Hazard Awareness Notice
Housing Act 2004 Section 28 / 29 (category < > Hazard)

To:

Of:

Take notice that the *(the council)* is of the opinion that:
a Category < 1 / 2 > hazard exists at :

which is a residential premises within the area for which it is the local housing authority
The council has received a report from a duly authorised officer under section 4(6) of the Housing Act 2004 and < is under a duty / may > to take action in respect of that report, which confirms the existence of a hazard defined under the Housing Health and Safety Rating System, and no management order is in force in relation to the premises.
The council has determined that the best course of action in relation to this hazard is the service of this notice – Statement of Reasons attached -
The hazard has been reported as a Category < 1 / 2 > hazard and described as <
>
The defects contributing to the cause of the hazard are listed in Schedule 1 of this notice

You should be aware that the works (if any) listed in Schedule 2 are, in the opinion of the Council, required to reduce the hazard to an acceptable level; but suitable alternative works* may provide an equally effective means of hazard reduction or elimination.

This notice does not require any work to be carried out, but does not stop work being carried out by the person(s) on whom the notice is served.
This notice must first be revoked if an enforcement notice is to be served in respect of the same hazard as detailed in this notice

This notice may only apply to specific hazards or defects leading to the existence of those hazards, You should be aware that in certain cases it may not be possible for a hazard to be reduced or eliminated, as such any present or future occupant of the premises should be made aware of the existence of the hazard and its cause.

Dated…….. Signed……..
(The person authorised for this purpose)

Ref:

*which will equally reduce the hazard to a level acceptable to a suitably qualified inspector authorised to assess hazards under Housing Health and Safety Rating System

Schedule 1

Schedule 2

Notes

No Appeal

It should be noted that there is no necessity for appeal against this notice, as it is advisory in nature in relation to the property and one or more hazards which have been found to exist at the property.
There is no penalty for non compliance as specific compliance is not insisted upon by the service of the notice – HOWEVER it is good practice to contact the council upon reciept, to ensure that all parties are fully aware of any associated information which may affect the property.

Category of hazard under Housing Health and Safety Rating System (HHSRS)
As detailed under part 1 of Housing Act 2004. A hazard assessed as having a score of greater than a level set by the appropriate national authority shall be a category 1 hazard. A local housing authority has a duty to take appropriate action when notified of a category 1 hazard which exists at a residential premises, whether or not that premises is occupied at the time of that notification. This action may include the service of a notice to raise awareness of that hazard. *Sec 5 H.Act 2004*
A hazard assessed as having a score of less than a level set by the appropriate national authority shall be a category 2 hazard. A local housing authority has the power to take appropriate action when notified of a category 2 hazard which exists at a residential premises, whether or not that premises is occupied at the time of that notification, this action may include the service of a notice to raise awareness of that hazard.
Sec7 H Act 2004

Houses in Multiple Occupation (HMO), Flats and Common parts
The notice may raise awareness of action to be taken in respect of the individual dwelling on which it is served, or a HMO which contains the dwelling in which the Hazard exists or the common parts of that HMO. If the premises are a flat within a building containing one or more flats the notice may raise awareness of action to be taken on any part of that building, including any common parts *Sec28 (3)&(4) H Act 2004*

Variation or Revocation by the Local Authority
The local authority must revoke a Hazard Awareness notice if they are satisfied that the hazard(s) detailed in the notice has/have been reduced or removed
The local authority may revoke a Hazard Awareness notice under section 28 or 29 of this Act if they consider there are any special circumstances which make it appropriate to revoke the notice.
Where a notice relates to more than one hazard; each hazard and any associated requirements exclusive to that hazard may be treated separately and if, as a result, the authority revokes part of a notice, the remainder remains in force and may be varied as appropriate
Schedule 1 pt3 H Act 2004

E & OE – users of this notice are advised to check with their own legal advisors regarding suitability and/or accuracy as no specific warranty is offered by the vendor