



Department for

**Social  
Development**

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REVIEW OF THE STATUTORY MINIMUM HOUSING  
FITNESS STANDARD FOR ALL TENURES OF  
DWELLING

Discussion Paper

March 2016

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# 1. Introduction

- 1.1. This document sets out, in broad terms, the options identified by the Department for Social Development (the “Department”) to enhance the Housing Fitness Standard. These arise from a review of the Housing Fitness Standard committed to in *Facing the Future: Housing Strategy for Northern Ireland 2012–17*. The options and proposals detailed take account of research undertaken to inform the review, and discussions with a range of practitioner bodies and housing professionals. The Department believes the statutory fitness standard for housing is no longer fit for purpose and seeks your views and comments on possible ways forward.
- 1.2. The document outlines the current statutory standard, explores the shortcomings within the existing arrangements and sets out potential options for change. Views are welcome on the future of the cross-tenure housing fitness standard and, in particular, the Department welcomes any evidence that respondents can provide on the potential practical, social and financial impacts the proposed changes would have on them as individuals or organisations.
- 1.3. The Department is now seeking your views on those matters which should be included within a revised standard, how a revised standard may be enforced and how the enforcement arrangements will be conducted going forward. A defined legislative minimum standard can achieve much to improve the living conditions of many. Any such standard will be most effective where the behaviours and actions of occupants are complementary to the provisions to ensure the safe, healthy and secure enjoyment of their homes.

## How to Respond

- 1.4. Views are sought on this paper by **10 June 2016** and can be made, using the format provided at Annex D, to:
  - Ross Cameron
  - Housing Group
  - Department for Communities
  - Level 3 Causeway Exchange
  - 1-7 Bedford Street
  - Belfast
  - BT2 7EG
  - Email: [housingrenewal@dsdni.gov.uk](mailto:housingrenewal@dsdni.gov.uk)Further information on how to respond is contained in Chapter 8.
- 1.5. Following analysis of views received, the Department will publish a summary of responses and a plan for the next steps.

## 2. The Housing Fitness Standard

- 2.1. Housing is a cornerstone upon which we endeavour to build a safe, healthy and prosperous society. The quality of our housing has a significant bearing on our well being. In particular, inadequate housing increases the risk of ill health and disability. It has also been linked with poor mental health, lower educational attainment, unemployment and poverty. Improvements to the quality of housing, if properly focussed, have the potential to foster wide ranging benefits across all these policy areas, especially amongst the most vulnerable.
- 2.2. In Northern Ireland, like all other areas in the United Kingdom, we hold a common belief that no person should have to live in inadequate housing. We define inadequate or 'unfit' housing through the Northern Ireland Housing Fitness Standard. It applies across all tenures of housing and sets the legal threshold below which no one should be expected to live. It is complemented by a range of powers that provide authorities with the facility to ensure appropriate action is taken where unfit housing is identified. The Housing Fitness Standard was last updated within the Housing Order (Northern Ireland) 1992. Its primary functions are to:
- define minimum health and safety requirements for housing to be fit for human habitation;
  - permit enforcement intervention;
  - provide a basis for determining certain works to be grant aided.
- 2.3. The Housing Fitness Standard also provides a wider indication of the condition of the Northern Ireland housing stock.
- 2.4. The current Housing Fitness Standard is specifically concerned with the presence and condition of those physical elements of a dwelling that are necessary to protect the well being of a dwellings occupants. It does not extend to cover matters of human behaviour that may also affect the condition of a dwelling.

### **What measures are currently included in the Housing Fitness Standard?**

- 2.5. The current Housing Fitness Standard is a physical standard. It is primarily concerned with the internal and external fabric of the building, and the provisions of heating, lighting, ventilation and sanitation. It provides a clear and simple format which is understandable by the general public and practitioners, adopting a pass/fail approach

where in order to be considered fit for human habitation, a dwelling is required to comply with all of the following requirements:

***Be structurally stable***

- 2.6. Structural stability is concerned with the basic integrity of a dwelling. In assessing the structural stability, consideration is given for example to the capability of withstanding wind loads and ground movement.

***Be free from serious disrepair***

- 2.7. Serious disrepair is concerned with the fabric, integrated fixtures and internal surfaces of a dwelling. If items in disrepair present a serious risk to health and safety, a dwelling may be considered unfit. Health and safety risks assessed under this criterion include, but are not limited to, the risk of falls on or between levels, hygiene, electrocution and fire safety.

***Be free from dampness prejudicial to the health of the occupants (if any)***

- 2.8. A dwelling is expected to endure a degree of moisture generation appropriate to its size, without resulting in a level of dampness prejudicial to the health of any occupants.

***Have adequate provision for lighting, heating and ventilation***

- 2.9. ***Ventilation*** concerns the means available within a dwelling to expel moisture and pollutants originating in its interior that would otherwise become a health and safety hazard. The standard allows for both natural (eg windows) and artificial (eg extractor fan) ventilation.

- 2.10. A dwelling is expected to include a reasonably efficient and safe fixed ***heating*** source or gas flue capable of providing, in a main room a temperature of 18 degrees C or more when the outside temperature is -1 degree C. In other rooms, and under the same circumstances, the provision to reach and maintain a temperature minimum of 16 degrees C is required. The assessment of heating also considers the thermal efficiency of the dwelling to the extent that heat loss is not excessive.

- 2.11. A dwelling must have suitable availability for natural and artificial ***lighting*** in all habitable rooms to enable the normal activities of a household to be carried out, safely and conveniently and to permit the normal passage around the dwelling of the occupant without increasing the risk of accident.

