

Factsheet 67

Home improvements and repairs

February 2017

About this factsheet

This factsheet provides information about the help you can get if your home is in a poor condition or unsuitable for your needs.

It includes information on the financial assistance and practical support available to help you make improvements, as well as rights to repairs in rented housing.

We publish factsheets on finding accommodation in the private rented sector and from social landlords, as well as on specialist housing for older people and park homes.

The information in this factsheet is applicable in England and Wales. If you are in Scotland or Northern Ireland, please contact Age Scotland or Age NI for information. Contact details can be found at the back of the factsheet.

Contact details for any organisation mentioned in this factsheet can be found in the Useful organisations section.

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1 Recent developments

- The *Housing and Planning Act 2016* became law in May 2016. It makes changes to the law in **England**, including:
 - **Electrical safety**– the government have powers to impose new electrical safety duties on private and housing association landlords, such as a duty to ensure that a qualified person checks electrical installations and fixtures, fittings and appliances at regular intervals.
 - **Rogue landlords and poor housing** - a landlord or agent convicted of a '*banning order offence*' can be banned from carrying out lettings and property management work. These may include offences related to the condition of a property. Tenants can apply for a rent rebate if their landlord fails to comply with an improvement notice or prohibition order issued under the *Housing Act 2004*.

Note, at the time of writing, these changes are not yet in force.

- The Energy Company Obligation scheme will run until 2022. From April 2017, the Government plan to refocus the scheme towards low-income households with the highest energy costs. They plan to allow social tenants living in the least energy efficient homes to receive help under the '*Affordable Warmth*' obligation. They are also proposing to simplify the eligibility criteria for Affordable Warmth, including by removing the Savings Credit element of Pension Credit as a qualifying benefit.

2 Local authority help

2.1 Housing renewal assistance

Your local authority (council) has a general power to provide help to homeowners and tenants with:

- repairs, improvements and adaptations
- the demolition of accommodation and rebuilding costs
- securing new accommodation if the authority buys your current home or decides it is not economically viable to adapt or improve it.

The help can be provided '*in any form*', so you may be able to get loans, grants, labour, discounted materials or temporary accommodation while works are carried out. It may be provided by a third party, such as a Home Improvement Agency (see section 3).

Help may be provided unconditionally, or subject to certain conditions, such as you repaying all or part of a loan or making a contribution towards the cost of works. Loans may be made available through equity release schemes (see section 9).

To provide this help, your local authority must publish a '*housing renewal assistance*' policy. They can only provide assistance in line with this policy. The full policy must be available for free inspection at their main office and they must send you a summary if asked. If sent by post, a reasonable charge may be made.

The summary should tell you about:

- the type of assistance available
- whether you are eligible to apply
- how to make an enquiry or application
- any conditions attached and terms of repayment if these apply
- target timescales for operating different parts of the process
- advice and assistance from a local Home Improvement Agency.

When providing help, the local authority must:

- set out in writing the terms and conditions under which it is being given
- ensure you receive appropriate advice or information about the extent and nature of any obligations (financial or otherwise) you are taking on
- take account of your ability to make any repayments.

Most local authorities have a complaints procedure if you are unhappy with the way your application for help is treated. If you are unhappy with the authority's response to your complaint, you can refer your case to an Ombudsman. In **England** this is the Local Government Ombudsman. In **Wales** it is the Public Services Ombudsman for Wales.

2.2 Disabled Facilities Grants (DFGs)

These grants are provided by local authorities to pay for adaptations to a disabled person's home. This includes people with physical or mental health difficulties, hearing, sight and speech impediments.

DFGs are available for different things, including:

- facilitating access to and from the home
- making the home safe for you or other people living with you
- facilitating access to a room which is used, or could be used, as the main family room or for sleeping
- providing a lavatory or washing facilities or making it possible for you to access or use a lavatory or washing facilities
- making it possible for food to be prepared or cooked
- improving the property's heating system so it meets your needs or providing a suitable heating system
- facilitating access to and from a garden or enabling safe access.

A local authority must provide a DFG if certain conditions are met.

Unless special circumstances apply, the disabled person must intend to live in the property as their only or main home for at least five years after the works are completed (the '*grant condition period*'). The grant must be requested for one of a number of specific purposes, including those set out above. The local authority must be satisfied that the following apply:

- the works are necessary and appropriate to meet the needs of the disabled occupant
- it is reasonable and practicable to carry out the works having regard to the age and condition of the property.

Both homeowners and tenants can apply for DFGs. Certain park homeowners and occupiers of houseboats can also apply. The person applying for a DFG does not have to be the disabled person for whose benefit the works are required. For example, a landlord can apply to have a property adapted for a disabled tenant.

The applicant must provide the authority with a certificate stating that the disabled occupant will live in the property as their only or main home throughout the grant condition period. If the disabled occupant is a tenant, the authority require a certificate from the landlord (if different from the applicant) to verify this. Private tenants may find this difficult as most have assured shorthold tenancies with security of tenure for the first six months of tenancy or the length of a fixed term.

