

<b>REVIEW OF HOUSING FITNESS STANDARD</b>	<b>7<sup>th</sup> June 2016</b>
<b>To: ENVIRONMENTAL SERVICES COMMITTEE</b>	
<b>FOR DECISION</b>	

<b>Linkage to Council Strategy (2015-19)</b>	
<b>Strategic Theme</b>	Resilient, Healthy and Engaged Communities
<b>Outcome</b>	Improved Housing Standards
<b>Lead Officer</b>	Bryan Edgar
<b>Cost: (If applicable)</b>	N/A

## **Background**

The Department for Social Development (now Department for Communities) issued a consultation paper regarding the review of the current Housing Fitness standard with a response date of the 10 June 2016. It is acknowledged that the current fitness standard from 1992 is out of date and inadequate as it does not address serious health and safety concerns found in dwellings such as lack of thermal comfort, carbon monoxide safety, electrical safety and prevention of falls.

Councils are the enforcing authority for ensuring private rented housing and social housing are safe and healthy. Poor housing can have a huge impact upon the health and wellbeing of communities.

The following response has been prepared to the consultation document and is in support of the adoption of the Housing Health & Safety Rating System (HHSRS) for Northern Ireland as it is believed that it is comprehensive and provides the greatest degree of health and safety protection for occupants of dwellings.

## **Recommendation**

It is recommended that Council approve the comments made on this discussion paper.

## REPLY TEMPLATE

Name of Organisation/Individual responding	Causeway Coast and Glens
Contact Details	Ciaran Doran

If you are responding on behalf of or representing the views of any Section 75 Category please indicate below:

Yes	<input type="checkbox"/>	Section 75 Category Represented (Please indicate)	Religious belief; Political opinion; Racial/Ethnic group; Age; Marital status; Sexual orientation; Men & women generally; Disability
No	<input type="checkbox"/>		

**Question 1: What is your view on the inclusion of separate and specific provision in relation to thermal comfort as part of a revised standard?**

It is agreed that thermal comfort should be included as part of a revised standard.

The current Fitness Standard is deficient in dealing with issues relating to thermal comfort. A single socket and minimal insulating properties is completely inadequate and unacceptable.

HHSRS comprehensively addresses thermal comfort by considering both excess cold and excess heat hazards. In addition, HHSRS has the potential to assist in identifying vulnerable families, help prioritise cases and in delivering the governments targets on excess cold.

It is recommended that HHSRS is the most appropriate and effective system for addressing thermal comfort in a revised standard for housing and will allow people in NI to enjoy the equivalent protection to health, safety and wellbeing in their own homes as they do in England and Wales.

**Question 2: Do you consider that provision for the detection of fire and carbon monoxide should be a priority for focus within an updated Housing Fitness Standard?**

It is agreed that provision for the detection of fire and carbon monoxide should be included as part of a revised standard.

The current Fitness Standard is deficient in dealing with issues relating to the detection of fire and carbon monoxide and it not considered at all in assessing the suitability for human habitation. This is completely inadequate and unacceptable.

HHSRS comprehensively addresses both Fire and Carbon Monoxide hazards. It addresses the possible causes of fire and production of Carbon Monoxide, how they can be prevented in addition to the detection and safe egress.

It is recommended that HHSRS is the most appropriate and effective system for addressing fire and carbon monoxide in a revised standard for housing and will allow people in NI to enjoy the equivalent protection to health, safety and wellbeing in their own homes as they do in England and Wales.

**Question 3: Do you consider that electrical safety should be a priority for focus within an updated Housing Fitness Standard?**

It is agreed that electrical safety should be included as part of a revised standard.

The current Fitness Standard is deficient in dealing with issues relating to electrical safety. Electrical safety is currently considered as part of disrepair along with many other items of disrepair. The protection from unsafe electrical installations is inadequate and unacceptable.

HHSRS comprehensively addresses electrical safety.

It is recommended that HHSRS is the most appropriate and effective system for addressing electrical safety in a revised standard for housing and will allow people in NI to enjoy the equivalent protection to health, safety and wellbeing in their own homes as they do in England and Wales.

There should also be consideration to follow the direction of England and Wales were they are currently putting in place requirements for the inspection and testing of electrical installations in privately rented properties.

