



Awaab's Law Consultation – BuildEast's Collective Response

Closing Date: Tuesday 5th March 2024

Q1 - 4 – Who are you?

On behalf of BuildEast, a consortium of Housing Associations based in the East of England, we appreciate the opportunity to provide feedback on Awaab's Law consultation.

First and foremost, we want to express our support for Awaab's Law and the principles it aims to uphold. We firmly believe in the importance of providing safe and healthy homes for all residents, and we are committed to taking prompt action when residents report issues that could endanger their health, especially when combined with existing health conditions.

As responsible landlords, we recognise the significance of investing in repairs and maintenance to ensure that our properties meet the highest standards of safety. We are actively working to increase investment in repairs and upgrades, in line with the recommendations outlined in the Better Social Housing Review.

We welcome the opportunity to engage in further discussions and collaboration to ensure that Awaab's Law effectively safeguards the well-being of residents while also considering the practicalities and challenges faced by landlords. Our goal is to work together towards creating a housing environment that promotes the health, safety, and dignity of all residents.

Thank you for considering our input. We remain committed to working collaboratively to address housing standards and ensure the well-being of all stakeholders involved.

12 responses.

Q5 - Do you agree that Awaab's Law should apply to all HHSRS hazards, not just damp and mould?

9 disagreed. 3 agreed.

Q6. Do you agree the right threshold for hazards in scope of Awaab's Law are those that could pose a significant risk to the health or safety of the resident?

6 agreed. 6 disagreed.

Our members would like to note, when an inspector assess they apply two key tests to any hazards:

1. What is the likelihood of a dangerous occurrence because of this hazard?
2. If there is such an occurrence, what would be the likely outcome?

Damp and mould growth may amount to a Category 1 hazard - those which pose the most serious risk of harm, including death.

Q7. If no, please explain.

(Q5)

- **Proposal to Separate Damp and Mould:** BuildEast suggests separating damp and mould from other HHSRS hazards in Awaab's Law, as this could be feasible. However, they raise concerns about including all HHSRS hazards due to their complexity and diversity.

- **Feasibility of Emergency Timeframes:** They express doubts about assessing all HHSRS hazards within emergency timeframes, suggesting inclusion of only physiological provisions posing a direct risk to health and safety.
- **Challenges with Hazard Control:** Hazards beyond the landlord's control requiring cooperation from others pose challenges, especially long-term interventions involving multiple stakeholders or substantial resources.
- **Tenant Non-Compliance:** There's a lack of guidance on handling situations where landlords can't gain access due to tenant non-compliance, potentially overwhelming the court system with injunction proceedings.
- **Impact on Disrepair Cases:** Including all HHSRS hazards may increase disrepair cases, burdening landlords with tracking, reporting, and resource allocation, particularly for organisations with limited margins.
- **Balancing Safety and Practicality:** BuildEast emphasizes the need to strike a balance between ensuring safe housing conditions and acknowledging practical limitations and resource constraints. They provide examples to illustrate their concerns and stress the importance of further consideration of resource and legal implications.

We have provided a couple examples to illustrate our concerns and emphasise the need for further consideration of the resource and legal implications of the proposed changes. We believe it is crucial to strike a balance between ensuring safe and healthy housing conditions while also acknowledging practical limitations and resource constraints.

Crowding and Space – This depends on the age and vulnerability of the household, which may necessitate the cooperation of the local strategic housing authority for rehousing under the Housing Act 2004. Additionally, in situations where there is no feasible way to rectify the issues with the building, aside from building extensions, rehousing becomes the only viable remedy. However, the availability of suitable housing options is often limited by supply-side factors, posing a significant challenge in ensuring timely and appropriate rehousing for affected households.

Noise – In cases where the issue pertains to noise originating from an adjacent property not owned by the landlord, resolution would require the cooperation of the local environmental health team to enforce appropriate measures. It's important to note that addressing such noise concerns may not always align with the suggested timeline, especially considering the complexities involved and potential involvement of multiple stakeholders. Therefore, flexibility in timelines and collaboration between relevant authorities may be necessary to effectively address and resolve these.

