

**THE FIGHT  
FOR HOME  
STARTS HERE**



# TACKLING DISREPAIR



**Last reviewed: July 2023**

# INTRODUCTIONS

- About us
- Tells us about you



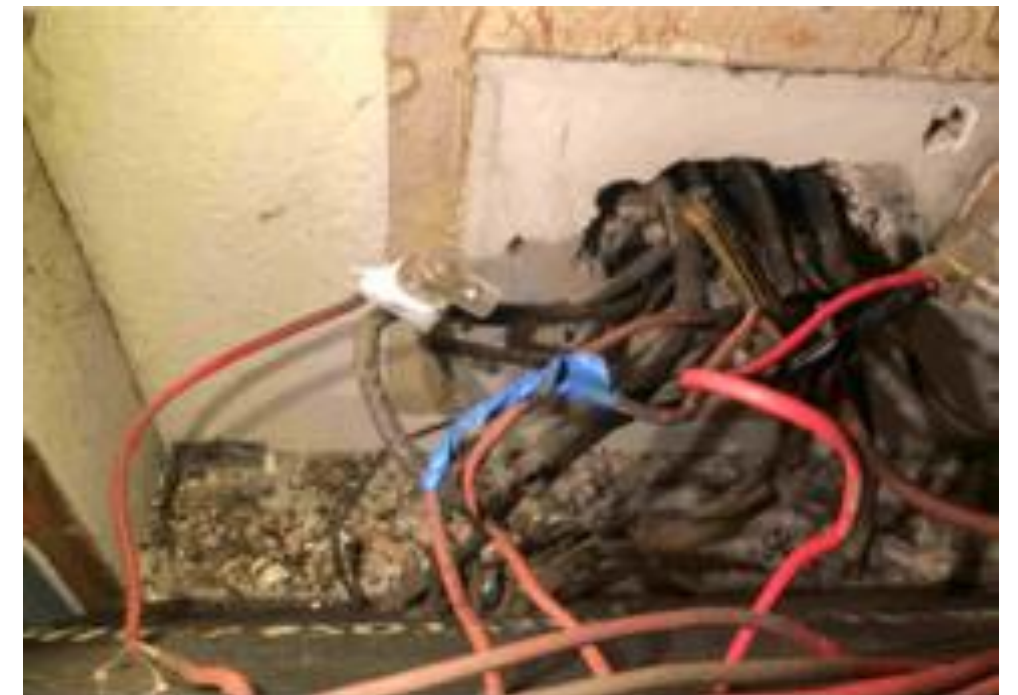
# AIMS AND OBJECTIVES

- Understand the meaning of disrepair and how the law helps tenants
- Identify who is responsible for repairs in your home
- Understand the process for escalating disrepair situations



# WHAT IS DISREPAIR?

- Disrepair can also be referred to as bad conditions in the home
- Housing disrepair means a property that needs repair for it to be safe and suitable for tenants to live in



# WHO IS RESPONSIBLE FOR SORTING DISREPAIR

- Your landlord is responsible for most repairs in your home. This applies to private landlords, councils and housing associations.
- The repairing responsibilities of the landlord can be found in the express and implied **terms of the tenancy**.



# RESPONSIBILITIES

THE MAIN LAW AROUND DISREPAIR IS SECTION 11 OF LANDLORD AND TENANT ACT 1985

Landlord Responsibilities	Tenant Responsibilities
Making sure that certain installations in the home are working – eg. <b>Electrical wiring and ventilation</b>	Liable for your own appliances or furniture.
Ensuring your <b>gutters and drains</b> are clear and working well	Liable for any damage caused by yourselves, your family or your guests
Ensuring your <b>heating system</b> works well and that you have safe access to electricity (and/or gas) and water	Minor repairs agreed in the tenancy agreement and any cosmetic damage
Providing access to <b>working sanitation</b> - Sinks, baths and toilets	Report disrepair to the Landlord as soon as they can.
Structural and exterior features including <ul style="list-style-type: none"><li>- Walls, the roof, doors and windows</li><li>- Entrance halls, stairways and bannisters</li><li>- Chimneys</li></ul>	Allow access to repairs when given reasonable notice, usually 24 hours.
Ensuring your home is <b>free from vermin</b> or insect infestation	Liable for infestation cause by lack of hygiene in the property caused by the tenant.
Your landlord should also <b>redecorate</b> if needed once the problem is fixed	