**Question 4: What is your view on the provision of reasonable security measures is an appropriate element within an updated Housing Fitness Standard?**

It is agreed that reasonable security measures should be included as part of a revised standard.

The current Fitness Standard is deficient in dealing with issues relating to reasonable security measures and is not considered at all in assessing the suitability for human habitation. This is completely inadequate and unacceptable.

HHSRS comprehensively addresses reasonable security measures by considering entry by intruders. The HHSRS guidance on entry by intruders also looks at the neighbourhood as part of the assessment and therefore has the potential to work with Police and Community Safety Partnerships.

It is recommended that HHSRS is the most appropriate and effective system for addressing reasonable security measures in a revised standard for housing and will allow people in NI to enjoy the equivalent protection to health, safety and wellbeing in their own homes as they do in England and Wales.

### Question 5: What is your view on the prevention of accidental falls as an area for focus within an updated Housing Fitness Standard?

It is agreed that prevention of accidental falls should be included as part of a revised standard.

The current Fitness Standard is deficient in dealing with issues relating to accidental falls. It relies on elements within houses being in serious disrepair and does not consider inherently dangerous conditions that increase the risk of falls. It is completely inadequate and unacceptable.

HHSRS comprehensively addresses all falls (falling on level surfaces etc, falling on stairs etc, falling between levels, and falls associated with baths etc). HHSRS does not just assess the stability and any disrepair, but considers inherent design, the lack of handrails and other measures that would prevent falls, adequacy of lighting, the fall area, retaining walls, paths, yards outside areas etc. It is much more comprehensive and all encompassing.

HHSRS has the potential to assist in identifying people vulnerable to falls particularly the elderly and young children, help prioritise cases and in delivering the Home Accident Prevention Strategy.

It is recommended that HHSRS is the most appropriate and effective system for addressing the prevention of accidental falls in a revised standard for housing and will allow people in NI to enjoy the equivalent protection to health, safety and wellbeing in their own homes as they do in England and Wales.

### Question 6: Are there any other issues currently not addressed within the Housing Fitness Standard that you believe should be included within a revised Housing Fitness Standard?

There are many additional issues and hazards that are currently not addressed within the Housing Fitness Standard and it is believed should be included in a revised Housing Fitness Standard. The Department's Proposed Enhanced Housing Fitness Standard Criteria also inadequately covers the range of hazards that may arise in housing and some of the criteria in this proposal are being carried through from the current Fitness Standard. It is the opinion that some of these criteria are deficient in addressing the hazards as they are and it is therefore inappropriate to simply carry them through

The issues identified include:

1. Damp and Mould Growth – the current Fitness Standard fails to adequately deal with condensation which is a form of dampness associated with mould growth affecting health. To carry through the criteria of 'Free from dampness...' and 'Ventilation' as they are in the current Fitness Standard would be inappropriate. Condensation is a complex form of dampness with multi factors influencing its presence and extent including heating, insulation, ventilation, occupancy, activity etc. Environmental Health Practitioners would therefore like to avail of the range of tools available within the HHSRS guidance.
2. Excess Heat – see response to Question 1
3. Asbestos and MMF
4. Biocides

