

Factsheet 67w ● August 2023

Home improvements and repairs for older people in Wales



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1 Information about this factsheet

This factsheet provides information about the help older people in Wales may be able to access if their home is in a poor condition or unsuitable for their needs.

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

The factsheet aims to provide advice, regardless of whether you own or rent your home, though some types of assistance will be targeted towards specific groups, or may work differently depending on your housing status. **We will endeavour to indicate within the text where particular information is only relevant to owner occupiers or only relevant where you rent your home.**

You may also find some of our other factsheets on housing topics to be useful, as well as our titles on getting help from the local authority social services department. You can view the full list on our website:

www.agecymru.org.uk/information-resources

Alternatively, you can contact **Age Cymru Advice** for further information, or to discuss which factsheets may be most useful or relevant to you – see section 16 for contact details.

Note: The information given in this factsheet is applicable in Wales. Different rules may apply in England, Northern Ireland and Scotland. Contact Age UK, Age NI and Age Scotland respectively for further information.

2 Recent housing legislation relating to people who rent their home

There are some recent changes which may be relevant to certain parts of this factsheet, **if you are someone who rents your home**, rather than being an owner occupier.

2.1 The Renting Homes (Wales) Act 2016

The *Renting Homes (Wales) Act 2016* was implemented on **1 December 2022** and means that the way all landlords (in all housing sectors) rent their properties has changed.

Note: The information in this section is a brief summary of the main points of note in the new legislation. Further information on these elements can either be found within relevant sections of the factsheet below, or in our other factsheets on housing topics.

Changes in terminology

Under the Act:

- *Tenants* (and licencees) are now known as ‘**contract-holders**’.
- *Tenancy agreements* are now known as ‘**occupation contracts**’.
- *Local authority (council)* and *housing association* landlords are now known as ‘**community landlords**’ (private registered providers of social housing will also be classed as a community landlord). Private rented sector landlords will continue to be referred to as ‘private landlords’, so there is no change in this regard.

Types of occupation contract

The new act seeks to simplify housing law by specifying two types of occupation contract:

- **Standard contract** – generally for use in the private rented sector.
- **Secure contract** – generally for use in the social rented sector.

Note: There will also be ‘**converted**’ versions of the contracts above, however (in cases where people already had a tenancy in place prior to the new act coming into force on 1 December 2022).

Converted contracts

Generally speaking, converted contracts will provide new rights, as a result of the new legislation, though many terms of the original agreement will continue to apply. Shelter Cymru advise that:

“The terms of the tenancy agreement that you had before 1 December 2022 are still binding on you and your landlord. The only exception to this is if the terms of the agreement you made before 1 December 2022 are incompatible with the fundamental terms of the new type of occupation contract you have”¹.

See below for more information on fundamental terms.

Under the new legislation, landlords must provide written contracts to contract-holders. In the case of converted contracts, landlords were given until 31 May 2023 to provide this. The contract should incorporate the terms of your original agreement made before 1 December 2022. You do not need to sign this agreement, but make sure to check that the agreement is not actually a whole new contract and doesn't take away any significant rights that you had before. Seek specialist advice, such as from Shelter Cymru, if you're unsure.

Fundamental terms in occupation contracts

Fundamental terms in your occupation contract provide you with important rights that a landlord **must** include in the contract.

There are two types of fundamental terms:

- **Hard fundamental terms** – these cannot be left out of an occupation contract or altered in any way.
- **Soft fundamental terms** – the only time that a soft fundamental term can be altered and/or left out of the contract is if it puts you, as the contract-holder, in a “**better position**” and only if you're happy to agree to the change². This applies in the case of soft fundamental terms only.

Note: What constitutes a fundamental term may sometimes differ depending on what type of occupation contract it is – e.g. secure or standard.

¹ ‘Converted contracts’, Shelter Cymru website: <https://sheltercymru.org.uk/housing-advice/renting/converted-contracts> (last accessed 7 July 2023).

² ‘Fundamental terms of occupation contracts’, Shelter Cymru website: <https://sheltercymru.org.uk/housing-advice/renting/written-occupation-contracts/fundamental-terms-of-occupation-contracts> (last accessed 7 July 2023).

Other significant changes under the new legislation

The other main changes under the act include:

- Contract-holders will receive a written contract setting out their rights and responsibilities.
- There is an increase in the ‘no fault’ eviction notice period from two to **six** months.
- New measures to protect against **retaliatory** eviction (i.e. where a landlord serves notice on a contract-holder because they ask for repairs and/or complain about poor conditions) – also see Age Cymru’s Factsheet 68w *Renting your home in Wales – rights if you are threatened with eviction*.
- Improved succession rights – i.e. these rights set out who is able to continue to live in a property after the contract-holder dies.
- Increased flexibility in cases where there are joint contract-holders, making it easier to add or remove others to an occupation contract.
- New rules whereby a landlord has to ensure that their property is **fit for human habitation** – also see section 8 below.

Further information on the Renting Homes (Wales) Act 2016

The Welsh Government has a section on their website on the legislation, including specific pages aimed at contract-holders and landlords, plus a link to the actual Act itself:

www.gov.wales/housing-law-changing-renting-homes

Note: Checking that a private landlord is registered and/or licensed

All private landlords in Wales must be registered with Rent Smart Wales. This requirement pre-dates the implementation of the *Renting Homes (Wales) Act 2016*, but – in addition to being relevant in its own right – it can affect your rights when renting (for example, if your landlord has failed to register).

If you are looking for a home to rent in the private rental sector, you should check that the landlord is registered and has complied with the licensing rules before you agree to move in or sign an occupation contract. If you are already renting and discover your landlord hasn't complied with the registration and licensing rules, you could seek advice from Shelter Cymru (see section 16 below for their contact details).

Further information on landlord registration and licensing can be found in Age Cymru's Factsheet 35w *Renting your home in Wales – rights or problems regarding your rent* and Factsheet 68w *Renting your home in Wales – rights if you are threatened with eviction*.

3 Help that may be available from the local authority

The following subsections set out how the local authority can help you improve the condition or suitability of your home. This might be through providing grants or investigating health and safety risks.

3.1 'Lower level' housing adaptations or disability equipment

Provision of standalone disability equipment and lower level adaptations (such as grab rails or small ramps) are not covered in this particular factsheet, as it focuses on more substantial home improvements and repairs. However, further information on this topic, including the following, can be found in Age Cymru's Factsheet 42w *Obtaining disability equipment and home adaptations in Wales*:

- disability equipment to help you at home, provided by the local authority and/or the NHS;

- general provision of small adaptations by local authority social services departments (or other discretionary powers), including the Welsh Government’s ENABLE: support for living independently scheme;
- the Rapid Response Adaptations Programme (a Welsh Government programme, administered by Care & Repair Cymru, whereby small-scale alterations to a person’s home can be completed to allow them to return to live there safely and independently if, for example, they are awaiting discharge from hospital).

3.2 Disabled Facilities Grants (DFG) – for homeowners, or people who rent

These grants are provided by local authorities to pay for adaptations to a disabled person’s home. This includes people with:

- a substantial physical disability (this could be as a result of illness or injury, or due to a condition present since birth);
- a mental disorder or impairment; *or*
- substantial impairments in hearing, sight, or speech.

Note: Disabled Facilities Grants are governed by a range of legislation and the interplay between them can be complex³. However, in day-to-day practice, provision of DFGs should occur as outlined in this factsheet below.