***An adequate piped supply of wholesome water***

- 2.12. This primarily concerns the presence inside the dwelling of a mains supply of wholesome water. Matters of concern include the siting of the supply relative to the

kitchen sink; the continuity and rate of flow of the supply; and potential contamination of the supply.

***Facilities for the preparation and cooking of food***

2.13. Satisfactory and hygienic facilities are required in a dwelling for the preparation of food including an appropriate kitchen sink, provision for the cooking of food and suitable food preparation surface. Of particular concern is the provision of a layout that minimises sufficiently the risk of actions such as falls, burns and scalds.

***Water-closet; fixed bath or shower and wash-hand basin***

2.14. The standard requires provision of a suitably located W.C, bath or shower and wash hand basin with a satisfactory supply of hot and cold water for the exclusive use of a dwelling's occupants.

***Drainage of foul, waste and surface water***

2.15. The consideration of drainage concerns the provision of an effective system, both above and below ground, for the draining of foul, waste and surface water, which is designed, installed and in a condition so as not to be prejudicial to the health and safety of any occupants or to the structural fabric.

***Additional requirements in respect of a dwelling which is a flat***

2.16. In addition, where a dwelling is a flat, the Fitness Standard requires that the part of the building in which the flat is contained must:

- Be structurally stable;
- Be free from serious disrepair;
- Be free from dampness;
- Have adequate provision for ventilation; and
- Have an effective system for the draining of foul, waste and surface water.

**How is the Housing Fitness Standard Enforced?**

2.17. The Northern Ireland Housing Executive (the "Housing Executive") has overarching statutory responsibility for the assessment and enforcement of the Housing Fitness Standard. To do this, it has a number of methods available to address unfitness including repair, closing, deferred action and demolition notices for individual properties, provision of grants and the declaration of clearance and redevelopment areas. In practice where the Housing Executive requires a fitness inspection undertaken it contracts this to the local Council to undertake.

- 2.18. Councils have more limited powers, requiring them to inspect and take initial enforcement action specifically in relation to individual private rented dwellings. Councils powers do not extend to the wider, area based issues, including larger scale closure and demolition powers which remain vested with the Housing Executive.
- 2.19. Having identified unfit premises, the relevant authority must consider the most satisfactory course of action to deal with them. This will include the serving of a notice determining the required works to achieve compliance, and enforcement may conclude with court proceedings where inaction by the owner of an unfit dwelling to undertake any necessary works identified within a notice occurs.
- 2.20. Within the private rented sector Councils also have recourse to issuing a notice of disrepair where a dwelling is deemed fit for human habitation but substantial repairs are necessary to return the dwelling to a reasonable standard.
- 2.21. The Department has made available advisory notes to the Housing Executive and to Councils which elaborate on the criteria set in legislation. The Housing Executive and Councils are asked to have regard to these notes when applying the standard, but opinions must be formed in the light of all the relevant circumstances.
- 2.22. For each of the requirements contained in the Housing Fitness Standard, the advisory notes provide general advice and lists the main items to which regard should be given in forming its opinion on fitness. In assessing whether the dwelling is unfit by virtue of any of the criteria, the assessor is encouraged to have regard to a range of published documentation including Building Regulations, British Standards, Codes of Practice, and relevant academic publications.

### 3. Housing Fitness Levels in Northern Ireland Housing Stock – Key Facts and Figures

3.1. The most recent Northern Ireland House Condition Survey (the "Survey"), published in 2011, provides useful data on the standard of housing across all tenures of housing throughout Northern Ireland.

#### Housing Stock in Northern Ireland

3.2. According to the Survey, at 2011 there were around 760,000 dwellings in Northern Ireland. Of these almost 469,100 are owner occupied, 110,800 are social rented Housing Executive or Housing Association homes, 125,400 are privately rented dwellings and a further 54,700 were vacant.

#### Breakdown of the NI Housing Stock by Tenure



#### Headline Profiles of Unfitness and Disrepair

3.3. Between 2001 and 2009, the overall levels of housing unfitness across Northern Ireland fell from 4.9% to 2.4%, before rising again in 2011 to 4.6%. However, the latest increase is almost completely accounted for by unfitness in vacant properties. The Department has separately published an Empty Homes Strategy and is working to develop initiatives and incentives to restore empty dwellings back to use.

## Unfitness – Dwelling Tenure

3.4. Vacant dwellings accounted for nearly 80% of all unfitness at 2011, continuing a pattern of growth identified in previous Northern Ireland House Condition Surveys. Unfitness levels amongst occupied dwelling are now so small, they account for less than 1% of the total housing stock.

**Table 1: Unfitness levels by Tenure: 2006 – 2011 (Northern Ireland House Condition Survey 2011)**

	2006	2009	2011
<b>Tenure</b>			
Owner Occupied	31%	25%	13.0%
Private Rented and Others	8.9%	15.5%	7.1%
Social Housing	2.5%	0.6%	0.4%
Vacant	57.6%	58.9%	79.5%
<b>All Unfit Dwellings</b>	<b>3.4%</b>	<b>2.4%</b>	<b>4.6%</b>

## Unfitness – Dwelling Age

3.5. Unfitness and dwelling age are clearly linked. Dwellings built before 1919 have a much higher rate of unfitness (21.1% compared with 4.6% overall). The level of unfitness amongst properties of this age is increasingly marked and now accounts for over half of all unfit dwellings.

