

TACKLING DISREPAIR: WHY ENFORCEMENT MATTERS

Research Report

August 2023



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*This report was produced by Greater Manchester Law Centre (GMLC) and Greater Manchester Tenants Union (GMTU), who are partners in the Housing Justice Network with Greater Manchester Immigration Aid Unit (GMIAU).
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1: Executive Summary

This report considers the ways in which Local Authorities in Greater Manchester enforce tenants' repair rights through their local enforcement teams. It focuses on the rights of tenants in assured and assured shorthold tenancies (broadly speaking, social and private tenants), rather than those in other forms of accommodation.

The report begins by considering the scale of disrepair in rented accommodation, why disrepair is so widespread, and how many types of disrepair pose a risk to the life and health of tenants.

In Chapter 3, the report outlines the three main enforcement mechanisms that tenants have available to them to ensure that repairs are carried out in their rented accommodation: disrepair proceedings in court, the Housing Ombudsman, and Local Authority enforcement. We highlight the difficulties tenants face in accessing different forms of enforcement, both due to barriers to accessing support and the challenges posed by each approach. We then discuss the importance of robust Local Authority enforcement procedures, especially for private tenants. In particular, we raise the issue of Local Authorities' power to serve landlords with Improvement Notices, which can provide protection from revenge eviction and unfair rent rises.

Throughout Chapter 3, we include case studies of people's experiences interacting with Local Authority enforcement teams across Greater Manchester - Manchester, Oldham, Rochdale and Stockport. These are told from the tenants'/occupiers' point of view, and as such have not been independently verified; however, they are all individuals that have been supported by GMLC or GMTU and represent a cross-section of similar cases we have seen over the last year. In most of these cases, the landlord has tried to evict the tenant following their reporting of disrepair.

Chapters 4 and 5 lay out data from Freedom of Information requests conducted by GMLC in 2023 covering the rough period February 2022 to February 2023, in which we asked GM's 10 Local Authorities to share information about their enforcement processes.

In Chapter 6, we analyse the results and come to several key conclusions:

- * Both enforcement procedures and data collection are very uneven across the 10 boroughs, making it hard to compare across different Local Authorities to identify and share best and worst practice.**
- * Different Local Authorities appear to treat social tenants in different ways, with some directing social tenants away to their housing provider's complaints process or the Housing Ombudsman. All Local Authorities received less reports from social than private tenants.**
- * Only some Local Authorities have publicly accessible, specific, written policies on housing disrepair enforcement practices.**
- * Improvement Notices were only served in around 3.9% of cases reported to the Local Authority across the 10 boroughs between February 2022 and February 2023, leaving the vast majority of private tenants vulnerable to revenge eviction.**

Chapter 7 ends the report calling for changes to the way Local Authorities conduct enforcement based on our findings. These largely focus on improvements to accessibility, effectiveness, monitoring and accountability of enforcement services across the boroughs.

2: Introduction

Housing disrepair has been in the news following the death in December 2020 of Awaab Ishak, a 2-year-old boy who died from a respiratory condition caused by “extensive” mould in a one-bedroom flat where he lived with his parents in a home owned by Rochdale Boroughwide Housing. After his case became national news in 2022, the inadequate response from Rochdale Boroughwide Housing was highlighted in various reports, including a ‘Report to prevent future deaths’, which summarised the Coroner’s view in an inquiry held into his death.¹ This report found that the family had been told by their social landlord to ‘paint over’ the mould, and their lifestyle was wrongly emphasised as a cause of damp and mould, when the Coroner found that a lack of ventilation and a lack of proactive treatment were contributors to his death.

Following the news about Awaab Ishak, many examples of similar cases have come to light, including that of Zainab Hamid, a four-year-old girl hospitalised after living in a mould-ridden and overcrowded London flat, publicised in May 2023.²

Government statistics suggest that damp and mould is experienced unevenly in the population, with Black, Asian and Minority Ethnic (BAME) communities significantly more likely to live in properties with damp and mould issues than white people.³ Disrepair is therefore also a racialised issue, potentially exacerbated by racial prejudices of staff in housing providers and other systems, and additional barriers facing BAME communities, such as difficulty navigating reporting processes for those who speak English as a second language. Many of our case studies below highlight how poorly enforcement systems are working for people from BAME and migrant backgrounds.

Damp is just one of the repair issues that can give rise to health problems, but it provides a good example of why recourse and enforcement is so important. Disrepair of various kinds – from faulty electrics, crumbling exteriors and broken appliances to leaks and flooding - is widespread across the social and private sectors.^{4,5}

The English Housing Survey estimated that in 2021, 23% of privately rented homes in England were in a condition that would fail the Decent Homes Standard. This was the highest proportion of all tenure groups, compared with 13% of owner-occupied homes and 10% of social-rented homes.⁶

Housing has been described as a ‘social determinant of health’, discussed at length in the Marmot Review of 2010.⁷ In addition to ethnicity, there are other intersections at which certain demographics are likely to be living in poorer housing, notably disabled people and single parents (9 out of 10 of which are single mothers).⁸ Therefore, disrepair is disproportionately experienced by those already facing societal stigma, exclusion and financial hardship.

Landlords’ duties and what you can do if they don’t deliver

In law, landlords of tenants – whether social or private – have duties to keep their homes in good repair structurally. We lay out the legal duties in the attached fact sheet that we send to tenants (Appendix A).

If a landlord does not complete repairs that are their responsibility properly or in a reasonable amount of time, tenants generally have three options:

- 1. Take a disrepair claim against their landlord in court (either social or private).***
- 2. Approach a local authority to report their landlord (either social or private).***
- 3. Approach the Housing Ombudsman to make a complaint (social).***

As will be discussed below, all three of these options can generate difficulties for tenants, which goes some way to explain why disrepair is so widespread in both private and social housing.

Taking a disrepair claim

Tenants generally have the right to take a disrepair claim against their landlord if they have informed the landlord that repairs the landlord is responsible for are outstanding, and the landlord has failed to complete repairs in a reasonable time. This commonly results in compensation and/or an order for the landlord to make repairs, but it can take a significant length of time for a claim to make its way through court.

Disrepair compensation claims fall outside of scope for free advice and representation under the Legal Aid scheme, except in the cases where it can be used as a defence to possession proceedings. This means that most tenants are reliant on either taking disrepair claims themselves as a Litigant in Person (unrepresented), or approaching a lawyer who will do the work for free (pro bono) or on a fee agreement, such as a no-win no-fee agreement.

Taking a claim as a tenant without representation can be difficult, as the law is complicated and spread across different statutes and case law, making a landlord's legal duties hard to follow for a layman. Sometimes, the court will direct that the parties need to obtain a surveyor's report during litigation, and without Legal Aid, tenants have to pay for this themselves, which can cost several hundred pounds. Additionally, the tenant will still be expected to follow the court's procedural rules, including which court to issue the case in in the first place. Procedural mistakes can result in the claim being struck out and the tenant owing the landlord money – the 'costs' in the case – with no promise of repairs being done (see Louis' case study on page 7).

Most commercial solicitors offering disrepair services focus on taking claims against social landlords, as it can be harder to recover costs and compensation from private landlords. This leaves many private tenants unable to find a lawyer to represent them unless they pay private rates – usually hundreds of pounds per hour for a solicitor's time.

Reporting to the Housing Ombudsman

For social tenants, there is a Housing Ombudsman, who can investigate complaints from tenants who have already been through their own housing provider's complaints process. The Housing Ombudsman can assess whether a landlord has dealt with a complaint fairly. Where an investigation finds evidence of a service failure they can find that there has been 'maladministration', and order 'reasonable redress'. In its decisions, it can make 'orders' and 'recommendations', including requiring the landlord to pay compensation or to carry out repairs. Compensation amounts are usually fairly low compared to an equivalent court claim.

