Supporting people in private rented sector housing

A Good Practice Guide
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Report Author: Natalie Williamson
This good practice guide has been written to assist home improvement agencies (HIAs) working with private rented sector (PRS) tenants who have contacted them about home repairs, adaptations or other issues relating to the impact of their home on their wellbeing.

The PRS plays an important role in the UK housing market. A general increase in the proportion of households renting privately has extended to older renters. Between 2001 and 2006, the proportion of private renters aged 75 and above increased from 4% to 6%.

Older private rented tenants have diverse needs and requirements and the PRS can provide a breadth of choice to meet those needs. As such, private renting is a positive choice for many older people.

However, the condition of PRS properties is, on average, poor when compared with other tenure types and there are a number of barriers and issues which HIAs must overcome when working with PRS tenants, particularly those with disabilities or complex needs.

**There are three sections in the guide**

‘Section 1 – Key issues’ provides a brief introduction to the key issues faced by older, vulnerable and disabled private renters. It will be particularly useful for agencies which are new to working with PRS tenants. Some of the statistics presented in this section will be useful for agencies who need to justify their role in working with both landlords and tenants in the PRS.

The key issues outlined in section one underline a range of problems which affect privately renting tenants. ‘Section 2 – Solutions for everyday practice’ covers these problems in the format of common scenarios and outlines practical solutions, resources and guidance on working with clients, landlords and partners. Scenarios include:

- repairs
- adaptations
- when the landlord withholds consent for repairs or adaptations
- warmth and energy efficiency
- security
- problems with rent payment, and
- eviction.

In addition to the list of useful resources and organisations at the end of each scenario, there is an extensive directory of organisations and charities at the back of the guide.

‘Section 3 – Improving the private rented sector in your area’ examines how HIAs can work positively and proactively with landlords, local authorities and tenants to improve housing conditions for older and disabled tenants in the PRS.

Section three includes advice and examples of how this can be done, such as providing services to private landlords, engaging with local landlord forums or helping local authorities to set up adapted property registers.

HIAs have an important role to play in the PRS by working with clients to solve immediate problems, but also in working with partners to develop the sector and ensure that older, vulnerable and disabled clients are catered for in the long run. We hope this guide will help you achieve these goals.

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Private Rented Sector housing

In 2008/2009, 6.9 million households in England rented their accommodation, 3.1 million (44%) of which were private renters. Living in this tenure is becoming an increasingly common housing choice. Factors such as a strong housing market, high demand for social housing, and the emergence of the ‘buy to let’ landlord mean that the role of the private rented sector (PRS) in meeting housing needs is increasingly important.

The general increase in the proportion of rental households has extended to older renters. Between 2001 and 2006, the proportion of renters aged 75 and above increased from four to six per cent, and the proportion of 65 to 74-year-olds increased from four to five percent.

This section gives an overview of issues that are specific to older, disadvantaged and disabled people in the PRS. These issues drive the scenarios and examples of good practice contained in the rest of the guide.

Issues specific to older, disadvantaged and disabled people

Older people in the PRS are renting in a huge variety of circumstances and the PRS can contain a series of specialised niche or sub-markets. For example, there is a small market in rental properties to ‘downsize’ owner-occupiers who are seeking to use the profits from their house sale to rent accommodation in retirement communities. The sector also provides a small and dwindling number of regulated tenancies, which provide high levels of tenure security for low rents. The sector can provide stop-gap accommodation for those seeking fairly immediate access to somewhere to stay.

As a result, private renting is a positive choice for many older people, allowing them to decide where they want to live rather than being subject to an allocation process that might place them in an area they consider to be undesirable.

However, the condition of PRS dwellings has traditionally been poorer than that of other housing tenures – nearly a third (31%) of private rented dwellings had one or more housing, health and safety rating system (HHSRS) Category 1 hazard compared to 23% of owner occupied dwellings, 16% of local authority dwellings and 13% of housing association dwellings. The most serious hazard for older private renters is excess cold, with older households privately renting being almost six times more likely to live in a home comprising a HHSRS excess cold hazard than their counterparts in social housing. Older households privately renting are also more than three times more likely to live in homes in serious disrepair than their counterparts in other tenures (27% compared to 8% for those renting social housing or in owner occupation).

Security of tenure

Security of tenure carries a deep level of concern for older people. Moving home brings additional complexities for individuals with care needs, particularly around ensuring the property they move to is suitable for their needs and that the practicalities of moving are manageable.

Recent Age UK research into the experiences of older renters showed that:

- people with regulated tenancies rarely express concerns about security of tenure
- those in assured shorthold tenancies have concerns about the longer term and how they might afford market rents if their income reduced over time, and
- assured shorthold tenants see themselves living in the same property for some time and see their value as tenants to their landlords.

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4 Department for Communities and Local Government (2010), English Housing Survey 2008 Housing Stock Report.
5 Department for Communities and Local Government (2010), English Housing Survey 2008 Housing Stock Report.
6 Help The Aged (2010), Older People’s Experiences of Renting Privately.
The impact of poor housing on health and wellbeing

The UK has one of the oldest housing stocks in the developed world and its slow rate of replacement means that a significant number of health and safety hazards remain in the home. These have been documented through tools such as the housing health and safety rating system (HHSRS) and other research. In 2008, Lifetime Homes, Lifetime Neighbourhoods: a national strategy for housing in an ageing society emphasised that ‘poor housing is associated with ‘winter deaths’, a range of health problems in older people, such as heart and respiratory conditions, as well as serious injuries and deaths from falls’. The table below summarises the main impacts of poor housing on health and wellbeing.

The main impacts of poor housing on health and wellbeing

<table>
<thead>
<tr>
<th>Damp, condensation and mould</th>
<th>Cold homes</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Health and wellbeing impact:</strong></td>
<td><strong>Health and wellbeing impact:</strong></td>
</tr>
<tr>
<td>● asthma</td>
<td>● respiratory illness</td>
</tr>
<tr>
<td>● bronchitis</td>
<td>● cardiovascular conditions</td>
</tr>
<tr>
<td>● range of other respiratory problems</td>
<td>● hypothermia</td>
</tr>
<tr>
<td>● arthritis and rheumatism, or</td>
<td>● increased risk of accidents and falls</td>
</tr>
<tr>
<td>● mental health (such as depression).</td>
<td>● impaired mental function</td>
</tr>
</tbody>
</table>

Inadequate heating can also cause other problems such as increased levels of condensation which results in mould growth leading to breathing problems or the destruction of clothes and furnishings.

<table>
<thead>
<tr>
<th>Defective and inadequate electrical wiring</th>
<th>Lack of maintenance, repairs and adaptation</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Health and wellbeing impact:</strong></td>
<td><strong>Health and wellbeing impact:</strong></td>
</tr>
<tr>
<td>● risk of injury caused by electric shocks or house fire</td>
<td>● risk of injury caused by trips and falls associated with:</td>
</tr>
<tr>
<td>● risk of accident or injury if circuits fuse/trip or sockets and switches are inadequate or poorly located</td>
<td>● loose carpets and flooring</td>
</tr>
<tr>
<td>● trip hazard caused by trailing wires and extension cables, or</td>
<td>● stairs and steps</td>
</tr>
<tr>
<td>● mental health (such as worry about fire risk).</td>
<td>● risk of injury caused by falls associated with inappropriate bathing facilities</td>
</tr>
</tbody>
</table>

Inadequate heating can also cause other problems such as increased levels of condensation which results in mould growth leading to breathing problems or the destruction of clothes and furnishings.

<table>
<thead>
<tr>
<th>Insecure housing</th>
<th>Defective gas appliances or coal fire</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Health and wellbeing impact:</strong></td>
<td><strong>Health and wellbeing impact:</strong></td>
</tr>
<tr>
<td>● mental health (such as worry about burglary and theft), or</td>
<td>● carbon monoxide poisoning</td>
</tr>
<tr>
<td>● mental health (such as depression/isolation due to fear of leaving the home).</td>
<td>● risk of explosion in case of gas, or</td>
</tr>
</tbody>
</table>

A more comprehensive overview can be found in the Care & Repair England document ‘The effects of poor housing on health’.

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7 Department for Communities and Local Government, Department of Health and Department for Work and Pensions, (2008), Lifetime Homes, Lifetime Neighbourhoods: a national strategy for housing in an ageing society.

8 Department for Communities and Local Government, Department of Health and Department for Work and Pensions, (2008), Lifetime Homes, Lifetime Neighbourhoods: a national strategy for housing in an ageing society.
People living in poorly maintained homes are more likely to be victims of burglary and evidence suggests that homes without basic security are five times more likely to be burgled than those with at least basic security. Although they are less likely to be a victim of crime, older people are more affected by the fear of crime. Vulnerable older people who have experienced burglary are likely to decline in health faster, and experience impacts on their emotional state and mental and physical health.

### Accessing disabled adaptations and housing support

The research undertaken for this good practice guide shows that older and disabled people in PRS housing often encounter reluctance to undertake housing adaptations by private landlords. The primary obstacles are:

- a lack of incentive for the landlord to agree to modifications or adaptations, such as installing a level access shower or wet room, even when fully funded by a disabled facilities grant (dfg);
- misconceptions about renting the property out again after the tenant moves out;
- confusion about who is responsible for maintaining the adaptation if it has been funded by a grant to the tenant, and
- the flexibility of the local authority regarding dfg assessment criteria, which can sometimes affect the likelihood getting prs home adapted.

### Affordability

The English Housing Survey 2008-09 Household Report stated that the average weekly rent for private renters was more than twice that of social renters: £153 compared to £72. The same report also showed that 19% of private renters received Housing Benefit compared to 59% of social renters.

The affordability of market rents is a principal issue in any discussion about broadening use of the PRS among lower-income households: although PRS tenancies may be more accessible, the ability to sustain a long-term commitment to paying a higher rent is a concern. Rent arrears and consequent eviction become a possibility. For older and disabled people the issue of affordability can be complicated by the interaction between earnings, pension and benefit eligibility.
This section gives examples of typical scenarios you might encounter when working with private rented sector clients.

Please note that the advice contained here is intended for guidance only and should never be substituted for professional legal advice. The law is constantly changing so expert advice should always be sought.

**Scenario 1 / Repairs**

A tenant requires repair work but does not know whether the landlord is responsible

Tenants can often be unaware of their rights and responsibilities relating to repairing their home. There are certain repairs that are almost always the landlord’s responsibility, whether or not they are specifically mentioned in the tenancy agreement. Most landlords should have systems in place to ensure their properties are free from disrepair. Some local authorities provide codes of conduct for private landlords – see Annex 4 for an example.

**How you can help**

Step 1: Check what kind of repairs are needed with the tenant.

Step 2: Check the tenancy agreement and whether the landlord has a repairs procedure in place. You can find more information about tenancy agreements in Annex 3.

Unless the tenancy has a fixed term of more than seven years, the landlord is responsible under the Landlord and Tenant Act 1985 and the Housing Act 2004 for the eradication of Category 1 hazards and repairs to:

- the structure and exterior of the premises (such as walls, floors and window frames) and the drains, gutters and external pipes
- please note: if the property is a house, the essential means of access from the street, are also included in 'structure and exterior', as are garden paths and steps
- water and gas pipes and gas fittings
- electrical wiring (including, for example sockets)
- basins, sinks, baths and toilets
- fixed heaters (for example, gas fires) and water heaters, and
- a landlord must also ensure that any gas and electrical appliances that they have provided within the accommodation are safe.

For information about a landlord’s responsibilities for gas and electrical appliances, visit the common problems with renting section of the Citizens Advice Bureau website. If you are concerned that an electrical appliance is not safe, you could contact Consumer Direct on: 0845 404 0506.

