

MHCLG consultation on a reformed Decent Homes Standard for social and privately rented homes

About Southern Housing

Southern Housing is one of the largest housing associations in the UK. We were formed through the merger of Optivo and Southern Housing Group in December 2022. We own and manage over 80,000, mostly affordable homes across London, the Midlands and the southeast of England. Southern Housing is a not-for-profit social landlord with charitable status regulated by the Regulator of Social Housing. The Regulator has recently awarded us its top grade (G1) for Governance. And its second highest (V2 & C2) grades for our performance against its Viability and Consumer standards.

Response Summary

We welcome the Government's commitment to modernise the Decent Homes Standard and appreciate the opportunity to shape its development through this consultation. As a social landlord, our core purpose is to ensure our residents live in homes offering a good standard of comfort, security and energy efficiency and we're investing £9.2bn to that effect over the next 30 years. The revised Decent Homes Standard (DHS) offers useful parameters for how these works should be prioritised and performed and will result in appreciable improvements to our residents' homes and quality of life. However, we feel there are elements of the proposed standard that could be improved to strike a better balance between its desired outcomes, affordability and deliverability. Our headline feedback is as follows:

- **Age should be retained in the definition of disrepair:** Lifecycle modelling has provided a clear and efficient framework for ensuring adequate levels of investment are allowed for in our business plans and long-term financial plans. Disregarding component age as part of the assessment of disrepair would reduce our ability to plan and afford asset management costs (since reactive repairs are inherently more unpredictable and expensive than planned maintenance). It would introduce greater subjectivity into stock condition surveys, meaning more inconsistency in how disrepair is measured or diagnosed, which encourage more "claim farming". And it

would compromise our ability to manage resident expectations, which we know to be a key factor in improving satisfaction.

- **The standard should remain focused on quality and investment that needs to happen inside the home:** The revised DHS includes new expectations around shared outdoor spaces including upkeep of boundary walls, curtilage, pathways and steps, external lighting and bin stores. While we agree it's important to keep these building components in a good state of repair, we don't believe it's logical or practical to extend the DHS to these spaces, given the complexities of tenure, ownership, and existing statutory duties. The original intention of the DHS was to act as a catch-all piece of regulation to ensure minimum investment standards *inside* the home and we believe this should remain the case. Adding all these elements that are dealt with through reactive repairs would also dilute the focus on planned investment required in our homes.
- **Damp and mould should continue to be addressed through the HHSRS:** Introducing a dedicated criterion is unnecessary as damp and mould is already heavily regulated through the HHSRS, the consumer standards, and, most recently, Awaab's Law. HHSRS is itself currently under review with proposals to simplify and strengthen the criterion and its application. Introducing a separate criterion risk causing unnecessary duplication and confusion and will likely lead to inconsistency in how damp and mould is addressed and reported against. Government should also consider how registered providers monitor cases where damp and mould is assessed as being caused by occupancy factors (including overcrowding) rather than structural issues (such as disrepair of defective premises). This would give Government better insight as to the factors which can further inform policy and multi-agency coordination. At the same time, it would enable registered providers to focus their resources on remediating through investment in the home (the core focus of the standard), rather than unfairly penalising them where the solution is not building-related.
- **Floor coverings should remain optional:** We believe expectations around floor coverings should remain unchanged. Introducing a requirement for registered providers to supply floor coverings in all rooms at the start of every tenancy would mean we incur substantial installation and maintenance costs. We estimate meeting the new requirement will cost roughly £2,000 per home – twice that in Government's impact assessment. In many cases, spending the same sum on other elements of the standard (e.g. key building components and heating systems) would have a bigger impact on residents' wellbeing and better deliver our charitable objectives. In addition, landlord installation would increase re-let times, provide only a limited choice not suited to all tastes and preferences and become a source of wasted investment and materials if residents subsequently decide to install their own coverings. Our current approach is to provide floor coverings to all wet areas, including kitchens, bathrooms and shower rooms. We also gift carpets from selected rooms to incoming residents (provided they are in good condition, not worn or dirty

and have their underlay intact) following cleaning. We suggest Government encourages this approach rather than making the requirement mandatory.

- **Compliance should be assessed from 2037:** We appreciate the fact Government has proposed a long lead-in period. We believe compliance against the revised standard should be assessed from 2037. This would give us more time to carry out initial surveys, plan works strategically across our stock, secure funding and procure and mobilise contractors. It also reflects the precedent set by the lead-in time for the first DHS and lessens the spike in demand for contractors that would occur under a shorter implementation timeframe. Importantly, the compliance dates for the DHS and Minimum Energy Efficiency Standards (MEES) should be aligned. Aligning the dates would allow us to plan retrofit programmes more strategically, sequencing work for maximum efficiency and minimising disruption to residents.
- **The cost of complying will delay a planned acceleration to our development programme:** Government's impact assessment suggests complying with the new standard will cost registered providers roughly £5,000 per home on average. We believe the actual figure could be higher at between £5,700 and £11,000 per home (excluding floor coverings). This would be a significant additional cost to bear given the financial pressures already faced by registered providers, which have only been partially relieved by June's spending review. The proposed changes will increase operating costs and reduce registered providers' capacity as we are unable to pass these costs onto residents. The first decent homes programme succeeded because it was properly funded: social landlords spent at least £37bn in the first decade, of which £22bn came from Government grant. To replicate this success, at the pace required, a new Warm and Decent Homes Fund will be needed to support landlords in meeting the updated standard without compromising other essential investments. In the absence of further Government assistance, the likely impact would be a continued pause on Southern Housing's new development until the late 2020s.

