

Home Truths

Implementing Awaab's Law

(and extending its scope to the private sector)

Krishma Patel: Hello and welcome to *Home Truth* - the Housing Law Podcast from 42BR Barristers. My name's Krishma Patel...

Karolina Zielinska: And I'm Karolina Zielinska.

KP: And this is the next episode in our series of podcasts about the Renters' Rights Bill. Today we're going to be discussing Awaab's Law, and we're going to touch upon the Decent Homes Standard.

KZ: So I suppose a good place to start, Krishma, is who was Awaab?

KP: So Awaab Ishak was two years old when he sadly passed away in December of 2020. There was an inquest held after his death and that found that his death was as a result of severe respiratory conditions due to prolonged exposure to damp and mould.

No action had been taken in response to reports of this in the three years previous by his family's social landlord.

KZ: Now I recall reading at the time, Krishma, the Senior Coroner's Prevention of Future Deaths report, and there were a number of concerns noted in that report weren't there?

KP: You are, right, there were a number of concerns. So for instance, one of the noted concerns was that the Housing Health and Safety rating system data sheet, that's used to calculate risks of the instant and spread of any harm, wasn't actually reflective of current known risks of damp and mould and harm to health. There was also no

evidence and information about such risks easily accessible to the housing sector.

KZ: Mm-hmm.

KP: The report also considered that the wider policy amongst housing associations was that if a disrepair claim was brought, it would be a case of waiting for the claim to the claimant's legal representative to agree before carrying out any work for disrepair.

So quite a lot in terms of concerns noted. And Karolina, when did all of this come into force?

KZ: Well, following Awaab's death, there was of course a considerable amount of pressure on the government to do something about this wider situation. The first step towards changing the practice and policy in this area was the introduction of the Social Housing Regulation Act in July 2023.

Now, not all provisions of that Act have yet been brought into force per regulation 46 of the same. Some will only be brought into force when the Secretary of State makes further regulations. But in essence, that provided the foundation for the government to then set further standards prescribing how hazards in housing, social housing, ought to be approached.

Those further regulations have now been provisionally made and will be introduced as the Hazards in Social Housing (Prescribed Requirements) (England) Regulations 2025. We love a catchy title. They are currently available in draft form on the gov.uk website.

~~Key sections of the Social Housing Regulation Act in 2023 were that it provided a regulator may set standards for registered providers, so that's providers of social housing, in matters relating to the~~

competence and conduct of individuals involved in the provision of those services, in connection with the management of social housing.

Also, it gave the power to set standards for registered providers in matters relating to the provision of information to tenants of social

housing, and also for emergency action to be taken if there has been a survey of social housing and it's not been maintained in accordance with the relevant standards.

So the regulations set to be introduced as the Hazards in Social Housing (Prescribed Requirements) (England) Regulations 2025, those will essentially set the standards to which references made in the Social Housing Regulation Act 2023. Now, the key provision of the Social Housing Regulation Act is Regulation 42, which serves to insert a Section 10A into the Landlord and Tenant Act 1985.

Those listening might be very familiar with sections 9A, 10, and 11, but this creates essentially a new implied covenant in leases to which Section 9A would apply, that a landlord will comply with all prescribed requirements that are applicable to that lease. So in essence, this is a

covenant that landlords must comply with the relevant regulations set down by the Secretary of State.

Again, this is something that will now be given effect by the regulations set to be introduced as the Hazards in Social Housing (Prescribed Requirements) (England) Regulations 2025.

So I suppose the next question to consider, Krishma, is will this mean big changes coming this October 2025?

KP: Well, these aren't going to be the only changes, actually.

So there was a letter dated the 25 of June 25 from the Ministry of Housing Communities and Local Government, Administer for Housing and Planning, which confirmed the government's intention to actually enact the changes in phases.

KZ: I see. So what would the first phase be then?

KP: So phase one, which comes in from the 27 October 2025, sets a number of requirements out in relation to dangerous damp and mould hazards, and also all emergency hazards repairs. But that does exclude overcrowding.

You've then got phases two and three. So phase two and three, 2026 and 2027 is when they're going to be rolled out. They will expand the hazards in the scope of a Awaabs law in stages. And so ultimately, all of the hazards that are defined at Schedule One of the Housing Health and Safety Rating System (England) Regulations 2005, are going to be covered by, again, save for overcrowding.

So for instance, I'm talking about excess cold, excess heat, falls associated with bath, et cetera, structural collapse, explosions, fire, electrical hazards, domestic and personal hygiene and food safety.

KZ: And those are all hazards defined at Schedule One. So as part of what's colloquially known as the H-H-S-R-S, but they aren't necessarily within the scope of the changes being introduced in October 2025.