Though the Ombudsman can ask landlords to make repairs, the FAQs on their website manage tenants' expectations:

"Q: Can you make my landlord take immediate action regarding my concerns, e.g. outstanding repairs or antisocial behaviour?

A: No, that remains the landlord's responsibility."

The Housing Ombudsman claim that their average timescale for investigations is just under six months, but "more complex cases may take longer and we complete 99% of cases within 12 months."⁹

The new Renters Reform Bill proposes the creation of a private rented sector Ombudsman, which would allow a similar process to the above for tenants of private landlords. However, this Bill is likely to take some time to pass and then come into force, and it is unclear what any such Ombudsman would look like in practice.

Reporting to the Local Authority

Tenants can also report their landlord's failure to repair to their Local Authority, who have statutory duties to inspect properties and powers to require a landlord to take action.

Disrepair is categorised based on the Housing Health and Safety Rating System (HHSRS). A local authority has a duty to inspect where an official complaint has been made about any premises in its district and the circumstances complained of indicate that any category 1 or category 2 hazard may exist on those premises (s4(2) Housing Act 2004). Similarly the power to issue improvement notices applies to any residential premises (s12 Housing Act 2004) – so both social and private homes.¹⁰

Category 1 hazards are those where a hazard in the home could cause most serious harm, such as death or regular, severe illness. Category 2 hazards are those that could cause cardio-respiratory disease, asthma, or other serious but not extreme illness. Severe damp and mould is likely to fall into one of these categories depending on the health of the tenant(s).

Local authorities employ enforcement teams to conduct inspections and take action against landlords who are not dealing with repairs. Most local authorities will ask tenants to go through a process before approaching them, often asking them to contact their landlord in writing at least once, giving the landlord time to respond

and then trying again. Once the tenant has completed this process, they can contact the Council. The first stage of enforcement is often informal, with the Council making a visit to inspect the property and then contacting the landlord by phone or email to ask them to complete repairs. Depending on the outcome of this, they have many powers they can use, including:

- * *Issuing various Notices which require landlords to complete repairs, remove hazards or take other action, including:*
 - *Improvement Notices (giving landlords a period of time to deal with disrepair before the Council can take legal action);*
 - *Prohibition Orders (preventing the use of part or all of a building, or restricting the type or number of people living there – used in severe cases of disrepair where it may endanger tenants' health and safety);*
 - *Demolition Orders (requiring the owner to demolish the premises – in only the most extreme cases).*
- * *Taking action to remedy a hazard themselves and then pursuing a landlord for costs;*
- * *Taking legal proceedings against landlords.*

Given the difficulty of accessing representation for a court claim, and the absence of an Ombudsman for private tenants, local authority enforcement is often the most immediately accessible option for tenants.

For occupiers who are not tenants, including asylum seekers and licensees (which includes people who have a licence to occupy supported-shared or exempt accommodation, homeless people in B&Bs and in hostels, lodgers etc), there is no legal repairing obligation, so enforcement is the main option for these occupiers.

Local Authorities cannot take enforcement action against themselves (for example, in their Council housing stock), but they still have duties to keep their properties maintained.

3: Why enforcement matters: law and case studies

Enforcement as a deterrent

The private rented sector is not monitored by a regulator in the same way as the Housing Ombudsman regulates the social housing sector. Private tenants have limited means to enforce their rights around disrepair. In 2012, disrepair was largely taken out of scope for legal aid in most cases. No-win no-fee solicitors have taken up disrepair claims on a commercial basis in many places, but these firms usually target social landlords and the Council, as it can be more difficult to recover costs from private landlords even in the event of winning a case. In other words, it is extremely difficult for private tenants to enforce legal rights around disrepair if a landlord is refusing to carry out their legal duties. Very few law firms offer this service and the courts can be extremely difficult to navigate for litigants in person.

In this context, Council enforcement powers provide one of the only avenues of legal recourse for a tenant whose landlord is not responding to them or refusing to carry out repairs in a timely manner.

If a private landlord knows that the Council, once informed, is likely to serve Notice and take proceedings against them for disrepair, it may encourage them to do repairs in a timely manner. However, this relies on Councils using their powers visibly, robustly and consistently, and creating accessible reporting systems that empower tenants to enforce their rights without unnecessary barriers, especially for those who speak English as a second language or are 'non-internet users' (a number that is shrinking, but was still estimated at 10% of the population at the 2021 Census).¹¹

CASE STUDY

Louis is unsatisfied with Stockport Council's action, but struggles to take his own disrepair claim in court

Louis moved into a flat in Stockport in winter 2022 on his own, paying the rent from his benefits income. When he moved in, he realised that there were problems with the boiler, and that the extractor fan in the bathroom wasn't working. Damp and mould began to build up, and the flat was freezing, meaning he had to spend more on energy bills than he had expected. He reported disrepair but it took ages for the landlord to respond, and some issues didn't get fixed.

In late 2022, he approached Stockport Council, who contacted the landlord informally to ask him to complete all repairs required. They threatened to issue an Improvement Notice if he didn't complete works within a week. The landlord immediately took action to fix some of the issues Louis had raised, but some of the damp and mould went untreated, and some began to grow back again soon after the visit. Louis has tried to email the Council since, but has found it difficult and feels he has had to chase them for support and that they are not taking the matter seriously. The Council did not serve an Improvement Notice.

Louis decided to take a disrepair claim when the repairs were not completed. He struggled to find legal advice to take a disrepair claim to court, so he attempted to do this himself, gathering together a lot of evidence and submitting it to the court. However, his case was struck out because he had not understood the court's procedures around serving evidence, and he was ordered to pay his landlord's costs of nearly £1000 with no order for the landlord to carry out the remaining repairs.

Protection from revenge eviction

According to Shelter's research, compiled by YouGov, three in four (76%) of private renters in England – equivalent to more than 6.2 million people – have experienced disrepair in their home.¹²

The research also found that private renters who complained to their landlord, letting agent or local council in the last three years were two and a half times (159%) more likely to be handed an eviction notice than those who had not complained. Furthermore, a quarter of private renters (25%) – just over 2 million people – have not asked their landlord for repairs to be carried out or conditions improved for fear of being evicted.

CASE STUDY

Single mum reports to Oldham Council and does not hear back

Roshni lived with her three children in a house in Oldham. The house had serious issues with rats and mice, and also damp and mould. All of Roshni's children developed asthma, which she believed was related to the damp. In 2022, the electrics in the kitchen began to trip regularly. An electrician visited and the wiring was found to be so old that it was dangerous. The electrician disconnected it, leaving her without electricity in her kitchen. Roshni contacted her landlord, but her landlord refused to do repairs and threatened her with eviction instead. So Roshni had to live without electricity in her kitchen, not knowing if the wiring elsewhere in the property was safe.

In early 2023, Roshni approached Oldham Council about the outstanding repairs. They asked for more pictures and videos of the mould, so she sent some more over email. After this, at our last contact with Roshni, she had not heard back from the Council's enforcement team. The Law Centre helped prevent Roshni's eviction, but the disrepair remains.

Laws protecting private renters from revenge eviction

Many people have heard of the protections from 'revenge eviction' that were brought in across England and Wales in 2015. These provisions were intended to prevent private landlords from refusing to do repairs and then evicting tenants in retaliation to re-let substandard properties. In theory, protection from retaliatory eviction should operate to increase the quality of private housing stock.

However, the law that brought in protection from retaliatory eviction – s33 of the Deregulation Act 2015 – is quite prescriptive. It gives tenants protection from retaliatory eviction for 6 months, but only in the case of disrepair, where a tenant's Local Authority has served an Improvement Notice on the landlord. An Improvement Notice is usually only served where disrepair is very severe and a threat to tenants' health. It is also only served after landlords have been contacted informally by the Council. In our case studies, we found many examples of situations where Local Authorities made informal contact with landlords, but did not follow up to ensure the repairs were actually completed to a decent standard without considerable chasing from tenants. In these cases, an Improvement Notice was never served, despite serious disrepair.

