Factsheet 67

Tenancy rights - repairs

June 2016

About this factsheet

This factsheet provides information about your rights to have repair work carried out in rented accommodation. It explains how these rights vary according to the type of tenancy you have, what to do to get repairs done and what help is available for home improvements and adaptations.

For information about other aspects of tenancy rights, see the Age UK range of dedicated factsheets.

We also publish factsheets on finding accommodation in the private rented sector and from social landlords, as well as on specialist housing for older people and park homes.

The information in this factsheet is applicable in England and Wales. If you are in Scotland or Northern Ireland, please contact Age Scotland or Age NI for information. Contact details can be found at the back of this factsheet.
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1 Recent developments

The *Housing and Planning Act 2016* became law in May 2016. It makes changes to the law in **England** in a number of areas, including:

- **Rogue landlords and poor housing** – local authorities are able to apply to have rogue landlords and letting agents banned from carrying out lettings and property management work. These are landlords and agents who have been convicted of a ‘banning order offence’, e.g. an offence relating to the condition of a property under the *Housing Act 2004*, harassment or illegal eviction. A tenant is able to apply for a rent rebate in a number of circumstances, such as if their landlord has been working in breach of a banning order or has failed to comply with an improvement notice or prohibition order issued under the *Housing Act 2004*.

At the time of writing, this has not yet come into force. Furthermore, much of the detail of the Act is due to be set out in other laws, called secondary legislation. For the time being, seek advice if you want to know more about how the Act might affect you and refer to the body of this factsheet for information on the law as it applies now. The factsheet will be updated to reflect the Act’s changes as they come into force.

In **Wales**, there is different legislation to be aware of. The *Renting Homes (Wales) Act 2016* was enacted in January 2016 and will bring a new tenancy regime into force. Except for a few exceptions, all current tenancies will be replaced by two types of occupation contract (a secure contract, based on current secure tenancies issued by local authorities and a standard contract, based on current assured shorthold tenancies used in the private rented sector). The Welsh Government has not announced when this part of the Act will be implemented, so current rules on different tenancy types still apply.

2 Introduction

As a tenant, it is likely that you have certain rights to have repairs carried out. Your tenancy agreement may set out which repairs your landlord will do and which are your responsibility. Whatever your agreement says, most landlords are required by law to carry out certain works.

This factsheet looks at the main laws relating to repairs and suggests what you can do if you experience difficulties. This can be a very complicated area of law and you should try to seek specialist advice if the disrepair in your property is extremely bad or your landlord refuses to carry out repairs.
Before you take action, consider what type of tenancy you have, as this affects how easy or difficult it is to evict you. Your security also depends on who your landlord is, i.e. a private landlord, the local authority or a housing association. If you are not sure what type of tenancy you have, seek advice or use the interactive tool ‘tenancy checker’ on the Shelter website.

**Note**
If you have limited security of tenure, for example if you are an assured shorthold tenant, you should think carefully about whether to take action against your landlord and how best to do this. In England, the law has changed with a view to preventing retaliatory evictions, but these changes may not apply in your case. In Wales, the *Renting Homes (Wales) Act 2016* contains measures to tackle retaliatory evictions – see section 7.4 for more information.

### 3 All tenancies

#### 3.1 Repairs

In most cases, the main source of a tenant’s right to repairs is section 11 of the *Landlord and Tenant Act 1985*. This applies to your tenancy if it was granted on or after 24 October 1961 for a ‘term’ of less than seven years. This includes ‘periodic’ tenancies that roll on from week to week or month to month, even if you have lived in your home for seven years or more.

Under section 11, a landlord is responsible for repairs to the property’s:

- **structure** – roof, floor, walls, plasterwork, windows, staircases and banisters
- **exterior** – guttering, pipes and drains
- **installations** – plumbing and sanitary fittings, e.g. baths, toilets and sinks, electrical wiring, gas piping, water and central heating.

Your landlord should carry out repairs within a reasonable time frame. Certain repairs, such as blocked drains or gas leaks, should be done urgently. Your landlord is responsible for ‘making good’ any damage to internal decoration caused by disrepair or caused when repair work is carried out. This includes repainting and replacing damaged items such as carpets.
Section 11 applies to local authority, housing association and private tenancies, regardless of what the tenancy agreement says. However, your agreement may give you and your landlord extra duties. For example, it may say your landlord will redecorate the accommodation on a regular basis or that you have to clean the windows.