**Table 2: Unfitness levels by Dwelling Age: 2006 – 2011 (Northern Ireland House Condition Survey 2011)**

	2006	2009	2011
<b>Dwelling Age</b>			
Pre 1919	62.3%	48.4%	53.5%
1919-1944	15.5%	18.1%	16.7%
1945 – 1964	10.1%	7.8%	5.0%
1965 – 1980	3.9%	9.5%	11.2%
Post 1980	8.2%	16.1%	14.6%
<b>All Unfit Dwellings</b>	<b>3.4%</b>	<b>2.4%</b>	<b>4.6%</b>

## 4. Minimum Statutory Fitness Requirements across the United Kingdom and Ireland

4.1. Across the United Kingdom, and in the Republic of Ireland, minimum housing standards are established, delivered and enforced through a variety of statutory and administrative provisions. This chapter sets out the recent history of the various statutory standards in operation across these islands. Specific criteria for each standard are reproduced at **Annex B**.

### England and Wales – Housing Health and Safety Rating System

4.2. The statutory Housing Health and Safety Rating System (HHSRS) is a risk based standard. It was introduced in April 2006 in England and Wales, to replace a standard similar to the Housing Fitness Standard. Under HHSRS, Environmental Health Officers (EHOs) within local authorities identify the potential risk of harm to the occupier of a dwelling. These potential risks are categorised as hazards. The HHSRS seeks to measure the impact on the occupant of a comprehensive series of hazards and provides an assessment upon which to judge the likelihood of an incident occurring and the potential spread of harm outcomes. The hazards are divided into Category 1 and Category 2 hazards, denoting the seriousness of each hazard. HHSRS examines a significant range of external hazards not specifically included in the Housing Fitness Standard. These include elements such as excess heat and cold, falls on or between levels, security, fire, biocides, refuse and pests and asbestos.

4.3. EHOs have various powers to ensure corrective measures are taken. If during an inspection the EHO finds a Category 1 hazard within a dwelling, the local authority is obliged to take appropriate action as outlined in the HHSRS enforcement guidance. This can include the issuing of notices to remedy the hazard up to the serving of a demolition notice. Category 2 hazards are those that are judged to be less serious although authorities can still take action to tackle these hazards where necessary. EHOs have a range of enforcement options to address hazards including improvement notices, prohibition orders, hazard awareness, emergency remedial action/prohibition orders, demolition orders and clearance areas. This affords the enforcing authority with a range of enforcement options, and the action authorities take must be the most appropriate course of action in relation to the hazard in all circumstances.

4.4. Detailed guidance supports householders in complying and EHOs in delivering enforcement obligations in relation to HHSRS. The latest English Housing Survey (2013) indicates that almost 12% of all dwellings in England failed to meet the HHSRS minimum standard (equating to some 2.7m dwellings). This represents a reduction on

the levels at 2009 when over 20% of dwellings in England failed to meet the minimum standard (over 4.5m homes). At 2008 20.7% of dwellings in Wales presented a Category 1 HHSRS hazard and therefore was deemed 'unfit'. The Welsh Government has not completed such a comprehensive analysis on total housing stock since 2008, however it annually publishes data on those dwellings which have been inspected under the HHSRS. In 2013/14 of those dwellings which were inspected, 42% presented a Category 1 hazard.

### **Scotland - Tolerable Standard**

- 4.5. In Scotland the Tolerable Standard is the minimum set of requirements a home is expected to meet under Scottish law in order to be considered fit for human habitation.
- 4.6. The Tolerable Standard consists of a set of physical criteria covering the elements of a house which are fundamental to its functioning as a home. The criteria address issues of public health, comfort and safety. The Tolerable Standard is similar in structure to Northern Ireland's fitness standard, but goes beyond our requirements in a number of key areas, most notably through the addition of thermal insulation and enhanced electrical installation requirements since 2006.
- 4.7. Like the fitness standard in Northern Ireland, the Tolerable Standard is a pass/fail model. To meet the Tolerable Standard a dwelling must comply with all the criteria. Should a dwelling fail to comply with the Tolerable Standard local authorities are obliged to take enforcement action to ensure that dwelling is brought up to standard, closed or demolished. In 2011, 72,000 homes were found to be below tolerable standard, amounting to 3% of all housing.
- 4.8. In Scotland, England and Wales, inspections by the enforcing authority are most frequently instigated on complaint.

### **Republic of Ireland**

- 4.9. Section 66 of the Housing Act 1966 gives general powers to a housing authority in relation to houses the authority believes are unfit for human habitation, including the power to direct an owner to make a house fit for habitation. These provisions apply to all houses and include provision in relation to stability, the prevention of spread of fire, resistance to transmission of heat, provision for ventilation and lighting, and facilities for personal hygiene and food preparation.

4.10. Separately, minimum standards for rented accommodation are set out in the Housing (Standards for Rented Houses) Regulations 2008 and the Housing (Standards for Rented Houses) (Amendment) Regulations 2009. These regulations specify requirements in relation to a range of matters such as structural repair, absence of damp and rot, sanitary facilities, heating, ventilation, light and safety of gas and electrical supply.

#### ***Other Housing Standards***

4.11. This document seeks to address the necessary change in the mandatory minimum standard across all tenures. However, while statutory minimum housing fitness requirements covering the entire housing stock are in force across the UK, each jurisdiction also has in place administrative standards applicable to all new and existing social housing. While the administrative standards differ across jurisdictions, in addition to fitness, they cover aspects such as thermal comfort, the provision of modern kitchen and bathroom facilities and the general state of repair. Each administration has a separate non-statutory standard for the social rented sector.