Where Local Authorities do not follow through and serve an Improvement Notice, this leaves private tenants who report disrepair to their Councils vulnerable to revenge eviction with no legal protection.

CASE STUDY

Irie's family lives with appalling disrepair, but no Improvement Notice is served to protect them from eviction

Irie approached the Greater Manchester Tenants Union (GMTU) in 2022 because her landlord had served her with a Section 21 (no-fault) eviction notice. She told them that she had been living with severe disrepair, and when she reported it to her landlord, he told her he would get it fixed. However, instead of starting work to make the flat liveable, the landlord almost immediately sent the Notice to evict her. GMTU put her in touch with the Law Centre.

Irie told her solicitor that she had lived with her two teenage children, Amelia and Daniel, in a one-bedroom flat for over a decade. Irie came to the UK as a migrant and had been living with no recourse to public funds for two decades – meaning she was not able to claim benefits or make use of homeless services. Irie was working three part-time jobs to pay her rent and bills and look after her family.

Irie told GMTU that the flat was in appalling condition, and the whole property was falling to pieces. The hallway was covered in brick dust, with lights not working and a broken-down, hazardous stairwell. A leak from the flat above had led to Irie's entire bathroom ceiling falling in, and it had been left that way for over a year. There was a large hole above the sofa in her living room. The walls were scuffed and damaged. Years before, a gas engineer had visited and turned off the gas appliances, which were left in the flat with 'condemned' stickers across them. There was now no heating or hot water in the flat. Mould and damp had spread throughout the flat despite Irie's best efforts to prevent it, partly due to the lack of heating. The curtains in the bedroom were covered in mould. Rats and mice were rife, with a build-up of waste outside the flats contributing to the pest control problem. Once, a live rat fell from the hole in the living room ceiling next to her daughter while they were watching television.

Irie attempted to report repairs to Manchester City Council's Housing Compliance and Enforcement Team in September 2022 after speaking to GMTU. First, the team did not appear to make records of her call, and she had to call again in early November 2022 to re-report the repair issues. By this time, they had been living without hot water for weeks. In an email to the Enforcement Team, a GMTU member mentioned the eviction and asked for an Improvement Notice to be served – after all, Irie was not eligible for homeless help due to her migration status, and couldn't access subsistence benefits, so would find it difficult to get help from public authorities if she were made homeless.

MCC officers apologised for the initial refusal to inspect the property, which they claimed was based on miscommunication when they contacted the tenants, as they had not understood the extent of her disrepair. A Neighbourhood Compliance Officer visited, and asked the landlord to do various repairs informally. When he attended the home, with a GMTU member attending to support the family, he did not identify himself as an MCC staff member, was not wearing his ID lanyard, and, due to entering and leaving the property with the landlord's staff, with whom he appeared to have a familiar working relationship, it was not clear to the tenants that he was an impartial official; they assumed he also worked for the landlord. The Council made no moves to serve an Improvement Notice to protect her from eviction, despite being asked directly to do so. The landlord completed some repairs over the following weeks, including restoring heating and hot water, but many repair issues still remained at the flat months later.

In early 2023, Irie received a possession order from the court, and currently awaits eviction by a bailiff while alternative accommodation is secured.

CASE STUDY

Improvement Notice protects low-income pensioners from eviction while they find a new home

Since 2010, Fred and his wife Jan have lived in a 2-bed house in Oldham with their teenage grandson Mark. Fred and Jan are pensioners on a low income. Over the last few years, Fred has developed severe physical health issues, including chronic bronchitis, which affects his breathing. For several years, disrepair had been developing – in particular, in 2016, mould began appearing in the bedroom, caused by problems with the external guttering. There were also problems with badly installed windows, which were falling out and leading to serious leaks into the bedrooms when it rained. The black mould was exacerbating Fred's health issues, but the landlord refused to complete sufficient repairs, and so the family were forced to spend his own money trying to improve the property.

In early 2022, the family approached Oldham Council. The Council tried to contact the landlord but he often refused to speak to them and did not make the necessary repairs. In March 2022, the Council issued an Improvement Notice. The landlord then tried to evict the family using Section 21, but they were protected by the Improvement Notice while they applied for social housing. Fred, Jan and Mark are still in the property but have plans to move.

Revenge eviction and social landlords

The protection afforded by s33 of the Deregulation Act does not apply to social landlords. This makes assured shorthold tenants of social landlords especially vulnerable to retaliatory eviction using Section 21. Usually, tenants of social landlords are assured tenants, which means Section 21 cannot be used to evict them, but as the National Housing Federation acknowledges, many social landlords now use assured shorthold tenancies – less secure and subject to fewer legal protections for tenants – for “a range of reasons”.

There is a general assumption that social landlords will not use no-fault evictions except as a last resort due to their internal policies and their greater regulation – for example, by the Housing Ombudsman. However, in the case studies provided, we provide an example of a social landlord using a Section 21 following reports of disrepair by a refugee family.

In research conducted in 2021, Greater Manchester Law Centre found one social landlord who claimed they had served over 300 Section 21 Notices in the space of a year (most other social landlords we contacted did not respond to our request for information on their use of Section 21).¹³

CASE STUDY

Refugee family in social housing struggle to get enforcement team to inspect their home

Asmarina is a refugee who approached the Law Centre in late 2022. She lived with her husband and five children in temporary homeless accommodation, where they had been living since 2018 with Manchester City Council as their landlord. In 2021, they were provided with new assured shorthold tenancy agreement with a registered provider of social housing.

Neither Asmarina nor her husband could read or write in English, so they did not realise their landlord had changed. In 2022, they tried to report repair issues to the Council,

believing this was still their landlord. In particular, their basement had flooded, and a mould issue was developing both in the basement and the upstairs bedrooms where some of the children slept. The Law Centre helped Asmarina report the issue to the Manchester City Council's Housing Compliance and Enforcement Team. The Council responded by email to say they could not inspect the property because the landlord was a social housing provider. This is not correct in law, as the Council have duties to inspect across both private and social housing, so the Law Centre responded to this. An inspection was eventually completed and repairs were carried out.

Unfair rent rises

As well as serving an eviction notice, landlords in the private sector often use rent rises to push tenants out of their properties. In most privately rented properties where there is no rent review clause in a tenant's contract, a rent rise can be imposed on tenants using Section 13 of the Housing Act 1988. GMLC has seen rent increases of up to 150% becoming increasingly common during the recent inflation crisis.

When challenging rent rises, tenants can (if they apply within a very strict time limit) approach the First-Tier Tribunal. After receiving an application from a tenant to challenge a rent rise, the Tribunal determines whether a landlord can charge the rent they have asked for based on the rent a landlord 'might reasonably be expected to be let in the open market by a willing landlord', otherwise known as the 'market rent'. Disrepair issues (but not the tenant's personal circumstances) are taken into account by the Tribunal, and so disrepair can be the main factor standing between a tenant and a large rent increase.

As Local Authority enforcement teams are trained to provide schedules of disrepair, particularly with formal Improvement Notices, this can aid tenants in challenging rent increases, as it can provide evidence of disrepair to use in the Tribunal. As such, enforcement can also be used to prevent rent increase evictions by the back door, which will become ever more vital if Section 21 is abolished by the Renters Reform Bill and rent rises become a more common way of getting tenants to leave their properties.

