

Response ID ANON-82MR-A976-G

Submitted to A Decent Homes Standard in the private rented sector: consultation
Submitted on 2022-10-13 16:40:44

Scope of the consultation

About you

1 In which capacity are you completing these questions?

Answer:
Other (please specify)

Other please specify:
Charity

2 If responding on behalf of an organisation, please specify which organisation (or put n/a):

Answer:
Bath Preservation Trust

3 If responding as an individual, where do you live? If you are responding as part of an organisation, where are you primarily based?

South West

4 Landlords and letting agents only: Where are the properties you let primarily located?

Not applicable

5 Landlords only: How many properties do you manage?

Not applicable

6 Landlords only: Which of these options best reflects how you would describe yourself?

Not applicable

7 Tenant only: Is anyone living in your property under the age of 5?

Not applicable

8 Tenant only: Is anyone living in your property over the age of 65?

Not applicable

9 Tenant only: Who do you live with? (Choose all that are applicable)

Not applicable

10 Tenant only: Which of the following best describes how your tenancy is managed?

Not applicable

11 Tenant only: Thinking about the last 12 months, approximately what was your total gross household income (i.e. before tax and deductions)?

Enter figure for gross household income:

Introduction

Existing standards in the private rented sector

The Decent Homes Standard

12 Do you support bringing in and enforcing the Decent Homes Standard, as set out above, in the private rented sector?

Answer:
Yes

13 How clear is the standard as set out?

Answer:

Quite clear

14 How difficult do you believe the standard will be to meet?

Answer:

Neither easy nor difficult

15 Currently, a property will fail the Decent Homes Standard if a 'key building component' (e.g. wall, window, roof) is both old and in poor condition. Should we change the Standard to remove 'old' so only the condition is relevant?

No

Enforcement of a Decent Homes Standard in the private rented sector

Landlord duty to meet the Decent Homes Standard

16 Do you think that a landlord's failure to meet the Decent Homes Standards should be a criminal offence?

Answer:

Unsure/Don't know

17 Should local councils have the option to issue civil penalties or prosecute for Decent Homes Standard offences?

Answer:

Local councils should have the option to issue civil penalties or prosecute

18 Do you think Rent Repayment Orders should be extended to include Decent Homes Standard offences?

Answer:

Yes

19 Do you think that a landlord's failure to meet their duty to keep a property at Decent Homes Standard should be included as a Banning Order offence?

Answer:

Yes

Exemptions from the duty

20 Do you think that local councils should have the discretion to make properties temporarily exempt from the duty to meet the Decent Homes Standard on a case-by-case basis (with regard to statutory guidance)?

Answer:

No, there should be no exemptions

Other please specify:

Listed building consent is not a barrier to good state of repair. Listed buildings should be well maintained, For new owners improving a property can be undertaken relatively quickly. Regarding 21, it is easy to get a refusal for an inappropriate approach and use this an excuse. There is always a way even with listed buildings.

21 In some instances, carrying out Decent Homes work or repairs without permission would put the landlord in breach of a statutory obligation, such as in the case of listed buildings. We are proposing to exempt landlords where they have attempted to obtain permission to carry out the works and been refused. Do you think it would be appropriate for this exemption to the Decent Homes Standard to be set out in legislation?

Answer:

No, this should not be an exemption

22 Do you think local councils should have the discretion to temporarily exempt a landlord from the duty to meet the Decent Homes Standard where the landlord has bought a non-decent property with sitting tenants?

Answer:

No, this should not be an exemption

23 Do you think local councils should have the discretion to temporarily exempt the personal representatives of a landlord from meeting the Decent Home Standard where a letting property is under probate?

Answer:
Unsure/Don't know

24 Do you local councils should have the discretion to temporarily exempt an incoming manager from the duty to meet the Decent Homes Standard where a landlord has either lost their HMO licence or is not fit and proper, so a new company or person is managing the property?