Responses to individual questions

Please note the question numbering follows that in the online survey rather than in the consultation document, which is marginally different.

Demography Questions

1. What is your name?

- Charles Glover-Short

2. What is your email address?

- charles.glover-short@southernhousing.org.uk

3. What is the name of your organisation, if applicable?

- Southern Housing

4. What position do you hold in the organisation, if applicable?

- Head of Public Affairs & Research

5. In which capacity are you completing these questions, Select all that apply?

- Private registered provider of social housing (e.g. housing association)

6. If you are responding as an individual, where do you live? (Select one)

- Not applicable

7. Landlords and estate/letting agents only: Where are the majority of properties you let located? (Select one)

- South East

8. Landlords only: How many rental properties do you own or manage (select one)?

- 50,000 plus

9. Landlords only: Which of these options best reflects how you would describe yourself or organisation (Select one)?

- Private Registered Provider e.g. housing association (social rented)

10. Landlord only: Do you provide supported housing?

- Yes

11. Landlord only: Do you provide temporary accommodation?

- Yes

12. Tenant only: Is anyone living in your property under the age of 5?

- Not applicable

13. Tenant only: Is anyone living in your property over the age of 65?

- Not applicable

14. Tenant only: Do you live in a House in Multiple Occupation (HMO)?

- Not applicable

Proposal 1: Updating the definition of disrepair (criterion b)

15. Do you agree that age should be removed from the definition of disrepair?

- No

Age should be retained in the definition of disrepair so that failures arise only when components are both old *and* in poor condition.

Removing age from the definition would introduce an unhelpful degree of subjectivity into condition-based assessments, which may create inconsistency across the sector and undermine the robustness of data collected through stock condition surveys. It could also make long-term investment planning more complex, particularly as lifecycle modelling has provided a clear and efficient framework for carrying out block or estate-wide programmes. A continued focus on age would help better manage resident expectations (a key factor in improving resident satisfaction) as it would enable landlords to instruct their residents when to expect upgrades with greater confidence.

Crucially, retaining age in the definition of disrepair does not mean we will refuse to replace or repair components where necessary where these remain within specified lifecycles. As we do now, we will replace or repair components where they pose a clear risk to health and safety irrespective of age.

16. Do you agree that the thresholds used to define disrepair for each component should be updated to reflect a more descriptive measure as proposed?

- No

We agree there's a need to improve the clarity and consistency of disrepair definitions. However, the proposal to remove all references to quantitative measures and replace them with purely qualitative descriptions would be a retrograde step. Purely qualitative descriptions are more open to interpretation meaning the same case could be subject to different views and interpretations by different surveyors or lawyers. This would dilute the quality of data collected through stock condition surveys and cause an increase in disputes between residents, surveyors and landlords about whether issues genuinely constitute disrepair. RICS guidance and professional standards regulating the quality of the stock condition surveys still rely heavily on quantitative measures and thresholds, and these should be retained in the Decent Homes Standard.

If the main concern driving the proposal for descriptive definitions is the time it takes some landlords to deal with day-to-day repairs, a better solution would be to use existing regulatory powers including inspections and tenant satisfaction measures to ensure registered providers are addressing these promptly. In the case of Southern Housing our Board alongside resident-led governance of operational performance ensures robust scrutiny of repairs services is already in place.

17. Do you agree that the number of items or components which must require major repairs for the component to be considered in disrepair should be reduced?

- No

Reducing the number of items would lead to premature and unnecessary replacement of entire components (for instance, kitchens), the majority of which might still be in good condition. Premature replacement would drive up costs unnecessarily at a time when registered providers' budgets are already under intense pressure.

Under the revised rules, an entire window would be deemed to be in disrepair (and the entire dwelling to fail the Decent Homes Standard) if it had a single broken handle. This seems disproportionate given resolving the issue would require only a quick repair to a minor component.

Similarly, with roofing, if there is a leak caused by something which can be easily repaired, the landlord's repair policy and approach should kick in (with urgency determined in part by the impact on residents). But, under the proposed model, the leak would be considered a case of disrepair, prompting a failure of the Decent Homes Standard for all the homes under that roof, including all homes in the affected block.

The proposed approach risks mixing up long-term investment needs and issues with key components (which need planning, lead in time, and procurement) with day-to-day repairs which needs to be done within clear repair timelines.

18. LANDLORDS ONLY: Do you think that removing age as a consideration from disrepair would lead to less planned maintenance of your properties and more reactive repairs carried out in response to issues raised by tenants?

- Yes

Removing age as a consideration would tip the balance away from planned maintenance towards reactive repairs. This would have a hugely detrimental effect on registered providers' ability to plan and afford asset management costs since reactive repairs are inherently more unpredictable and expensive than planned maintenance.

In our experience, reactive replacement of key components costs at least 30% more than planned replacement. Residents would also face more unplanned and avoidable disruption than typical where planned replacement is prioritised.

Renewals would move to a just in time approach – the issue that led to widespread local authority housing condition failures, which prompted the introduction of the Decent Homes Standard in the first place in the early 2000s. The focus should instead be on encouraging planned investment underpinned by robust data to minimise failures and reactive repairs.

