

WORCESTER CITY COUNCIL

HOUSING ENFORCEMENT

POLICY – COVID-19 INTERIM

MEASURES

	Housing Enforcement Policy – Covid-19 Interim Measures
Document Version	V.0.1
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Version	Date	Description
0.1	31.3.20	Following MHCLG Guidance.
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0.8		

Review History	
Date	Description
11.6.20	Reviewed June 2020 – No amendments to V1

INTRODUCTION

The Ministry of Housing Communities & Local Government in March 2020 produced non statutory guidance for Local Authorities on enforcing standards in rented properties during the COVID-19 coronavirus outbreak. One of the recommendations in this guidance was to review the Councils enforcement policy. This policy is to be read alongside the Worcester City Councils enforcement policy, which is available on the Councils website.

This policy provides further clarification on private sector housing enforcement during the COVID-19 outbreak and will remain in place until such a time that the Government lifts COVID-19 restrictions on movement and social distancing requirements. The policy will be reviewed monthly with the first review being carried out in June 2020.

This policy is required to protect tenants and Officers from the risk of COVID-19 coronavirus whilst also ensuring that tenants are not at increased risk due to property standards and hazards in their property.

1.1 INFORMAL ACTION

The Council will continue to work with landlords and seek to resolve situations or concerns without issuing formal notices or taking legal action. This will continue to be our first option when circumstances indicate that a minor offence may have been committed and where we are confident that appropriate corrective action will be taken once reasonably practical after restrictions. This will also be the case with non urgent repairs.

1.2 UNDERTAKING PROPERTY INSPECTIONS

During the COVID-19 outbreak we will not be undertaking non urgent property inspections. This means that inspections will only usually be carried out if:

- 1) There is an imminent or serious risk to a tenant's health due to a serious hazard within the property or;
- 2) There is (or may be) a vulnerable tenant in occupation who may be unaware of the presence or implication of a hazardous condition within their property or;
- 3) Where a serious hazard was previously identified and may still exist.

A serious hazard for these purposes may include (for example) broken heating source, dangerous electrics, broken window effecting security, no working toilet facilities, leaking water or no hot water in a property.

On a case by case basis the Council will assess whether a property inspection is necessary. In the first instance the Council will contact the landlord by telephone and email to attempt to resolve the issue informally. The Council will consider whether any of the above three requirements are met. In these cases the Council may carry out a property inspection but only where:-

1. The tenants / occupants of the property have confirmed that they do not have symptoms of Covid-19 coronavirus
2. The Officer does not have symptoms of Covid-19 coronavirus and

3. Where appropriate social distancing can be adhered to, which may include requiring the tenant and their family to exit the property whilst the inspection is undertaken.

Where appropriate, in higher risk cases (such as over-occupation) and/or when a tenant is vulnerable and shielding, Officers will follow the Councils Health and Safety policy to determine the appropriate PPE to be worn or whether it is appropriate for an inspection to be carried out when balancing the risk. In some circumstances it maybe acceptable for the tenant to live broadcast the property and the repairs for an Officer to assess the hazards remotely.

All non urgent proactive work will be suspended until Government Advice and restrictions are lifted. This includes empty property assessments.

1.3 CARRYING OUT WORKS

We will always look principally to the relevant responsible person(s) to resolve matters of concern. However where the responsible persons have failed to carry out the works required themselves, or are unable to carry works out due to Government advice on contractor works, in order to prevent an imminent risk to health the Council may consider an Emergency Prohibition Order for part of the property and require the Landlord to find alternative accommodation for the occupiers. The Council may provide Temporary Accommodation to the occupiers at the cost of the landlord, where appropriate, and where such accommodation exists. This will be assessed on a case by case basis.

1.4 SAFETY CERTIFICATION ENFORCEMENT

Landlords are required to have certain installations checked by competent persons. All rented properties are required to have a Gas Safety certificate. However with certificates expiring during this period Landlords may experience difficulties with contractors being unable to visit and tenants refusing access. The Gas Safety (Installations and Use) Regulations 1998 are clear with the issue of compliance. However, if a landlord can show that they have taken all reasonable steps to comply with their duty under the regulations, including evidence of all communication with tenants and contractors trying to arrange the work and previous gas safety records and any servicing records then the Council may not take enforcement action provided a certificate is provided as soon as reasonable practicable after government restrictions have been lifted.

This would be the same situation to comply with the Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020 which apply to all new tenancies from 1st July 2020. Where sufficient evidence is submitted we would not undertake enforcement action at this time but would require the certification to be submitted as soon as practically possible after the Covid-19 restrictions have been lifted by the Government. We must stress that landlords are still required to ensure their gas and electrical equipment is safe and in good working order.

For HMOs there is the additional requirements for fire alarms, emergency lighting, PAT, Gas appliances and fire extinguishers to be serviced annually and electrical installations inspected every five years. We will consider carefully if

landlords can show evidence that they have been unable to carry out inspections or works, despite having taken reasonable steps, before carrying out any enforcement.

1.5 HMO LICENSING

We will continue as much as possible during the COVID-19 outbreak to determine complete applications for Mandatory and Additional HMO licences within a reasonable period of time. Landlords are expected to assist with this as much as possible by providing all the necessary application documentation in a timely manner. Where the required certification has expired there will be a delay as we will be unable to determine the application until these have been submitted.

With respect to enforcement for failure to have a HMO licence and/or any breach of conditions we will take a pragmatic and risk based approach to enforcement.

Landlords repair obligations have not changed and are still required to keep their properties in good repair and free from hazards. We still expect all reasonable steps to be undertaken to carry out any repair works and certification updates.