

Consultation on the Decent Homes Standard



Response of the Association of Retained Council Housing

About ARCH

ARCH (Association of Retained Council Housing) is an association of councils in England that have retained ownership and management of their council homes. We aim to get the best deal for councils and their tenants. 143 local authorities own and manage over 1.4 million homes, and we are here to make sure that a positive future for council housing is secured.

Introduction

We agree that the Government was right to undertake a review of the Decent Homes Standard to determine where it needs to be updated to reflect the current and future needs of local authority tenants. We have answered each of the detailed questions with the reasonable minimum expectations of a tenant now, and into the future, in mind. In doing so, we have set aside the very major question of how much improvements to the Standard are likely to cost, and the fact that most local authorities will struggle to pay for them, even if rent convergence is added to the ten-year rent settlement announced earlier in the year. Our submissions to the 2024 consultations on social rent policy and to Spending Review 2025 were supported by research commissioned from Savills which evidences clearly the scale of the financial challenge our members face. Better estimates of the real costs will soon emerge as local authorities begin to address practical tasks of planning work and letting contracts. We expect a continuing dialogue with Government on how these costs are to be met, based on the acknowledgement that what is written into legislation must be capable of being paid for.

Question 11: Do you agree that age should be removed from the definition of disrepair?

Yes.

However, it should be recognised that local authorities will still sometimes want to plan replacement of key components on the basis of age, in order to achieve economies of scale, even though some of them may still be in a reasonable state of repair. Supporting guidance should acknowledge this to avoid the risk of councils being accused of wasting money when in fact the opposite is the case.

Question 12: Do you agree that the thresholds used to define disrepair for each component should be updated to reflect a more descriptive measure as proposed?

We accept that the thresholds should be reviewed and updated where necessary, but there is a risk that more descriptive measures may introduce too much complexity and subjectivity into judgements, opening the way for disputes and legal challenges over interpretation. We would argue that MHCLG should undertake further work with a

technical group on thresholds and condition assessment generally following the close of this consultation.



Question 13: Do you agree that the number of items or components which must require major repairs for the component to be considered in disrepair should be reduced?

We would argue that this question should be addressed by the technical group proposed in response to Question 12.

Question 15: Do you agree that kitchen and bathroom components should be considered as “key”, i.e. one or more in disrepair would cause a property to fail the DHS?

Yes, however we think the description of kitchen and bathroom components needs amending.

Question 16a: Do you agree with the proposed list of building components that must be kept in good repair?

No

Question 16b: If you have any views on this specific question that you would like to share, please do so here.

Members have expressed a number of concerns with the proposed list, including:

1. Overlap with Fire/Building Safety regulations, opening up the risk of double regulation.
2. Much will depend on the definitions of disrepair which apply to each component, as mentioned above. The emphasis of the Standard should be on ensuring a safe, warm home with all modern amenities; temporary minor inconveniences should not be treated as a failure of the Standard potentially triggering regulatory intervention.

We would argue for further consideration of the proposed list by the technical working group looking at definitions of disrepair.

Question 17: Do you agree with the proposed “key” components and “other” components as listed?

It will only be possible to answer this question once a better defined list is produced following this consultation.

Question 20a: Do you agree that under the new DHS landlords should be required to provide at least three out of the four facilities listed?

No. For houses, landlords should be required to provide the three relevant facilities; for flats, they should be required to provide all four.

Question 22: Do you agree with the proposal that all rented properties must provide child-resistant window restrictors, that can be overridden by an adult, on all windows which present a fall risk?

Yes

Question 24: Do you think that landlords should provide suitable floor coverings in all rooms at the start of every new tenancy from an agreed implementation date.

We agree that appropriate floor coverings are an essential requirement of a decent home, and that tenants on low incomes may not be able to afford to fit them. However, floor coverings are a matter where personal tastes vary widely and many new tenants will prefer to choose and fit their own rather than accept what the landlord provides. A blanket requirement on the landlord to provide a suitable floor covering is therefore not appropriate. However, there is a strong case for a scheme to assist new tenants who, through financial hardship or for other reasons, are unable to make their own arrangements to install floor coverings. Some local authorities already operate, or work with local organisations which operate schemes of this of this kind. We would argue that Government should collect evidence on the operation of such schemes and, working with landlords across the social rented sector, develop a model scheme, including piloting it with a selection of landlords, before recommending it to the sector or writing it into the Standard.