19. Do you agree that kitchens and bathroom components should be considered as “key” i.e. one or more in disrepair would cause a property to fail the DHS?

- Yes

Kitchens and bathrooms are core components, which should be considered key given their importance to health, hygiene and daily living. Failure to maintain them to a decent standard directly impacts resident wellbeing and safety.

Re-designating kitchens and bathrooms as key building components (none of which can be in disrepair for a home to pass the DHS) would result in a significant drop in compliance initially unless investment is brought forward in the lead up to the compliance deadline of 2035 or 2037.

20. Do you agree with the proposed list of building components that must be kept in good repair?

- No

Do you have any further views on proposed list of building components that must be kept in good repair?

We agree that these building components must be kept in a state of good repair, and we already aim to achieve this through our reactive programme of works.

However, expanding the list to include routine repairs into the new standard risks fundamentally changing the nature and purpose of the DHS, from one primarily focused on investment to one that also focuses on repairs. In our view, the DHS should focus on the former.

For example, we agree that the “other” components for shared spaces such as bin stores, boundary walls, curtilage, external pathways and lighting should be kept in good repair. However, we do not agree that they should form part of the standard as minor disrepair of these would be unlikely to have a material effect on residents’ wellbeing.

Nor do we think it is prudent to include fire safety matters or building safety components into the revised standards. Southern Housing has very clear policies, management plans and timelines governing how we undertake fire risk assessments and close remedial actions arising from them. The current proposed list identifies some but not all key areas we pick up under fire risk assessments and this is a very clear duplication of standards and regulation.

Overlapping regulation will reduce overall capacity in the sector without enhancing residents' safety or wellbeing. The proposals will also cause confusion and duplication between enforcement authorities.

We're also concerned including certain components that serve an entire block among the key components could have a disproportionate impact on compliance. For example, lift failures (which are typically resolved quickly and are already covered comprehensively by existing legislation) would render all homes non-decent.

21. Do you agree with the proposed “key” components and “other” components as listed?

- No

As above, we agree kitchens, bathrooms and heating should be added to the list of key components, albeit with the caveat that this will require significant unplanned for investment. However, we don't think it is prudent to include fire safety matters or components into the proposed standards given the prospect of creating regulatory overlap.

We also disagree with some of the additions to the “other” components, such as rainwater goods, bin stores, boundary walls, curtilage, external pathways and lighting. While we agree these other components should be kept in good repair generally, we do not believe that minor disrepair of these would materially affect the health and wellbeing of residents.

Additionally, some of the proposed additional “other” components already fall within the remit of the HHSRS and therefore form part of health and safety assessments. Adding them onto this criterion creates unnecessary duplication and confusion, and risks expanding the standard to include all types of reactive repairs regardless of category or priority.

22. Do you agree that the suggested additional components that relate to the public realm (boundary walls, curtilage, pathways and steps, signage, external lighting, bin stores) should only apply to the social rented sector?

- No

We do not agree that public realm components should be brought within the Decent Homes Standard, or that this requirement should apply only to the social rented sector.

The DHS was established as a catch-all standard for conditions inside the home, while external areas are already addressed through other regulatory frameworks such as the Housing Health and Safety Rating System (HHSRS), and the Building Safety Act. Expanding the scope would duplicate existing duties without improving outcomes for residents.

Many of the proposed components, such as external lighting boundary walls and communal pathways are routinely monitored and repaired through estate inspections and day-to-day

housing management. Bringing these into DHS compliance reporting risks adding administrative complexity and cost without added benefit.

In practice, ownership and responsibility for external features are often shared particularly in mixed-tenure blocks or where managing agents or superior landlords are involved. Applying the DHS to these spaces would generate disputes over other agents' obligations and increase reporting costs, especially where leaseholders may be inadvertently exposed to additional charges.

The impact would also vary significantly between housing types. The practical challenges and costs of managing a block of flats with communal areas are entirely different to those of a single rented house, yet the DHS framework would apply uniformly. In London especially, with its high concentration of dense, mixed-tenure housing and estate management agreements, these issues would be amplified, making implementation disproportionately difficult and costly.

We also note that private landlords have been exempted from these requirements because of their complexity. Registered providers face the same practical challenges, so applying a higher bar only to the social sector would not be proportionate.

We're committed to maintaining safe, well-managed estates and already undertake inspections and repairs where required. However, we believe the DHS should remain focused on the condition of the home itself, where its regulatory role is clearest and most effective.

23. If you have any views on these specific questions you would like to share?

See our answers to questions 21 and 22 above.

Proposal 2: Facilities and Services (criterion c)

24. Do you agree that under the new DHS landlords should be required to provide at least three out of the four facilities listed?

- No

We have two main concerns. Firstly, more stringent expectations over facilities would mean registered providers would need to invest considerable (and unplanned for) sums into their existing homes to comply. Secondly, amending facilities requirements goes against the general principle that new standards should not be applied retrospectively. Our homes have been designed, configured constructed and altered in accordance with prevailing building regulations. But a considerable number may fail to meet the new expectations concerning kitchens, bathrooms/WCs, noise insulation and common entrances. For example, converted street properties are likely to have met the sound insulation standards at the time of conversion, but may fail those associated with the new standard. Reconfiguring homes to

meet these standards could be costly and run into planning challenges (for instance, for historic homes). Therefore, it is critical that exemption rules (question 48) adequately cover these scenarios. See our answer to question 20c (on the multiple choice nature of Criterion C) for more on potential barriers to compliance.

