propertymark

Ministry of Housing, Communities and Local Government consultation on a reformed Decent Homes Standard for social and privately rented homes
Response from Propertymark
September 2025

Background

1. Propertymark is the UK's leading professional body for estate and letting agents, property inventory service providers, commercial agents, auctioneers and valuers, comprising over 19,000 members representing over 12,800 branches. We are member-led with a Board which is made up of practicing agents and we work closely with our members to set professional standards through regulation, accredited and recognised qualifications, an industry-leading training programme and mandatory Continuing Professional Development.[1]

Overview

2. The Ministry of Housing, Communities and Local Government (MCHLG) have launched a consultation, which aims to update the Decent Homes Standard (DHS) which currently applies to social housing. The new standard will also apply to privately rented housing. The UK Government state every tenant deserves a home that is safe, warm, and decent. The reformed Decent Homes Standard will set out clearly what tenants should expect from their landlords and when it will be implemented.

3. To provide as informed response as possible, and to ensure our member's views are included, we held three virtual member roundtable discussions, which included property agents from across England. We also held a survey of around one hundred property agents.

Proposal 1: Updating the definition of disrepair (Criterion B)

Question 11. Do you agree that age should be removed from the definition of disrepair?

4. Propertymark strongly agrees that age should be removed from the definition of disrepair. We think this for three reasons. Firstly, a key building component should only fail the DHS if the component is in poor condition, as the age of the component is rarely relevant. Age should not be considered unless an appliance, such as a boiler, is required to be replaced after a certain number of years according to the manufacturers' guidelines. In addition, in some cases there might be a building component that is older in age but is in perfect working order and the tenant likes the older features within the dwelling. We have received feedback from letting agents that some landlords in older properties where these features have been desired by the tenant. Secondly, more generally we are pleased to see that the UK Government has discontinued the requirement for landlords and their

[1] https://www.propertymark.co.uk/

property agents to replace bathrooms after 30 years and kitchens after 20 years. Thirdly, Propertymark is a strong advocate of private landlords and their agents providing safe, habitable homes and supports raising standards across the private rented sector. However, simplifying the definition would make it easier for agents and landlords to understand and comply with obligations, and to concentrate on replacing fixtures that are of insufficient quality.

Question 12: Do you agree that the thresholds used to define disrepair for each component should be updated to reflect a more descriptive measure as proposed?

5. Propertymark agrees that the thresholds used to define disrepair should be updated to reflect a more descriptive measure as proposed. To support the updating we make three observations. Firstly, the proposal will improve clarity to ensure landlords, and their property agents are compliant and understand what is required of them. Descriptive definitions can reduce ambiguity, helping landlords, agents, and tenants understand what constitutes acceptable condition without needing to interpret complex or outdated standards. By giving landlords a clearer understanding of descriptions of standards, there will be less confusion and interpretation of what is required of them to comply with standards, and property agents will more easily be able to check whether a home meets the standard. In particular, by moving away from old fashioned terms such as 'unfit for human habitation' housing providers will be clearer on their requirements. Secondly, we strongly recommend that the definitions must be developed in close consultation with property agents, qualified surveyors and housing professionals, and be capable of evolving as building standards and materials change. Thirdly, in the early stages of implementation, letting agents and will need access to advisory services, technical guidance, or financial support to meet the new requirements especially as they would likely have invested significantly in components compatible with other legislation such as the Minimum Energy Efficiency Standards.

Question 13. 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?

6. Propertymark cautiously agrees that the number of items or components which must require major repairs for the component to be considered in disrepair should be reduced. We have three observations. Firstly, reducing the number of components that must be failing before a building element is classed as in disrepair could help ensure more timely maintenance and better living conditions for tenants. Secondly, it is essential that the definition of 'major repair' is precise and proportionate. Without clear guidance, there is a risk of inconsistent enforcement across local authorities. Professional agents must be able to assess property condition with confidence, and landlords should have fair and workable expectations placed upon them. Thirdly, in addition, a balance must be made in the standards of property and the parameters of the dwelling. In some cases, landlords provide good quality housing in older properties where some components are more liable to require repair. For landlords of older properties, lowering the components could led to disproportionate obligations for landlords especially if the repair issue is cosmetic and

does not impact habitability or comfort of the dwelling. In these cases, we would recommend that the DHS should consider the age of a property and move away from a one size fits all solution. Fundamentally, the DHS should aim to avoid disproportionate costs for landlords, provide clarity and fairness and adopt a educational regime centred on compliance rather than sanctions on landlords.

Question 14. 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?

7. Propertymark disagrees 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. Removing age as a consideration does not inherently lead to less planned maintenance. Professional property agents, including those who are Propertymark members, routinely maintain their properties to a good standard based on regular inspections and condition monitoring. Age alone is not always a reliable indicator of failure as some older fixtures remain in excellent working condition as we have previously explained. A modern standard should encourage landlords to focus on actual condition and tenant experience, not arbitrary age limits. We support a data-driven, proactive approach to property management, not one that defaults to reactive repairs.

8. In addition, professional property agents are in a strong position given their experience, to assess the quality and appropriateness of a building component without using age of appliances as a factor. Many letting agents and property managers now use project management and property inspection tools that allow them to assess the quality of buildings and fixtures without needing to rely strictly on age. These tools are becoming more common, especially among professional agents and landlords managing large portfolios. These tools have the capability to perform custom inspection templates which could record damp, wear and tear and mechanical failure and could provide photographic evidence of fixtures. Additionally, these tools can be integrated with agents' maintenance logs and essentially can be used to schedule repairs based on condition and not age.

Question 15. 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?

9. Propertymark agrees that kitchens and bathroom components should be considered as "key" in the context of the DHS, and generally if one or more of these components are in disrepair, it should reasonably cause the property to fail the DHS. Propertymark recognises that both kitchens and bathrooms are high use areas in any homes and are essential. Additionally, significant disrepair in these spaces could directly impact the tenant's health, hygiene and daily functioning. More specifically, a kitchen in poor kitchen would limit the tenant's ability to cook or store food safely while a bathroom in disrepair could compromise sanitation, hygiene and personal dignity.

10. Guidance will need to be clear as to what is meant by 'major repairs required' to ensure that key components are of a sufficient standards and landlords and their agents are clear on what is required. Fundamentally, we do not think kitchens and bathrooms should fail the DHS if the repair is minor. For example, a missing cupboard door or minor cracked tile and that repairs should adopt a graded or risk-based approach which may be better, assessing the severity and impact of the disrepair.

Question 16: a) Do you agree with the proposed list of building components that must be kept in good repair?

11. Propertymark broadly agrees with the proposed list of building components that must be kept in good repair. The inclusion of structural, internal, and external elements such as roofs, windows, doors, heating systems, plumbing, kitchens, bathrooms, and electrical systems reflects a balanced and comprehensive approach to defining what constitutes a decent, safe, and functional home. Furthermore, the list captures critical areas affecting habitability, including sanitation, thermal comfort, safety, and structural integrity and aligns with existing regulatory frameworks such as the Housing Health and Safety Rating System (HHSRS).