Successful applications made by or on behalf of a disabled adult are subject to a means test, unless the application is made by a landlord on behalf of a disabled tenant. This means you may be expected to contribute to the cost of the works.

The maximum amount of grant in England is £30,000 (£36,000 in Wales). The cost of carrying out works to a suitable standard may exceed the maximum amount. Local authorities can provide discretionary top-up grants or loans in such cases. A local authority may decide to give discretionary financial assistance in addition to, or instead of, a DFG as part of its housing renewal powers

Local authorities must decide a grant application '*as soon as is reasonably practicable*' and certainly within six months of the date of application. Notice of the decision must be in writing and you are entitled to a statement of reasons if you are turned down. A refusal can be challenged through the complaints procedure and the Local Government Ombudsman (**England**) or Public Services Ombudsman (**Wales**).

Tenants

If you are a tenant, your landlord is not required to make changes to a property that involve the removal of a physical feature. They must, however, make '*reasonable adjustments*' for disabled tenants, such as providing signs or notices, replacing, providing or adapting the doorbell or door entry system, or changing the colour of any surface.

A reasonable adjustment can be altering terms in your tenancy agreement that prohibit you from adapting your property, although this only applies if you are being put at a '*substantial disadvantage*'. If you want to make adaptations yourself, your landlord cannot unreasonably refuse consent. Seek specialist advice before taking such action.

The requirement to confirm you will remain in the property for five years can cause difficulties if you have a short-term tenancy. If so, you may wish to ask your local authority about joining their housing register. This is a waiting list of people who want a council or housing association home. By law, authorities must give '*reasonable preference*' to people needing to move on grounds related to disability and can give '*additional preference*' if you need to move urgently because of a sudden disability.

As a private tenant, you may be reluctant to request adaptations for fear of retaliatory eviction. The *Equality Act 2010* prohibits '*managers of premises*' from discriminating against disabled tenants, including by evicting them. Seek advice immediately if your landlord takes steps to evict you following a request for a disability-related alteration.

Both local authority and housing association tenants can get DFGs, but some social landlords use their own budgets to pay for adaptations. If your landlord refuses a request for an adaptation or takes a long time to complete works using their own funds, you can make an application for a DFG instead.

If you are entitled to a DFG, the authority cannot refuse to give you one because you are a social tenant. Your tenancy agreement is likely to say you need your landlord's consent to make any major alterations to your home, but they should not refuse permission unreasonably.

For more information, see factsheet 42, *Disability Equipment and home adaptations*, or in Wales see Age Cymru's factsheet 42w, *Obtaining disability equipment and home adaptations in Wales*.

2.3 Help from social services

Minor adaptations and equipment in England

Local authorities are not allowed to charge for aids and minor adaptations that are provided to assist with nursing at home or to aid daily living. An adaptation is minor if it costs £1,000 or less to make.

If you need equipment to help you manage better at home or your home would better meet your needs if adapted, contact the local authority social services department for a needs assessment. If the adaptation you require is not classed as minor, you may get help through a DFG.

Minor adaptations and equipment in Wales

A local authority social services department may expect you to pay towards minor adaptations and equipment you have been assessed as needing. Any charge the local authority makes must be reasonable for you to pay based on your individual financial circumstances.

Depending on your circumstances, you might be eligible for help with the cost of a minor adaptation from a Rapid Response Adaptations Programme (RRAP). This Welsh Government programme, administered by Care & Repair Cymru, allows small-scale alterations to your home to be completed to allow you to live there safely and independently if you:

- are awaiting discharge from hospital
- have recently left hospital
- are at risk of needing a hospital admission or going into a care home.

Assistance provided via the RRAP is not means tested. You must be referred to the programme by a health or social care professional, such as an occupational therapist, and cannot apply directly. Up to £350 of help is available for adaptations such as hand rails; temporary or permanent ramps; improving access to toilet facilities; or fitting or repairing door security chains, locks or key safes.

3 Home Improvement Agencies (HIAs)

HIAs are not-for-profit organisations run by local authorities, housing associations and charities. They provide support to older and vulnerable people to enable them to remain in their own homes and live independently for longer. Different HIAs provide different services, including advice on improving the condition and energy efficiency of your home, housing options, benefits and financial advice, and help with applying for grants and loans.

HIAs can identify reputable local contractors and oversee works for you. Many run their own handyperson services, carrying out small home improvement works such as gardening, minor repairs and adaptations, safety and security checks and energy efficiency measures.

To find out if there is an HIA in your area, in **England** contact:

- your local Age UK
- your local authority housing department, or
- Foundations – the national co-ordinating body for HIAs.

If you live in **Wales**, contact:

- Care & Repair Cymru
- your local Age Cymru, or
- your local authority housing department.

4 Heating and insulation improvements

If you are in receipt of certain benefits or live in a low-income neighbourhood or home classed as '*hard to treat*', you may be able to get help with heating and energy efficiency measures under the Energy Company Obligation (ECO) scheme. All, or part, of the cost of the measures may be covered.