Be aware that no liability can be imposed on your landlord for a breach of their repairing duty unless they knew about the disrepair and failed to carry out necessary works within a reasonable time frame. An exception to this is if you live in a block of flats and the disrepair is in the exterior or ‘common parts’ of the building rather than your flat itself. In that case, your landlord is liable as soon as the disrepair occurs.

Some tenancies with shorter terms are not covered by the Act and others with longer terms are. Seek advice from a specialist housing organisation like Shelter if your landlord claims you are not covered.

3.2 Gas safety

A landlord of a property let on a short-term or periodic basis must ensure that the gas piping and flues serving the property and any gas appliances provided to you are checked for safety every year by an engineer registered with Gas Safe. You are responsible for your own gas appliances.

Your landlord must keep a copy of the inspection record for a minimum of two years and fix any problems reported by the engineer. You must be given a copy of the record within 28 days of the check and a copy of the last record before you move in to the property.

Note

In England, an assured shorthold tenancy granted on or after 1 October 2015 cannot be brought to an end on a ‘no-fault’ basis unless the tenant has been provided with a copy of the property’s gas safety certificate. See section 7.4 for more information about no-fault eviction.

Your tenancy agreement is likely to state that you must allow access to your property for inspections. If you refuse, your landlord can get a court injunction giving them a right of entry. If you worry about letting a gas engineer into your home, be aware all registered engineers must carry a photo ID with their name and registration number. Check they are registered by contacting Gas Safe.
If you are on your supplier’s Priority Services Register (PSR), you may be given a unique password to confirm the identity of a gas (or electricity) employee calling at your home. Currently, you can only access PSR services if you meet certain criteria, such as being over pension age. This may change in late 2016. See factsheet 1, *Help with heating costs*, for more information. In Wales, see Age Cymru version of this factsheet – 1w, *Help with heating costs in Wales*.

A landlord is only obliged to carry out gas safety checks at a property let on a short lease. This means a tenancy granted for a fixed term of less than seven years or a tenancy without a fixed term (a ‘periodic’ tenancy). Other tenants are advised to have their gas appliances checked each year and you may be entitled to free gas safety checks if you receive means-tested benefits and are over pension age, live with a disability or long-term health condition, live with young children or live in a property that has not had a gas safety check in the last 12 months. You should contact your gas supplier to find out more.

If your landlord fails to arrange for an inspection to be carried out, fix any problems reported or provide you with a copy of the record, seek advice from the Health and Safety Executive and your local authority as soon as possible. If you are a housing association tenant in England, you can contact the Homes and Communities Agency (HCA). The HCA regulates registered providers of social housing and has taken action against a number of providers who failed to carry out these statutory gas safety duties. In Wales, social housing is regulated by the Welsh Government.

### 3.3 Electrical safety

Currently, there is no specific legal requirement for a landlord to carry out regular electrical safety checks at a rented property, unless it is a house in multiple occupation (HMO). Landlords of HMOs must check electrical installations at least every five years (see section 6).

Your landlord must, however, make sure that your property’s electrical installations and wiring are safe when your tenancy begins and are maintained in safe condition throughout. They must ensure any electrical appliances provided in the property are safe and have at least the CE mark. In practice, this means your landlord should be carrying out regular basic safety checks at your property even if it is not an HMO.

In England, the *Housing and Planning Act 2016* allows stricter electrical safety standards to be set for properties let by private landlords and housing associations. It gives the Secretary of State powers to impose new electrical safety duties on these landlords, such as a duty to ensure that a qualified person checks electrical installations and fixtures, fittings and appliances provided by the landlord at specified times. This factsheet will be updated if and when these powers are used.
3.4 Smoke and carbon monoxide alarms

Private landlords have fire and carbon monoxide safety obligations. They must install a smoke alarm on each storey of a property where there is ‘living accommodation’ (including bathrooms and toilets) and a carbon monoxide detector in each room used as living accommodation containing a ‘solid fuel burning combustion appliance’. This is an appliance powered using solid fuel such as coal or wood.

Private landlords must check the alarms are in proper working order on the first day of a ‘new tenancy’, which is a tenancy that is not a renewal of a previous tenancy.

These obligations do not apply if you live with your landlord or their family, or live in a hostel, refuge or care home. They do not apply if you have a tenancy with a fixed term of seven years or more that does not have a break clause.