If you said No, are there any of the facilities that you would prioritise? (Select all that apply)

- Kitchens
- Bathrooms
- Affordable warmth

Do you believe that the “multiple choice” nature of Criterion C (i.e. landlords must provide at least three out of the four facilities listed) could lead to any practical implications for tenants, landlords and/or organisations responsible for regulating/enforcing the standard?

- Yes

If you responded Yes, please provide supporting detail here

- For residents, there may be confusion or dissatisfaction if their home lacks one of the listed facilities they consider essential (e.g., noise insulation), but their home is still deemed to meet the proposed standard
- For landlords, the flexibility could lead to inconsistent interpretations and enforcement challenges, especially around the definition of “adequate”
- For regulators, clear guidance will be needed to avoid disputes and ensure consistent compliance assessments.

Is there anything further you would like to say on this specific proposal, please provide details here

We believe the following would be helpful:

- Clear definitions of what constitutes “adequate” for each facility
- Further engagement with residents to understand which facilities matter most in different contexts
- Feasibility and impact assessments for a sample of older or constrained properties, with a particular focus on communal areas and noise insulation
- Recognition of the limitations landlords face due to restrictions around planning, building control and overcrowding
- Recognition of the additional complications arising where the legal interest of the landlord does not encompass all aspects of the standard. For instance, cases where the social housing landlord is not the freeholder of the building, and therefore not in a position to alter communal areas, curtilage or space configuration
- A return to the general principle that new regulations should not impose additional burdens retrospectively on homes that met regulations at the time of construction.

Proposal 3: Window restrictors (criterion c)

25. LANDLORDS ONLY: Do you currently provide child-resistant window restrictors that can be overridden by an adult on dwellings with windows above ground floor? (Select one)

- Some dwellings

All our new window installations on above ground floor dwellings include integrated restrictors as standard. All types of windows are fitted with these (as specified by Approved Document K from 2013). All FENSA approved installations will also comply with this standard.

Windows not renewed since 2013 are less likely to comply. The only reliable way of checking would be a comprehensive stock condition survey of all windows in a dwelling. This would be costly for landlords and disruptive for residents since it may require moving resident belongings and fixtures and fittings, which residents may oppose.

26. Do you agree with the proposal that all rented properties must provide child-resistant window restrictors that can be overridden by an adult on all windows which present a fall risk for children (as defined above including a recommended guarding height of 1100mm)?

- Yes

If there is anything else you would like to add on this specific proposal, please provide details here

We agree with the proposal. However, implementation and verification/assurance of compliance will require additional resources and increase the cost of stock condition surveys.

Windows not renewed since 2013 are less likely to comply for the reasons outlined above. The only reliable way of checking would be a comprehensive stock condition survey of all windows in a dwelling. This would be costly for landlords and disruptive for residents since it may require moving resident belongings and fixtures and fittings, which residents may oppose.

The new requirement would also place greater onus on residents to report broken or missing restrictors. The sector will need to engage with residents through various means and awareness campaigns to remind them of the need to inform landlords about missing or defective window restrictors if these are to be picked up as repair in the normal way.

We also have the following observations:

- There are already various regulations in place, including Building Control Approved Documents and PAS 24, so including a separate requirement for window restrictors risks causing confusion and contradictions between various sets of regulations
- Clear guidance on what constitutes a suitable restrictor would be essential
- The ability for restrictors to be overridden by an adult is key given the need for extra ventilation in summer and more generally to reduce the likelihood of damp and mould
- There is a risk of creating overlap with the HHSRS assessment given the expectations are subtly different. The consultation argues the HHSRS provides a “more holistic assessment of the risk of falls between levels” and will act as a ‘backstop’ for any windows not covered by the new requirement for restrictors. Therefore, an alternative solution might be to simply amend the HHSRS assessment to cover all scenarios rather than add window restrictors to the list of essential facilities
- The regulations should clearly differentiate between routine repairs to existing restrictors and investment required to fit them where they are currently not provided
- The standard should clarify whether a single missing restrictor will constitute a failure of the standard or whether a failure will result from a set percentage of restrictors being missing in the dwelling
- We’ve estimated an annual cost of c.£3m to check and service restrictors once fitted.

Proposal 4: Home Security Measures (criterion c)

27. The following questions relate to additional home security requirements in the DHS.

Part a) Do you think that home security requirements in relation to external doors and windows are sufficiently covered in the Decent Homes Standard?

- Yes

The DHS covers “entry by intruders” hazards and the upkeep of windows and external doors.

Part b): If you responded No to part a), should we consider additional security requirements in relation to external doors and windows in the Decent Homes Standard?

- n/a

Part c): If you responded Yes to part b), should we consider giving landlords the option to comply with Part Q requirements in Building Regulations?

- No

Landlords should already comply with Part Q of the Building Regulations for all new dwellings and extending this requirement to existing homes would require significant

investment. Again, it would also mean that new regulations have a retrospective impact on homes that would have met regulations at the time they were built.

Part d): If there is anything else you would like to add about the impact of introducing additional home security measures (such as challenges, costs), please provide detail here

An alternative solution would be to require landlords to deliver home security improvements through their planned investment programmes when existing doors and windows come to end of their useful lives. Since these new installations would be required to meet part K of the current building regs, that would achieve the desired improvements over time.