CASE STUDY

An Improvement Notice helps Yuusuf defend against an unfair rent increase

Yuusuf lived with his wife and seven children in overcrowded accommodation in South Manchester. In late 2022, the Law Centre and Greater Manchester Tenants Union (GMTU) completed a Know Your Rights session in his local area. Yuusuf brought a possession order he had received from the court telling him to leave his home. The Law Centre identified that he would have had a defence to the case (Section 21 no-fault proceedings), and managed to get the possession order set aside in a court hearing. The landlord stopped trying to evict him using Section 21, but within a week, they had served a Section 13 rent increase notice doubling Yuusuf's rent to force him out of the property.

As well as being overcrowded, Yuusuf's house had significant damp and mould growth and many other disrepair issues. Manchester City Council's enforcement team inspected and an Improvement Notice was served, in which 17 hazards were identified. This Notice protects Yuusuf from eviction using Section 21 for 6 months (or until the work is complete). It also helps to prove that the property is in disrepair, which is evidence that the Law Centre can use to challenge his rent increase in the Tribunal.

Occupiers who are not tenants

For occupiers who are not tenants, including asylum seekers and licensees (which includes people who have a licence to occupy supported-shared or exempt accommodation, homeless people in B&Bs and in hostels, lodgers etc), there is no legal repairing obligation, and so Councils are the only bodies with significant enforcement power when it comes to disrepair in their homes. Failures can therefore leave the most marginalised of occupiers without support when facing dangerous or unhealthy living conditions.

Having certain accommodation which does not carry the usual level of rights also creates a 'race to the bottom' effect, where landlords with the worst, least maintained housing can always change the type of accommodation they offer to take advantage of lowered legal demands. Council enforcement can help keep these properties safe where the law offers less protection.

CASE STUDY

Asylum seeker in Serco-provided accommodation is told Manchester City Council won't inspect

Bukky was an asylum seeker who was referred to the Law Centre in mid-2022 to challenge the Home Office's failure to provide suitable asylum support accommodation. Bukky had a number of complex life-threatening illnesses including sickle cell disease and serious mobility issues that mean she walks with a frame. She had letter from nurse saying she needed: dry conditions with no damp or mildew to reduce risk of infection; a clean, sanitised living space and surfaces free from infestation to reduce risk of infection; and warmth, including adequate heating and well-fitted doors and windows to prevent draughts. Without these things, she could fall into sickle cell 'crisis' - episodes of extreme pain.

Bukky's asylum support accommodation was a very small one bedroom in a converted house with a tiny bathroom. There was no room for Bukky to use her frame in the room, only a bed for her to sit down on. There was black mould in the bathroom caused by bad ventilation and a non-functional fan, the waste pipe from kitchen sink was leaking, and exposed electrical wires were coming from a wall. The house had a mouse and rat infestation. The accommodation was also too small for Bukky to move round with walking aids.

Bukky's solicitor at the Law Centre reported potential hazards to Manchester City Council in May 2022. After repeated chasing for over two weeks, the Council's enforcement team refused to conduct an inspection to identify whether any hazards were present. The enforcement officer described Serco as being treated as a housing association who is a responsible landlord with their own in-house procedures, even though asylum accommodation providers do not have the same repairing duties as social landlords, and the Law Centre had advised the Council that Bukky had already exhausted Serco's complaints procedures.

The Law Centre obtained a surveyor's report using Legal Help funding (not available to tenants without a lawyer), owing to the genuine risk to Bukky's life if she stayed at the property any longer. The surveyor identified serious hazards including mould and evidence of mice and rats. He also highlighted that the bathroom was legally too small, and considered that the property was significantly smaller than government guidelines

for housing standards and that this in itself constituted a hazard. He recommended over £3,000 in works and said that the tenant should be offered alternative accommodation for 2 weeks to accommodate necessary repairs.

The Law Centre managed to get Bukky moved to different accommodation following this report. We do not know whether or not improvements to this property were ever carried out or whether another asylum seeker is now housed in the room Bukky has moved from.

Tenants in HMOs and licensed properties

If a landlord owns a house in which 5 or more people are living, made up of 2 or more households (so, not a single family of more than 5 people – usually students or single renters), they are legally obliged to take out a license to run the property as a House of Multiple Occupation (HMO). When obtaining this license, the property is expected to meet basic minimum requirements for safety and standards before a license is issued.

Local Authorities can also designate certain areas of their boroughs as ‘selective licensing’ areas, where all private landlords must obtain a selective license from the Council for a fee. If a landlord has a property they are renting out in these areas, they must demonstrate that they have followed regulations in renting out the property. Landlords cannot serve a valid Section 21 Notice at an unlicensed property in a selective licensing area until they have properly applied for a license, and they may be fined by the Local Authority - as well as tenants being able to apply for a Rent Repayment Order for periods where their home was unlicensed. In Greater Manchester, some Local Authorities have designated selective licensing areas (e.g. Oldham and Manchester), but most have not.

In theory, tenants in Houses of Multiple Occupation (HMOs) and selective licensing areas should be more protected than other tenants, because their landlord is known to the Local Authority and there are additional duties on them and ways to enforce against them. However, this requires tenants knowing their rights, and Local Authorities taking appropriate action when an unlicensed property – or a licensed property that does not meet required standards – is discovered.

CASE STUDY

Delays in enforcement leave Rochdale HMO residents with serious fire hazards at their property

For five years, Chris and Charlotte were living in a House of Multiple Occupation (HMO) in Rochdale owned by a private landlord, alongside a number of other tenants. They made complaints relating to a faulty boiler, which was intermittently non-functional for nearly three years. There was also severe disrepair, holes in the walls and floors, damp, mould, rats, exposed electrical cables, and two fire safety incidents, in 2019 and 2021, which led to intervention by the fire service, the second leading to evacuation of the building due to the mains electrical supply being a fire hazard. The mains supplier was called out to make the building safe.

Chris and Charlotte reported the matter to Rochdale’s enforcement team. Action was extremely slow, and despite the referrals from the fire service and a joint inspection, as of April 2022 no action had been taken against the landlord, although the fire service were told the Local Authority had historic concerns with the landlord and the specific property, and would take the lead.

Chris was informed that the landlord was 'now improving the property, which is the main thing', after all but one of the previous tenants were moved out and rehoused in other homes. No improvement notice was served, even though this property was in a state that meant a prohibition notice could have been appropriate.

At the time of writing this report, to our knowledge, the landlord is being investigated for breach of HMO licensing, but no other prosecution or civil penalty has been initiated.

4: Copy of Freedom of Information request sent to Greater Manchester Local Authorities

In January 2023, a volunteer from Greater Manchester Law Centre sent a request under the Freedom of Information Act 2000 to Bolton, Rochdale, Oldham, Salford, Wigan, Bury, Tameside, Manchester, Trafford and Stockport Councils, asking for information about their enforcement practices. We asked:

In the last 12 months:

A) PRIVATE RENTED HOUSING

- 1. How many tenants in private rented properties have approached the Council to report disrepair in their homes?*
- 2. How many inspections have been completed on privately rented properties?*
- 3. Following inspection, in how many cases has further contact been made with a private landlord to request that repairs are completed?*
- 4. How many Enforcement/Improvement Notices have been served on private properties, and how many private landlords does this represent?*
- 5. How many Prohibition Notices or Demolition Orders have been made on private rented properties?*

B) SOCIAL RENTED HOUSING

- 6. How many tenants in social housing properties have approached the Council to report disrepair in their homes?*
- 7. How many inspections have been completed on social housing properties?*
- 8. Following inspection, in how many cases has further contact been made with a social landlords to request that repairs are completed?*
- 9. How many Enforcement/Improvement Notices have been served on social housing properties, and how many social housing landlords does this represent?*
- 10. How many Prohibition Notices or Demolition Orders have been made on social housing properties?*

C) OPERATIONAL GUIDANCE

I understand that the local authority has a duty to inspect a property where an official complaint has been made about any premises in its district and the circumstances complained of indicate that any category 1 or category 2 hazard may exist on those premises (s4(2) Housing Act 2004).

