

Maintaining standards of accommodation



A guide for landlords and tenants

This information booklet has been produced to help tenants get necessary repairs or improvements carried out and to give general guidance on the difference between landlords' and tenants' responsibilities, in respect of housing conditions. Additional information can be found at www.communities.gov.uk

If you have any difficulty accessing this service or you are having trouble reading, understanding or undertaking any of the advice given in this booklet please contact:

Housing Renewal Section
Housing Services
County Hall
High Street
Newport
IW PO30 1UD
Tel: (01983) 823040



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Tenants' information

The information in this booklet is designed to help you get necessary repairs carried out at your property, and to point you in the right direction for any help you may need. It gives you guidance on what the law says about safety and repairs, as well as how and when to involve the Isle of Wight Council, but it does not give detailed legal advice.

Please note this information is in relation to assured shorthold tenancy agreements, and not long leaseholder (tenancy of seven or more years). If you have a long leasehold agreement, you may need to seek independent legal advice.

If you are unsure, or the problems you have extend beyond the scope of the council's housing enforcement powers, we recommend you get independent legal advice. Further contacts are listed at the end of this booklet.

Your responsibilities.

You have the right of use of the property, as described in your tenancy agreement, and are entitled to the quiet enjoyment of it while you are living there. In return you are expected to pay the rent and look after the property in a 'tenant-like' manner. This means repairing damage caused by your actions at your own cost, and reporting matters to the landlord or agent for which you are not responsible. You should check the terms of the tenancy agreement to confirm, in principle, who is responsible for what.

Please note that a landlord is normally responsible for certain items, as described in this booklet, and this responsibility cannot be passed on to you, even in a contract. You are responsible for your own items and appliances and also for damages caused by these items and appliances to your landlord's property. We recommend that you and your landlord agree an inventory of issues at the beginning of any tenancy.

What are the 'significant hazards' that should be raised with the landlord or agent?

The Housing Health and Safety Rating System (HHSRS) is a risk assessment used to measure the relative likelihoods of incidents and the outcome of these incidents, caused by deficiencies with the property. It replaced the 'fitness

standard' and is used in the Housing Act 2004 to identify significant hazards.

The principle underlying the HHSRS is that 'any residential premises should provide a safe and healthy environment for any potential occupier or visitor'. The HHSRS describes 29 hazards that cover many aspects, including excess cold, damp, mould growth, fire and falling on stairs,. Council officers will use the HHSRS to assess what deficiencies exist that cause a hazard to be present.

As a tenant, how do I get repairs carried out?

Landlords cannot do any repairs unless they know what the problem is, so the first step is that you must tell them. Not all landlords arrange for the work themselves, some employ a managing agent (often a local estate agent) to act for them. It may be the agent that you have contact with, in which case they are the first people you should speak to.

As a tenant, you should inform the person you pay the rent to, as housing law typically makes these people responsible for arranging the appropriate remedial works.

Communications with your landlord or agent should preferably be in writing, but you could easily talk to them in the first instance to make them aware of the problems. Always keep a copy of your conversations and any letters, and record any replies. To help you there is a sample log sheet on page 19 for recording dates and content of any discussions with your landlord or agent. Also included is a draft letter you may wish to copy and send to your landlord or agent to inform them of the problems you are experiencing.

It is a good idea to give a date by which you require a reply, but please remember to be reasonable and proportionate. Provided they have been informed, landlords usually do arrange for repairs to be done, but may wish to investigate matters to ensure they are responsible and to gain quotations for carrying out the works if they are substantial.

You may also be able to take your own private legal action against your landlord, but we advise that you seek legal advice before doing so.

I have informed the landlord but nothing has been done.

If you have told your landlord or agent the property has deficiencies that you believe to be their responsibility, and you have not received a satisfactory reply, we advise you to take further action.

An unsatisfactory response can mean either no response, a negative response, or a positive response but no resulting action. In such circumstances the council may be able to offer advice via the Housing Renewal Section, or intervene on your behalf if appropriate.