Question 16 b) If you have any views on this specific question you would like to share, please do so here

12. While we are supportive and agree with the proposed list of building components, we would welcome greater clarity over definitions and thresholds of what is considered to be in disrepair. We think that clear, proportional guidance would reduce disputes and support consistent enforcement. For example, we require clarity over when does minor cosmetic damage to a kitchen unit or single cracked tile constitute "disrepair."

Question 17: Do you agree with the proposed "key" components and "other" components as listed?

13. Propertymark generally agrees with the proposed "key" components and "other" components as listed. We make two observations and offer one recommendation. Firstly, we welcome the clear categorisation of building components into "key" and "other" elements within the proposed DHS. This distinction helps clarify priorities for maintenance and repair, ensuring that components which directly impact tenant safety, health, and the basic habitability of a property receive appropriate focus and urgent attention. Propertymark recognises that "key" components such as kitchens, bathrooms, heating systems, and electrics are critical to providing safe and decent living conditions and should therefore be subject to stringent repair standards. Meanwhile, the identification of "other" components acknowledges the practical realities of property maintenance, distinguishing less critical elements where minor disrepair may not immediately affect a tenant's wellbeing. Secondly, for this framework to be effective, it must be accompanied by clear, detailed guidance that helps landlords and letting agents understand the thresholds of disrepair and how to prioritise repairs appropriately. Practical enforcement mechanisms are also necessary to ensure consistency across local authorities and prevent

uneven application of standards, which could cause confusion or unfairness in the sector. Additionally, Propertymark highlights the need for adequate resourcing and training for enforcement bodies, alongside open communication channels among landlords, agents, tenants, and regulators to support compliance and resolve disputes efficiently.

14. Propertymark recommends that balustrades, handrails and stair treads should be considered as a key component and not categorised as other. Balustrades, handrails, and stair treads are fundamental to the safe use of stairs and elevated areas within a property. These elements directly impact the health and safety of tenants and visitors, and any disrepair or failure in these components significantly increases the risk of falls and serious injuries, particularly for vulnerable groups such as children, the elderly, or people with mobility challenges. We have come to this conclusion as it would align the requirements with the HHSRS and because according to The Royal Society for the Prevention of Accidents (RoSPA), falls on stairs and steps result in approximately 700 deaths and 43,000 hospital admissions each year in the UK, with a stair-related accident occurring every 90 seconds[2]. These incidents disproportionately affect vulnerable groups, with older adults and young children facing the highest risk.

Question 18. 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?

15. Propertymark agrees that the suggested additional components relating to the public realm such as boundary walls, curtilage, pathways and steps, signage, external lighting, and bin stores, would be more appropriately applied within the social rented sector. The social housing sector typically manages shared external spaces on a larger scale and often has dedicated resources and frameworks to maintain these areas effectively with close cooperation with local authorities. Applying these requirements solely to social housing avoids unnecessary regulatory burdens on private landlords, where responsibility for such external elements is less common or more clearly defined on an individual property basis. We also think that these obligations need to be clearly defined and communicated to ensure that it is clear who is responsible for their maintenance to avoid any unnecessary disputes which could further jeopardise safety and the timeliness of repairs.

Question 19: If you have any views on these specific questions you would like to share, please do so here

16. Our member roundtable discussions showed support for ending the age criteria. There was also strong evidence that most properties managed by Propertymark members are already largely compliant with the proposed Decent Homes Standards. One participant said that for student accommodation he would likely replace bathrooms and kitchens every five to ten years. There was also strong support for ensuring bathrooms and kitchens were relatively modern.

[2] RoSPA- Safer Stairs Campaign | RoSPA's effort to prevent falls on stairs

17. Members were supportive of removing the age criteria and concentrating on condition. However, condition is subjective. Some landlords provide more expensive accommodation with high standard fixtures and facilities. To support landlords and their agents understand requirements, there was strong support for detailed guidance especially on providing modern facilities and what in good condition means. Failure to provide guidance could make the standards subjective and difficult to comply with. There was also support that local authorities should conduct stock condition surveys to ensure standards and support compliance.

18. Finally, clarity was sought on how the DHS may interact with local authority licensing conditions. We have already seen examples of local authority selective and additional licensing schemes, including Blackpool Council'[3]s, requesting that properties are complaint with the Minimum Energy Efficiency Standards (MEES) even before the legislation requests them to be complaint. We recommend that local authorities should be prohibited in ensuring standards early as part of their licensing conditions as this would not be fair.

Proposal 2: Facilities and services (Criterion C)

Question 20: a) Do you agree that under the new DHS landlords should be required to provide at least three out of the four facilities listed?

19. Propertymark disagrees with the proposal that landlords should be required to provide at least three out of the four specified facilities. There are two reasons why we disagree. Firstly, Propertymark recommends that adequate external noise insulation can sometimes be beyond the reasonable control of landlords and their property agents, especially in cases of properties located near busy roads, airports, nightlife or other noise sources. Furthermore, retrofitting noise insulation can be technically challenging and financially prohibitive, particularly in older buildings or flats with shared walls. Secondly, we also think that providing adequate size and layout of common entrance areas and kitchen layout areas could be overly restrictive. In blocks of flats, for example, the size and layout of shared entrance areas are often outside the individual landlord's control, particularly in older or converted buildings where structural changes would require freeholder or management company involvement. Similarly, in many smaller or historic properties, kitchen layouts are naturally constrained by the original design. The focus should be on making the most of the available space, not meeting a one-size-fits-all measurement or layout standard that could result in otherwise decent homes being classed as non-compliant.

b) If you said No, are there any of the facilities that you would prioritise?

20. Propertymark thinks this criterion should focus on a kitchen with adequate space and layout and an appropriately located bathroom and WC. A more pragmatic, outcome-

[3] Blackpool Council | Selective licensing

based approach focusing on functionality and tenant experience should be prioritised rather than prescriptive spatial requirements. Furthermore, landlords and letting agents should be encouraged to ensure facilities are usable, safe, and efficient within the physical limitations of the property, rather than penalised for factors beyond their reasonable control.

c) 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?

21. Yes, we do think that the "multiple choice" nature of Criterion C could lead to some practical implications for tenants, landlords and their agents and potentially local authorities.

Impact on tenants

22. We think that if the standards do not consider the unique nature of Houses in Multiple Occupation (HMO's) and converted flats, then there could be some impact on supply particularly impacting vulnerable tenants, the low waged and those looking for accommodation with low rents. These types of property may find it challenging to meet the multiple-choice criteria especially if space or layout changes are structurally difficult or costly. The impact for some landlords with smaller HMOs or converted flats could be that some of them decide to sell their properties and exit the market. This could make it challenging for tenants obtaining affordable accommodation with the reduced supply.

Impact on landlords

23. If landlords are not given sufficient time, advice through guidance or possibly even financial support through grants and interest free loans, as we have already recommended some landlords may exit the market. If landlords are not supported, given the difficult financial circumstances they are operating under including legislation for decarbonisation, the proposed Renters' Rights Bill and other existing legislation, they will likely increase their rents to cover the costs which will of course be a further negative impact on tenants, especially the most vulnerable in society.