There are three strands to ECO, with different eligibility criteria:

- **Home Heating Cost Obligation (the Affordable Warmth Scheme)** - owner occupiers and private tenants can get help with insulation work or heating-related improvements such as a boiler replacement.
- **Carbon Saving Communities Obligation** - households living in deprived neighbourhoods and low-income households in rural areas can get help with insulation measures and connection to district heating.
- **Carbon Emissions Reduction Obligation** - households living in hard-to-treat properties can get help with insulation work, connection to district heating and other smaller measures.

You can get information about ECO, including how to apply, from the Energy Saving Advice Service. If you have an HIA in your area, they may be able to give advice on ECO and help with applying. An HIA may have access to other sources of funding if you are not eligible for ECO or are being asked to make a contribution you cannot afford.

If you own your own home, an HIA may be able to help you access the npower Health Through Warmth scheme. This targets owner-occupiers with long-term illnesses who need a boiler or heating system repaired or replaced, a heating system installed for the first time, or insulation measures carried out.

There is an emergency fund if you need rapid assistance due to the severity of your illness. Referrals must be made by a community professional, so ask a local advice agency like your local Age UK if there is no HIA in your area. You could ask a health or care professional such as your GP or social worker.

In Wales, as well as ECO, there is a Welsh Government scheme called *Nest* aiming to reduce the number of households in fuel poverty. You may qualify if your house has a low energy-efficiency rating and you receive means-tested benefits, such as Pension Credit. If eligible, you can get improvements such as a new central heating boiler, various insulation measures, draught-proofing or renewable energy technology.

For more information see factsheet 1, *Help with heating costs*, or Age Cymru's factsheet 1w, *Help with heating costs in Wales*.

5 Gas and electrical safety

If you are a tenant, your landlord is responsible for carrying out an annual gas safety check at your property and making sure your electrical installations and wiring are safe (see sections 11.2 and 11.3).

If you are a homeowner, you may qualify for a free annual safety check from your gas supplier. These are provided for people who are in receipt of means-tested benefits and are:

- over pension age, or
- living with a disability or long-term health condition, or
- living with children under five.

If you do not live with children under five, you must live alone or with others all over pension age, disabled, chronically sick or under 18. The check consists of a basic examination and is not a substitute for regular servicing.

If you have an HIA in your area, they may be able to access funding for gas servicing and other measures to help reduce risks caused by dangerous gas work and appliances. They may be able to access funding for electrical safety measures.

6 Charities

Some charities and trust funds provide help with the cost of smaller repair work. There are many different UK charities and trusts, ranging from those who consider helping anyone in need to those targeting particular groups.

Occupational charities may assist if you worked in a particular trade or profession and sometimes help surviving partners and dependent children. Others may help if you served in the armed forces, belong to a particular religious group, are resident in a particular area or have a specific illness or disability. Organisations such as Charity Search and Turn2Us can help you find charities to apply to.

7 The Social Fund

If you are on certain means-tested benefits, you may be able to get a Social Fund loan to help with the cost of minor home improvements. This is a '*budgeting loan*' if you receive Pension Credit, Income Support, income-related Employment and Support Allowance, or income-based Jobseeker's Allowance. Under Universal Credit, budgeting loans have been replaced by '*budgeting advances*'.

Apply at your Jobcentre Plus Office. Seek advice before applying, as it is important that you understand the repayment terms and are able to meet them.

For more information, see factsheet 49, *The Social Fund, Advances of Benefit and Local Welfare Provision*.

8 Help with interest payments on loans for essential repairs

If you or your partner are in receipt of Pension Credit, income-related Employment and Support Allowance, income-based Jobseeker's Allowance or Income Support, you may be able to get help towards interest payments on a loan taken out to finance certain repairs or home improvements. This help is not normally available if you took out the loan after you started claiming benefits.

Help is available for Universal Credit claimants but the rules are slightly different – seek advice in this case.

The following repairs and improvements qualify:

- essential works to adapt the home for a disabled person
- provision of a bath/shower, sink, WC, ventilation, natural light, insulation, electric lighting and sockets, drainage or damp-proofing
- provision of facilities to prepare and cook food or store fuel or refuse
- provision of a separate bedroom for children/young people depending on their age/gender
- repairs to heating systems
- repairs to unsafe structural defects

A loan also qualifies if it was taken out:

- to cover service charges payable in relation to these repairs and improvements
- to pay off an earlier loan taken out to finance these repairs and improvements.

Payments may not be same as the actual interest charged on the loan, as they are based on a standard rate of interest linked to the Bank of England average mortgage rate. If other adults live with you, they may be expected to contribute.

If you are thinking about taking out a loan for home improvements and claiming one of the above benefits, seek advice before you make any commitment. This is important as the government intend interest relief to be paid as a loan instead of a grant from April 2018.