³ The duties on local authorities in relation to DFGs “are governed by the Housing Act 2004, the Housing Renewal Grants (Amendment) (Wales) Regulations 2005, as well as the Housing Grants, Construction and Regeneration Act 1996...which gives power to the Local Housing Authority”. It should be noted that “the Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 on Housing Renewal repealed much of the prescriptive 1996 legislation on housing grants, construction and regeneration and provided local authorities, in Wales, more freedom to develop renewal strategies that better suited local conditions. However, the mandatory requirements for DFGs remain from the 1996 Act and guidance reflects the content of that legislation” – see ‘Social Services and Well-being (Wales) Act 2014 and its interface with Disabled Facilities Grant: Practice Guidance’, ADSS Cymru (the Association of Directors of Social Services Cymru), May 2019. A copy can be found on the ADSS website at: www.adss.cymru/en/blog/post/sswb-and-dfg

DFGs are available for many 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 existing facilities;
- making it possible for food to be prepared or cooked;
- improving the property's heating system so it meets your needs; *or*
- facilitating access to and from a garden or enabling safe access.

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

If someone meets all the qualifying conditions for a DFG, then the grant is mandatory and the local authority is obliged to make the grant available. The conditions are:

- 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 that the works are **necessary and appropriate** to meet the needs of the disabled occupant (also see the 'Note' below);
- it is **reasonable and practicable** to carry out the works having regard to the age and condition of the property⁴.

⁴ If the local authority felt that the house wasn't in an appropriate state for the work to be carried out, seek further advice from the authority itself and/or a specialist housing organisation, such as Shelter Cymru – see section 16 below for contact details.

Note: DFGs and local authority ‘necessary and appropriate’ rules

The housing department at the local authority will usually consult with the social services department (of the same authority) to help decide whether the proposed work is necessary and appropriate. In practice, this will usually mean that an occupational therapist (OT) will visit you in order to carry out an assessment (an OT is someone trained to assess the special needs of people with disabilities and will make recommendations on what work needs to be done to address your needs). The assessment by the OT may form part of a wider care needs assessment by the social services department – for further information, see Age Cymru’s Factsheet 42w *Obtaining disability equipment and home adaptations in Wales* and Factsheet 41w *Social care assessments for older people with care needs in Wales*.

Who can apply?

Homeowners and contract-holders (i.e. people who rent their home) can apply for DFGs.

If you rent your home, you’ll need to get your **landlord’s permission** before the local authority can agree to provide a DFG.

You may also be able to apply if you live in a park home, houseboat, or need work carried out in the common parts of a building containing multiple flats.

Significantly, 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 contract-holder.

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.

Note: If the disabled occupant is a contract-holder, the authority requires a certificate from the landlord (if different from the applicant) to verify this. If you are renting in the private sector, you may find this difficult due to the terms in your occupation-contract. If you are in this situation, you may wish to contact Age Cymru Advice or Shelter Cymru to discuss what your housing options might be.

Means testing for DFGs

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 contract-holder. This means you may be expected to contribute to the cost of the works. Age Cymru's Factsheet 42w *Obtaining disability equipment and home adaptations in Wales* has some further information on the means testing rules.

Maximum amount available from a DFG

The maximum amount for a DFG in Wales is **£36,000**.

In cases where the cost of carrying out works to a suitable standard may exceed this maximum amount, local authorities can provide discretionary top-up grants or loans.

When will the work be carried out?

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.

If your application is turned down

You are entitled to a statement of reasons from the local authority if your DFG application is rejected. If you feel the decision is unfair, it can be challenged through the local authority complaints procedure and potentially escalated to the Public Services Ombudsman for Wales. For further information, see Age Cymru's Factsheet 59w *How to resolve problems and make a complaint about social care in Wales*.

Rented property – landlord duties in regard to making ‘reasonable adjustments’ for disabled people

This issue may be relevant in relation to DFGs – further information can be found in section 7.3 below.

If you rent your home from a community landlord – i.e. local authority (council) and housing association landlords

Whilst DFGs are available across all housing sectors, adaptations where you have a community landlord might instead be made via a **Physical Adaptations Grant (PAG)**, provided by the Welsh Government.

These grants allow community landlords to adapt homes for their contract-holders, where they have an identified need. PAGs will cover the same sorts of areas as a DFG and the works that are needed will be decided in a very similar way (for example, via an occupational therapist assessment).

You won't be able to apply for this grant directly – however, you can ask the landlord to do so on your behalf, or you can submit a DFG application as per the above information and it will then be up to the authority which funding stream they access (this shouldn't affect your ability to benefit from the work needed, however, and you could submit a complaint if there seems to be a delay).

Sometimes a community landlord might recommend rehousing as an alternative to adapting your existing home. However, a DFG application shouldn't be turned down on this basis alone. Seek advice from a specialist housing organisation, such as Shelter Cymru, if you encounter this type of scenario.

3.3 General powers for local authorities to improve living conditions

In addition to the specific DFG system outlined above, local authorities also have a range of other powers they can choose to use to improve living conditions, via direct or indirect assistance. The powers may be used to top up a DFG, speed up the delivery of adaptations, or improve the home in other ways – for example, through the provision of other housing-related grants and/or “loans for acquiring, adapting, improving, repairing, demolishing and replacing accommodation”⁵. In most cases, the assistance will be targeted at vulnerable groups, such as older people or those with disabilities.

Assistance 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.

Note: Help may be provided via a third party, such as a home improvement agency. Care & Repair Cymru are the coordinating body for agencies in Wales – see section 4 below for further information on Care & Repair.

Local authority policy document on home improvements

Local authorities must have a published policy on how they will allocate and exercise their powers in relation to home improvements. You should be able to view this at their main office, or Citizens Advice should also have a copy (see section 16 below for contact details).

⁵ Assistance for housing improvement: quality report, 27 April 2023, Welsh Government website: www.gov.wales/assistance-housing-improvement-quality-report-html (last accessed 4 August 2023).

Important issues to consider

If you decide to go ahead with help from the local authority in the form of a loan, be aware of the implications of this – for example, the ongoing costs and whether you will be able to afford this, plus the fact that the authority may take security as a term for agreeing to the loan – i.e. if you are a homeowner, this could be in the form of a charge being placed on your property (so that if you failed to make repayments, ultimately the authority could apply for possession of the property to recoup the money they are owed). You should also check all the terms and conditions with any loan, such as whether interest will be charged and, if so, at what rate.

Who can apply for this type of assistance?

Similarly to DFGs, these wider powers that local authorities have can potentially be directed to a wide variety of people, including homeowners, people who rent their home and landlords.

If you rent your home, you'll need to get your landlord's permission before the local authority can provide assistance. It should be noted, that with some types of repairs or improvements, the landlord may have an obligation to carry them out – see section 7 below.

If you are unsatisfied by the local authority's response

If you feel a local authority's decision is unfair, it can be challenged through the authority complaints procedure. You may be able to complain about a range of potential issues, including:

- refusal to consider an application;
- delay in dealing with your application;
- if the authority tells you it only offers loans, rather than also making grants available in certain circumstances; *or*
- assessing your resources incorrectly if offering a grant which is means tested.

3.4 Local authority environmental health departments

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. If you **rent your home** and the landlord does not deal with serious repair issues or hazards in the property, the environmental health department may be able to get involved – see section 8.5 below for further information.

4 Care & Repair Cymru

Care & Repair Cymru work to ensure all older people have homes that are safe, secure and appropriate to their needs. There is a network of local Care & Repair agencies across Wales. Their service helps to support older and vulnerable people and enable them to remain in their own homes and live independently for longer.

Their services are focussed towards homeowners and people who privately rent their home.

Services may differ depending on what the agency covering your area is able to offer, but could include advice and/or assistance with:

- energy efficiency;
- home safety;
- housing options;
- money and benefits (including help with applying for grants and loans);
- ‘hospital to home’ schemes;
- help in identifying reputable local contractors and/or overseeing works for you; *or*
- handyman services that can carry out small home improvement works.

Information can be found on Care & Repair Cymru’s website, or view section 16 below for further contact details:

www.careandrepair.org.uk/how-we-can-help

5 Heating and insulation improvements

This topic – both in terms of help for homeowners or those renting – is covered in **Age Cymru’s Factsheet 1w *Help with heating costs in Wales***. For example, it includes details on the following:

- obtaining temporary heaters in an emergency;
- ‘Nest’ – a Welsh Government programme to tackle fuel poverty;
- the Energy Company Obligation (ECO); *and*
- help from energy supplier charitable funds or trusts.