A housing renewal officer will usually seek to resolve the problem informally at first, but intervention may end in formal enforcement action. We will usually only intervene where you have made reasonable efforts to resolve the issues with your landlord and have followed the steps contained in this booklet. Please note, it will be essential to provide the council with proof of your actions, such as copies of letters sent and completed log sheets.

It is important to know that even if the council is involved, it might not mean your property is repaired straight away. This is because when the council intervenes on your behalf there is a set process that may take some time. However the council is permitted to take immediate action if the situation requires it. It is also important to note that the council can only deal with such deficiencies, which it deems to be a potential cause of injury or illness; other

items may have to continue to be dealt with by you.



The council's aim is to minimise any housing deficiencies that lead to hazards, but we cannot always force a landlord to provide ideal living conditions, as all intervention must be proportionate and reasonable. We would encourage all landlords to aim to achieve the Decent Homes Standard, and where property reaches this standard any intervention would be unlikely by the council.

I've told my landlord and kept records but the required works are still not done. How do I let the council know?

You can report the problem in the following ways:

- Online at www.iwight.com/online/reporting/sef/hesr.aspx
- By telephoning the Housing Section on (01983) 823040
- In person by talking to advisers at the call centre or the Housing Renewal Section
- In writing to Isle of Wight Council, Housing Renewal Section, 7 High Street, Newport, IW PO30 1SS.

Depending on the situation, a housing renewal officer may contact you to talk about your problems and advise you what to do next, or you may be advised to continue to raise the problem of hazards with your landlord. The officer may want to visit you to look at the matters you are unhappy about and will let you know if it is something the council can help with.

The enforcement intervention by the housing renewal section will not help tenants to be re-housed, or to be given any preferential treatment on any housing register or transfer list. We can only apply legislation and bring about improvements to your current accommodation, where appropriate.

Will my landlord know I've made contact with you?

Yes. When the council becomes involved, we must first write to your landlord to let them know that we intend to visit the property. This is a legal requirement and we must give adequate notice of our intention to visit. When you make contact with the council, it is important that you should have a contact name and address for your landlord that you can supply to the housing renewal officer as this will speed up the contact process. This information can be found on your tenancy agreement.

It is very important that you consider all aspects of your tenancy and perhaps get some independent legal housing advice before involving the council. This should not affect your rights under your tenancy agreement, but if you ask the council to get involved your landlord may decide not to continue with your tenancy when it expires. If your landlord wants to end your tenancy this is beyond the scope of this advice booklet and we advise that you obtain independent legal advice. Please see the contact section at the end of this booklet.

Should I stop paying my rent until the repairs are carried out?

No. You are strongly advised not to stop paying rent to make up for the cost of repairs or to ensure that repairs are carried out. Also, the landlord cannot use your rent arrears as an excuse for not carrying out repairs that are required by law, but you must remember that landlords are unlikely to be willing to make repairs if you owe them rent. The council would not generally become involved on your behalf if significant rent arrears are owed. It should be noted that non-payment of rent may be considered sufficient grounds for eviction, and may lead to your landlord seeking legal advice for outstanding amounts due.

I do not want to allow access to my landlord or his/her workers, to investigate or resolve the problems.

It is understandable that sometimes tenants can feel vulnerable when landlords, or their agents visit the property. However, in order to address the hazards that exist you must allow the landlord access. Landlords are obliged to give you reasonable notice, except in the case of an emergency, the details of which should be noted in your tenancy agreement. It is recommended that you have a friend or support worker with you if you feel vulnerable or are concerned.



■ Landlords' information

The law makes you responsible in many different ways for certain aspects of your property and the tenancy. You must make sure the property, and any contents that form part of the tenancy agreement, are safe and well maintained. You must also make sure that no injuries or damages are caused to the tenant, neighbours or the public because you did not maintain or repair deficiencies to the property that are your responsibility. Please note that this information is in relation to assured shorthold tenancy agreements, and not long leaseholder (tenancy of seven or more years). If you have a long leasehold agreement, you may need to seek independent legal advice.