5. Radiation – the new Radon maps for NI published by NIEA IN August 2015 reports an increase on the last estimate made in 2009 of the total number of Northern Ireland homes at risk. It is now estimated that some 155,000 homes, about 1 in 5 in Northern Ireland, are now in ‘Affected Areas’. In light of this information, it is the view that Radon should be addressed within a revised standard for housing.
6. Un-combusted Fuel Gas
7. Volatile Organic Compounds
8. Crowding and Space – these issues are only given real consideration if it is a HMO allowing inequity. Crowding and space are also associated with an increase in accidents. Overcrowding is listed as a statutory nuisance under the Clean Neighbourhoods and Environmental Act NI 2011 however it is view that this is inadequate and does not provide a suitable route for intervention in houses were overcrowding and space is a problem. These views were raised to the Department of the Environment at the consultation stages.
9. Lighting – the prosed Enhanced Housing Fitness Standard Criteria seems to propose carrying through the Lighting requirements from the current Fitness Standard. The current lighting requirements under the Fitness Standard is inadequate as it allow borrowed light and does not consider obstructions, glare and the lighting of external areas. It would be inappropriate to simply carry this criterion through unchanged.
10. Noise – Noise of concern within houses can be from many sources. It was noted that there was a comment in the proposed enhanced housing fitness standard criteria that separate legislation relates to noise however this is not accurate. The main legislation deals with noise as a statutory nuisance under the Clean neighbourhoods and Environment NI Act 2011 and covers noise from premises (unreasonable noise from neighbours, industry etc) as well as noise from entertainment premises and alarms. It does not cover noise from roads, rail, air traffic and the like. It is well accepted that noise affects heath including both psychological and physiological effects. There is increasing evidence on the effects of noise with recent published research correlating various transport noise and conditions such as cardiovascular disease, stroke, diabetes etc. It is acknowledged that the DOE have a responsibility to address the worst noise from these sources under the Environmental Noise Directive and have developed action plans however, it will not provide adequate protection for individuals in their own homes. Noise attenuation of outdoor noise to the indoor environment is not addressed by the Environmental Noise Directive. Including noise as an issue in a revised housing standard will provide people with greater protection from the health impacts of noise and compliment the work by the DOE in implementing the Environmental Health Directive. In addition, noise nuisance does not allow action to be taken where the noise from neighbouring properties is from reasonable activities or noise emanating from a person’s own home. Both of these can result from the likes of poor noise insulation between and within properties. Building Control Regulations now have requirements for new homes and conversions however, they do not apply retrospectively leaving many older properties with the potential for inadequate protection from noise.
11. Personal Hygiene – the proposed Enhanced Housing Fitness Standard Criteria seems to suggest carrying through the current Fitness criteria for the provision of WHB with hot and cold water supply and a suitably located WC. There may be some privacy issues not fully addressed. There also should be links with other criteria as the provision of hot water through e.g. an immersion heater or if not separate from the central heating system may contribute to Fuel Poverty.

12. Pests and Refuse
13. Food Safety – the current Fitness Standard only addresses food safety to a limited extent and current guidance will allow a minimum of space for work surfaces for the preparation of food and the space for cooking facilities. The actual work surfaces, storage facilities and appliances for cooking do not have to be provided. This is inadequate and unacceptable. It is therefore also unacceptable to carry through this criterion as it is in the Fitness Standard to the proposed Enhanced Housing Fitness Standard.
14. Falls associated with baths – see comments in response to question 5.
15. Falling on the level, between levels and on the stairs etc whenever there is an inherent deficiency – see comments in response to question 5
16. Flames and Hot Surfaces (including scalds)– the proposed enhanced housing fitness criteria suggests that these are only applicable to kitchens. There may be situations where these hazards will arise in other rooms within the house and adequate protection must be provided.
17. Collision and Entrapment
18. Explosions
19. Position and Operability of amenities - the proposed enhanced housing fitness criteria suggests that these are only applicable to kitchens. There may be situations where these hazards will arise in other rooms within the house and adequate protection must be provided.

It should be noted that all of these hazards are fully comprehensively considered under the HHSRS.

It is recommended that HHSRS is the most appropriate and effective system for addressing the prevention of all hazards in a revised standard for housing and will allow people in NI to enjoy the equivalent protection to health, safety and wellbeing in their own homes as they do in England and Wales.

**Question 7: How, in your view, has grant assistance made a contribution to tackling unfitness and is government intervention still required?**

It is the view that grant assistance where a house has been declared as Unfit for Human Habitation has only had a limited contribution to tackling unfitness as only small number would have availed of grant assistance. It would have made a greater contribution if the renovation grant where Notices of Refusals had been issued had been retained. There did not appear to be any targeting or real means testing for assistance.

However, government intervention is still required to help protect the most vulnerable.

**Question 8: What are your views on the provision of loans as an alternative to grant to assist in tackling unfitness?**

Loans may provide a system where financial assistance may be made available to more people and may be more sustainable than a grant system. Loans have been well established in England and Wales.

**Your views on the options outlined are welcome, particularly which would most effectively addresses the deficiencies of the Northern Ireland Housing Stock and the resultant impact on tenants affected by unfitnes**

It is recommended that HHSRS is the most appropriate and effective system for addressing the prevention of all deficiencies and hazards in a revised standard for housing and will allow people in NI to enjoy the optimum and equivalent protection to health, safety and wellbeing in their own homes as they do in England and Wales.