If the tenant doesn’t have a copy of their tenancy agreement or is unsure of the type of tenancy agreement they have and is not sure who should carry out the repairs, they should contact their landlord or seek advice from their local Citizens Advice Bureau or their local housing advice centre.

A tenant should only carry out repairs if the tenancy agreement says that they can. The landlord is not obliged to repair anything that belongs to the tenant in the property, unless it has been damaged because they didn’t carry out their repair obligations, for example, not fixing a leaking roof.

More information on landlord and tenant’s responsibilities for repairs can be found in Annex 2.

If the repairs are the landlord’s responsibility the tenant should contact them and ask them to fix the repair as soon as possible.
You could recommend that with the support of the HIA, the tenant writes to the landlord and:

- keeps a copy of the letter for themselves
- lists all the repairs required and gives the landlord a time limit for replying – perhaps two weeks from the date that they send the letter, and
- sends the letter by recorded delivery or delivers it by hand.

If the repairs are urgent the client could contact the landlord by phone.

If they do deal with the landlord over the telephone, they should also write to the landlord to confirm the conversation and any agreement set out.

Most private landlords will carry out repairs once they know about them and HIAs involved in the production of this good practice guide found landlords to be generally compliant, easy to work with and grateful for the help and guidance of an HIA in undertaking repairs.

The landlord is not responding to a request for repair work/is taking too long to act/is refusing to complete the work

In these instances there are several courses of action that you can advise your client to take. However, you must ensure the following first.

1. Check that the tenant is completely comfortable with any further steps being taken with or without the support of the HIA and the possible impact of challenging their landlord on their emotional wellbeing.

2. Check the type of tenancy agreement in place. Unfortunately, some landlords may want to avoid carrying out the repairs, and could decide to ask a tenant to leave if they insist repairs are carried out. ‘Regulated’, ‘assured’ or ‘protected’ tenancy agreements cannot be ended by a landlord to avoid repairs.

If a tenant can't provide information about the type of tenancy agreement they have and they would like to check their rights to remain in their home, seek advice from the local Citizens Advice Bureau or housing advice centre, or call SeniorLine on 0808 800 6565.

If the tenant is happy for you to advise them on course of action to get repair work completed, the following options are recommended by Shelter and may be appropriate.

1. Collect evidence of the repairs required and the steps taken by the tenant to get their landlord to carry them out.

   - Take photographs showing where the repairs need to be done.
   - Keep damaged belongings (such as clothes damaged by dampness).
   - Record the dates and keep copies of any letters sent to the landlord reporting the problem.
   - Keep copies of any doctor’s notes or hospital reports that show that their health has been affected by the problem.
   - Keep receipts for any money spent because of the repair problem (for example money spent on replacing belongings damaged by mould).

2. Expert assessment

   It may be helpful to get an expert to do an inspection. Your local council’s environmental health department or Housing Enforcement Team may be able to help and some tenants could pay for an independent surveyor: see the Royal Institute for Chartered Surveyors website for

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13 Shelter website. Available at: http://england.shelter.org.uk/get_advice/repairs_and_bad_conditions/repairs_in_private_lets/landlord_refusing_to_do_repairs
details of surveyors in your area.

If the conditions in the property are harmful to
the tenant’s health or cause a ‘statutory nuisance’
to their neighbours or the public they should be
referred to the local authority’s environmental
health department or Housing Enforcement Team.
They can inspect the property and, if they detect a
serious hazard, may be able to take action against
the landlord.

3. Local authority intervention

The housing health and safety rating system
(HHSRS) came into effect on 6 April 2006, and
replaced the fitness standard as the statutory
element of the Decent Homes standard. Under
the Housing Act 2004, local authorities can take
enforcement action if a Category 1 hazard is
detected (Annex 5 contains a definition of a
Category 1 hazard).

- Local authorities are under a duty to act
  where they detect Category 1 hazards and have
  the power to take action in the case of
  Category 2 hazards. One possible action is to
  serve a notice to the landlord.\(^\text{14}\)

- Once a notice has been served the landlord has
  a legal obligation to carry out the necessary
  repairs within a specified time limit. If the
  landlord still refuses to do anything, the council
  can arrange for the repairs to be done and
  charge the landlord for the cost of the work.
  If urgent work is needed, for example if toilets
  are blocked, the local authority can take
  emergency action to solve the problem.

- If a local authority considers that housing
  conditions are not acceptable for people to
  live in (for example it does not have adequate
  heating and lighting or a suitable sewer and
  drainage system) and a property cannot be
  repaired, the local authority may order
  that it cannot be occupied or that it must
  be demolished.

4. Legal action

As a last resort tenants may wish to take legal
action against their landlord. Tenants should be
advised to contact the local Citizens Advice
Bureau or housing advice centre for more
information on the legal options available to
them. The HIA staff involved in the production
of this good practice guide said they would offer
advice to private sector tenants wishing to take

legal action. However, it is important to bear in
mind the potential impact on an older person’s
wellbeing and that throughout what could be a
very lengthy process, the tenant will still be living
in an environment that requires repairs.

Some private landlords have voluntarily joined the
Housing Ombudsman scheme – see the members’
directory on the Housing Ombudsman website.
After completing the landlord’s own complaints
procedure, tenants can complain to the Housing
Ombudsman about how a landlord has handled a
request for a repair.

5. Withholding rent

If a tenant does not pay his or her rent, the
landlord can take him or her to court for arrears,
and he or she may seek possession on arrears
grounds. In some circumstances, if the right
procedure is followed and the landlord is in
agreement, the tenant could undertake repairs
and take the cost out of their rent payments.

A tenant considering withholding their rent
should always get advice first.

The repair is not the landlord’s responsibility

If the tenant is a regulated tenant (see Annex 3
for definition) the landlord does not have sole
responsibility for maintaining the property under
the Landlord and Tenant Act 1985. If the property
falls into disrepair the tenant is within their rights
to improve the property themselves unless the
landlord has served notice to reclaim the property
under the Rent Act 1977. A secure tenant (see
Annex 3 for definition) also has the right to carry
out certain improvements.

Regulated and secure tenants must get written
permission from the landlord before undertaking
improvement work and landlords can impose
conditions or refuse permission, although they
must not do so unreasonably.

- If the landlord agrees to the written request to
  undertake repair work HIAS can recommend
  reliable contractors and organise assistance for
  jobs that need doing.

A tenant should only carry out repairs if the
tenancy agreement says that they can.

It is also possible that the tenant may have some
extra responsibilities to carry out repairs – if this
is stated in their tenancy agreement.

\(^\text{14}\) Department for Communities
and Local Government (2006),
Housing Health Safety Rating
System, Guidance for Landlords
and Property Related
Professionals.
Useful resources


Useful organisations

Citizens Advice Bureau / provides information and advice on topics including benefits and housing, with some providing specialist legal help through local solicitors. For details of local services contact the national office. Telephone: 020 7833 2181. Website: [http://www.citizensadvice.org.uk/](http://www.citizensadvice.org.uk/)


Consumer Direct / is a government funded advice service. Telephone: 0845 404 0506. Website: [http://www.consumerdirect.gov.uk/](http://www.consumerdirect.gov.uk/)

Crisis / is a national charity for single homeless people. It operates a [Private Rented Sector National Advisory Service](http://www.consumerdirect.gov.uk/) for local authorities and voluntary sector agencies. Telephone: 0844 251 0111. Website: [www.crisis.org.uk](http://www.crisis.org.uk)

Shelter / works to alleviate the distress caused by homelessness and poor housing, offering advice, information and advocacy to people in housing need. Telephone: 0808 800 4444. Website: [www.shelter.org.uk](http://www.shelter.org.uk)
**Scenario 2 / Adaptations**

**Can private rented sector housing be adapted?**

It is possible to adapt a privately rented property, however there are three key factors to consider:

1. the type of tenancy
2. the local approach to DFG applications, and
3. the co-operation of the landlord.

In all cases a landlord’s permission is required to make alterations to their property but a landlord must not refuse permission without good reason. DCLG guidance ‘Repairs – A Guide for Landlords and Tenants’ (2009) contains further information.

If action required to make a home more suitable for a disabled tenant does not involve physically altering the property, a landlord may have a duty to make these changes. For example, if a person needs to replace taps or door handles or adapt the doorbell in order to live comfortably at home due to a disability, their landlord must take reasonable steps to make these changes. If the landlord doesn’t agree, this could be viewed as disability discrimination.

The Disability Discrimination Act gives tenants certain rights when renting a property. In general, it is unlawful for anyone renting or managing a residential or commercial property to discriminate on the grounds of gender, sexual orientation, race, religion or belief, or disability. This could include:

- refusing to rent the property
- setting the terms of rental that they offer
- dealing with a list of people who need a particular type of property
- providing or refusing to provide access to benefits or facilities
- carrying out repairs or renovations
- evicting a tenant or subjecting them to some other harm, such as harassment15; or
- where consent is needed for the property to be let or sub-let, it is unlawful for a person whose consent is required to discriminate by withholding that consent.

If you feel that a tenant is being treated unfairly in any of these areas, they may have the right to make a legal challenge. You should recommend that they seek advice from one of the following:

- a solicitor
- a legal advice centre, or
- a citizens advice bureau.

Before any work is considered you must check the tenancy agreement. It may contain clauses that prevent the client adapting the property in any form16. For more information on what to do in these circumstances go to ‘Scenario 3 – The landlord withholds consent for repairs or adaptations’.

**Local approach to Disabled Facilities Grant applications**

When applying for a Disabled Facilities Grant (DFG) to fund an adaptation the applicant will be asked to sign a certificate stating that the disabled person intends to occupy the dwelling as their main residence throughout the grant condition period. The grant condition period is currently five years or as short a period as the disabled person’s health and other relevant circumstances permit. This condition applies to tenants equally.

**Please note: this intention must be in place at the time of the application – once the grant is approved and paid this requirement ceases as circumstances can and do change.**

Tenants with a regulated or secure tenancy may be more likely to fulfil this criterion than assured short hold tenants. However, it is not the likelihood of occupying the dwelling for five years, but the intention to occupy which is relevant to the criteria.

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Blackpool Care & Repair has been successful in delivering adaptations in the PRS due to the local authority's flexibility in interpreting the funding conditions. This flexibility is no doubt partly the result of the HIA being in-house within the authority.

The Construction and Regeneration Act 1996 states that: “Except where the authority considers it unreasonable in the circumstances to require such a certificate, they shall not entertain a tenant’s application for a grant unless it is also accompanied by an owner’s certificate from the person who at the time of the application is the landlord under the tenancy.”

In Blackpool, where there is a very high concentration of older private renters, the local authority understands that requiring landlords and tenants to commit to what they feel to be a long term tenancy can deter landlords from agreeing to the work. Blackpool Care & Repair has been willing to waive the requirement for certification to get important adaptation work undertaken. This in turn means that landlords are less hesitant to agree to work going ahead.

Landlord co-operation

The most common obstacle to adapting private rented properties is obtaining the landlord’s consent. The Disability Discrimination Act 2005 made it easier to obtain a landlord’s consent for adaptations to internal areas of a rented property. However, particular problems remain in relation to communal areas in blocks of flats.

The Equality Act 2010 (which consolidates and replaces existing disability discrimination legislation) contains measures to address these problems and its core provisions came into force on 1 October 2010. Please see the Equality and Human Rights Commission (EHRC) website for information, or contact an EHRC advisor on 0845 604 6610 if you think a tenant may be being discriminated against.

If the tenancy agreement contains clauses to prevent alterations to the property, the landlord may be able to withhold their consent without establishing legal grounds for doing so. If the tenancy agreement contains such clauses, section 19(2) of the 1927 Landlord and Tenant Act may apply, which invokes a test of reasonableness, which is subject to case law.

