



The Housing Act 2004

Main changes to the assessment and enforcement of conditions in private sector housing:



**A short guide for landlords,
owners and tenants of
residential property**



The Housing Health and Safety Rating System (the HHSRS) will replace the Housing Fitness Standard, and significantly change the way housing conditions are assessed.

The Housing Act 2004 also introduces:

- ◆ licensing for certain houses in multiple occupation (HMOs), for example, hostels, bedsits, flats and some shared houses;

and

- ◆ some major changes to the way in which local authorities take action against unacceptable housing conditions in the private sector.

These changes will be introduced on 6 April 2006

The aim of this leaflet is to provide some background information so that residential property landlords will be aware of the changes before they happen. It is not a full explanation of the law.



What is the Housing Health and Safety Rating System (HHSRS)?

- ◆ The HHSRS is an evidence-based assessment system that produces information about the hazards or dangers in residential properties. Landlords can use this information to put things right. Local authorities will also use the information to determine and inform enforcement action, should that be needed.
- ◆ The HHSRS covers 29 hazards including falls, fire, extreme low or high temperatures, damp and mould, entry by intruders and noise. It can be applied to any type of dwelling, such as a house, flat, bedsit or shared house. It can also be applied to an empty dwelling.
- ◆ For any of the 29 hazards identified during an inspection, an assessment will be made of how serious it is based on the risk to the potential occupant who, by age only, is most vulnerable. As an example, stairs are a greater risk to elderly people. Getting fingers, arms or legs trapped in windows or doors, or running into doors, is more of a significant risk to children under five years old. For some dangers, such as noise, there is no age group within the general population that would be more at risk than any other. A dwelling that is as safe as reasonably possible for the most vulnerable should be as safe as reasonably possible for everybody.
- ◆ The assessment is carried out using a risk-based approach, taking account of the probability of a dangerous incident happening over a 12-month period and the level of harm that could result. The assessment is always carried out for the age group most vulnerable to the hazard or danger in question. This two-part assessment produces a score which represents the degree of risk associated with the hazard. Judgements will always be based upon the conditions of the dwelling and detailed guidance provided by the government. The assessment must be carried out in the way set out by government.
- ◆ The HHSRS does not give a total rating or score for a dwelling. Each of the 29 hazards/dangers covered by the HHSRS is assessed separately. If three hazards are found, three scores will be produced.
- ◆ The overall principle behind the HHSRS is that all dwellings (including the building structure, outbuildings, gardens, yards and access routes), should provide a safe and healthy environment for the people who live in and visit them. Dwellings should be free from unnecessary and avoidable hazards/dangers or, if they are unavoidable, they should be made as safe as reasonably possible.

Enforcement action under the Housing Act 2004

The Act will bring in new enforcement options for local authorities for dealing with unacceptable housing conditions. Any action that is taken against a landlord or owner will be influenced by the following:

- ◆ The score for the hazard in question.
- ◆ Whether the local authority has a duty to take action (a category 1 hazard where the hazard score is 1,000 or more) or whether it can decide to take action or not (a category 2 hazard scoring below 1,000).
- ◆ The local authority's judgement of the most appropriate course of action to take in relation to that hazard(s) which would include considering who is actually living in the dwelling or is likely to do so in the future. The local authority must also consider who will visit, or is likely to visit, the dwelling.

The action described in the Housing Act 2004, and which is available to local authorities, is summarised below.

