

## Factsheet 67

# Home improvements and repairs

March 2018

### 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.

The following factsheets may also be of use to you:

- FS63 *Finding private rented accommodation*
- FS8 *Council and housing association housing*
- FS64 *Specialist housing for older people*

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

- In **England**, tenants can apply for a rent rebate if their landlord fails to comply with certain health and safety notices issued by the local authority, or fails to license the property when this is required by law or by the authority.
- The government is extending the scope of mandatory licensing for houses in multiple occupation in **England**. Licences are only granted if the local authority is satisfied the applicant is a '*fit and proper person*' and the property is reasonably suitable. The changes are expected to come into force in 2018. In **Wales**, all private landlords must be licensed.
- In **England**, banning orders for rogue landlords and agents come into force on 6 April 2018. A landlord or agent convicted of a '*banning order offence*' can be banned from carrying out lettings and property management work. Offences include failing to comply with certain health and safety notices issued by the local authority, failing to obtain a licence for the property and failing to comply with fire and gas safety duties.
- Changes have been made to the Energy Company Obligation scheme, in particular to the '*Affordable Warmth*' element. Pension Credit Savings Credit is removed as a qualifying benefit and, for the first time, help is available for social tenants living in homes with poor energy efficiency ratings and households assessed as eligible by the local authority.

## 2 Local authority help

### 2.1 Housing renewal assistance

A local authority 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.

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. Help may be provided by a third party, such as a Home Improvement Agency. It may be provided unconditionally, or subject to certain conditions such as repaying all, or part, of a loan, or making a contribution towards the costs. Loans may be available through equity release schemes.

To provide this help, your local authority must publish a '*housing renewal assistance*' policy. It can only provide assistance in line with this policy. The full policy must be available for free inspection at its main office and it 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 and Social Care 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. 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*'), unless special circumstances apply. The grant must be requested for a specific purpose, including those set out above.

The local authority must be satisfied the following apply:

- the works are necessary and appropriate to meet the needs of the disabled occupant, and
- 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, as well as some park homeowners and occupiers of houseboats. The applicant 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 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 limited security of tenure after six months or any longer 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 and in **Wales** is £36,000. 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 and Social Care 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 to join your local authority 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 see Age Cymru 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 must be reasonable for you to pay based on your individual financial circumstances.

You may 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, can help you to live at home safely and independently if you:

- are awaiting discharge from hospital
- have recently left hospital, or
- 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 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, and fitting or repairing door security chains, locks and keysafes.

## 2.4 Help from Environmental Health

Your local authority is responsible for dealing with health and safety risks in the local area. It is usually the Environmental Health team that does this.

The authority has powers and duties under two separate Acts. Under the *Environmental Protection Act 1990*, it has a duty to investigate complaints about 'statutory nuisances'. A property is a statutory nuisance if its condition is so poor that it is affecting your health or causing a nuisance. The following can also be statutory nuisances if they are affecting health or causing a nuisance:

- excessive noise from a neighbouring premises
- smoke, fumes, dust, smells or artificial light from a neighbouring premises
- an animal that is not being looked after properly
- a waste accumulation or deposit.

If you complain about a potential statutory nuisance, the authority has a duty to take such steps as are reasonably practicable to investigate it, for example by sending an environmental health officer (EHO) to inspect the property or area. 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'

Under the *Housing Act 2004*, local authorities are responsible for inspecting housing for hazards. They use the Housing Health and Safety Rating System (HHSRS) to do this.

A hazard is a health or safety risk that arises from a 'deficiency' in the property, building or wider area. A deficiency could be a disrepair issue or a problem with the design or construction of the property.

An assessor (a local authority EHO) looks at whether a deficiency 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.

There are 29 categories of hazard, 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.

If you are a homeowner, you may wish to contact Environmental Health if you are being affected by problems in a neighbouring property, including business premises, or in the wider area. If you are a tenant, Environmental Health can be helpful in forcing your landlord to carry out repairs. They can even be helpful where an issue at your property does not fall under your landlord's legal '*repairing obligation*'. See section 6 for more information.

### 3 Home Improvement Agencies (HIAs)

HIAs are not-for-profit organisations run by local authorities, housing associations and charities. They support older and vulnerable people to enable them to remain in their own homes and live independently for longer. 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 receive certain benefits, live in social housing with a low energy efficiency rating or in a home that is classed as '*hard to treat*', you may be able to get help under the Energy Company Obligation (ECO) scheme. All, or part, of the cost of the measures may be covered.

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

#### Home Heating Cost Obligation (the Affordable Warmth Scheme)

To qualify, you must be an owner occupier or private tenant in receipt of certain means-tested benefits or a social tenant living in social housing with a low Energy Performance Certificate rating. You can get help with insulation work or heating-related improvements, although the options are more limited for social tenants. If you do not meet the conditions, you may be able to get help if your local authority assess you as needing it.