3.5 Furniture

Upholstered furniture provided by your landlord must be fire resistant, unless made before 1950 or supplied to you before 1 March 1993. New furniture should carry a manufacturer’s label confirming it is fire resistant.

3.6 Energy Performance Certificate (EPC)

EPCs contain information about a property’s energy efficiency and the cost of its heating, hot water and lighting. This is unlikely to match what you actually spend on these utilities, as the figures are estimates based on standard energy bills. They do not take account of the cost of running appliances like fridges and TVs.

A landlord must order an EPC for a property before advertising it for rent. You have the right to request a property’s EPC if you are interested in renting it. Your prospective landlord can refuse to provide the EPC, but only on a few specific grounds, such as a reasonable belief you do not have the means to rent the property or are not genuinely interested in doing so. Landlords must provide a copy of the relevant EPC to the person who ultimately becomes a property’s tenant.

Note

In England, an assured shorthold tenancy granted on or after 1 October 2015 cannot be brought to an end on a ‘no-fault’ basis unless the tenant has been provided with a copy of the property’s EPC. See section 7.4 for more information about assured shorthold tenancies and no-fault eviction.
4 Local authority tenancies

As well as the general repairing rights set out above, most local authority tenants have the right to be compensated if certain small repairs are not carried out in set time frames. These repairs are known as ‘qualifying repairs’. For a defect to qualify, the authority must estimate that the repairs will cost no more than £250 to carry out. They may need to inspect your property to decide this.

If, for example, you experience a total loss of electric power, the contractor should complete repairs within one working day. If your roof is leaking, they have seven working days to complete repairs. Other examples include non-flushing toilets (where there is no other toilet in the property), blocked sinks or baths, insecure doors, broken entry phone systems and loose banisters or handrails.

If the contractors do not complete repairs in time, you can request another contractor is found. If the second contractor fails to carry out work in time, you are entitled to compensation of up to £50 for any one job, although it is unlikely you will be awarded compensation if you failed to keep an appointment with the contractor.

The defects that qualify and the length of time an authority’s contractors have to remedy each of these are in the Secure Tenants of Local Housing Authorities (Right to Repair) Regulations 1994.

5 Housing association tenancies

Housing associations do not have to have a ‘qualifying repairs’ scheme in place. Many do, however, and these schemes will often operate along the lines set out in section 4 above. If you are a housing association tenant and need to report disrepair, check whether your landlord has its own repairs scheme, as this may give you additional rights.

6 Houses in multiple occupation

If you live in rented accommodation and share a kitchen, toilet or bathroom with other tenants who are not your family members, it is likely you are living in a ‘house in multiple occupation’ (HMO). Common examples of HMOs are shared houses/flats or houses converted into bed-sits.

The law puts certain duties on ‘managers’ and occupiers of HMOs, set out in the Management of Houses in Multiple Occupation (England) Regulations 2006 (or, in Wales, the Management of Houses in Multiple Occupation (Wales) Regulations 2006). The manager is the person who owns or leases the property and receives rent payments from the occupiers, or would do had they not entered into an arrangement whereby another person receives the rent payments.
If you live in an HMO to which the regulations apply, the manager must:

- take certain safety precautions, including in relation to fire safety
- ensure the water supply and drainage systems serving the HMO are well maintained
- ensure the electrical installations are inspected and tested at least once every five years
- keep common parts of the HMO and any garden belonging to it in a good, clean and safe condition and reasonably clear from obstruction
- ensure each unit of living accommodation in the HMO and any furniture supplied are in a clean condition at the beginning of a tenancy
- ensure the internal structure of the HMO and windows, fixtures, fittings and appliances in each unit are kept in good repair and working order.

You must:

- allow the manager to carry out their duties, for example by allowing them to enter the property when required and at reasonable times
- take reasonable care to avoid causing damage to anything the manager is under a duty to supply, maintain or repair
- store and dispose of litter in accordance with the arrangements made by the manager
- comply with reasonable instructions of the manager in relation to fire safety.

Some larger HMOs, such as buildings of three storeys or more with five or more occupants forming two or more households, must be licensed by the local authority. There are certain mandatory conditions attached to a HMO licence relating to the management, use and occupation of the property and its condition and contents.

A manager of a larger HMO commits an offence if they fail to obtain such a licence or comply with its conditions or if they knowingly permit the property to become overcrowded. The local authority also look at whether the proposed licence holder is a ‘fit and proper person’ and whether the property and managing arrangements are suitable when deciding whether to grant or refuse a licence.