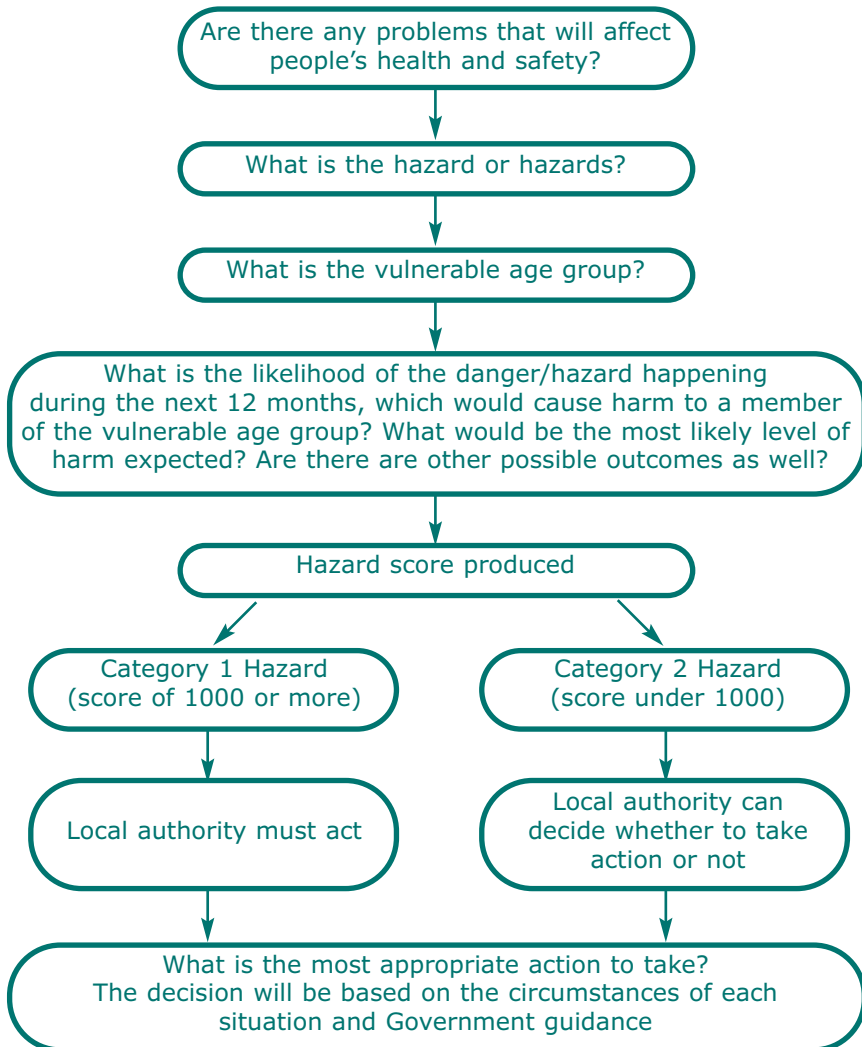
- ◆ A hazard awareness notice which tells the property owner that there is a hazard/danger but which does not need them to take any action at that time.
- ◆ An improvement notice which orders work to be carried out.
- ◆ A prohibition order which would close part or all of a dwelling or limit the number or type of people who can live in it.

- ◆ A suspended version of either the improvement notice or the prohibition order, which would put any work or other requirements on hold until there is a "trigger event". An example of a suspended improvement notice could be where there is a hazard/danger but the household living in the dwelling does not include a member of the age group most vulnerable to that hazard. The trigger event would be when that situation changed and the household did include a vulnerable person.
- ◆ The local authority takes emergency action by carrying out work itself. This could happen when there is a category 1 hazard which presents an imminent risk of serious harm.
- ◆ Make an emergency prohibition order which has immediate effect;
- ◆ Make a demolition order, which requires the dwelling to be demolished.
- ◆ Declare a clearance area where there are a lot of properties in very poor condition in a geographical area and the most appropriate course of action is to demolish them all.

The most common type of enforcement action is likely to be an improvement or hazard awareness notice, although each dwelling will be considered individually and any of the actions above may be relevant in any particular case.

The HHSRS assessment and any enforcement action taken as a result can be considered to be separate. However, they are also linked and the flowchart shows how one will follow the other.

HHSRS assessment and enforcement action process



Further Information

You can get more information about the HHSRS, enforcement action and HMO licensing under the Housing Act 2004 from:

**Environmental Protection Division
Stratford-on-Avon District Council
Elizabeth House, Church Street
Stratford-upon-Avon CV37 6HX**

Telephone: **01789 260835**

For further information on the 29 hazards please refer to our leaflet "The Effect of the Defect".

You can also get information from the website of the Office of the Deputy Prime Minister (www.odpm.gov.uk) by searching under "HHSRS" and "HMO Licensing". The ODPM is the Government department responsible for housing, among other areas.

If you find the text in this document difficult to read, we can supply it in a format better suited to your needs.



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