6 Home safety if you’re a homeowner

Note: This section applies if you own your own home. If you rent your home, see sections 9, 10, 11 and 12 below.

Age UK’s Information Guide 01 *Staying safe* also contains further information on the topics in this section, which may be useful.

If you are worried about the cost of any of the measures outlined below, you could contact Age Cymru Advice for information on financial assistance you may be able to access (see section 16 below for contact details), or read Age UK’s Factsheet 49 *Social Fund, Advances of Benefit and Local Welfare Provision*.

6.1 Gas safety checks

All gas appliances in your property need to be safety checked by a Gas Safe registered engineer annually and serviced according to manufacturer’s instructions (see section 16 below for Gas Safe contact details).

Some people can qualify for a free annual safety check of their gas appliances from their supplier. You should qualify if you receive a means-tested benefit and have either reached state pension age; have a disability or long-term health condition, or live with children under five. Bear in mind, however, that the check consists of a basic examination and is not a substitute for regular servicing.

6.2 Electrical safety

If you have a problem with the wiring inside your home, you'll need to contact a qualified electrician to investigate. If you have problems with electrical appliances, you could also consult an electrician, or seek advice from the manufacturer.

6.3 Fire safety

The Fire and Rescue Service recommend at least one smoke alarm per floor of your home. The alarms should bear the British Standard number **BS 5446** and have the BSI Kitemark symbol, so you can be assured that they meet the correct requirements⁶.

Further information on the different types of alarm available can be found on the Fire and Rescue Service website at the following link. You can also obtain specialist smoke alarms if you have hearing or sight difficulties:

www.fireservice.co.uk/safety/smoke-alarms

You may also be able to access a free **Safe and Well visit** from your local Fire and Rescue Service. In addition to carrying out a fire safety check of your home, the visit will also include other safety messages that may be relevant depending on your circumstances (for example, home security or falls prevention).

They may also be able to provide you with free smoke alarms.

See section 16 below for contact details.

⁶ Further information on the Kitemark can be found at: www.bsigroup.com/en-gb/kitemark

6.4 Carbon Monoxide alarms

Note: Information on carbon monoxide

Heaters, boilers or other appliances that burn gas, coal, oil or wood can give off carbon monoxide if they aren't working properly. Carbon monoxide is known as a 'silent killer' because you can't see, taste or smell it.

Symptoms of carbon monoxide poisoning include having a headache, feeling sick, or having a sore throat and a dry cough – similar to a cold or flu. If you're worried that you might have carbon monoxide poisoning, call 999 immediately.

Some appliances might have visual signs of carbon monoxide being present due to a fault, such as soot or stains around a boiler; unusually large amounts of condensation on windows; boiler pilot lights that frequently blow out, or gas appliances having a 'floppy' orange flame (rather than a crisp and blue flame which should be the case).

The Welsh Government advises that the placement of carbon monoxide alarms should be considered carefully. Whereas smoke alarms are normally placed on the ceiling because heat and smoke rise, this may not be the best place for carbon monoxide alarms as the concentration of carbon monoxide could reach dangerous levels before reaching ceiling height. "The guidance accompanying carbon monoxide alarms should always be followed carefully, including noting the expiry date of the alarm" (as carbon monoxide sensors are usually more fragile than those within smoke alarms they generally need to be replaced more regularly)⁷.

You can install a simple carbon monoxide detector to help prevent poisoning – make sure it bears the British Standard number **BS EN 50291-1:2018** and the BSI Kitemark.

You should place an alarm in each room that has a gas appliance.

⁷ 'Fitness for human habitation: guidance for tenants (contract holders)', Welsh Government website: www.gov.wales/fitness-human-habitation-guidance-tenants-contract-holders-html (last accessed 17 August 2023).

Having carbon monoxide detectors shouldn't be seen as a substitute for proper installation and maintenance of gas appliances (for example, if your home has gas central heating, you should arrange for this to have an annual safety check). Installation, maintenance and safety checks should always be carried out by a Gas Safe registered engineer (see section 16 below for contact details).

Possible free provision of carbon monoxide detectors

The Fire and Rescue Service may provide carbon monoxide detectors for free as part of a Safe and Well visit – see section 6.3 above.

Alternatively, some energy suppliers or network operators run schemes to provide them (network operators deliver energy to your home, whereas a supplier sells it to you). Contact **Age Cymru Advice** for further information – see section 16 below for contact details.

7 Rights to repairs and/or improvements if you are a contract-holder (i.e. you rent your home)

If you rent your home, your landlord is likely to be responsible for carrying out certain repairs and home improvements, as outlined below. You are likely to have responsibilities too, so this can be a complicated area of law – seek specialist advice if you are having difficulties (for example, from an organisation such as Shelter Cymru – see section 16 below for contact details).

Note: Before taking action, consider what type of occupation contract you have, as this affects how easy it is to evict you. There is some information in relation to this below, but also see Age Cymru's Factsheet 68w *Renting your home in Wales – rights if you are threatened with eviction* for further information.

Shelter Cymru have a useful section on their website in regard to repairs in the rental sector:

www.sheltercymru.org.uk/housing-advice/repairs-and-bad-conditions

7.1 Rights to repairs if you have a private landlord

Your landlord will be responsible for most major repairs. Generally, you will only be responsible for minor maintenance, keeping the property reasonably clean and putting right any damage you – or a visitor – might have caused (though you shouldn't be held responsible for normal wear and tear caused by everyday use). You may also be responsible for maintaining the garden or other outside area, if you have one. Your written occupation contract should outline what is expected from you (see below) – it is a legal requirement under most rental agreements that the landlord provides a written occupation contract.

Note: If you are concerned about the costs of minor maintenance, repairing items that have been damaged, or garden maintenance (or health reasons mean you may have difficulty doing this work), see sections 4 and 15.

If you have not been given a written occupation contract – or you have one, but it doesn't provide any details on who is responsible for certain things – your landlord will always be legally responsible for the following repairs (provided that your occupation contract is for less than 7 years):

- the main structure of the building – i.e. walls, roof, external doors and windows;
- sanitary fittings, such as sinks, baths, showers, toilets (including pipes and drains);
- heating and hot water;
- gas appliances (including pipes, flues and ventilation);
- electrical wiring; *and*
- fixing any damage to internal decorations that was caused as a result of the types of disrepair outlined in the bullet points above.

Notes:

Your landlord will have certain **extra responsibilities** in regard to gas, electrical and fire safety in the property – see sections 9, 11 and 12 below.

Additionally, there are rules for landlords in regard to **‘fitness for human habitation’** standards – see section 8 below.

Your landlord *may* be responsible for fixing or replacing certain items or appliances that were already provided at the property when you moved in – however, this could depend on what was agreed when your rental agreement began, so you could check your contract to see if it is addressed in there.

If your landlord hasn’t provided you with a written contract, you may wish to contact Shelter Cymru for further advice.

Terms that are written in your occupation contract

If your occupation contract outlines responsibilities for maintenance or repairs that are **not** the landlord’s legal responsibility – see above – then these terms will generally be valid. However, “landlords can’t get out of their legal responsibilities no matter what the contract says. For example, if there is an additional term that says you are responsible for repairing the heating it probably cannot be enforced as these are things that are automatically the landlord’s legal responsibility”⁸.

Damp

Responsibility for issues with damp can sometimes be complicated by the fact that it can be difficult to determine a cause. Generally speaking, however, landlords will be responsible where the problem is caused by:

- a structural defect, such as a leak through a cracked wall or damaged roof;
- leaking pipes;

⁸ ‘Responsibilities for repairs if you have a private landlord’, Shelter Cymru website: www.sheltercymru.org.uk/housing-advice/repairs-and-bad-conditions/repairs-in-private-rented-housing/responsibilities-for-repairs-if-you-have-a-private-landlord (last accessed 10 August 2023).