If you are unsure, or the issues you have extend beyond the scope of the council's housing enforcement powers, we recommend you seek independent legal advice. Further contacts are listed at the end of the booklet. Please note that their inclusion in this booklet is not an endorsement.

Your responsibilities.

You are responsible for providing a residential premises that is suitable for the household that it is let to, to undertake all normal functions and for it to be free from any unnecessary hazards, which are described in the Housing, Health and Safety Rating System (HHSRS). You must make sure the property is kept in a well maintained condition.

The law makes you responsible for the structure of the dwelling including all of its elements such as walls, roofs and windows. You are also responsible for the provision of any necessary services such as electricity, gas, water and sanitation including fittings and appliances, as well as the provision of a suitable area for the safe storage, preparation and cooking of food (please note this list is not exhaustive). However, you are not responsible for a tenant's actions. An example of this is that you have provided a safe gas supply and fitting for a cooker, but your tenant has installed their own defective gas cooker. The defective gas cooker would be your tenant's responsibility.

What matters are significant hazards that should be raised with the landlord or agent?

The Housing Health and Safety Rating System (HHSRS) is a risk assessment used to measure the relative likelihoods of incidents and the outcome of these incidents, caused by deficiencies with the property. It replaced the 'fitness standard' and is used in the Housing Act 2004 to identify significant hazards.

The principle underlying the HHSRS is that *'any residential premises should provide a safe and healthy environment for any potential occupier or visitor'*. The HHSRS describes 29 hazards, that cover many aspects, including excess cold, damp, mould growth, fire and falling on stairs. Council officers will use the HHSRS to assess what deficiencies exist that cause a hazard to be present.

My tenant has contacted me or my agent. What do I do next?

When you receive contact from your tenant regarding deficiencies being experienced at the property, you should first investigate to see if the issues are your or your tenant's responsibility. If they are your tenant's responsibility, you should inform your tenant and advise them on a satisfactory way to deal with the issues. Occasionally you may need to provide some training or written advice, for instance when describing how to combat condensation and mould growth.

If the deficiencies are your own responsibility you have an obligation to investigate these issues further, and remove them from the property. This should be carried out in a reasonable time scale. Your tenant is aware that it may take time for quotes to be provided and for works to be undertaken. In some instances the deficiency may be such that it must be undertaken as an emergency, such as no water supply, no heating or hot water, and these should be investigated and undertaken at the earliest possible opportunity.

Where you consider that the deficiencies are the responsibility of the tenant, you should inform the housing renewal officer immediately with the relevant information and any evidence.

My tenant is refusing me or my tradesmen access.

Your tenant is required to give you or your appointed tradesman access to the property to assess or carry out any repairs. Typically, 48 hours notice is required in writing, unless it is an emergency in which case it may be less. Please seek legal advice regarding your tenancy agreement for clarification as to the notice required to be given to the tenant to allow this access.

What contact will I get from the council if they become involved?

If it is necessary for the council to become involved, you will receive a letter from the housing renewal officer dealing with the case which will specify the time and date that an inspection will take place, and the legal right that the officer has to access the property. A notice will be included with this letter authorising the officer to attend at this time, along with a copy of the letter of delegated power of entry, should this need to be inspected.

What happens after the inspection?

After the inspection has taken place, the housing renewal officer will write to you enclosing a schedule of the deficiencies found at the property (these are the items that are relevant factors under the HHSRS). This list effectively tells you what issues at the property ideally need improvement. It is worth noting that these may not be the only deficiencies at the property, as there may be further issues that are not relevant under this process. Nevertheless, these should be resolved as general maintenance to avoid future damage to the property and should be dealt with privately.

The officer will require acknowledgement of receipt of this schedule within 14 days of the schedule being sent, along with a proposal of how you intend to investigate and resolve any deficiencies that are your responsibility, as well as a guide to the time scale in which they are intended to be carried out. In some cases this time frame may be reduced by the housing renewal officer, depending upon the severity of any of the deficiencies found, for example a gas leak.

Failure to adhere to this requirement, or if the proposed time scales are unacceptable, will result in further communication from the housing renewal

officer, this time letting you know that there is the possibility of formal action to be taken over the deficiencies not being dealt with. Separate to this the council may formally require you to provide information on the ownership details of the property in question.