9 Homeowners - using your home as capital

You may be able to use equity in your home to fund repairs or improvements. There are a range of different equity release plans, the majority of which are '*lifetime mortgages*', repayable when the borrower (or the last borrower if taken out as a couple) dies or moves into permanent long-term care.

Less common are home reversion plans, where part or all of the property is sold to the equity release provider but the borrower retains the right to live in it.

Whether you qualify and how much you receive depends on your age and the property's value. Always seek advice from a fully qualified and experienced equity release adviser before you make any commitment.

For more information see factsheet 65, *Equity release*.

10 Tenants

As a tenant, you are likely to have certain rights to have repairs carried out. Your tenancy agreement may set out the repairs your landlord will do and which are your responsibility. Whatever your agreement says, most landlords are required by law to carry out certain works.

This can be a complicated area of law and you should try to seek specialist advice if the disrepair in your property is extremely bad or your landlord refuses to carry out repairs.

Before taking action, consider the type of tenancy you have, as this affects how easy or difficult it is to evict you. Who your landlord is, e.g. a private landlord, a local authority or housing association, is also relevant. If unsure, seek advice or use the '*tenancy checker*' tool on the Shelter website.

If you have limited security of tenure, for example as an assured shorthold tenant, think carefully about whether to take action against your landlord and how best to do this. In England, the law has changed with a view to preventing retaliatory evictions, but these changes may not apply in your case. In Wales, the *Renting Homes (Wales) Act 2016* contains similar measures.

11 All tenancies

11.1 Repairs

In most cases, a tenant's main repairing rights are found in section 11 of the *Landlord and Tenant Act 1985*. This applies if your tenancy was granted on or after 24 October 1961 for a term of less than seven years. This includes '*periodic*' tenancies that roll on from week to week or month to month, even if you have lived in your home for seven years or more.

A landlord is responsible for repairs to a property's:

- structure – roof, floor, walls, plasterwork, windows, staircases and banisters
- exterior – guttering, pipes and drains
- installations – plumbing and sanitary fittings, e.g. baths, toilets and sinks, electrical wiring, gas piping, water and central heating.

Your landlord should carry out repairs within a reasonable time frame. Certain repairs such as blocked drains or gas leaks should be done urgently. Your landlord is responsible for '*making good*' any damage to internal decoration caused by disrepair or caused when repair work is carried out. This includes repainting and replacing damaged items such as carpets.

Section 11 applies to local authority, housing association and private tenancies, regardless of what the tenancy agreement says. However, your agreement may give you and your landlord extra duties. For example, it may say your landlord will redecorate the accommodation on a regular basis or you have to clean the windows.

No liability can be imposed on your landlord for a breach of their repairing duty unless they knew about the disrepair and failed to carry out necessary works within a reasonable time frame. An exception to this is if you live in a block of flats and the disrepair is in the exterior or '*common parts*' of the building rather than your flat itself. In that case, your landlord is liable as soon as the disrepair occurs.

Some tenancies with shorter terms are not covered by the Act and others with longer terms are. Seek advice from a specialist housing organisation like Shelter if your landlord claims you are not covered.

11.2 Gas safety

A landlord of a property let on a '*short lease*' must ensure the gas piping and flues serving the property are checked for safety every year by an engineer registered with Gas Safe. Any gas appliances provided by the landlord must also be checked. The tenant is responsible for their own gas appliances. A short lease is a tenancy granted for a fixed term of less than seven years or a tenancy without a fixed term (a '*periodic*' tenancy).

Note

In England, an assured shorthold tenancy granted on or after 1 October 2015 cannot be brought to an end on a '*no-fault*' basis unless the tenant has been provided with a copy of the property's gas safety certificate. See section 15.4 for more information.

Your landlord must keep a copy of the inspection record for a minimum of two years and fix any problems reported by the engineer. You must be given a copy of the record within 28 days of the check and a copy of the last record before you move in to the property.

If your landlord fails to arrange for an inspection to be carried out, fix any reported problems or provide you with a copy of the record, seek advice from the Health and Safety Executive and your local authority.

If you are a housing association tenant in **England**, contact the Homes and Communities Agency (HCA). The HCA regulates registered providers of social housing and has taken action against providers who failed to carry out statutory gas safety duties. In **Wales**, social housing is regulated by a Housing Regulation Team within the Welsh Government.

Your tenancy agreement is likely to state that you must allow access to your property for inspections. If you refuse, your landlord can get a court injunction giving them a right of entry. All registered engineers must carry a photo ID with their name and registration number so you can check who they are. Check they are registered by contacting Gas Safe.

If you are over pension age, disabled, or have a long-term health condition, your energy supplier may offer you '*priority services*' such as a unique password to confirm the identity of a gas or electricity employee calling at your home. Speak to your supplier if you think you would benefit from this or other additional support, such as bills and letters sent in an accessible format.

11.3 Electrical safety

There is no specific legal requirement for a landlord to carry out regular electrical safety checks at a rented property, unless it is a house in multiple occupation (HMO). Landlords of HMOs must check electrical installations at least every five years.