- “an existing damp proof course that is no longer working (if there wasn’t one to begin with, your landlord is not liable)”⁹.

Note: Condensation problems

Your landlord is unlikely to be responsible where condensation is being caused by issues, such as drying clothes indoors, or incorrect use of heating systems. However, where lack of insulation, inadequate heating or ventilation systems are the likely cause, the landlord should take action to remedy this.

If your landlord doesn’t take any actions to improve the situation, you could contact the environmental health department at your local authority. They have powers to inspect properties and may take action against a landlord if there is a serious damp or mould issue resulting in a hazard to the people living there – however, also see section 8 below before you decide on whether to take this action.

7.2 Rights to repairs if you have a community landlord (local authority or housing association landlords)

Your landlord will be responsible for most major repairs. Generally, you will only be responsible for minor maintenance, keeping the property reasonably clean and putting right any damage you – or a visitor – might have caused.

You may be responsible for maintaining the garden or other outside area, if you have one. In most cases, “you will also be responsible for interior decoration”¹⁰ (unless the work is required as a result of dampness or other disrepair that is the landlord’s responsibility – see below). Check the terms of your occupation contract first, as you may need to seek permission from your landlord before you do the work.

⁹ Ibid

¹⁰ ‘Responsibilities for repairs if you have a community landlord’, Shelter Cymru website: www.sheltercymru.org.uk/housing-advice/repairs-and-bad-conditions/repairs-in-social-housing/responsibilities-for-repairs-if-you-have-a-community-landlord (last accessed 11 August 2023).

Your written occupation contract should outline what is expected from you – it is a legal requirement under most rental agreements that the landlord provides a written occupation contract.

Note: If you are concerned about the costs of minor maintenance, repairing items that have been damaged, or garden maintenance (or health reasons mean you may have difficulty doing this work), see section 15 below.

Your landlord will always be legally responsible for the following repairs (provided your occupation contract is not for a fixed term of 7 years or more):

- the main structure of the building – i.e. walls, roof, external doors and windows;
- central heating, gas fires, flues, ventilation and chimneys;
- “water, pipes, basins, sinks, toilets and baths, drains and guttering”;
- “gas pipes, electrical wiring, and any appliances provided”¹¹; *or*
- fixing any damage to internal decorations that was caused as a result of the types of disrepair outlined in the bullet points above.

Notes:

Your landlord will have certain **extra responsibilities** in regard to gas, electrical and fire safety in the property – see sections 9, 11 and 12 below.

Additionally, there are rules for landlords in regard to ‘**fitness for human habitation**’ standards – see section 8 below.

Your occupation contract might also give the landlord responsibility for maintenance of fences or boundary walls around the property.

If your landlord hasn’t provided you with a written contract, you may wish to contact Shelter Cymru for further advice.

¹¹ Ibid

Terms that are written in your occupation contract

If your occupation contract outlines responsibilities for maintenance or repairs that are **not** the landlord's legal responsibility – see above – then these terms will generally be valid.

Damp

Responsibility for issues with damp can sometimes be complicated by the fact that it can be difficult to determine a cause. Generally speaking, however, landlords will be responsible where the problem is caused by:

- a structural defect, such as a leak through a cracked wall or damaged roof;
- leaking pipes;
- an existing damp proof course that is no longer working.

Note: Condensation problems

Your landlord is unlikely to be responsible where condensation is being caused by issues, such as drying clothes indoors, or incorrect use of heating systems. However, where lack of insulation, inadequate heating or ventilation systems are the likely cause, the landlord should take action to remedy this.

If your landlord doesn't take any actions to improve the situation, you could contact the environmental health department at your local authority. They have powers to inspect properties and may take action against a landlord if there is a serious damp or mould issue resulting in a hazard to the people living there – however, also see section 8 below before you decide on whether to take this action.

7.3 'Reasonable adjustments' for disabled people in rented property

If you have a disability and rent your home, you might have a right, under a duty in the *Equality Act 2010*, to have certain changes made to the property – these are known as 'reasonable adjustments'.

Note: To qualify under this duty, you would need to have a disability under *section 6* of the *Equality Act 2010*. The definition is quite broad, so it may be worth looking into this, even if you don't think of yourself as having a disability.

You will meet the definition in the Equality Act if **“you have a physical or mental impairment [and] that impairment has a substantial and long-term adverse effect on your ability to carry out normal day-to-day activities”**.

“Some impairments are automatically treated as a disability”. For example, “you’ll be covered if you have cancer...or a visual impairment”. You may also meet the definition if you have a condition such as arthritis or a learning disability. Although having an addiction which impacts your health wouldn't in itself meet the definition, you might qualify “if your addiction caused an impairment. For example if you [have] liver disease...caused by alcohol dependency”.

An impairment having a ‘substantial effect’ on day-to-day living might be demonstrated by having more than one impairment at the same time or, for example “taking longer with everyday tasks like getting dressed, going to the toilet or preparing meals because of pain...or having seizures which cause you to lose awareness of your surroundings”¹².

¹² ‘Check if you're disabled under the Equality Act’, Citizens Advice (Wales) website: www.citizensadvice.org.uk/wales/housing/discrimination-in-housing/checking-if-its-discrimination/check-if-youre-disabled-under-the-equality-act-housing (last accessed 15 August 2023).

Requesting a reasonable adjustment

The duty to make reasonable adjustments applies to anyone who manages or rents out a property, so you will usually need to contact your landlord (or potentially someone else who manages the property on their behalf). It may be a good idea to seek advice before doing so from Shelter Cymru or Citizens Advice, so they can advise on whether they think the work you feel is needed will be covered, whether they think you will be eligible and, also, to consider whether there are any risks to you being able to stay in the property by making the request to the landlord (also see Age Cymru's Factsheet 68w *Renting your home in Wales – rights if you are threatened with eviction*).

What might be covered by a reasonable adjustment?

Reasonable adjustments could include:

- changes to policies or the terms of your occupation contract (for example, if that would prevent you from carrying out adaptations yourself);
- provision of minor equipment or support to make the home easier for you to live in, such as replacing taps or door handles, or adapting your doorbell or door entry system.

Note: The landlord doesn't have to do anything that would involve removing or altering a physical feature or structural changes like removing walls, widening doorways or installing permanent ramps (for this sort of issue, see some of the other sections of this factsheet – for example, on Disabled Facilities Grants in section 3.2).

Showing that you're at a 'substantial disadvantage'

You will need "to show that you're at a 'substantial disadvantage' before the landlord [or] property manager...has to make any adjustments. This means being affected in a way which is more than 'minor or trivial'".

For example, if a rule that a contract-holder isn't "allowed mobility scooters in the home causes a problem to someone who relies on using one, but they can get to it easily because there is space for it outside their front door, it might be so minor you won't need an adjustment. However, if there is no place to store it near the home and the [contract-holder] struggles to get to it, then it could be 'more than minor or trivial'. You'll need to show that someone without a disability wouldn't be affected, or would be affected less than you, by the particular rule or lack of equipment or support"¹³.

The cost of reasonable adjustments

Where the landlord has a duty to make adjustments, **they should meet the costs of doing so** and you shouldn't have the cost added to your rent and/or service charge.

Further information

Citizens Advice have further information on reasonable adjustments on their website at:

www.citizensadvice.org.uk/wales/housing/discrimination-in-housing/taking-action/asking-for-adjustments-to-help-with-your-disability

8 'Fitness for human habitation' – rules that apply for private and community landlords

All landlords, regardless of housing sector, have a responsibility to ensure that properties they rent out meet 'fitness for human habitation' standards (as per the *Renting Homes (Wales) Act 2016*).

This applies where a contract-holder has a secure or standard occupation contract, including ones that are converted contracts (see section 2 above), so they will cover most people who are renting their home.