24. We also think that smaller landlords and those landlords with older stock will be disproportionately impacted by the standards. We recommend that if they will find meeting the standards challenging that they should consider using the services of a qualified, professional property agent to support them in the requirements. These smaller landlords, who may not have the support of a professional property agent, are most vulnerable to confusion or misinterpretation of the requirements of the standards. For example, they may get confused on what constitutes an efficient layout of kitchens. This uncertainty might lead some landlords to delay investment, awaiting clearer guidance or enforcement patterns, rather than proactively upgrading their properties.

Impact on local authorities

25. Local authorities already have significant responsibilities in the enforcement of standards of private rented sector property. These responsibilities will increase once the Renters' Rights Bill becomes legislation not to mention the Minimum Energy Efficiency Standards and the DHS. Conversations we have had with some local authorities have led us to the conclusion that some local authorities are currently not adequately resourced to enforce additional requirements. Accordingly, we are concerned that if local authorities are not given ring fenced funding to recruit and retain relevant officers, then there will be a post code lottery of enforcement of the standards.

26. The flexibility built into Criterion C, which allows landlords to comply by providing any three out of four specified facilities, raises concerns around consistency in interpretation and enforcement. Without clear and objective definitions, there is a significant risk that local authorities will apply the standard differently across regions, leading to uneven outcomes for both landlords and tenants. This variability could result in confusion, disputes, and a lack of confidence in the regulatory framework. To ensure a fair and consistent approach, it is essential that government issues detailed national guidance, including case studies and practical examples, to support local authorities in making balanced and consistent decisions. We also think that local authorities should adopt an enforcement regime around educating landlords rather than sanctions, at least in the infancy of the introduction of the new standards. We also recommend that in order to ensure there is a collaborative approach between local authorities and landlords and property agents, then local authorities must step up their engagement with landlords either through landlord forums or any other appropriate method.

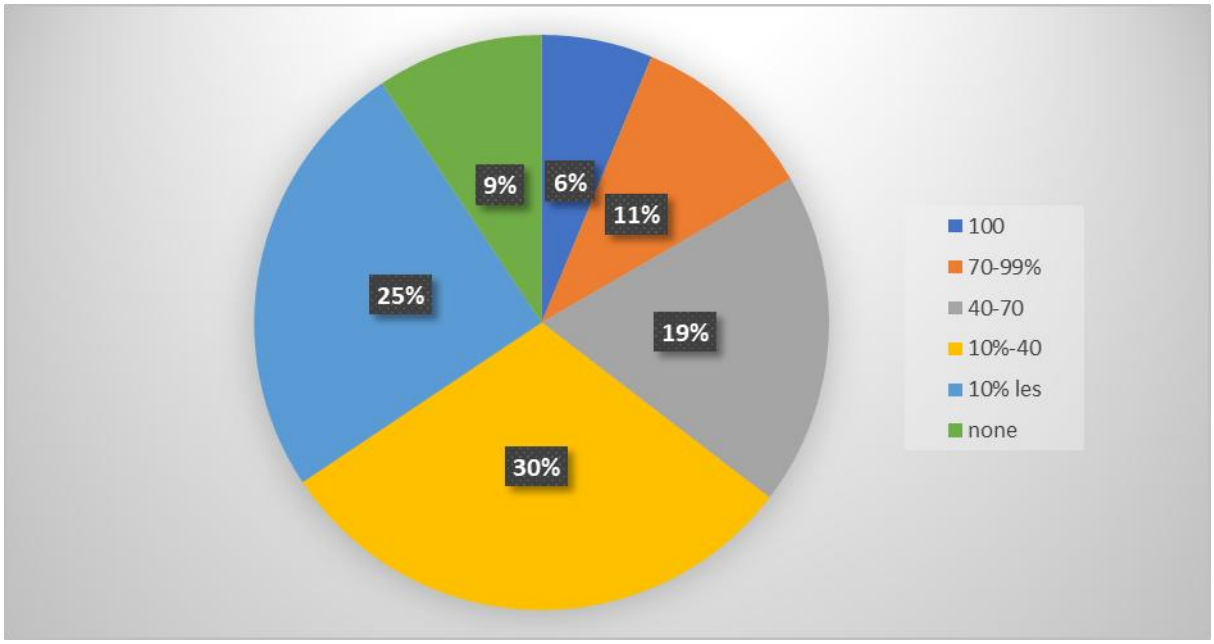
d) If there is anything else you would like to add on this specific proposal, please do so here

27. Members were largely supportive of the proposed approach during roundtable discussions.

<u>Proposal 3: Window restrictors (Criterion C)</u>

Question 21 (Landlord only): Do you currently provide child-resistant window restrictors that can be overridden by an adult on dwellings with windows above ground floor?

Chart 1 – Percentage of properties with window restrictors



28. Our survey found that only 9.4% of agents surveyed did not have any properties that they managed without any window restrictors. 25% said that less than 10% of their properties had window restrictors, 30% said between 10 and 40% of properties included this measure, 18.7% said that between 40 and 70% of their properties had window restrictors and 10.4% said between 70 and 99% of their properties were inclusive. Finally, 6.25% of agents said all of their properties had window restrictors.

29. Our focus group discussions showed that many of our members already had properties with window restrictors especially more modern property, student accommodation and temporary accommodation. Where window restrictors were not installed, members said they would be relatively happy to install them. However, members also said that requests for widow restrictors were very low. An alternative view from one member was that given that window restrictors are relatively affordable, it should be the tenants responsibility to purchase and install them.

Question 22: a) 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)?

30. Propertymark disagrees that all rental property must provide child resistant window restrictors. In principle, we agree with the proposal to require child-resistant window restrictors on all windows that present a fall risk for children, as defined by the proposed guarding height of 1100mm. However, this requirement should be reserved to tenancies that contain young children or vulnerable people. Safety in the home is paramount, particularly where young children are present, and the use of restrictors is a practical and relatively low-cost intervention to prevent serious accidents. We have three observations:

- RoSPA estimates that around 10 children die each year in the UK because of falls from windows[4]. If these measures prevent any injuries or deaths, then they should be implemented. However, more can be done to prevent these tragic incidents including ensuring that furniture can not be used to climb on near windows, balconies or other health and safety concerns.

- We are pleased to see that the recommendations include window restrictors that can be overridden by an adult. This ensures that windows can be extended by adults while restricting them to children. We are also pleased to see that window restrictors will only be required for above ground floor windows. This will allow safe evacuation through ground floor windows in the event of an emergency for windows that have been designed and installed in line with relevant fire safety regulations for that purpose in the event of a fire.

- We remain concerned that window restrictors could restrict air flow into a property and that this could increase the risk of overheating especially during hot weather. We are mindful that excessive heat is one of the twenty nine defined risks as part of the HHSRS, and that this could contradict some of the aims of the DHS. We also think that some tenants, particularly those without young children would not desire window restrictors. Accordingly, we think that following discussion between the tenant and their landlord or property agent, the tenant should be able to opt out of having window restrictors which could be evidenced by a signed letter from the tenant. In these cases, the landlord would not be required to provide window restrictors and still be complaint with the standards. We think this would strike the right balance between providing safety and giving tenants the choice.

b) If there is anything else you would like to add on this specific proposal, please do so here

31. There is significant evidence to suggest that to some degree window restrictors are already relatively common place within the private rented sector. This is especially the case for more modern properties that include UPVC windows. However, providing window restrictors might be more challenging in older and heritage properties where they may not be compatible with the window especially with older sash windows. The diversity of window frames should also be considered as a barrier where some restrictors cannot be fitted. Finally, we would like clarity on who would be responsible for the maintenance of window restrictors and faulty window restrictors could be a health and safety hazard especially in terms of air flow.