#### Carbon Emissions Reduction Obligation

To qualify, you must live in a home classed as '*hard to treat*', e.g. a property with solid walls or hard-to-treat cavity walls. It does not matter whether you own your own home or rent privately or from a social landlord. You can get help with insulation work, connection to district heating and other smaller measures.

## Next steps

You can make an application to any supplier participating in the scheme, they do not have to supply your energy. A list can be found at:

[www.ofgem.gov.uk/environmental-programmes/eco/contacts-guidance-and-resources/supplier-contact-details](http://www.ofgem.gov.uk/environmental-programmes/eco/contacts-guidance-and-resources/supplier-contact-details)

If you think you may be eligible, make enquiries with a range of participating suppliers. They have different ways of meeting their targets, so you may be successful with one supplier and not another. You can also make a repeat application if you were not successful the first time.

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.

## Wales

In Wales, as well as ECO, there are Welsh Government schemes to reduce fuel poverty and improve energy efficiency. The main current scheme is Nest, although this is set to end shortly. Contact Age Cymru Advice for further information.

### 4.1 Boiler and other heating emergencies

If you rent your home, it is likely your landlord is responsible for repairing a faulty boiler, radiator, fire or fitted electric heater. A local authority landlord should resolve a heating issue within one to three working days depending on the time of year. See section 6.2 for more information.

If you are a private tenant, you may be able to get your boiler repaired or replaced through ECO. Consider what your tenancy agreement says about making alterations first.

If you own your own home and do not have boiler or home emergency cover, you may be able to get help with a boiler repair or replacement through ECO. You may be able to get help from that local authority, for example through its housing renewal assistance scheme.

There are various energy supplier trusts and funds offering help with heating emergencies. The main schemes are the npower Health Through Warmth Scheme and the E.ON Energy Fund. You do not have to be an npower or E.ON customer to apply, but you must meet certain criteria. Speak to your local HIA or a local another advice agency.

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

## 5 Gas and electrical safety

If you are a tenant, your landlord must carry out an annual gas safety check and make sure electrical installations and wiring are safe.

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

- over pension age, or
- live with a disability or long-term health condition, or
- live 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.

## 6 Tenants' rights

If you are a tenant, your landlord is likely to be responsible for carrying out certain repairs and safety measures. This is the case regardless of what your tenancy agreement says, although the agreement may give them additional responsibilities. You are likely to have responsibilities under the agreement too. This can be a complicated area of law, so seek specialist advice if your property is in a very poor condition or your landlord refuses to carry out repairs.

Before taking action, consider the type of tenancy you have, as this affects how easy it is to evict you. Your landlord's status (private, 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 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 to try to prevent retaliatory evictions, but these changes may not apply. In **Wales**, the *Renting Homes (Wales) Act 2016* contains similar measures.

### 6.1 All tenancies

#### 6.1.1 Repairs

In most cases, a tenant's main repairing rights are 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.

If section 11 applies to your tenancy, your landlord is responsible for repairs to the:

- 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.

If your landlord knows any of the above are in disrepair, they must carry out repairs within a reasonable timeframe. Certain repairs such as blocked drains or gas leaks should be done urgently. Your landlord is allowed to inspect your property for disrepair at reasonable times of the day and after giving 24 hours' notice in writing.

If your landlord fails to carry out repairs within a reasonable timeframe, they are '*in breach*' of their repairing duty and you may be able to take action against them in the county court. The court can order the landlord to carry out repairs and compensate you for any inconvenience or loss.

Your landlord is responsible for '*making good*' any damage that results from a breach of their duty, including replacing damaged items. However, this only applies if there has been a breach, i.e. if they knew about the disrepair and failed to act promptly. They are unlikely to replace items that have been damaged due to an unforeseeable issue. They must remedy damage which occurs when repairs are carried out.

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.

Note that some tenancies with shorter terms are not covered by the Act and others with longer terms are.

### 6.1.2 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).

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 Regulator of Social Housing. It 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 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.

#### **Note**

In England, certain assured shorthold tenancies 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 6.5.4 for more information.

### **6.1.3 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 electrical appliances they provide are safe and have at least the CE mark.

### **6.1.4 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 *Code of Practice for licensed Landlords and Agents* 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*', 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.

Any property in Wales built since 1992 must have mains-powered smoke alarms.

#### 6.1.5 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.

#### 6.1.6 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**, certain assured shorthold tenancies cannot be ended on a '*no-fault*' basis unless the tenant is given an EPC. See section 6.5.4 for more information.

## 6.2 Local authority tenancies

Most local authority tenants have the right to be compensated if certain small repairs are not carried out in set timescales. These are known as 'qualifying repairs'.