If you are unsure whether you live in a HMO, you should seek advice. If you have concerns about a HMO you live in, contact the Environmental Health department of your local council, who may be able to assess the property under the Housing Health and Safety Rating System (HHSRS) (see section 8.2).
7 Getting repairs done

7.1 Reporting disrepair

There are a number of reasons why it is advisable to report disrepair to your landlord as quickly as possible. In most cases your landlord cannot be held liable for a breach of their repairing duty unless they are aware of the disrepair and fail to carry out works within a reasonable time period.

It may be a condition of your tenancy agreement that you need to report disrepair when it arises. If you do not and the damage gets worse over time, your landlord may try to claim the cost of works from you or from your deposit when you move out. You may be putting yourself at risk of eviction.

On the other hand, some tenants with limited security of tenure choose not to report disrepair as they are concerned they may be evicted in retaliation. If you are in this position and you want your landlord to carry out repairs, you should speak to an adviser about your options. See section 7.4 for detailed information on security of tenure and disrepair.

If you notify your landlord or housing officer about disrepair by phone, it is best to keep notes of your conversation and follow up with a letter or email. You have a legal right to know your landlord's name and address, so if you do not know who your landlord is, ask the person who collects your rent, for example the letting agent, or check your rent statement. If you have problems identifying or getting in touch with your landlord, you should seek further advice.

7.2 Making a complaint

Local authority tenants

If you are a local authority tenant, you can make a formal complaint using their complaints procedure. For example, you can complain if the local authority has not carried out a qualifying repair within the legal time frame (see section 4).

If you are not satisfied with the outcome of your complaint, you can ask for it to be looked at by the Housing Ombudsman (if you live in England) or the Public Services Ombudsman (if you live in Wales).

Housing association tenants (England)

In England, most housing associations are regulated by the Homes and Communities Agency (HCA). Under its regulatory framework, housing associations must have a complaints procedure their tenants can use.

If you have exhausted your landlord’s complaints procedure and are not satisfied with the outcome, you may be able to take your complaint to the Housing Ombudsman.
Housing association tenants (Wales)

In Wales, housing associations are regulated under Part 1 of the *Housing Act 1996* and supported by the *Regulatory Framework for Housing Associations Registered in Wales* (December 2011). The regulatory framework instructs housing associations to have procedures in place to make it easy for people to make a complaint and for issues to be resolved quickly.

If you are not satisfied with the outcome of your complaint to the housing association, you may be able to take your complaint to the Public Services Ombudsman for Wales.

**Note**

If you are a local authority or housing association tenant, you may have a tenants’ association that can help you raise a complaint. You could also complain to a local councillor or your MP; they may be able to put additional pressure on the authority to carry out repairs. Your local authority offices or local library have details of the representatives for your area.

Private tenants

Private tenants with limited security of tenure are often concerned about making a complaint about their landlord for fear of ‘retaliatory eviction’. However, the law has been changed to give greater protection to tenants complaining about the condition of their property. See section 7.4 for more information.

It can also be difficult for private tenants to know who to complain to, as only a handful of private landlords in England are registered with the Housing Ombudsman. In Wales, the Public Services Ombudsman can only deal with complaints concerning councils and housing associations, not private landlords.

Your local authority may have a private housing team who deal with complaints about private landlords in your area. Otherwise, you may wish to bring the disrepair to the attention of the council’s Environmental Health team. See section 8 for further details.

7.3 Taking further action

If your landlord fails to carry out repairs after being told about them or fails to carry them out within a reasonable time frame, you can take action in court. The court can order the repairs to be done and award compensation.
If you are a local authority tenant, your tenancy agreement may contain a specific clause allowing for rent reductions if there is a failure in services to a property, for example if your heating system or lift breaks down for a sustained period of time. If there is such a clause and your landlord fails to apply it, you could seek damages for breach of contract.

Note that taking court action can be a long, complicated and potentially expensive procedure and you should always seek advice before doing so. You need evidence to prove your case. This can include a copy of your tenancy agreement, photographs of your property, a report from an expert such as an Environmental Health officer, copies of letters and/or emails sent to your landlord and a record of any injury or illness you suffered as a result of the disrepair.

Even if you leave the accommodation, you may still be entitled to claim compensation for the landlord’s failure to carry out repairs. You should seek advice before taking this course of action.