Proposal 4: Home security measures (Criterion C)

Question 23: The following questions relate to additional home security requirements in the DHS:

[4] Safety in the home | National Accident Helpline

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

32. Propertymark does not think that home security requirements in relation to external doors and windows are sufficiently covered in the DHS. s. More specific detail is required e to ensure consistent home security standards across the rental sector.

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?

33. Propertymark partially agrees. Propertymark thinks that while "entry by intruders" is acknowledged under HHSRS, and Criterion B requires windows and doors to be kept in good repair, there is currently no clear definition of minimum security measures such as lockable windows, deadbolts, or door chains. As a result, security provisions can vary significantly between properties, creating inconsistency for tenants and uncertainty for landlords.

34. Furthermore, private renters face a disproportionate experience of crime with a reported 63 per cent higher risk of burglary than owner-occupiers[5]. However, as the private rented sector is very diverse, we think additional security measures should be considered where there is a clear and evidence-based need, provided they are proportionate, practical, and do not impose excessive costs on landlords. In cases where there is evidence of need, we think that the DHS should be updated to include clear, proportionate requirements for external doors and windows, especially where improvements are being carried out as part of planned works. Doing so would support tenant safety, reduce vulnerability to crime, and provide greater clarity for landlords, letting agents, and enforcement bodies alike.

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

35. Discussions during our member roundtables were largely supportive of giving landlords the option of Part Q requirements in building regulations. However, this was largely dependent on where the property was located. Additional security might not be necessary in some rural areas but might be more desirable in large cities. Overall, it was felt that a more evidence- based approach should be required where the landlord should not unreasonably refuse additional security measures if the tenant requests them and they are appropriate and affordable.

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.

36. We think that the biggest impact on security measures provided by landlords and their agents is requirements proposed by their insurance providers and that this is often

[5] Security Measures Every Landlord Should Put In Place - Landlord Today

complaint with part Q of the building regulations. For student accommodation, many student tenant request locks and security for individual rooms. We do not think this should be a requirement of the Decent Homes Standard but should be part of discussions when students move into a property.

Proposal 5: Suitable floor coverings (Criterion C)

Question 24: a) 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?

37. Propertymark does not think that landlords should provide suitable floor coverings in all rooms at the start of every new tenancy from an agreed implementation date as consideration will be needed about the unique characteristics of some property and the feasibility of floor coverings in every room. Our research suggests that landlords mostly already provide floor coverings, but this should be only in habitable rooms.

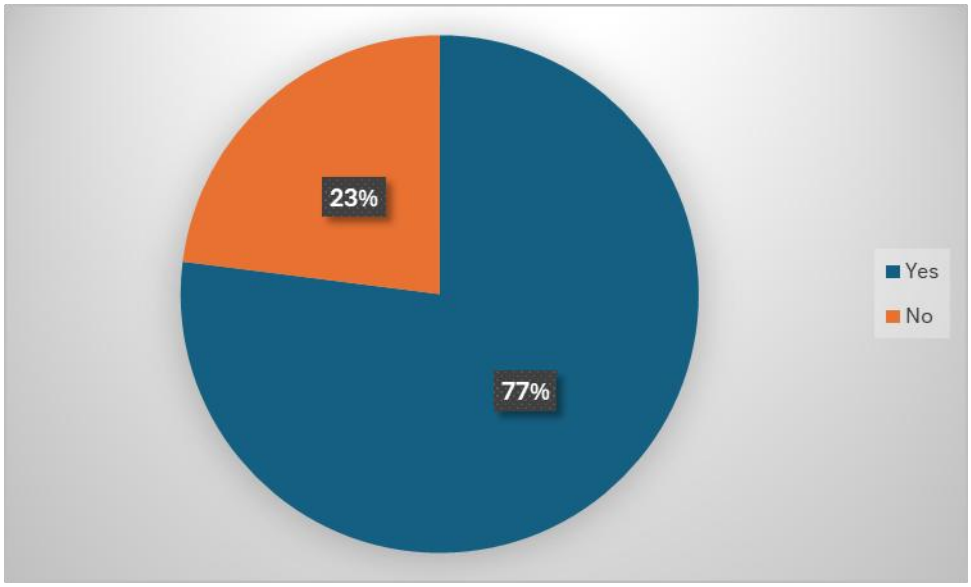
b) If you have any views on this specific question you would like to share, please do so here

38. Propertymark would like further clarity as to why laminated floors are not considered a suitable floor covering as we think that well-maintained laminate floors should be approved. Laminate flooring is a standard, durable, and cost-effective option and is commonly used in all housing sectors. If landlords are required to fit carpets or vinyl instead of high-quality laminate, even in areas where it's entirely appropriate, it could create unnecessary cost burdens. This could be especially difficult in high-wear areas or in properties where laminate is already installed and in good condition. Furthermore, whilst we acknowledge that exposed laminate flooring can pose a fire risk. However, if laminate flooring is well maintained and properly installed, it is generally acceptable and not considered a fire risk in most residential settings, including rental properties. Accordingly, we recommend that if laminate flooring is of sufficient standard, it should be considered acceptable under the standards.

Questions 25 (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:

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

Chart 2: Do you provide floor coverings



39. Our survey found that landlords already overwhelming provide floor coverings. 77% said they did provide floor coverings while only 23% said they didn't. Of those who said they provided floor coverings, the majority said this was the case for all of their properties. This was mirrored from our roundtable discussions where participants all said they provide floor coverings. We think that the PRS is largely already complaint with providing floor coverings and it is more of an issue in the social housing sector.

b) If you responded Yes to part a) to providing floor coverings, can you provide details of costs here?

40. We think that costs are dependent on area of the country and the type of floor covering provided. Our survey data revealed that the most expensive costs in floor coverings was £10,000. However, most respondents said costs ranged between £1,000 and £5,000.