For a repair to qualify, the defect must be set out in the *Secure Tenants of Local Housing Authorities (Right to Repair) Regulations 1994* and the authority must estimate the works will cost less than £250. The relevant defects include loss of electric power, water or gas supply, a leaking roof and an insecure external window, door or lock.

There are different timescales for repairing different defects. For example, if you experience a total loss of electric power, the local authority's contractor should complete repairs within one working day. If your roof is leaking, it has seven working days to complete repairs. See the regulations for a full list of relevant defects and timescales.

If the contractor does not complete the repairs on time, you can request a new contractor. If they also fail to meet the required timescale, you are entitled to compensation of up to £50 for any one job, although it is unlikely you will be awarded compensation if you missed an appointment with the contractor or refused access to your property.

## 6.3 Housing association tenancies

Housing associations do not have to have a 'qualifying repairs' scheme. Some 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.

## 6.4 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 properties 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.

Currently, in **England**, '*larger*' HMOs must be licensed by the local authority. These are buildings of three storeys or more with five or more occupants forming two or more households, although there are exemptions. There are mandatory conditions attached to an HMO licence relating to the management, use and occupation of the property and its condition and contents

In 2018, the government plans to extend mandatory licensing to smaller HMOs by getting rid of the reference to storeys. It plans to introduce minimum bedroom sizes for licensed HMOs, to tackle overcrowding.

In **Wales**, all private landlords must be registered and licensed under the Rent Smart Wales scheme, including landlords of HMOs.

If you have concerns about the HMO you live in, contact the Environmental Health department of your local authority, who can assess the property for health and safety issues.

## 6.5 Getting repairs done

### 6.5.1 Reporting disrepair

It is advisable to report disrepair to your landlord as quickly as possible. In most cases, they 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.

### 6.5.2 Making a complaint

#### Local authority and housing association tenants (England)

The Regulator of Social Housing 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, 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 complaints 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 or housing association tenant, you can make a formal complaint using your landlord's complaints procedure. If you are not satisfied with the outcome of your complaint, you may be able to refer it to the Public Services Ombudsman for Wales.

## Private tenants

It can be difficult for private tenants to know who to complain to, as 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 given details of the person they can contact about their tenancy. The person must be registered as part of the compulsory registration and licensing of private rented sector landlords. Tenants should be given information on how to report repair and maintenance issues, including how they can complain and how it will be dealt with.

### 6.5.3 Taking further action

If your landlord is aware of disrepair at your property and fails to carry out repairs within a reasonable timeframe, you can take court action. The court can order the repairs to be done and award compensation. There is a Pre-Action Protocol that applies to disrepair cases and you are usually expected to have followed this before going to court.

Taking court action can be a long, complicated and potentially expensive process and you should always seek legal advice first. You may be able to secure legal aid funding. This is usually only available in disrepair cases if there is a serious risk to your health or safety. If you cannot get legal aid, some solicitors offer Conditional Fee Agreements for disrepair claims (also known as '*no win, no fee*').

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 there is no disrepair at the property within the meaning of the *Landlord and Tenant Act 1985*, you may be able to go to court if the condition of your property constitutes a legal '*nuisance*', if your landlord has behaved negligently or if works have not been carried out safely and properly. A housing solicitor can explain these concepts to you.

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 a local authority can decide you made yourself '*intentionally homeless*' and refuse to re-house you. For more information see factsheet 89, *Homelessness*, or factsheet 89w *Dealing with homelessness in Wales*.

## 6.5.4 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 more concern, as housing associations are regulated and can be scrutinised by the courts as '*public bodies*'.

The law has 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.

These are notices issued under the *Housing Act 2004*, which is covered in sections 2.4 and 6.5.5. A section 21 notice served after a tenant has complained to their landlord is invalidated if the local authority subsequently serves a notice.

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 tenancies or if it is the tenant's fault the property is in a poor condition.

A 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, these have not yet been implemented. Contact Shelter Cymru, Age Cymru Advice or the Welsh Government for further information.

### 6.5.5 How the local authority can help

As explained in section 2.4 above, your local authority is responsible for dealing with health and safety risks in the local area. It is usually the Environmental Health team that does this.

You can involve Environmental Health if your landlord is refusing to carry out repairs that are their legal responsibility. If the disrepair is affecting your health, safety or quality of life, the authority may serve a notice requiring your landlord to take action. If your landlord still does not carry out the repairs, the authority can take responsibility and reclaim the money from your landlord.

If you complain to your local authority about the condition of your property and are unhappy with the action taken (for example, if Environmental Health fail to act on your complaint or fail to take formal action against your landlord), you can use the authority's formal complaints procedure. You may wish to contact a local councillor or MP.