Separately, we believe some of the cost benefits identified for improvements to home security may have been overstated. Government's impact assessment suggests additional home security requirements would result in a monetised benefits of between £156m and £172m in the social rented sector. It is difficult to see how this figure can be justified given the current DHS already covers "entry by intruders" hazards and requires landlords ensure windows and external doors must be kept in good repair.

Proposal 5: Suitable floor coverings (criterion c)

28. Do you think that landlords should provide suitable floor coverings in all rooms at the start of every new tenancy from an agreed implementation date?

- No

Please add here if you have any views on this specific question

- We estimate meeting the new requirement will cost roughly £2,000 per home – twice that in Government's impact assessment. In many cases, spending the same sum on other elements of the standard (e.g. key building components and heating systems) would have a bigger impact on residents' wellbeing – and better deliver our charitable objectives – than supplying floor coverings in all rooms
- Expanding provision to all rooms would also increase the need for tracking, installation, and ongoing maintenance, as well as management of risks such as damage or infestations
- Allowing residents to install their own floor coverings means they can select these according to their own tastes and preferences. This is especially important given tenancies in the social rented sector typically run into many years, certainly more so than those in the private rented sector. Landlord installation would only provide a limited range given the small number of suppliers able to install floor coverings in the volumes required, meaning landlord-installed coverings may not meet all tastes
- Relatedly, residents may decide to subsequently install their own floor coverings, which would mean wasted investment on the part of the landlord and lead to undue waste

- Installing floor coverings in all rooms could extend our void turnaround times by one or two days. This would increase void loss (meaning a further loss of income) and mean incoming residents would have to wait longer before they can access their new home.

Our current approach is to provide floor coverings to all wet areas, including kitchens, bathrooms and shower rooms. We also gift carpets to incoming residents (if they are in good condition, not worn or dirty and have their underlay intact - excluding those from bathrooms, wet rooms and toilets) following cleaning.

A targeted approach, such as gifting floor coverings or providing support based on individual circumstances, would allow landlords to support residents who need it most while avoiding disproportionate resource pressures.

29. LANDLORDS ONLY. To help us better assess the impact and know more about the detail of how you currently operate in the relation to providing floor coverings, we are interested in the following:

Part a) Do you provide floor coverings in any of your dwellings?

- Yes

We provide floor coverings to all wet areas, including kitchens, bathrooms and shower rooms. We also gift carpets to incoming residents (if they are in good condition, not worn or dirty and have their underlay intact - excluding those from bathrooms, wet rooms and toilets) following cleaning.

LANDLORDS ONLY. Part b) If you responded Yes to part a), can you provide details of costs here?

Part b) please provide details of costs here

The cost of providing floor coverings to these wet areas is around £2,000 per property for single provisions. We replace these coverings as and when required and as part of planned kitchen and bathroom replacements.

LANDLORDS ONLY. Part c): If you responded Yes to part a) to providing floor coverings, in regard to responsibility of repair and maintenance for floor coverings do you: (please select one)

- Gift flooring to tenants and they are responsible for on-going repair and maintenance
- Carry out or have responsibility for repair and maintenance of flooring as part of, for example, tenancy agreements
- Other

Gifting - We gift carpets to incoming residents (if they are in good condition, not worn or dirty and have their underlay intact - excluding those from bathrooms, wet rooms and toilets) following cleaning. We do not repair or replace gifted carpets subsequently.

Repairs and maintenance – we only do this for floor coverings in wet areas, such as kitchens, bathrooms and shower rooms.

Other – we provide floor coverings to all wet areas, including kitchens, bathrooms, and shower rooms.

LANDLORDS ONLY. Part d): If you responded Yes to part a) to providing floor coverings, in the dwellings you let, which rooms do you currently provide them in? [select all that apply]

- Kitchen
- Bathroom

Part d), if you responded Other, please provide detail here

- Not applicable

LANDLORDS ONLY. Part e): When or if you replace floor coverings in the dwellings you let, do you? (select one)

- Other

If you responded Other, please provide detail here

We provide floor coverings to all wet areas, including kitchens, bathrooms, shower rooms. We also gift carpets to incoming residents (if they are in good condition, not worn or dirty and have their underlay intact - excluding those from bathrooms, wet rooms and toilets) following cleaning.

Part f) What proportion of your new lettings do you expect would require new floor coverings (including replacements) each year? (Please select one)

- 76% to 100%

Part g) What proportion of your new lettings do you expect to clean existing floor coverings (rather than new replacements) each year? (Please select one)

- 0 to 25%

LANDLORDS ONLY. Part h): If floor covering were to form part of the DHS, do you agree with the proposed measurement approach for whether a dwelling passes or fails the suitable floor coverings element of the standard? (Please select one)

- No

[If you responded Other, please provide detail here](#)

This would require further consideration and guidance around application and assessment against the standard. For example, would any surface lacking “suitable” floor coverings no matter how small (such as a cloakroom, or storage area) mean that the entire home fails the DHS?

Proposal 6: Streamline and update thermal comfort requirements (criterion d)

30. Do you agree with the proposal that the primary heating system must have a distribution system sufficient to provide heat to the whole home?

- Yes

As the consultation acknowledges, the current version of the standard specifies that the primary heating system must have a distribution system capable of providing heat to only two or more rooms. We agree this is outdated and no guarantee of energy efficiency or thermal comfort given the likelihood residents will resort to electric heaters to heat additional rooms. Requiring the primary heating system to have a distribution system sufficient to heat the entire home will offer residents much greater thermal comfort and reduce use of costly portable heating devices. However, it will mean a significant proportion of our homes will require new heating systems, which will mean we’ll need to invest considerable additional sums to make them compliant.

