



Policy briefing
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Policy Briefing on the Housing Health and Safety Rating System

November 2014

Overview

- Although levels of unfitness have fallen over the last number of years, the assessment for fitness is based on a largely outdated basic standard. Unfitness is still a problem faced by many people; particularly those living in the private rented sector.
- Repair issues are one of the highest single areas of enquiry to the Housing Rights Service advice line. There is a marked difference in the number of enquiries from private rented tenants, compared to those in the social rented sector and owner occupiers.
- The current review being undertaken by the Department for Social Development (DSD) offers a unique opportunity to improve the current Northern Ireland (NI) fitness standard with the Housing Health and Safety Rating System (HHSRS), which operates in other parts of the UK. The HHSRS is much better suited not only to address unfitness and disrepair issues in properties but also has a direct link to enhancing the well being of its occupants.

1.0 Introduction

Whilst there has been a significant improvement in the fitness of dwellings over the last 30 years or so since the current fitness standard was introduced there are still problems, especially in the private rented sector. For Housing Rights Service, disrepair and unfitness queries still make up a significant number of contacts to our advice line.

Based on our statistics, the following table shows a breakdown of the tenure type of those clients contacting our advice service for help with disrepair and unfitness issues:

2011/2012	Private rented	78%
	Social rented	17%
	Owner occupier	5%
2012/2013	Private rented	79%
	Social rented	15%
	Owner occupier	6%
2013/2014	Private rented	81%
	Social rented	15%
	Owner occupier	4%

These figures show that it is quite clear that those people with the biggest issues of disrepair and unfitness reside in the private rented sector. This would correlate with the findings of the House Conditions Survey which also shows that levels of unfitness and disrepair are higher in the private rented sector. According to the Survey, the

level of unfitness in the private rented sector has reduced, falling from 2.7% in 2006 to 2.0% in 2011, this rate is still much higher compared to the social housing (0.1%) and owner occupied (1%) sectors.¹

The most common reasons for unfitness were:

- unsatisfactory facilities for the preparation and cooking of food;
- no, or unsuitably located, bath, shower and wash hand basin; and
- serious disrepair.

2.0 Current situation in Northern Ireland

The fitness standard which is currently in use in NI emanates from the Housing (NI) Order 1981 (as amended).² Under the current fitness regime, in order for a dwelling to be fit for human habitation it must:

- Be structurally stable;
- Be free from serious disrepair;
- Be free from dampness prejudicial to the health of the occupants;
- Have adequate provision for lighting, heating and ventilation;
- Have an adequate piped supply of wholesome water;
- Provide satisfactory facilities in the house for the preparation and cooking of food, including a sink with hot water;
- Have a suitably located toilet for the exclusive use of the occupants;
- Have a suitably located bath or shower and wash-hand basin for exclusive use by the occupants, each with a satisfactory supply of hot and cold water; and
- Have an effective system for the draining of foul, waste and surface water.

¹ http://www.nihe.gov.uk/northern_ireland_house_condition_survey_main_report_2011.pdf

² Article 46, as amended by the Housing (NI) Order 1992

However, the current standard has a number of weaknesses, which our clients and advisers have to deal with on a daily basis and we believe that the current fitness standard needs to be overhauled:

- There is a very low threshold for finding that a property meets the fitness standard. For example, a common complaint for many clients is a lack of heating. However, under the current fitness standard having access to an electrical socket is sufficient to meet the standard for an adequate provision of heating;
- It does not take account of thermal comfort i.e. lack of a heating system will not mean that a property fails the fitness test;
- It does not allow for degrees of unfitness; it is very much black and white in that a property will pass or fail;
- It does not allow for an assessment of how serious a particular problem might be;
- It only considers the actual dwelling and does not take account of areas beyond the dwelling such as gardens, outbuildings, access to the dwelling or boundaries;
- It only considers the physical standard of the property as it is when inspected. It does not take into account any potential risks to the occupant's health as a result of poor standards;
- Condensation is a real issue for many people in Northern Ireland, but the current fitness standard is powerless to order a landlord to take remedial action e.g. better heating and ventilation;
- Draughts are not included in the fitness standard and yet they are a common issue which can have a real impact on a person's quality of life in their home.