KP: Exactly that. That's right. And so, Karolina, phase one then, what's that going to require of social landlords?

KZ: Well, the draft Hazards in Social Housing (Prescribed Requirements) (England) Regulations 2025 include a number of particularly interesting provisions. First regulation 3(2). It's notable that these regulations only apply if there is an issue that arises from a deficiency in a social home or in any building, part of a building, or land in the vicinity of that home for which the lessor is responsible. So it has to be something essentially that it's within the social landlord's capability legally to fix.

Further, as it regulation 3(2)(c) of the draft regulations the hazard in question, that they have a responsibility to fix, must not be wholly or

mainly attributable to the tenant's own breach covenant under their tenancy with various other exceptions too.

Now in terms of what requirements the regulations impose on the social housing sector. At Regulation Six, if a social landlord becomes aware of what's known in the regulations as an '*issue of concern*' in a home, and there is no reason to believe it's an emergency hazard affecting that home, they must investigate it within 10 working days...

KP: And Karolina, is there a definition for an '*issue of concern*'?

KZ: So '*issue of concern*' is defined in the regulations as a *relevant matter or material change to one where the social landlord's already aware of an issue*.

Now a relevant matter is in turn defined as *something that is, or maybe significant or an emergency hazard affecting a social home*.

Now at Regulation [nine9](#), the regulations go on to require that a social landlord must produce a written summary of the findings of their investigation in most circumstances, and provide that to residents

within three working days of the investigation concluding. If that investigation finds that there is a hazard presenting a significant risk of harm to the health and safety of a resident, then the social landlord must, in most circumstances, within five working days of concluding their investigation, make the property safe.

Now there is a further duty to do any ancillary works necessary after the investigation and no later than 12 weeks. That is to stop the problem coming back and further, if there are supplementary preventative works that they need to undertake, those must be complete within a reasonable period thereafter.

Now, in an emergency, I think you'll recall when we were discussing regulation six that applies only where there's no reason to believe

something is an emergency hazard. Where there is reason to believe something is an emergency, then the social landlord must investigate and action any emergency repairs as soon as reasonably practical, but within 24 hours.

KP: And Karolina, what happens if the property can't be made safe within those specified timescales for Awaab's Law?

KZ: Well, one option for social landlords is to rehouse the tenant. Regulation five proposes that the need to investigate in action emergency repairs is disapplied if the tenant has been rehoused, presumably within that 24 hour period.

If the property can't be made safe within the specified timescales, really it does seem that emergency accommodation is the preferable option.

So in terms of how this will work in practice, Krishma, I don't suppose you could take us through an example scenario of how the regulations might apply to a disrepair situation?

KP: Yes, sure. In fact, this is actually a scenario of which an example is given within the government guidance, and it's a scenario to determine whether damp and mould in a tenant's home is a significant or an emergency hazard.

So for example, in this scenario, the tenant reported issues with damp and mould to the landlord.

The problem was widespread. It was most severe in the only bedroom, particularly from the window area extending behind the bed. The tenant also informed the landlord that she was pregnant and experiencing symptoms such as wheezing and shortness of breath.

Now based on the initial report, the landlord assessed the situation as a potential emergency hazard requiring further investigation to determine the extent and the cause.

And accordingly, the landlord arranged for the contractor to attend within 24 hours to investigate the emergency hazard and to take action to make the property safe. The contractor then visited early the next working day. In this scenario, a reasonable landlord would likely have classed the issue as an emergency hazard.

Based on the location of the mould, the contractor's investigation findings, and the tenants reported vulnerability and symptoms, the presence of mould in areas such as bedrooms or living spaces, particularly where those with preexisting health conditions reside, poses a serious and immediate risk to health.

So Karolina, what do you think the practical impact of Awaab's law is likely to be in terms of tenants, social landlords, perhaps on the court?

KZ: Well, we could see in that example that you gave that really, it's going to be very difficult for social landlords to comply with these timescales unless they have in place a dedicated and experienced and sufficiently specialist team who can both carry out investigations sufficiently rapidly and understand what hazard ought to be classified as particular emergencies or significant, and differentiate between them and set appropriate timescales for any necessary works thereafter. Triage really is going to be the name of the game here on behalf of social landlords.

Further, it's going to be really important that they have as much information as possible about the tenants who are residing in their properties and any preexisting medical conditions or vulnerabilities that they might have, given that these, again, from your scenario,

Krishma, appear to be relevant to this question of how a reasonable landlord would classify the risk posed by a hazard in the property.