In summary:

1. **Scope and Implementation Timeline:** Members advocate for initially restricting Awaab's Law to Damp and Mould Conditions (DMC) with a 12-month implementation period and a further 12-month grace period before court action can commence. Any expansion to include HHSRS hazards should occur over a longer timeframe.
2. **Importance of Stakeholder Engagement:** Emphasis is placed on engaging with stakeholders to understand the systemic impact of expansion, particularly concerning its interaction with existing legal frameworks and financial implications.
3. **Concerns about Broader Inclusion:** There are concerns about including all 29 HHSRS hazards, alongside subjective risk assessments and the absence of medical evidence, which could lead to a substantial number of repair cases falling under Awaab's Law without practical resolution feasibility.
4. **Need for Careful Consideration:** It's crucial to carefully consider these concerns to ensure that Awaab's Law achieves its objectives without overly burdening landlords or compromising housing standards. Advocacy is for a measured and collaborative approach to any potential expansion, with thorough consideration of implications and feasibility.

In relation to **Q6**, our members feel this is subjective, and the definition could be improved.

Q8. Do you agree with the proposal that social landlords should have 14 calendar days to investigate hazards?

7 agreed. 5 disagreed.

9. Do you agree that medical evidence should not be required for an investigation?

9 agreed. 3 disagreed.

Q10. If no, please explain.

If the scope is reduced to DMC, our members would like to see this period amended to 10 *working days*. Our members would like clarification that reports through social media would not trigger Awaab's Law timescales.

(Q8)

- **Prompt Investigation Appreciated:** Members acknowledge the importance of promptly investigating hazards within properties and support the intention to commence investigations within 14 calendar days of hazard identification.
- **Feasibility Concerns:** There are concerns about the feasibility of thoroughly investigating complex HHSRS hazards within the proposed 14-day timeframe. Some hazards may require specialised knowledge and involvement of contractors or specialists, posing challenges for timely and comprehensive investigation.
- **Volume of Surveys:** Members are apprehensive about the potential increase in survey volume under the proposed legislation. A shortage of experienced surveyors in the sector, particularly those with requisite skills, is identified, along with concerns about accuracy in assessments, particularly in damp and mould diagnosis.
- **Incremental Approach Proposed:** Members suggest an incremental approach to implementation to allow sufficient time for staff skill development and to avoid negative impacts on other priority workstreams. Proposals include extending the investigation timeframe to 21 days or changing it to 14 working days for a more thorough assessment.

In conclusion, while our members support the goal of swift hazard investigation and mitigation, they emphasise the need for realistic timelines and adequate resourcing to address the complexities and challenges associated with comprehensive hazard assessments.

(Q9)

Our members acknowledge the importance of swiftly initiating investigations into hazards within properties, as outlined in the proposed legislation. However, there are concerns regarding the potential ambiguity that may arise in the absence of medical evidence. Without such evidence, there is a risk of making decisions without a comprehensive understanding of the situation, potentially leading to challenges, and requiring increased resources to manage these challenges.

It is recognised that medical evidence plays a crucial role in providing a complete understanding of residents' health conditions and informing appropriate recommendations. Without this evidence, there is a concern that decisions may not always be in the best interests of residents.

Furthermore, there is a valid concern about the potential for a small minority of individuals to exploit the system by exaggerating issues to receive expedited service from landlords. This could lead to disproportionate responses and potentially disadvantage other residents in need of urgent assistance.

To address these concerns, our members suggest exploring avenues to ensure that decisions are made based on comprehensive information and evidence, including medical evidence where applicable. Additionally, measures may need to be implemented to mitigate the risk of exploitation by individuals seeking to expedite services unfairly.

Ultimately, it is crucial to strike a balance between facilitating prompt responses to genuine issues and ensuring that decisions are made based on thorough assessments and evidence-based recommendations. We agree with the intention of this but without medical evidence this could be ambiguous. This could lead to the potential to be challenged and will therefore require an increase in resource to manage this. It could mean we would need to create additional roles which we are simply not able to fill.

Q11. Do you agree with the proposal for registered providers to provide a written summary to residents of the investigation findings?

12 members agreed.

Our members emphasise the importance of transparency and accountability in the investigation process outlined in the proposed legislation. To ensure clarity and facilitate effective communication between landlords and tenants, it is essential to include specific details regarding the investigation process, hazard identification, and recommended actions.

