

Residents Repair Rights:

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Summary:

Your landlord is responsible for ensuring your home is fit for human habitation and for keeping your home in repair. If your home is unfit for human habitation you can take action against them using the Homes Act 2018.

What social housing tenants can expect when it comes to repairs?

What is your landlord responsible for when it comes to repairs?

- Ensuring your home is fit for human habitation
- Keeping your home in repair, this includes:
 - the structure and exterior of your home, for example, the walls, roof, foundations, drains, guttering and external pipes, windows and external doors
 - basins, sinks, baths, toilets and their pipework
 - water and gas pipes, electrical wiring, water tanks, boilers, radiators, gas fires, fitted electric fires or fitted heaters.

What your landlord is not responsible for?

- Problems caused by tenant behaviour
- Events like fires, storms and floods which are completely beyond the landlord's control. Although not responsible, your landlord should make the necessary steps to repair damages caused by these events.
- The landlord will not repair your possessions or furniture belonging to previous tenants
- If the landlord hasn't been able to get permission from certain other people, this applies more so to housing association tenants. For example, if they have not been able to gain permission from the owners of a building with flats in it or if the local council planning permission is needed.

The Homes (Fitness for Human Habitation) Act 2018

The Homes Act (2018) came into force to make sure that rented homes are ‘fit for human habitation’, this means that they’re safe, healthy and free from things that could cause serious harm.

After 20 March 2020, everyone who has a secure or assured tenancy, or a statutory tenancy, or a private periodic tenancy, can use the Homes Act regardless of when their tenancy began. Anyone who is still on the fixed term of a private tenancy that began before 20 March 2019 cannot use the Act until the end of that fixed term.

If you are in temporary accommodation, are a lodger or a property guardian this act may not apply to you. However you should still contact the council if you’re worried about the condition of your home. The council have legal powers to get repairs done quickly.

You can find a guide on the Homes Act (2018) and how you can use it here: [Guide for tenants: Homes \(Fitness for Human Habitation\) Act 2018 - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guides/the-homes-fitness-for-human-habitation-act-2018)

Is your home unfit for human habitation?

Your home might be unfit for human habitation if for example:

- it has a serious problem with damp or mould
- it gets much too hot or cold
- there are too many people living in it
- it’s infested with pests like rats or cockroaches
- it doesn’t have a safe water supply

If you have any of the issues above, or stated within the guide for tenants (find in the link above), you may be able to use the Homes Act 2018 to take action against your landlord.

It is important you inform your landlord about any repairs that are needed as your landlord only has to do the repairs when they know there is a problem with the exception of if the problem is with a part of the building your landlord still controls for example: communal spaces like entrances and the roof.

Negligence:

Negligence is generally about your landlord causing you injury or damage as a result of their careless or negligent behaviour. For example your landlord did not do the necessary repair work needed in your home after you reported it and as a result you injured yourself or your belongings were damaged.

Private Nuisance:

A private nuisance happens when something in another property or in a common part of a building which is owned by your landlord, affects the use and enjoyment of your home. For example this could be: vibrations, smoke, foul odours and loud noises.

Statutory Nuisance:

Your landlord mustn't cause a statutory nuisance. A statutory nuisance happens when your home is in such a state as to be harmful to your health or is a nuisance. Disrepair that's harmful to your health could include dampness, mould growth, damaged asbestos, faulty or dangerous gas or electrical installations, vermin or insect infestations, fumes or gases and unacceptable noise levels.

Local authorities generally take action against landlords where there's a statutory nuisance, as a local authority cannot take action against itself, council tenants may have to use another option to resolve the disrepair of their homes. Find more information in the section below on how council tenants can challenge their local authority.

Housing Association Tenants can write a complaint to their local authority, here is a template you can use: [Letter from a tenant to the local authority for social housing tenants - Citizens Advice](#). When a local authority receives a complaint regarding statutory nuisances, Environmental Health Officers (EHOs) will usually investigate and take action where this occurs. If in their investigation they find a statutory nuisance may arise or reoccur they have a legal duty to take action, but prior to this they may provide the landlord with an informal notice to resolve the issue.

How can council tenants challenge their local authority?

