

## Factsheet 67

# Home improvements and repairs

March 2020

### 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**, from 20 March 2019, landlords granting new tenancies must ensure the property is '*fit for human habitation*' when the tenancy begins and for its duration. From 20 March 2020, this also applies to older '*periodic*' (rolling) tenancies. There are different rules for fixed-term tenancies granted before 20 March 2019. In **Wales**, the Welsh Government has consulted on making similar changes, but there is no current date for implementation.
- A **minimum energy efficiency standard** applies in the private rented sector – a tenancy should not be granted or renewed if the property has an EPC rating below band 'E'. From 1 April 2020, the standard also applies to existing private tenancies. Landlords must improve sub-standard properties, although they can apply for an exemption if the tenant refuses consent for works or they would cost more than £3,500.

## 2 Local authority help

### 2.1 Grants and loans

#### 2.1.1 Disabled Facilities Grant (DFG)

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, so 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 assistance 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 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 have a disability, your landlord is not required to make changes to your property involving the removal of a physical feature. However, they must make certain '*reasonable adjustments*' if you are being put at a '*substantial disadvantage*'.

These include: providing signs or notices, replacing, providing or adapting the doorbell or door entry system, or changing the colour of any surface.

Another reasonable adjustment your landlord should make is changing a term of your tenancy if that would prevent you from carrying out adaptations yourself.

However, you may face other obstacles, including:

- **getting your landlord's consent** – even if a term in your tenancy agreement prohibiting alterations is changed, you are likely to have to get your landlord's consent before carrying out any adaptations. Consent should not be withheld unreasonably.
- **if you are a social tenant, disputes over who should pay for works** – local authorities sometimes refuse to consider DFG applications from social tenants, saying the landlord should pay.

This is inappropriate – DFGs are supposed to be tenure-neutral, meaning any tenant can apply. Authorities may have agreements with social landlords about how adaptations are funded, but this should not result in a worse service for social tenants than other applicants.

- **if you are a social tenant, disputes over rehousing** – social landlords sometimes recommend rehousing as an alternative to adapting a tenant's existing home.

Local authorities can consider a range of different options, and their cost, when deciding what services would meet the assessed needs of a disabled person. However, it is unclear whether they can refuse a grant in favour of rehousing if the proposed works are in every other respect reasonable, practicable, necessary and appropriate.

- **if you are a private tenant, difficulties getting a landlord's certificate when applying for a DFG** – 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 social housing waiting list (*'housing register'*). 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.

Seek advice if you are in any of these positions. It may be possible to challenge a negative decision.

Seek advice immediately if your landlord takes steps to evict you following a request for a disability-related alteration - the *Equality Act 2010* prohibits *'managers of premises'* from discriminating against disabled tenants, including by evicting them.

### **More information on DFGs and the means test**

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*.

## 2.1.2 Housing Renewal Assistance

Your local authority may provide other housing-related grants, loans, or services. These may be used to top up a DFG, speed up the delivery of adaptations, or improve the home in other ways.

In law, this help is called '*housing renewal assistance*', but your local authority may use a different name. Ask them for information on their full range of housing grants, loans and services.

Housing renewal assistance is for help 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 grants, loans, labour, discounted materials, or temporary accommodation. 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 provided as part of an equity-release style scheme.

Local authorities must have a formal policy in place before providing this help and can only provide help in line with the policy. Not all authorities have a policy. If yours does, a full version should be available for inspection at its main office. You can ask for a summary to be sent by post, for which a reasonable charge may be made. This should tell you:

- 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 is treated.

If you are unhappy with the authority's response to your complaint, you can complain to the Local Government and Social Care Ombudsman in **England** or the Public Services Ombudsman for **Wales**.

## 2.2 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 required 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 disability equipment you have been assessed as needing. Any charge must be reasonable for you to pay based on your individual financial circumstances.

The Welsh Government classifies adaptations into three categories: '*small*', '*medium*' and '*large*'. Means testing does not apply to adaptations falling into the small category (those costing £1,000 or less).

You may be eligible for a minor adaptation via the non-means tested 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.

You must be referred by a health or social care professional, such as an occupational therapist, and cannot apply directly.

If you feel you need equipment to help you manage 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 classed as '*medium*' or '*large*', you may get help through a DFG.



## 2.3 Help from Environmental Health

The 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. They have powers and duties under two separate Acts.

Under the *Environmental Protection Act 1990*, the authority 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 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 neighbouring premises
- 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 is 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, including where an issue does not fall within your landlord's repair and maintenance duties. 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 or live in social housing with a low energy efficiency rating, you may be able to get help under the Energy Company Obligation (ECO) scheme. Larger energy suppliers must participate in ECO and are required to fund the delivery of heating and insulation improvements in people's homes to help reduce their energy usage.