All landlords must ensure that any electrical appliances they provide are safe and have at least the CE mark.

11.4 Smoke and carbon monoxide alarms

In England

Private landlords have fire and carbon monoxide safety obligations. They must install a smoke alarm on each storey of a property where there is living accommodation, including bathrooms and toilets, and a carbon monoxide detector in each room used as living accommodation containing a '*solid fuel burning combustion appliance*'. This is an appliance powered using solid fuel such as coal or wood.

The landlord must check the alarms are in proper working order on the first day of a '*new tenancy*', which is a tenancy that is not a renewal of a previous tenancy. These obligations do not apply if you live with your landlord or their family or live in a hostel, refuge or care home. They do not apply if you have a tenancy with a fixed term of seven years or more that does not have a break clause.

In Wales

The Welsh Government issued a *Code of Practice for Landlords and Agents licensed under Part 1 of the Housing (Wales) Act 2014*. This confirms a legal requirement for a landlord to fit a carbon monoxide alarm if a new solid fuel burning appliance is installed.

Other parts of the Code constitute '*best practice*' only, so are not specific legal requirements. These are:

- carbon monoxide alarms should be provided in all rooms where a gas, oil or solid fuel appliance is present and
- properties should be fitted with smoke detectors, ideally with at least one smoke detector on each floor of the property.

Under earlier legislation, any property in Wales built since 1992 must be fitted with mains-powered smoke alarms.

11.5 Furniture

Upholstered furniture provided by your landlord must be fire resistant, unless made before 1950 or supplied to you before 1 March 1993. New furniture should carry a manufacturer's label confirming it is fire resistant.

11.6 Energy Performance Certificate

An Energy Performance Certificate (EPC) contains information about a property's energy efficiency and the cost of heating, hot water and lighting. It is unlikely to match what you actually spend as it is an estimate based on standard energy bills and does not take account of the cost of running appliances like fridges and TVs.

A landlord must order an EPC for a property before advertising it for rent. You have the right to request an EPC if interested in renting a property. The landlord can only refuse to provide it on specific grounds, such as a reasonable belief you do not have the means to rent the property or are not genuinely interested in doing so. They must provide you with a copy of the EPC if you move into the property.

Note

In **England**, an assured shorthold tenancy granted on or after 1 October 2015 cannot be ended on a '*no-fault*' basis unless the tenant is given an EPC. See section 15.4 for more information.

12 Local authority tenancies

Most local authority tenants have the right to be compensated if certain small repairs are not carried out in set time frames. These repairs are known as '*qualifying repairs*'. For a defect to qualify, the authority must estimate the repairs will cost no more than £250 to carry out. They may need to inspect your property to decide this.

If you experience a total loss of electric power, for example, the contractor should complete repairs within one working day. If your roof is leaking, they have seven working days to complete repairs. Other examples include non-flushing toilets (where there is no other toilet in the property), blocked sinks or baths, insecure doors, broken entry phone systems and loose banisters or handrails.

If the contractors do not complete repairs in time, you can request another contractor is found. If the second contractor fails to carry out the work in time, you are entitled to compensation of up to £50 for any one job, although it is unlikely you will be awarded compensation if you failed to keep an appointment with the contractor.

The defects that qualify and the length of time an authority's contractors have to remedy these are in the *Secure Tenants of Local Housing Authorities (Right to Repair) Regulations 1994*.

13 Housing association tenancies

Housing associations do not have to have a '*qualifying repairs*' scheme. Many do, however, and these schemes often operate along the lines set out above. If you are a housing association tenant and need to report disrepair, check whether your landlord has its own repairs scheme, as this may give you additional rights.

14 Houses in multiple occupation

If you live in rented accommodation and share a kitchen, toilet or bathroom with other tenants who are not family members, it is likely you live in a '*house in multiple occupation*' (HMO). Common examples of HMOs are shared houses/flats or houses converted into bed-sits.

'*Managers*' and occupiers of HMOs have certain legal duties, although some HMOs, such as those managed by a local authority or housing association, are exempt. The manager is the person who owns or leases the property and receives rent payments from the occupiers, or would do had they not entered into an arrangement whereby another person receives the rent payments.

If you live in an HMO to which this law applies, the manager must:

- take certain safety precautions, including in relation to fire safety
- ensure the water supply and drainage systems serving the HMO are well maintained
- ensure electrical installations are inspected and tested at least once every five years
- keep the common parts and garden in a good, clean and safe condition and reasonably clear from obstruction
- ensure each unit of living accommodation and any furniture supplied are in a clean condition at the beginning of a tenancy
- ensure the internal structure of the HMO and windows, fixtures, fittings and appliances in each unit are kept in good repair and working order.

You must:

- allow the manager to carry out their duties, for example by allowing them to enter the property when required and at reasonable times
- take reasonable care to avoid causing damage to anything the manager is under a duty to supply, maintain or repair
- store and dispose of litter in accordance with the arrangements made by the manager
- comply with reasonable instructions of the manager in relation to fire safety.