Similarly the power to issue improvement notices applies to any residential premises (s12 Housing Act 2004).

- 11. Please provide me with your policy, procedure or staff guidance in respect of how the local authority conducts its duties under s4(2) HA 2004, and powers under s12 HA 2004 for example in relation to the circumstances in which the local authority will or won't inspect and what criteria and time-frames are involved when deciding whether enforcement action is appropriate and if so in what form. If you do not hold policies, please provide a brief explanation of the criteria, process and time-frames involved.*
- 12. Please tell me how many staff are currently tasked with enforcement duties and how many cases are currently open to the local authority's enforcement team.*

5: Results from Freedom of Information requests

All 10 Local Authorities responded to our FOI request within a month of our request on 31 January 2023. Here are the figures we were provided with.

Figure A: Councils who split the data between private and social tenants' requests

Q	A) PRIVATE RENTED HOUSING	Bolton	Rochdale	Oldham	Salford	Wigan	Bury	Tameside
1	How many tenants in private rented properties have approached the Council to report disrepair in their homes?	535	506	390	287	128	197	240
2	How many inspections have been completed on privately rented properties?	154	110	203	102	55	87	240
3	Following inspection, in how many cases has further contact been made with a private landlord to request that repairs are completed?	Not provided	110	Not provided	60	54	81	230
4	How many Enforcement/Improvement Notices have been served on private properties, and how many private landlords does this represent?	29	29	10	6	2	14	0
5	How many Prohibition Notices have been made on private rented properties?	12	4	5	1	1	2	1
	How many Demolition Orders have been made on private rented properties?	0	0	0	0	0	0	0
	B) SOCIAL RENTED HOUSING							
6	How many tenants in social housing properties have approached the Council to report disrepair in their homes?	69	48	75	Not provided	14	0	114
7	How many inspections have been completed on social housing properties?	1	0	8	"N/A"	11	0	114
8	Following inspection, in how many cases has further contact been made with a social landlord to request that repairs are completed?	1	48	Not provided	0	10	0	98
9	How many Enforcement/Improvement Notices have been served on social housing properties, and how many social housing landlords does this represent?	0	0	0	0	0	0	0
10	How many Prohibition Notices or Demolition Orders have been made on social housing properties?	0	Not provided	0	0	0	0	Not provided

Figure B: Councils who did not split the data between social and private tenants

Q	A&B) DATA NOT SPLIT	Manchester	Trafford	Stockport
1&7	How many tenants have approached the Council to report disrepair in their homes?	1345	247	202
2&8	How many inspections have been completed on rented properties?	1580	Not provided	Not provided
3&9	Following inspection, in how many cases has further contact been made with a landlord to request that repairs are completed?	Not provided	Not provided	Not provided
4&10	How many Enforcement/Improvement Notices have been served on rented properties, and how many landlords does this represent?	84 Improvement Notices 76 Other Notices	4 Improvement Notices 5 Hazard Awareness Notices	20
N/A	How many Prohibition Notices have been made on rented properties?	27	7	3
N/A	How many Demolition Orders have been made on rented properties?	0	7	0

Figure C: Totals across all boroughs

TOTALS	Bolton	Rochdale	Oldham	Salford	Wigan	Bury	Tameside	Manchester	Trafford	Stockport
Requests	604	556	465	287	142	197	354	1345	247	202
Inspections	155	110	211	102	66	87	354	1580	Not provided	Not provided
Imp, Pro or Dem Orders/ Notices	41	33	15	7	3	14	1	111	11	3
FTE staff	3	4	3	Not provided	7	1.9	3	23	3 (2 temp staff)	4

6: Analysis and Conclusions

Reports and inspections

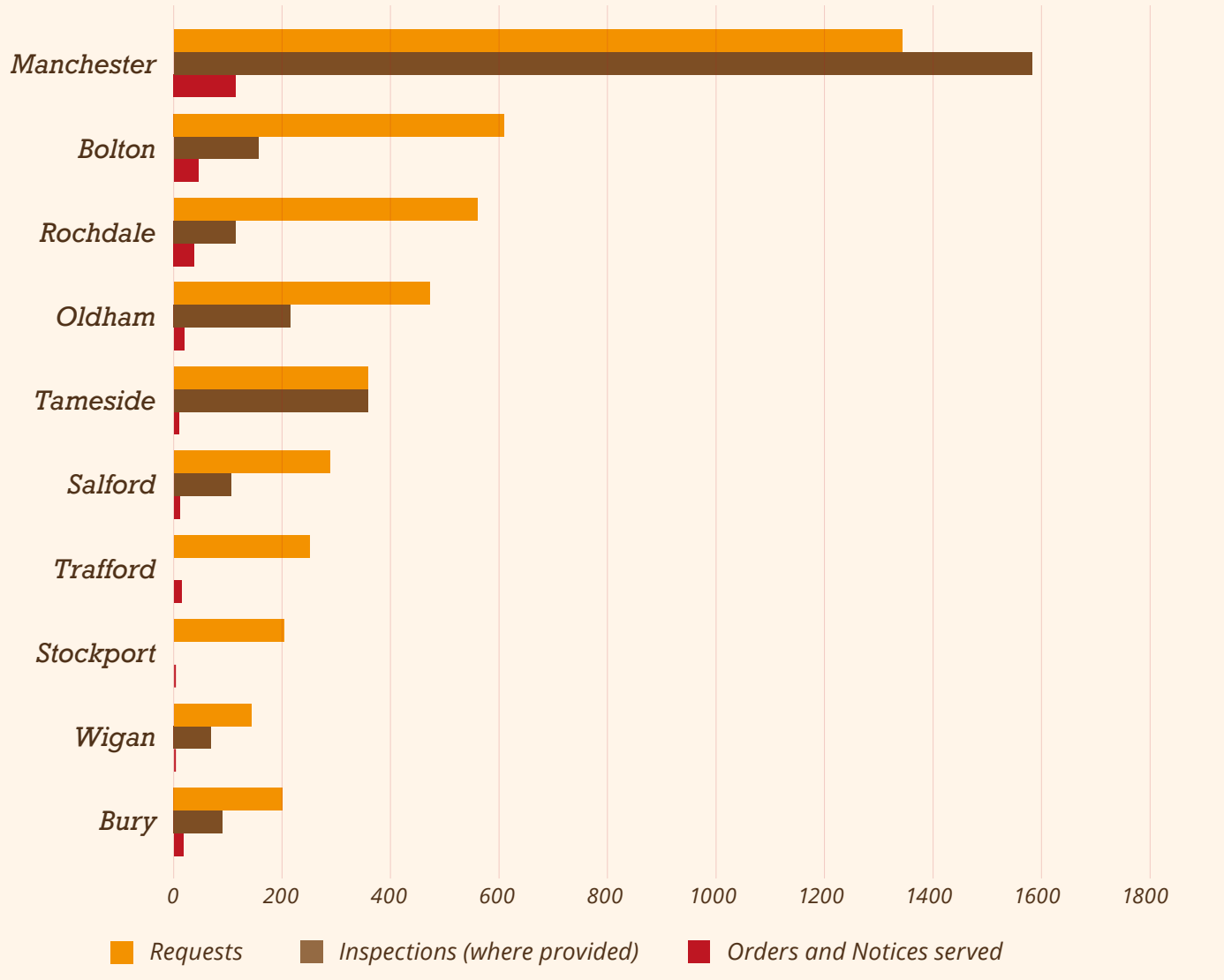
Across all Greater Manchester boroughs across the year prior to our request (approximately February 2022 – February 2023, varying slightly between Councils depending when they responded), 4399 reports of disrepair had been made to the Local Authority. 2665 inspections had been made across the Councils that provided this data (all Councils except Trafford and Stockport).

