**Disability Rights UK response to:**

**“A Decent Homes Standard in the private rented sector”**

**Open consultation 2022**

Disability Rights UK (DR UK) is a national organisation led by Disabled people. Our vision is a world where Disabled people have equal rights, opportunities, and access to power. Our work is rooted in the lived experience of Disabled people. We are a membership organisation and work closely with organisations led by Disabled people across the UK.

The housing sector is a dangerous mess for Disabled people. Disabled people in the private rented sector experience inaccessible homes, huge rates of disrepair, hazardous homes and poor behaviour from landlords.

Our response outlines our desire to see the government implement a much more robust and proportionate standard in the private rented sector (PRS). We demand that the government places an anticipatory accessibility duty on landlords through the Decent Homes Standard. This would bring homes in the PRS to the M4(1) standard as required by current building regulations.

Disabled people are disproportionately impacted by inequalities – ranging from a greater likelihood of living in poverty to being less likely to be able to access education, employment, and crucially accessible housing.[[1]](#footnote-1)

We want to see the Decent Homes Standard apply much more specificity to the quality of components and repairs that landlords use at homes they seek to rent out.

We want to see stricter rules on thermal comfort. The standard should require homes to reach EPC C, a more stringent regulation than the “reasonable” thermal comfort standard currently proposed. This would enable us to have warm and comfortable homes where we can flourish.

The Decent Homes Standard should become a fully anticipatory for landlords and councils to be given the powers and funding to establish efficient, knowledgeable and proactive housing teams.

Government should encourage councils to work with local Disabled People’s Organisations to fund and support self-advocacy services so that Disabled tenants are empowered to access their rights.

**Key recommendation: Use the new standard to ensure that all homes meet accessibility standards**

As it stands, the new Decent Homes Standard makes no reference to Disabled people’s access to the reasonable adjustments they are entitled to under the Equality Act.

We understand that the housing health and safety rating system (HHSRS)[[2]](#footnote-2) stresses the importance of homes to be safe for the household occupying them. But we want the new Decent Homes Standard to be used to bring up standards in the private rented sector.

Disabled people have a right to an accessible, safe and warm home. In 2018 it was estimated that 90% of wheelchair[[3]](#footnote-3) users struggled to find accessible homes for private rent. We want the government to use the Decent Homes Standard to ensure that all homes in the private rented sector become at least M4 (1) Category 1: Visitable dwellings. And look to significantly increase the number of M4 (2) Category 2: Accessible and adaptable dwellings.

We agree with the government’s plan to introduce a legal duty on landlords to ensure their property meets the Decent Homes Standard. We further recommend that the responsibility for accessibility is placed upon landlords rather than Disabled residents. Landlords should be required to respond to any request for reasonable adjustment in 14 days.

As outlined in our response to the recent Section 36 Duty consultation, we want to see adaptations of common parts and the internal dwelling to become part of the Decent Homes Standard.

The Equality Act places an anticipatory duty and duty to make reasonable adjustments on service providers, which should be reflected in the operation of this right.   
  
Landlords often claim that they are business owners, so they should be required to implement Equality Act provisions so the buildings they rent out can be made into homes by Disabled tenants.

This is not a relationship where both parties are equal. The landlord has more power than the resident, and the Decent Homes Standard must reflect and address this imbalance. It will be very difficult for Disabled people to enforce this right in the first instance, so it must be made an anticipatory duty placed upon landlords.

**Recommendation 2: Repairs and modernisation should be of a high standard to promote health and wellbeing**

According to a recent National Audit Office report,[[4]](#footnote-4) of nearly 600,000 private rented homes in England, about 13% have serious health hazards. This is compared to 5% in the social housing sector. This is a significant cause for concern as we anticipate that due to the ever-shrinking supply of affordable and social rented homes, more and more Disabled people will be reliant on the private rental sector for housing.

Health hazards such as chronic dampness, mould, faulty wiring, and ongoing cold have even more serious implications for Disabled people. The proposed standard must be much more stringent to ensure that no renter has to live in an unsafe, hazardous home. These serious health hazards are making private renters ill. The NAO found that poor conditions in privately rented homes cost the NHS £340m per year[[5]](#footnote-5).

Another key issue with the proposed current legislation, particularly from an accessibility point of view, is that there are gaps in what building components and reasonable facilities are considered within the standard.

Annex A of the 2006 A Decent Home: Definition and guidance for implementation, which will form part of the new standard, is not robust or specific enough regarding the quality of rented homes. Just because an item isn’t explicitly broken, or a component isn’t older than can be reasonably anticipated, doesn’t mean an element doesn’t need replacing.

For example, many Disabled people support more stringent regulations and specifications on windows and doors because they may have controlled medications or require support to live independently and so do not feel safe without adequate protections.

Given the power imbalance between Disabled renters and landlords, much more must be done to ensure that repair work is of a high standard. We urgently need reforms that create a safer, fairer, and more accessible housing system. Disabled tenants need certainty and consistency in their housing situations for our independence.

**Recommendation 3: New Standard requires properties should have the highest thermal standards**

The government has argued that increased wholesale energy prices are the critical source of the main cost of living crisis[[6]](#footnote-6). The private rented sector has the largest proportion of energy-inefficient homes (6.3% are F and G-rated properties, compared to around 0.7% of social housing).