Key components that should be included in the documentation of investigations are as follows:

- **Date and Method of Investigation:** Clearly specify when and how the investigation took place, including any methods or tools used to assess the hazard.
- **Investigator Information:** Identify the individual or team responsible for conducting the investigation, including their qualifications or expertise in relevant areas.
- **Hazard Identification:** Document any hazards identified during the investigation, along with a detailed description of each hazard and its potential implications for tenant health and safety.
- **Recommended Actions:** Provide clear and actionable recommendations for addressing each identified hazard, including necessary repairs or interventions.
- **Risk Assessment:** Assess the level of risk posed by each hazard to the tenant's health and safety, using standardised criteria or guidelines where applicable.
- **Estimated Timescales for Repairs:** Outline the anticipated timeframe for completing repairs or remedial actions, considering factors such as complexity, availability of resources, and tenant safety considerations.

By including these details in the documentation of investigations, landlords can ensure transparency, accountability, and effective communication with tenants. This information also serves as a valuable reference for monitoring progress and compliance with legal requirements.

Q12. Do you agree with the minimum requirements for information to be contained in the written report?

9 members agreed. 3 disagreed.

Q13. Do you agree registered providers should have 48 hours to issue the written summary?

12 members disagreed.

Q14. If no, please explain.

(Q12) The minimum requirements should be more flexible and allow individual circumstances and the specific matter at hand to ensure that the necessary information is included without unnecessary restrictions.

(Q13)

Our members appreciate the opportunity to provide a summary of findings and actions arising from survey reports to residents, particularly regarding HHSRS failures. However, they propose some adjustments to the proposed timelines and processes to ensure feasibility and effectiveness:

- **Differentiation between HHSRS Failures and Standard Repair Works:** Members suggest that the requirement for providing a summary of findings should only apply to HHSRS category 1 or 2 hazards, rather than standard repair works. This ensures that resources are allocated appropriately, and that priority is given to addressing significant health and safety risks.
- **Realistic Response Time for HHSRS Category 1 or 2 Works:** Members recommend a minimum of 2 working days to respond to HHSRS category 1 or 2 hazards, recognising that a 48-hour timeframe may not always be feasible, especially over weekends or holidays. Prioritising safety and, if necessary, providing temporary accommodation should take precedence over issuing summaries.

- **Flexible Timeline for Providing Written Summaries:** Members propose extending the timeline for providing written summaries to 5 days, allowing for sufficient time to confirm appointment dates for follow-on works and ensuring the quality of responses. This timeline aligns more closely with the complaints process and allows for variations in workload and seasonal demand.
- **Consideration for Non-Digital Engagement:** Recognising that not all customers are digitally engaged, members emphasise the need to consider alternative communication methods, such as postal services, and to present information in accessible formats. This may require additional time and resources.
- **Complex Cases and Access Issues:** Members highlight those certain cases, particularly those involving complex issues or difficult-to-access areas, may require longer timeframes for investigation and report writing. Additionally, reliance on contractors may impact capacity and timelines.
- **Resource Constraints and Recruitment Challenges:** Recruitment to posts involved in investigations has been challenging, leading to resource constraints. Members urge the government to consider the impact of resource limitations on timelines and costs, including the possibility of utilising consultants.
- **Exemptions for Emergency Repairs and Non-Hazard Findings:** Members propose exemptions from the requirement for written reports in cases where emergency repairs are completed within 24 hours and where no hazard is found, suggesting a one-month timeline for providing reports in the latter case.

In conclusion, our members advocate for realistic timelines and flexible approaches to ensure effective communication with residents, while also addressing resource constraints and practical challenges faced in investigations and report writing. Specifically, they propose the following:

- **Realistic Timelines:** Members feel that providing written reports within 48 hours would represent a significant cost to the sector. They recommend increasing the timeframe to 5 working days for comprehensive reports. If the scope is reduced to Damp and Mould Conditions (DMC), the timeline could be shortened to two working days or 72 hours to expedite communication.
- **Clarity on Liability:** Members suggest that it should be explicitly permissible for Housing Associations (HAs) to clarify that the contents of the report do not constitute an expression of liability. This clarification can help mitigate potential misunderstandings or legal implications.

By adopting these recommendations, our members believe that the process of communicating findings to residents can be made more manageable, ensuring that resources are used efficiently while maintaining transparency and accountability.