So from a tenant perspective, I think the concerns and benefits are likely to be quite different. Awaab's Law and the way it's being implemented is going to be a significant improvement in terms of the rights and remedies available to tenants. They will, we hope, no longer have to wait for significant periods of time for problems to be fixed and certainly Krishma, I don't know whether you find this in your practice, but it isn't uncommon to see disrepair cases involving often very serious disrepair, ongoing for two to three years where works have even possibly been agreed but not yet undertaken.

And whether that's for the reasons we mentioned earlier in this podcast, claimant's solicitors being unwilling to agree to works being started until effectively a full settlement is reached, or claimants being unwilling to allow access whilst litigation's ongoing, or whether that is because social landlords are not undertaking those works sufficiently rapidly and prioritising them in the way that they ought to be. It's hard to say, but either way, this set of regulations will set a very clear

timescale for what the government considers reasonable in addressing these sorts of problems, given the extent of the hazard that damp and mould pose, we are now very aware of as a society, and hopefully that means that those sorts of cases will be largely in the past.

KP: And Karolina, what do you think the perspective's going to be like from the court in terms of claims going forward?

KZ: Well, I think one concern that the government's had in recent years is claim farming. The idea that many, many housing disrepair claims are being churned out, and I think a lot of social landlords have been cautious about these sorts of reforms proposed because of course this will undoubtedly lead to a further increase in claims. Awaab's Law

provides a further [a-headahead](#) of claim, it provides a very clear framework that social landlords have to follow, and if they don't, then that will be reflected in the way that litigation is determined.

However, there are measures that have been introduced to try and countenance that the idea that lots of spurious claims or claims with lesser merit are being brought alongside those that do have significant merit. And one way in which the courts have dealt with that is by introducing fixed recoverable costs regimes.

Now, those haven't been fully extended throughout the housing sector throughout different types of housing claims just yet, but it is likely that that will happen at some point in the future, and that may well go some way to mitigating that, I suppose, urban myth, of the claims not being serious or being churned out.

Now, I think perhaps the final point to touch on is how Awaab's Law is relevant to the Renters' Rights Bill as it currently stands, and in particular, what the relevance of the Decent Homes Standard is.

KP: Okay, so the Decent Homes Standard was initially laid out to set the minimum standards for social housing in the UK, excluding leasehold and shared ownership properties.

This standard currently applies in the social rented sector, and it requires properties to be free from serious hazards, have adequate facilities, and meet basic standards of decency.

KZ: So the hazards that it applies to, those are the H-H-S-R-S hazards we talked about earlier. Is that right?

KP: That's right. So the Renters' Rights Bill will allow regulations to be made setting out Decent Homes Standards requirements for private rented sector homes, and will provide local councils with effective and proportionate enforcement powers.

There is a consultation at the moment for the DHS that's open for privately rented homes. It's currently open from the 2 July 2025. It's due to close on the 10 September 2025 and thereafter, at some point it's hoped that draft regulations will hopefully be produced.

Just to touch upon what the consultation seeks views upon, it seeks views upon the implementation of a revised, Decent Homes Standard

that would apply to both the social and residential private rented sectors in England. The suggested changes to the Decent Home Standards include, amongst other things, for instance, requiring window restrictors, where there is a risk of children falling, requiring suitable floor coverings at the start of every tenancy, and setting out a home security standard that covers window locks, double locks for doors and chains on doors.

So, Karolina, how do we think this is going to be enforced?

KZ: Well, the Renters' Rights Bill makes a number of provisions that relate to enforcement of the Decent Homes Standard requirements. [E](#)

For example, if a privately rented property fails to meet the relevant requirements, then the local council will have various enforcement mechanisms available, including issuing an improvement notice requiring the landlord to remedy the failure within a specified timescale.

Similar systems are already in place in relation to other disrepair matters in the private sector, so I suspect that's just an extension of that to this sort of context. Similarly, landlords who failed to comply with enforcement action might be subject to civil penalties or criminal prosecution in the most serious cases.

In those circumstances, the tenant or local council would also be able to apply to the first tier tribunal for a Rent Repayment Order in the normal way. Further, if landlords fail to take reasonably practicable

steps to keep their properties free of serious hazards, then local councils can issue civil penalties themselves of up to £7,000. Quite a significant amount there, so hopefully it will provide an incentive for landlords to proactively manage and maintain their own properties.

So with that Krishma, I think we've had a nice whistle stop tour there through Awaab's Law and the Decent Homes Standard.

We do have a number of other podcasts dealing with different aspects of the Renters' Rights Bill available to listen to on Apple podcasts, Spotify and the Chambers website, simply search for *Home Truths*.

Equally, we have a further podcast, *FortyTwo Talks* that deals with a wide range of legal matters.

Happy listening, and thank you for joining us today.

KP: Thank you very much. Bye-bye.