

Article:

New Scheme to Deal with Unsatisfactory Housing

The Government has introduced new rules to govern the way in which unhealthy or unsafe rented housing accommodation is to be regulated. The reforms create a 'scoring' system for residential properties, such as flats, which contrasts with the present system, which just defines properties as being fit or unfit for habitation. Under the new system, there are 29 categories of hazard and these are assigned to four classes of harm ranging from moderate harm to severe harm. The degree of harm is assessed with regard to both mental and physical wellbeing in both the short and long term and the risk of harm which is considered is any risk which arises as a result of a deficiency in the building.

The requirement for residential premises is now based on the principle that they should provide a safe and healthy environment for residents and visitors. Responsibility for assessment and enforcement rests with the local council.

If you believe that the property you are renting is unsafe or represents a risk to your health, it is necessary to persuade your local authority that it is appropriate to have the property inspected. A residents' or community council or a justice of the peace can also raise a complaint with the council.

The council's inspector has to assess the likelihood that during the 12 months following the assessment the occupier will suffer harm as a result of the identified hazard (this is done via the scoring system) and the range of potential outcomes that may result from such an occurrence. Moderate' harm is given a value of 10 points, serious harm is given a value of 300, severe harm carries a value of 1,000 and extreme harm (i.e. likely to cause death or permanent disability) carries a value of 3,000 points. The score for the probability of the occurrence happening is then multiplied by the appropriate value of the severity of harm, to give an overall score, which is allocated to a risk category (A, B, or C) based on the score. An authority is obliged to act in regard to a category A risk, but has the power to do so if it chooses for category B and C risks.

The new regulations are intended to create a more logical basis on which action in respect of unsatisfactory housing can be prioritised.

If you need help with this or any other Housing Law issue please email john.murray@emsleys.co.uk or elizabeth.berry@emsleys.co.uk. Both Elizabeth and John can be contacted by phone on **0113 2014900**.

