provisions to protect tenants from being evicted as a result of complaining about poor conditions. However, this legislation relies on the local authority to take formal action on the issue being complained about and only protects the tenant for a maximum of 6 months, by taking away the ability to serve a Section 21 notice (a “no fault” eviction) by the landlord.⁴

Unfortunately, environmental health professionals tell us that they still see retaliatory evictions taking place in practice, despite the legislation designed to protect them. Acting alone, without a local authority, could make matters worse.

If the provisions of this Private Members’ Bill are to be brought into force, it is imperative the Deregulation Act 2015 is reviewed and amended to ensure it can work better at protecting tenants who have a legitimate grievance about poor housing standards, whether the local authority has taken formal action or not.

The extent of the problem?

The presence of “Category 1” hazards means that there is a serious and risk to a person’s health and safety.

- Poor quality housing as a whole is costing the NHS around £2bn and wider society around £18bn per year. Not only are that, but 70 % of those costs to NHS (£1.4bn) due to Category 1 hazards in the home.⁵
- According to the latest English Housing Survey, 16.8 % of private tenanted properties have Category 1 hazards⁶ – this is where there is a serious danger to or impact on health of the occupier – that is approximately 797,000 households.⁷
- 36 % of households in the private rented sector are now families with dependent children, up from 30 % a decade ago.⁸
- 6 % of social rented properties or around 243,000 social sector households are living with a Category 1 HHSRS hazards.⁹
- Using figures from the English Housing Survey 2015/16, this means over 1 million homes in the private rented or social rented sectors have at least one Category 1 hazard, meaning some 2.34 million people, including children, living in properties that present a serious risk to health and safety.

CIEH
Chadwick Court, 15 Hatfields, London SE1 8DJ
Telephone 020 7928 6006
Email info@cieh.org **Web** www.cieh.org
Registered charity no. 290350

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The Bill’s impact

The Bill will not pose an unnecessary burden on responsible landlords, as it will only give tenants the right to take action where accommodation is unsafe or unhealthy.

The Bill in general should be seen as complementary to local authority action, which can take time and can leave an occupier living in unsafe and or unhealthy conditions.

How You Can Help

This Bill is incredibly important in improving housing safety in our country. As such, we are calling on MPs from all parties to support the Bill, table parliamentary questions highlighting its contents, and to attend the Second Reading on the 19th January 2018.

Contact

For any further information, please contact Ross Matthewman, Public Affairs and PR Manager, at r.matthewman@cieh.org or on 02078275922.

About CIEH

The Chartered Institute of Environmental Health (CIEH) is the professional voice for environmental health representing over 8,000 members working in the public, private and non-profit sectors. It ensures the highest standards of professional competence in its members, in the belief that through environmental health action people’s health can be improved.

The quality of housing is closely linked to the health and wellbeing of those who live in it. The environmental health profession plays a unique and vital role in assessing housing conditions, especially those in the private rented sector, and taking action to protect and improve the physical and mental wellbeing of tenants and occupiers.

⁴ Retaliatory Eviction and the Deregulation Act 2015: guidance note, DCLG, 2015.

⁵ The full cost of poor housing, BRE, 2016.

⁶ Table DA4101 (SST4.1): Health and safety - dwellings, 2015. English Housing Survey, 2017. <https://www.gov.uk/government/statistical-data-sets/dwelling-condition-and-safety>

⁷ 16.8 % of dwellings within PRS have a category 1 hazard. There are a total of 4.5m households living in PRS (Headline Report, English Housing Survey 2015-16, DCLG 2017)

⁸ English Housing Survey, Private Rented Sector 2015-16, DCLG 2017.

⁹ 6 % of social housing dwellings have a category 1 hazard. Size of social rented sector is 3.9m. (Headline Report, English Housing Survey 2015-16, DCLG 2017)