If you still fail to make a satisfactory proposal and have the deficiencies dealt with, formal action will then be taken. This involves a notice being issued to all relevant parties, which is chargeable. There are different types of notices and orders and the most appropriate will be issued. There may be a right of appeal to the Residential Property Tribunal and advisory notes are usually provided with the notice or order.

Failure to adhere to the notice or order may then result in further action being taken. This can involve prosecution and/or the works being carried out in default and the cost for the works, and administration, being reclaimed from yourselves, for example.

Why should I deal with these deficiencies? I think they are minor problems.

The council is required to bring property to reach a 'Decent Home Standard', and if this standard is reached, it is very unlikely that action will be taken. It is a legal obligation for you to provide a property that is of an acceptable standard if you wish to have tenants residing there. While this legislation is concerned with the standard of the property, it also concerns the wider issue of health and safety of any residents or visitors to the property. As the owner, if an injury or illness were to arise from any of these deficiencies, you may be held liable for them. This list of deficiencies will help to reduce the risks of this while also improving the living conditions for the tenants.

The council may seek to resolve matters at this early stage informally with a landlord if the landlord agrees to resolve the problems immediately without the need for an inspection by the housing renewal officer. If this route is taken the council will monitor performance to ensure a satisfactory outcome.

If you consider that any of the deficiencies raised by the housing renewal officer could be satisfactorily left while a maintenance programme is put in place, with time scales, please contact the housing renewal officer.

■ Frequently asked questions

My home is suffering from dampness.

Ask the housing renewal section for a booklet entitled '*Is your home damp?*' for useful guidance and advice, or visit www.iow.gov.uk/council/departments/housing/Housing_Renewal_Assistance/gettingy.asp

What heating is required?

A property should have heating that is functional, efficient and appropriate. The heating should be fixed in each habitable room, such as bedrooms and living rooms or rooms that could be used as habitable rooms, and should be controllable by the person using the heating.

There should be the ability to regulate the temperature and also the times that the heating can come on. Heating provided by a landlord should ideally not include free standing moveable heaters, or open fires or open gas fires. If gas is used for the fire or heating, it is important to ensure that there is an up-to-date gas safety certificate for any appliances, pipes and flues.

What about double glazed windows and insulation?

A property does not need to be equipped with double glazing, although it is encouraged as it provides thermal efficiency and sound insulation. It is recommended that if windows require replacement, it is worth reviewing the cost and benefit of double glazing being installed. Owners of buildings that are listed or in a conservation area should contact the council's planning services for advice.

A room requires ventilation, either 'passive' such as windows, or 'mechanical', such as an extractor fan. It is important that windows are kept in good repair (they can be opened and shut), and that rooms requiring mechanical ventilation – typically kitchens, bathrooms and WCs without adequate windows – have that provision.

Is the glazing safe and appropriate?

Glazing in disrepair is often a problem. This can be due to tenant's actions, in which case it is the tenant's responsibility to replace glazing broken by them. Certain locations, referred to as critical locations, require special safety glazing. This glazing type is required where there is glazing within 800mm of a floor surface with windows, or in or adjacent to doors.

One of the easiest ways to ensure that the non-safety glazing is safe is to laminate it using an appropriate proprietary film, although you may also replace the existing glazing with the appropriate double glazing or toughened glass. If the property is listed the conservation officer at the council's planning services should be consulted.

There are gas appliances for heating and cooking at the property.

If there are gas using appliances at the property, it is a legal requirement for the landlord to have undertaken an annual gas safety check. This does not include any of the tenant's own appliances, for which the tenant is responsible, but would include pipe-work and flues and any appliances owned by the landlord or previous tenant.



The gas safety check must only be undertaken by an approved person under the Gas Safe Register scheme. Further detail on this are available at www.gassaferegister.co.uk or by calling the Gas Safe Register on 0800 408 5500. You can also check that the engineer undertaking any works on gas appliances is registered on the Gas Safe Register.

