



# Disrepair and Poor Housing Conditions Policy

## 1.0 Purpose and scope

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Notting Hill Genesis (NHG) wants residents to enjoy a safe, comfortable home where they can thrive and enjoy life. This policy sets out our approach to ensuring we:

- Keep our properties and communal areas free from disrepair and poor housing conditions by identification and proactive resolution
- Investigate disrepair and poor housing conditions claims promptly and establish whether there is a case
- Resolve claims quickly and effectively to improve customer satisfaction and avoid the need for court action.

This policy applies to all residential properties in General Needs Housing, Leasehold, Care and Support, including Agency Managed Schemes, IMR tenants, Temporary Housing and Market Rent, and must be read in conjunction with individual tenancy agreements or leases and NHG Policies and procedures as our repair obligations for each property and tenure can differ.

If a defect amounts to disrepair, it will be dealt with in line with this policy as well as the Defects Policy.

## 2.0 Definitions

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**Decent Homes Standard** - A Government programme aimed at improving social housing homes to bring them all up to a minimum standard.

**Housing Health and Safety Rating System (HHSRS)** - Places a legal duty on landlords to assess and regularly review the condition of their properties to ensure that properties are safe and free from hazards.

**Disrepair / poor housing conditions** - The failure to keep in repair the structure, exterior and installations for water, gas, electricity, heating and sanitation of a property to the requisite standard or if we have failed to comply with our repair obligations under the tenancy agreement or lease. Those can be identified by the resident, staff, contractors, a local authority, health and safety professional or a third party.

**Housing conditions claim** - A civil claim arising from the condition of residential property and may include a related personal injury claim.

**Pre-action protocol** - Procedural framework to be used by parties in the pre-action stages of a disrepair / poor housing conditions claim, intended to assist parties in a housing condition claim to resolve the issues early and appropriately.

**Expert / Single Joint Expert** - A suitably qualified expert who acts as an independent witness for the benefit of court, and who prepares a report addressing the allegations of disrepair and/or poor housing conditions.

**Survey** - An inspection or assessment of the structure, exterior or related installations of a property.

### **3.0 Regulatory and contractual obligations**

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We have responsibilities and obligations under the Landlord and Tenant Act 1985, the Defective Premises Act 1972, Environmental Protection Act 1990, Housing Act 2004 and Homes (Fitness for Human Habitation) Act 2018 to keep residential properties in a good state of repair.

We are also required to ensure our residential properties meet the Decent Homes Standard.

Specifically, a property must:

- Meet the current statutory minimum standard for housing
- Be in a reasonable state of repair
- Have reasonably modern facilities and services
- Provide a reasonable degree of thermal comfort.

Additionally, in cases where the local authority Health and Safety Officer identifies disrepair as a risk under the HHSRS, we are legally required to carry out the work within a reasonable amount of time to avoid prosecution.

Where we are the freeholder, we are also obliged to ensure the communal areas are repaired, maintained and insured in line with health and safety compliance.

Our repairs responsibilities differ across different tenures as laid out in individual tenancy agreements and leases. Where we are not responsible for the disrepair, we will provide prompt advice and guidance to assist residents to resolve the issue.

### **4.0 Prevention against disrepair and poor housing conditions**

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We strategically invest in and manage our properties to ensure all our properties meet the regulatory and contractual obligations outlined in section 3 as well as our obligations to residents.

We operate a rolling programme of stock and block condition surveys to evaluate, and risk assess the state and condition of our properties. We prioritise and escalate any category 1 HHSRS risks as appropriate.

We deploy resources to carry out investment works on a planned basis to reduce the likelihood of disrepair and/or poor housing conditions e.g., condensation, damp, and mould.

We maintain a central asset investment database which contains information regarding our stock, enabling us to determine which types of property in which areas require investment to prevent disrepair. This data is supplemented by a referral process which enables properties requiring investment to be prioritised for improvement works.

We operate a responsive repairs and maintenance service to mitigate against the potential for disrepair and/or poor housing conditions. Residents must promptly report to us any repairs needed that we are responsible for. We record all repairs reported by residents or identified by staff during Estate Inspections or visits on our internal systems; Workwise.

Our records also contain details of the maintenance or repair works undertaken to a specific property or scheme to help inform us on the condition of our properties.

We identify potential disrepair and/or poor housing conditions issues during our void maintenance process and deploy resources to remedy any defect before the property is re-let. We only allocate empty properties that are physically fit for long term human habitation in accordance with our letting's standard, which can be found on our website.

Our staff and contractors will report back to the local officer immediately where they become aware of repair issues while visiting a property or estate.

## **5.0 Legal routes of disrepair**

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We aim to reply to a Letter of Claim within 20 working days of receipting a legal claim. We adhere to the Pre-Action Protocol when responding to all reports of disrepair / poor housing conditions.

Where a resident issues a housing conditions claim, we may instruct a solicitor to act on our behalf. We consider using alternative dispute resolution methods where reasonable to resolve the matter with a resident at the earliest opportunity to avoid legal action. We will, where appropriate, consider settlement including financial settlements to resolve housing conditions claims.

Where appropriate, we instruct an expert or single joint expert in conjunction with the resident or their third-party legal advisor to inspect the property for evidence of disrepair.

## **6.0 Complaints about disrepair**

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We deal with complaints of disrepair or poor housing conditions directly from residents, or a third party, in line with our complaint's procedure except where a resident instructs solicitors. We will respond to resident's instructed solicitors outside of our complaint's procedure, while still seeking alternative dispute resolution.

Where a resident raises a disrepair claim with the Housing Ombudsman, we will provide the Housing Ombudsman with the outcome of the disrepair claim, should they request this.

## **7.0 Post inspection**

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We undertake an agreed schedule of works to remedy disrepair within a reasonable period of time. This may sometimes mean that parts of the property will be inaccessible for a period while works are undertaken. We re-inspect properties with the resident within 28 days of completion of remedial works.

We exchange information with solicitors or other agencies requests in line with the Pre-action Protocol and our Data Protection and Information Governance Policy.

## 8.0 Access

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Where disrepair and/or poor housing conditions have been reported and subsequent attempts to access the property have failed, we pursue legal routes, including injunctions where necessary, to obtain access. We ensure that all access attempts are being recorded accordingly on our systems; Workwise.

## 9.0 Disrepair and possession claims

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Where we are in the process of taking arrears recovery action, and a tenant raises a counterclaim of disrepair and/or poor housing conditions, we continue the arrears recovery procedure and if applicable, offset any sum payable under the housing conditions claim against the arrears. We follow up on our Compensation Policy where necessary.

## 10.0 Our approach

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In writing this policy we have carried out assessments to ensure that we are considering equality, diversity and inclusion. If you'd like more information about this work, please get in touch at [policy@nhg.org.uk](mailto:policy@nhg.org.uk)

## 11.0 Reference

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- Defective Premises Act 1972
- Landlord and Tenant Act 1985
- Pre-Action Protocol for Housing Condition Claims
- Environmental Protection Act 1990 (section 79-82 inclusive)
- The Secure Tenants of Local Housing Authorities (Right to Repair) Regulations 1994
- Data Protection Act 1998
- Housing Health and Safety Rating System (HHSRS)
- Housing Act 2004
- Civil Procedure Rules
- Homes (Fitness for Human Habitation) Act 2018
- Fire Safety Act
- Building Safety Act.

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### Document control

Author	Michael Drozynski, Policy Officer
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Approved by	Policy Group
Policy owner	Director of Planned Investment
Accountable Director	Group Director of Assets and Sustainability

### Version Control

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14/03/2022	Reviewed Policy	v2.0