¹³ Ibid

The standards wouldn't apply for certain exceptions where rental agreements can be of a kind where there isn't an occupation contract – Age Cymru's Factsheet 68w *Renting your home in Wales – rights if you are threatened with eviction* has some further information on these exceptions¹⁴.

The Welsh Government has published guidance for contract-holders on fitness for human habitation which can be viewed on their website at:

www.gov.wales/fitness-human-habitation-guidance-tenants-contract-holders-html

8.1 **Definite requirements for a home to be fit for human habitation**

Occupation contracts that began on or after 1 December 2022

The landlord must ensure the property has the following:

- working carbon monoxide alarms (located in any room with a gas, oil or solid fuel appliance);
- working smoke alarms (on every storey of the property);
- electrics that have been inspected and tested (an Electrical Installation Condition Report must be made available to the contract-holder within 14 days of the occupation date, or if the test is carried out after the occupation date, a copy should be provided within 14 days of the date the inspection took place).

Converted occupation contracts (where you moved into the home before 1 December 2022)

The landlord must ensure:

¹⁴ The information can be found in section 3.5 of Factsheet 68w. Shelter Cymru advise that, "even if your renting agreement is not covered by the fitness rules, your landlord will probably be responsible for the repairs and ensuring that the property does not present a serious hazard" (see: www.sheltercymru.org.uk/housing-advice/repairs-and-bad-conditions/is-my-home-fit-to-live-in).

- that there are working carbon monoxide alarms (located in any room with a gas, oil or solid fuel appliance);
- that – no later than 1 December 2023 – working smoke alarms are fitted (on every storey of the property);
- that – no later than 1 December 2023 – electricians have been inspected and tested and an Electrical Installation Condition Report is provided to the contract-holder within 14 days.

Note: Also see sections 12, 10 and 11 below for further information on smoke alarm, carbon monoxide alarm and electrical testing requirements.

8.2 Other conditions which may mean a property doesn't meet the fitness for human habitation requirements

The other issues are listed below and are contained within the government's **Housing Health and Safety Rating System (HHSRS)**.

The HHSRS is used to assess faults and how they might affect the health and safety of occupants in a property:

- damp, mites, mould or fungal growth;
- cold – exposure to excessively low temperatures;
- heat – exposure to excessively high temperatures;
- danger of exposure to “asbestos and manufactured mineral fibres”;
- “biocides...exposure to chemicals used to treat timber or mould growth”;
- exposure to carbon monoxide; nitrogen dioxide; sulphur dioxide and smoke;
- lead – “the ingestion of lead”;
- “exposure to radiation”;
- “exposure to uncombusted fuel gas”;
- “exposure to volatile organic compounds”;
- overcrowding – “a lack of adequate space for living and sleeping”;

- entry by intruders – “difficulties in keeping the dwelling secure against unauthorised entry”;
- “a lack of adequate lighting”;
- exposure to excessive noise;
- domestic hygiene, pests and refuse – “poor design, layout or construction such that the dwelling cannot readily be kept clean...exposure to pests [and/or] inadequate provision for the hygienic storage and disposal of household waste”;
- “an inadequate provision of facilities for the storage, preparation and cooking of food”;
- “an inadequate provision of facilities for maintaining good personal hygiene; sanitation and drainage”;
- “an inadequate supply of water free from contamination, for drinking and other domestic purposes”;
- conditions in the property that result in a risk of falls – for example, “associated with toilets, baths, showers or other washing facilities...stairs, steps or ramps [or] between surfaces [including falling from height]”;
- electrical hazards – “exposure to electricity”;
- “exposure to uncontrolled fire and associated smoke”;
- “flames, hot surfaces etc” – contact with “controlled fire or flames [and/or] hot objects, liquid or vapours”;
- conditions that result in a risk of “collision with, or entrapment of body parts in, doors, windows or other architectural features”;
- “an explosion at the dwelling”;
- “the position, location and operability of amenities, fittings and equipment”;
or
- “structural collapse...of the whole or part of the dwelling including falling elements”¹⁵.

¹⁵ ‘Fitness for human habitation: guidance for tenants (contract holders)’, (First published: 20 July 2022; Last updated: 30 June 2023), Welsh Government website: www.gov.wales/fitness-human-habitation-guidance-tenants-contract-holders-html (last accessed 14 August 2023).

8.3 Poor conditions which meet the threshold for a property being unfit to live in

If your home does have some of the poor conditions listed in section 8.2 above, it won't necessarily mean that it will be unfit to live in, if the severity of the issues isn't high enough, for example. Your home is only unfit if the problems in the property make it 'unreasonable' for someone to live there. This could be the case where the conditions or safety issues:

- are seriously affecting your health; *and/or*
- are causing a high risk of physical harm or injury; *and/or*
- prevent you from making full use of the property.

8.4 Reporting problems

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 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 occupation contract 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 also put yourself at risk of eviction.

Important: You may wish to discuss with Shelter, or another specialist organisation, about any risks there may be that your landlord might seek to evict you as a result of asking for repairs (this will also be something to consider in relation to sections 8.5 to 8.7 below). **There is now some protection, however, against retaliatory eviction in housing legislation in Wales** – see Age Cymru's Factsheet 68w *Renting your home in Wales – rights if you are threatened with eviction* for further information.

8.5 Seeking assistance from the environmental health department at your local authority

As mentioned in section 3.4 above, the local authority is responsible for dealing with health and safety risks in the local area, usually via their environmental health team. You can involve environmental health if your landlord is refusing to carry out repairs which are their legal responsibility.

If you have a private landlord

If your landlord is not responding to your requests for repairs, you can ask your local authority's environmental health department to carry out an inspection of your home. How quickly any inspection will be carried out could depend on the department's initial judgement on the level of risk that the disrepair might cause you harm.

If the environmental health team decides that your home includes a serious hazard, they should take action. This might be done via one of the following:

- **issuing a hazard awareness notice** – this is a warning to the landlord that the local authority is aware of the issue;
- **issuing your landlord with an improvement notice** – this will order them to carry out specified repairs by a certain deadline;
- **ordering the closure of all or part of a building** (or order a restriction on the number of people who can live there);
- **take emergency action, to do the repairs themselves** (if so, they then have the power to reclaim the costs from the landlord);
- **an order to demolish the property; or**
- **buying the property from the landlord using compulsory purchase rules.**

Note: If the environmental health department “identifies minor repair issues in your house, they do not have to take action. However, they can decide to enforce the improvements, to avoid future problems”¹⁶.

If your landlord is the local authority

As the environmental health department will be a part of the same local authority that rents your council house to you, they can't take formal enforcement action against themselves (however, they could send a report or informal notice to the housing department to prompt them into carrying out necessary work).

If repairs are still not made, you could:

- use the **local authority's complaints procedure**; *and*
- if this still doesn't resolve issues, you could potentially elevate the case to **Public Services Ombudsman for Wales** (see section 16 below for contact details).

If your landlord is a housing association

Environmental health departments are able to take some enforcement actions against housing associations. They may either issue one of the following in the same way as they can for private landlords (see above):

- a **hazard awareness notice**; *or*
- an **improvement notice**.

If repairs are still not made, you could:

- use your **housing association's complaints procedure**; *and*
- if this still doesn't resolve issues, inform the environmental health department again; *plus*
- you may also be able to elevate the case to the **Public Services Ombudsman for Wales** (see section 16 below for contact details).

¹⁶ 'Disrepair affecting health if you have a private landlord', Shelter Cymru website: www.sheltercymru.org.uk/housing-advice/repairs-and-bad-conditions/repairs-in-private-rented-housing/disrepair-affecting-health-if-you-have-a-private-landlord/ (last accessed 16 August 2023).

8.6 If the landlord refuses to take action

If the landlord doesn't agree that there are problems at the property and won't rectify the issues, you may be able to take court action – see section 8.7 below. Shelter advise, however, that **“court action should be a last resort [and] you should only consider it if you have tried other options”**¹⁷.