# A NOTE ON DAMP AND MOULD

Your landlord should fix damp or mould issue if it's either:

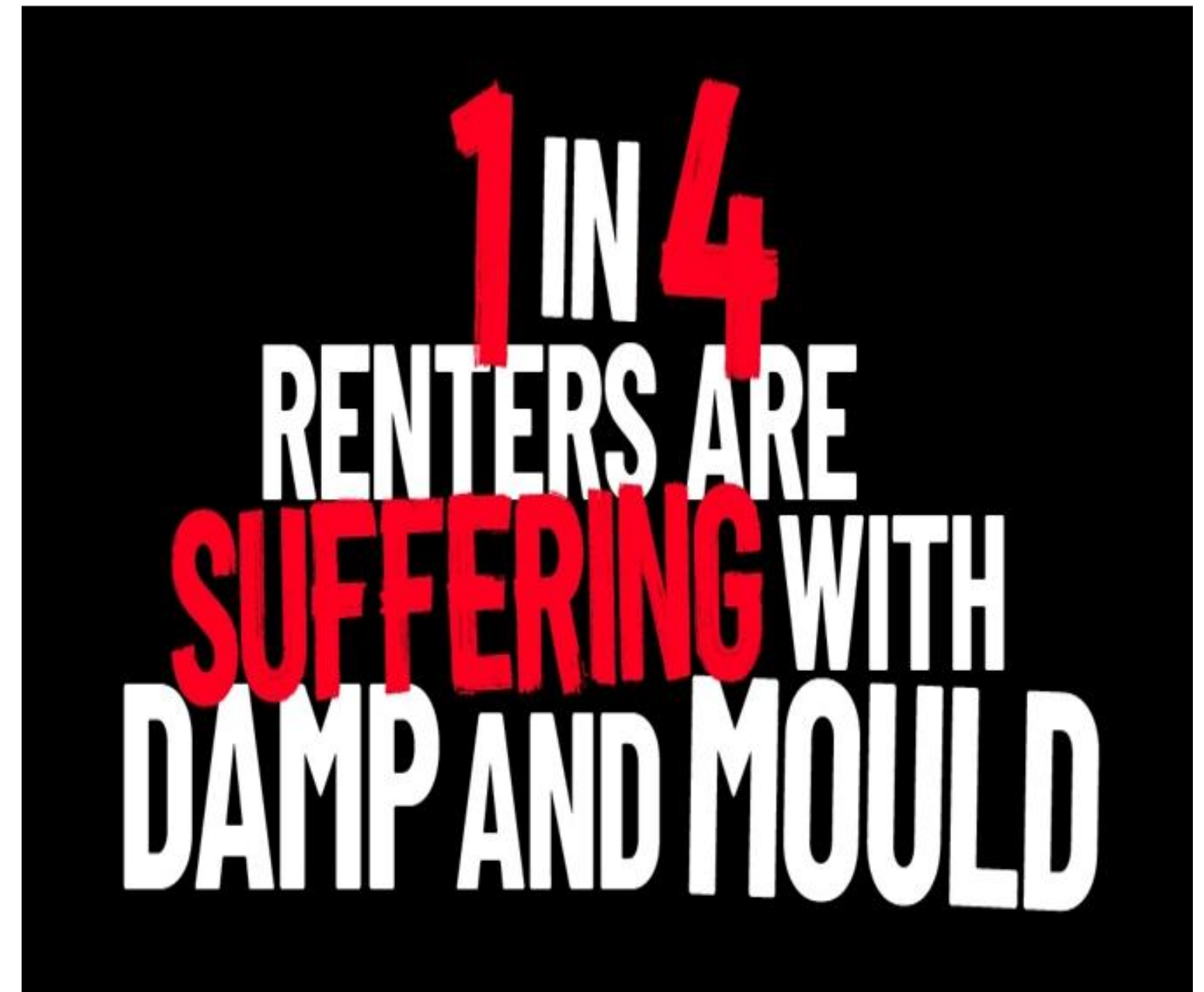
- caused by a repair problem, structural defect or infestation
- affecting your health and safety

Your responsibilities:

- You are expected to ventilate and heat your home properly so that damp doesn't build up.