4.12. In Northern Ireland the Decent Homes standard is the administrative standard applicable to social housing. This is a minimum standard below which a house should not fall and as such it is a trigger for social landlord intervention, although it is not a mandatory standard and the social landlord will monitor compliance. This standard includes the provisions of the statutory fitness standard along with other criteria relating to repairs, modern facilities and services and thermal comfort. The issue of social housing standards is being considered as part of the Social Housing Reform Programme and any new requirements arising from this review of the fitness standard will be fully incorporated in any new social standard.

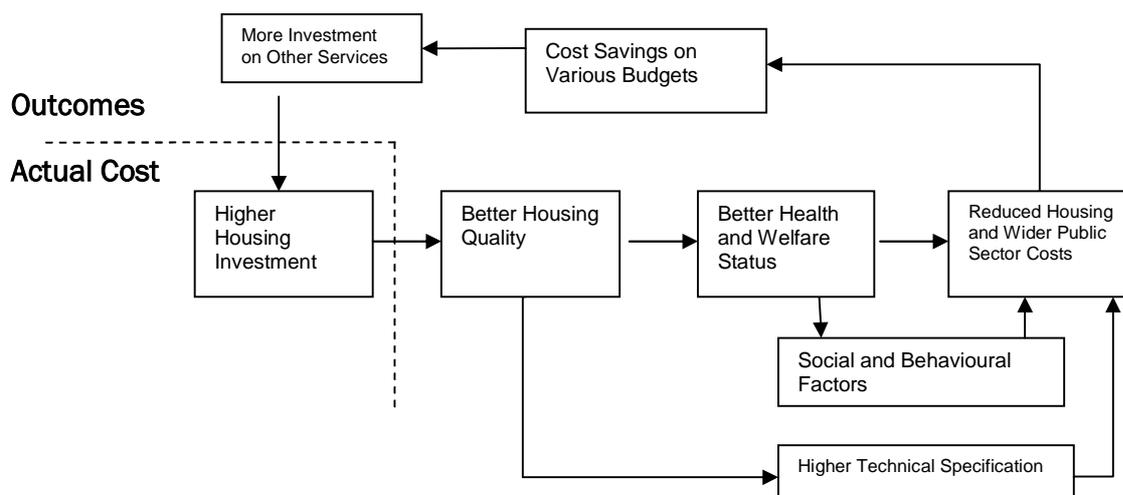
4.13. Across the UK the private rented sector, particularly in the case of Houses of Multiple Occupation, is also subject to additional regulation, particularly in relation to fire safety and the maintenance of gas installations. Specific provisions in relation to mandatory installation of fire and carbon monoxide detection equipment from October 2015 became mandatory in the private rented sector in England. Furthermore the same mandatory installation of CO detectors became law within the private rented sector in Scotland from 1<sup>st</sup> December 2015. Building Standards across the UK apply to any construction, maintenance and significant renovation works undertaken on either existing or new dwellings. Building Standards are usually statutory and nature and generally exceed the housing fitness standard criteria within each jurisdiction.

## 5. The Case for Change: Revising the Fitness Standard

- 5.1. The Housing Fitness Standard, as a strategic driver, has undoubtedly had a positive impact on the quality of housing in Northern Ireland, reducing overall unfitness against the current criteria from 8.8% in 1991 to a low of 2.4% in 2009 and currently less than 1% where vacant dwellings are excluded. However for many, its value falls short as a means of dealing with modern housing challenges and complimenting the Northern Ireland Executive's wider policy agenda.
- 5.2. The Housing Fitness Standard has not kept pace with building standards, environmental, and health and safety issues while other parts of the United Kingdom have, at least to some extent, enhanced their standards to take account of some of these key developments.
- 5.3. Against the current criteria, the number of unfit dwellings is now very small, meaning that statistics on housing fitness are no longer a compelling evidence basis to underpin new initiatives to improve the housing stock. Its relevance, therefore, as a policy driver is significantly reduced.

### The Opportunity

- 5.4. Patterns of association between poor housing conditions and increased incidences of ill health have been well documented in academic research. Indeed evidence highlights that poor housing conditions may generate additional costs across a range of other key services. For example:
  - **education** (poor, overcrowded and noisy home conditions impede learning)
  - **police and judicial services** (poor housing and environmental design and construction is associated with a higher incidence of some crimes)
  - the **emergency services** (poor housing conditions and 'secondary heating' increase accident and fire risks)
  - the **energy supply services** (poorly designed housing uses excess energy and produces ecological damage)
- 5.5. Properly focussed initiatives to improve the quality of housing stock can potentially lead to cost savings and additional scope for investment across the landscape of public policy. The diagram below indicates the cycle of effective housing investment and demonstrates how higher investment in housing can lead to better quality housing and, in turn, lead to cost savings and further investment:



<sup>1</sup> **Diagram 1: Cycle of effective housing investment**

5.6. Research into the impacts of poor housing, discussions with housing professionals and a review of government policy, particularly in relation to health and safety have exposed a number of key areas where the Department believes fitness requirements could contribute better to wider health and safety policy issues. These include:

- Thermal comfort
- Fire safety and the detection of carbon monoxide
- Electrical safety
- Security
- The prevention of accidental falls

### Thermal comfort

5.7. The linkages between cold homes and poor health are well documented. Living in a cold home can compromise the dexterity of its occupants leading to increased risks of accidents and injuries, and exacerbates other conditions such as arthritis. In addition, cold housing and associated living conditions can frequently have an adverse affect on the mental health of its occupants.<sup>2</sup> Cold homes are estimated to contribute to a significant proportion of illnesses during winter months, while experts have estimated that 40% of Excess Winter Deaths could be related to poor thermal conditions in the home<sup>3</sup>.

