

Renting Homes Bill: Housing Standards



Citizens Advice Cymru call for changes to the Renting Homes Bill to ensure tenants' have the right to a warm, safe home and this right can be enforced. We want to see the Bill changed to provide greater consumer protection in the Private Rented Sector (PRS) by:

- Having clear guidance on what 'fitness for human habitation' means
- Having access to enforcement and justice to ensure homes are fit for habitation, at the start of the tenancy and throughout the let

Background: Housing Standards and Repairs

A growing proportion of households in Wales rent their homes, but unfortunately the PRS provides some of the poorest quality homes. The Renting Homes Bill aims to improve the quality of rented homes by specifying a standard known as '*fitness for human habitation*' within the model contract as well as outlining landlords' obligations around repair. This standard will be based on the current Housing, Health and Safety Rating System (HHSRS) of 29 hazards, a complex risk assessment process that requires professional judgement. As the fitness standard will be within the contract, it provides tenants with another avenue via contract enforcement through the courts, to ensure their home is up to standard. Unfortunately, we know from our clients' experience that going to court is often too daunting, lengthy and costly to contemplate, even if this is the only route open to them to enforce their rights. In the absence of legal aid and the difference of power between landlords and tenants, this limits tenants' ability to access justice and enforce their rights.

Defining and applying 'fitness for human habitation'

The Bill gives Ministers the power to create secondary legislation that will define 'fitness for human habitation' based on HHSRS and additional requirements linked to safety concerns (e.g. 5 year electrical installation checks and carbon monoxide detectors). However, it is not clear how the HHSRS will be converted into a fitness standard that landlords and contract holders can easily understand. Nor is it clear, how the duty to repair will be applied if the cause, or seriousness of work required is contested. We believe further clarity is needed about what the fitness standard will be and how tenants can enforce these rights to live in a fit property.

Currently the Bill requires a rented property to be 'fit for human habitation', except when:

- the property cannot be made fit at 'reasonable cost'
- the property is unfit due to the fault of the existing tenant

Without clarity on what 'reasonable cost' is, we believe the Bill could be used by unscrupulous landlords to avoid their repairing duties and to let unfit properties. Similarly, such landlords could also avoid repairing duties by blaming tenants for damage whether they caused it or not, or are disputing the cause (e.g. where landlords blame tenants for

damp due to not ventilating rooms, and tenants dispute this as the property is poorly insulated). Landlords could take court action to recover damages from the tenant under the Bill, or as is current practice, landlords could seek deductions from the tenants' deposit for repairs. We believe it is essential that landlords have a fundamental obligation to ensure their property meets the fitness standard. Further, this obligation should be supported by clear timescales of when landlords must undertake repairs by, to end the misery of tenants living in unfit properties for months on end. By having clear timescales, tenants will be able to use their contracts to ensure that they live in safe, warm homes.

We want to see this part of the Bill changed by:

- **Clarifying what is a 'reasonable cost'**
- **Reinstating the landlord's duty to repair where a tenant has caused the problem**
- **Following the Communities, Equality and Local Government (CELG) Committee recommendation 32 to include clear timescales within the repairing duty**
- **Following the (CELG) Committee recommendations 28 and 29 to ensure Ministers have a duty (not a power) to make the regulations, and that the Assembly ratifies these after scrutiny through the affirmative procedure**

Access to enforcement and justice to ensure homes are fit

The Bill only provides tenants with one option to enforce their rights to live in a safe, warm home - to go to Court. This will be extremely difficult without professional support and legal aid. **We want to see the Bill changed to:**

1. We want to see Local Authorities given the power to determine whether a property is unfit, and to enforce the fitness standard through civil penalties. This will ensure easy access to justice for tenants and a consistent interpretation of the fitness standard. Additionally, the income from fixed penalty fines could be retained by the Authority and used to resource enforcement.

Where landlords are fined, or found to be in breach of contract, it is essential that this information feeds back to the licensing authority. The Bill needs to change to ensure that repeated or serious breaches by the landlord are notified to the Licensing Authority and Local Authority, with licenses being revoked as appropriate

2. We want to see alternatives to the courts that enable easy access to low cost mediation or adjudication. This could be provided through the Residential Property Tribunal, the Landlord Licencing Authority or a Housing Panel, as in Scotland.

Further Information

For further information you can read [our evidence](#) about the Renting Homes Bill and the [third sector's views on the 6 month moratorium](#). Alternatively, you can contact elle.mcneil@citizensadvice.org.uk or your local Citizens Advice.