3.0 Opportunity for a new fitness standard

'Facing the Future: Housing Strategy for Northern Ireland' was published by the DSD in 2012.³ The Strategy sets out the Government's main roles in relation to housing. These include a specific reference to:

Setting minimum standards for the quality of new and existing homes and for how rented housing is managed.

The Strategy is divided into 5 themes; one of which is '*Ensuring access to decent, affordable, sustainable homes across all tenures*'. Within this theme the strategy refers to:

- Making the private rented sector a more attractive housing option by improving standards;
- Improving the minimum standards for all housing stock and providing support to improve the poorest housing;
- Ensuring social housing stock is maintained to a good standard;
- Improving the energy efficiency of all housing stock.

³ Strategy and Action Plan can be found at <http://www.dsdni.gov.uk/hsdiv-facing-the-future.htm>

To this end, the DSD has included in its *Strategy Action Plan for 2012 – 2017* a **commitment to review the statutory fitness standard across all tenures with the objective of putting in place an enhanced statutory minimum standard.** Housing Rights Service believes that this is an ideal opportunity for government to consider the most appropriate fitness standard with a view to improving the standard of accommodation and the health and wellbeing of residents.

3.1 Housing Health and Safety Rating System (HHSRS)

Housing Rights Service has looked at a number of fitness models and believes that the Housing Health and Safety Rating System (HHSRS), which currently operates in England, Wales and the USA, is the best option.

3.1.1 What is the HHSRS?

The HHSRS is a risk-based evaluation tool that has been designed to help local authorities identify and protect against potential risks and hazards to health and safety from any deficiencies identified in dwellings. Therefore, it does more than just look at the bricks and mortar; **it looks at the bigger picture in terms of the potential impact of defects on people’s health.**

During a HHSRS assessment the environmental health inspector will look for risks of harm to the actual occupier or potential occupier, deriving from any hazard identified. They then judge the severity of the risk by considering the likelihood of an occurrence that could cause harm over the next 12 months, and the type of harms that could result.

HHSRS is capable of assessing 29 categories of housing hazard. These hazards are grouped into 4 types:

Physiological requirements	includes humidity, ventilation, damp and mould growth, excess cold, excess heat, asbestos, Carbon Monoxide.
Psychological requirements	includes space, crowding, security, light, and noise.
Protection against infection	includes hygiene, sanitation, pests, refuse and water supply.
Protection against accidents	includes falls e.g. associated with baths, stairs, level surfaces, electrical hazards, fire, burns and scalds.

Each of the 29 hazards is also given one of the following weightings:

- Category 1 hazards (serious) or
- Category 2 hazards (other)

which then determine what remedial action should be taken.

3.2 Other fitness standards

When considering what any future fitness standard should be, Housing Rights Service has considered the fitness models which operate in Scotland and the Republic of Ireland.

3.2.1 Scotland

Scotland employs a similar fitness measurement to that currently in use in NI. They assess the fitness of a dwelling using a 'tolerable' standard. Scotland has been using this system for almost 40 years.⁴ A dwelling that falls below that standard is seen as not fit for human habitation.

The tolerable standard uses a set of criteria (public health, comfort and safety) which assesses the elements of a house which are essential for it to function as a home. It focuses only on the actual building and not the internal decoration, heating systems or other utilities in the dwelling. To meet the tolerable standard a house must comply with all the criteria i.e. the outcome of the assessment is a simple pass or fail.

Considering the above, Housing Rights Service believes that using the Scottish model would not result in any significant improvements to the fitness of dwellings in NI.