If a landlord withholds consent for an adaptation tenants must seek advice from a qualified legal professional

Often a landlord may agree to an adaptation on the provision that the property is restored to its original state afterwards (for example reinstalling a bath in place of a level access shower). In these instances the local authority can make a discretionary payment to the landlord for the reinstatement, allowing the adaptation to proceed without the need for legal action.

Useful resources

Available at: [http://www.foundations.uk.com/pictures/content400/major_adaptations_final_hi_res270110.pdf](http://www.foundations.uk.com/pictures/content400/major_adaptations_final_hi_res270110.pdf)

Delivering Housing Adaptations for Disabled People / A good practice guide, DCLG, 2006.


Housing Associations and Home Adaptations / Making it work smoothly. Available at: [http://www.foundations.uk.com/pictures/content787/housing_associations_and_home_adaptations_making_it_work_smoothly_2c_june_09.pdf](http://www.foundations.uk.com/pictures/content787/housing_associations_and_home_adaptations_making_it_work_smoothly_2c_june_09.pdf)


‘Updated Test of Resources Calculator’, (Automatic DFG entitlement calculation)

Useful organisations

Advisenow / provides assimilated information on the law in England and Wales. Website: [http://www.advisenow.org.uk](http://www.advisenow.org.uk)

Citizens Advice Bureau / provides information and advice on all topics, including benefits and housing, with some providing specialist legal help through local solicitors. For details of local services contact the national office.

Disability Alliance / aims to improve the living standards of disabled people by breaking the link between poverty and disability. Telephone: 020 7247 8776. Website: [http://www.disabilityalliance.org/index.htm](http://www.disabilityalliance.org/index.htm)

Directgov / provides advice and information about all public services, including a comprehensive website section on adapting homes for disabled people.
Website: [http://www.direct.gov.uk/en/DisabledPeople/HomeAndHousingOptions/YourHome/DG_4000634](http://www.direct.gov.uk/en/DisabledPeople/HomeAndHousingOptions/YourHome/DG_4000634)

Equality and Human Rights Commission (EHRC) / supports people in securing their rights under the Disability Discrimination Act. The Equality Act came into force on 1 October 2010. There is guidance on this on this new legislation on the Equality and Human Rights Commission website. Opening times are Monday to Friday, 8am until 6pm.

FirstStop / is a free, independent national information and advice service for older people, their family and carers. It provides joined-up advice across a range of housing, care and finance rights and issues. Telephone: 0800 377 7070.
Email: info@firststopcareadvice.org.uk. Website: [http://www.firststopcareadvice.org.uk/moving-somewhere-more-suitable.aspx](http://www.firststopcareadvice.org.uk/moving-somewhere-more-suitable.aspx)

Government Equalities Office / is a small government department which has responsibility for equality strategy and legislation. Telephone: 0303 444 1204. Website: [http://www.equalities.gov.uk/Default.aspx](http://www.equalities.gov.uk/Default.aspx)

**Scenario 3 / The landlord withholds consent for repair and adaptations**

In the instance that a landlord would rather a tenant moved out of their rented accommodation than embark on repairs or adaptations, you may be required to offer housing options support to the tenant.

If a tenant specifies that they wish to move, finding an adapted or more easily adaptable property could be considered. Some local authorities operate adapted housing registers, though this is more often for social rented properties. Access to social housing is another option that a tenant may wish to explore.

**Organisations listing adapted properties to rent**

- Mobility Friendly Homes
- The Accessible Property Register
- The Little House company
- The Mobility Market

**Housing options for older tenants**

As tenants become older and factors such as illness and disability mean that their rented home is no longer suitable, they have a range of options available to them. Housing options will vary in different parts of the country but generally include:
- sheltered housing with or without care
- rented properties
- moving in with family or friends
- renting or buying retirement housing
- shared ownership accommodation
- residential and nursing homes, and
- access to grants or loans.

Alongside general good practice in delivering housing options advice and support, there are a number of things you should consider when working with PRS tenants.

1. Check the tenancy agreement and make sure that contractual obligations are honoured by all parties, for example notice periods if the tenant wishes to move out.

2. If a tenant does not have a copy of the tenancy agreement or has difficulty getting their landlord to undertake or agree to repairs or adaptations, or has experienced any sort of harassment, you should refer them to the Citizens Advice Bureau or a local housing advice centre.

Practical help and support is important to older tenants so that they feel confident that they are making the right decision. This could involve home visits and help to submit a housing application form, checking that they are receiving their full welfare benefit entitlements (see also Scenario 6), taking them to view a potential new home, dealing with estate agents, liaising with health and social care staff, and even helping to organise furniture disposal and removals.

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Bristol Care & Repair operates an extensive housing options service. It works with tenants and homeowners across all tenures. The service includes offering help and advice to tenants and homeowners about what their housing options are, helping them apply for a place on the local housing register if this is what they need, help bidding on the Home Choice website (where tenants bid for homes) and helping people to move into their new properties.

In 2010, Bristol Care & Repair worked with Mr X, a tenant living in private rented accommodation. His home was no longer suitable and he required a property on one level without stairs or external steps. Bristol Care & Repair put Mr X on the local housing register and helped him access the benefits he was entitled to, including Council Tax Benefit and Housing Benefit. They then helped Mr X to bid on the Home Choice website and even bid on his behalf when he said that he didn’t know how to use the website. Once Mr X had identified a property that he liked a caseworker from the agency took him to view the property and organised for him to register with the housing association who managed the property to enable him to move in. Once Mr X had moved in, the agency then went on to raise funds to help furnish the accommodation.

Bristol Care & Repair provided ongoing help and support from the start of the process until the move was completed. The agency and the landlord worked together in the best interest of the tenant and the landlord agreed that Mr X only had to give him one week’s notice as opposed to one month, showing what a positive influence HIA involvement can have by providing and organising housing options services.

Useful resources and organisations

**Care & Repair England** / is a charity set up to improve the housing and living conditions of older or disabled people in England. Telephone: 0115 950 6500. Website: [http://www.careandrepair-england.org.uk/](http://www.careandrepair-england.org.uk/)

**Counsel and Care** / provide an independent advice service for older people, families and carers on a range of issues, including finding and paying for care. Telephone: 0845 300 7585. Website: [http://www.counselandcare.org.uk/category/advice/pdf/housing-decisions-and-options-in-later-life-guide-7](http://www.counselandcare.org.uk/category/advice/pdf/housing-decisions-and-options-in-later-life-guide-7)

**Directgov** / provides advice and information about public services, including a comprehensive website section on adapting homes for disabled people. Website: [http://www.direct.gov.uk/en/DisabledPeople/HomeAndHousingOptions/YourHome/DG_4000634](http://www.direct.gov.uk/en/DisabledPeople/HomeAndHousingOptions/YourHome/DG_4000634)

**Elderly Accommodation Counsel (EAC)** / provides information about sheltered housing, leasehold schemes for the elderly (LSE), shared ownership, and private sector retirement housing developments. Telephone: 0800 377 7070. Website: [www.housingcare.org](http://www.housingcare.org)

**The EAC HOOP Decision making tool** / uses a question & answer technique to help people think about their home and how they live in it. Questionnaires can be sent to an EAC advisor, who will respond with tailored additional information. Website: [http://www.housingcare.org/housing-appraisal-tool.aspx](http://www.housingcare.org/housing-appraisal-tool.aspx)

**FirstStop** / is a free, independent national information and advice service for older people, their family and carers. It provides joined-up advice across a range of housing, care and finance rights and issues. Telephone: 0800 377 7070. Email: info@firststopcareadvice.org.uk. Website: [http://www.firststopcareadvice.org.uk/moving-somewhere-more-suitable.aspx](http://www.firststopcareadvice.org.uk/moving-somewhere-more-suitable.aspx)
A tenant’s home is too cold. What can I do to help?

Homes that are classed as being ‘excessively cold’ are designated a Category 1 hazard under the housing health and safety rating system (HHSRS) creating a duty to act for the local authority. The HHSRS recommends a number of preventative measures to tackle excess cold, such as:

- providing the right levels of thermal insulation
- installing heating systems which can be controlled by the occupant, and
- providing low-level background ventilation without too much heat loss or draught.

Local authorities encourage improvements in the PRS by working with landlords to improve their properties, through landlord forums for example. Therefore, in the case of individual tenants, HIAs should liaise with the landlord on behalf of the tenant as far as they can, as enforcement is viewed as a last resort.

Landlords may be unaware of grant programmes, charitable funding, tax incentives and other local funding to improve the thermal comfort, energy efficiency of their property or to help their tenants out of fuel poverty. See Annex 6 for information on funding and support for energy efficiency improvements that could be passed on to a landlord.

HIA staff can also use their position of impartiality and expertise to encourage the landlord to give permission for measures to be installed under grant funded programmes.

The landlord may also be reluctant to become liable for repairing the new heating system once the guarantee expires.

Many private rented properties can be improved for little cost. The English Housing Survey 2008 Housing Stock Report showed that many are without the most basic and cost effective insulation measures, such as draught proofing. HIAs could offer a low cost package of measures to landlords (perhaps targeted at areas of fuel poverty) to address basic requirements. This would also engage landlords with their local HIA as a source of information and advice.

In an instance where the landlord has not responded to requests from the tenant to improve the warmth of a property tenants should get in touch with the local authority Environmental Health Department or Housing Enforcement team. Under the HHSRS, local authorities have a legal duty to inspect the property to determine the presence of hazards, including excess cold, that affect the health and wellbeing of occupants. The request to inspect a property can come directly from the tenant or as a referral from a staff member at the HIA.

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**Case study / Warm Front and the private rented sector**

Ten to twelve per cent of households which received Warm Front grants are from the PRS. Research conducted by Eaga (the operator of the Warm Front programme) into customer cancellations in July 2008 showed that 45% of cancellations from the PRS were from customers who had been told to cancel their application by their landlord. Eaga has found three main reasons for cancelling Warm Font applications. These are outlined below.

1. The local authority forces the landlord to act through enforcement action. The landlord is compelled to urgently complete the works as a package themselves and ends the Warm Font process.

2. Landlords accessing Warm Front funding must commit not to increase rent on the grounds of an improvement to the property for a specified time. This may put some landlords off. However this does not prevent landlords from increasing rent in line with inflation.

3. Some landlords may be concerned that, should the grant not cover the entire costs of the heating system, they may be forced to cover any shortfall.
Scenario 5 / Home security

The responsibility for home security is shared between the tenant and the landlord.

If a private tenant feels insecure and unsafe in their home, there are a range of options a HIA can offer.

With the tenant’s permission, HIAs can approach the landlord to see if they would consent to a handyperson or reliable contractor carrying out small works to make the property safer. Home security improvements are one of the largest areas of handyperson activity and can include installing burglar alarms, defender alarms and security measures such as door locks, night lights and spy-holes. A number of outcomes can be achieved by providing home security improvements through handyperson services, including:

- reduced risk of burglary
- improved quality of life and wellbeing
- easier access to other, appropriate services, and
- improved confidence.

Having good security measures in place also reduces home insurance premiums, and tenants should be encouraged to contact their insurance provider to let them know of any work done to improve the security of their property.

Most landlords will not object to this sort of work as it enhances the security of their property and ensures their tenant’s safety.

Checklist of security features that should be present when assessing a rented property

- Five lever mortice lock for external timber doors or a three multi-point locking system for PVC-u external doors
- Window locks can be attached to most types of window but must not be attached to designated escape windows
- Door chains
- In a shared property (such as a block of flats), the freeholder or appointed manager is responsible for making sure the main entrance door to a shared property has a lock that meets the above standard.

If any of these features are absent you may wish to liaise with the landlord and offer to add additional safety features to the property for the tenant. The landlord could pay for these improvements or the tenant may be eligible for a Home Security Grant from their local council. Additionally, the local handyperson service may already be funded to carry out these works.