Question 26: Do you agree with the proposal that the primary heating system must have a distribution system sufficient to provide heat to the whole home?

Yes.

Question 27: Are there other thermal comfort requirements that you think should be included in the DHS beyond current MEES proposals?

No.

Question 29a: Our expectation is that, to meet the DHS, landlords should ensure that their properties are free from damp and mould. Do you agree with this approach?

No.

The requirement that a home should be free from damp and mould problems sufficient to be classed as a HHSRS Category 1 hazard is and should remain a requirement of DHS. To raise the bar to require the absence of damp and mould of any kind is unrealistic. Most homes, not only those in the social rented sector, will periodically develop damp problems leading to minor outbreaks of mould which are not due to building faults and can be easily dealt with by most occupants through a regular cleaning regime. The DHS should be confined to problems where it is imperative that the landlord intervene on health grounds.

Question 29b: Criterion E will be in addition to the requirements under Awaab's Law as it aims to prevent damp and mould reaching a level that is hazardous. If, however, damp and mould in a property were to become severe enough to cause 'significant harm', landlords would have to comply with Awaab's Law to ensure prompt remediation and, if they do not, tenants will be able to take action in the courts. The damp and mould standard in the DHS should however help to prevent damp and mould getting that severe. Do you agree with this approach?

In anticipation of the imminent introduction of Awaab's Law, local authorities and other social landlords across England have been working to improve their responses to damp and mould, including both fast and effective responses in cases where hazards are severe, and preventative action in other cases to help prevent cases becoming that severe. A significant part of this preventative action involves advice and guidance for residents on action they can take to avoid damp and mould problems, and if they arise, to prevent them becoming severe. We would argue that this experience should be shared and evaluated before any decision is taken on this proposal. We believe the DHS should be confined to regulation of the home's structure and facilities; matters that relate to other aspects of a good landlord-tenant relationship should fall outside its scope.

Questions 32, 33 and 34: application of DHS requirements to temporary accommodation.

In principle, occupants of temporary accommodation should be able to expect the same standards as other social and private tenants. However, immediate application of this principle would most likely lead a substantial number of private providers to withdraw from the market – a trend already evident and worsening the current crisis still further. Application of the DHS to temporary accommodation should be tackled as part of an overall strategy to reduce the use and improve the quality of temporary accommodation, which is likely to take some years to achieve.

Question 40: What do you think the implementation date for the DHS should be in the SRS?

"Implementation date" is not a good description of what is, in fact, the date by which all homes will be expected to comply with the DHS. Implementation will necessarily be spread over the intervening years, and it is as important that steady progress is made throughout the implementation period than whether full compliance is achieved by 2035 or 2037.

Question 42: Do you support phasing in some elements of the new Decent Homes Standard ahead of the proposed implementation dates?

It is not possible to answer this question in the abstract; it would depend on which elements were under consideration. In general, landlords will prefer to adopt a whole-home approach to upgrading, tackling all necessary upgrades at one time; different

implementation dates for different elements could disrupt this and lead to significant increases in costs. But arguments could potentially be made for exceptions to this principle.



Question 48a: Do you agree that providers should be given flexibility from meeting the DHS where tenants refuse access?

Question 48b: Do you agree that there should be additional guidance issued by the government to provide more detail on tenant refusals?

Refusal of access and refusal of improvements are different issues, both of which are important. Guidance on both would be useful, as the issues are complex.

Question 48c: Do you agree that providers should be given flexibility from meeting the DHS where there are physical or planning factors preventing compliance?

Yes

Question 48d: Do you agree that providers should be given flexibility from meeting the DHS for non-compliance due to sale, demolition or planned regeneration of properties?

Yes, within reasonable limits.

Question 48e: Is there anything else you would like to add on this specific question?

There need to be clear exemptions where failure of a home to comply with the DHS is the result of tenant action, whether removing, altering or damaging components or elements provided by the landlord.