Tell your landlord about the damp problem and any:

- repairs needed
- impact on your health
- damage to furniture and belongings



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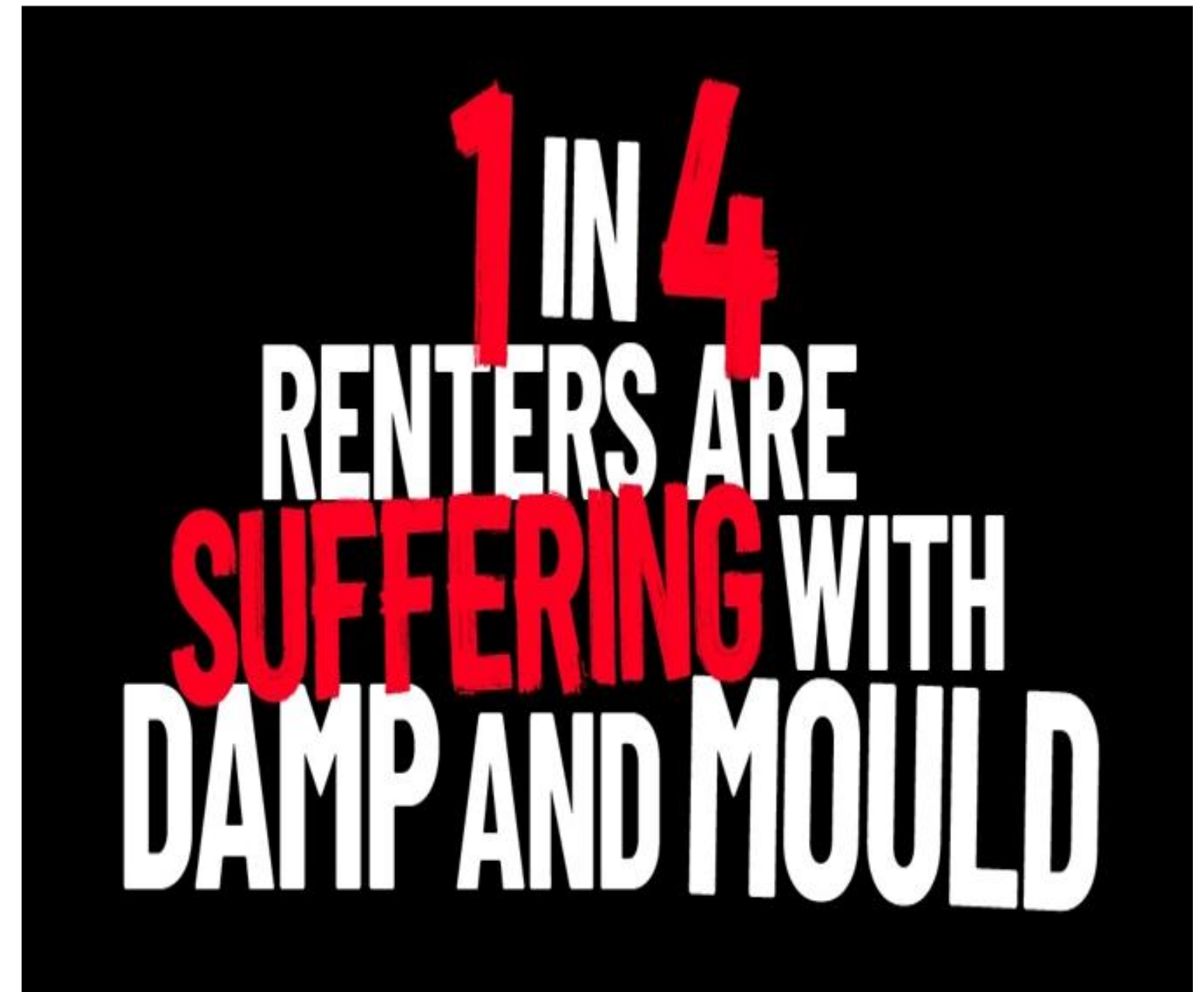
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- repairs needed
- impact on your health
- damage to furniture and belongings