Q15. Do you agree with the proposal that if an investigation finds a hazard that poses significant risk to the health or safety of the resident, the registered provider must begin to repair the hazard within seven days of the report concluding?

10 members agreed. 2 disagreed.

Our members wish to highlight additional concerns regarding the proposal, particularly in cases where decanting residents may be necessary due to the inability to make a property safe with repair works or temporary measures. This could present logistical challenges, including issues around access and obtaining access injunctions, especially when tenants refuse to move. Currently, there are no additional proposals for powers to assist landlords with decanting when tenants refuse to relocate, adding complexity to the process.

Furthermore, there are concerns regarding properties where access is not granted. Gaining access through the courts can be time-consuming, leading to delays in addressing hazards. Additionally, the lack of an agreed methodology for calculating the risk to customers introduces ambiguity into the process, which may be exploited by opportunistic solicitors to engage with customers and pursue claims against landlords. One member has already experienced this challenge and is having to divert resources towards court action to complete repairs due to the lack of powers of entry.

These challenges underscore the need for additional measures and support to assist landlords in effectively addressing hazards and ensuring the safety and well-being of residents. Without adequate powers and support mechanisms in place, landlords may face significant obstacles in fulfilling their responsibilities to maintain safe and habitable housing for tenants.

Q16. Do you agree that in instances of damp and mould, the registered provider should take action to remove the mould spores as soon as possible?

11 members agreed. 1 disagreed.

Our members would like to emphasise that the assessment of severity through the HHSRS assessment should determine the application of decanting measures, particularly applying to bands A, B & C (category one risks) with consideration given to band D (high-level category two risks). However, it should not apply to minor issues such as small patches of mould where the risk is low to very low. Additional resources may be required to ensure an immediate response is available to manage high-risk cases effectively.

Furthermore, our members stress the importance of considering the circumstances, severity, and risk appraisal for each case when determining the timescales for beginning repair works. While acknowledging the necessity of prompt action, it is essential to ensure that appropriate action is taken based on a comprehensive understanding of each resident's situation and needs.

By adopting a nuanced approach that considers the severity of hazards and individual circumstances, landlords can better prioritise resources and actions to address high-risk situations effectively while minimizing disruption and inconvenience for residents.

Q17. Do you agree with the proposed interpretation of 'begin' repair works?

7 members agreed. 5 disagreed.

Our members would like to note, landlords must begin work within seven days of the written summary being provided if a hazard which poses a 'significant risk to the health and safety of the resident' is identified. This is subjective and should be assessed on a case-by-case basis.

Q18. If no, please explain.

(Q15)

Our members acknowledge the importance of promptly addressing hazards identified within properties, but they also recognise that there are practical challenges and complexities that may affect the feasibility of immediate action.

Several scenarios have been highlighted that may impact the ability to commence works promptly:

Access Issues: Customers may be unable or unwilling to provide access, particularly if the hazard was identified through a surveyor visit or stock condition process rather than being reported by the customer themselves.

Customer-Created Hazards: In some cases, customers may have created hazards themselves, such as accidentally damaging fittings or removing safety devices, and may be reluctant to allow repairs if they fear being recharged for the work.

Need for Further Investigations or Specialist Advice: Some hazards may require further investigations or specialist advice before works can commence, leading to delays in initiating repairs.

Resource Deficits: Internal and external resource deficits may impact the ability to promptly address hazards, potentially leading to delays in commencing repairs.

Given these challenges, our members express concerns about the potential outcomes under the proposed obligations. They raise questions about potential liabilities if works cannot be promptly initiated, as well as the practicalities of offering alternative accommodation in resource-deficient situations.

To address these concerns, our members propose two potential solutions:

Emergency Access Powers: Providing Registered Providers (RPs) with emergency access powers to address immediately dangerous situations, allowing for prompt action to mitigate risks to residents' health and safety.

Formal Refusal Process: Giving customers the opportunity to formally refuse works and accept associated risks, providing clarity and transparency in situations where repairs cannot be initiated immediately.

By incorporating these measures, landlords can better navigate the complexities and challenges associated with initiating repairs promptly while ensuring the safety and well-being of residents remain paramount.