They can choose the measures that are most cost effective to install and may fund all or only part of the cost. You can apply to any supplier participating in the scheme, they do not have to supply your energy.

### Who gets help under ECO?

To get help, you must be an owner-occupier or private tenant in receipt of certain qualifying benefits, or a social tenant living in housing with an Energy Performance Certificate rating of E, F or G.

For owner-occupiers and private tenants, qualifying benefits include Pension Credit Guarantee Credit and Attendance Allowance. If you receive these, you do not have to meet any other criteria. For other benefits, there is an income threshold above which you cannot get help.

If you do not meet the conditions, you may be able to get help from the local authority instead. This can be if you are in fuel poverty, or on a low income and vulnerable to the effects of cold, or your property has solid walls and neighbouring properties are having solid wall insulation carried out. Check if your local authority has published a statement on how it intends to identify fuel poor or vulnerable households.

### What help do you get?

You can get help with insulation work or heating-related improvements such as the installation of '*first time*' central heating.

You can get a broken boiler repaired or replaced if you are an owner occupier, but not if you are a tenant. This is because landlords are responsible for keeping tenants' boilers in repair and proper working order. You may be able to get an inefficient heating system upgraded.

### Next steps

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.

If you have a local HIA, they may be able to give advice on ECO and help you apply. They may have access to other funding sources if you are not eligible for ECO or are asked to make an unaffordable contribution.

Detailed information about ECO is on Ofgem's website at [www.ofgem.gov.uk/environmental-programmes/eco](http://www.ofgem.gov.uk/environmental-programmes/eco).

If you are a private tenant living in a property with a low energy efficiency rating, your landlord may be required to bring it up to standard. See section 6.3 for more information.

## Wales

In Wales, as well as ECO, there is Nest – a Welsh Government scheme to reduce fuel poverty and improve energy efficiency. See Age Cymru Factsheet 1w, *Help with heating costs in Wales* for further information.

### 4.1 Boiler and other heating emergencies

If you rent your home, your landlord is likely to be 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 for more information.

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 (and/or Nest if in Wales). You may be able to get help from the local authority through its housing renewal assistance scheme.

There are various energy supplier trusts and funds offering help with heating emergencies. The main schemes are npower's Health Through Warmth Scheme and E.ON's 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 another local 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 a local HIA, 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 home improvements. This is the case regardless of what your tenancy agreement says, although the agreement may give them additional responsibilities. You are also likely to have responsibilities. This can be a complicated area of law, so seek specialist advice if you are having difficulties.

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. In Wales, contact Shelter Cymru.

If you have limited security of tenure, for example an assured shorthold tenancy, 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, though these are yet to be implemented.

### 6.1 All tenancies

Most tenants are entitled to repairs if certain aspects of the property fall into disrepair. This means they can take court action if the landlord fails to remedy a relevant problem within a reasonable timeframe.

In **England**, some tenants have additional rights. They are entitled to a property that is '*fit for human habitation*', both at the time the tenancy began and throughout. They can take court action if the property is unfit, for example if it contains a Category 1 or 2 hazard (see section 2.3).

This is a new law, which initially applied to tenancies granted on or after 20 March 2019. From 20 March 2020, it applies to many older tenancies.

#### 6.1.1 Repairs

If your tenancy was granted on or after 24 October 1961 for a '*term*' of less than seven years, you are entitled to have certain repairs carried out by your landlord under section 11 of the *Landlord and Tenant Act 1985*.

This includes '*periodic*' tenancies that roll on from week to week or month to month, even if you have lived in your home for more than seven years.

If section 11 applies, 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, some tenancies with shorter terms are not covered by the Act and others with longer terms are.

### 6.1.2 Fitness for human habitation – England only

If your tenancy was granted on or after 20 March 2019 for a term of less than seven years, your landlord must provide and maintain your property in a state of fitness for human habitation, under section 9A of the *Landlord and Tenant Act 1985*. This includes periodic tenancies that roll on from week to week, month to month, or year to year. Note, some longer tenancies are also covered.

A property is unfit for human habitation if it is so defective in one or more of the following ways that it is not reasonably suitable to occupy:

- repair
- stability
- freedom from damp
- internal arrangement
- natural lighting
- ventilation
- water supply
- drainage and sanitary conveniences
- facilities for preparing and cooking food and disposing of waste water
- the presence of a Category 1 or 2 hazard (see section 2.3).