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

41. The overwhelming vast majority of our members told us in both our survey and roundtable discussions that they carry out or have responsibility for repair and maintenance of flooring as part of, for example, tenancy agreements.

d) If you answered 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)

42. The overwhelming vast majority of our members told us in both our survey and roundtable discussions said that they provide floor coverings in all rooms. However, we think that floor coverings should only be provided in habitable rooms and should be excluded in rooms used for storage as one example.

e) When or if you replace floor coverings in the dwellings you let, do you? (select one)

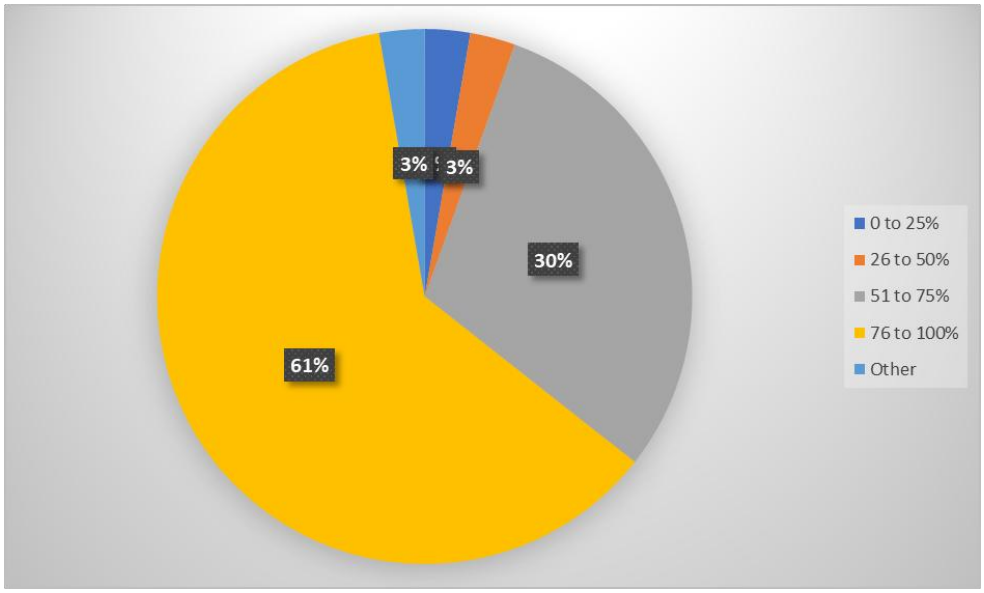
43. Of those that said they provided floor coverings, our survey data revealed that most of our members replaced floor coverings at the start of new tenancies. However, a very small number replaced floor coverings either at the request of tenants or due to damage.

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

44. Our survey data revealed that most of our members said less than one quarter of their new lettings would require new floor coverings.

g) What proportion of your new lettings do you expect to reuse and clean existing floor coverings (rather than provide new replacements) each year?

Chart 3: What proportion of new lettings will expect reuse and clean existing floor coverings



45. The vast majority of our members said that between 76 and 100% of their properties new lettings will expect reuse and clean existing floor coverings. One participant in our roundtable informed us that floor coverings are generally replaced every five years.

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?

46. Propertymark agrees in principle, but as we have already suggested these requirements should only be reserved for habitable rooms. Otherwise, we agree with the principle of setting a clear timeframe for compliance with suitable floor coverings as part of DHS, particularly the proposal that a property would fail the standard if suitable floor coverings are not present within the first year of a tenancy. This approach strikes a reasonable

balance between allowing landlords sufficient time to carry out any necessary works or upgrades, while also ensuring that tenants are not left in properties without adequate floor coverings for prolonged periods.

47. To support the development and implementation of this policy, we recommend that the definition of "suitable floor coverings" is clearly and consistently applied, with flexibility to account for room function. For example, hard flooring in kitchens and bathrooms vs. carpets or laminates in living and bedrooms. Clear guidance must be provided to landlords and enforcement bodies on how to assess compliance fairly, including in cases where tenants may remove or damage floor coverings during their tenancy. We also think there are examples where the tenant may wish to replace the floor coverings themselves even when they have been provided. For example, if a member of the household has an allergy or if there has been pet damage above the proposed cap of three weeks rent. We also think that this would be a good opportunity to review the guidance on fair wear and tear. Our members have reported to us greater extents of wear and tear especially as people are living in their properties for greater periods of time due to increased home working.

48. We also think that there could be an issue with some period properties. For example, a Victorian property with wooden floorboards and it might be more desirable for the tenant not to have floor coverings in such an example. Heritage properties that have wooden floors could get damaged by floor coverings trapped moisture, the impact from adhesives and from the weight and compression of the floor covering. Accordingly, in such cases the property should be exempt especially if the tenant's choice is not to have the floor covering There are also examples where floor coverings could damage period property flooring such as

49. We would also like clarity on regulated tenancies and social leasing where in these cases tenants have a lower rent and are generally responsible for providing their own floor coverings. We would recommend an exemption for such tenancies.

50. Furthermore, like compliance with the Minimum Energy Efficiency Standards, there should be an exemption list where the tenant refuses access for the works to commence, the works would significantly change the character of a heritage property including a listed building or the costs for compliance are excessive to the landlord.

Proposal 6: Streamline and update thermal comfort requirements (Criterion D)

Question 26: Do you agree with the proposal that the primary heating system must have a distribution system sufficient to provide heat to the whole home?

51. Propertymark partially agrees with the proposal that the primary heating system must have a distribution system sufficient to provide heat to the whole home. Our preferred option is that the primary heating system should provide sufficient heat distribution to all habitable rooms within a dwelling, ensuring tenants can comfortably and safely use the main living spaces. We think this for two reasons:

- Firstly, the focus should be on habitable rooms such as living rooms, bedrooms, kitchens, and bathrooms, where tenants spend the majority of their time. Requiring whole-home heating coverage including non-habitable spaces like porches, conservatories, or unheated storage areas may be impractical, costly, and in some cases technically challenging, especially in older properties.

- Secondly, limiting the requirement to habitable rooms strikes a reasonable balance between improving tenant comfort and affordability for landlords, helping to avoid unnecessary expenditure on heating areas of the home that are rarely used or difficult to heat effectively. We also recommend clear guidance on what qualifies as a habitable room and how compliance will be measured, to support consistent enforcement and landlord understanding.

Question 27: Are there other thermal comfort requirements that you think should be included in the DHS beyond current MEES proposals?

52. No, we do not think there are other thermal comfort requirements beyond the current or proposed MEES proposals that should be included in the DHS. We have three concerns:

- Firstly, the private rented sector (PRS) already faces a significant challenge in meeting the proposed uplift to EPC C by 2030, particularly given the diverse age, condition, and construction types of stock in the sector. Savills estimates that the cost to get to EPC C from an EPC rated D property will cost on average £8,807 while the costs to get a G rated property will be £27,366 while the UK Government are considering a £15,000 cost cap exemption. Regardless, this will be a significant cost for most landlords. Applying further thermal comfort standards on top of MEES would risk imposing disproportionate costs on landlords, many of whom already operate on tight margins or manage older, harder-to-treat properties.

- Secondly, MEES, particularly with the move to a dual metric approach that accounts for both fabric performance and smart or heating system improvements, already provide a robust and measurable framework for improving thermal comfort. Introducing additional criteria through the DHS risks creating confusion, duplication, and uneven enforcement.

- Thirdly, although MEES compliance will have to be in place by 2030, MEES is already legislated separately and subject to periodic review, offering a more appropriate mechanism for driving future energy efficiency improvements than layering additional requirements through housing quality standards. We therefore recommend that the DHS maintain alignment with existing MEES and avoid introducing further thermal comfort criteria at this stage.

Question 28: If there is anything else you would like to add on this specific topic please do so here

53. Urgent clarity is needed on whether properties that are exempt from MEES, for example, are above the cost cap exemption, will they still be exempt from this criterion in the DHS. We think there will be a small number of properties that may never meet MEES including stone wall cottages and allowances will be required.