If you are a local authority tenant, seek advice. Although the Environmental Health team should inspect your property for health and safety risks, they are unable to take formal action against their own employer. You can take a local authority landlord to court under the *Environmental Protection Act* and an expert report from Environmental Health can be used as evidence. Alternatively, you could use your landlord's complaints procedure.

Note that you can involve Environmental Health even where an issue at your property does not fall within your landlord's legal repairing obligation. This can be useful in tackling issues like damp and mould, which usually stem from a design or construction fault, not disrepair.

### 6.5.6 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.

## 7 Charities

Some charities and trust funds provide help with the cost of small repair work. There are many 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 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 Turn2Us can help you find charities to apply to.

## 8 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 and are able to meet repayment terms.

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

## 9 Help with interest payments on loans for essential repairs

If you or your partner receive 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 pay for certain repairs or home improvements. This is not normally available if you took the loan out after you started claiming benefits. Help is available for Universal Credit claimants but the rules are 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 a loan, as they are based on a standard interest rate linked to the Bank of England average mortgage rate. If other adults live with you, they may be expected to contribute. If thinking about taking out a loan for home improvements and claiming one of these benefits, seek advice before making a commitment. These payments are changing to compound interest loans from April 2018.

## 10 Homeowners - using your home as capital

Equity release allows homeowners aged 55 and over to use the equity (money) tied up in their homes to assist with income or capital needs. There are two main types of equity release. The most common is a lifetime mortgage, which is a loan secured against your home. There is usually nothing to pay back until you die or move into permanent long-term care.

Less common are home reversion plans. These are not loans, meaning there is no interest to pay. Instead, the equity release provider buys a stake in your home. The provider receives a share of the proceeds when the property is sold, which is usually after you die or move into permanent long-term care.

Get independent advice from a fully qualified and experienced equity release adviser if considering this as an option. For more information, see factsheet 65, *Equity release*.

## Useful organisations

### **Care & Repair Cymru**

[www.careandrepair.org.uk](http://www.careandrepair.org.uk)

Telephone 0300 111 3333

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

### **Citizens Advice**

England or Wales go to [www.citizensadvice.org.uk](http://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](http://www.gov.uk/government/organisations/department-for-communities-and-local-government)

Telephone 0303 444 0000

Their website has information on planning laws, tenants' rights and environmental protection relevant to England. In Wales, see Welsh Government.

### **Discretionary Assistance Fund (The)**

<https://moneymadeclear.wales/discretionary-assistance-fund/>

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 scheme.

### **Energy Saving Advice Service**

[www.energysavingtrust.org.uk](http://www.energysavingtrust.org.uk)

Telephone 0300 123 1234

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](http://www.foundations.uk.com)

Telephone 0300 124 0315

The national body for Home Improvement Agencies in England. In Wales, see Care & Repair Cymru.

### **Gas Safe Register**

[www.gassaferegister.co.uk/](http://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](http://www.hse.gov.uk/index.htm)

### **The Regulator of Social Housing**

[www.gov.uk/topic/housing/social-housing-regulation-england](http://www.gov.uk/topic/housing/social-housing-regulation-england)

Telephone 0300 1234 500

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

### **Housing Ombudsman Service (The)**

[www.housing-ombudsman.org.uk](http://www.housing-ombudsman.org.uk)

Telephone 0300 111 3000

Investigates complaints about landlords made by tenants in England. Social landlords registered with the Regulator of Social Housing must be members of the scheme.

### **Local Government and Social Care Ombudsman**

[www.lgo.org.uk](http://www.lgo.org.uk)

Telephone 0300 061 0614

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

### **Public Services Ombudsman for Wales**

[www.ombudsman-wales.org.uk](http://www.ombudsman-wales.org.uk)

Telephone 0300 790 0203

Can look 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. Bodies covered include local authorities and social landlords/housing associations in Wales.

### **Shelter**

[www.shelter.org.uk](http://www.shelter.org.uk)

Telephone 0808 800 4444 (free call)

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

**Shelter Cymru**

[www.sheltercymru.org.uk](http://www.sheltercymru.org.uk)

Telephone 0345 075 5005

**Tai Pawb**

[www.taipawb.org](http://www.taipawb.org)

Telephone 029 2053 7630

A Welsh organisation promoting equality and social justice in housing. 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**

[www.turn2us.org.uk/](http://www.turn2us.org.uk/)

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](http://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 has 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 or Age Cymru 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](http://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](http://www.agecymru.org.uk)

0800 022 3444

### In Northern Ireland contact

#### Age NI

[www.ageni.org](http://www.ageni.org)

0808 808 7575

### In Scotland contact

#### Age Scotland

[www.agescotland.org.uk](http://www.agescotland.org.uk)

0800 124 4222

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