Note
If the condition of your property is so bad it would not be reasonable for you to continue living there, you could be considered ‘homeless at home’. Seek advice before leaving your property because of disrepair, as the local authority can decide you have made yourself ‘intentionally homeless’ and refuse to re-house you. For more information see factsheet 89, Homelessness.

7.4 Security of tenure and disrepair

In England

Some assured shorthold tenants find that landlords refuse to renew tenancies or serve eviction notices if they complain about the condition of a property, ask for repairs, or take action in court. This is often known as ‘retaliatory eviction’.

It is possible because assured shorthold tenants can be evicted on a ‘no fault’ basis after a certain period of time, meaning the landlord does not have to satisfy the court that they have a good reason for wanting to evict. The first stage of the no fault procedure is the landlord serving a possession notice on the tenant, known as a section 21 notice. The second stage is the landlord applying to the court for an ‘order for possession’.

Assured shorthold tenancies are granted by housing associations and private landlords. Private sector evictions cause the most concern, as private landlords are not subject to the same level of regulation as housing associations and cannot be scrutinised by the courts as ‘public bodies’.
To counter this, the *Deregulation Act 2015* contains provisions to protect private assured shorthold tenants against retaliatory eviction. The Act prohibits a section 21 notice being served within six months of the local authority serving an ‘improvement’ or ‘emergency remedial action’ notice (see section 8.2) on a landlord requiring them to improve the condition of the property. A section 21 notice served after a tenant has complained to their landlord about the condition of their property is invalidated if the local authority subsequently serves one of the above notices.

However, your local authority is only able to serve a notice to your landlord if specific hazards are identified, so not all instances of disrepair result in a notice being served. Furthermore, the Act does not allow for a court order for possession to be set aside if a local authority notice is served after the order is made. Administrative delays may mean your landlord can bring possession proceedings before the authority are in a position to inspect your property and serve a notice.

**Note**

Currently, these rules only apply to assured shorthold tenancies granted by private landlords on or after 1 October 2015. From October 2018, they will be extended to all existing private sector assured shorthold tenancies. They do not apply to housing association tenants or if it is the tenant’s fault that the property is in a poor condition.

You still need to think carefully before taking action and should seek advice if you are unsure. See factsheet 68, *Tenancy rights – security of tenure*, for more information about different types of tenancy.

**In Wales**

The *Renting Homes (Wales) Act 2016* contains measures to tackle retaliatory evictions. These have not yet been implemented, but it is expected they will be before the end of 2016. Contact Shelter Cymru or the Welsh Government for further information. You could also contact Age Cymru Advice.

The *Renting Homes (Wales) Act* section on the Welsh Government’s website can be found at:

www.gov.wales/topics/housing-and-regeneration/legislation/rentingbill
8 How your local authority can help

8.1 The Environmental Protection Act 1990

If the condition of your property or building affects your health or quality of life, action can be taken under the *Environmental Protection Act 1990*. Your local authority has a duty to inspect the local area from time to time to identify properties that could be regarded as ‘*statutory nuisances*’ under the Act. In practice, they usually investigate complaints made by members of the public. If you wish to complain about the condition of your property, contact your local authority’s Environmental Health department.

If you make a complaint under the Act, the authority has a duty to take such steps as is reasonably practicable to investigate it, i.e. by sending an Environmental Health officer to inspect your property. If the officer is satisfied that a statutory nuisance exists, the authority is under a duty to serve a notice on the person responsible for the nuisance requiring it to be ‘*abated*’. In disrepair cases, this notice is usually served on the landlord and specifies what works need to take place. If your landlord still does not carry out the repairs, the authority can take responsibility for the works and reclaim the money from your landlord.

If you are a local authority tenant and you think the condition of your property is so poor that it may constitute a statutory nuisance, seek independent advice. The Environmental Health team cannot take action against their own employer, although they do have a duty to inspect for statutory nuisances.

You are able to take a local authority landlord to court under the Act and an expert report from an Environmental Health officer can be used as evidence. Alternatively, local authority tenants can use their landlord’s internal complaints procedure and then appeal to the Housing Ombudsman (in England), or the Public Services Ombudsman (in Wales).

If your local authority fails to act on a complaint you made about the condition of your property (or you are a private or housing association tenant and they refuse to serve a notice on your landlord), you can use the internal complaints procedure. You may also wish to involve your local councillors or local MP.