54. Finally, we are concerned about the proposal in providing heat in all parts of the home. Firstly, this might not be pragmatic or even desired and should be restricted to habitual rooms in the home. Secondly, some properties have gas fires and storage heaters that only work in some rooms of the house. Clarity is required whether these heating systems will need to be replaced.

Proposal 7: Properties should be free from damp and mould (Criterion E)

Question 29: a) 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.

55. Yes, Propertymark agrees that landlords should be responsible for ensuring their properties are free from damp and mould in order to meet the DHS. We have three observations to make:

- Firstly, there will need to be a balanced and practical approach to enforcement. While we fully support action on damp and mould where it poses a health risk, the proposed threshold for failure—any HHSRS band from A to H—could lead to disproportionate enforcement over minor or cosmetic issues. We therefore urge that clear, practical guidance is issued to support consistent interpretation, especially in the private rented sector where property types and conditions vary widely due to the age of stock and in some cases tenant behaviour such as failing to ventilate properties when cooking or cleaning.

- Secondly, landlords must be empowered to act proactively, but they also need realistic timeframes for investigation and remediation especially where structural work or external factors are involved. It should also be acknowledged that private landlords, particularly those not using the services of a letting agent, do not have the same resources as social landlords and timeframes must strike the balance between the health and safety of tenants and landlord resources.

- Thirdly, while draw caution to the UK Government's stance that tenants should not be blamed. In some cases, damp and mould is a factor due to tenant behaviour and failure to ventilate properties during cooking meals, drying clothes, washing or a reluctance to put the heating on due to rising energy costs. Simple migrations can be put in place and if occupied tenants in some cases damp and mould can be avoided or could be prevented from becoming less serious. Accordingly, we think greater efforts should be made to educate tenants on ventilation and heating behaviours should be considered as a collaborative solution.

b) 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?

56. Yes, Propertymark agrees in principle with the approach to use Criterion E as a preventative standard, working in tandem with Awaab's Law to address damp and mould before it becomes a serious health risk. Preventing hazards through early intervention is a sensible and proportionate strategy, and many professional landlords and agents already take proactive steps to address condensation, damp, and mould before formal enforcement is triggered. Embedding this preventative duty in the DHS should promote consistency and accountability across the sector. To support implementation, we have three recommendations:

    - Firstly, it is essential that the relationship between Criterion E and Awaab's Law remains clear and distinct. Awaab's Law introduces specific legal duties and timescales once hazards pose a serious risk to health; Criterion E, by contrast, should act as an early warning and improvement framework not a second route to legal liability for the same issue.

    - Secondly, clarity and guidance is needed on what constitutes a failure under Criterion E, particularly when based on subjective assessments (e.g. HHSRS Bands D–H), how landlords can evidence proactive efforts to prevent or remediate damp and mould and ole of tenant access and cooperation, particularly in cases where entry is refused or works are delayed.

    - Thirdly, clarity is needed on what guidance tenants will be given to ensure their behaviour does not contribute towards incidents of damp and mould for example failing to ventilate properties during showering, cooking or cleaning.

Question 30: 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?

57. Propertymark generally agrees with this proposal with amendments on the bands being considered. We support an approach that offers strong action to address damp and mould in the private rented sector, but we do not fully agree with the proposal to set the compliance threshold at bands A to H of the HHSRS. This approach risks being too broad and subjective, potentially capturing low-level, non-harmful issues and triggering enforcement action for minor or cosmetic damp or condensation that does not present a

serious risk. HHSRS was originally designed to prioritise Category 1 hazards (Bands A–C), and extending regulatory action to include lower-band Category 2 hazards (D–H) could lead to inconsistent enforcement across local authorities, disproportionate sanctions to landlords especially in minor cases, increased pressure on already over stretched local authority environmental health teams and a focus on low risk cases when the focus should be on the most serious cases. At the very least, we think the threshold should be set at band D to ensure that enforcement can focus resources on the most serious cases of bands A-C and still tackle slightly less minor cases before they get to the most serios stage.

Question 31: If there is anything else you would like to add on this specific proposal please do so here.

58. Discussions with our members have alluded to the fact that many of them have already built up strong and practical relationships with local authority Environmental Health Officers and are proactive against serious damp and mould. However, we are concerned that the proposal is overzealous in approach and does not appear to consider the behaviour of tenants. There is concern that when cases go to court, judges do not understand the factors that lead to damp and mould especially where tenants are at fault. Our members have reported to us behaviour such as poor ventilation when cooking and cleaning to the more concerning taping and blocking up air vents. We recommend that guidance is provided to tenants on the correct behaviour to avoid damp and mould and we think this should be based on the judgement made by Judge Denning (1954) in the case Warren vs Keane[6] which highlighted poor tenant behaviour that eld to damp and mould.

59. Our members have already reported back to us an increase in 'no win- no fee' solicitors trying to maximise opportunities in relation to damp and mould cases in often inappropriate examples. We think that there has to be a greater role for a suitably qualified RICS surveyor.

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

60. Propertymark supports the principle that all accommodation, whether temporary or permanent, should meet minimum safety, repair, and basic comfort standards. However, we recognise the distinct and often urgent nature of temporary accommodation, and the constraints local authorities face in securing suitable stock at short notice.

61. Accordingly, we think the priority in temporary accommodation should be insuring that property is free from serious health and safety hazards, key facilities are functioning and that the property is secure and has safe and adequate heating. Any other requirements may jeopardise critical and the already short supplies of essential housing that could impact the most marginalised.

[6] The Tenant's obligation to act in a 'tenant like manner' during their tenancy » The Landlord Law Blog

Leasehold and commonhold

Question 36:
a) Do you agree with the proposed approach to enforcement for rented properties that are leasehold?

62. Propertymark broadly supports the proposed approach to enforcement of the DHS for rented properties that are leasehold, particularly the flexibility to target enforcement action at the party most responsible for the failure, whether that be the immediate landlord (i.e. the leaseholder landlord), a superior landlord, or the freeholder.

63. This is a pragmatic and necessary approach, given the complex nature of leasehold arrangements in the PRS, where responsibilities for disrepair and building maintenance are often split across multiple parties.

b) Do you see any unintended consequences or risks with this approach, including for resident-owned blocks?

64. Propertymark has identified some risks. While the proposed enforcement approach for leasehold rented properties is broadly sensible, there are several potential unintended consequences and risks, particularly for:

- Resident-owned blocks (e.g. blocks with resident management companies or RTM companies).
- Mixed-tenure developments.
- Owner-occupier leaseholders who may not fall under the DHS but may be impacted by its enforcement in the same building.

65. In resident-owned or mixed-tenure blocks, enforcing the DHS to address issues in PRS flats may require building-wide works (e.g. to fix communal stairways, roofs, lifts, or insulation). The costs of these works could be passed on to resident leaseholders through service charges, even though their home is not rented or the standard does not directly impact them. Our main concern in this regard is the risk of increased disputes and how these will be resolved.

66. Given the UK Government's planned infancy of commonhold resident owned or managed blocks, we are concerned they may lack an understanding in the DHS process, may be unprepared for major works and we have concern how they will liaise with local authorities and manage legal disputes.