Before you consider taking court action, you must have reported the repairs needed to your landlord and given them reasonable time to respond.

Alternative options

“If your landlord uses a lettings agent to manage your occupation contract, the law says they must be a member of an approved redress scheme. Letting agent redress schemes may not be able to award financial compensation. If they do it probably won't be as much compensation as a court would award you if your court claim is successful. **However, they are free to use and there is likely to be less risk and stress**”¹⁸ (emphasis added).

You could also seek advice from Shelter Cymru or Citizens Advice – see section 16 below for contact details.

8.7 Taking court action

If your landlord won't carry out repairs (or does them to a very poor standard) you may be able to take court action. The court has the power to order the landlord to carry out repairs or pay compensation.

¹⁷ 'Taking court action if your landlord won't do repairs', Shelter Cymru website: <https://sheltercymru.org.uk/housing-advice/repairs-and-bad-conditions/repairs-in-private-rented-housing/court-action-if-your-landlord-wont-do-repairs/> (last accessed 16 August 2023).

¹⁸ Ibid

Important: Court action could be expensive, so seek expert advice, such as from Shelter Cymru, before pursuing this route.

You should also discuss with Shelter, or other specialist organisation, about any risks there may be that your landlord might seek to evict you as a result of asking for repairs and/or taking court action (**though there is now some protection against retaliatory eviction in housing legislation in Wales – see Age Cymru’s Factsheet 68w *Renting your home in Wales – rights if you are threatened with eviction* for further information**).

Legal Aid

Some people can qualify for Legal Aid to assist with the cost of a solicitor and court fees. Further information on Legal Aid can be found on the GOV.UK website at: www.gov.uk/legal-aid.

Age UK’s Factsheet 43 *Getting legal and financial advice* may also be helpful.

Pre-Action Protocol

There is a Pre-Action Protocol for Housing Disrepair Cases that applies to all cases. You will be expected to have followed this process before going to court, which includes a letter to the landlord containing certain details – see Shelter Cymru’s website at the following link for further information on what should be included:

www.sheltercymru.org.uk/housing-advice/repairs-and-bad-conditions/repairs-in-private-rented-housing/court-action-if-your-landlord-wont-do-repairs

Preparing a case

You will need to compile evidence to prove your case. This might include:

- photographs of the problems and disrepair, including of any belongings that have been damaged as a result (for example, clothes affected by damp);
- copies of correspondence (emails, letters or other communications) between you and the landlord;
- notes of conversations you had with your landlord, including dates and what was agreed;
- copies of any doctor's notes and/or hospital reports if they relate to a health issue caused as a result of the disrepair at the property;
- receipts for money spent as a result of the disrepair (for example, if you have had to replace furnishings because of mould);
- energy bills, if you have had to spend more due to defects to the heating system at the property;
- reports from experts such as an officer from the local authority's environmental health department (see section 8.5 above), or a surveyor.

Note: You can find surveyors in your area through the **Royal Institute of Chartered Surveyors** – see section 16 below for contact details.

Shelter Cymru advise that, if possible, “you should try and agree the appointment of a surveyor with your landlord”. Also, “find out how much it will cost before arranging a surveyor to make sure you can afford it. In some situations you may be able to get legal aid to help cover the costs”¹⁹.

9 Gas safety if you rent your home (applies for both private and community landlords)

Landlords have a **legal duty** to have all gas appliances in their properties inspected once a year.

Note: If there are any extra gas appliances in your home that belong to you, rather than the landlord, you should also arrange for a registered gas installer to check these on an annual basis.

¹⁹ Ibid

9.1 Gas safety records

Landlords must provide contract-holders with a copy of a **valid gas safety record** (this can only be issued by a registered Gas Safe engineer once they have carried out a safety check).

Gas safety records are valid for 12 months.

If the gas engineer identifies any issues or problems, the landlord must rectify them, using a Gas Safe qualified professional.

9.2 Possible role of the Health and Safety Executive (HSE)

The HSE enforces gas safety. You can contact them if your landlord:

- doesn't provide you with a valid gas safety record; *and/or*
- refuses to let you see records of safety checks; *and/or*
- subsequently fails to carry out works that a Gas Safe engineer has identified.

Failure to follow gas safety requirements is a criminal offence and the HSE have powers to issue a formal caution, or potentially prosecute your landlord if the situation is sufficiently serious. See section 16 below for contact details for the HSE.

10 Carbon monoxide alarms if you rent your home (applies for both private and community landlords)

Note: Information on carbon monoxide

Heaters, boilers or other appliances that burn gas, coal, oil or wood can give off carbon monoxide if they aren't working properly. Carbon monoxide is known as a 'silent killer' because you can't see, taste or smell it.

Symptoms of carbon monoxide poisoning include having a headache, feeling sick, or having a sore throat and a dry cough – similar to a cold or flu. If you're worried that you might have carbon monoxide poisoning, call 999 immediately.

Some appliances might have visual signs of carbon monoxide being present due to a fault, such as soot or stains around a boiler; unusually large amounts of condensation on windows; boiler pilot lights that frequently blow out, or gas appliances having a 'floppy' orange flame (rather than a crisp and blue flame which should be the case).

The Welsh Government advises that the placement of carbon monoxide alarms should be considered carefully. Whereas smoke alarms are normally placed on the ceiling because heat and smoke rise, this may not be the best place for carbon monoxide alarms as the concentration of carbon monoxide could reach dangerous levels before reaching ceiling height. "The guidance accompanying carbon monoxide alarms should always be followed carefully, including noting the expiry date of the alarm" (as carbon monoxide sensors are usually more fragile than those within smoke alarms they generally need to be replaced more regularly)²⁰.

If you are a contract-holder with a 'secure' or 'standard' occupation contract, **your landlord must provide you with working carbon monoxide alarms.**

They must be placed in any room which has a gas, oil or solid fuel burning appliance installed by the landlord.

²⁰ 'Fitness for human habitation: guidance for tenants (contract holders)', Welsh Government website: www.gov.wales/fitness-human-habitation-guidance-tenants-contract-holders-html (last accessed 17 August 2023).

The landlord is not required to install one where a room only contains an appliance installed by you, though you can agree with the landlord for them to provide an alarm in such instances, or to agree for you to install one yourself in that particular room (if so, you may wish to read section 6.4 above which has information for homeowners, but could be useful to you where you are installing any alarms yourself – for example, there is information about how you may be able to get them free of cost).

10.1 If you have not been supplied with carbon monoxide alarms

Under current housing legislation in Wales, your home is classed as unfit to live in if the landlord has not supplied carbon monoxide alarms, as outlined above. If you are in this situation, contact Shelter Cymru for advice on how to pursue this with your landlord.

11 Electrical safety if you rent your home (applies for both private and community landlords)

If you are a contract-holder with a ‘secure’ or ‘standard’ occupation contract, **the landlord should ensure that the electrics in your home are tested every five years** (known as ‘periodic inspection and testing’ – PIT).

PIT checks wiring and fixed electrical equipment to ensure they are safe and must be carried out by a suitably qualified electrician. The test will:

- “reveal if any of your electrical circuits or equipment is overloaded;
- find any potential electric shock risks and fire hazards;
- identify any defective electrical work and;
- highlight any lack of earthing or bonding”²¹.

Where any issues are revealed, the landlord must ensure they arrange for the work to be carried out by an electrician and written confirmation should be provided to the contract-holder so that they can see that the work has been done.

²¹ Ibid

Where your occupation contract started from 1 December 2022 onwards

Following the PIT you should subsequently be provided with a copy of the Electrical Installation Condition Report (EICR) compiled by the electrician. This should be within 14 days of you moving into the property (or if the test is carried out after the occupation date, a copy must be provided within 14 days of the inspection date).

Where your occupation contract started prior to 1 December 2022

The requirements outlined above “will not apply until 1 December 2023 (this would mean a landlord must ensure a PIT is carried out by **1 December 2023** and a copy of the EICR is provided to the contract-holder within 14 days)”²² (emphasis added).