This means you can take court action if your home is in a poor or dangerous condition, for example if it is damp or inadequately heated, even where problems are the result of poor design not disrepair.

You can take court action if your landlord knows about the unfitness and fails to remedy it within a reasonable timeframe. They can inspect the property at reasonable times of the day after giving 24 hours' notice in writing. The court can order works to be carried out and award you damages. An Environmental Health inspection and report is not necessary for the court to establish unfitness.

In due course, many tenants who started renting before 20 March 2019 will benefit from these changes. This includes if you have:

- **a 'periodic' (rolling) tenancy, which started before 20 March 2019** – you will benefit from 20 March 2020.
- **a fixed-term private rented tenancy granted before 20 March 2019, which is renewed after that date** – you will benefit from the point of renewal. This includes private tenants who remain in their property after a fixed-term tenancy ends without a further tenancy being agreed – their tenancy continues as a '*statutory periodic*' tenancy.
- **a probationary tenancy with a social landlord granted before 20 March 2019, which becomes a full social tenancy after that date** – you will benefit from the point your tenancy stops being probationary. Council probationary tenancies are called introductory tenancies. Housing association probationary tenancies are called starter tenancies.

### 6.1.3 Gas safety

The 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 a Gas Safe registered engineer. 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 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.



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 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.

### Note

In England, certain assured shorthold tenancies cannot be brought to an end on a 'no-fault' basis unless the tenant is given a copy of the property's gas safety certificate. See section 6.5.4.

## 6.1.4 Electrical safety

Your landlord must ensure any electrical appliances they provide are safe and have at least the CE mark. Under the repairing duty at section 6.1.1, they must ensure electrical wiring is kept in repair and proper working order throughout the tenancy.

Landlords of Houses in Multiple Occupation (HMOs) must check electrical installations at least every five years. In **England**, the Government is taking steps to extend this requirement to other private rented properties and impose additional duties. These are likely to apply from June 2020 for new tenancies.

## 6.1.5 Smoke and carbon monoxide alarms

### 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.



## Wales

The Welsh Government *Code of Practice for Landlords and Agents licensed under Part 1 of the Housing (Wales) Act 2014* 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.

### 6.1.6 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.

## 6.2 Social 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. Defects covered 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.

### Housing association tenancies

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

### 6.3 Private tenancies – energy efficiency

A minimum energy efficiency standard applies in the private rented sector – a tenancy should not be granted or renewed if the property has an EPC rating below band 'E'. EPCs give recommendations as to how a property's rating can be improved.

From 1 April 2020, this standard applies to existing private tenancies. Landlords should not continue to let out properties that breach the standard. They must improve a sub-standard property or face a fine.

However, it is possible to register an exemption, meaning a property can continue to be let. There are various situations in which an exemption can be registered, including where the tenant refuses consent for works, or where the cheapest improvement recommended on the EPC would cost more than £3,500.

If a landlord cannot improve a property to EPC 'E' for £3,500 or less, they should make all recommended improvements up to that amount.

Note, the standard only applies to properties requiring an EPC (most properties that have been marketed for sale or rent, or modified in the past 10 years), so older private tenancies may not be covered.

For more information, see [www.gov.uk/guidance/domestic-private-rented-property-minimum-energy-efficiency-standard-landlord-guidance](http://www.gov.uk/guidance/domestic-private-rented-property-minimum-energy-efficiency-standard-landlord-guidance).

### 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 specific 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, in addition to the above, the manager must:

- provide contact details to each household and have them on display
- take certain safety precautions, including in relation to fire safety
- ensure the water supply and drainage systems are well maintained
- keep the common parts and garden in a good, clean and safe condition and reasonably clear from obstruction
- ensure each unit and furniture are clean at the start of each occupation and maintain the internal structure and installations in each letting
- provide adequate waste storage facilities and ensure that there is appropriate collection of waste.

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.

## HMO licensing

In **England**, certain HMOs must be licensed by the local authority. These are properties with five or more occupants forming two or more households, although there are exemptions. There are conditions attached to a licence relating to the management, use and occupation of the property, and its condition and contents. The licence holder must be a '*fit and proper person*' and the property must be reasonably suitable.

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

## 6.5 Getting works done

### 6.5.1 Reporting disrepair or unfitness

It is advisable to tell your landlord as soon as possible if your property is in disrepair or an unfit state. In most cases, they cannot be held liable for breach of duty unless they are aware of the situation 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 issues when they arise. If you do not and the situation 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, you should speak to an adviser about your options. While private tenants have some legal protection against retaliatory eviction, this is fairly limited in scope and only applies where there is disrepair, not unfit property conditions more generally.