67. In resident-owned blocks or where a leaseholder is also the landlord of a rented unit, responsibilities may overlap. It may be unclear whether the leaseholder landlord, the RMC/RTM, or a third party (e.g. head lessor or managing agent) is the appropriate

enforcement target. This could lead to increased disputes, delays in getting work done and legal costs for residents and leaseholders.

Question 37: a) 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?

68. Propertymark is concerned in this regard. Certain proposals within the proposed DHS have the potential to create additional and, in some cases, unanticipated costs for leaseholders, particularly owner-occupiers in mixed-tenure blocks, depending on the terms of individual leases. While leaseholders typically expect to contribute towards reasonable maintenance and repair costs for communal areas, some of the new or clarified requirements in the DHS may go beyond what is currently covered under typical lease obligations. Firstly, we are concerned that building components such as rainwater goods, lifts, stairways, door entry systems, external lighting etc may not be already covered by existing leaseholder repair agreements. Secondly, leaseholders may also be impacted by providing adequate core facilities especially in communal areas. Thirdly, leaseholders may have to contribute towards thermal comfort requirements as the owner-occupied sector is not covered by MEES.

b) If you have any views on this specific question you would like to share, please do so here Open text

69. To conclude, we have highlighted that some of the proposed DHS policies, particularly relating to communal facilities, building components, and energy standards, have the potential to create costs for leaseholders that go beyond what they would currently expect to cover for repair and maintenance. These costs could be especially burdensome where lease terms are restrictive or unclear, and where leaseholders have limited ability to challenge or influence the decision-making that leads to those costs.

70. Propertymark recommends that the UK Government provides clear statutory guidance on cost recovery and leaseholder protections, ensures that service charge transparency and Section 20 consultation reforms are implemented in parallel and considers the impact of these changes on housing affordability and leaseholder confidence.

<u>Section 5 – Guidance</u>

a) What information and/or topics would you like included in the proposed additional best practice guidance for social and private landlords and tenants?

71. We think that the following should be included:

- Accessibility.
- Additional home security measures e.g. external lighting and CCTV.
- Adaptations to climate change.

- Digital connectivity.
- Electrical Vehicle Charging.
- Furniture provision.
- Water efficiency measures.

b) If you have selected 'Other', please say what you would like to be included

72. Propertymark recommends including the following additional topics in the best practice guidance:

Pest Control and Property Hygiene

- Guidance on how landlords can prevent and manage pest issues in a safe, cost-effective, and proactive manner, particularly relevant for HMOs and urban flats.

Fire and Building Safety in Low- and Medium-Rise Blocks

- Best practice on fire risk assessments, alarm systems, escape routes, and clarity on landlord responsibilities, particularly in the PRS where regulatory oversight may be lighter.

Mixed-Tenure and Leasehold Block Management

- Advice for landlords and Managing Agents on coordinating building-wide works in blocks with multiple tenures and ownership models, including how to engage resident leaseholders.

Tenant Communication and Repairs Handling

- Best practice in managing maintenance requests, handling complaints, and maintaining good tenant-landlord relationships. Could include suggested response timeframes and use of digital systems or platforms.

Damp and Mould Prevention (Beyond Awaab's Law)

- Practical measures landlords can take to mitigate the risk of damp and mould, particularly in older housing stock, including design and ventilation tips. Also, information for tenants to support them avoid cases of damp and mould.

Greater guidance on wear and tear

Guidance on what is considered

Question 39: If you have any other views on this specific topic you would like to share, please do so here

73. We would recommend that once the UK Government has considered the responses from this consultation, that they continue to engage with key stakeholders such as Propertymark to ensure compliance, raise awareness and reduce the impact of unintended consequences.

<u>Section 6 – Implementing the Decent Homes Standard</u>

Question 40 (All): a) What do you think the implementation date for the DHS should be in the SRS?

2035 / 2037 / Other (Please select one)

74. Propertymark recommends that the implementation date from the DHS in the SRS should be as soon as practical as RSLs have the resources to be complaint. As a guide, we think implementation for the SRS should be 2030. We think that given the resources that the social rented sector has, that the standards should be implemented earlier than in the private rented sector. This would give the UK Government the opportunity to learn any lessons from the social sector implementation date before they are applied to the PRS and to make any necessary adjustments.

b) If Other – What do you think the implementation date should be?

75. Not applicable.

Question 41 (All): a) What do you think the implementation date for the DHS should be in the PRS?

76. Propertymark recommend that the implementation date for the revised Decent Homes Standard be set no earlier than 2037 for the private rented sector. This timeframe is essential to allow for alignment with other major regulatory and infrastructure transitions already facing the private rented sector, in particular:

Energy Efficiency (MEES) Targets

- The UK Government's current proposals suggest that private landlords will be required to meet EPC Band C by 2030, subject to confirmation in the forthcoming DESNZ consultation response. These improvements including insulation, double glazing, or low-carbon heating systems will require significant capital investment, especially in older housing stock that is a common feature in the private rented sector.
- Setting the DHS deadline before 2030 risks duplicating costs or forcing premature or fragmented works. Extending implementation to 2037 gives landlords time to complete energy upgrades strategically, in line with evolving MEES and EPC reform requirement

EV Charging Infrastructure

- With the 2035 phase-out of new petrol and diesel cars, many landlords will also be expected to adapt their properties (particularly HMOs, flats, and urban housing) to accommodate electric vehicle (EV) charging capacity. The cost and feasibility of installing off-street or shared charging points — including power supply upgrades — represent an additional infrastructure burden.

- These works often intersect with energy-related DHS upgrades and will benefit from coordinated planning and investment windows. A 2037 DHS implementation date supports a joined-up approach to regulatory compliance across energy, safety, and transport.

Diverse Housing Archetypes

- The private rented sector comprises a highly diverse stock, with many pre-1919 and solid wall properties where achieving full DHS compliance (especially for heating and damp standards) will be both technically and financially complex. Landlords need reasonable lead time to assess options, access grant schemes, and manage disruption to tenants.

77. Propertymark also thinks that there is a possibility and danger that regardless of what the deadline is for the PRS, most landlords will leave compliance towards the end of that year. If for example, the deadline is 2037, most landlords will ensure they are complaint during that year. There is a concern whether there would be capacity in supply chains and workforce to ensure the DHS is met by landlords including those in rural locations where specialist workers are specifically in short supply. To counter this, we recommend that the government incentivises compliance with the DHS early. This could include tax incentives such a rephasing in Mortgage Interest Relief for those who are compliant before 2037.

b) If Other – What do you think the implementation date should be?

78. Not applicable.

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

79. Propertymark thinks that providing the standards are introduced in 2035 for the SRS and 2037 for the PRS, then that should strike the right balance for full implementation.

b) If Yes – Which elements of the new DHS do you think should be introduced ahead of the proposed full implementation dates (2035/2037)?

80. Not applicable.

Question 43 (For SRS and PRS landlords only): Are you confident in your ability to deliver works to meet the updated Decent Homes Standard by the proposed implementation dates (2035/2037)?

a) For Social Housing Landlords only: Within current income forecasts in the SRS?