<sup>1</sup> P.Ambrose, *Housing Standards and NHS Costs*, March 2003

<sup>2</sup> Estimating the health impacts of Northern Ireland's Warm Homes Scheme 2000-2008, University of Ulster, Liddel C, (2011), p 7-9

<sup>3</sup> Housing, Energy and Thermal Comfort: A review of 10 countries within the WHO European Region. World Health Organization for Europe, Copenhagen Zaloshnja E, Miller TR, Lawrence BA, and Romano E (2005), p3.

- 5.8. Occupiers of thermally inefficient homes need to spend greater amounts of money on fuel in order to maintain comfortable living temperatures. For some, this may mean making the choice between warmth and other essential. Reports also suggest that cold housing negatively affects the educational attainment, emotional well-being and resilience of children.<sup>4</sup>
- 5.9. Although there are currently no statutory regulations requiring minimum standards of thermal comfort within existing homes in Northern Ireland, the statutory housing fitness standard does require that any dwelling should have adequate provision for heating. The advisory guidance provides an indication of requirements..
- 5.10. The World Health Organisation (WHO) recommends that indoor temperatures are maintained at 21 degrees in the living rooms and 18 degrees in bedrooms for at least 9 hours a day<sup>5</sup>. The current NI standard requires there to be adequate provision for heating, with guidance indicating that the maintenance of indoor temperature in the main living room should be 18C (where the external temperature is -1C) and 16C in all other habitable rooms. The Northern Ireland standard is therefore out of step with the leading professional recommendation and should be adjusted.
- 5.11. It is therefore considered that the Housing Fitness Standard could be augmented by including a specific criterion in relation to thermal comfort and guidance that aligns with WHO recommendations on indoor temperatures, and aligns more closely to the wider policy importance placed on this issue by the Department and the Northern Ireland Executive.

**Question 1: What is your view on the inclusion of separate and specific provision in relation to thermal comfort as part of a revised standard?**

**Fire safety and the detection of carbon monoxide**

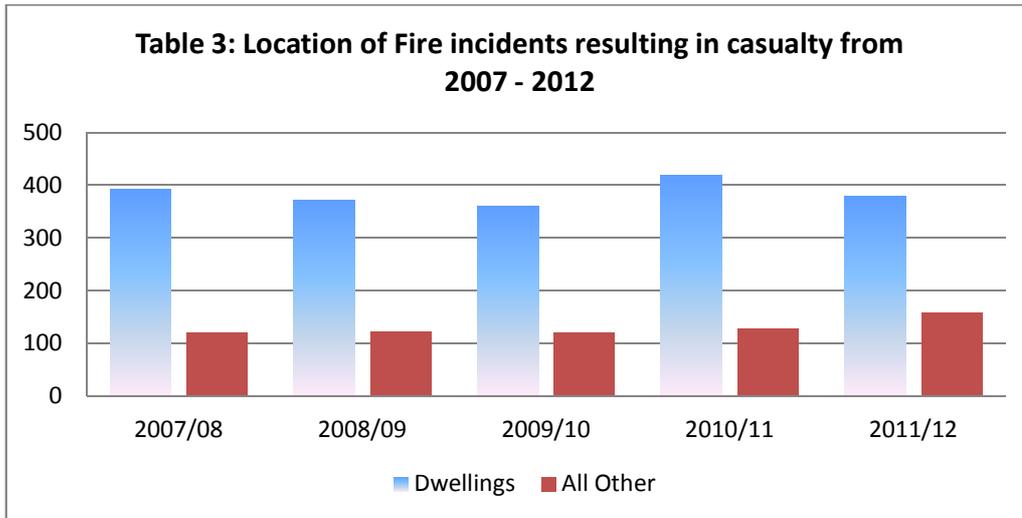
- 5.12. In Northern Ireland the highest risk of suffering loss, injury or fatality as a result of a fire is within the home.<sup>6</sup> Table 3 illustrates that dwelling casualties consistently account for nearly 80% of all fire related casualties.

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<sup>4</sup> The Health Impacts of Cold Housing and Fuel Poverty, p32, idem

<sup>5</sup> [http://www.foe.co.uk/sites/default/files/downloads/cold\\_homes\\_health.pdf](http://www.foe.co.uk/sites/default/files/downloads/cold_homes_health.pdf)

<sup>6</sup> NIFRS Annual Report 2012/13 – Of the 15 major fire fatalities in 2012/13, 11 occurred in the home.



Source: NIFRS Prevention & Protection Strategy 2014–2019

5.13. Between 2007 and 2012, 49 fatalities due to fires in the home occurred as a result of a range of causes including open fires, electrical or gas appliances or fittings and smoking paraphernalia. It is clear that physical factors and behavioural factors within the home contribute to fatalities and casualties due to fire. Similarly, physical installations and human behaviour can contribute to illness, injury and fatalities caused by the build up of gases, particularly carbon monoxide.

5.14. As the legislation that defines minimum standards acceptable for human habitation across all dwellings, the Housing Fitness Standard can clearly play a role in improving fire safety in the home. Currently, risks to fire safety are addressed through guidance in relation to the criterion of serious disrepair. However, discussions with housing professionals and the Northern Ireland Fire and Rescue Service (NIFRS) have highlighted an enhanced standard presents a significant opportunity to put in place more rigorous regulation that could have a material impact upon those who are currently most vulnerable to the dangers of domestic fire.