3.2.2 Republic of Ireland

Most rented housing in the Republic of Ireland falls within the remit of the Housing (Standards for Rented Houses) Regulations 2008 and the Housing (Standards for Rented Houses) (Amendment) Regulations 2009.

The main standards relate to structural condition, sanitary facilities, heating facilities, food preparation, storage and laundry, ventilation, lighting, fire safety, refuse and utilities. Each local authority can decide on how to enforce the standard.

Again, the standard is very much a pass or fail exercise and, as such, we would not recommend its implementation in NI.

3.3 Potential benefits of HHSRS

Housing Rights Service believes that NI should take the opportunity to introduce a new comprehensive fitness standard rather than tinkering with the current system. We feel that the HHSRS is the best option for NI for the following reasons:

⁴ Introduced under the Housing (Scotland) Act 1969, later amended

- *Improving the health of people in NI:*
 - It is a comprehensive assessment of the potential health problems associated with a dwelling. It is specifically targeted at identifying anything that could cause harm or ill health; therefore improving the health and well being of residents.
 - It looks at the severity of any risk related to the likelihood of an occurrence that could cause harm over the following twelve months, and the range of harms that could result. It is based on assessing risk to the most vulnerable; namely, those under 5 and over 65 years of age.
- *Accident prevention:* The Department of Health, Social Services and Public Safety is currently looking at developing a 'Home Accident Prevention Strategy 2014 – 2024'.⁵ We believe that the introduction of HHSRS would have a complementary effect of reducing the risk of home accidents.
- *Not a pass or fail:* Unlike the current fitness standard, the HHSRS is not a pass or fail test. Instead it is concerned with avoiding or, at the very least, minimising potential hazards.
- *Enforcement:* HHSRS offers a comprehensive range of enforcement options to local authorities which reflects the hazard rating of the dwelling and the remedial action needed.
- *Better alignment with DSD's objectives* - The DSD's aspiration to align an enhanced standard with energy efficiency, fuel poverty and health and well being would all be encompassed by the HHSRS.
- *Potential cost savings* - Research carried out in 2010 compared the cost of improvement works in houses with the estimated benefit to the National Health Service. This was made possible because of the health focus of the HHSRS. It showed that low cost interventions, such as minor works to deal with hazardous stairs, gave a payback period (the time for the cost of the works to balance with the cost saving to the health service) of one or two years.⁶ Applying the HHSRS approach could help reduce costs to the NHS.
- *Easily transferable* – HHSRS is a tried and tested fitness standard. It has been operating in England and Wales since 2006 and has now been adopted in the USA. Furthermore, it has been used by the Northern Ireland Housing Executive as measurement when carrying out their House Condition Surveys.⁷

3.4 Perceived disadvantages of HHSRS

As with any system, there may be disadvantages. Those identified with HHSRS are:

- The system may be seen as more complex than the current system. However, this is very much as a result of a much more detailed and focused assessment.

⁵<http://www.housingrights.org.uk/sites/default/files/policydocs/HRS%20Response%20to%20DHSSPS%20Home%20Accident%20Prevention%20consultation%20August%202014.pdf>

⁶ *Linking Housing Conditions and Health (Warwick University Law School and BRE 2010*

⁷ The Northern Ireland House Condition Survey 2011

- Environmental Health Inspectors will need to be kept informed with up-to-date research and information on the health aspects of housing.
- There can be a low level of awareness amongst landlords and tenants as to how the system works; similar to the current situation.

4.0 Conclusion

Government currently has an opportunity to fundamentally review the NI fitness standard, rather than making peripheral amendments to the current system. Having looked at a number of fitness models, we would recommend that government gives serious consideration to the adoption of HHSRS as the new fitness standard for NI.

We feel that NI should follow England, Wales and USA in implementing the HHSRS, due to the benefits which it will bring not only to raising the standards of residential properties, particularly those in the private rented sector, but also in improving the health and well-being of residents.

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