Answer:
No, this should not be an exemption

25 Do you think local councils should have the discretion to temporarily exempt someone from the duty to meet the Decent Homes Standard where they are taking over the property on a temporary basis due to the landlord being incapacitated?

Answer:
No, this should not be an exemption

26 Do you think local councils should have the discretion to temporarily exempt a landlord from the duty to meet the Decent Homes Standard where accidental damages have occurred (e.g. fires, floods, storms, etc.)?

Answer:
No, this should not be an exemption

27 Do you have any further comments on exemptions from the landlord duty to meet the standard?

Optional further comments:

With regards the accidental damage the duty to meet standards must still apply and within a fair time - as it is the tenants who have to live with the damage and insurance covers costs of repair.

Responsible person for the landlord duty

28 Who do you think should be responsible for a Decent Homes Standard failure?

The immediate landlord - the person who receives the rent from those living in the property. Although this person has a direct relationship with the tenants they may not have sufficient control over the property to ensure it meets the Decent Homes Standard., The person with "control" over the property- this may not be the immediate landlord if in order to comply with the Decent Homes Standard they need consent from a superior landlord. A person would have "control" if they can make decisions about the property to ensure the Decent Homes Standard is met without having to seek consent from a superior leaseholder or freeholder., The freeholder of the property or the leaseholder with a lease of more than 21 years. Which party is responsible for the relevant criterion of the Decent Homes Standard will depend on the rights and responsibilities as set out in the terms of individual leases.

Other please specify:

Registering Decent Homes Standard compliance on the Property Portal

29 Do you think that landlords should use the Property Portal to register Decent Homes Standard compliance of their properties or record where there is an agreed exemption?

Answer:
Yes

30 Tenants only: Would you find it helpful to be able to view whether your current or prospective property had been declared Decent Homes Standard compliant by the landlord or whether an exemption was in place?

Answer:
Yes

31 Do you think it should be an offence to provide false or misleading information regarding Decent Homes Standard compliance and exemptions?

Answer:
Yes

32 Duplicative burdens on landlords at local and national level are undesirable where they can be avoided. We want to work with local authorities and other stakeholders to ensure that the transition to a Privately Rented Property Portal is as seamless as possible, including looking at how it can integrate with licensing schemes where practicable. We will also work to streamline requirements for landlords, such as by working with BEIS on synchronising guidance on minimum energy efficiency. It is imperative that the system meets the needs of landlords, agents, tenants and local authorities.

Please share thoughts on how we can streamline requirements and support compliance (Optional):

Minimum energy efficiency standards are a good thing - however they should not be set too low, and related to EPC. Currently this is band E for rented property but should be higher at target band C to meet targets for carbon emissions and support the cost of living, and economy when rents are set so disproportionately high.

Rent controls must be put in place to stop scrupulous landlords raising rents to meet the cost of maintenance and energy efficiency.

Duty on local councils to investigate Decent Homes Standard complaints and report on enforcement action

33 Do you think local councils should have a duty to investigate complaints of properties that fail to meet the Standard in their area?

Answer:

Yes

34 Should local councils be required to report activity related to addressing properties that fail to meet the Standard in their area?

Answer:

Yes

35 If local councils were required to report their Decent Homes Standard activity, to whom should they provide the information?

Answer:

Both their local community and central government

36 [For local councils only] How important would standalone enforcement guidance be to assist local councils in enforcing the Decent Homes Standard?

Answer:

Very important

37 Do you have any further comments on the proposal to put a duty on local councils?

Optional further comments:

It many cases the Council is the landlord - how does it enforce the duty on itself?

Provide local councils with powers to remedy properties that do not meet the Standard

38 Do you think Decent Homes Standard failure awareness notices are a useful part of Decent Homes Standard enforcement?

Answer:

Yes, they are useful

39 Do you think local councils should have the power to serve Decent Homes Standard improvement notices?

Answer:

Yes

40 Do you think local councils should have the power to undertake emergency remedial works?

Answer:

Yes

41 Do you think local councils should have the power to issue Decent Homes Standard failure prohibition orders?

Answer:

Yes

Clarify in legislation that landlords do not have a right to attend local council inspections

42 Should we amend legislation to make it explicit that a landlord does not have a right to attend inspections [by virtue of receiving notice to that effect]?

