



The Housing Health & Safety Rating System (HHSRS)

HHSRS came into force on 6th April 2006.

This system has been introduced for the assessment of housing conditions and enforcing housing standards in all types of residential accommodation (whether let or owner occupied). Residential accommodation includes the common areas of a building containing one or more flats.

Each local Housing Authority is under a duty to keep housing conditions in their area under review. The initiative is generally with the Housing Authority, although a complaint can be made by a Justice of the Peace or a Parish/Community Council (normally following a request to do so by an occupier).

The key to the operation of HHSRS is the existence of a hazard'. This is anything which causes a risk of harm to the health or safety of the occupier either in the dwelling or in any building or land in the vicinity. There are many types of hazards. If the hazards present are sufficiently serious to be in the 'Category 1' risk score, the Housing Authority must take action to compel the owner to reduce risks of harm to an acceptable level. If the risk is in 'Category 2' the Housing Authority may take action.

The Housing Authority has three options. Firstly, using an Improvement Notice which sets out details of the action to be taken by an owner. Secondly Prohibition Orders which would prevent the use of the premises in a particular way, either permanently (e.g. in a case of overcrowding) or temporarily (e.g. during the time it would take to remove a hazard). These can be used with immediate effect in emergencies. Thirdly Hazard Awareness Notices which merely set out the existence of a hazard at the premises. Although these would not compel an owner to carry out work, it would make it much easier for an occupier to recover damages for injury caused by the negligence of the owner who had been made aware of the hazard. It is likely that insurance companies would fail to pay out on claims where such a notice had not been disclosed to them nor action taken.

In practice there is no obligation on the owner of premises except in two situations:

- (a) The premises are a House in Multiple Occupation (HMO). An HMO is generally any residential unit occupied by more than 2 people who are not part of the same family. A converted block of flats which did not and still does not comply with the Building Regulations 1991 and has more than one third of the flats let is an HMO. If premises are an HMO complex management regulations apply.

and/or

- (b) A notice under the HHSRS has been received.

For more information about the above or any other property matters contact the Property Team at Nantes Solicitors: Bridport 01308 422313; Dorchester 01305 250100; Weymouth 01305 771000