Note: Portable appliance test (PAT)

If your home has electrical appliances in place, provided by the landlord, these should be PAT tested. Each tested appliance should have a PAT sticker attached which shows the date it was tested.

11.1 If you have concerns about electrical safety

You could consider contacting the local authority’s environmental health department if there is disrepair affecting the electrics in your home which the landlord is not dealing with – see section 8.5 above for further information.

You could also seek advice from Shelter Cymru – see section 16 below for contact details.

²² Ibid

Potential role for Rent Smart Wales if you have a private landlord

As mentioned in section 2 above, private landlords and agents must be registered and/or licensed with Rent Smart Wales. If you have previously reported concerns about the electrics at the property to the landlord, but no action has been taken, you could report the issue to Rent Smart Wales. They should be able to investigate, based on the fact that in order to keep and obtain a licence, landlords must abide by certain rules, including in regard to electrical safety. See section 16 below for contact details for Rent Smart Wales.

12 Fire safety and smoke alarms if you rent your home (applies for both private and community landlords)

If you are a contract-holder with a 'secure' or 'standard' occupation contract, the landlord must ensure that the property meets certain fire safety rules.

Some of these relate to electrical safety (see section 11 above), as unsafe electrics can pose a fire risk.

The landlord should also ensure there are no other fire related hazards (if you are concerned that there could be, the local authority may be able to assess them, as per the Housing Health and Safety Rating System outlined in section 8.2 above).

12.1 Smoke alarm requirements

Government regulations stipulate that landlords **must fit a working smoke alarm on every storey of a dwelling.**

Furthermore, “the alarm must also be connected to the electrical supply and be linked to any other smoke alarms that have to be fitted under the regulations. Smoke alarms should be fitted where they can be heard by the occupier when asleep, usually a hall or landing area. More than one smoke alarm may be fitted on each storey. If so, it is good to have all alarms inter-linked and hard-wired into the electrical supply. However, if the landlord has met the minimum requirement of one hard-wired and inter-linked smoke alarm on each storey, any additional alarms do not have to be inter-linked and can be battery powered”²³.

Note: If you live in a house in multiple occupation (HMO)

If you live in a HMO, your landlord will also have extra responsibilities – see section 14 below.

Where your occupation contract started from 1 December 2022 onwards

Smoke alarms must be fitted as per the above requirements on the day that you move into the property.

Where your occupation contract started prior to 1 December 2022

Smoke alarms must be fitted in accordance with the regulations no later than by **1 December 2023**.

Note: Advice from the Fire and Rescue Service

Although the requirements outlined above are the responsibility of the landlord, the Fire and Rescue Service can also provide additional advice and information. For example, you may be able to access a free **Safe and Well visit** from them. In addition to carrying out a fire safety check of your home, the visit will also include other safety messages that may be relevant depending on your circumstances (for example, home security or falls prevention) – see section 16 below for contact details.

²³ Ibid

12.2 If the property does not have smoke alarms

If your home doesn't have smoke alarms and the landlord hasn't responded to requests to fit them, you could consider contacting the local authority's environmental health department – see section 8.5 above for further information.

You could also seek advice from Shelter Cymru – see section 16 below for contact details.

Potential role for Rent Smart Wales if you have a private landlord

Rent Smart Wales may be able to investigate and, in some circumstances, revoke the landlords licence. See section 16 below for contact details for Rent Smart Wales.

12.3 Furniture supplied by the landlord

If your landlord has provided any upholstered furniture in the property, it should be fire resistant. This would include:

- beds, mattresses and headboards; *and*
- sofas, armchairs and cushions.

You should be able to locate a symbol on your furniture that states that it's fire resistant. If there aren't any and your landlord won't replace the items, you could contact your local authority or trading standards office.

13 Energy efficiency in the private rented sector

A minimum energy efficiency standard applies in the private rented sector – properties must have an Energy Performance Certificate (EPC) rating of 'E' or above. Landlords who rent out properties with a lower rating risk being fined and losing their Rent Smart Wales licence.

The landlord must provide a contract-holder with a copy of the EPC, which should have a date within the last 10 years.

14 Houses in multiple occupation

If you live in rented accommodation and share a kitchen, toilet, or bathroom with other people 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.

Extra fire safety measures for HMOs

In **addition** to the landlord requirements listed in section 12 above, HMO landlords must:

- provide extinguishers and fire blankets – “there should be at least one fire extinguisher on each floor and a fire blanket in every shared kitchen”; *and*
- fire escape routes – “HMOs should have an escape route that can resist fire, smoke and fumes long enough for everyone to leave...this could be an external fire escape, or internal stairs, corridors or walkways that are specially constructed or treated to resist fire. All the walls, ceilings, floors and partitions along the escape route must be fire resistant. All the doors leading to the escape route must be fire resistant and must close automatically”²⁴.

Extra licensing requirements for HMOs

In **addition** to being registered with Rent Smart Wales (see section 2 above), HMO landlords must apply to the local authority for a separate licence to rent out the property as a HMO if:

- it's three storeys or more high;
- contains five or more people;
- there are two or more households living in the property; *or*
- different contract-holders share bathroom, toilet or kitchen facilities.

²⁴ 'Responsibilities for fire safety', Shelter Cymru website: www.sheltercymru.org.uk/housing-advice/repairs-and-bad-conditions/home-safety/responsibilities-for-fire-safety (last accessed 21 August 2023).

The local authority will make a decision on whether the property meets an acceptable standard and is well managed before registering it and allowing the landlord to rent it out as a HMO. Landlords need a separate licence for each HMO they own and could be prosecuted and fined for renting out one that is unlicensed.

Note: Additional licensing

Local authorities “can also choose to insist that other smaller HMOs in specific areas be licensed”, You could check with your authority to find out what the requirements are in your area²⁵.

15 Financial assistance that could help towards the cost of repairs or improvements

15.1 Welfare benefits

Even if you have your own home or savings – or if you’re already claiming certain benefits – it’s possible you may still qualify for more. Not all benefits are means-tested, so you may qualify based on other criteria, such as whether you have a disability.

Further information can be found in Age Cymru’s information guide *More money in your pocket: how to claim the right benefits in later life*.

You may be able to get a benefits check, to make sure you are not missing out anything, from your local Age Cymru or from our national advice line – see section 16 below for contact details.

15.2 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.

²⁵ ‘Houses in multiple occupation (HMOs)’, Shelter Cymru website: www.sheltercymru.org.uk/housing-advice/renting/shared-and-subletting/houses-in-multiple-occupation (last accessed 21 August 2023).

Apply at your Jobcentre Plus Office. Make sure you understand the loan and repayment terms. For more information, see Age UK's Factsheet 49 *Social Fund, Advances of Benefit and Local Welfare Provision*.

15.3 Discretionary Assistance Fund (DAF)

The DAF is a national scheme for Wales and help may be available if you're in urgent need of assistance and cannot access any other help or funding. Assistance will only be available for essential needs and items where your health and wellbeing may otherwise be at risk.

There are two parts to the Discretionary Assistance Fund:

- **Individual Assistance Payments** – targeted at enabling people to remain living at home independently, or if help is needed to ease exceptional and urgent pressures being experienced by a person and/or their family; *and*
- **Emergency Assistance Payments** – which provide help in an emergency or disaster when there is an immediate threat to health or wellbeing (for example, there has been a fire or flood in your home).

See section 16 below for DAF contact details.

Further information on the DAF can be found in Factsheet 49 *Social Fund, Advances of Benefit and Local Welfare Provision* and the information guide *More money in your pocket*.

15.4 Help from charities or trusts

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 – see section 16 below for contact details.

15.5 Help with interest payments on loans

If you or your partner receive means-tested benefits, such as Pension Credit, Universal Credit, or income-related Employment and Support Allowance, you may be able to receive financial help towards interest payments on a loan taken out to pay for repairs or home improvements.