8.2 The Housing Act 2004

Under the *Housing Act 2004*, local authorities are required to use the Housing Health and Safety Rating System (HHSRS) to assess local housing conditions. HHSRS involves a professional assessment of the level of risk posed by a property’s design and condition to someone living there or visiting.
Local authorities have a general duty to keep local housing conditions in their area under review, which may prompt a HHSRS assessment of a property. An inspection may be deemed necessary for ‘any other reason’, such as receiving a complaint. This can be an ‘official complaint’ made by a local magistrate, parish or community council.

An assessor (an Environmental Health officer from the local authority) looks at whether the problems in the property could lead to accident or illness and how serious that might be. The assessment is based on the risk posed to the potential occupant who would be most vulnerable to that hazard (for example a child or older person).

HHSRS assesses 29 categories including:

- dampness, excess cold or heat
- pollutants, e.g. asbestos, carbon monoxide, lead
- lack of space, security or lighting, or excessive noise
- poor hygiene, sanitation, water supply
- potential accidents – falls, electric shocks, fire, burns, scalds
- potential for collisions, explosions, structural collapse.

Hazards are rated according to how serious they are. The highest risks and most dangerous hazards are in Category 1 and the less dangerous are in Category 2. Local authorities have a duty to take action to deal with Category 1 hazards and power (but not a duty) to take action on Category 2 hazards.

The courses of action available include:

- serve an improvement notice requiring remedial work
- make a prohibition order closing the whole or part of a property to all people or restricting the number of permitted occupants
- serve a hazard awareness notice notifying the person responsible there is a hazard and how to remedy it
- take emergency action (if there is imminent risk of harm, the authority can take action to remedy the problem and then recover the costs)
- make a demolition order
- declare a clearance area if other buildings in the area are also hazardous.

9 Doing repairs yourself

You can carry out or pay for repairs yourself if your landlord will not accept responsibility for the works, but you have no right to be reimbursed for the costs incurred. You are responsible for the quality of any repair work you carry out yourself or arrange for a professional to do.
You may be tempted to withhold rent and use the money to pay for repairs. You have a legal right to use money due as rent in this way, but only if the works fall under your landlord’s repairing obligation. You must follow a very strict procedure and should always consider your security of tenure.

It is extremely risky to withhold rent in protest against your landlord’s failure to undertake repairs, as even tenants with relatively high levels of security can be evicted for rent arrears. You should always seek specialist advice before doing this.

10 Help with repairs and adaptations

Local authorities have the power to provide assistance for the renewal of housing in their area. By law, this assistance ‘may be provided in any form’ and can include grants for repairs and adaptations. A local authority is not allowed to exercise this power in a specific case unless it has drawn up a housing renewal policy, which must be available for inspection at its offices, free of charge, at reasonable times of day.

It is worth looking at your local authority policy to see what kind of assistance it provides in what circumstances and how to apply. Guidance recommends that help should only be given to local authority and housing association tenants in limited circumstances.

Note that many authorities have experienced significant budget cuts and may not provide grant assistance for repairs and adaptations beyond the mandatory Disabled Facilities Grant (see section 10.1), although they may offer loans. It is worth making a formal complaint to your local authority if you feel your application was unreasonably refused and take your complaint to the Local Government Ombudsman if not satisfactorily resolved or, in Wales, the Public Services Ombudsman for Wales.

In the past, the Local Government Ombudsman has found that local authorities should consider an applicant’s individual circumstances and human rights when deciding whether to approve applications for assistance on a discretionary basis.

10.1 Disabled Facilities Grant (DFG)

Local authorities must provide mandatory DFGs to disabled people who do not have access to their home or to the basic amenities within it or whose homes are unsafe for their occupation. This includes people with mental health difficulties or hearing, sight or speech impediments.

DFGs are available for a range of purposes, including the following:

- facilitating access to and from the home
- making the home safe for the disabled occupant or other people living with them
facilitating access to a room which is used or could be used as the main family room, or which is used or could be used for sleeping

providing a lavatory or facilities for washing, or making it possible for the disabled person to access or use a lavatory or facilities for washing

making it possible for food to be prepared or cooked

improving the property’s heating system so that it meets the disabled person’s needs or providing a suitable heating system

facilitating access to and from a garden or enabling safe access.

