



# Consultation on Awaab's Law (timescales for repairs in the social rented sector)

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# Awaab's Law: Consultation on timescales for repairs in the social rented sector

## Overview

On 9 January 2024, we launched our consultation on Awaab's Law. This consultation will be open for 8 weeks until 5 March 2024

The consultation is published online here: [Awaab's Law: Consultation on timescales for repairs in the social rented sector - GOV.UK \(www.gov.uk\)](https://www.gov.uk/consult/consultation/awaab-law-consultation-on-timescales-for-repairs-in-the-social-rented-sector)

You may respond by completing this [online survey](#).

Alternatively, you can email your response to the questions in this consultation to: [socialhosingsafety@levellingup.gov.uk](mailto:socialhosingsafety@levellingup.gov.uk)



Hazards as defined by HHSRS

14 days to investigate a hazard



Written summary of findings

7 days to begin repair works



Repairs completed within reasonable time

Emergency repairs within 24 hours



Decant if property cannot be made safe

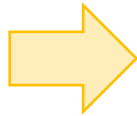
Clear records of attempts to comply



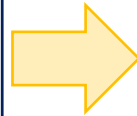


## Awaab's Law and the Social Housing (Regulation) Act 2023

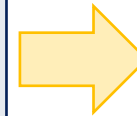
**Campaign for Awaab's Law.** On 16 November 2022, Manchester Evening News and Shelter launched a campaign with the support of the Ishak family for 'Awaab's Law'.



**Amendment to the Social Housing Regulation Bill:** On 9 February the Secretary of State tabled 'Awaab's Law' as an amendment to the Social Housing Regulation Bill.



**Social Housing Regulation Act 2023 became law:** on 20 July 2023 the Social Housing Regulation Act attained Royal Assent



**Government published consultation on Awaab's Law:** On 9 January 2024 the consultation on Awaab's Law was launched.



**Implied terms:** The clause amends the Landlord and Tenant Act 1985 and implies terms into all social tenancy agreements.



**Challenging through the courts:** If a social landlord fails to comply with Awaab's Law, tenants can challenge their landlords through the court for a breach of contract.



**Formal complaints:** Alternatively, tenants may wish to complain to their landlord, which could then be escalated to the Housing Ombudsman.



**Implied terms:** The clause in the Housing (Regulation) Act 2023 amends the Landlord and Tenant Act 1985 and implies terms into all social tenancy agreements. This means all registered providers will have to meet these requirements, and if they don't, tenants can hold their landlords to account.



**Challenging through the courts:** If a social landlord fails to comply with Awaab's Law requirements, tenants will be able to challenge their landlords through the court for a breach of contract. If the court finds the landlord in breach, they will be able to order the landlord to make repair works and/or rehouse the tenant and/or pay compensation.



**Formal complaints:** If a social landlord fails to comply with Awaab's Law requirements, tenants may wish to complain to their landlord, which could then be escalated to the Housing Ombudsman. Similar to the legal route, the Housing Ombudsman has the power to order landlords to undertake repairs and pay compensation to the resident.



# Scope of Awaab's Law: Hazards



## Types of hazards

We propose that Awaab's Law should apply not only to damp and mould, but to a broader range of hazards as defined by the HHSRS.

## Severity of hazards

We propose defining hazards in scope of Awaab's Law as those that pose a significant risk to the health or safety of the actual resident of the dwelling.


## Questions

- Do you agree that Awaab's Law should apply to all HHSRS hazards, not just damp and mould?
- Do you agree the right threshold for hazards in scope of Awaab's Law are those that could pose a significant risk to the health or safety of the resident?



# Proposal 1: Initial investigations of potential hazards

## 14 Calendar Days



If made aware of a potential hazard, social landlords must investigate within 14 calendar days.

## Investigations

Investigations must sufficiently determine if there is a hazard and if that hazard is affecting/ is likely to affect a resident's health or safety.

## Assessing Risk

Social landlords should consider any vulnerabilities of resident(s), refer to available guidance and consider correlation between vulnerability and health effects of a hazard.

## Questions

- Do you agree with the proposal that social landlords should have 14 calendar days to investigate hazards?
- Do you agree that medical evidence should not be required for an investigation?



# Proposal 2: Written summaries of investigation findings



## Written summaries

We propose the social landlord must provide a written summary of investigation findings to the resident.

## Must specify

We propose the summary must include specific information, including what the tenant can expect from their landlord to make the property safe and by when.

## 48 hours

We propose that the written summary should be issued to residents within 48 hours of the investigation concluding.

## Questions

- Do you agree with the proposal for registered providers to provide a written summary to residents of the investigation findings?
- Do you agree with the minimum requirements for information to be contained in the written report?
- Do you agree registered providers should have 48 hours to issue the written summary?



## Proposal 3: Beginning repair works



### 7 days

If a hazard poses a significant risk to the health or safety of the resident, the social landlord must begin repair works within 7 calendar days of the written summary being issued.

### Making the property safe

Measures to make the property safe (e.g. removal of mould spores) should be taken as soon as possible, and repair works must still begin within 7 days.

### Questions

- Do you agree with the proposal that if an investigation finds a hazard that poses significant risk to the health or safety of the resident, the registered provider must begin to repair the hazard within seven days of the report concluding?
- Do you agree that in instances of damp and mould, the registered provider should take action to remove the mould spores as soon as possible?
- Do you agree with the proposed interpretation of 'begin' repair works?





# Proposal 4: Completing repair works



## Reasonable time

The social landlord must satisfactorily complete repair works within a reasonable time period.

## Setting timescales

Timescales for completing repairs must reflect the nature of the problem, be proportionate to the scale of the repair and consider the needs of occupants.

## Questions

- Do you agree that the registered provider must satisfactorily complete repair works within a reasonable time period, and that the resident should be informed of this time period and their needs considered?



# Proposal 5: Timescales for emergency repairs



## 24 Hours

The registered provider must action emergency repairs as soon as practicable and, in any event, within 24 hours.

## Emergency hazards

We consider that hazards warranting emergency repairs are those that present a significant and imminent risk of harm.

## Questions

- Do you agree that timescales for emergency repairs should be set out in legislation?
- Do you agree that social landlords should be required by law to action emergency repairs as soon as practicable and, in any event, within 24 hours?



## Proposal 6: Decanting if the property cannot be made safe immediately



### Decanting

If a property cannot be made safe within Awaab's Law timeframes, the social landlord must offer suitable alternative accommodation until it is safe to return.

### Alternative Accommodation

Suitable alternative accommodation could include vacant social housing stock or hotels. However, we are clear this should be a short-term solution only until the residents' home can be made safe.

### Questions

- Do you agree that landlords should arrange for residents to stay in temporary accommodation (at the landlord's expense) if the property can't be made safe within the specified timescales?



# Proposal 7: Record keeping



## Clear records

Social landlords will be expected to keep clear records of all attempts to comply with the proposals, including records of all correspondence with the resident(s) and any contractors.

## Provision for defence

We propose including in regulations provision for a defence if social landlords have taken all reasonable steps to comply.

## Questions

- Do you agree that Awaab's Law regulations should include provisions for a defence if landlords have taken all reasonable steps to comply with timeframes, but it has not been possible for reasons beyond their control?



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Written responses should be sent to:

### **Awaab's Law Consultation**

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