31. Are there other thermal comfort requirements that you think should be included in the DHS beyond current MEES proposals?

- Yes

Mechanical ventilation should be included to prevent condensation and improve air quality. Programmable thermostats and smart meters should be standard to help residents manage energy use effectively. It would also be helpful to have clear standards for minimum insulation, glazing and airtightness.

32. If there is anything else you would like to add on this specific proposals, please provide details here

[Proposal 6, any further views to add, please do so here](#)

Although we agree with the proposals, we want to underline that they will require major additional investment with considerable disruption to residents during the installation and

implementation phase. This also emphasises the ask of aligning MEES with DHS timelines to 2037.

Proposal 7: Properties should be free from damp and mould (criterion e)

33. Our expectation is that, to meet the DHS, landlords should ensure their properties are free from damp and mould. Do you agree with this approach?

- Yes

Criterion E will be in addition to the requirements under Awaab's Law as it aims to prevent damp and mould reaching a level that is hazardous. If, however, damp and mould in a property were to become severe enough to cause 'significant harm', landlords would have to comply with Awaab's Law to ensure prompt remediation and, if they do not, tenants will be able to take action in the courts. The damp and mould standard in the DHS should however help to prevent damp and mould getting that severe. Do you agree with this approach?

- No

Damp and mould is already included within the HHSRS assessment with clear guidelines and thresholds determining the nature and urgency of action. Having specific requirements under three different pieces of legislation and regulations (Awaab's Law, the HHSRS assessment and the DHS) risks causing confusion, inconsistency and conflicts between legislation and regulations as well as between enforcement authorities and routes. It also risks creating excessive reporting requirements on registered providers.

If a specific expectation around the absence of damp and mould is included in the revised DHS, it is important that it differentiates between the different causes of damp and mould. Where damp and mould is a result of disrepair (for example, lack of ventilation or an adequate heating system), it is legitimate that its presence would result in a failure of the DHS. However, where damp and mould is assessed by a qualified surveyor to be caused by factors unrelated to disrepair (such as overcrowding) then it would be wrong for this to trigger a failure, since the underlying cause cannot be solved through investment in the home (the core focus of the DHS).

This differentiated approach would encourage investment to prevent and tackle damp and mould where the underlying cause is structural without unfairly penalising registered landlords where the cause is usage related.

34. To ensure the standard is met, regulators and enforcers will consider whether the home is free from damp and mould at bands A to H of the HHSRS, excluding only the mildest damp and mould hazards? Do you agree with this approach?

- Yes

This will ensure even moderate risks are addressed meaning the emphasis is on early intervention. However, the proposed approach could be simplified. The proposal is for Criterion E to be failed if a damp and mould hazard is assessed to be anywhere from bands A to H, therefore excluding only the mildest category 2 hazards. This means some category 2 hazards (D – H) will trigger a failure, whereas others (I and J) will not. A simpler solution might be to have hazards assessed as I and J fall within a third category (category 3) so that the presence of category 1 and 2 hazards constitutes a fail and category 3 hazards (the mildest) constitute a pass.

35. If there is anything else you would like to add on this specific proposal please provide details here.

[Proposal 7: new damp and mould criterion e\), please add further views here](#)

Adopting a differentiated approach based on the cause of damp and mould is especially important given the incidence of overcrowding in social housing. Overcrowding means moisture from normal activities including breathing, sweating, cooking, and showering reaches levels where the presence of damp and mould becomes significantly more likely. A home that would cope perfectly adequately with the intended number of occupants at the point of letting will become prone to damp and mould as the number of occupants increases over time. The issue has become significantly more acute and widespread given the shortage of affordable housing both in the social rented sector and the private rented sector, with older children likely to remain (and perhaps raise their own children) in the family home for much longer than would historically be the case. Although most local authorities take overcrowding into account when assessing lettings applications, overcrowding alone is unlikely to gain the household sufficient priority to move promptly.

Therefore, failing homes against the DHS where overcrowding is the identified cause of damp and mould would be unfair and misdiagnose the cause of the issue. New regulations need to be cognisant of landlords' inability to resolve all cases of damp and mould, and enforcing authorities should be provided with clear guidelines that factor overcrowding into consideration.

Section 4: Application of the DHS to temporary accommodation and supported housing and implications for leasehold and commonhold tenants and landlords

36. This question relates to Temporary Accommodation: Do you agree all other aspects of the DHS in relation to bathrooms and facilities should still apply to temporary accommodation which lacks kitchen and cooking facilities and/or separate bathroom facilities?

- Yes

Tenure type should not dictate standards. Even when full kitchen facilities are not present such as where these facilities are shared, keeping bathrooms and other facilities in good repair is essential for hygiene and safety.

37. This question relates to Temporary Accommodation: Are there any other elements of the DHS which have not already been identified which are likely to be challenging to apply to temporary accommodation?

- Don't know

If you responded Yes, please provide detail here

- Not applicable

38. This question relates to Temporary Accommodation: Do you think the proposed DHS requirements will impact temporary accommodation supply?

- Yes

If you responded as Other, please give details here

While applying the DHS to temporary accommodation will drive up standards, stricter requirements may have an impact on supply as landlords reassess the viability of providing temporary accommodation.

