



Disrepair and Poor Housing Conditions Policy

1.0 Purpose and scope

This policy sets out our approach to ensuring we:

- Keep our properties and communal areas free from disrepair and poor housing conditions by identification of repair issues at an early stage and proactive resolution
- Investigate disrepair and poor housing conditions claims promptly and establish whether there is a case
- Resolve claims quickly and effectively

This policy sets out our approach to the delivery of responsive repairs services to Notting Hill Genesis (NHG) residents.

The policy applies to all homes for which NHG is responsible for carrying out responsive repairs, as determined by their tenancy, licence or lease agreement.

If a defect amounts to disrepair, it will be dealt with in line with this policy as well as the [Defects Policy](#). Any disrepair issues that relate to hazards will be managed as outlined in our [Repairs Policy](#) and [Damp and Mould Policy](#) where appropriate.

Where the resident has circumstances which mean they require service adjustments to engage with the disrepair process, we will work with them in line with our [Service Adjustment Policy](#).

2.0 Definitions

Decent Homes Standard – is the minimum standards that social housing must meet, specifically, a property must:

- Be in a reasonable state of repair
- Have reasonably modern facilities and services
- Provide a reasonable degree of thermal comfort.

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

Disrepair / poor housing conditions - The failure to comply with our repair obligations under our repairs policy, occupancy agreement or regulatory standards and resolve repairs issues when they are reported.

Housing conditions claim - A civil claim arising from the poor condition of a home that may include a related personal injury claim.

Pre-action protocol – A framework of actions that involved parties are expected to engage with at the initial stage of a housing conditions claim to resolve issues early on in the process. If a claim proceeds to legal action, the court will expect all parties to have completed the actions in the protocol as far as possible and if they have unreasonably failed to do so, they may face penalties.

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.

Letter of claim- a letter that must be sent to the landlord by the resident or their solicitor, before legal action is taken, which outlines the issue and how it has and continues to impact them, what action has been taken to resolve it, details of communications between resident and landlord and any experts you plan to involve.

Alternative dispute resolution – is a way of resolving the dispute about housing disrepair without going to court and is usually considered as part of the pre-action protocol process.

1.0 Our commitments to preventing disrepair and poor housing conditions

2.1 Our responsibilities as a housing provider

We strategically invest in and manage our properties to ensure all our properties meet the regulatory and contractual obligations, as well as our obligations to residents. We are dedicated to providing secure homes for our residents and to keeping our properties in a good state of repair.

We are committed to our responsibilities and obligations under the Landlord and Tenant Act 1985, the Defective Premises Act 1972, Environmental Protection Act 1990, Housing Act 2004, Homes (Fitness for Human Habitation) Act 2018 and the safety and quality standard of the consumer standards for social housing to keep residential homes in a good state of repair. Where we are the freeholder, we must also ensure the communal areas are repaired, maintained and insured in line with health and safety compliance.

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.

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.

2.2 Prevention of disrepair

We operate a rolling programme of stock and block condition surveys to evaluate, and risk assess the state and condition of our properties.

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. Our internal referral process helps us prioritise which properties require emergency work, where key fixtures break and cannot be repaired and those which require non-emergency work, as key fixtures are deteriorating but do not pose an immediate risk or failure of decent homes standards. This allows us to help prevent disrepair and react quickly when poor housing conditions occur.

We provide a responsive repairs service, to mitigate against the potential for disrepair and/or poor housing conditions and ensure that our residents can enjoy living in their homes. We expect residents to report any repairs to us that we are responsible as soon as they become aware of these, so we can respond and resolve repairs issues swiftly and effectively. Where we first receive a report of a repair issue or poor housing conditions, we will treat this as a repair and will only subsequently treat this as disrepair where we have failed to adequately respond to previous reports of the issue.

We record all repairs reported by residents or identified by staff during estate inspections or annual visits on our internal system; Prosys. Our records also contain details of the maintenance or repair works undertaken to a specific home or scheme to help inform us on the condition of our properties.

2.0 Pre-action Protocol

The Pre-Action Protocol for Housing Conditions Claims (England) ("the Pre-action Protocol") is a set of actions that must be taken as far as possible before a disrepair claim is issued in the Courts. Often a judge will impose fines or sanctions on either the resident or NHG if they believe either party has unreasonably refused to engage in this process. Similarly, if parts of this are skipped the court can decide to pause the legal proceedings and order parties to follow the actions in the protocol before the case can proceed.

We adhere to the Pre-Action Protocol when responding to Letters of Claim relating to disrepair / poor housing conditions, meaning we will explore options to resolve the disrepair claim at any early stage.

As part of the pre-action protocol, 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.

Alternative dispute resolution can take the form of following our complaints process, as this demonstrates that the resident has attempted to resolve the disrepair issues with us prior to pursuing legal action. For further information on our complaints process, please refer to the [complaints policy](#) and [section 5](#).

3.0 Complaints about disrepair

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

4.0 Legal action for disrepair

Although we always aim to resolve instances of poor housing conditions and disrepair before there is a need for a resident to pursue legal action against us, we recognise that residents may wish to proceed with legal action where they feel dissatisfied with our responses at earlier stages.

We aim to reply to a Letter of Claim within 20 working days of receipting a legal claim. Receipt is considered to have taken place two days after the date of the letter.

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

Where a resident issues a housing conditions claim, we may instruct a solicitor to act on our behalf.

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. We will inspect the property as soon as possible once a claim is raised and will remain committed to completing the required repairs as soon as practicable.

5.0 Post inspection

We undertake an agreed schedule of works to remedy disrepair within a reasonable period of time for the type of repair, as detailed in our [Repairs Policy](#). This may sometimes mean that parts of the property will be inaccessible for a period while works are undertaken.

Where possible and where the resident agrees, we re-inspect properties with the resident within 28 days of completion of remedial works.

6.0 Access

In order for us to resolve disrepair and poor housing conditions, it is essential that we have access to the affected property. To facilitate this, we will agree appointments with the resident in advance and we expect them to inform us at the earliest opportunity when they are no longer able to provide access.

Where these issues are reported and our attempts to access the property have failed, we may pursue legal routes, such as injunctions to obtain access to allow us to complete the required repairs. We ensure that all access attempts are being recorded accordingly on our systems, for further information please refer to our [no access policy](#).

7.0 Disrepair and possession claims

Where we are in the process of taking arrears recovery action, and a resident 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.

3.0 Upheld claims

We will consider awarding compensation where the claim has been upheld, in line with our [Compensation Policy](#). Where a complaint is submitted in addition to legal action being taken against us, compensation paid as part of our complaint response may be taken off the final disrepair settlement.

Where the claim is upheld, it is at the judge's discretion whether we cover the tenant's legal costs, so this can vary case to case, however, we are usually asked to cover this cost.

4.0 Our approach

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

5.0 Reference

- 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 2018
- 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 2022

Document control

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Responsible Director:	Director of Legal
Approval Date:	03/09/2026
Effective Date:	03/09/2026
Approved by:	Director of Legal

Version Control

Date	Amendment	Version
08/03/2021	New Notting Hill Genesis policy	v1.0
14/03/2022	Reviewed Policy	v2.0
03/09/2026	Reviewed Policy	v3.0