Some larger HMOs, such as buildings of three storeys or more with five or more occupants forming two or more households, must be licensed by the local authority. There are certain mandatory conditions attached to an HMO licence relating to the management, use and occupation of the property and its condition and contents. The Government is intending to extend mandatory licensing to cover all '*relevant*' HMOs regardless of their number of storeys. Relevant means not exempt from the legal duties set out above.

If you have concerns about the HMO you live in, contact the Environmental Health department of your local council, who can assess the property under the Housing Health and Safety Rating System.

15 Getting repairs done

15.1 Reporting disrepair

It is advisable to report disrepair to your landlord as quickly as possible. In most cases, your landlord cannot be held liable for a breach of their repairing duty unless they are aware of the disrepair and fail to carry out works within a reasonable time period.

It may be a condition of your tenancy agreement that you need to report disrepair when it arises. If you do not and the damage gets worse, your landlord may try to claim the cost of works from you or your deposit when you move out. You may put yourself at risk of eviction.

Some tenants with limited security of tenure choose not to report disrepair as they are concerned they may be evicted in retaliation. If you are in this position and you want your landlord to carry out repairs, you should speak to an adviser about your options.

If you notify your landlord or housing officer about disrepair by phone, keep notes of your conversation and follow up with a letter or email. You have a legal right to know your landlord's name and address. If you do not know who your landlord is, ask the person who collects your rent, for example the letting agent, or check your rent statement. If unsure, seek specialist advice.

15.2 Making a complaint

Local authority and housing association tenants (England)

The social housing regulator, the Homes and Communities Agency, requires registered local authority and housing association landlords to have a complaints procedure their tenants can use.

If you are not satisfied with the outcome of your complaint, you can ask for it to be looked at by the Housing Ombudsman. Before contacting the Ombudsman, you must either ask a '*designated person*' (an MP, local councillor or tenant panel) for help, or wait at least eight weeks from the end of the landlord's complaint process.

A designated person can either try and resolve the dispute or refer your complaint to the Ombudsman. If they refuse to do either, get this in writing and go straight to the Ombudsman.

Local authority and housing association tenants (Wales)

If you are a local authority tenant, you can make a formal complaint using their complaints procedure. Housing associations must have also have procedures in place to make it easy for people to make a complaint and for issues to be resolved quickly.

If you are not satisfied with the outcome of your complaint about a local authority or housing association property, you may be able to take your complaint to the Public Services Ombudsman for Wales.

Private tenants

It can be difficult for private tenants to know who to complain to, as only a few private landlords in **England** are registered with the Housing Ombudsman. In **Wales**, the Public Services Ombudsman cannot deal with private landlords.

Your local authority may have a private housing team dealing with complaints about private landlords. Otherwise, you may wish to bring the disrepair to the attention of the local Environmental Health team. You could involve a '*designated person*' such as a local councillor or MP.

In Wales, in accordance with best practice guidance from the Welsh Government, tenants should be provided with details of the person they can contact about their tenancy. This person must be registered as part of the compulsory registration and licensing of private rented sector landlords. Tenants should be provided with information on how to report repair and maintenance issues, including how they can make a complaint and how it will be dealt with.

15.3 Taking further action

If your landlord fails to carry out repairs after being told about them or fails to carry them out within a reasonable time frame, you can take court action. The court can order the repairs to be done and award compensation.

Taking court action can be a long, complicated and potentially expensive procedure and you should always seek legal advice first. You need evidence to prove your case. This includes a copy of your tenancy agreement, photographs of your property, a report from an expert such as an environmental health officer, copies of letters or emails sent to your landlord and a record of injury or illness as a result of the disrepair.

Even if you leave the accommodation, you may still be entitled to claim compensation for the landlord's failure to carry out repairs. Seek advice before taking this course of action.

Note

If the condition of your property is so bad it would not be reasonable to continue living there, you may be considered '*homeless at home*'.

Seek advice before leaving your property because of disrepair, as the local authority can decide you made yourself '*intentionally homeless*' and refuse to re-house you. For more information see factsheet 89, *Homelessness*.

15.4 Security of tenure and disrepair

In England

Some assured shorthold tenants find landlords refuse to renew tenancies or serve eviction notices if they complain about the condition of their property, ask for repairs, or take action in court. This is known as '*retaliatory eviction*'.

Assured shorthold tenants can be evicted on a '*no fault*' basis after a certain period of time, meaning the landlord does not have to prove they have a good reason for wanting to evict. The first stage of the no-fault procedure is the landlord serving a possession notice on the tenant, called a section 21 notice. The second stage is the landlord applying to the court for an '*order for possession*'.

Assured shorthold tenancies are granted by housing associations and private landlords. Private sector evictions cause the most concern, as private landlords are not subject to the same level of regulation as housing associations and cannot be scrutinised by the courts as '*public bodies*'.