Nearly half (45.7%) of households living in such properties are in fuel poverty.[[7]](#footnote-7) Research carried out by [Leonard Cheshire](mailto:https://www.leonardcheshire.org/about-us/our-news/press-releases/rising-costs-are-catastrophe-disabled-people) in April found that more than 600,000 disabled people in the UK are estimated to have £10 or less per week to pay for food and other costs.

Energy-efficient and warm homes are huge issues for Disabled people. Research by [SCOPE](mailto:The%20average%20Disabled%20person%20already%20must%20spend%20£583%20per%20month%20more%20than%20a%20non-disabled%20person%20to%20achieve%20the%20same%20standard%20of%20living.%20For%20one%20in%20five%20of%20us,%20these%20extra%20costs%20reach%20more%20than%20£1,000%20a%20month) found that the average Disabled person already must spend £583 per month more than a non-disabled person to achieve the same standard of living. For one in five of us, these extra costs reach more than £1,000 monthly.

Disabled people’s energy costs are often higher than those of non-disabled people because we may need to run the heating more (to cope with lower mobility or prevent severe illness due to weakened immune systems) and to charge essential medical and mobility equipment, such as oxygen machines, ceiling track hoists, through floor lifts, suction machines for tracheostomy blockages to prevent choking, and feeding pumps, not to mention multiple daily uses of washing machines and showers.

This, of course, means the rising energy costs hit Disabled people the hardest.

We want to see the Decent Homes Standard move away from the assessment of a “reasonable” level of thermal comfort as is currently written toward a standard that requires at least an EPC C rating.

The raising of this standard would significantly impact the lives of Disabled tenants. More energy and heat-efficient home would protect us from the already spiralling cost of electricity and prevent us from having to choose between paying bills or having the heat on.

**Recommendation 4: Councils should take proactive steps to improve the PRS and support advocacy for Disabled tenants**

The proposed standard makes clear that councils will need to play a greater role in enforcement within the private rented sector. We cannot ignore the current context where councils have faced central government funding cuts of nearly 50% since 2010-11[[8]](#footnote-8).

We want councils to be supported to enforce the new standards to create a safer, more accessible and more equitable housing system for Disabled people. It is essential that local authorities can prevent Disabled tenants from facing discrimination or abuse when enacting the measures of the Decent Homes Standard. Disabled tenants have a right to accessible and safe homes.

Landlords must be held to account to ensure they do not refuse to rent to Disabled tenants whose homes may require the reasonable adjustments laid out earlier in our response.

UNISON[[9]](#footnote-9) estimate there has been a decline in the number of environmental health officers by 33% since 2009. Given the Government is proposing that councils identify landlords in breach of the new Decent Homes Standard, we want to see additional funding provided so that councils can hire more environmental health and enforcement officers. We want the government to support councils in creating efficient, knowledgeable and proactive housing teams.

Without greater funding local councils will not be able to implement the measures put forth the standard. More funding would allow councils to enforce the housing standards that Disabled renters have been crying out for.

Given the complexity and pressure of resolving housing issues in the courts, the government should put measures that allow for better access to justice for Disabled people.

We would like to see the government investigate advocacy solutions for Disabled people, either through self-advocacy or other co-designed routes, so that Disabled people are empowered to ask for reasonable adjustments and to challenge landlords when their homes do not reach the new standard. These could use the same models as those already available in the healthcare system.

We deserve to live in a consistent, safe, affordable, and accessible home – the government must do more to support us to get the homes we have a right to.

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2. Housing health and safety rating system (HHSRS): guidance for landlords and property-related professionals, Gov.uk, 2006, https://www.gov.uk/government/publications/housing-health-and-safety-rating-system-guidance-for-landlords-and-property-related-professionals [↑](#footnote-ref-2)
3. Over 90% of wheelchair users struggle to find accessible homes for private rent, Disability Horizons, 2018, https://disabilityhorizons.com/2018/11/over-90-of-wheelchair-users-struggle-to-find-accessible-homes-for-private-rent/ [↑](#footnote-ref-3)
4. Regulation of private renting , NAO, 2021, https://www.nao.org.uk/wp-content/uploads/2021/09/Regulation-of-private-renting.pdf [↑](#footnote-ref-4)
5. IBID [↑](#footnote-ref-5)
6. Inflation nightmare fixed by Liz Truss after just 48 hours as PM's energy plan curbs rise , Daily Express, 2022, https://www.express.co.uk/news/politics/1666450/uk-inflation-latest-forecast-liz-truss-energy-plan [↑](#footnote-ref-6)
7. Minimum energy efficiency standards in the private rented sector, Energy Saving Trust, 2020, https://energysavingtrust.org.uk/minimum-energy-efficiency-standards-private-rented-sector/ [↑](#footnote-ref-7)
8. Council funding to be further cut in half over next two years - LGA warns, LGA, 2017, https://www.local.gov.uk/about/news/council-funding-be-further-cut-half-over-next-two-years-lga-warns [↑](#footnote-ref-8)
9. Unison, Environmental health - how cuts are putting individuals and communities at risk and damaging local businesses and economies, 2019 https://www.unison.org.uk/content/uploads/2019/04/Damage-environmental-health.pdf [↑](#footnote-ref-9)