39. This question relates to Supported Housing: Are there any challenges you foresee in applying the outlined DHS proposals in Supported Housing?

- Yes

If you have any further views on Supporting Housing question, please provide here

It would be helpful to have some clarity on how standards relating to heating will be applied in respect of schemes with communal heating systems.

40. This question relates to Leasehold and Commonhold: Do you agree with the proposed approach to enforcement for rented properties that are leasehold?

- Yes

Once it passes into law, the Renters' Rights Bill will enable enforcement against the responsible party whether leaseholder, landlord, or freeholder. However, landlords face limitations in terms of their legal interest and their ability to implement all the proposed changes where such changes require consent of third parties or even investment from third parties. The regulations and guidance need to differentiate between the various scenarios and liabilities of the parties to reflect these constraints and varying legal interests.

Do you see any unintended consequences or risks with this approach, including for resident-owned blocks? Please provide details here

- Difficulties could arise if registered providers are held accountable for elements of the standard over which they have no control or legal capacity to intervene. Examples of this could include communal areas, heat networks and leaseholds of only a portion of flats within a block owned by others. This could create disputes over responsibility, which may delay compliance unless leases are interpreted in the same way by all relevant parties
- There is also a potential for disputes over service charges if leaseholders are asked to fund upgrades to communal areas.

41. This question relates to Leasehold and Commonhold: Do you feel that any of the proposed policies create costs for leaseholders (including owner occupiers who live in mixed-tenure buildings) that go beyond what they would expect to cover currently in terms of repair and maintenance liabilities?

- Yes

If you have any views on this specific question you would like to share, please provide details here

Proposals one (definitions of disrepair), two (facilities and services) and six (thermal comfort) could create costs for leaseholders beyond what they would normally expect to cover in terms of repairs and maintenance liabilities.

Works to the likes of boundary walls, pathways and steps, communal lighting and bin stores (proposal one) will require investment and increase costs to residents including leaseholders, shared owners and other owner occupiers that have a financial responsibility towards a portion of these costs.

Upgrades under Criterion C (in particular proposal two on facilities) could increase compliance costs significantly and may necessitate Section 20 consultations and increases to service charges. Owner occupiers are also likely to resist any costs or charges that would be seen to primarily benefit social rented homes, and that could create tensions between owner occupiers and social tenants.

Compliance with new expectations around thermal comfort and MEES (proposal six) would likely require investment at block level and on the fabric of the building. Recovering these costs from leaseholders, shared owners and other owner occupiers could be particularly challenging, meaning many may ultimately fall on the landlord. Were that to be the case, social renters may argue costs are disproportionately falling on them via service charges.

Section 5: Guidance

42. What information and/or topics would you like included in the proposed additional best practice guidance for social and private landlords and tenants (please select all that apply)

- Accessibility
- Additional home security measures e.g. external lighting and CCTV
- Adaptations to climate change
- Digital connectivity
- Electrical Vehicle (including e-scooter and e-bikes) Charging

If you responded Other, please provide more details here

- | |
|--|
| <ul style="list-style-type: none">• Damp and mould prevention strategies• Resident onboarding and familiarisation• Mixed tenure block coordination |
|--|

43. If you have any other views on this specific topic you would like to share, please provide details here

- Not answered

Section 6: Implementing the Decent Homes Standard

44. What do you think the implementation date for the DHS should be in the Social Housing Sector? (Select one)

- 2037

If you responded Other, what do you think the implementation date should be? (Select one)

- Not applicable

45. What do you think the implementation date for the DHS should be in the Privately Rented Sector? (Select one)

- 2037

If you responded Other – What do you think the implementation date should be? (Select one)

- Not applicable

46. Do you support phasing in some elements of the new Decent Homes Standard ahead of the proposed full implementation dates (2035/2037)?

- Yes

If responded Yes, which elements of the new DHS do you think should be introduced ahead of the proposed full implementation dates (2035/2037)? Please provide details here

- Criterion A (as enforcement is already supported under HHSRS and Awaab's Law)
- The window restrictors element of Criterion C
- Criterion E (albeit for disrepair-related cases of damp and mould only)

47. LANDLORD ONLY QUESTION: this question is in three parts. Part a) is for Social Housing Landlords only and part b) and c) are for All Landlords to respond

Social Housing Landlords only: Part a) Are you confident in your ability to deliver works to meet the updated Decent Homes Standard by the proposed implementation dates (2035/2037) within current income forecasts in the social housing sector?

- No

ALL LANDLORDS: Part b) Are you confident in your ability to deliver works to meet the updated Decent Homes Standard by the proposed implementation dates (2035/2037) alongside other regulatory requirements including Awaab's Law and MEES?

- No

ALL LANDLORDS: Part c) Please give supporting details to your answers to part a) and b) here:

Please provide supporting details here

Complying with the revised DHS will require significant investment not yet included in long-term financial plans (see our response to question 51 for more detail). Measures at the spending review (including the provision of a long-term rent settlement and improved access to building safety funding) have gone a long way to improving our financial resilience. But we will need extra measures including a £3 per week rent convergence mechanism if we are to fund the improvements necessary ahead of the various compliance deadlines. Combined, the revised DHS, Awaab's Law, MEES and the forthcoming competence and conduct standard will significantly increase compliance costs.