Check with your local authority about how to apply, as procedures vary. Local authorities are required to refuse or approve a grant application ‘as soon as is reasonably practicable’ and certainly within six months of the date of application. Notice of their decision must be in writing and you are entitled to a statement of reasons if you receive a negative decision. A refusal can be challenged through the authority’s complaints procedure and the Local Government Ombudsman (England) or Public Services Ombudsman (Wales).

Successful applications made by or on behalf of a disabled adult will be subject to a means test, unless the application is made by a landlord on behalf of a disabled tenant. This means that you may be expected to contribute to the cost of the works. The maximum amount of grant in England is £30,000 (£36,000 in Wales). However, the cost of carrying out works to a suitable standard may exceed the maximum amount. Local authorities can provide discretionary top-up grants or loans in such cases. A local authority may also decide to give discretionary financial assistance in addition to, or instead of, a DFG as part of its housing renewal powers.

If you are a tenant, note that landlords are not required by law to make changes to a property that would involve the ‘removal of a physical feature’. They must, however, make ‘reasonable adjustments’ for disabled tenants, such as providing signs or notices, replacing, providing or adapting the doorbell or door entry system, or changing the colour of any surface. Another reasonable adjustment would be altering a term of your tenancy agreement that prohibits you from adapting your property, although this only applies if you are being put at a ‘substantial disadvantage’. If you want to make adaptations yourself, your landlords is unable to unreasonably refuse consent. Seek specialist advice before pursuing this course of action.
Private tenants may find it difficult to adapt their homes. When applying for a DFG, you have to state you are going to live in your home for the next five years, which can cause difficulties for people on short-term tenancies. Private tenants can also be reluctant to request adaptations for fear of retaliatory eviction. However, the Equality Act 2010 prohibits ‘managers of premises’ from discriminating against disabled tenants, including by evicting them. Seek advice immediately if your landlord takes steps to evict you following a request for a disability-related alteration or improvement.

Both local authority and housing association tenants can get DFGs, but some social landlords choose to use their own budgets to pay for adaptations. If your authority or housing association refuse a request for an adaptation or take a long time to complete works using their own funds, you can make an application for a DFG instead. If you are entitled to a DFG, the authority cannot refuse to give you one because you are a social tenant. You have to get the agreement of your landlord (i.e. the local authority or the housing association) to any major alterations to your home, but they should not refuse permission unreasonably.

See factsheet 13, Funding for home improvements, for more information about DFG’s.

10.2 Home Improvement Agencies (HIAs)

If you approach your council for help with disrepair, you may be referred to a Home Improvement Agency (HIA). These are not-for-profit organisations run by local authorities, housing associations and charities. They provide support to older and vulnerable people to enable them to remain in their own homes and live independently for longer.

Not all HIAs provide the same services, but their work includes giving advice on home improvements and adaptations, helping you apply for grants and loans, identifying reputable local contractors and overseeing jobs. Many HIAs run their own handyperson schemes to provide assistance with small repairs, improve properties’ energy efficiency or make them suitable for people returning from hospital.

HIAs can be contacted directly. To find out if there is one in your area, in England contact:

- your local Age UK
- your local authority housing department
- Foundations – the national co-ordinating body for HIAs.

In Wales contact:

- your local Age Cymru
- your local council’s housing department
- Care & Repair Cymru.
10.3 Heating and insulation improvements

**England**

Help with heating and insulation improvements may be available under the Energy Company Obligation (ECO) scheme. You may be eligible for help with energy efficiency measures if you live in a low-income household or in a specific area. There is help available for ‘hard-to-treat’ properties, i.e. homes with hard-to-treat cavity walls or older properties with solid walls. If you are eligible, you can receive help from any energy supplier – they do not have to supply your energy.

ECO is running in its current form until April 2017, when it will be replaced with a new scheme that will run for five years. For more information see factsheet 1, *Help with heating costs*.

**Wales**

There is a Welsh Government scheme called Nest, aiming to reduce the number of households in Wales in fuel poverty. A range of home improvements may be available from Nest if you live in a property that has a poor energy efficiency rating and you receive certain means-tested benefits; for example, Pension Credit.

The ECO scheme is also available in Wales.

For more information see Age Cymru factsheet 1w, *Help with heating costs in Wales*. 
Useful organisations

Care & Repair Cymru
www.careandrepair.org.uk
Telephone 02920 674830
A national body for Wales which aims to make sure that all older and disabled people have a home that is warm, safe and secure and appropriate to their needs. They bring together the expertise and finance needed to carry out necessary repairs, improvements and/or adaptations. There are local Care & Repair agencies throughout Wales. In England, see the entry below for ‘Foundations’.