Although Environmental Health Departments have a duty to inspect for statutory nuisance, they cannot take action against their own local authorities under the Environmental Protection Act (1990). Whilst this is the case some environmental health departments may serve 'informal abatement notices' against their own local authority. An informal abatement notice will provide the council with the steps necessary to prevent/fix statutory nuisances from occurring.

Should a statutory nuisance arise that is the fault of the local authority, action needs to be taken by the council tenant themselves. This can be in the form of:

- A complaint to the local authority to try to resolve the repair issue. However should the issue remain unresolved you can complete the 2-stage complaints procedure and take the complaint to the Housing Ombudsman.
- Obtaining an abatement order in the magistrates' court. An abatement notice orders the landlord to do work to stop the nuisance being made through making the steps necessary to do so, such as repair works, within a certain period of time.
 - This can result in a nuisance order being made: this sets out the work required to deal with the statutory nuisance and may include an order for compensation.
 - A notice of intention must be served to bring proceedings on the person responsible for the statutory nuisance. For more information on this process see here: [Shelter Legal England - Local authority statutory nuisance duties - Shelter England](#)

What type of disrepair would require the Council to intervene, and what timescales the resident can expect from them?

Reasonable timescales:

Depending on the repair type, timescales for repairs can vary. However your landlord should inform you how they're going to carry out the repair and the duration of time it will take to carry out the works.

- 24 hours for an emergency repair
- 7 days for an urgent repair
- 28 days for a routine repair

The Secure Tenants of Local Housing Authorities regulations 1994 provides examples of timescales for different repair types.

Council Tenants and the Right to Repair Scheme:

The Right to Repair scheme is a scheme designed to give compensation to **council tenants** where qualifying repairs are not done within a prescribed period of time. The scheme only covers small repairs which must cost less than £250, e.g: unsafe plugs and electrical wiring or leaking roofs. The council will be able to provide details of their scheme and the repairs that can be included.

You can find more information about this scheme including qualifying repairs under the right to repair scheme here: [Using the right to repair scheme - Citizens Advice](#)

Council intervention for tenants of a Housing Association:

- For tenants who are not able to use the Homes Act (2018) due to their tenancy type, you should still contact the council if you're worried about the condition of your home. The council have legal powers to get repairs done quickly.
- In some cases, such as those considered 'Acts of God' like a fire, you won't be able to use the Homes Act however you can still contact the council to help with repairs if your landlord does not take the necessary steps to make repairs.

Using the Homes Act when not a council tenant:

- **Your local council's environmental health department may inspect your home and make a report on your behalf.**

What leaseholders can expect when it comes to repairs?

What is the leaseholders responsibility for repairs?

The leaseholder is usually responsible for repairs inside their flat. This includes:

- internal plumbing and wiring
- plasterwork and floorboards
- paintwork and decoration
- furniture and appliances
- wear and tear, this can include worn carpets, loose hinges, worn out keys/locks, fading furniture etc.

What is the Council's responsibility for repairs?

The council is responsible for the freehold of the building, the freeholder is usually responsible for repairs to:

- the building's external structure including the roof and cladding
- communal spaces such as lifts and communal stairways

Major Works and Consulting leaseholders:

In addition to this under section 20 of the Landlord and Tenant Act 1985 the council has to consult leaseholders before carrying out work that will cost each leaseholder more than:

- More than £250 in total
- £100 per year, with work taking over a year to do.

As a leaseholder you have the right to comment on proposals and suggest other contractors, you must be given at least 30 days to comment in writing and cost estimates for the work. If the landlord does not consult leaseholders, they will not be able to collect service charges of more than £250 per leasehold.

Participating in consultation does not mean that you agree to the works.

Writing a Complaint:

You might want to escalate disrepair to a complaint if you're not happy with the way that the council or your housing association are handling your repairs. Before doing so it is important that you've done the following:

- Reported the repair to your landlord
- Asked them how long the repairs will take, you should give them a reasonable time to complete repairs before complaining.

It is important to keep evidence about your repairs, this can include:

- Written correspondence between you and your landlord regarding disrepair.
- Photographs of the repair, especially if it worsens over time.
- Belongings/Photographs of damaged belongings.
- Expert evidence including medical evidence, reports from a surveyor or Environmental Health Officer
- Records of conversations you've had with your landlord, include dates and times you've spoken to them and what they agreed to do.