The law has been changed to protect private assured shorthold tenants from retaliatory eviction. Under new rules, a section 21 notice cannot be served within six months of a local authority serving an '*improvement*' or '*emergency remedial action*' notice on a landlord requiring them to improve the condition of the property.

A section 21 notice served after a tenant has complained to their landlord is invalidated if the local authority subsequently serves one of these notices.

Currently, these rules only apply to assured shorthold tenancies granted by private landlords on or after 1 October 2015. From October 2018, they extend to all existing private sector assured shorthold tenancies. They do not apply to housing association tenants or if it is the tenant's fault the property is in a poor condition.

Your local authority is only able to serve a notice to your landlord if specific hazards are identified, so not all instances of disrepair result in a notice being served. A court order for possession cannot be set aside if a local authority notice is served after a court order is made. Administrative delays may mean your landlord can bring possession proceedings before the authority are in a position to inspect your property and serve a notice. It is therefore important to seek advice before doing anything that may jeopardise your security.

In Wales

The *Renting Homes (Wales) Act 2016* contains measures to tackle retaliatory evictions. However, at the time of writing, these have not yet been implemented. Contact Shelter Cymru or the Welsh Government for further information. You can also contact Age Cymru Advice.

16 How your local authority can help

16.1 The *Environmental Protection Act 1990*

If the condition of your property or building affects your health or quality of life, action can be taken under the *Environmental Protection Act 1990*.

Your local authority has a duty to inspect the local area from time to time to identify properties that could be regarded as '*statutory nuisances*'. In practice, they usually investigate complaints made by members of the public. If you wish to complain about the condition of your property, contact your local authority Environmental Health department.

If you make a complaint, the authority has a duty to take such steps as is reasonably practicable to investigate it, for example by sending an environmental health officer (EHO) to inspect your property. If the EHO is satisfied a statutory nuisance exists, the authority is under a duty to serve a notice on the person responsible for the nuisance requiring it to be '*abated*'.

In disrepair cases, the notice is usually served on the landlord and specifies what works need to take place. If your landlord still does not carry out the repairs, the authority can take responsibility and reclaim the money from your landlord.

If you are a local authority tenant and you think the condition of your property is so poor that it may constitute a statutory nuisance, seek advice. The EHO team cannot take action against their own employer, although they do have a duty to inspect for statutory nuisances.

You can take a local authority landlord to court under the Act and an expert report from an EHO can be used as evidence. Alternatively, local authority tenants can use their landlord's own complaints procedure and then appeal to the Housing Ombudsman (in **England**), or the Public Services Ombudsman (in **Wales**).

If a local authority fails to act on a complaint made about the condition of your property (or if you are a private or housing association tenant and they refuse to serve a notice on your landlord), you can use their complaints procedure. You may wish to contact a local councillor or your MP.

16.2 *The Housing Act 2004*

Local authorities are required to use the Housing Health and Safety Rating System (HHSRS) to assess local housing conditions under the *Housing Act 2004*. HHSRS involves a professional assessment of the level of risk posed by a property's design and condition to someone living there or visiting.

Local authorities have a general duty to keep local housing conditions under review, which may prompt an HHSRS assessment of a property. An inspection may be deemed necessary for '*any other reason*', such as a complaint. This can be an '*official complaint*' made by a local magistrate, parish or community council.

An assessor (a local authority EHO) looks at whether the problems in the property could lead to accident or illness and how serious that might be. The assessment is based on the risk posed to the potential occupant who would be most vulnerable to the hazard, for example a child or older person.

HHSRS assesses 29 categories including:

- dampness, excess cold or heat
- pollutants, e.g. asbestos, carbon monoxide, lead
- lack of space, security or lighting, or excessive noise
- poor hygiene, sanitation, water supply
- potential accidents – falls, electric shocks, fire, burns, scalds
- potential for collisions, explosions, structural collapse.

Hazards are rated according to how serious they are. The highest risks and most dangerous hazards are in Category 1 and the less dangerous are in Category 2. Local authorities have a duty to take action to deal with Category 1 hazards and a power, but not a duty, to take action on Category 2 hazards. Courses of action available include:

- serve an improvement notice requiring remedial work
- make a prohibition order closing the whole or part of a property to all people or restricting the number of permitted occupants
- serve a hazard awareness notice to let the person responsible know about the hazard and tell them how to remedy it
- take emergency action (if there is imminent risk of harm, the authority can take action to remedy the problem and then recover the costs)
- make a demolition order
- declare a clearance area if other buildings in the area are also hazardous.

17 Doing repairs yourself

You can carry out or pay for repairs yourself if your landlord does not accept responsibility for works, but you have no right to be reimbursed for costs incurred. You are responsible for the quality of any repair work you carry out yourself or arrange for a professional to do.

You may be tempted to withhold rent and use the money to pay for repairs. You have a legal right to use money due as rent in this way, but only if the works fall under your landlord's repairing obligation. You must follow a very strict procedure and should always consider your security of tenure.