The number of inspections is unlikely to represent the proportion of requests responded to. For example, Manchester City Council’s number of inspections was higher than their number of requests. When asked a follow-up question about this, they responded: “the number of inspections includes revisits as well as visits for licensing purposes”. Other councils did not stipulate whether they included revisits or licensing visits in their numbers.

Tameside’s data suggested they inspect on every request they receive, which would appear to be good practice, as it means every tenant who made a request across private or social housing had a chance to show their Local Authority the disrepair at their property. However, Tameside did not serve any Improvement Notices across the year, and as discussed below, they had no policy for enforcement in disrepair, so more investigation would be needed to assess the quality of their enforcement procedures.

The three Councils with the highest number of reports of disrepair were Manchester (1345), Bolton (604) and Rochdale (554). Wigan had the lowest number of reports (142).

Requests, Inspections and Formal Enforcement Action across 10 boroughs



Reasons why number of reports differed from borough to borough may include:

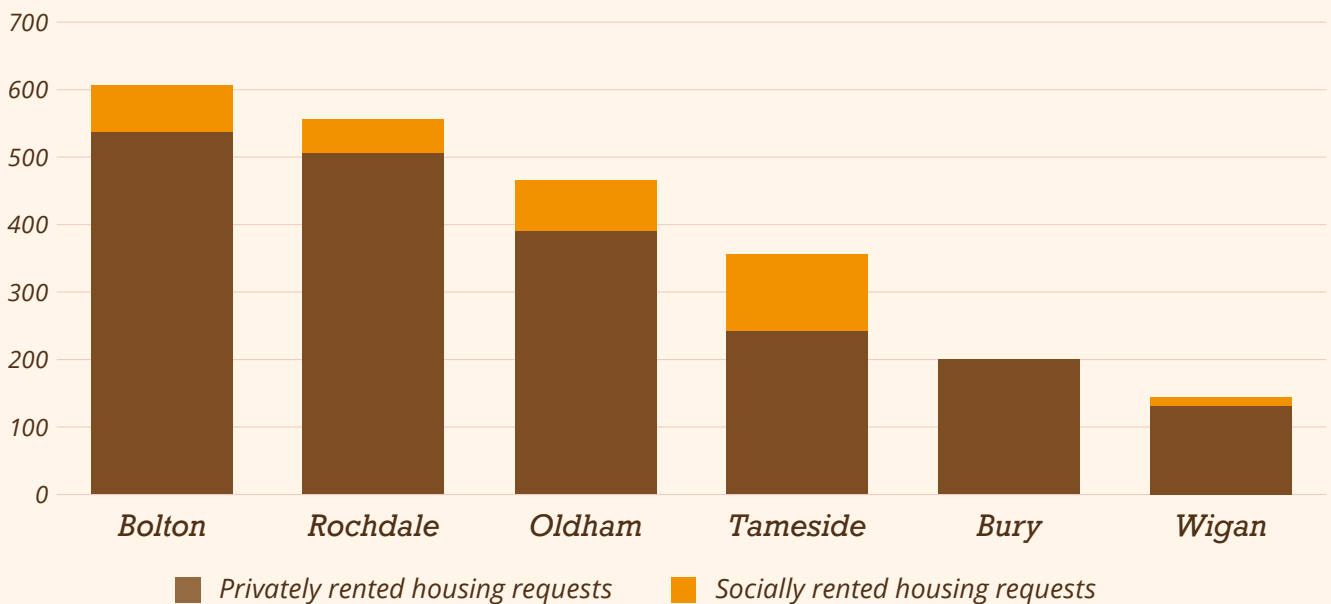
- * *Differing sizes of rental populations in each borough;*
- * *Differing quality of rented housing in each borough;*
- * *Different visibility and accessibility of council reporting mechanisms.*

Running effective enforcement therefore poses different challenges for different Local Authorities, potentially requiring different solutions.

Overall, where Councils split the data between social and private tenants, Councils were far more likely to get reports from private tenants. For example, in Bolton, which had the second highest number of reports of disrepair (604), 11.4% of reports were from social tenants. Tameside had the highest proportion of social tenants reporting disrepair, at 32.2% of all reports. However, this could be affected by the fact some Local Authorities included guidance on their websites pointing social tenants to the Ombudsman or their own provider's complaints process.

Bury claimed that no social tenants had reported disrepair. This may be affected by the fact the guidance on making a report on their website does not appear to mention that it is possible for social tenants to report disrepair to the Council, as only privately rented housing is mentioned.¹⁴

Service requests split between and private tenants (where data provided)



Improvement and Prohibition Notices

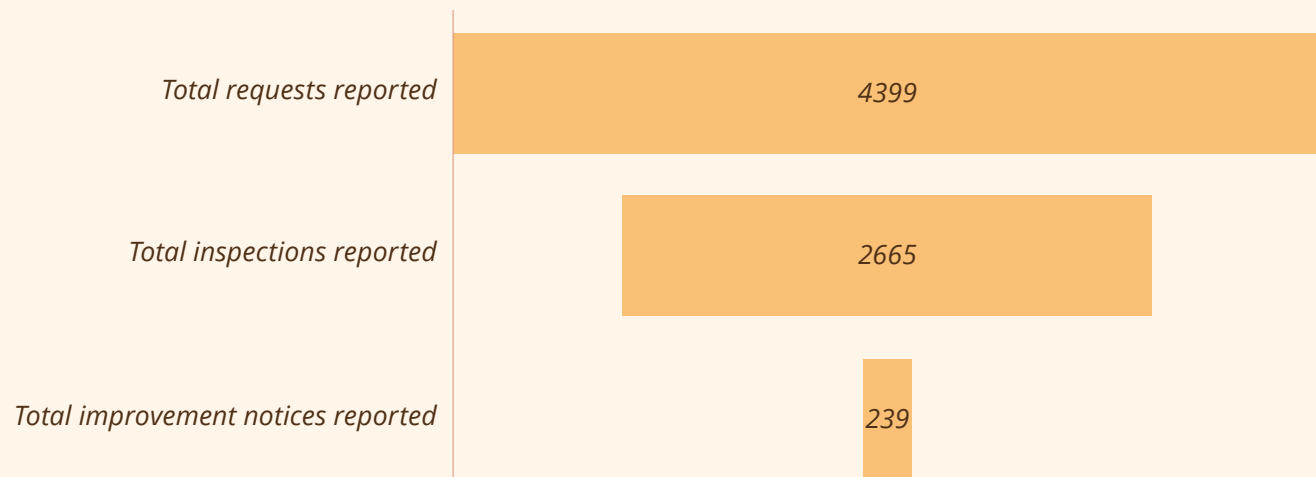
Across the 2283 reports that are marked as being from private tenants (all boroughs excluding Manchester, Trafford and Stockport), 90 Improvement Notices were served, representing 3.9% of reports. Only 1 Improvement Notice was served on a social landlord by any borough across the year.

Prohibition Notices, which are served in the most extreme cases where a home is not fit to live in, were served 26 times (1.1%). There were no Demolition Orders across the year.

Manchester served the most Improvement Notices in total (84 as defined by s33 of the Deregulation Act, which protects private tenants from eviction; 160 in total including all forms of Notice).

Rochdale and Bolton both served 29 Notices each. Stockport, Wigan and Tameside served the fewest Improvement Notices, at 3, 2 and 0 respectively. It is not clear whether this is because fewer properties have disrepair at the level requiring Improvement Notices, whether these Councils interacted more effectively with landlords to get repairs done at the informal stage, whether these Councils are reluctant to take formal enforcement action, or due to other differences in policy.

Progression through stages of enforcement



Staff numbers

The most staff employed in an enforcement team were at Manchester City Council, who told us they had 23 staff in their enforcement team. There were 55 staff across Greater Manchester dealing with enforcement and repairs, for a tenant population estimated at around 1,204,463¹⁵. This is approximately one staff member for every 80 reports made each year.