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**, best practice guidance from the Welsh Government states 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 does not comply with their repairing duty (or, if you meet the conditions set out in section 6.1.2, their duty to provide and maintain the property in a fit state) you can take court action. The court can order works 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 if there is a serious risk to your health or safety. If you cannot get legal aid, some solicitors offer Conditional Fee Agreements ('*no win, no fee*').

You need evidence to prove your case. This includes a copy of your tenancy agreement, photographs of the 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 any injury or illness suffered.

Even if there is no disrepair or unfitness 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 more.

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, 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

##### 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*'.

Private assured shorthold tenants have some limited protection against retaliatory eviction. Under these 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*, as per sections 2.3 and 6.5.5. A section 21 notice served after a tenant complains to their landlord is invalidated if the local authority subsequently serves a notice.

Be aware, a local authority is only able to serve a notice if specific hazards are identified, so not all complaints result in a notice being served. 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. Even if a notice is served, you will not be protected if it is your fault that the property is in a poor condition.

As such, it is important to seek advice before doing anything that may jeopardise your security.

## Wales

The *Renting Homes (Wales) Act 2016* has measures to tackle retaliatory evictions but these have not been implemented. Contact Shelter Cymru or the Welsh Government for further information.

### 6.5.5 How the local authority can help

The 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 affects 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 the local authority about the condition of your property and are unhappy with action taken (for example, if Environmental Health fail to act on your complaint or fail to take formal action), use their 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, 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 if you are not yet protected by the requirement for landlords to provide and maintain homes in a state of '*fitness for human habitation*' (see section 6.1.2) and your property is poorly heated or affected by damp and mould.

### 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 can help with the cost of small repair work.

There are many UK charities and trusts, from those who consider helping anyone in need to those targeting particular groups, occupations or trades, for example ex-service personnel, members of a specific religious group, or those with a particular illness or disability. They sometimes help surviving partners and dependent children.

Turn2Us can help you find charities to apply to.

## 8 The Social Fund

If you are on 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 advance*' if you receive Universal Credit and a '*budgeting loan*' if you receive other means-tested benefits.

Apply at your Jobcentre Plus Office. Make sure you understand and are able to meet repayment terms.

In Wales, you can apply to Discretionary Assistance Fund. For more information, see factsheet 49, *The Social Fund, Advances of Benefit and Local Welfare Provision*.

## 9 Homeowners - using your home as capital

You might be able to release money for repairs from the equity in your home. 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*.



## 10 Help with interest payments on loans

If you or your partner receive means-tested benefits, you may be able to receive financial help towards interest payments on a loan taken out to pay for repairs or home improvements.

This is not normally available if the loan was taken out after you started claiming benefits. The following repairs and improvements may 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
- pay off an earlier loan taken out to finance these repairs and improvements.

Payments are based on a standard interest rate. If other adults live with you, they may be expected to contribute. If thinking about taking out a loan for home improvements when claiming benefits, seek advice before making a commitment.

The mortgage interest support payments are made by way of compound interest loans, with a charge placed upon your property.



## Useful organisations

### **Care & Repair Cymru**

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

Telephone 0300 111 3333

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.

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

<https://gov.wales/discretionary-assistance-fund-daf>

Telephone 0800 859 5924

The Discretionary Assistance Fund (DAF) is available in Wales.

### **Energy Saving Advice Service**

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

Telephone 020 7222 0101

Specialist advice on saving energy at home. Free telephone advice delivered by the Energy Saving Trust (calls 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.

### **Gas Safe Register**

[www.gassaferegister.co.uk/](http://www.gassaferegister.co.uk/)

Telephone 0800 408 5500

Gas engineers 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)

### **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 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.

### **Ministry of Housing, Communities and Local Government (MHCLG)**

[www.gov.uk/government/organisations/ministry-of-housing-communities-and-local-government](http://www.gov.uk/government/organisations/ministry-of-housing-communities-and-local-government)

Telephone 0303 444 0000

Information on planning laws, tenants' rights and environmental protection relevant to England. In Wales, see Welsh Government.

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

[www.ombudsman.wales](http://www.ombudsman.wales)

Telephone 0300 790 0203

Investigates unfair or inconsiderate treatment by local authorities and social landlords/housing associations in Wales.

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

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

Telephone 0300 1234 5225

Sets standards providers must meet, but only intervenes in cases of serious detriment that have caused, or are likely to cause, harm.

### **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.

### **Shelter Cymru**

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

Telephone 08000 495 495

### **Turn2Us**

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

Helps people access money available through benefits and grants.

### **Welsh Government**

[www.gov.wales](http://www.gov.wales)

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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