The council is not responsible for ensuring that this is adhered to but may be interested in any defective gas appliances that are the responsibility of the landlord. If you have any queries regarding gas safety certificates, please contact the Health and Safety Executive. Their details are in the 'useful contacts' section of this book.

What responsibilities are there regarding electrical safety?

Landlords are responsible for making sure the electrical installation is fit for purpose and maintained in a good working order. The landlord is also responsible for the safety of any electrical appliances they provide. This does not include any of the tenant's own appliances, for which the tenant is responsible.

And fire safety?

The fire safety requirements depend on the type of property in question. For information regarding the provisions required, please visit www.direct.gov.uk/en/HomeAndCommunity/InYourHome/FireSafety/DG_10030963

This site will give some do's and don'ts regarding using the property safely. However, some basic principles that should be followed to reduce the likelihood and harm of domestic fires are as follows:

- Ensure fire alarms are installed, preferably interlinked, at a minimum in the route of escape, and are well maintained.
- There will be a reasonably protected route of escape to a safe area outside and away from the building.
- Escape routes will ideally not pass through another room or higher risk area to a place of safety.
- There will be appropriate and well-maintained fire fighting equipment (be aware of the limitations of the people who may be called upon to use the equipment).
- To reduce the risk of fire starting keep naked flames to a minimum.
- Keep any heating and electrical systems in good working order and not overloaded.
- Do not dry clothes or place any flammable materials next to heating appliances or hot surfaces.
- Occupants should make an escape plan, and practise it.

Higher risk properties such as Houses in Multiple Occupation (HMO), multi-storey buildings, or mixed use premises will require more complex systems and equipment and advice should be sought from the council housing section or fire and rescue service.

Is the property an HMO?

For advice regarding properties with shared amenities, hostels, shared houses, bedsits or converted buildings comprising self-contained flats, please contact the housing renewal section on (01983) 823040.

If the property is an HMO, how much of the information in this booklet is relevant?

If the property is referred to as an HMO, all of the information in this booklet is relevant, along with other relevant legislation. It is important to contact the council if you believe the property may be an HMO.

Along with the HHSRS legislation already covered, HMOs also carry additional responsibilities. For example, it may be possible that you need a licence to operate. Failure to have a licence where needed is a serious offence and may result in formal action being undertaken, with fines of up to £20,000 and potential repayment of rent.

HMOs are also subject to management regulations. Breaching these regulations can be serious, and may even be a criminal offence.

Contacting the council may result in an inspection taking place, with the officer then providing a list of required management regulation obligations, along with the HHSRS deficiencies, and fire regulation deficiencies, to help you ensure the property is being operated in a legal capacity.

Is there any help available?

There may be grant assistance available to landlords and some tenants for some required works, normally for major repairs or energy efficiency works.

For more details on grant assistance:

- Isle of Wight Council.
Tel: (01983 823040)
www.iow.gov.uk/council/departments/housing/Housing_Renewal_Assistance/gettingy.asp
- Direct Gov (see page 17 for contact details)
- Energy Savings Trust (see page 17 for contact details)

Useful contacts

Please note that their inclusion in this booklet is not a recommendation.

- Isle of Wight Council
General Enquiries
County Hall, High Street,
Newport, IW PO30 1TY
Tel: (01983) 821000
www.iwight.com
- Listed buildings and buildings
in conservation areas
Conservation and Design
Planning Services,
Seaclose Offices, Fairlee Road,
Newport, IW PO30 2QS
Tel: 01983 823552
- Building Control
Seaclose Offices, Fairlee Road,
Newport, IW PO30 2QS
Tel: 01983 823580
- Trading Standards
Community Safety Advice
Jubilee Stores
The Quay,
Newport, IW PO30 2EH
Tel: 01983 823396
- Fire and Rescue Service
St Nicholas House,
58 St Johns Road,
Newport, IW PO30 1LT
Tel: 01983 823184
- Direct Gov
Tel: 0800 316 6011
www.direct.gov.uk
- The Law Centre
IW Independent Housing
Advice Centre,
Exchange House, St Cross Lane,
Newport, IW PO30 5BZ
Tel: 01983 524715
www.lawcentres.org.uk
- Citizens' Advice Bureau
Exchange House, St Cross Lane,
Newport, IW PO30 5BZ
Tel: 0845 1202959
- Health and Safety Executive
(Area Office)
Priestley House,
Priestley Road,
Basingstoke RG24 9NW
Tel: 01256 404000.
- Housing options and
homelessness advice
Housing Services,
7 High Street,
Newport, IW PO30 1SS
Tel: 01983 823040
- Empty property advice
Housing Renewal,
7 High Street,
Newport, IW PO30 1SS
Tel: 01983 823040
- Warm Front
0800 316 6011
- Energy Savings Trust
02072 220101
www.energysavingtrust.org.uk