# AWAAB'S LAW

From 27 October 2025, social landlords must comply with fixed timescales to investigate and make safe -

- **All** emergency hazards, except those relating to overcrowding
- **Any** significant damp and mould hazards
- **The new rules only apply to social housing tenancies.** This includes local authority landlords and registered providers of social housing, such as housing associations. Awaab's law will not apply to shared ownership, homeless accommodation, supported accommodation or licenses in social housing.

The rules are eventually set to be extended to the private rented sector, but this is unlikely to happen in the near future.



# WHAT IS AN EMERGENCY HAZARD?

Draft government guidance states that emergency hazards might include...

- gas leaks
- broken boilers
- total loss of water supply
- electrical hazards
- significant water leaks
- broken external doors or windows where there is a risk to home security
- serious damp and mould or structural defects.

**All emergency hazards are covered by Awaab's Law\***

**\*except hazards caused by overcrowding**



## SAFETY WORKS FOR EMERGENCY HAZARDS

- A landlord must complete safety works within 24 hours. The 24-hour period starts when either:
  - the landlord has reasonable grounds to believe that there is an emergency hazard
  - an emergency hazard is identified during a routine inspection
- **If it's not possible to make the property safe within 24 hours, the landlord must offer the tenant and their household suitable alternative accommodation until the safety works are completed.**



# DAMP AND MOULD

- A landlord must complete safety works **within 5 working days** from when a significant damp and mould hazard is identified.
- Where it is not possible to make the hazard safe within 5 working days, the landlord must offer the tenant and their household suitable alternative accommodation free of charge.



# IF THE LANDLORD DOES NOT COMPLY WITH AWAAB'S LAW

Where a social landlord does not comply with its duties under Awaab's law, a tenant can:

- 1.) Make a formal complaint to the landlord
- 2.) Escalate their complaint to the Housing Ombudsman
- 3.) Apply to court for an order for specific performance or compensation\*

A tenant should start with a formal complaint to the social landlord. If this is not resolved, they can escalate their complaint to the Housing Ombudsman.

**\*A tenant might need legal aid help to apply for a court order.**

# WHAT IS THE NEXT STEP?

- Problems must be **reported to the landlord** who then has a duty to carry out repairs within a reasonable amount to time.
- A disrepair case depending on urgency can take anywhere from 6 weeks to 6 months



**Top tip:** Try to keep a log of all your correspondence. Having this evidence in writing is useful should you need to pursue legal action.

# WHEN IS A HOME UNFIT FOR HABITATION

A rented home is 'unfit for habitation' when conditions or safety issues are so bad that **it's not reasonable for you to live there.**

This could be because the poor conditions:

- Negatively affect your mental and/or physical health seriously
- Put you at risk of physical harm or injury
- Mean you can't make full use of your home

Landlords must make sure your home is fit to live in throughout your tenancy



# THE FITNESS FOR HUMAN HABITATION ACT 2018

These are some of the hazards covered by the Fitness for Human Habitation Act:

- Signs of structural collapse
- Fire safety issues e.g., doors that cannot be closed/opened, non-functioning smoke or fire alarm systems
- Lack of safe water, electricity or gas supply
- High risks of falling elements e.g., unsecured roof tiles
- Excess cold or heat
- If the property is unable to be secured e.g., external doors cannot be locked
- Presence of asbestos, carbon monoxide or lead

# WHICH TENANCIES ARE COVERED?

The rule that a rented home is fit to live in, applies to most tenancies regardless of when they started.