Useful resources and organisations

See Annex 6 for energy efficiency incentive schemes

Your local authority energy efficiency officer will be able to provide advice on local incentives and schemes to improve the PRS.

Energy Efficiency Partnership for Homes / is a network of over 560 organisations from the public, private and voluntary sectors working to improve energy efficiency and alleviate fuel poverty through energy efficient products and services.
Website: http://www.eeph.org.uk/

Energy Saving Trust / is an impartial organisation providing an advice and information service covering grants, cavity wall and loft insulation, and help with installing renewable energy sources. Telephone: 0800 512 012.
Website: http://www.energysavingtrust.org.uk/

National Energy Action (NEA) / develops and promotes energy efficiency services to tackle the heating and insulation problems of low-income households, and holds a list of the energy efficiency grants available. Telephone: 0191 261 5677.
Website: http://www.nea.org.uk/

Warm Front / is a government-funded scheme which provides grants of up to £6000 to make homes warmer, healthier and more energy-efficient. The scheme is managed by Eaga plc. Telephone: 0800 316 2805.
Website: http://www.warmfront.co.uk/
Case study / Care & Repair / Wyre and Fylde

Risks relating to home safety and entry by intruders are considered category 1 hazards according to the HHSRS which is ‘concerned with keeping a dwelling secure against unauthorised entry and maintaining its safety’.

Care & Repair (Wyre and Fylde) works in the PRS to ensure the security of homes, including a local programme to protect victims of domestic violence across all housing tenures. Safety measures undertaken include fitting door viewers, door chains, mirrors and door bolts. Door chimes and intercoms are also inexpensive ways of giving older tenants peace of mind.

This is an effective way of eradicating a security hazard that the HHSRS states could cause ‘mental harm, stress and anguish and prevents possible physical injury if the person was to be attacked during a burglary’.

These small improvements don’t restrict the landlord’s responsibilities to maintain the exterior and structural elements of the dwelling or the inside facilities that are part of the dwelling.

The landlord should provide security to reduce the risk of entry by an intruder but it is the tenant’s responsibility to use any home security features in their home properly.

Tenants should:
- Always lock the door using a deadlock
- Lock the windows
- Set the burglar alarm every time they leave the property
- Use timer switches when they are on holiday or out for the evening, and
- Not let anyone they don’t recognise into their home or communal areas.

But make sure people can safely escape from the home in the event of a fire.

Local authority help and advice

If the tenant doesn’t believe their concerns have been resolved after speaking to the landlord, they should contact the Private Sector Housing team at the local council. Depending on the level of risk the council may take the following actions.

1. Work with the Landlord to improve security.
2. Provide financial or practical assistance (you could contact the council to see if these options are available locally).
3. Use their power under the HHSRS to force the landlord to improve the property.

You could also encourage tenants to join or set up a resident’s association or Neighbourhood Watch Scheme. Visit: www.myfhw.co.uk for more information.
Scenario 6 / Problems with rent payment

A tenant is in rent arrears or cannot pay their rent and is at risk of losing their home

If a tenant is behind with their rent, it’s important that they act quickly to avoid the risk of being evicted. However, in most cases, a tenant can’t be evicted from their home until:

1. the landlord has obtained a court order to repossess the property, and
2. the court has issued a court bailiff with a warrant to evict the tenant.

If a tenant has received a notice that the landlord wants to evict them because they are behind with the rent, the following actions may be useful.

1. Check the tenant’s records (receipts, bank statements and so on) match the amount the landlord says is owed.
2. Tenants should discuss the rent arrears with their landlord, and try to come to an agreement about repayment where possible.
3. If agreement is not possible, or the landlord does not accept the amount the tenant can afford to pay, the tenant must seek legal advice urgently. In most cases the court will look at the situation and decide whether the landlord can evict the tenant.
4. If the tenant is more than two months, or eight weeks, behind with the rent, the court may automatically grant the landlord the right to evict them.

However, tenancy law is complicated, and the rules about how and when a landlord can evict a tenant depend on, amongst other things, the type of agreement the tenant has with the landlord.

Community Legal Advice has a number of housing advisers who can provide specialist advice to people who qualify for legal aid on 0845 345 4345. To find out if a tenant qualifies for legal aid visit the [Community Legal Advice website](#).

Income support

Tenants over 60 who are experiencing problems paying their rent should be helped to check that they are claiming all the benefits that they are eligible for. Older tenants could be unaware of the benefits they are entitled to or not know how to claim, be reluctant to claim or be put off by the complexity of the application process.

Local Housing Allowance

For tenants renting a property or room from a private landlord, the Local Housing Allowance is used to work out how much Housing Benefit they may be entitled to. For tenants that have been receiving Housing Benefit since before 7 April 2008 the Local Housing Allowance will only apply if they change address or have a break in their claim.

Housing Benefit is worked out according to where a tenant lives and who lives with them. Local Housing Allowance rates are set for different types of accommodation in each area. The rates range from a single room in a shared house up to properties with five bedrooms.

Tenants can claim Housing Benefit as soon as they have a rent agreement with their landlord. For more information please visit the [Directgov website](#).

People in receipt of Housing Benefit that doesn’t cover the total rent may be able to get more support through ‘discretionary housing payment’. Tenants should contact their local council to see if they qualify.

Useful organisations

Neighbourhood Watch / Website: [www.mynhw.co.uk](http://www.mynhw.co.uk)
Benefits checklist for older tenants

**Pension Credit** / guarantees a basic weekly income, currently £132.60 for single people or £202.40 if the tenant has a partner. The amount may be higher if the tenant is disabled, has caring responsibilities or certain housing costs, such as mortgage interest payments.

[The Directgov website](https://www.direct.gov.uk) can guide you through the eligibility criteria and application process.

**Veterans’ benefits and pensions** / anyone who has served in Her Majesty’s forces, including their widows, widowers and dependants, may be entitled to help with pensions, health, employment and other payments.

**Attendance Allowance** / is a tax-free benefit for people aged 65 or over who are physically or mentally disabled.

Tenants may be entitled to get Attendance Allowance if:

- they have a physical disability (including sensory disability, such as blindness), a mental disability (including learning difficulties), or both
- their disability is severe enough for them to need help with care needs or someone to supervise them, for their own or someone else’s safety, and
- they are aged 65 or over.

Normally, the claimant must have had care or supervision needs for at least six months. Attendance Allowance is not usually affected by any savings or income.

Tenants can get a claim pack by phoning the Benefit Enquiry Line on 0800 882200, or downloading the form directly from the [Attendance Allowance – Rates and How to Claim](https://www.direct.gov.uk/en/DisabledPeople/FinancialSupport/AttendanceAllowance-RatesAndHowToClaim/DG_10022605) page of the Directgov website.

**Disability Living Allowance (DLA)** / is a tax-free benefit for disabled children and adults who need someone to help look after them, or have walking difficulties. Tenants may be entitled if:

- they have a physical disability (including a sensory disability, such as blindness) or mental disability (including learning disabilities), or both
- their disability is severe enough for them to need help caring for themselves or someone to supervise them, for your their or someone else’s safety, or they have walking difficulties, or both, and
- they are under 65 when they claim.

Normally, claimants must have had care or supervision needs or walking difficulties for at least three months and they are likely to continue for at least a further six months. This benefit is available to people in employment and isn’t usually affected by savings or income.

The Emergency Budget 2010 announced that from 2013-14 all people claiming Disability Living Allowance (DLA) would have to undergo an objective medical assessment to ensure payments are only made for as long as a claimant needs them. These changes will come into force in 2013. For more information about the DLA medical examination please visit the dedicated page on the Direct Gov website: [http://www.direct.gov.uk/en/DisabledPeople/FinancialSupport/DisabilityLivingAllowance/DG_10022605](http://www.direct.gov.uk/en/DisabledPeople/FinancialSupport/DisabilityLivingAllowance/DG_10022605)

Tenants can get a claim pack by phoning the Benefit Enquiry Line on 0800 882200, or downloading the form directly from the [Disability Living Allowance](https://www.direct.gov.uk/en/DisabledPeople/FinancialSupport/DisabilityLivingAllowance/DG_10022605) page of Directgov website.


**Emergency funding**

**The Social Fund** / provides one-off payments and interest-free loans (such as crisis loans) to help with expenses in certain situations.

**Community Care Grants** / are available to tenants who need financial help to live independently in the community or to ease exceptional pressure on themselves or their family.
The tenant is experiencing problems with their Housing Benefit

Rent arrears may arise because of problems claiming and processing Housing Benefit payments. If a tenant’s Housing Benefit hasn’t been paid, they should contact their local council to find out whether there are administrative problems or if they need to supply additional information.

- You may be able to help with the claim process as incomplete paperwork will hold up the process
- Tenants should keep their landlord informed of this process and the status of their claim, keeping a record of any correspondence.

If a tenant already receives all of the benefits to which they are entitled, the following advice might be useful to help people with their finances.

1. Make a list of all debts and put them in order of priority.
2. Write down all income and expenses and work out how much is available to pay debts.
3. Work out how much can be paid to each creditor.
4. Contact a debt advice agency like National Debtline (see ‘Useful organisations’ below).
5. Most importantly, talk to the landlord to try to reach an agreement about paying off the arrears, based on what the tenant can afford. One way to do this is through an agreed debt management plan.

Important – Changes to Housing Benefit since the Emergency Budget 2010 and Comprehensive Spending Review 2010

Key changes to Housing Benefit.

- Changing the way Local Housing Allowances (LHA) are worked out from October 2010. From October 2010 LHA rates will be paid at the 30th percentile rather than the median of rents in an area.
- Using the Consumer Price Index (CPI) to uprate Local Housing Allowances from 2013/2014.
- Setting a maximum Local Housing Allowance amount for each property size and maximum limits on Housing Benefit (from £250 a week for a one-bedroom property to £400 a week for a four-bedroom or larger) from April 2011.
- From 2012, single people under the age of 35 will be paid a shared room rate rather than a rate for a full flat. It is based on the amount of rent charged for a single room with shared use of the rest of the house.
- From October 2010 Support for Mortgage Interest payments will use an interest rate equal to the Bank of England’s monthly Average Mortgage Rate.
- From April 2013 reducing Housing Benefit to 90 per cent after 12 months in receipt of Jobseekers Allowance and housing benefit will be linked to family size.
- Adding £40 million to the budget for hardship cases (Discretionary Housing Payments).
- Extending support to cover the cost of an extra room for disabled claimants who need a carer.
- From 2013 a single universal credit will be introduced, subsuming all benefits. This credit will be rolled out to all claimants in 2020.
Useful resources

**DirectGov** / provides general information about problems and disputes that may occur between private tenants and landlords: [http://www.direct.gov.uk/en/HomeAndCommunity/Privaterenting/Problemsanddisputes/index.htm](http://www.direct.gov.uk/en/HomeAndCommunity/Privaterenting/Problemsanddisputes/index.htm)


**National Debtline** / provides useful facts about eviction under an Assured Shorthold Tenancy (the majority of tenancy agreements take this form) on the grounds of rent arrears on their website: [http://www.nationaldebtline.co.uk/england_wales/factsheet.php?page=17_how_can_my_landlord_end_my_assured_tenancy](http://www.nationaldebtline.co.uk/england_wales/factsheet.php?page=17_how_can_my_landlord_end_my_assured_tenancy)

**Shelter** / provides information about actions that tenants who are struggling with rent arrears can take on their website: [http://england.shelter.org.uk/get_advice/paying_for_a_home/rent_arrears](http://england.shelter.org.uk/get_advice/paying_for_a_home/rent_arrears)

Useful organisations

**Free, independent advice about rent difficulties is available from several organisations.**

**Citizens Advice Bureau** / provides information and advice on topics including benefits and housing, with some providing specialist legal help through local solicitors. For details of local services contact the national office.