The average number of staff in enforcement departments was 6. The average discounting Manchester, which had the most staff, was 4. However, it is unclear from the data provided whether all Councils were providing Full Time Equivalent (FTE) numbers, or whether some of these staff may be part time.

Policies

9 of the 10 Greater Manchester boroughs (all apart from Salford) answered our query about their policy, but policies around enforcement were very uneven. We consider that, as well as being a good process that can be shown to be effective, best practice would mean having policies that were specific to disrepair and publicly available.

From our requests, we considered that only two Councils had publicly accessible policies that were specific to disrepair: Rochdale and Bury. Tameside and Stockport told us they had no policy at all. Other Councils had policies but either they were generic (around enforcement in general, rather than housing disrepair) or not accessible to the public.

Local Authority	Do they have a policy?	Is it specific to disrepair?	Is it publicly available?
Rochdale	✓	✓	✓
Bury	✓	✓	✓
Trafford	✓	✓	✗
Wigan	✓	✗	✓
Manchester	✓	✗	✓
Oldham	✓	✗	✓
Bolton	✓	?	✗
Tameside	✗	✗	✗
Stockport	✗	✗	✗

Conclusions

It was immediately obvious from the responses that Local Authorities were recording data in different ways, with three Local Authorities unable to split their data relating to private and social rented housing (Manchester, Trafford and Stockport). Some Local Authorities (Manchester, Trafford, Stockport, Bolton and Oldham) were not able to provide a breakdown of how many reports had reached the stage where landlords were contacted informally about doing repairs, though all Local Authorities had a record of the number of Notices they had served. Our results suggest that the recording of reports and their outcomes could be improved in many Local Authority enforcement teams to help shape and improve enforcement action.

The unevenness of policies, enforcement practices and recording across Greater Manchester shows up the need for a more coordinated approach, or enforcement risks becoming a postcode lottery. In particular, it was unhelpful that many Councils either did not have a policy on how to enforce disrepair, or did not make their policy public, meaning tenants would struggle to hold them to account if the Local Authority failed to help them. Generally, there is a duty on public authorities to be transparent in the way they exercise their powers and duties.¹⁶ There is legal support for the requirement to publish such policies publicly; the judge in one case stated that: “it is inimical to good public administration for a public authority to have and operate such a policy without making it public”.¹⁷

The fact that only 3.9% of reports from private tenants resulted in Improvement Notices across the year is a cause for concern. On the one hand, policies that lead to prompt enforcement of repairs without the need for serving an Improvement Notice should be welcomed. However, as Improvement Notices are the only protection against retaliatory evictions in the private sector, this left 96.1% of tenants who had reported repair vulnerable to Section 21 evictions. Moreover, our case studies suggest that many informal approaches by Local Authorities do not result in adequate repairs being completed by landlords, meaning that tenants are left living with disrepair and the risk of eviction for reporting.

More investigation would be needed to assess whether the low rates of service of Improvement Notices reflects problems being resolved earlier in the process, or whether it shows reservation around serving formal notices to landlords. This would need to be reviewed to ensure that landlords are not escaping formal penalties due to the lack of training or confidence in Local Authorities, or under-staffing preventing sufficient action from being taken.

With Local Authorities in Greater Manchester increasingly reliant upon private landlords to provide accommodation into which homeless teams can ‘discharge’ people who are currently homeless, there is a risk that Local Authorities could develop an unwillingness to use enforcement action against landlords, even where it is necessary, for fear of damaging relationships that have become important to their internal procedures. This is a danger which must be mitigated against with clear, publicly accessible and effective enforcement policies.

Funding an expansion in enforcement services

All delivery of public services must be taken in the context of public spending cuts that have significantly reduced Local Authorities’ funding over the last 13 years or more. Where funding enforcement is difficult, Local Authorities may be left with too few staff trying to handle growing caseloads, and this can impact the quality and quantity of their work. It also incentivises ‘gatekeeping’, where Local Authorities try to reduce burdens on their services by making it harder to get in touch or access services.

We hope that working with Greater Manchester Combined Authority and the Mayor’s office, which have taken increasing interest in enforcement in recent months,¹⁸ could enable Local Authorities to find funding opportunities and ways to streamline their enforcement services by working across boroughs.

Moreover, Local Authorities could consider implementing more selective licensing schemes (which often involve charging landlords a fee to become registered, and protect tenants from eviction using Section 21 if the landlord has not applied for a license) as a way to fund efficient and effective enforcement in different boroughs. Currently, not all boroughs in Greater Manchester have selective licensing, so this could be extended to help fund the work of enforcement across wider areas.

7: Recommendations

From our research, GMLC considers it would be beneficial for Local Authorities to implement the following recommendations to standardise best practice across Greater Manchester boroughs, including:

1. Where this is not already in place, **publish a publicly accessible and specific written policy on the enforcement of disrepair for both private and social tenants.**
2. **Review processes for accessing enforcement services to ensure they are accessible and easily obtained, especially to those with literacy, digital literacy or language barriers. Improvements could include:**
 - Having a **manned phone line** that can be called to report disrepair, rather than necessitating use of an online form, and putting this phone line on Local Authority websites in an easily accessible place;
 - **Launching a public campaign** to raise awareness of enforcement procedures, ideally in multiple community languages relevant to each borough;
 - **Minimising the steps in any enforcement policy** required before tenants are told they can make contact with their Local Authority – e.g. the expectation of multiple attempts at contact with a landlord in writing.
3. Where necessary, **improve recording practices, such as by keeping better records of:**
 - **Demographics** of tenants experiencing certain disrepair issues;
 - **Landlords who are coming up repeatedly** in reports of poor housing conditions;
 - **Outcomes for tenants** and whether repairs are completed;
 - **Tenant feedback on the accessibility and effectiveness** of Local Authority enforcement services.
4. Take steps to **co-operate between Local Authorities** to identify landlords who may be breaching their repairing obligations to tenants across different boroughs.
5. **Review and improve policies on the use of formal enforcement, such as Improvement Notices and court action, to increase penalties for landlords that fail to complete repairs after informal and formal contact has been made and a sufficient time provided to complete works.**
6. **Standardise the use of Improvement Notices across the 10 boroughs** so that tenants can know when to expect that a Notice will be served that may protect them from retaliatory eviction.
7. Review whether existing **staffing levels** are appropriate in light of the scale of disrepair in each borough.
8. Take steps to become more **proactive about enforcement**, including by, for example, identifying areas where housing is of a poor quality and making visits to ascertain whether landlord action is required before being approached by tenants.
9. **Seek training**, such as that available from the organisation Justice for Tenants, to improve enforcement practices.¹⁹
10. Review ways to **fund an expansion** in enforcement activities through, for example, better use of **finances and enforcement income**, expansion of selective licensing schemes, and other public funding options.
11. **Work more consistently and openly with housing advice providers and support organisations** to enable early intervention on issues that may be exacerbated by inaction (e.g. result in a worsening of tenants' health or in a retaliatory eviction). This could include:
 - Having a **specified contact for referrals** from other services on cases with high levels of disrepair;
 - Setting up a **periodic joint enforcement meeting** at which advice and support organisations could attend to highlight any gaps or failures in provision and work constructively to resolve issues quickly.

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Appendix A: GMLC's disrepair fact sheet

Disrepair factsheet for Tenants in Private Rented Accommodation

This fact sheet is to provide general advice about the duties your landlord has to keep your property in repair and the action that you and the Council can take if they fail to do so.

Your landlord's repairing duties:

1. The repair duty (Section 11 Landlord & Tenant Act 1985)

This applies to most residential tenancies and places a duty on your landlord an obligation:

(i) To keep in repair the structure and exterior of the property including drains, gutters and external pipes.

(ii) To keep in repair and proper working order the installations in the property:

(a) for the supply of water, gas and electricity and for sanitation including sinks, baths and toilets.