5.15. While NIFRS welcomed a reduction in the number of accidental dwelling fires in 2014, as compared to the previous year, with in total 882 accidental dwelling fires and 8 lives lost to domestic fires within that year, 2015 saw an increase in fatalities and instances of accidental domestic fires, rising to 11 lives lost and 889 accidental domestic fires.. A free Home Safety Check is offered by NIFRS, which provides advice on the prevention of fires and can include the installation of smoke alarms. While this service is helpful in driving down the numbers of domestic fires, and associated casualties and fatalities, homeowners can be expected to take practical action to contribute to the prevention of fires and make provision for early detection to give

occupants and NIFRS the best opportunity to ensure safe escape and swift action where fires do occur.

5.16. The dangers of illness and death from the build up of carbon monoxide gas in the home are becoming increasingly well known to the public. Badly fitted and poorly maintained combustion appliances can cause gas leaks, fires, explosions and carbon monoxide poisoning. Safeguards exist to protect domestic consumers from many of the risks associated with gas safety. Domestic gas installations must be provided by a Gas Safe Registered contractor and regular maintenance is strongly encouraged.

5.17. Carbon monoxide (CO) is a colourless, odourless, toxic gas. It is produced by the incomplete combustion of solid, liquid, and gaseous fuels. Appliances fuelled with gas, oil, kerosene, or wood may produce CO. If such appliances are not installed, maintained, and used properly, CO may accumulate to dangerous and even deadly levels in homes, cars or poorly ventilated areas.

5.18. Any person in premises shared with a device capable of generating CO should be considered at risk of CO poisoning. There is a common misconception that only those who have gas appliances or fittings within their homes are exposed to the danger from the impact of a build up of CO. Common sources of CO around the home include the following wood, oil or gas fuelled appliances:

- Boilers
- Room heaters
- Charcoal grills
- Cooking ranges
- Water heaters
- Vehicles run in closed garages
- Fireplaces
- Wood burning stoves

5.19. Carbon monoxide detectors which, like smoke detectors, are widely available and inexpensive to purchase can be effectively installed by householders by siting them within the same room as any wood, oil or gas fuelled appliance. This makes the provision of carbon monoxide detectors as a fairly straightforward and inexpensive safety measure to institute.

5.20. While particular measures can be put in place to reduce the risk of fires and the toxic build up of carbon dioxide, by ensuring that particular standards in relation to electrical wiring and appliance safety, there is an opportunity to define minimum standards in relation to preventative measures to reduce the risks. That, in turn, can assist the NIFRS in responding to incidents and can reduce the risk of harm to dwelling

occupants in all instances. At the same time regulation must be practical to implement, especially for those who are most susceptible to the risk of fire or the build up of CO, and who are likely to be most constrained by financial resource. It must also be practically enforceable.

## Question 2: Do you consider that provision for the detection of fire and carbon monoxide should be a priority for focus within an updated Housing Fitness Standard?

### Electrical Safety

5.21. The electrical wiring circuits, switches and sockets in domestic dwellings are addressed under the category of disrepair in the current Housing Fitness Standard. They must be in a safe condition, good working order and adequate for the needs of those who occupy the home. Electrical installations relate to the integral fabric of the building, specifically electrical wiring required to heat, light and ventilate the dwelling. Electrical appliances, their installation and maintenance are not considered as part of the current standard.

5.22. Electrical safety and the risk of fire are inextricably linked. Poorly installed or maintained electrical wiring presents a significant risk of electric shock or fire which could seriously affect the occupants of a dwelling. The guidance associated with the existing housing fitness standard requires that, where a dwelling is connected to the electricity network or has a separate electricity generator, that such connections, internal wiring and integral fixtures (eg heating, artificial lighting and artificial ventilation measures) should comply with industry standards so as to avert the risk of shock or fire arising. The following is an excerpt from current guidelines on the assessment of Housing Fitness:

*‘The disrepair of fixtures can be seriously prejudicial to safety, either directly or by constituting a fire hazard. As well as causing deaths directly through electrocution, bad wiring results in numerous house fires each year. Old and neglected wiring, particularly the rubber-covered cable used up to the 1950s, is more likely to be faulty and cause fires... Electrical wiring should not be so old and in such disrepair as to cause a major risk of electrocution or fire. However, failure to meet the current IEE regulations, for example, by old electrical wiring would not by itself normally constitute grounds for unfitness, unless the Executive properly considers the installation to be dangerous and in need of immediate replacement.’<sup>7</sup>*

5.23. While these guidelines provide a degree of advice on matters related to electrical safety, given the potentially fatal consequences that can arise as a result of defective electrical wiring within the home, we believe more could be done to emphasise these

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<sup>7</sup> Excerpts From the Disrepair section of the Housing Fitness Standard Assessment Guidance.

issues within the criterion of the Housing Fitness Standard and its supporting guidelines. The Scottish Government extended its guidance in relation to the repairing standard in the private rented sector in respect of electrical safety. Private landlords must, from December 2015, ensure that regular (as a minimum once every five years) electrical safety inspections are carried out by a competent person. At present the obligation extends only to the private rented sector in Scotland, however it is understood that lobby groups advocate its extension to the social rented and owner occupied sectors.