This request for views appears within Section 6 'Options for Implementing an Updated Housing Fitness Standard' and it is appropriate to make comment on a number of points raised in this section.

in paragraphs 6.6 and 6.11 there are comments on an augmented version of the existing standard would ensure that current enforcement officers are easily made aware of additional provisions and would not require significant additional training for practitioners to implement. This comment could be seen to be somewhat unfair. Any changes to the current regime will require significant training. However, there it is the view that the training will be more easily delivered if HHSRS is introduced. It benefits from 10 years of practice in England and Wales to the large volume of legal precedents to draw on as identified in point 6.9. The same cannot be said if an Enhanced Housing Fitness Standard Criteria is introduced. There will be no precedents to draw from and any issues that arise with uncertainty may result in undue delays in improving the housing conditions adversely affecting the people living in that property. In addition, Environmental Health Practitioners are familiar with a risk based approach which is the approach favoured by the HHSRS. It will bring housing regulation in line with the other core areas of environmental health such as food safety, health and safety and environmental protection that all use a risk based approach to compliance and regulation. The theory and principles of HHSRS are taught in all CIEH accredited Environmental Health degree courses in the UK including Ulster University. It has been taught to all Environmental Health students since 2006 and all graduates since then will have an understanding of the principles.

Paragaph 6.10 makes reference to differences of baseline unfitnes between England and Wales and NI and that changes should reflect the exhibited and projected need, however it is argued that the principles behind a safe and healthy home is the same any jurisdiction and crosses all borders and boundaries. The HHSRS was designed on the underlying principle that any residential premises should provide a safe and healthy environment for any potential occupier or visitor. The introduction of this principle to NI is welcomed.

In paragraph 6.11 there is a comment that implementing the HHSRS may require the establishment of a body similar to the Residential Properties Tribunal in England and Wales. However, this could be looked on as a favourable outcome as tribunals are often seen provide a speedier and cheaper procedure than that afforded by the courts and reliefs congestion of law courts.

Paragaph 6.12 refers to criticism of the HHSRS as too complex, but as well as the publication of a layman's guide to HHSRS to increase user understanding, the Department for Communities and Local Government noted that the current guidance on HHSRS is fundamentally sound.

There is another paragraph contained in section 6 requesting views:



“6.18 The Department is again seeking views on the most efficient and effective enforcement arrangements contained in Chapter II of the Housing (Northern Ireland) Order 1981 (as amended). The enforcement of the standard may, to some extent, be guided by the nature of the revised standard, and the views of interested parties are welcome.”

It is the view that all housing powers to identify and tackle poor housing conditions should be made available together e.g. through local Councils giving a ‘one stop shop’. This would make it simpler and easier to understand for all involved (tenants, landlords, the public, elected representatives, government bodies etc). Area action, regeneration and clearance where areas are identified as having poor housing could be of interest and overlap with Community Planning responsibilities that are being transferred to local Councils.

### **Views are welcome on the options available to the Department for making available assistance to address fitness in an effective and sustainable way.**

This has been partly addressed through responses to Questions 7 and 8.

It is noted that this request for views is made within section 7 of the Discussion Document. The discussion document contains some information on costs and there are some more costs indicated in the Partial Regulatory Impact Assessment provided. However, these figures are incomplete and contain inaccuracies for example, in Table 4 on page 26 of the discussion document the last column is labelled for the estimated costs but these do not add up to the total given at the bottom of the column and indeed they are the same figures used in the 2<sup>nd</sup> column of Table 5 which is the number of dwellings requiring work. In the partial regulatory impact, the figure quoted for cost of work in relation to Fire hazards is given as £15,051 based on figures provided to NIHE in 2015 by BRE. However, this seems excessive as the BRE, in a report to the NIHE in 2012 (BRE, 2012), estimated costs to remedy Fire at £3930.

An informed view cannot be given using the information provided and clarification is required.

### **Views are welcome on the proposals to:**

- i. Target any available assistance towards the costs of certain fitness criteria;**
- ii. Introduce a revised standard in phases.**

The HHSRS is a risk based approach and results in a score that indicates the seriousness of the hazard. It identifies 29 different hazards that could be present in a home. It therefore lends itself ideally to the idea of targeting assistance of deal with either particular hazards or to the most serious hazards and prioritising work.

It can be seen that there will be difficulties, confusion and inequities if a revised standard was to be introduced in phases.

It is recommended that Council adopt the above response to the consultation and submit a reply prior to the closing date.