(Q16)

Our members advocate for proactive measures to address mould spores as soon as possible, particularly in cases where the survey identifies structural issues. However, they also emphasise the importance of a case-by-case approach, taking into consideration the findings of a technical survey and the specific needs of tenants.

While landlords should take prompt action to remove spores, our members suggest that landlords should also provide advice to customers on how they can address mould spores themselves, where feasible. This proactive approach not only empowers tenants to take action to improve their living conditions but also fosters a collaborative approach between landlords and tenants in addressing housing issues.

By combining proactive measures with tailored advice and support, landlords can effectively address mould spores while promoting tenant engagement and empowerment.

(Q17)

Our member raises a valid point regarding the ambiguity surrounding the assessment of risk posed by emerging hazards, particularly in cases where medical evidence is not required to support the need for an investigation. The member highlights the challenge of assessing the level of risk posed by hazards on a case-by-case basis without clear guidelines or criteria for evaluation.

To address this concern, it is important to establish clear and objective criteria for assessing the level of risk posed by emerging hazards. This may involve developing standardised risk assessment tools or guidelines that building surveyors can use to evaluate the severity and urgency of hazards based on factors such as the nature of the hazard, its potential impact on health and safety, and available resources.

Additionally, collaboration with medical professionals or public health experts may provide valuable insights into the health implications of certain hazards, even in cases where medical evidence is not explicitly required.

By providing building surveyors with clear guidance and tools for assessing risk, landlords can ensure that investigations and responses to emerging hazards are conducted in a consistent and objective manner, ultimately prioritising the safety and well-being of residents.

Q19. Do you agree that the registered provider must satisfactorily complete repair works within a reasonable time period, and that the resident should be informed of this time period and their needs considered?

8 members agreed. 2 disagreed. 2 non-responses.

However, in section 91 of the consultation broken windows and boiler repairs are noted, a temporary repair would be achievable. There is a proposal that the timescale for emergency repairs should be set out in Legislation which would provide the necessary clarity. This would include things such as

- gas leaks,
- broken boilers,
- loss of water supply,
- exposed electrical wiring,
- significant leaks,
- broken external doors/windows that present a risk to security,
- prevalent damp and mould that is impacting on resident's ability to breathe.

Q20. If no, please explain.

Our members agree residents should have works completed within a reasonable timeframe, however, without powers of entry this is extremely difficult to manage in all cases. We have experienced cases where the risk is created by a problem in an adjoining flat and we require access (or require a leaseholder) to fix the problem. In these instances, the timeframe is currently completely outside of ours or the affected customer's control.

A similar situation exists where we are the head leaseholder and there is a third-party management company responsible for repairs. In both instances our only recourse for lack of action is a legal process that is time consuming, slow and resource intensive.

Q21. Do you agree that timescales for emergency repairs should be set out in legislation?

6 members agreed. 6 disagreed.

Our members would like to note, as per section 97 of the consultation and as listed above, this should be reserved for HHSRS bands A, B & C with band D a potential other risk level. It will help to provide consistency and clarity for providers in delivering the service to their residents.

Q22. Do you agree that social landlords should be required by law to action emergency repairs as soon as practicable and, in any event, within 24 hours?

7 members agreed. 5 disagreed.

This should be reserved for HHSRS bands A, B & C with band D a potential other risk level. Reasonably practicable will always be dependent on skilled labour and short notice access to the appropriate materials and equipment.

Q23. If no, please explain.

(Q21)

Our members appreciate the clarification provided in the consultation regarding emergency repairs under Awaab's Law. However, they seek further clarity on the expectation within the 24-hour timeframe, particularly regarding whether the repair should be completed in full or if ensuring the safety of the individual with agreed next steps is sufficient.

For instance, in the case of a loss of heating requiring a new boiler, if temporary measures or decanting arrangements are implemented to ensure the person's safety, with agreed follow-up work to replace the boiler, would this meet the legal requirements under Awaab's Law?

Our members also welcome the examples provided in Annex B of the consultation but seek clarification on specific scenarios. For example, they believe that example 1.2, involving significant mould posing a health risk, should trigger emergency repairs under Awaab's Law. Similarly, they suggest that example 2.3b, involving a risk to occupants or visitors, should also be covered by the law.

Furthermore, our members request a clear definition and classification of 24-hour emergency repairs relating to damp or mould, to ensure consistency and understanding across the sector.