It is extremely risky to withhold rent in protest against your landlord's failure to undertake repairs, as even tenants with relatively high levels of security can be evicted for rent arrears. You should always seek specialist advice before doing this.

Useful organisations

Care & Repair Cymru

www.careandrepair.org.uk

Telephone 02920 674 830

A national body for Wales, which aims to ensure that all older and disabled people have a home that is warm, safe, secure and appropriate to their needs. They have the expertise and finance to carry out repairs, improvements and adaptations. There are local Care & Repair agencies throughout Wales.

Charity Search

www.charitysearch.org.uk

Telephone 0117 982 4060

Gives information to older people in financial need on a variety of charitable grants that may be available.

Citizens Advice

England or Wales go to www.citizensadvice.org.uk

In England telephone 0344 411 1444

In Wales telephone 0344 477 2020

National network of advice centres offering free, confidential, independent advice, face to face or by telephone.

Department for Communities and Local Government (DCLG)

www.gov.uk/government/organisations/department-for-communities-and-local-government

Telephone 0303 444 0000

The DCLG website has useful information on planning laws, tenants' rights and environmental protection relevant to England (in Wales, see Welsh Government entry below).

Discretionary Assistance Fund (The)

www.moneymadeclearwales.org/home.php?page_id=60

Telephone 0800 859 5924 (free from landlines) or 033 0101 5000 (local rate number for calls from mobiles)

The Discretionary Assistance Fund (DAF) is available in Wales. Decisions on whether to provide help to people are taken by Northgate Public Services, appointed by the Welsh Government to run the DAF scheme. Applications are made to Northgate Public Services.

Energy Saving Advice Service

www.energysavingtrust.org.uk

Telephone 0300 123 1234

The Energy Saving Advice Service provide specialist advice on how to save energy in your home. The advice line is delivered by the Energy Saving Trust. The advice provided is free but calls are charged at the standard rate.

Foundations

www.foundations.uk.com

Telephone 0300 124 0315

The national body for Home Improvement Agencies in England (for Wales, see the entry for Care & Repair Cymru above).

Gas Safe Register

www.gassaferegister.co.uk/

Telephone 0800 408 5500

Maintain a list of gas engineers who are registered to work safely and legally on gas appliances.

Health and Safety Executive (HSE)

www.hse.gov.uk/index.htm

Homes and Communities Agency (HCA)

www.gov.uk/government/organisations/homes-and-communities-agency

Telephone 0300 1234 500

The regulator for registered providers of social housing in England. It sets standards that providers must meet, but will only intervene in cases of serious detriment that have caused, or are likely to cause, harm (in Wales, see Welsh Government entry below).

Housing Ombudsman Service (The)

www.housing-ombudsman.org.uk

Telephone 0300 111 3000

Investigates complaints about landlords made by tenants in England. Social landlords registered with the social housing regulator, the Homes and Communities Agency, must be members of the scheme. Membership is voluntary for private landlords and very few are members.

Local Government Ombudsman (LGO)

www.lgo.org.uk

Telephone 0300 061 0614

Investigates complaints of injustice arising from maladministration by local authorities in England. In Wales, see the entry for 'Public Services Ombudsman for Wales' below.

Public Services Ombudsman for Wales

www.ombudsman-wales.org.uk

Telephone 0300 790 0203

The Ombudsman looks to see whether people have been treated unfairly or inconsiderately, or have received a bad service through some fault on the part of the public body providing it. The bodies within the Ombudsman's jurisdiction include local authorities and social landlords/housing associations in Wales.

Shelter

www.shelter.org.uk

Telephone 0808 800 4444 (free call)

A national charity providing telephone advice to people with housing problems on tenancy rights, homelessness, repairs and housing benefit.

Shelter Cymru

www.sheltercymru.org.uk

Telephone 0345 075 5005

Tai Pawb

www.taipawb.org

Telephone 029 2053 7630

An organisation in Wales that promotes equality and social justice in housing. They are committed to working in partnership with the providers and receivers of housing services, local authority partners, third sector (voluntary organisations) and the Welsh Government.

Turn2Us

Telephone 0808 802 2000

A charitable service that helps people access the money available to them through benefits, grants and other help.

Welsh Government

www.wales.gov.uk

Telephone 0300 060 4400

The devolved government for Wales. Amongst other powers, the Welsh Government has responsibility for the regulation of social housing in Wales. Their website also has further information on housing legislation in Wales.

Age UK

Age UK provides advice and information for people in later life through our Age UK Advice line, publications and online. Call Age UK Advice to find out whether there is a local Age UK near you, and to order free copies of our information guides and factsheets.

Age UK Advice

www.ageuk.org.uk

0800 169 65 65

Lines are open seven days a week from 8.00am to 7.00pm

In Wales contact

Age Cymru Advice

www.agecymru.org.uk

0800 022 3444

In Northern Ireland contact

Age NI

www.ageni.org

0808 808 7575

In Scotland contact

Age Scotland

www.agescotland.org.uk

0800 124 4222

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