Answer:

Yes

Providing advice on decency

43 Do you think that there is a role for other providers (not just the local council) in providing advice to landlords on whether their properties meet the Decent Homes Standard?

Answer:
Yes

44 Do you think local councils have a role in providing advice to landlords on pre-emptive work to prevent properties failing to meet the Standard in the near future?

Answer:
Yes

45 Where local councils provide this advice, should they be able to charge for this service?

Answer:
Yes

Scope of application of the Decent Homes Standard

46 Should the Decent Homes Standard apply to all privately rented accommodation let on a tenancy?

Answer:
Yes

47 Should the Decent Homes Standard apply to residential temporary accommodation provided by local councils to homeless households?

Answer:
Yes

48 Should the Decent Homes Standard apply to purpose-built student accommodation e.g. halls of residence owned by universities or other providers?

Answer:
Yes

49 Should the Decent Homes Standard apply to property guardians, where empty buildings are temporarily used for accommodation to provide security?

Answer:
Yes

50 Should the Decent Homes Standard apply to lodgers, where a tenant lives in the property with the landlord?

Answer:
Yes

51 Should the Decent Homes Standard apply to non-traditional accommodation such as house boats or caravans?

Answer:
Unsure/Don't know

52 Should the Decent Homes Standard apply to 'tied' accommodation, which is where an individual is required to or has the option to live in certain accommodation for the purpose of their employment?

Answer:
Yes

53 Should the Decent Homes Standard apply to farm business tenancies and agricultural holdings?

Answer:
Yes

54 Do you have any other comments on the scope of the Decent Homes Standard, including other types of accommodation that you think should or should not be included in scope?

Any further comments (optional):

Impacts & costs

55 What do you think will be the main impacts from bringing in a Decent Homes Standard in the private rented sector for both tenants and landlords? Please provide any evidence and further comments on impacts in the free text box.

Improved tenant/landlord relationship, Fairer competition in rental market, Improved health for tenants, Improved wellbeing for tenants, Increase in tenants' pride in their home, Improved communities, Financial cost for landlords to make changes, Increased rents, Increased property values

Please specify other impacts and any evidence below (optional):

Poor standards of work undertaken quickly and cheaply, and further exacerbation of poor conditions.
More waste where elements are cheaply replaced rather than repaired.

56 Which of the below would you support to mitigate the risks of any negative impacts of introducing a Decent Homes Standard in the private rented sector?

Other (please specify below)

Other please specify:
Rent controls

57 To what extent would you support bringing in a cost cap on criteria B, C and D of the Standard (e.g. on the non-safety elements of the Standard)?

Answer:
Quite supportive

Transitioning to the Standard

58 Do you think there should be a transitional 'grace' period before the Decent Homes Standard becomes a requirement, and when enforcement action can be taken?

Answer:
Yes, there should be a grace period

59 If there were to be a grace period, what length of grace period should there be before the Decent Homes Standard becomes a requirement?

Answer:
12 months

60 Do you think that we should phase in parts of the Standard? For example, to bring in criteria A and B in the first instance, before including criteria C and D at a future point

Answer:
No, all elements of the Standard should come in at the same time.

61 If elements of the Standard were to be phased in, please rank the order you would want them to be brought in from first to last?

Ranking transition - Criterion A: It meets the current statutory minimum standard for housing:
1

Ranking transition - Criterion B: It is in a reasonable state of repair:
2

Ranking transition - Criterion C: It has reasonable facilities and services:
4

Ranking transition - Criterion D: It has a reasonable degree of thermal comfort:
3

62 If elements of the Standard were to be phased in, how long would you like to see between phases?

Answer:
6-12 months

About this consultation

Personal data