

## **A Decent Home - Guidance for Implementation**

Thank you for inviting us to comment on aspects of the Decent Homes Standard (DHS), in particular, the core standard.

We have consulted with our members on their expectations for the core standard and what they require from the guidance and the comments below reflect their views.

General points raised:

- Alignment to other regulation  
The DHS, together with Awaab's Law, MEES, and the updated Housing Health and Safety Rating System, offer a strong opportunity to improve housing quality across tenures. Our members emphasised that successful implementation, and consistent delivery, depends on clarity, particularly around how the standard interacts with other regulations to avoid duplication. As you know, social landlords are required to manage multiple requirements including energy retrofits, building safety, applying the HHSRS and consumer regulation and, as a priority, the guidance should underpin and support capital investment planning and sequencing works to minimise disruption and costs.
- Consistency and fairness for all landlords, regardless of size  
It was felt that the guidance should articulate clear and proportionate direction to help ensure the standard is applied consistently, regardless of landlord size and supporting fairness for residents. This approach would be aided by best practice examples and removing any ambiguity of terms throughout the guidance. There were calls for guidance tailored to smaller landlords, who often have more limited capacity in asset management, legal and technical functions.
- Importance in reducing ambiguity and achieving compliance  
The accompanying guidance will be critical to making the standard work in practice. It can provide landlords with practical direction on how to meet the standard in a range of scenarios, especially in settings where accountability or responsibility can be blurred.
- Reporting of decency  
We are pleased there is a commitment that the guidance will clarify that minor repairs will not lead to a failure of the DHS. There remained however, concerns that depending upon the responsibilities between landlords and tenants and the way decency is reported, there is still potential for minor repairs to create non-decency, which would lead to unmanageable reporting and unnecessarily low levels of decency across the social housing stock. Guidance should clearly describe the status of 'minor' repairs and their implications.

Our detailed response to the core standard is below.

### **Criterion B – A home must be in a reasonable state of repair.**

#### Building Component List and Defining Poor Condition

There was support for the outcome-based definitions to be applied to building components, and these should be supplemented by examples in guidance, which will be easier to interpret.

Members were clear that the guidance must:

- Avoid vague terms and provide a shared understanding of what acceptable conditions look like
- Clarify where responsibility lies for different elements between tenant and landlord (especially for minor repairs)
- Where a component does not exist in a property, especially in older stock, guidance should clarify its absence would not automatically count as a failure
- Be clear on how condition assessments should be conducted, including thresholds for disrepair and acceptable tolerances
- How to distinguish between minor defects (which won't make a home non-decent) and major disrepair must be clearly defined, with guidance that is precise and consistent. Guidance should clearly describe that minor repairs will not lead to a failure of the DHS.

While there was support for the definitions, there were also concerns raised about the extent to which the component definitions are open to interpretation. Uncertainty about acceptable standards or what amounts to 'poor condition' risks disagreement over landlords' repair obligations, especially where issues are aesthetic rather than structural or functional.

The guidance for the components list should also correspond to the existing legislation or regulation, especially those on building and fire safety.

### Removal of Age Thresholds

We are pleased that the consultation response makes clear that removing age from the definition of disrepair does not prevent social landlords from planning repair and maintenance programmes in ways that support effective asset management and long-term business planning, including the use of component age where appropriate.

Members have confirmed that guidance should clarify that there is no barrier to landlords doing continuing to use age as part of their business planning, but separating age and condition improves accuracy and supports better investment planning.

In removing age from the definition of disrepair, members requested clarification of the definition of 'broken' and 'non-decent.'

### Public realm

We welcome the decision not to proceed with the additional public-realm requirements for social landlords, as these would have created uncertainty around accountability.

Social landlords will continue to maintain these components as part of their core duties and the expectations for landlords to consider outdoor spaces this should be highlighted in guidance in a way that makes the status of the guidance clear.

The guidance should also cover private landlords' expectations for communal and shared areas linked to buildings in private ownership.

### **Criterion C – A home must provide core facilities and services.**

### 'Multiple choice'

There was some concern that the multiple choice approach could lead to practical challenges in interpreting the policy.

Guidance should help in reducing inconsistency of approaches and which elements are accepted as 'trade-offs'. Clarity is needed in the guidance for tenants to have an understanding of why one element would be selected over another.

In terms of practicalities of implementation, queries were raised about:

- What constitutes 'adequate space and layout'
- How noise insulation adequacy be measured, especially in older social housing
- What is an appropriately located bathroom and WC.

### Descriptions of building components – 'Key' and 'other'

The 'key' and 'other' component descriptors are helpful but the guidance should recognise when a component poses a risk, regardless of whether it is 'key' or 'other.' It was felt that some items placed in 'other' category could have major consequences for safety or access when they fail so there may be circumstances when it should be treated as 'key' for example, due to any known vulnerabilities in the household. In that regard, guidance should support a degree of flexibility on when a component poses a health or safeguarding risk.

We support classification of kitchens and bathrooms as key components and the guidance could provide further explanation of what 'good repair' means.

### Window restrictors

Many landlords already install window restrictors where there is a risk of falls from height, and support this being a requirement. Guidance is needed to cover:

- When restrictors are required
- Compliance with building and fire safety regulation and approved restrictor types
- Practical installation in diverse housing stock and support on aligning with other retrofit works
- Support on tenant communication including advice on override
- Guidance should cover how to support older and / or disabled people to manage window restrictors.

### **Criterion D – A home must provide thermal comfort**

Our consultation showed a call for clearer guidance to support compliance with MEES:

- Practical support for implementation would include the combining of MEES installations (e.g., insulation, heating upgrades) with disrepair works, fire safety programmes, regeneration, damp and mould interventions
- Clarity on how MEES interacts with other criterion, in particular Criterion E
- What counts as a primary heating system able to heat the 'whole home'
- What "thermal comfort" means in practice
- What level of programmable heating is required
- Guidance should promote best practice in insulation, ventilation, and overheating.

Guidance should also clarify responsibilities so that landlords plan and invest in energy efficiency, while tenants should be supported to use effective day-to-day practices such as the avoidance of damp and mould.

We welcome the proposal to include in the guidance best practice on climate change adaptations such as mitigations on overheating. Best practices should include insulation and airtightness, how to ensure adequate ventilation (mechanical or passive), overheating mitigation measures.

### **Criterion E – A home should be free from damp and mould.**

This criterion requires guidance to clarify the interaction between the various existing legislation and regulation for damp and mould. The guidance should set out how the DHS complements Awaab’s Law and MEES, and how it interacts with existing requirements around the health and safety of homes.

We recognise there is existing guidance on understanding the risk of damp and mould, but the reformed standard’s requirement for homes to be ‘free from damp and mould’ sets a high threshold. Guidance should therefore clarify the approach to low-level cases, when aspects of the standard may not reasonably apply, and how decency should be reported where minimal mould is not linked to building defects and can be managed by most tenants.

### **Implementing the Standard - where it is not possible to meet the standard**

Guidance should set out circumstances where landlords can’t or shouldn’t meet some aspects of the standard and what should happen in these cases. This should cover how exemptions should be evidenced, the actions landlords must continue to take to manage and mitigate risk, and how exemptions are reflected in Decent Homes Standard compliance reporting.

Where terms are key to exemptions, these require a definition such as “not feasible” and “unfeasible.”

Most of the feedback we received on not being able to meet the standard related to managing situations when tenants refuse access. Guidance should set out clearly steps that landlords should take to engage with tenants in these circumstances, in order to find mutually agreeable solutions.