



## Housing Act 2004

Article provided by:

UK Property Investing News



### HHSRS - What Is It? How Does It Affect You?

If you're a little unclear about how the Housing Act 2004 affects you and have found other reports complicated, unclear and difficult to read then please read on...

#### What Is It?

Housing Health and Safety Rating System (HHSRS) originally came about as a result of some research carried out by the Warwick law society. The research highlighted that the old fitness standard system excluded many hazards that affected health and safety in housing. The Office of the Deputy Prime Minister (ODPM) subsequently took these findings to develop the concept of a 'risk assessment' approach for housing. The goal was to introduce a new evidence based risk assessment system for assessing housing conditions that would cover much wider range of potential hazards. The resulting system was HHSRS as put forward in the Housing act 2004 and subsequently came into force on April 6th 2006.

HHSRS provides the bases for local authorities to make enforcement decisions that were not possible under the old fitness standard. It is a system that must be used by local authorities before any decisions about formal enforcement can be made. The nature of the new system also allows for the conditions of different houses to be easily compared and therefore help local authorities to prioritise enforcement action.

HHSRS is very different from the old fitness standard as it does not set out minimum standards. It is all about eliminating or minimising potential hazards within housing. It is all about ensuring a health and safe environment for all potential occupiers and visitors to the property. HHSRS is also different because it not only covers the building interior and exterior but the yards, paths and any out buildings.

#### How Does It Affect You?

It is important to note that HHRS is applicable to all residential properties. This includes the house you live. However, because owner-occupiers have more control over the house in which they live they will not be actively targeted by local authorities under

HHSRS. It is mainly the private rented sector that will be most affected and targeted by local authorities under HHSRS. That's you and me!

There are two main reasons for private landlords being the main target under HHSRS i.) It is estimated that a total of 48% of all privately rented housing would be judged unacceptable under HHSRS ii.) The tenant has less control over their dwelling than an owner-occupier. Therefore it is the landlord's new obligation to inspect and identify potential hazards that would be highlighted under a formal HHSRS inspection. The landlord then needs to take the appropriate remedial action to either eliminate or minimise the hazards. The government have given local authorities special enforceable powers under HHSRS to ensure that housing in their jurisdiction is judged a safe and healthy place to live. So watch out.

It is clear that with the introduction of HHSRS the level of tolerance, with regards health and safety matters, has been tightened and therefore exposes the private landlord to new levels of personal liability and business risk (if no action is taken). There is now the burden of responsibility on landlords to prove 'due diligence' towards health and safety matters in their rented accommodation.

The main concern raised by many private land-lords when you discuss HHSRS is that too much responsibility and burden for the 'well being' of tenants being shifted onto private landlords. This may or may not be true. However, what is clear is that we live in a new world with new rules and responsibilities.

It is interesting to note that local authorities will not be subjected to the same enforcement action as the private landlords. This is because the local authority can't take enforcement action upon it-self. Central government will just keep a watchful eye on the performance of local authorities with regards management of their own housing stock. In short, the introduction of HHSRS rightly or wrongly makes you as a landlord the intended target so you'd better pay close attention. This means being able to produce recorded evidence that you've taken every reasonable action to reduce the likelihood of incident and severity of a potential accident. Otherwise you as the landlord will be exposed to increased personal risk.

To find out more about the Housing Health & Safety Rating System and what to do about it visit <http://www.UKPropertyInvestingNews.com/Index5.html> and download your free report today.



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