

# The Housing Health and Safety Rating System (HHSRS)

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On 5th May 2006 the responsibilities of the Office of the Deputy Prime Minister (ODPM) transferred to the Department for Communities and Local Government.

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## Introduction

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Part 1 of the new Act contains provisions to replace the housing fitness regime set out in the Housing Act 1985. The separate Houses in Multiple Occupation (HMO) fitness test will also be repealed. This is an important reform. The housing fitness standard is based on criteria first introduced 80 years ago and there is wide support for modernisation. The test of fitness is to be replaced with an evidence-based risk assessment process, carried out using the Housing Health and Safety Rating System (HHSRS). HHSRS is a new approach to the assessment of risks to health and safety in residential premises. Local authorities will in future base enforcement decisions in respect of all residential premises on the basis of assessments under HHSRS. This reform will enable local authorities to address more effectively the hazards to health and safety present in the home.

## Current Housing Act fitness regime

The current housing fitness standard was introduced by the Local Government and Housing Act 1989, which inserted a new s604 in the Housing Act 1985. A dwelling is unfit if, in the opinion of the local authority, it fails to meet one or more of the requirements set out in paragraphs (a) to (i) of s604(1) and by reason of that failure is not reasonably suitable for occupation. The requirements constitute the minimum deemed necessary for a dwelling house or HMO to be fit for human habitation. If a local authority identifies a property as unfit it has a duty to take action. Under Part XI of the 1985 Act local authorities also have powers to require works to render an HMO fit for the number of occupants.

## Housing Health and Safety Rating System (HHSRS)

Action by authorities will be based on a three-stage consideration: (a) the hazard rating determined under HHSRS; (b) whether the authority has a duty or power to act, determined by the presence of a hazard above or below a threshold prescribed by Regulations (Category 1 and Category 2 hazards); and (c) the authority's judgement as to the most appropriate course of action to deal with the hazard.

The Act contains new enforcement options which are available to local authorities. The choice of the appropriate course of action is for the authority to decide, having regard to statutory enforcement guidance.

## The system of assessment

The purpose of the HHSRS assessment is not to set a standard but to generate objective information in order to determine and inform enforcement decisions. The technical guidance is contained in the package published in November 2004 as the "Housing Health and Safety Rating System: Guidance (Version 2).

HHSRS assesses twenty nine categories of housing hazard, including factors which were not covered or covered inadequately by the housing fitness standard. It provides a rating for each hazard. It does *not* provide a single rating for the dwelling as a whole or, in the case of multiply occupied dwellings, for the building as a whole.

A hazard rating is expressed though a numerical score which falls within a band. There are 10 bands. Scores in Bands A to C are Category 1 hazards. Scores in Bands D to J are Category 2 hazards.

The hazards that can be assessed are those associated with or arising from:

Damp/mould growth (2)	Radiation	Noise	Fire
Excess heat/cold (2)	Uncombusted fuel gas	Hygiene (2)	Hot surfaces
Asbestos	VOCs	Food safety	Entrapment
Biocides	Crowding & space	Water supply	Explosions
Carbon monoxide etc	Intruders	Falls (4)	Ergonomics
Lead	Lighting	Electrical	Structural

The HHSRS assessment is based on the risk to the *potential occupant who is most vulnerable to that hazard*. For example, stairs constitute a greater risk to the elderly, so for assessing hazards relating to stairs they are considered the most vulnerable group. The very young as well as the elderly are susceptible to low temperatures. A dwelling that is safe for those most vulnerable to a hazard is safe for all.

## The enforcement framework

The courses of action available to authorities where they have either a duty or a power to act are to:

- serve an improvement notice requiring remedial works;
- make a prohibition order, which closes the whole or part of a dwelling or restricts the number of permitted occupants;
- suspend these types of notice;
- take emergency action;
- serve a hazard awareness notice;
- make a demolition order\*
- declare a clearance area\*

\*(available for Category 2 hazards only in prescribed circumstances);

The HHSRS hazard rating is based on the most vulnerable potential occupant. But authorities will be able to take account of the vulnerability of the actual occupant in deciding the best course of action.

The Act retains the powers available to authorities to act in default and prosecute lack of compliance. It also enables them to charge and recover charges for enforcement action.

## Further information

Further information and contact details for this and all housing policy subject areas can be found on the **Housing e-mail contacts and subject area quick links** page (a link is provided below).

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