(Q22)

Legislative Concerns: Members express concerns about setting emergency repair requirements in legislation, citing existing regulatory frameworks as adequate for monitoring landlords and addressing non-compliance. They fear additional legislation could be burdensome and challenging to enforce, potentially exposing landlords to legal actions from 'no win no fee' firms.

Existing Protections: Members argue that existing laws requiring repairs within a reasonable time offer sufficient protection, especially in emergencies. They propose offering simple guidance on reasonable timeframes and emphasize the importance of customer cooperation for access in emergency repairs.

Code of Practice Proposal: Members suggest developing a Code of Practice document to provide detailed guidance to social landlords on meeting repair obligations. This approach would ensure clarity and consistency in repair processes while allowing flexibility to adopt alternative solutions meeting or exceeding existing standards.

Reporting and Notification: Members stress the importance of clear reporting and notification systems to prevent misclassification of repairs, ensuring accurate prioritization and resource allocation.

Q24. Do you agree that landlords should arrange for residents to stay in temporary accommodation (at the landlord's expense) if the property can't be made safe within the specified timescales?

11 members agreed. 1 disagreed.

Our members raise important concerns regarding the provision of temporary accommodation in cases where repair works, or temporary measures cannot make a property safe. They highlight the challenges of finding suitable alternative accommodation, particularly for vulnerable groups such as bed-bound individuals, those with limited mobility, or overcrowded households. In many cases, customers may refuse to move, complicating efforts to address underlying hazards and ensure residents' safety.

To address these challenges, our members advocate for increased support and guidance for landlords, particularly regarding access issues and obtaining access injunctions for decanting tenants. They emphasise the need for clear direction on what constitutes suitable temporary accommodation and suggest that increased powers to support managed moves, temporary decants, and injunctions would be beneficial in these situations.

Additionally, our members highlight discrepancies between the proposed timeframe for temporary repairs, such as the example of window breakage within 7 days, and the potential need for more immediate action, particularly in emergency situations.

Furthermore, concerns arise regarding situations where customers have made alterations to their properties themselves, necessitating temporary moves. Our members seek clarification on whether landlords would be expected to cover the costs of temporary accommodation in such scenarios.

Q25. If no, please explain.

One member felt that should be on a case-by-case basis, dependent on whether the entire property can be safely lived in. The tenant's wishes should also be considered, as from experience it is not always the tenant's desire to leave the property.

Q26. Do you agree that Awaab's Law regulations should include provisions for a defence if landlords have taken all reasonable steps to comply with timeframes, but it has not been possible for reasons beyond their control?

11 members agreed. 1 disagreed.

Where it can be demonstrated that we have taken all necessary steps the Landlord should not be penalised. Where the issue is sourcing skilled labour, the tenant must be kept updated and records must be kept of the attempts to source workers. There are then further questions to address the cost to the Landlord of implementation.

Q27. If no, please explain.

Our members acknowledge the importance of ensuring landlords have the necessary documentation and evidence to defend themselves in case repairs are related to hazards covered by the law. However, they raise concerns about the potential resource implications of maintaining detailed audit trails, particularly for organisations reliant on third-party contractors to collect and provide this information.

Furthermore, our members highlight the need for clarity on how to address situations where access to properties is repeatedly withheld. They seek guidance on what constitutes "reasonable steps" that landlords must take to gain access, particularly if courts are unable to swiftly address access claims. Additionally, they suggest that organisations should be expected to try different methods of communication to attempt to gain access, considering the preferences and needs of individual customers.

It is crucial to consider different communication methods and reasonable adjustments to accommodate various customer needs effectively. Without clear guidance on this matter, landlords may struggle to navigate access issues and fulfil their obligations under the law.

Q28. Do you agree with the assessment that proposals 1, 3, 4, 5, 6 and 7 will create small net additional costs to the sector?

4 members agreed. 8 disagreed.

Q29. If no, please explain.

Our members raise significant concerns regarding the potential cost implications and resource challenges associated with implementing Awaab's Law. They highlight the varied scope of potential costs depending on the specific requirements outlined in the legislation. For example, while addressing damp and mould may already be within landlords' existing responsibilities, additional requirements related to psychological aspects or infection protection could significantly increase the financial burden on landlords.