■ Sample letter

Dear Sir/Madam

Re: [Property address]

Further to my taking on the aforementioned property, I would like to report the deficiencies noted on the attached sheet, for your consideration.

I understand that some of the issues listed may be your responsibility, and that some of them may be my own.

I would like you to investigate the issues mentioned and, where possible, have them resolved where they are your responsibility. I would be obliged if you would kindly contact me within 14 days of the date of this letter, to discuss any of the matters raised, and to arrange a mutually convenient time for you or an agent appointed on your behalf to attend the property so that you may see the items mentioned.

I have contacted the council and am required by them to complete a log of all communications with yourself on this matter. If these situations cannot be resolved between us I will contact the council for assistance.

If I can be of any further assistance, please do not hesitate to contact me.

I look forward to your reply.

Yours sincerely,

Enc: list of issues at the property.

Re: [Property address]

Items requiring attention at the above address:

- 1.
- 2.
- 3.
- 4.
- 6.

If you would like this document translated, please contact us on 01983 821000

Arabic

إذا كنت ترغب في الحصول على نسخة مترجمة من هذه الوثيقة، فيرجى الاتصال
بهااتف 01983 821000

Bengali

এই দলিলটির অনুবাদ চাইলে, দয়া করে ফোন করুন: 01983 821000

Chinese

如果你想翻譯這份文件，請與我們聯係：01983 821000

如果你想翻译这份文件，请与我们联系：01983 821000

French

Si vous désirez que ce document soit traduit, contactez-nous s'il vous plait au 01983 821000

German

Falls Sie eine Übersetzung dieses Dokuments wünschen, wenden Sie sich bitte unter einer der folgenden Rufnummern an uns 01983 821000

Hindi

यदि आप इस दस्तावेज़ का अनुवाद चाहते हैं, तो कृपया टेलिफोन नम्बर 01983 821000 पर सम्पर्क कीजिए।

Hungarian

Amennyiben igényli az okmány lefordított változatát, kérjük, hívja a 01983 821000-ás számot.

Italian

Se desiderate la traduzione di questo documento, contattateci allo 01983 821000

Polish

Jeżeli chcieliby Państwo uzyskać tłumaczenie tego dokumentu, prosimy o kontakt z nami 01983 821000

Punjabi

ਜੇਕਰ ਤੁਸੀਂ ਇਸ ਦਸਤਾਵੇਜ਼ ਦਾ ਅਨੁਵਾਦ ਚਾਹੁੰਦੇ ਹੋ, ਤਾਂ ਕ੍ਰਿਪਾ ਕਰਕੇ ਟੈਲੀਫੋਨ ਨੰਬਰ 01983 821000 ਤੇ ਸੰਪਰਕ ਕਰੋ।

Romanian

Dacă doriți acest document tradus, vă rugăm sunați la numărul 01983 821000

Spanish

Si desea una traducción de este documento por favor llame al numero de teléfono 01983 821000

Urdu

اگر آپ اس دستاویز کا ترجمہ کرانا چاہتے ہوں تو براہ مہربانی ٹیلیفون نمبر 01983 821000 پر فون کریں۔

This publication is available on request in large print,
audiotape or Braille and in other languages.
For further details please contact the Isle of Wight Council
on (01983) 821000 (Typetalk available).