**Housing advice centres** / can help with a wide range of housing matters and are run by local authorities or voluntary organisations. Find a housing advice centre on their website: [http://england.shelter.org.uk/get_advice/advice_services_directory](http://england.shelter.org.uk/get_advice/advice_services_directory)

**National Debtline** / is a free, confidential service offering independent advice about dealing with debt. Information is available online or by calling the free helpline. Telephone: 0808 808 4000 Website: [http://www.nationaldebtline.co.uk/](http://www.nationaldebtline.co.uk/)

**Shelter** / works to alleviate the distress caused by homelessness and poor housing, offering advice, information and advocacy to people in housing need. Telephone: 0808 800 4444. Website: [www.shelter.org.uk](http://www.shelter.org.uk)

Shelter email advice service: [http://england.shelter.org.uk/get_advice/how_we_can_help/advice_by_email](http://england.shelter.org.uk/get_advice/how_we_can_help/advice_by_email)
Scenario 7 / Fear of eviction

A tenant is worried that they will be threatened with eviction if they pursue repairs or an adaptation

It is a criminal offence for landlords to harass or to try to force a tenant out of the property without using court procedures. Tenants who have experienced harassment or have been evicted illegally are entitled to claim damages through the court.

What is harassment?

Harassment can be anything a landlord does, or fails to do, that makes a tenant feel unsafe in the property or forces them to leave. Harassment is a broad term but can include any of the following:

- stopping services, like electricity
- withholding keys
- refusing to carry out repairs
- anti-social behaviour by a landlord’s agent (for example a friend of the landlord moves in next door and causes problems)
- threats and physical violence, and
- locking tenants out of the property.

The Protection from Eviction Act 1977

The law makes it an offence to:

- carry out acts which are likely to interfere with the peace or comfort of a tenant or anyone living with him or her, or
- persistently withdraw or withhold services which the tenant needs to live in the premises as a home.

Failure to carry out repairs

One example of harassment by a landlord is neglecting a property with the intention of making it uninhabitable. Failure to carry out repairs may have a reasonable explanation; for example, the landlord may genuinely be unaware of the need for repairs, or may be unable to carry them out due to personal circumstances. However, where the tenant has made reasonable approaches to the landlord and the landlord has failed to carry out the repairs, the tenant may wish to take matters further.

A council may serve notice to a landlord requiring them to carry out necessary repair works, including stipulating a start and completion date so that works are completed in a reasonable time. If the landlord subsequently fails to do so, the council may undertake the work. See ‘Scenario 1 – Repairs’ for further information on landlord and local authority’s responsibility for repairs.

Ultimately a landlord can be taken to court by the local authority for refusing to comply with a local authority repairs notice. Please note that it is not necessary to name the tenant in this case, even if they began the course of action that led to proceedings (e.g. by submitting a complaint). Tenants can also start their own court proceedings but should be advised to seek independent legal advice before doing so (see Scenario 3 previously).

The landlord has started repair work but has failed to complete the repairs

A landlord normally has a right of access to the property to carry out essential repairs. They should make arrangements with the tenant to gain access at a convenient time.

A landlord (or builder acting on the landlord’s behalf) is entitled to undertake major works to their property whether or not they have been requested by the tenant. In the case that works are left unfinished this can cause considerable inconvenience to a tenant. A failure to complete works may be due to circumstances beyond the landlord’s control, however, if the tenant believes that an act or omission to act is intended to stop the tenant enjoying the property, or cause them to leave the property, and it is causing them distress, they should contact their local Council.
Useful resources

**Direct Gov** / provide information on eviction from private rented properties. Available at: [http://www.direct.gov.uk/en/HomeAndCommunity/Privaterenting/Problemsanddisputes/DG_189241](http://www.direct.gov.uk/en/HomeAndCommunity/Privaterenting/Problemsanddisputes/DG_189241)


**Notice that you must leave: A brief guide for landlords and tenants**, Department for Communities and Local Government, 2009. Available at: [http://www.communities.gov.uk/publications/housing/noticethatyou](http://www.communities.gov.uk/publications/housing/noticethatyou) This booklet explains the basic rules about bringing a residential tenancy (or licence) to an end.

Useful organisations

**Citizens Advice Bureau** / provides information and advice on all topics, including benefits and housing, with some providing specialist legal help through local solicitors. For details of local services contact the national office. Telephone: 020 7833 2181. Website: [http://www.citizensadvice.org.uk/](http://www.citizensadvice.org.uk/)

**Community Legal Advice** / offers free, confidential and independent legal advice for residents of England and Wales. Provides advice on housing conditions and disrepair in the housing and homelessness section on their website. Telephone: 0845 345 4 345. Website: [http://www.communitylegaladvice.org.uk/en/about/](http://www.communitylegaladvice.org.uk/en/about/)

**Shelter** / works to alleviate the distress caused by homelessness and poor housing, offering advice, information and advocacy to people in housing need. Telephone: 0808 800 4444. Website: [www.shelter.org.uk](http://www.shelter.org.uk)

Some local authorities have Tenancy Relations Officers or there may be someone in the housing or environmental health departments who specialises in harassment issues. Alternatively, the tenant should seek advice from a law centre, a housing aid centre, a Citizens Advice Bureau or a solicitor.

**Illegal eviction and tenants rights**

A landlord may be found guilty of illegal eviction if:

- the tenant is not given the requisite notice to leave a property
- the locks have been changed, or
- a tenant is evicted without a court order.

If you think that someone is being harassed or threatened with illegal eviction, you should advise them to speak to a legal adviser, such as Community Legal Advice. As a last resort a tenant may be able to claim compensation through the courts.
Home improvement agencies (HIAs) can help to improve the private rented sector (PRS) in their area by working with landlords, local authorities and tenants to raise awareness of the support and opportunities available to them. This section contains ideas for developing services and raising awareness of the positive impact that HIAs can have.

**Working with private rented sector landlords**

This report identifies some reasons why landlords fail to improve the homes of PRS tenants. These include a lack of awareness of how housing conditions affect the wellbeing of occupants, a lack of incentive to act or reluctance to adapt a property due to a perceived negative impact on long-term rental returns.

The HIAs contacted during the production of this good practice guide were working in different ways to help older people stay safe, warm and independent in the PRS. A good working relationship with private landlords is critical to achieving this. Most private landlords will carry out repairs once they know about them. HIAs have much to offer private landlords, including:

- expertise in working with vulnerable people
- independent technical advice and expertise, and
- accessing services.

**Expertise in working with vulnerable people**

Older people living in private rented accommodation can be unknown to statutory health and support services and may also lack a network of family or friends to help them to keep their homes in order. Helping private tenants to access support for maintaining their wellbeing and keeping their home and financial affairs in order has benefits to the landlord as well as tenant. The property is less likely to deteriorate due to neglect, tenants are generally more satisfied with their accommodation and more likely to live in it for longer, and they are less likely to have problems keeping up with payments and bills.

HIAs can provide advice and guidance about the entire range of adaptations and independent living solutions available, helping landlords and tenants to arrive at a mutually agreeable course of action.

HIAs also have the expertise to recognise where a minor adaptation could be an effective alternative to a major adaptation and where this allows the tenant to stay in the property and create less disruption for the landlord.

**Blackpool Care & Repair**

Blackpool Care & Repair works with landlords who are worried that a major adaptation will affect the saleability of the property. The agency agrees to remove equipment and return the property to its previous state, free of charge, after the tenant has moved on. The agency also recycles adaptations equipment free of charge and re-uses it locally, creating efficiency savings for the local authority.

**Independent technical advice and expertise**

Some private landlords find the HIA technical officer useful when undertaking major improvement and adaptations work, due to their thorough understanding of building regulations and detailed technical knowledge and experience. An informal relationship between an HIA and a private landlord could involve the Technical Officer providing consultancy support on the following.

- options appraisals for repairs and adaptations, including costs and potential funding sources.
- liaison with statutory agents such as local authority environmental health officers, occupational therapists and grant officers.
- design and specification of work.
- identifying reliable local contractors.
- drawing up contracts, including formalising the working relationships between all parties and ensuring that all relevant building, health and safety and construction design and management (cdm) regulations are adhered to during the course of the work.
- project management and quality assurance of building work, particularly when several different contractors are involved, ensuring that the work is only signed off once the client is completely satisfied.
Accessing services

HIAs are well-placed to offer a range of reliable, value-for-money services to private landlords and their tenants. Handyperson services offer a good way of positively engaging with private landlords; raising awareness of the services HIAs provide and making the HIA a first point of call for private landlords.

- For many private landlords, employing contractors is the most effective way of dealing with repair and maintenance work. An HIA handyperson service can be employed on an hourly rate to carry out frequent low value work in a number of privately rented houses or flats.

- Landlords can also put tenants in touch with HIAs for works that are the tenant’s responsibility, securing the additional benefits of the services for their tenants.

- Larger landlords or consortia of smaller landlords might wish to negotiate a block purchase deal with the HIA for repairs and maintenance services. This can be facilitated by the HIA or even the local authority.

HIAs can also engage with groups of landlords, acting as a portal for collective action to access support and funding for undertaking energy efficiency or home security improvements across an area. HIAs could use these collectives in collaboration with local authorities to engage with energy suppliers on their carbon emission reduction targets. Energy suppliers are large organisations that operate more easily on a larger scale.

Engaging with private landlords

Strategies for engaging PRS landlords include a range of tactics including:

- developing your own/ getting articles into existing newsletters aimed at private landlords,

- attending landlord forums

- tapping into local authority accreditation schemes (e.g. approaching your local authority about setting up a repairs and maintenance service agreement that would passport a landlord through a repairs module)

- providing information packs

- setting up local property registers, and

- holding your own or attending existing private landlord advice surgeries.

Focus on private landlord forums: these are an effective way of promoting the expertise of HIA and handyperson services to a group of private landlords. This is a good opportunity to open dialogue about keeping tenants warm, safe and secure but also to familiarise landlords with your service for future reference. Private landlord forums are often run by local authorities. Your local private sector housing or environmental health team should be able to provide further information.

Case study / Hyndburn Homewise

Hyndburn Homewise is the Affordable Warmth Champion for its Local Strategic Partnership. They were appointed because the local health authority was concerned about seasonal death rates and the accompanying issues of affordable warmth and alleviating fuel poverty.

Hyndburn Council had been trying to raise awareness to private sector landlords and their tenants about the dangers of fuel poverty by promoting Hyndburn Homewise and the work they do with the East Lancashire Primary Care Trust and Warm Front grants.

Agency Manager Sue Sinclair has delivered presentations at the local private sector landlords forum to encourage private landlords to take advantage of services such as free low-energy light bulbs, whereby Hyndburn Homewise will replace every light bulb free of charge.

Other services include making landlords aware of the savings they could make for their older tenants by accessing Warm Front and recommending loft insulation, draught proofing, cavity wall insulation and central heating for people on a means tested benefit. The HIA has a wealth of information and advice on grants and subsidies to makes homes energy efficient and encourages landlords and tenants to contact them for the latest deals.
Working with local authorities

Private sector housing is often a weak area in local authorities’ strategic housing services. Common problems include a lack of strategy or strategic approach and out of date stock condition information. The primary reasons given for these weaknesses are a lack of capacity and resources to intervene. HIAs are well-placed to help, through:

- helping local authorities to support vulnerable people
- helping local authorities identify poor condition stock
- providing strategic insight from housing options services, and
- working with local authorities to maximise use of the adapted housing market.

Helping local authorities target stock in poor condition

Local authorities are legally obliged to arrange for an inspection of any premises to determine the presence of category 1 and 2 hazards following a well-founded complaint or request. HIAs can work with local authorities to target the properties in the worst condition, engage with private sector landlords to advise them on how to eradicate category 1 hazards, and promote their own services to carry out remedial work on private sector homes.