### **Question 3: Do you consider that electrical safety should be a priority for focus within an updated Housing Fitness Standard?**

#### **Security**

5.24. Home security and the prevention of entry by intruders is an issue of concern for all dwelling occupants, but particularly for vulnerable groups including the elderly and disabled. The fear of entry by intruders has the potential to cause stress and anguish to the occupant, on a scale which could be comparable to the physical harm or injury caused by intruders.

5.25. Discussions with housing professionals have revealed that many have witnessed domestic properties with missing or defective external doors and windows; however the explicit powers are missing from the Housing Fitness Standard to enable them to take enforcement action to enable them to have these safety and security measures corrected. Furthermore, the prevention of falls from upper floor windows could be easily and cheaply remedied by the requirement to have window locks fitted, particularly where young children are living in a dwelling.

5.26. The mental health impact of feeling safe and secure in one's own home cannot be overstated. It is therefore important that any revised standard includes explicit provision in relation to reasonable security measures.

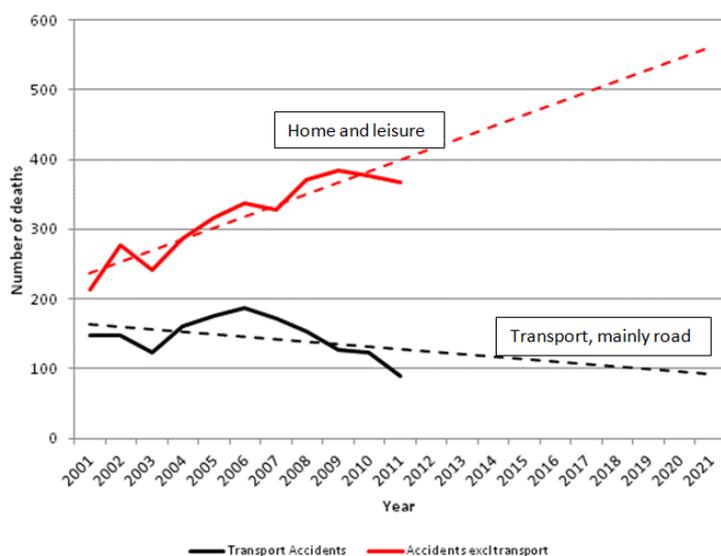
### **Question 4: What is your view on the provision of reasonable security measures is an appropriate element within an updated Housing Fitness Standard?**

#### **The Prevention of Accidental falls**

5.27. According to the DHSSPS Home Accident Prevention Strategy 2015-25, accidents in the home in are estimated to result in over 100 fatalities and some 17,000 hospital admissions per annum. The Royal Society for the Prevention of Accidents estimates home accidents in Northern Ireland in 2012/13 cost the Health Service some £78m. Accidents occur, most commonly in the home, on the roads and in other public spaces,

in the workplace and while participating in sports and leisure activities. Between 2001 and 2011 a wide range of interventions, such as legislation and public awareness campaigns, have reduced significantly, delivering Northern Ireland’s lowest ever number of road death fatalities. However, in the same period, there was an increase in fatal home and leisure accidents.

**Diagram 2: Extrapolation of accidental deaths, looking ahead 10 years<sup>8</sup>**



5.28. Falls are a significant contributor to unintentional injury and fatality occurring in the home, accounting for 480 deaths between 2001 and 2011 (just under half of all unintentional injury and deaths at home). The risk of falling in the home increases with age and usually involves both environmental hazards and an underlying medical condition. Falls account for 71% of all fatal accidents to those aged 65 and over<sup>9</sup>. They also represent the most common cause of admissions to hospital in the age group.

5.29. Studies show that one third of people aged over 65 in the general population have one fall per year, with 40–60% of these falls causing injury<sup>10</sup>. 50% of those who suffered a hip fracture can no longer live independently and fear of falling again reduces quality of life and wellbeing, even if a fall does not result in serious injury. Based on costs from

<sup>8</sup> RoSPA Big Book of Accident Prevention Northern Ireland 2013

<sup>9</sup> RoSPA. 30 March 2012.: [www.rospace.com/homesafety/adviceandinformation/olderpeople/accidents.aspx](http://www.rospace.com/homesafety/adviceandinformation/olderpeople/accidents.aspx)

<sup>10</sup> [http://www.publichealth.hscni.net/sites/default/files/DPH\\_Report\\_05\\_13\\_0.pdf](http://www.publichealth.hscni.net/sites/default/files/DPH_Report_05_13_0.pdf)

2009/10, the South Eastern HSC Trust *Falls and osteoporosis strategy* estimated that for every hip fracture avoided, approximately £10,170 could be saved<sup>11</sup>.

5.30. The statutory fitness requirement has the potential to reflect on the causes and impact of falls in the home and take steps to address these. The current fitness standard requires, among other things, that a dwelling must have adequate provision for lighting, be structurally stable and be free from serious disrepair. Therefore, to some extent, some of the most important measures to address accidental falls are already in place to mitigate against some of the inherent risks. The Department believes, however, that more may be done to assist in preventing accidents in the home and, specifically, that the standard could be more explicit in its requirements to address those conditions within a dwelling that unacceptable increase the risk of an accidental fall.

**Question 5: What is your view on the prevention of accidental falls as an area for focus within an updated Housing Fitness Standard?**

#### **Other Issues**

5.28 The Department has identified the five areas highlighted above as priorities to be reflected in any revision to the housing fitness standard. The Department believes that augmenting the standard to, as a minimum, tackle these key deficiencies may assist most effectively in wider policy initiatives to improve the quality of the Northern Ireland Housing Stock and health outcomes for dwelling occupants.