This includes if you rent from:

- the council
- a housing association
- a private landlord or letting agent

If you have a fixed term private or housing association tenancy which began before 20 March 2019 it will only be covered if you either:

- sign a new agreement
- stay on as a tenant when the fixed term ends

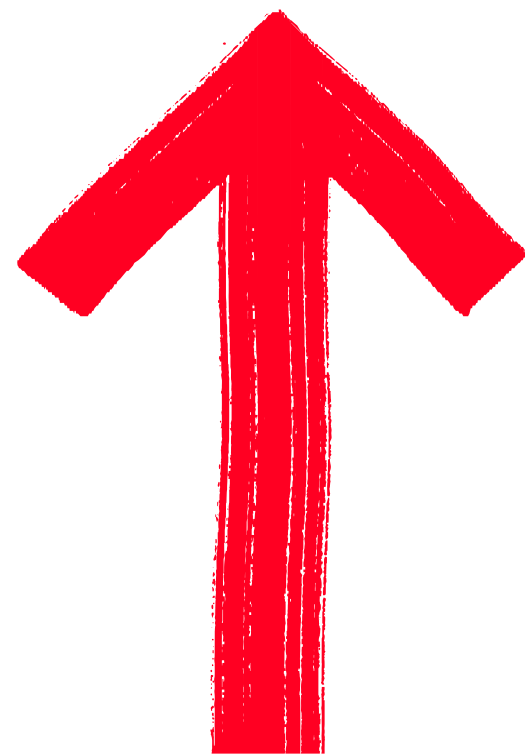
If you have an introductory council tenancy which started before 20 March 2019 it won't be covered until it becomes a secure tenancy.

# LODGERS, TEMPORARY HOUSING AND LICENSE AGREEMENTS

If you have a **licence agreement rather than a tenancy** you won't be covered by the fitness rules.

You probably have a licence if you're:

- in temporary housing or a hostel
- a lodger who lives with your landlord



# OTHER LAW

- **Health and safety standards for rented homes (HHSRS):** The HHSRS is a check of hazards in your home that could affect your health.
- **Defective Premises Act 1972:** this covers duties on landlords, builders/improvers to do work safely and properly. It imposes a duty on landlords in respect of the maintenance and repairs of the property.
- **Section 79 Environmental Protection Act 1990** (EPA 1990) places a duty on Environmental Health to inspect etc.





# COMFORT BREAK



**SHELTER**

# WHAT CAN YOU DO

Your options will depend on what kind of tenant you are:

1. Private tenants
2. Council and housing association tenants
3. Temporary accommodation
4. Other options

**GET  
REPAIRS  
DONE.**



# PRIVATE TENANTS



# REPORT DISREPAIR

- Report matter to the Landlord in writing by email, text or letter
- Submit photos, ask for actions and response
- You can use **Shelter's template letter** to do this
- Give Landlord reasonable time to fix repairs



# ENVIRONMENTAL HEALTH TEAM

- You can ask the council to inspect your home under the **Housing Health and Safety Rating System** (HHSRS).
  - The HHSRS is a check of hazards in your home that could affect your health.
  - It is done by an environmental health officer from your council. The council must take action if serious problems are found.



# CONTACT PRIVATE SECTOR RENTING STANDARDS

If you are concerned about the condition of the property you live in please report any issues to Waltham Forest Council:

- [My Waltham forest portal](#)
- Email [propertylicensing@walthamforest.gov.uk](mailto:propertylicensing@walthamforest.gov.uk)
- Call 0208 496 4949

You should be able to receive advice and assistance in relation to matters within the following areas:

- Properties that require licensing or are licensed.
- Housing conditions in rented accommodation such as damp and mould, disrepair and fire safety.
- Tenancy relation issues such as landlord harassment or illegal evictions.

# CASE STUDY 1

A family was referred to Shelter from a Children Centre. The family consisted of 2 parents and 3 children. They live in a 1-bedroom flat in the private rented sector.

One of the parents was suffering from Cancer and had stopped her chemotherapy due to risk of infection. No other health issues noted for the family.

There were issues with **severe leak** coming from the ceiling plus the **condition of the stairs was deteriorating**. They had evidence of them complaining to the landlord about this several times.

**What actions could be taken to support the family?**

**What could you do if you didn't get a response from Environmental Health?**

# RETALIATORY EVICTIONS

A revenge eviction is when a private landlord evicts a tenant who asks for repairs or complains about bad housing conditions.