In the PRS, national programmes to improve energy efficiency and reduce fuel poverty are, in some cases, failing to help their target audiences because landlords do not give permission for measures to be installed in their properties. In these cases, local authorities may wish to use their power of enforcement under HHSRS to ensure that the necessary measures are installed. HIAs and handyperson services are particularly well placed to identify hazards in the homes of the people they visit, and work with local authorities to eradicate them. Although HIAs and handyperson services do not have enforcement powers, they are able to advise landlords where category 1 hazards exist and can carry out remedial action to eradicate the hazards.

Local authorities and HIAs can also work with partners in health, environment or energy teams to review what funding and other incentives are available locally and target resources effectively based on the local area. For example, the latest English Housing Survey Housing Stock Report demonstrated that the most common types of hazard vary considerably by the type of area.

In village centres and other rural areas, hazards were dominated by excess cold, with around one third (34%) of these dwellings having category 1 excess cold hazard compared to 7% of dwellings in other urban centres and 5% in suburban residential areas. However in suburban areas falls hazards are twice as common as excess cold hazards.

Where incentives to improve private rented accommodation are lacking there may be the potential to develop local solutions including joint funding, accessing national programmes for home energy efficiency improvements (or promoting existing incentives in this area more widely) or developing local loan schemes.
Case study / Stockport Metropolitan Borough Council (MBC)

Stockport MBC has a proactive programme of intervention that focuses on improving thermal comfort in private sector housing. The council organises ‘handyperson checks’ across the private sector to identify category 1 hazards. Stockport Staying Put then works with vulnerable private renters to facilitate remedial works on their homes using both private and public funding.

Most landlords in Stockport are non-professional and Stockport MBC works with them through a forum. The forum holds meetings (which 30 to 40 people attend), produces newsletters, provides training and hosts a virtual forum.

The council views the HHSRS as a relatively low standard and does a lot of work to persuade landlords to raise standards. It has also provided grants for such work for many years. The approach encourages landlords to improve how their stock is marketed. This works well in the area as the local housing market lets people pick and choose between properties and creates an incentive for improvements to be made.

The case study above demonstrates that action can be taken even when there is a lack of resource to regulate private rented housing stock.

Some local authorities operate landlord registers. The registers have a key role in providing landlords with information so that they have the basic skills and knowledge required to carry out their duties. These registers could also be used to encourage landlords to take a proactive approach to the state of their accommodation through regular inspection, a service that HIAs can help to provide.

Strategic insight from housing options services

In addition to providing practical advice and support at case-work level, a local housing options service can also provide strategic insight to inform local planning decisions and strategy, as well as improve the range of housing options available for older and disabled people.

1. Due to their wealth of first-hand intelligence of local issues, HIAs are well placed to foster effective links between housing options services, local planning functions and commissioners of housing support services.

2. A housing options service can also help to engage local older people in service design and housing developments to stimulate change.

3. A local housing options service can act as a resource for other workers across the housing, health, social care and advice sectors, and offer awareness raising or training sessions on housing options issues.

The adapted housing market

Efficient use of adapted housing stock reduces the costs of and need for new adaptations, making the local authority Disabled Facilities Grant allocation go further and reducing inefficient practices. Landlords are also obviously keen to make their property appeal to as wide a market as possible and minimise loss of rental income when a change of tenants occurs. Adaptations can be perceived as a barrier to achieving this.

However, in areas with high concentrations of older people there are advantages for landlords who target pre-adapted properties at older tenants whose needs they meet. Care & Repair Blackpool have recognised that due to the number of older private rented tenants in Blackpool, the addition of adaptations such as level access showers can actually increase the marketability of a property.
HIAs in areas with similar circumstances could work with local authorities to develop a business case to encourage the PRS to meet the needs of the local demography. This could be presented at local landlord forums or other sector events.

Newham Home Improvement Agency and Wychavon District Council are developing ‘adapted property registers’ and ‘housing occupational therapists registers’ which have potential to be rolled out to the PRS.

**Supporting private rented sector tenants**

Older private tenants will often have very diverse experiences in dealing with landlords and some will feel vulnerable and fear reprisals or sanctions by their landlord when requesting repairs or other work to the property (such as increased rent) or that they will be left homeless if the property is condemned. Others will be unaware that the condition of their property requires attention and that the landlord is required to take action or that they can get help with repairs and maintenance from the local authority or the local HIA.

Many older people will benefit from support from an HIA whose key strength is an holistic approach to assessing a person’s needs and addressing the underlying problems caused by poor housing conditions or poor access to other services.

**Promoting accessible services to tenants**

Handyperson services are an accessible way for tenants to have minor repairs which are not the responsibility of the landlord carried out. Handyperson services can also be the ‘foot in the door’ for tenants to access wider support from the HIA.

Older private tenants may not be aware of the existence of housing options services or whether there is one in their area. HIAs should ensure that where they run housing options services they are promoted to older people in the PRS or that other local and national services, such as FirstStop, are promoted to this group.

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**Case study / Newham Home Improvement Agency / adapted property register**

The mainstream housing market currently provides little opportunity for people to advertise their adapted homes as a marketable entity in their own right. Therefore, when private sector houses are sold, the adaptations are almost always removed.

To tackle this issue, Newham Home Improvement Agency, in partnership with Newham Housing Needs and the local adult social care department, is developing an accessible housing register to match people and properties more effectively. The project’s objectives include the following.

1. Identify adapted and adaptable void properties within Newham’s housing stock, set up a register of these properties and make this information available to disabled people in need of adaptations.
2. Fast track assistance to assess and match properties and potential tenants when vacancies occur in adapted properties and emergency re-housing cases.
3. Liaise early with registered social landlords and other builders of new housing to ensure that lifetime homes standards apply wherever possible. Roll out the adapted property register programme to other housing tenures – including the private sector.

The key to this project is the targeted work of occupational therapists (OTs) and caseworkers to recognise opportunities for reducing the costs incurred by repeatedly installing adaptations to homes. The partnership has recently proposed the creation of a ‘virtual estate agent’ for people wishing to buy, sell or rent adapted properties that could also be used by private sector landlords.
Ways in which you can raise awareness about accessible services amongst PRS tenants include the following.

- Leafleting in areas with high numbers of privately rented properties will raise awareness with tenants and landlords if the leaflet is of use to both audiences.
- Attending and engaging with forums such as community groups and resident associations lets you to hear which issues are particularly relevant to your local community and help you raise awareness of the help HIAS and handypersons can offer. Some agencies also use this as an opportunity to get feedback from people that have already used their services.
- Attending private landlord forums also supports vulnerable tenants as landlords will be more likely to pass your details to their tenants if repairs that aren’t their responsibility are required.
- Advertising in the local press, local shops, GP practices, libraries, estate agents, cafes, post office and leisure centres. You can provide targeted material about repairs that are the tenant’s responsibility or general advice about home improvements for renters.
- Referrals – make sure that local age UK, age concern, meals on wheels, GP, community health care and social care providers are aware of the services that HIAS and handyperson service can offer to private rented tenants so that they can refer tenants or recommend your service. Make sure they know how to get in touch with you.
- Representation – ensuring private rented sector tenants are included in HIA service user groups or advisory boards.

Where there isn’t a local housing options service, HIAS and their local authority partners should consider setting one up. Please contact Foundations for more information on doing this.

Case study / Wychavon District Council / housing occupational therapists register

Wychavon District Council recognises the need for improved joint working between the district council, occupational therapists (OTs), case workers and HIA staff to best meet the housing needs of elderly and disabled people. It is important to provide good housing options advice to people at an early stage to help them to make the right choices about how their needs are met. For some people this involves moving to alternative accommodation and for others a Disabled Facilities Grant to their current home.

In Wychavon, the local authority, PCT and two partner housing associations have funded a housing based occupational therapist. The OT has developed an electronic list of all the housing applicants who have registered on the council’s Choice Based Lettings scheme and need to move home due to a medical need that requires an adaptation.

Applicants meeting these criteria can be matched to adapted or more suitable properties that become vacant and meet their needs. The driver for this work is to use home options visits to assess and then meet the needs of the client. This model has been a great success resulting in better targeting of resources and cutting down waiting times for Disabled Facilities Grant adaptations. Instead of a clients waiting from 12 to 18 months for DFG work to be completed, the clients are matched to suitably adapted properties within weeks of the property becoming available.

Since December 2008 at least 110 moves to adapted or more suitable accommodation have been enabled. A further 20 clients who were in the process of applying for a Disabled Facility Grant moved into alternative accommodation. This in turn enabled the empty properties to be recycled either through the housing associations or on the open market to meet the needs of other households.
Encouraging tenants to help themselves and each other

Below are a few ideas for encouraging older private rented tenants to help themselves and each other.

Home security / Encourage tenants to join or set up a resident’s association or Neighbourhood Watch Scheme to help them feel safer and more secure in their homes. Visit: www.mynhw.co.uk for more information.

Do It Yourself (DIY) skills training / Manchester Care & Repair handyperson service delivers DIY skills training to local residents to help them repair and maintain their homes. Trainees learn on the job by helping to repair and restore community buildings and bring them back into use. If public funding isn’t available for this sort of training locally, agencies could consider setting up a skills exchange in partnership with their local authority or other service providers, which could either support then to provide training or support residents to provide training to each other. Manchester Care & Repair also provides a scheme called “Take Up Champions” which trains local people to give information and guidance on welfare benefits and local services for older people so that they can pass on the message to other local residents (in a regeneration area).

Understanding their rights and responsibilities / People are often unsure about which repairs are their responsibility and which are the responsibility of the landlord. When engaging with groups of older private tenants or working with tenants individually, encourage them to refer to their tenancy agreement and/or contract regularly and ask their landlord for copies of any repairs or maintenance procedures they might have in place.

Make their voice heard / Encourage older private rented tenants to get involved in residents forums, older people’s parliaments and other forums to get their voice heard across a locality. Getting heard is key to ensuring that services are available to help and that a focus on the PRS is maintained locally.
Annex 1 / Directory of useful organisations

The Accessible Property Register / website lists accessible properties for sale and for rent across the UK. Telephone: 07749 119 385. Website: http://accessible-property.org.uk/

Advicenow / is a website which provides information on the law and rights in England and Wales from a wide range of advice and information services. Website: http://www.advicenow.org.uk

Assist UK / is a national network, with over 50 local disabled living centres which give impartial advice on independent living equipment. Telephone: 0161 834 1044. Website: http://www.assist-uk.org/

Care & Repair England / is a charity set up to improve the housing and living conditions of older or disabled people in England and so enable them to live independently in their own homes for as long as they wish. Telephone: 0115 950 6500. Website: http://www.careandrepair-england.org.uk/

Chartered Institute for Environmental Health / a professional, awarding and campaigning body at the forefront of environmental and public health and safety. Telephone: 020 7928 6006. Website: http://www.cieh.org/about-us/about3.aspx?id=36

Citizens Advice Bureau / provides information and advice on all topics, including benefits and housing, with some providing specialist legal help through local solicitors. For details of local services contact the national office. Telephone: 020 7833 2181. Website: http://www.citizensadvice.org.uk/

Community Legal Advice / offers free, confidential and independent legal advice for residents England and Wales. Provides advice on housing conditions and disrepair in the housing and homelessness section on their website. Telephone: 0845 345 4 345. Website: http://www.communitylegaladvice.org.uk/en/about/

Counsel and Care / provides an independent advice service giving information and support to older people, families and carers. Advice is given on a range of issues, including finding and paying for care. Telephone: 0845 300 7585. Website: http://www.counselandcare.org.uk/category/advice/pdf/housing-decisions-and-options-in-later-life-guide-7