81. We can not comment on the ability of the SRS to deliver.

b) For all Landlords: Alongside other regulatory requirements including Awaab's Law and MEES?

82. Propertymark thinks that our members are already largely complaint in the requirements of the DHS and other regulatory requirements. Providing the UK Government continues to engage with the sector, sufficient guidance is provided and the enforcement date is

from 2037, we believe our members will demonstrate strong compliance. However, throughout this consultation response, we have identified individual properties that might be challenging to meet aspects of the standards. We would recommend either exemptions or greater financial support in the form of grants or interest free loans.

c) Please give supporting details?

83. We have demonstrated our members strong compliance through our survey data.

Question 44 (For SRS and PRS landlords only): Considering the need to meet both Minimum Energy Efficiency Standards and the Decent Homes Standard, do you plan to deliver savings by:

a) Prioritising measures which will both improve a property's energy efficiency and help meet the DHS?

84. 54% of our members told us that they will priorities measures which will both improve a property's energy efficiency and help meet the DHS. However, 37.8% said they did not know but only 8% said they wouldn't.
85.
86. Given the challenge and the timescale of MEES, we would encourage our members to prioritise energy efficiency. We also think that once the legislation and the expectation is clearer, those most of the members who said they did not know would likely prioritise in this area.

b) Reducing overhead costs by programming combined works to meet both standards?

87. When we asked our members if they planned on reducing overhead costs by programming combined works to meet both standards, we received similar results. 51% said they would, only 8% said they wouldn't and 38% said they did not know. We see this approach as a pragmatic approach and would encourage our membership to reduce costs by combining works.

c) Please give supporting details

88. We have provided survey data to support this. We would also recommend that the government works with both membership bodies and local authorities to support landlords and their agents reduce costs. We think there is a major role for local authorities to play in utilising local supply chains and identifying contractors to support them in reducing costs.

Question 45 (SRS 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?

89. We can not comment on this question.

Question 46 (For PRS landlords and tenants): a) Do you agree that only criterion A should be a Type 1 DHS requirement?

90. Propertymark agrees that only criterion A should be a Type 1 DHS requirement. Criterion A, which addresses the most serious health and safety hazards should be classified as a Type 1 DHS requirement. Criterion A aligns with the existing Category 1 hazards under the Housing Health and Safety Rating System (HHSRS), which are already subject to mandatory enforcement by local authorities. These include issues that pose a serious and immediate risk to a tenant's health or safety, such as structural instability, electrical faults, or high-risk damp and mould. Furthermore, we think that by restricting type 1 powers for criterion A will subsequently ensure that enforcement remains proportionate and risk based, enables local authorities to focus resources on the most serious cases, ensures that landlords are not sanctioned for minor offense when education could be the best method and the proposal is in line with current enforcement with the HHSRS.

b) If No – which other criteria do you think should be a Type 1 DHS requirement?

91. We think Type 1 should be reserved for Criterion A only as this will always local authorities to focus on the most serious hazards. Applying Type 1 enforcement more broadly, for example, to lower-risk or subjective criteria like floor coverings or aesthetic damp — could lead to disproportionate action, inconsistent enforcement, and unnecessary strain on both landlords and councils.

c) Please give supporting details

92. Most properties in the PRS are safe and free of hazards. However, in England, approximately 8% of all dwellings had at least one Category 1 hazard in 2023. The PRS had a notably higher rate, with 10% of homes affected, compared to 4% in social housing and 8% in owner-occupied homes[7] By taking this tiered approach, we maintain that local authorities can focus on the most serious hazards.

93. As an illustration of the difficulties local authorities have in tackling hazards and the need to prioritise, in 2021–22, local councils received 23,727 complaints about damp and mould in private rented homes. However, they inspected only 11,897 cases (about 50%[8]). Furthermore, of those inspected, 87% revealed illegal or dangerous damp/mould. Yet, formal enforcement was limited to 1,539 improvement notices, 105 fixed penalty notices, and only 27 prosecutions.

Question 47: If there is anything else you would like to add on this specific section? If so, please do so here

[7] English Housing Survey: local authority housing stock condition modelling, 2023 - main report - GOV.UK
[8] Councils in England inspect only half of all mould reports in private rental housing | Renting property | The Guardian

94. We would be happy to continue to engage with the UK Government on this issue.

Section 7 – Meeting the Standard

Social Rented Sector Question 48

95. We can not comment on this question.

Private Rented Sector

Question 49: a) 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?

96. Yes. Propertymark strongly agrees that statutory enforcement guidance should specify that local authorities exercise discretion where legitimate physical or planning constraints prevent full compliance with a DHS requirement. There are many properties in the private rented sector, particularly older, rural, or converted buildings, where full compliance with certain standards (e.g. insulation, heating distribution, or window security) may not be technically feasible or economically viable due to:

    - The property being a heritage property and subsequently being a listed building or situated on a conservation area.

    - Structural limitations. For example, solid walls, narrow cavities or other heritage features.

    - Local planning policies restricting external alterations or extensions.

    - Cost prohibitive updated that produce marginal benefits or where provisions within the standards could radically alter the character of a heritage property.

97. In these cases, strict enforcement could lead to unintended consequences, including landlords exiting the sector or reducing investment in maintenance. To counter this, we recommend clear statutory guidance that allows local authorities to apply proportionality and professional judgment which would help ensure the standard remains workable and encourages genuine improvement rather than punitive compliance. We would also recommend that for properties that fall under these circumstances should have exemptions similar to the exemption criteria for MEES[9].

b) Should statutory enforcement guidance specify that local authorities exercise discretion on enforcement in situations of tenant refusal?

[9] Guidance on PRS exemptions and Exemptions Register evidence requirements - GOV.UK

98. Propertymark strongly agrees that statutory enforcement guidance specify that local authorities exercise discretion on enforcement in situations of tenant refusal. There are many situations where a landlord is willing and able to carry out improvements or repairs but is prevented from doing so due to a tenant refusing access to the property, a tenant declining specific works or in cases where there is a vulnerable tenant who is not engaging with the process despite the landlords' best efforts. Furthermore, a tenant refusing a landlord access to a property can be a breach of contract and may lead to eviction but under the Renters' Rights Bill, breach of tenancy is a discretionary ground with two weeks' notice. In the social rented sector landlords often apply to County Court for an injunction to ensure gas and other legal requirement checks are carried out. However, unlike social housing landlords, private landlords do not have their own legal teams, and solicitors' fees are expensive. Therefore it is imperative that local authorities exercise discretion on enforcement in situations of tenant refusal.

c) If there is anything else you would like to add on this specific question please do so here

99. Propertymark maintains that landlords should provide evidence that they have made reasonable attempts to engage with their tenants if they were looking for an exemption from the standards. This could include the landlord sending request in writing via email, letter or a formal notice outlining what they are trying to achieve to be complaint with the DHS. The landlord should make at least 2–3 separate access attempts on different dates/times and should keep a record of all communication between both parties. Ultimately, we would recommend to landlords facing difficulties to seek the support of a Propertymark registered lettering agent to support them in this work because following the introduction of the Renters' Rights Bill and DHS it will become even more important that landlords carry out regular inspection visits so they can ensure that their properties are compliant.