- If your landlord has been given an **improvement or emergency works notice** by Environmental Health, they cannot give you a section 21 notice for **6 months**.
- If you are served a section 21 notice before Environmental Health has taken action, you may still be able to challenge the eviction.



**COUNCIL OR  
HOUSING  
ASSOCIATION  
TENANTS**



# REPORT DISREPAIR

If you are a council tenant in Waltham Forest:

- You should report all repairs by calling 020 8496 4197.

If you are a housing association tenant, you should contact your housing officer or follow the relevant disrepair procedures



# COMPLAIN

- If you get no response from your local authority or your housing association, you can **make a formal complaint**
- If you are not satisfied with the outcome of the complaint, you can escalate it to the housing **ombudsman**
  - An ombudsman is an independent body which investigates complaints about councils.



# TEMPORARY ACCOMMODATION



# REPORT DISREPAIR

- Contact the Landlord to report repair. If this is an agency report in writing
- If no action is taken, then contact duty officer at the local authority to report repairs
- If the TA is provided by a private landlord, you can also ask the Environmental Health team to inspect the property

You can also email

[Support.Resettlement@walthamforest.gov.uk](mailto:Support.Resettlement@walthamforest.gov.uk) or call

020 8496 3000.



# COMPLAIN

- If you get no response from your local authority or there is lack of action, you can **make a formal complaint**
- If you are not satisfied with the outcome of the complaint, you can escalate it to the housing or local government **ombudsman**
  - An ombudsman is an independent body which investigates complaints about councils.



# SUITABILITY REVIEW

- If the problem persists or the disrepairs cannot be fixed and are putting your health at risk, you could request a suitability review asking the local authority to consider **moving you** to a different property.
- You can **contact Shelter** to discuss merits of the review and if appropriate we can refer you to our legal team



# CASE STUDY 2

Fatima approached a Shelter caseworker stating they had damp at their accommodation. They live in three-bedroom temporary accommodation with four children, one of which suffers from sickle cell anaemia.

The caseworker explored the issue with Fatima and found that the **damp** was in fact being caused by constant leaks from waste pipe upstairs. Further there was **sewage entering her sink**.

The client states that they had been reporting problems to their managing agency for few weeks by telephone and in person and while the managing agency sent one repair person, they only did a quick fix and the issues returned quickly after.

**What actions could be taken to support the family?**

**OTHER OPTIONS**



# WITHHOLDING RENT

- In general, tenants do not have the right to withhold rent if the landlord does not carry out repairs.
- Doing so could lead to eviction for rent arrears and the council could declare the tenant intentionally homeless if they seek housing assistance as a result.



# LEGAL ACTION

You can take court action if you think your home is unfit to live in and your landlord has not taken the steps to fix this. Court action should be a **last resort**.

The court could order your landlord to:

- carry out any work needed
- pay you compensation

Only very serious cases of disrepair or bad housing conditions can access legal aid.



# HOMELESSNESS APPLICATION

**Homelessness:** Considered homeless if your property is 'unreasonable to continue to occupy' which could include disrepair.

In this case, you could make a homelessness application with your local authority, and they would need to assess whether the level of disrepair is enough to offer you assistance.

To make a homeless application, you can:

- Visit the [Waltham Forest website](#) and complete their form.
- Call **020 8496 3000**.



# LIVED EXPERIENCE

## Contact details

– **Fiona McLeod**

– [fiona\\_mcleod@shelter.org.uk](mailto:fiona_mcleod@shelter.org.uk)

– **07880 457 425**



**THAT IS THE END  
OF THE  
PRESENTATION...**

**\*BUT FIRST, ANY QUESTIONS?**

# **CONTACT INFORMATION**

If you are homeless or need advice about your housing situation please call the London advice line 0344 515 1540

Lines are open 9.30-6 Monday to Friday



# RESOURCES

[SHELTER ADVICE WEBSITE](#)

[DISREPAIR RESOURCES](#)

[TENANCY CHECKER](#)

[SHELTER LEGAL](#)

[NHAS FACT SHEETS](#)

[LEGAL AID ADVISOR SEARCH](#)

[FURTHER TRAINING](#)

**SHELTER**

[shelter.org.uk](https://shelter.org.uk)