Citizens Advice Bureau (CAB)
England or Wales go to www.citizensadvice.org.uk
In England telephone 0344 411 1444
In Wales telephone 0344 477 2020
National network of advice centres offering free, confidential, independent advice, face to face or by telephone.

Department for Communities and Local Government (DCLG)
www.gov.uk/government/organisations/department-for-communities-and-local-government
Telephone 0303 444 0000
The DCLG website has useful information on planning laws, tenants’ rights and environmental protection relevant to England (in Wales, see ‘Welsh Government’ entry below).

Foundations
wwwFOUNDATIONS.uk.com
Telephone 0300 124 0315
The national body for Home Improvement Agencies in England (for Wales, see the entry for ‘Care & Repair Cymru’ above).

Gas Safe Register
www.gassaferegister.co.uk/
Telephone 0800 408 5500
Maintain a list of gas engineers who are registered to work safely and legally on gas appliances.

Health and Safety Executive (HSE)
www.hse.gov.uk/index.htm
Homes and Communities Agency (HCA)
www.gov.uk/government/organisations/homes-and-communities-agency
Telephone 0300 1234 500

The HCA is the national housing and regeneration agency for England. It is the new regulator for registered providers of social housing in England. It sets consumer standards but will only intervene in cases of serious detriment that have caused, or are likely to cause, harm (in Wales, see ‘Welsh Government’ entry below).

Housing advice services

In some areas there may be a specific housing advice or housing aid centre, providing advice on a range of housing issues. Your local council or CAB should be able to tell you if there is a housing advice centre in your area.

Housing Ombudsman Service (The)
www.housing-ombudsman.org.uk
Telephone 0300 111 3000

Investigates complaints about landlords made by tenants in England. Social landlords registered with the social housing regulator, the Homes and Communities Agency, must be members of the scheme. Membership is voluntary for private landlords and very few will be members.

Legal advice

Solicitors can advise you on the law and represent you in court if necessary. If you approach a solicitor about a housing matter, check that they are experienced in housing law. Your local housing advice centre or Citizens Advice Bureau may be able to refer you to an experienced solicitor. If you are on a low income you may be able to qualify for free legal advice.

Local Government Ombudsman (LGO)
www.lgo.org.uk
Telephone 0300 061 0614 or 0845 602 1983

The Local Government Ombudsman investigates complaints in England of injustice arising from maladministration by local authorities. In Wales, see the entry for ‘Public Services Ombudsman for Wales’ below.
The Ombudsman looks to see whether people have been treated unfairly or inconsiderately, or have received a bad service through some fault on the part of the public body providing it. The bodies within the Ombudsman’s jurisdiction include local authorities and social landlords/housing associations in Wales.

Shelter
www.shelter.org.uk
Tel 0808 800 4444 (free call)

A national charity providing telephone advice to people with housing problems on tenancy rights, homelessness, repairs and housing benefit.

Shelter Cymru
www.sheltercymru.org.uk
Tel 0345 075 5005

Tai Pawb
www.taipawb.org
Tel 029 2053 7630

An organisation in Wales that promotes equality and social justice in housing. They are committed to working in partnership with the providers and receivers of housing services, local authority partners, third sector (voluntary organisations) and the Welsh Government.

Welsh Government
www.wales.gov.uk
Telephone 0300 060 3300 or 0300 060 4400 (Welsh)

The devolved government for Wales. Amongst other powers, the Welsh Government has responsibility for the regulation of social housing in Wales. Their website also has further information on the Housing Act 2004.
Age UK

Age UK provides advice and information for people in later life through our Age UK Advice line, publications and online. Call Age UK Advice to find out whether there is a local Age UK near you, and to order free copies of our information guides and factsheets.

Age UK Advice
www.ageuk.org.uk
0800 169 65 65
Lines are open seven days a week from 8.00am to 7.00pm

In Wales contact
Age Cymru
www.agecymru.org.uk
0800 022 3444

In Northern Ireland, contact
Age NI
www.ageni.org
0808 808 7575

In Scotland, contact Age Scotland by calling
Silver Line Scotland
www.agescotland.org.uk
0800 470 8090
(This is a partnership between The Silver Line and Age Scotland)

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