(b) for space heating (for example, gas fire, central heating boiler and radiators) and heating water.

The Landlord's obligations under this Act to carry out repairs arises only when they have been made aware of the disrepair.

Your landlord will be allowed a reasonable time to carry out repairs once they have been informed of the problem. What is "reasonable" will depend on how serious the disrepair is and how it affects you. So, a large hole in the roof which is letting rain into a bedroom should be attended to more quickly than, say, cracks in the plaster on the bedroom wall which are not particularly affecting your use and enjoyment of the room.

2. The fitness for habitation duty (Section 9A Landlord & Tenant Act 1985)

This duty requires that your home is: (a) fit for human habitation at the beginning of your tenancy and (b) remains fit for human habitation during the time of your tenancy. This applies to your home and to any communal areas shared with other tenants and owned by your landlord.

This duty is wider than the repairing duty in s11 of the Landlord and Tenant Act and can include things like damp occurring from condensation, poor ventilation, lack of natural lighting and other hazards if they are so severe as to make the property not reasonably suitable for a person to live in.

3. Your rights in your tenancy agreement

If you have a written tenancy agreement this may set out the landlord's duties to keep the property in repair. Most tenancy agreements include terms similar terms to the duties referred to in Section 11 Landlord & Tenant Act 1985 (see above). However sometimes the terms are more generous and impose wider duties on your landlord.

The duties in the Landlord and Tenant Act to repair and keep your home fit for human habitation always apply, even if the Tenancy Agreement tries to say they don't or your landlord has fewer obligations.

4. Defective premises (Section 4 Defective Premises Act 1972)

Under this Act your landlord may be held responsible for carrying out repairs even if you have not reported the disrepair to them. This will be the case if they knew of the defects or ought to have known about them, for instance, because they visited and inspected the property on a regular basis.

Taking action in the County Court:

Repair Orders:

If your landlord fails to carry out repairs, you can apply to the County Court for the following remedies:

1) **An Injunction or an Order for Specific Performance** – This is an Order of the Court that says your landlord to carry out repairs within a specified time limit.

2) **Damages** - Damages are financial compensation and generally there 2 main types:

(i) *General Damages* - this is compensation for the distress and / or inconvenience of having to live in a

property which is in a state of disrepair.

You may also be able to claim under this heading for ill health caused or made worse by the disrepair, for example, a chest condition.

If members of your family have been made ill by the disrepair it may be appropriate for them to bring their own separate claim in the same proceedings.

ii) Special Damages - these are your financial losses and expenses arising as a result of the disrepair.

For example, you could claim for any damage to furniture and furnishings and decorations caused by dampness. If you have had to spend money on cleaning materials to clean, for example, mould growth, this could also be claimed.

Time Limits

There are no time limits as such for applying to the County Court. While the property remains in a state of disrepair you can apply at any time.

There are time limits, however, for claiming damages in the County Court. The normal time limit is six years from the date the disrepair arose. If you fail to bring a claim for damages within the time limit then you will be barred from pursuing this aspect of your case.

Legal Aid (free legal advice):

You may be entitled to Legal Aid if your income and savings are low enough to satisfy the financial means test. Legal aid for disrepair cases is available only in the following circumstances:

1. Your home is affected by disrepair and the disrepair presents a serious risk to the health and safety of you or a member of your family; and the likely cost of the repairs and the value of your compensation exceed £1,000. However, in these cases legal aid will not be available to pursue your case once any repair works have been completed.
2. Your landlord has issued possession proceedings for your eviction and you have a disrepair claim against your landlord which can give you a Defence to the possession claim. This can apply where your landlord is evicting you because of rent arrears but you have a counterclaim against them for disrepair, which can be used to set off against the arrears.

Conditional Fee Agreements (no win no fee):

If you are not entitled to Legal Aid or the repairs have been completed then some solicitors may agree to act under a Conditional Fee Agreement or through legal expenses insurance, but this generally is only if the value of your compensation claim is likely to be more than £10,000 and the solicitor is confident that they will be able to recover their costs from your landlord.

Bringing a claim in the County Court without a solicitor:

It is always advisable to be legally represented if you can, but if not, then you can still bring a claim yourself in the County Court for an order requiring your landlord to complete repairs and for damages. If the costs of the outstanding repairs are less than £1000, then your claim will be treated as a small claim and the court procedure is generally more straight-forward.

Withholding Rent

It is **not** usually a good idea to withhold rent because your landlord has failed to carry out repairs. This only gives your landlord a readymade excuse to start possession proceedings on the ground of rent arrears.

If you do choose to withhold rent, despite this advice, then before you do so you should **write** to the landlord giving them the details of the disrepair and sufficient time in which to carry out the repairs. If your landlord fails to carry out the repairs you should **obtain three estimates** from reputable companies and send copies to your landlord giving a further reasonable period in which to carry out repairs and saying that if they fail to do so this time you will arrange for them to be carried out yourself and will then withhold **future rent** to cover the cost.

You should keep copies of all letters, emails or text messages sent to your landlord.

The Council's powers to take action against landlords for disrepair:

If you do not want to take action against your landlord in the County Court, the Council have powers to take action against landlords in cases of disrepair.

1. The Council's Enforcement Powers and Duties: (Part 1 of the Housing Act 2004 and the [*Housing Health and Safety Rating system \(HHSRS\)*](#)).

If you report the disrepair to the Council and there is reason for the Council to believe that the conditions are a hazard (a risk to health and safety) then they should send an officer to inspect. If they are considered hazards, they should notify the landlord of the hazards and what action they need to take to put things right. In cases of serious hazards (Category 1) the Council have a duty to take appropriate action to make sure that the hazard is removed. They can serve an Improvement Notice, requiring works to be completed within a set time. If the landlord fails to comply, the council can do the works themselves and recover their costs from the landlord. In serious cases the Council can also serve other notices including a Prohibition Order (stopping the property being occupied until the repairs are complete).

2. Taking action in the Magistrates Court (Section 80 - 82 Environmental Protection Act 1990 (EPA))

Under the Environmental Protection Act, your landlord is in addition obliged to make sure your property is not in a state which is "prejudicial to the health of the occupiers".

If your property is in such a state that it is harmful to health (for example, there is dampness and mould growth) then this may be a "statutory nuisance" and your landlord may be committing an offence for which proceedings could be brought in the Magistrates Court.

The Council have a duty to investigate complaints of statutory nuisance and to take action to stop it. They can serve formal notices and can prosecute landlords in the Magistrates Court.

You can also bring proceedings yourself, but there is no Legal Aid available for this.

What is the Housing Justice Network?

Greater Manchester Housing Justice Network is a collaborative network that organises, advocates for and provides legal expertise to those facing housing inequality and accompanying poverty across Greater Manchester and nationally.

The terrible recent case of Awaab Ishak in Rochdale shows that issues of disrepair and the inability to ensure that accommodation is adequately maintained and is harmful to health is not just limited to the Private Sector but is an issue in the social housing sector too. Again the UK parliament has shown the systemic failing for tenants in the social housing sector.

The Greater Manchester Housing Justice Network aims to build campaigns and develop materials and resources that will strengthen the power of those communities most affected by housing injustice across all forms of rented accommodation. This will include targeting rogue landlords, highlighting bad practice developing advice and information for tenants – as well as taking legal action where required.

We recognise that particular communities are more impacted by housing inequality and discrimination: specifically BAME communities, migrants and refugees, low-income and single-parent households, and those with disabilities or underlying vulnerabilities.

Greater Manchester Housing Justice Network is a co-funded project by Greater Manchester Tenants Union, Greater Manchester Law Centre and Greater Manchester Immigration Aid Unit, supported by a number of community organisations and campaigns. We are actively growing our network of supporters and collaborators across Greater Manchester.