Crisis / is a national charity for single homeless people. It operates a Private Rented Sector National Advisory Service for local authorities and voluntary sector agencies. Telephone: 0844 251 0111. Website: www.crisis.org.uk

DEMAND / offers free design and manufacture of bespoke equipment for disabled people who cannot use any off-the-shelf product. Telephone: 01923 681800. Website: http://www.demand.org.uk/

Dial UK / has a disability information and advice line on subjects like community care, equipment, independent living, holidays and discrimination. Telephone: 01302 310 123. Textphone: 01302 310 123. Website: http://www.dialuk.info/


Disability Alliance / aims to improve the living standards of disabled people by breaking the link between poverty and disability. Telephone: 020 7247 8776. Website: http://www.disabilityalliance.org/index.htm

Directgov / provides advice and information about public services. The website includes a comprehensive section on adapting homes for disabled people. Website: http://www.direct.gov.uk/en/DisabledPeople/HomeAndHousingOptions/YourHome/DG_4000634

Elderly Accommodation Counsel (EAC) / provides information about sheltered housing, leasehold schemes for the elderly (LSE), shared ownership, and private sector retirement housing developments. Telephone: 0800 377 7070. Website: www.housingcare.org

Energy Efficiency Partnership for Homes / a network of over 560 public, private and voluntary sector organisations working to improve energy efficiency in homes and alleviate fuel poverty through energy efficient products and services. Website: http://www.eeph.org.uk/

Energy Saving Trust / an impartial organisation that helps people to save energy and reduce carbon emissions. Tailored advice and information available on grants, cavity wall and loft insulation and help with installing renewable energy sources. Telephone: 0800 512 012. Website: http://www.energysavingtrust.org.uk/

FirstStop / a free, independent national information and advice service for older people, their family and carers. It provides joined-up advice across a range of housing, care and finance rights and issues. Telephone: 0800 377 7070. Email: info@firststopcareadvice.org.uk. Website: http://www.firststopcareadvice.org.uk/moving-somewhere-more-suitable.aspx

Foundations / national body for home improvement agencies. Provides a range of services for agencies and their commissioners to develop and support the sector. HIAs help older and vulnerable people maintain their independence by providing housing-related support. Telephone: 08458 645210. Email: foundations@cel.co.uk. Website: http://www.foundations.uk.com

Going for Independence / a not-for-profit company providing a home assessment and information service for equipment and adaptations. Telephone: 0208 249 5515. Website: http://www.goingforindependence.org/

Government Equalities Office / a small government department with responsibility for equality strategy and legislation. Telephone: 0303 444 1204. Website: http://www.equalities.gov.uk

Housing Ombudsman / set up by law to look at complaints about ‘registered’ housing providers, including housing associations and other landlords, managers, and agents. The service is free, independent and impartial. Telephone: 0300 111 3000. Website: http://www.housing-ombudsman.org.uk

Independent Living Fund / a national resource dedicated to the financial support of disabled people to enable them to choose to live in the community rather than in residential care. Telephone: 0845 601 8815. Website: http://www.ilf.org.uk

Leonard Cheshire Disability / helps disabled people to live independently by providing a wide range of services, and campaigns to change negative attitudes to disability. Telephone: 020 3242 0200. Website: http://www.lcdisability.org/

National Centre for Independent Living / run by disabled people, primary aim is to promote independent living. Telephone: 020 7587 1663. Website: http://www.ncil.org.uk/

National Energy Action (NEA) / develops and promotes energy efficiency services to tackle the heating and insulation problems of low-income households. NEA retains a list of the energy efficiency grants available. Telephone: 0191 261 5677. Website: http://www.nea.org.uk/

nPower Health through Warmth (HTW) / operates through local partnerships which seek to help vulnerable people whose health is adversely affected by cold, damp living conditions. Telephone: 0845 0702 809. Website: http://www.npower.com/health_through_warmth/index.htm

Mobility Friendly Homes / Website: http://www.mobilityfriendlyhomes.co.uk/index.aspx

Royal Institute of Chartered Surveyors / Website: http://www.rics.org/

Royal Association for Disability and Rehabilitation (RADAR) / promotes education, welfare and community integration for disabled people. Telephone: 020 7250 3222. Website: http://www.radar.org.uk/radarwebsite/

Shelter / works to alleviate the distress caused by homelessness and poor housing, offering advice, information and advocacy to people in housing need. Telephone: 0808 800 4444. Website: www.shelter.org.uk

The Accessible Property Register / Website: http://www.accessible-property.org.uk/site/index.php?page=property&type=map&retail_type=let

The Mobility Market / Website: http://www.themobilitymarket.co.uk/buysellinfo.htm#property

The Little House Company / Website: http://www.thelittlehousecompany.co.uk/searchforsale.aspx

Warm Front / a government-funded scheme (managed by Eaga plc) providing grants of up to £6000 to make homes warmer, healthier and more energy-efficient. Telephone: 0800 316 2805. Website: http://www.warmfront.co.uk/
Please note that the information contained here is intended for guidance only and should never be substituted for professional legal advice. The law is constantly changing so expert advice should always be sought.

Tenants have the right to have their accommodation kept in a reasonable state of repair. However, they also have an obligation to look after the accommodation. Tenancy agreements usually give details of both the landlord and tenant’s responsibilities in carrying out repairs.

**Landlord responsibilities**

Unless the tenancy has a fixed term of more than seven years, the landlord is responsible under the Landlord and Tenant Act 1985 and the Housing Act 2004 for the eradication of category 1 hazards and repairs to:

- the structure and exterior of the premises (such as walls, floors and window frames) and the drains, gutters and external pipes
- Please note: if the property is a house, the essential means of access from the street, are also included in ‘structure and exterior’, as are garden paths and steps
- water and gas pipes and gas fittings
- electrical wiring (including, for example sockets)
- basins, sinks, baths and toilets
- fixed heaters (for example, gas fires) and water heaters, and
- a landlord must also ensure that any gas and electrical appliances that they have provided within the accommodation are safe.

For information about a landlord’s responsibilities for gas and electrical appliances, visit the [common problems with renting](#) section of the Citizens Advice Bureau website. If you are concerned that an electrical appliance is not safe, you could contact Consumer Direct on: 0845 404 0506.

**Common parts:** a landlord is normally responsible for repairs to common parts of the building, for example, stairways, lifts, hallways or garden paths shared with other tenants or the landlord.

**Safety of gas and electrical appliances:** a landlord must ensure that any gas and electrical appliances in the accommodation are safe and that an annual safety check is carried out on gas appliances by a registered engineer. In England, Wales and Scotland, for information about a landlord’s responsibilities for gas and electrical appliances, see the [common problems with renting](#) section of the Citizen’s Advice Bureau (CAB) website.

**Damage by the tenant:** the landlord is not generally responsible for repairs needed because of damage caused by the tenant. Nor does the landlord have to repair anything which the tenant has a right to take away unless, in some circumstances, the damage was caused as a result of the landlord’s failure to carry out his or her repairing obligations.

**Exceptions:** the main exception to the above is where the tenancy has a fixed term of more than seven years. In these cases it is not usually the landlord’s sole responsibility to maintain the property and if it falls into disrepair the tenant is within their rights to improve the property themselves.

A secure tenant also has the right to carry out certain improvements but must get written permission from the landlord before undertaking improvement work.

For tenants that live in England or Wales whose tenancy began before 24 October 1961, the landlord’s responsibilities depend mainly on the individual tenancy agreement. Responsibility for other repairs and improvements will depend on this tenancy agreement.
What about repairs to other parts of the property not mentioned previously?

Responsibility for these repairs depends very much on the terms of the agreement between the landlord and the tenant. If the agreement does not specify who is responsible for particular repairs, tenants should seek advice from their local Citizens Advice Bureau or housing advice centre.

If a landlord, in doing repairs that he or she is obliged to do, spoils the internal decoration, he or she should make good the damage.

Local authorities’ duties

Local authorities have a duty to take action against private landlords if:

- the condition of the property affects the health of the occupier, for example, if it is damp, infested with insects or has a leaking roof, or
- the property causes a ‘nuisance’ to people living nearby, for example, if damp is coming into a person’s property from next door, or if rotten windows may fall into the street and injure others.

This duty covers disrepair in common parts of blocks of flats.

A local authority is required to investigate and, if appropriate, give a landlord a notice instructing them to carry out the necessary repairs.

If a landlord does not comply with the notice, they could be prosecuted and the local authority can carry out the repair work.

Local authorities also have a duty to take action against a landlord if they consider that housing conditions are not acceptable for people to live in, for example if it does not have adequate heating and lighting or a suitable sewer and drainage system. If a property cannot be repaired, the local authority may order that it can no longer be occupied or that it must be demolished. If urgent work is required, for example if toilets are blocked, local authorities can take emergency action to solve the problem.

Tenants' responsibilities

A tenant should only carry out repairs if the tenancy agreement says that they can. The landlord is not obliged to repair anything that belongs to the tenant in the property, unless it has been damaged because they didn’t carry out their repair obligations, for example, not fixing a leaking roof.

A tenant must also use their home in a responsible way. This includes:

- keeping it reasonably clean
- not damaging the property, and ensuring that your guests don’t either
- carrying out minor maintenance (such as checking smoke alarm batteries), and
- using the heating properly (such as not blocking flues or ventilation).

Under common law, tenants must use property in a responsible way. They must take proper care of it, for example, by turning off the water if there is a risk of burst pipes when they go on holiday or unblocking the sink when it is clogged up by waste.

If a tenant causes any damage to the property or the furniture, even if it’s accidental, the landlord is likely to be able to charge the tenant for it. Often they can keep the deposit (or at least part of it) to cover the cost of any repairs or replacements.

The tenant may have some extra responsibilities to carry out repairs if their tenancy agreement says so.

Under the Rent Act 1977, the Housing Act 1985 and the Housing Act 1988, the landlord can seek possession where the tenant or someone living with them has damaged the property.

Apart from their duty to take care of the property, the tenant generally is only obliged to undertake repairs if the terms of their tenancy agreement states that they must do so. They cannot, under the terms of the tenancy agreement, be made to do repairs which the landlord is responsible for.
Please note that the information contained here is intended for guidance only and should never be substituted for professional legal advice. The law is constantly changing so expert advice should always be sought.

Rights and obligations under a tenancy agreement

A tenancy is a contract between a landlord and a tenant that allows the tenant to live in a property as long as they pay rent and follow the rules.

A tenancy agreement sets out the legal terms and conditions of the contract. A tenancy agreement should be prepared before anyone rents the property and be a written agreement (as opposed to a verbal one) to avoid any disputes at a later date.

Rights and obligations: whether or not a tenancy agreement is in place, landlords and tenants still have certain rights and obligations under housing legislation. All types of tenancies include the following rights and obligations.

Tenants’ rights include:
- freedom to live in the property undisturbed
- the right to live in a property in a good state of repair – the landlord should repair and maintain the property
- the right to access information about the tenancy at any time
- protection from unfair eviction, and
- the right to protection from unfair rent, to challenge excessively high charges, and to have their deposit returned when the tenancy ends.

People with regulated tenancies may have additional rights (see ‘Regulated tenancies’ following).

If a tenant fails to pay rent or breaches the terms of their tenancy agreement they can lose their legal rights as a tenant.

Landlords have the right to:
- repossess the property when the tenancy ends
- take back the property if it gets damaged
- access the property by giving reasonable notice, and
- take legal action to evict a tenant in some instances – like non-payment of rent.

Landlords may have other rights and responsibilities specifically included in a particular tenancy agreement.

A tenancy agreement can include information about who is responsible for minor repairs.

Types of private tenancy

Landlords and tenants may have other rights and responsibilities depending on the type of tenancy. If a tenant is unsure what type of tenancy they have Shelter’s ‘tenancy checker’ may help to establish this.