Furthermore, our members note the impact on contracts with external contractors and delivery partners, which may need to be realigned to meet the proposed timelines for repairs. The need for increased monitoring and compliance with legislation will also incur additional costs, including system upgrades and workforce training.

There are concerns about the potential for an increase in disrepair claims across the sector, diverting resources from frontline delivery to evidencing and investigating cases. Additionally, the transition to this defined approach may require significant investment in new systems, processes, skills, and trained resources for housing associations to effectively embed the changes.

Our members emphasise their commitment to ensuring the health and safety of their customers but stress that the proposed legislation may create unintended consequences and resource challenges that could worsen services rather than improve them. They urge for a thorough assessment of the true impact of Awaab's Law on the sector and call for consideration of the potential legal costs associated with an increase in disrepair claims.

Q30. Do you agree with the assessment of the net additional costs of proposal 2?

10 members disagreed. 2 members agreed.

Q31. If no, please explain.

Our members continue to express their concerns about the cost implications and resource challenges associated with the proposed changes. They stress the need for a more detailed breakdown of the costs involved to accurately assess the financial impact on housing providers.

The requirement for personalised letters to customers, while important, presents logistical challenges due to the level of automation available and the slow postal service. This will require additional time and resources, further adding to the financial strain on housing providers.

There is a consensus among our members that the proposed timelines for surveying and reporting will require significant additional resources, both in-house and potentially through external contractors. This includes the need for specialist contractors and the potential costs associated with obtaining access injunctions for decanting tenants.

The assumption that the production and distribution of written summaries could be automated overlooks the practical challenges and costs associated with implementing such systems. Additionally, the proposed short delivery times for repairs will inevitably lead to increased costs, which may not be feasible for many housing providers.

Furthermore, the cost assessment fails to consider the compounding impact of multiple landlords undertaking works simultaneously, as seen with cladding works post-Grenfell. There is a need for guidance on how these increased costs will be afforded, whether through additional support or efficiency savings.

Our members highlight the significant investments they have already made in restructuring teams and bringing in specialist taskforces to address damp and mould issues. Widening the scope of responsibilities will only exacerbate resource and tracking challenges, further driving up costs.

Q32. Do you agree with the assumptions we have made to reach these estimates?

8 members disagreed. 2 members agreed. 2 nonresponses.

Q33. If not, please can you provide additional information?

Estimates not provided for proposals 1, 3, 4 or 5. Additional resources will be required for inspecting, monitoring, updating, and writing reports all which need to be fully costed.

Our members responded that unless an overall, in-depth response from the sector and individual Housing Associations is provided, this will be impossible to estimate. It can be expected that there will be additional costs associated with the higher level of jobs that this will generate. Either that resource will have to be funded or HAs will have to reassess priorities to make this viable. Additional burdens of difficult building safety regulations and zero carbon obligations will have to be considered.

Our members would also like to highlight that the increased financial costs would push back other much needed works to our stock. Potentially there is a lack of professional/qualified resource/contractors to meet the requirements proposed.

Any additional comments:

Our members emphasise the nuanced nature of housing delivery and the complexity of addressing the various issues involved. They stress the need for a deeper understanding of these complexities and the skills required for manual monitoring of cases, particularly considering the existing skills shortage in the sector. Negative press coverage further exacerbates recruitment challenges, making it less attractive for skilled professionals to join the sector.

While our members support the intentions behind the proposals, they highlight the need for greater clarity and specificity, particularly regarding the scope and scale of each hazard and the associated solutions. They suggest starting with damp and mould, as this was the primary focus of the campaign, before expanding to other categories with a clearer understanding of the complexities involved.

Many of the proposed measures already exist in various forms, such as policy, legislation, guidance, or changes to building regulations. Our members stress the importance of clarity regarding the routes to redress and the potential impact of enshrining these recommendations in legislation, which could lead to broad interpretations and unintended consequences.

There is also a concern about the implementation timelines and the need for a clear distinction between agreeing with the proposed timescales and agreeing with making them a legal requirement. Our members suggest incorporating appropriate steps from the proposals into the existing regulatory review process, which has clearly defined steps and procedures.

In summary, while our members support the goals of the proposals, they emphasise the need for greater clarity, specificity, and consideration of the practical implications before enshrining them in legislation.