What can I complain about?

You can complain to your landlord if they:

- haven't dealt with a repair problem
- are slow to do the work
- have carried out an inspection but have done little or nothing since
- have done the repair work but it's of poor quality.

What to include in a formal complaint?

- Subject your complaint "Stage 1 Complaint: Repairs", this indicates that this letter is a formal complaint.

- What your complaint is about and why you're complaining. Include relevant dates and times, names of those involved and how you have been affected
- Explain what you want your landlord to do to resolve the issue, this might be compensation or completion of the repairs with no further delays.
- Attachments of evidence which relates to or supports your complaints. This might include: correspondence between you and your landlord, photographs of the problem or receipts of damaged items.
- Date your letter and include your contact details

Complaining to the Council:

Council tenants and leaseholders can write their complaints to Southwark Council using the following email address: complaints@southwark.gov.uk

You can also call the customer service centre on 020 7525 0042 to file a complaint, make sure to record the date and time you contact the council, who you spoke with and any content covered in this complaint. You should also record the date the council will get back to your complaint by.

If you're under a Tenants Managed Organisation (TMO), Southwark Council remains the landlord and remain liable for keeping your homes in repair. If you find that the TMO are not doing what they need to do in order to keep the properties in repair, you can also file a complaint to Southwark Council regarding this.

Your initial complaint should be acknowledged within 3 working days and you should receive a full written response within 15 working days.

The council often miss their deadlines for responding to complaints, it is advised that you make note of the date that they should get back to you by. If they do not get back to you by this date it is advised that you send a chaser email to remind them to respond to your complaint. You might want to CC in your local councillors so that they can follow up any issues that arise from the complaints procedure. You can find out who they are here: [Find Councillor - Southwark Council](#)

If you're unhappy with the response to your initial complaint you can escalate this to a second stage complaint through contacting the Customer Resolution Unit at:

CCU@southwark.gov.uk.

This is the final stage of the complaints procedure, if you're unsatisfied with the way that the council have handled your complaint you can contact the Housing Ombudsman.

Complaining to a housing association:

When complaining to your housing association, the procedure may vary depending on which housing association you're with.

Some housing associations may want you to fill in a form, if this is the case, make sure to keep a copy of what you wrote in the complaint.

Most housing associations follow the two stage complaints procedure, if you reach the final stage of the complaints procedure and you're unsatisfied with the way that the Council have handled your complaint you can contact the Housing Ombudsman.

Complaint Template Letters: [Letter from a tenant to the local authority for social housing tenants - Citizens Advice](#)

Complain to the Housing Ombudsman:

Once you have exhausted the complaints procedure with either the council or your housing association, you can take this complaint to the Housing Ombudsman. Through using the following link [Make a complaint - Housing Ombudsman \(housing-ombudsman.org.uk\)](http://housing-ombudsman.org.uk).

The Housing Ombudsman's role is to help resolve disputes between tenants and their landlords in the way that they think is most likely to work. The ombudsman will assess and investigate your complaint.

The ombudsman may take some time to investigate your complaint however if they find that your landlord is responsible for the problem their report will include recommendations

for a suitable solution. This might include: an apology, payment of compensation, resolving the issue or improved administrative procedures.

Whilst compensation cannot be rewarded to the community as this is an individual agreement, it is up to you how you use this money. However, as tenants become more connected, you may identify that neighbours on your estate have a similar set of issues. Each tenant can take coordinated action through following this procedure which may result in each tenant getting compensated.

Taking Legal Action:

Support services:

There are a number of legal action resources you can use to get support should you take this route.

- Online Advice Services:
 - Shelter:
 - tel: 03445151540
 - website: [Shelter Legal England - Housing conditions](#)
 - Citizens Advice
 - tel: 080 8278 7849
 - website: [Citizens Advice Southwark](#)
- Legal Advice
 - Southbank Legal Advice Drop in
 - website: [Legal Advice Clinic | London South Bank University \(lsbu.ac.uk\)](#)
 - Anthony Gold Solicitors
 - tel: 020 7940 4060
 - website: [Home \(anthonygold.co.uk\)](#)
 - Cambridge House
 - tel: 02073587000
 - website: [Cambridge House \(ch1889.org\)](#)