

# **HHSRS tenant Information leaflet**

## **a) Is your landlord failing to carry out repairs?**

Every tenant has the right to live in a home that should provide a healthy and safe environment for all occupants and visitors. Your landlord is responsible for carrying out repairs to your property under the Landlord and Tenant Act 1985 (as amended).

Section 11 of the Landlord and Tenant Act 1985 is a statutory implied term that the landlord shall keep in repair the structure, exterior and installations of the dwelling, this is known as the landlords 'repairing obligation'. The landlord must keep the property and installations in repair throughout the term of the tenancy.

## **b) What should I do?**

Should there be items of disrepair within your property that you are concerned about you should make your landlord aware of this fact as soon as possible. The landlord will not be liable under his repairing obligations until he has received notice of the disrepair. It is therefore best to give notice in writing with a dated letter, making sure that you have kept a copy.

Once the landlord has been made aware of the necessary repair work, he will have a right to enter the property to inspect and carry out the work at a reasonable time of day after giving you not less than 24 hours' notice of his intention to do so.

However if the time and date given is inconvenient to you, you have the right to refuse and request an alternative time and date. Please note however that if you continually refuse access you may make yourself liable to a compensation claim from your landlord if the property deteriorates further.

Should your landlord fail to carry out the necessary repairs after being given sufficient notification then you may report the matter to the Council's Environment, Health & Consumer Protection Department.

Local authorities have statutory duties and powers to take enforcement action to deal with properties containing unacceptable hazards which are identified under the Housing Health and Safety Rating System (HHSRS) when they have been formally notified of such a problem. HHSRS is set out in Part 1 of The Housing Act 2004. HHSRS applies to all dwellings including owner occupied, privately rented and Council and Housing Association dwellings.

The Housing Act 2004 gives local authorities powers to intervene where they consider housing conditions to be unacceptable, this is based on the impact of hazards on the health and safety of the most vulnerable potential occupant, some hazards such as falls on stairs the most vulnerable group are the over 60's whereas for a hazard such as serious damp and mould the vulnerable group is persons aged 14 and under.

## **c) What will the Council do?**

Once we have received your request for assistance and confirmed that your landlord has previously been informed in writing of the issues and failed to take appropriate action, we will arrange to call out to your property and carry out an inspection. The inspecting officer will not just look at the problems you are reporting but will also look around your whole house to determine if there are any other hazards or matters that should be brought to your landlord's attention.

It may be that the problems you are concerned about are not serious enough for the Council to be able to take any formal action, should that be the case then you will be informed of this fact by the inspecting officer. However, you may still be able to seek redress from your landlord directly under Section 11 of the Landlord and Tenant Act 1985, the inspecting officer can give you further advice on this matter should this be relevant to your circumstances.

If, following an inspection of your property, the problems you are experiencing do constitute a health and safety hazard the Council will first contact your landlord on an informal basis and inform him of his legal obligation and request that he carries out the necessary repairs within an acceptable timeframe.

Should your landlord fail to carry out the work within the timeframe given by the Council, carry out sub-standard works or cause undue delays, then the Council will consider taking formal enforcement action against your landlord to legally enforce the necessary repair work.

#### **d) Enforcement action**

Should formal enforcement action be necessary by the Council then there are clear legal steps that need to be followed, this includes:

- Sending Notices of Entry to all relevant parties giving at least 24 hours' notice.
- Carrying out a formal, recorded inspection of the property including photographs.
- Considering the best course of action.
- Serving an appropriate formal enforcement notice on all relevant parties. The Council will make a charge to the landlord for this service if a notice is necessary.
- Prosecuting and/or carrying works out in default if the notice is not complied with.

#### **e) Can I get re-housed?**

Durham County Council cannot inspect rented properties for the sole aim of assisting tenants with any re-housing application or request.

If there are significant health and safety hazards within your property that your landlord has failed to rectify we will take appropriate action to ensure that your home meets the minimum standards for housing and that the necessary repairs are carried out. Only in the most severe and urgent cases, where there is an imminent risk of serious harm to occupiers or visitors, would we consider taking emergency action that in some instances could result in prohibiting use of some or all parts of the property.

In such cases there may be no alternative but to arrange re-housing, although this would be only in the most extreme and rare occasions when there is an immediate risk and other alternatives to rectify the hazard are unsuitable.

#### **Who do I contact?**

Officers who are responsible for ensuring minimum standards for housing are part of Environment, Health & Consumer Protection within the Councils Neighbourhood Services, based in Annand House, John Street North, Meadowfield, Co. Durham DH7 8RS.

Telephone: 03000 264 836