Assured shorthold tenancies (ASTs)

The vast majority of private rented tenants are assured shorthold tenants. An AST gives tenants a legal right to live in accommodation for a period of time: this might be for a set period such as six months (this is known as a fixed-term tenancy) or it might roll on a week-to-week or month-to-month basis (this is known as a periodic tenancy). Tenants have the right to:
- get information about their tenancy
- control their home to stop other people from freely entering
- get certain types of repairs done, and
- live in the accommodation until the landlord gets a court order to evict them.

Annex 3 / Private tenancy agreements
Tenants may also have other rights, such as to get the landlord to do repairs or to challenge rent increases. However, assured shorthold tenants can be evicted more easily than other types of tenant, and should be advised to obtain independent advice from the Citizens Advice Bureau or local housing advice centre before exercising any of these rights.

**Assured tenancies**

Assured tenancies were the default form of tenancy before 28 February 1997. They give the tenant similar legal rights to an AST, but the tenant can stay in the property for an unspecified period of time. There is no automatic right for the landlord to repossess the property at the end of the tenancy and they must show the court that they have a good reason for wanting possession, using one of the grounds for possession in legislation.

**Regulated tenancies**

Regulated tenancies would, in most cases, have begun before 15 January 1989. The tenant lives in a different building from the landlord and does not receive other services included, for example, cleaning services. Regulated tenancies contain more rights for tenants than ASTs, such as increased protection from eviction. Tenants also have a legal right to apply for a fair rent to be registered for the property. This means that an amount is set by a rent officer and is the maximum amount a landlord can charge. If a regulated tenant dies before their tenancy ends, their tenancy rights will automatically pass to their spouse or another qualifying family member. There can only be two successions.

According to the Survey of English Housing, 120,000 households in England were under regulated tenancies in 2007/08 decreasing from 205,000 in 1997/1998. Regulated tenancies are rarely created now and will continue to decline.

**Tenants ‘under licence’**

A small number of tenants live under licence with a resident landlord. These arrangements tend to be long-standing and very informal.

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**Find out more...**

Shelter’s website contains more information about different tenancy agreements.
Repairs

Regular Inspections and Maintenance

- Landlords should ensure that they have an appropriate programme of inspection to ensure that the property is free from disrepair.
- Landlords will respond promptly whenever notified by their tenants that a repair is needed to the property. They will carry out all repairs within a reasonable time of being notified, and repairs will be done in a good and workmanlike manner.
- Have established procedures for dealing with repairs and make tenants aware of these. The responsibility for repairs should be set out clearly in the tenancy agreement. Advise tenants of any planned programmes of repairs and carry these out with due regard to the convenience of the tenant.
- Have work carried out in a workmanlike manner and give consideration to the tenant to minimise disruption as far as possible.
- Make good decorative finishes for which they are responsible within a reasonable timescale.

Ensure that under normal circumstances the following repairs completion performance standards should be achieved:

Priority 1 – Emergency Repairs
Those that are required in order to avoid danger to health, risk to the safety of residents, or serious damage to buildings or internal contents – completed within 24 hours of report. In circumstances where this is not possible best temporary arrangements will be carried out.

Priority 2 – Urgent Repairs
Repairs to defects which materially affect the comfort or convenience of the residents – completed as soon as possible and as a maximum within five working days of report.

Priority 3 – Non-Urgent Repairs
Repairs not falling within the above categories – completed within 28 working days of report. Within the responsibility of the landlord, ensure that the visual appearance of dwellings, outbuildings, gardens, yards and boundaries are maintained in a reasonable state so as not to detract from the visual amenity of the area. This will include enforcing tenancy conditions where appropriate.

The full document is available on the Newcastle City Council website.
The HHSRS was introduced in the Housing Act 2004 and replaced the original ‘Fitness Standards’ as Criteria 1 of the Decent Homes Standard in April 2006. The HHSRS uses a risk assessment approach to provide a framework to enable risks from hazards to health and safety in dwellings to be removed or minimised.

The HHSRS addresses the key issues that affect health and safety in the home and provides an analysis of how hazardous a property is. The key principle is that a dwelling (including the structure and associated outbuildings, garden, yard and/or amenity space) and means of access should provide a healthy and safe environment for occupants and any visitors. The emphasis is to minimise the risk to health and safety as far as possible either by removing the hazard altogether or minimising the effect, as appropriate.

The HHSRS assesses a number of hazards, including:
- dampness, excessive cold or heat
- pollutants such as asbestos, carbon monoxide or lead
- lack of space, security, lighting or excessive noise
- poor hygiene, sanitation or water supply
- accidents from falls, electric shocks, fires, burns or scalds, and
- collisions, explosions, structural collapse.

All risks identified are ‘scored’ in respect of the likelihood of an event occurring (e.g. a fall) and the likely outcome of harm that may occur. Category 1 hazards are typically those that are deemed more likely to occur than normal and would typically result in serious harm.

Under the Housing Act 2004 local authorities have responsibility to oversee the local housing stock and take action against owners of properties that have been assessed as containing category 1 and, in some circumstances category 2, hazards under the HHSRS.

Enforcement guidelines are set out in more detail in the full Department for Communities and Local Government ‘HHSRS Enforcement Guidance’.

The obligations of private landlords are outlined clearly in HHSRS guidance. Installations inside the property that are considered the responsibility of the landlord are:
- water, gas and electricity
- personal hygiene facilities
- sanitation and drainage
- food safety
- ventilation and space, and
- water heating.

The Department for Communities and Local Government ‘HHSRS Guidance Notes for Landlords and Property Related Professionals’ state that local authorities can identify the need for action to deal with hazards ‘as a result of a request for assistance by the owner or tenant to deal with various aspects of home repair, adaptation, or improvement’.

The barriers to making energy improvements in the private rented sector are well documented and include cost, return on investment (landlords do not recoup the benefits through reduced energy bills and improved energy efficiency does not currently increase the market value of rents) and knowledge (landlords and tenants lack knowledge about how to get energy efficiency measures installed).

The benefits of having effective heating measures include:
- the property is easier to let
- tenants are generally more satisfied with their accommodation and more likely to live in it for longer, and
- effective heating helps to ensure that the fabric of the property is protected against damp, mould and fungus.

Incentives

There are a number of funding sources available to help promote energy efficiency and renewable energy initiatives. Some councils have their own funding available to landlords for energy efficiency measures. Others rely on signposting to other sources of grant funding such as fuel poverty grant programmes. Below are a number of sources of funding and incentives for local action – please note that this is not an exclusive list.

The Energy Savings Trust has a funding database that you may also find useful:

**Landlord Energy Saving Allowance (LESA):** a tax allowance of up to £1500 per property for landlords installing energy saving measures. The allowance is claimed when filling in annual tax returns. Originally intended to operate until 2009, the initiative was extended to 2015 in the December 2006 pre-budget report. More information is available on the Directgov website.

**Warm Front:** private rented tenants can qualify for a package of insulation and heating improvements up to the value of £3,500 (or £6,000 where oil, low carbon or renewable technologies are recommended) in England. Visit the Warm Front website for more information.

**Carbon Emissions Reduction Target (CERT):** under CERT, energy suppliers must deliver measures to reduce carbon dioxide emissions and focus 40% of their activity on vulnerable and low income households and pensioners over 70. Contact details for the CERT teams at the obligated energy suppliers can be found on the Ofgem website. Alternatively call your local energy savings trust advice centre on 0800 512 012 to find out more.
Community Energy Saving Programme (CESP): is a new £350 million programme that will target selected low income households across Great Britain. CESP will promote a whole-house approach to energy efficiency and will be funded by the energy suppliers. Contact details for CESP teams at the obligated energy suppliers can be found on the Ofgem website. Alternatively call your local energy savings trust advice centre on 0800 512 012 to find out more.

Green Deal for households: is a national programme of energy efficiency measures for homes. It provides incentives for energy suppliers to provide finance to households through 'pay as you save' (PAYS) schemes. See the Department of Energy and Climate Change website for updates.

Eaga Partnership Charitable Trust: the aims of this fund are to relieve fuel poverty and promote energy efficiency. Priority will be given to projects which focus on fuel poverty and health, hard to heat homes and rural fuel poverty. Applications are judged on merit and there is no minimum or maximum limit to the grant. Visit the Eaga website for more information:

Foundations Independent Living Trust (FILT) Health Through Warmth hardship fund: a restricted fund to pay for insulation and heating works where the person is suffering from a heating-related health issue. This fund will include Warm Front top-ups. More information is available on the Foundations website.

Energy Performance Certificates (EPCs): the EU Energy Performance of Buildings Directive requires an EPC to be provided whenever a building is constructed, rented out or sold. EPCs are the only part of Home Information Packs (HIPs) to have been retained. Landlords have a legal obligation to provide EPCs to tenants alongside the offer of contract. Best practice would involve EPCs being provided to potential tenants when showing a property to allow comparisons between properties, in the hope that this will put pressure on landlords to improve their properties as tenants start to choose the more efficient properties.
References, publications and useful links

Audit Commission (1999), Safety in numbers.

Care & Repair (2002), ‘Should I stay or should I go?’ What is a Housing Options Service?
Available at: http://www.careandrepair-england.org.uk/sisosig/downloads/housingops.pdf

Care & Repair England, The effects of poor housing on health.
Available at: http://www.careandrepair-england-hhh.org.uk/ihhhleafflet.pdf


Citizens Advice Bureau, Common problems with renting webpage. Available at: http://www.adviceguide.org.uk/index/your_family/home_and_neighbourhood_index_ew/renting_a_home_index_ew/common_problems_with_renting.htm

Citizens Advice Bureau, Help for people on low income – the Social Fund webpage. Available at: http://www.adviceguide.org.uk/index/life/benefits/help_for_people_on_a_low_income_-_the_social_fund.htm#help_for_one_off_expenses


Department for Communities and Local Government Committee (2009), Beyond Decent Homes. Available at: http://www.publications.parliament.uk/pa/cm200910/cmselect/cmcomloc/60/60i.pdf

Department for Communities and Local Government (2009), Notice that you must leave: A brief guide for landlords and tenants. Available at: http://www.communities.gov.uk/publications/housing/noticethatyou


Department for Communities and Local Government Committee (2010), Beyond Decent Homes, Fourth Report of Session 2009-2010. Available at: http://www.publications.parliament.uk/pa/cm200910/cmselect/cmcomloc/60/60i.pdf
Department for Communities and Local Government (2010), Updated Test of resources for disabled facilities grant. Available at: http://www.foundations.uk.com/resources/policy/disability_and_housing


Directgov, Community Care Grants webpage. Available at: http://www.direct.gov.uk/en/MoneyTaxAndBenefits/BenefitsTaxCreditsAndOtherSupport/Caringforsomeone/DG_10018921


Directgov, Pension Credit – introduction webpage. Available at: http://www.direct.gov.uk/en/Pensionsandretirementplanning/PensionCredit/DG_10018692

Directgov, Veterans’ benefits and pensions webpage. Available at: http://www.direct.gov.uk/en/Pensionsandretirementplanning/Benefits/BenefitsInRetirement/DG_10027105


Home Office website (2009), Home Office statistics. Available at: www.homeoffice.gov.uk/crime-victims/how-you-can-prevent-crime/secure-your-home/


Shelter, Contacting environmental health webpage. Available at: http://england.shelter.org.uk/get_advice/repairs_and_bad_conditions/repairs_in_private_lets/contacting_environmental_health

University of Bristol (2008), Housing Associations and Home Adaptations: Making it work smoothly. Available at: http://www.foundations.uk.com/pictures/content787/housing_associations_and_home_adaptations_making_it_work_smoothly_2c_june_09.pdf