Section 7: Meeting the Standard

48. THESE QUESTIONS RELATE TO THE SOCIAL RENTED SECTOR: Do you agree that providers should be given flexibility from meeting the DHS where tenants refuse access?

- Yes

THESE QUESTIONS RELATE TO THE SOCIAL RENTED SECTOR: Do you agree that there should be additional guidance issued by the Government to provide more detail on tenant refusals?

- Yes

THESE QUESTIONS RELATE TO THE SOCIAL RENTED SECTOR: Do you agree that providers should be given flexibility from meeting the DHS where there are physical or planning factors preventing compliance?

- Yes

THESE QUESTIONS RELATE TO THE SOCIAL HOUSING SECTOR: Do you agree that providers should be given flexibility from meeting the DHS for non-compliance due to sale, demolition, or planned regeneration of properties?

- Yes

If there anything else you would like to add on these specific questions, please provide details here

Allowing discretion ensures fairness and avoids penalising landlords for circumstances beyond their control. Landlords should be required to hold evidence of tenant refusals and attempts to undertake works so decisions as to whether to exercise discretion can be evidence-based.

Flexibility where tenants refuse access – There are legitimate reasons for refusals particularly for vulnerable residents who may be especially reluctant to grant access. Landlords should have to document that tenants refused works to be undertaken (as well as adherence to any safeguarding protocols) and plan the works at a later date to attempt access again. Where work is needed to address category 1 health and safety matters, landlords should seek to gain access via court injunctions much like they do for gaining access to perform gas safety checks.

Additional guidance – In the interests of consistency, guidance should align with that provided for Awaab's Law including how access attempts should be documented. Guidance could also cover how to manage any safeguarding concerns. This would help ensure consistency across the sector and protect both residents and landlords from undue risk or liability.

Physical or planning constraints – Flexibility is needed because listed buildings, conservation areas, or structural constraints may make compliance technically or legally unfeasible in some circumstances.

Sale, demolition and regeneration – flexibility would help prevent unnecessary works – for instance to kitchens and bathrooms - ahead of planned demolition or regeneration. Category 1 issues such as severe damp and mould should continue to be addressed regardless. Others should be assessed on a severity of risk basis – for example, certain criteria should be disapplied if the property is within three years of regeneration or demolition.

49. THESE QUESTIONS RELATE TO THE PRIVATE RENTED SECTOR: Do you agree that statutory enforcement guidance should specify that local authorities should exercise discretion on enforcement when physical or planning factors prevent compliance with a DHS requirement?

- Yes

THESE QUESTIONS RELATE TO THE PRIVATE RENTED SECTOR: Should statutory enforcement guidance specify that local authorities exercise discretion on enforcement in situations of tenant refusal?

- Yes

THESE QUESTIONS RELATED TO THE PRIVATE RENTED SECTOR: Is there anything else you would to add on these specific questions, please provide details here

- Not answered

50. LANDLORDS ONLY: Considering the need to meet both Minimum Energy Efficiency Standards and the Decent Homes Standard, do you plan to deliver savings by prioritising measures which will both improve a property's energy efficiency and help meet the DHS?

- Yes

LANDLORDS ONLY: Considering the need to meet both Minimum Energy Efficiency Standards and the Decent Homes Standard, do you plan to deliver savings by reducing overhead costs by programming combined works to meet both standards?

- Yes

Please provide supporting details for your responses here

Overheads and other costs will increase, not decrease as works are programmed to meet both standards. The proposed regulations will require a greater volume and complexity of datasets, reconfiguration of our systems and processes and an expansion of the programmes of works we currently undertake.

This underlines the importance of aligning the compliance dates for the DHS and Minimum Energy Efficiency Standards (MEES). Aligning the dates would allow us to plan retrofit programmes more strategically, sequencing work for maximum efficiency and minimising disruption to residents.

51. SOCIAL HOUSING LANDLORDS ONLY: Will achieving the updated Decent Homes Standard by the proposed implementation dates (2035/2037) only be achievable by reducing discretionary spending compared to your current plans? (Please select one)

- Yes

Please provide supporting detail for your responses here

Government's impact assessment suggests complying with the new standard will cost registered providers roughly £5,000 per home on average. We believe the actual figure could be higher at between £5,700 and £11,000 per home (excluding floor coverings). This would be a significant additional cost to bear given the financial pressures already faced by registered providers, which have only been partially relieved by June's spending review. The proposed changes will increase operating costs and reduce registered providers' capacity as we are unable to pass these costs onto residents. The first decent homes programme succeeded because it was properly funded: social landlords spent at least £37bn in the first decade, of which £22bn came from Government grant. To replicate this success, at the pace required, a new Warm and Decent Homes Fund will be needed to support landlords in meeting the updated standard without compromising other essential investments. In the absence of further Government assistance, the likely impact would be a continued pause on Southern Housing's new development until the late 2020s. It is also likely we would dispose of an increased number of homes which would be prohibitively expensive to bring up to standard.

52. FOR PRIVATE RENTED LANDLORDS AND TENANTS ONLY: Do you agree that only criterion A should be a Type 1 DHS requirement?

- Not applicable

FOR PRIVATE RENTED LANDLORDS AND TENANTS ONLY: if you responded No, which other criteria do you think should be a Type 1 DHS requirement? (Select all that apply)

- Not applicable

Please give supporting details for your responses here

- Not answered

53. If there is anything else you would like to add on this specific section, please provide details here

Anything further to add on Section 6 please provide here

- Not answered