This may not be 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; *or*
- repairs to unsafe structural defects.

A loan may also qualify if it was taken out to pay:

- service charges payable in relation to these repairs and improvements; *or*
- an earlier loan taken out to finance these repairs and improvements.

Important: Payments are based on a standard interest rate and a charge will be placed upon your property.

You will be expected to repay the loan, so this may need to take place when your house is sold, or after you have died when your estate is being dealt with.

If you are thinking about taking out a loan for home improvements when claiming benefits, seek advice before making a commitment.

15.6 Homeowners – using your home as capital

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

However, **get independent advice from a fully qualified and experienced equity release adviser if considering this as an option.**

You may want to only consider this as a last resort, as you are likely surrendering ownership of your property. The other options outlined above in various sections of the factsheet may be more suitable.

For further information, see Age UK's Factsheet 65 *Equity release*.

16 Useful organisations

Age Cymru Advice

Free and confidential information and advice on matters affecting the over 50s in Wales.

Tel: 0300 303 44 98

E-mail: advice@agecymru.org.uk

Website: www.agecymru.org.uk/advice

Age Cymru organisations (local)

Your local Age Cymru may be able to provide advice and support on a range of issues. **Age Cymru Advice** can provide details of your local Age Cymru (see above), or visit the Age Cymru website at:

www.agecymru.org.uk/local

Care & Repair Cymru

Care & Repair Cymru work to ensure all older people have homes that are safe, secure and appropriate to their needs. There is a network of local Care & Repair Agencies across Wales.

Tel: 02920 107580

E-mail: enquiries@careandrepair.org.uk

Website: <https://careandrepair.org.uk>

Citizens Advice Bureaus (CABs)

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

Tel: 0800 702 20 20

Details of your nearest CAB can be found at:

www.citizensadvice.org.uk/wales

Discretionary Assistance Fund (The)

A Welsh Government scheme aimed at those in urgent need of assistance where they cannot access any other help or funding. It can only be used for essential needs and items where health and wellbeing may otherwise be at risk.

Tel: 0800 859 5924

E-mail: daf.feedback@necsws.com

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

Environmental health departments (at your local authority)

You can find your local authority's contact details from a search facility on the Welsh Government website:

www.gov.wales/find-your-local-authority

On your local authority's site, enter 'environmental health' into the search box.

Fire and Rescue Service

Further information on the Fire and Rescue Service in your area can be found via the following links:

- **South Wales Fire and Rescue Service –**

www.southwales-fire.gov.uk/your-safety-wellbeing/at-home/request-a-visit

- **North Wales Fire and Rescue Service**

www.northwalesfire.gov.wales/keeping-you-safe/at-home/stay-safe-at-home

- **Mid and West Wales Fire and Rescue Service**

www.mawwfire.gov.uk/eng/your-safety/in-your-home/safe-and-well-visit

Gas Safe Register

An official database of gas engineers who are qualified to work safely and legally on gas appliances.

Tel: 0800 408 5500

E-mail: enquiries@gassaferegister.co.uk

Website: www.gassaferegister.co.uk

Health and Safety Executive (HSE)

The national regulator for workplace health and safety. They are also responsible for enforcing landlords' gas safety duties, including by serving an improvement notice, or bringing a criminal prosecution against them.

Tel: 0300 003 1747

Website: www.hse.gov.uk

Public Services Ombudsman for Wales

The Ombudsman looks to see whether people have been treated unfairly or have received a bad service from a public body, such as a local authority.

Tel: 0300 790 0203

E-mail: ask@ombudsman.wales

Website: www.ombudsman.wales

Rent Smart Wales

An organisation that processes landlord registrations and grants licences to landlords and agents who are required to comply with the *Housing (Wales) Act 2014*.

Tel: 03000 133 344

Website: www.rentsmart.gov.wales

Royal Institute of Chartered Surveyors (RICS)

RICS is an independent professional body which can provide expert and impartial advice to governments, business and the public. You can use their website to find a surveyor.

Website: www.ricsfirms.com

Shelter Cymru

A charity providing advice to people with housing problems. This includes a wide range of topics, including issues around rent; rights for contract-holders; eviction; homelessness and repairs.

Tel: 08000 495 495

Website: www.sheltercymru.org.uk

Tai Pawb

An organisation in Wales promoting equality and social justice in housing. Tai Pawb works in partnership with providers and receivers of housing services, local authority partners, voluntary organisations and the Welsh Government.

Tel: 02921 057 957

E-mail: info@taipawb.org

Website: www.taipawb.org

Turn 2 Us

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

Tel: 0808 802 2000

Website: www.turn2us.org.uk

Welsh Government

The devolved government for Wales.

Tel: 0300 060 4400

E-mail: customerhelp@gov.wales

Website: www.gov.wales

17 Further information about Age Cymru

17.1 Who we are

Age Cymru is the national charity for older people in Wales. We work to develop and deliver positive change with and for older people.

Our vision is an age friendly Wales.

Our mission is to make life better for older people.

Together with our local partners:

- We provide information and advice.
- We deliver wellbeing programmes.
- We provide independent advocacy.
- We support carers.
- We campaign and research.

Age Cymru

Mariners House
Trident Court
East Moors Road
Cardiff
CF24 5TD

029 2043 1555

www.agecymru.org.uk

Registered Charity 1128436

17.2 How we can help

Age Cymru Advice: our information and advice service for matters affecting people over 50 in Wales

Age Cymru Advice is committed to being the foremost information and advice service to older people in Wales.

We aim to provide effective, accessible, high-quality information and advice while offering a free, impartial and confidential service. Age Cymru Advice can assist older people themselves, their family, friends, carers, or professionals.

All of our guides and factsheets are available to download from our website, or you can contact our advice line to have copies posted to you for free.

Local support

Age Cymru Advice also acts as a gateway to our local services. Face to face support via local offices and home visits may be available to people requiring additional or more specialised support.

Getting in touch

If you want to talk to one of our expert advisers, in Welsh or English, call us on **0300 303 44 98**. Our advice line is open between 9am and 4pm, Monday – Friday.

(Calls are charged at the same rate as a call to a standard 01 or 02 number. They will also be automatically included in any landline or mobile inclusive minutes package).

You can also:

- email us at **advice@agecymru.org.uk**; *or*
- visit our website at **www.agecymru.org.uk/advice**



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Sign up to our newsletter

Our quarterly newsletter contains details of our campaigns, services and how you can support our work. Sign up today by visiting:

www.agecymru.org.uk/agematters

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17.3 How you can help

All the information and advice we provide is free and completely impartial. In many cases our timely intervention can be life changing. We are an ageing population and more people than ever are coming to us for support. You can help us be there for those that need us most.

Make a donation

No matter how small or large, donations make a massive difference and help us continue our important work.

Call: **029 2043 1555**

Visit: **www.agecymru.org.uk/donate**

Every donation we receive helps us be there for someone when they need us.

- £10 helps towards a fully trained expert advice worker to respond to queries from people who need the support of our information and advice service.
- £20 helps towards the cost of us producing free information guides and factsheets that provide useful advice on issues affecting people over 50.

Fundraise

Whether it is having a bake sale, running a marathon or knitting small hats for the Big Knit, there are so many ways to raise vital funds to support our work.

Call: **029 2043 1555**

Visit: **www.agecymru.org.uk/getinvolved**

Volunteer with us

All volunteer roles at Age Cymru support us to improve lives and help us work towards an age friendly Wales. However you'd like to get involved, we'd love to hear from you.

Call: **029 2043 1555**

Visit: **www.agecymru.org.uk/volunteer**

Leave us a gift in your will

With a gift to Age Cymru in your will, you can do so much to make sure older people have the support they deserve in the years to come. Leave a world less lonely.

Call: **029 2043 1555**

Visit: **www.agecymru.org.uk/legacy**