5.29 The Department also recognises that there may be other areas of concern that you feel should be explicitly highlighted within a revised Housing Fitness Standard.

**Question 6: Are there any other issues currently not addressed within the Housing Fitness Standard that you believe should be included within a revised Housing Fitness Standard?**

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<sup>11</sup> [http://www.publichealth.hscni.net/sites/default/files/DPH\\_Report\\_05\\_13\\_0.pdf](http://www.publichealth.hscni.net/sites/default/files/DPH_Report_05_13_0.pdf)

## 6. Options for implementing an updated Housing Fitness Standard

6.1. The Department has identified potential 2 approaches that it believes could reasonably address the identified deficiencies in the Northern Ireland housing stock:

- **Option A – An Enhanced Housing Fitness Standard**
- **Option B – Introduce the Housing Health and Safety Rating System in Northern Ireland.**

### **Option A: An Enhanced Housing Fitness Standard**

6.2. Under this approach the Housing Fitness Standard would be augmented to address those deficiencies set out in the previous chapter, namely:

- Thermal comfort
- Fire safety and the detection of carbon monoxide
- Electrical safety
- Security
- Prevention of accidental Falls

6.3. In addition to the existing criteria, which would be strengthened where possible to address these deficiencies, additional criteria would be included to specifically address these issues, to improve homes with these key deficiencies present and to allow the enforcing authority to deal with a broader range of problems within existing housing stock.

6.4. Implementing this option could provide continuity for those who have operated on a physical based assessment for over 30 years. The standard's enhancement within its current structure would provide a practical opportunity to target measures to address known deficiencies and, additionally, tie in with policy agendas on health and fuel poverty. Revised guidelines to accompany the new standard would also provide a chance to clarify any areas of the standard that practitioners feel are presently unclear.

6.5. When Scotland undertook a change to its fitness standard, the Tolerable Standard enacted through the Housing (Scotland) Act in 2006, it chose to augment its physically based model with additional provisions in relation to thermal comfort and electrical safety. It is understood that there are no plans at present in Scotland to move towards a more risk-based housing fitness standard. Furthermore the Scottish Government, in respect of electrical safety, has recently introduced a mandatory five year electrical

safety check within the private rented sector, and lobby groups are proposing that this be extended to the social rented sector and to owner occupied dwellings.

6.6. Introducing an augmented version of the existing standard in Northern Ireland could ensure that current enforcement officers are easily made aware of the additional provisions, both in legislation and associated guidelines. The standard would remain clear and understood by the public and would not require significant additional training for practitioners to implement. It is not envisaged that an augmentation of this nature would require significant IT infrastructure change to implement.

**Option B: Introduce the Housing Health and Safety Rating System in Northern Ireland.**

6.7. Alternatively, the Housing Fitness Standard could be replaced with a risk-based model, for example the Housing Health and Safety Rating System (HHSRS). The move from a physical standard to HHSRS in England and Wales since 2006 has won wide spread acceptance and is agreed by many to have produced positive results.

6.8. HHSRS has been in operation in England and Wales for a number of years. The system could be adopted for Northern Ireland, albeit in its current form it is untailored to the Northern Ireland context. It has the potential to produce benefits and a joined up approach across a wide range of policy areas including fuel poverty, accidents in the home and community safety.

6.9. The introduction of HSSRS could also enable direct comparison of performance and statistics with England and Wales and would enable full use and application of the growing body of research that is developing around HHSRS in relation to specific costs and benefits to society identified through its analysis. Enforcing Officers in Northern Ireland would also be able to draw upon a large volume of legal precedent in dealing with specific cases that may otherwise have been affected by a degree of uncertainty.

6.10. It is important to recognise that the baseline unfitness of dwellings across all tenures between Northern Ireland and other jurisdictions in the United Kingdom are quite different. Levels of unfitness in dwellings in England and Wales have historically been at a higher rate than dwellings in Northern Ireland, with England continuing to exhibit a 15% failure rate against the HHSRS standard. Therefore it is important to bear in mind that a suitable solution for England and Wales may not be suitable for Northern Ireland and any change should be reflective of an exhibited or projected need.

6.11. Selection of this option would necessitate the introduction of a completely new assessment and enforcement regime that could disturb continuity. However access to the experiences and lessons learned through the implementation of the system in England and Wales could, to an extent, limit this impact. Implementing HHSRS in

Northern Ireland would require a comprehensive programme of training for enforcement officers, an extensive marketing and awareness campaign for the public and may require the establishment of (for example) a body with similar functions to the Residential Properties Tribunal which makes decisions in England and Wales where a HHSRS notice is appealed.

6.12. The HHSRS has been criticised by some as too complex, not easily understood by landlords/tenants and open to broad interpretation by practitioners. Following a report by the Westminster Committee, the Department for Communities and Local Government, in response to the Committee's concerns, has now publicised a layman's guide to the HHSRS in an effort to increase user understanding.

6.13. It is important to note that whatever system is implemented as the new housing fitness standard for Northern Ireland, the system itself will not be the panacea to address all the shortcomings of poor housing and injury and fatality experienced in the home. The personal behaviours of householders and occupants, and the practical enforcement of the system are absolutely critical to making any model work effectively and drive down the level of poor housing and, by association, the negative impacts.

### **The Way Forward**

6.14. Initial discussions with a range of housing professionals and interested parties, as well as an analysis of available research and evidence have highlighted a range of views. In coming to a decision on which changes to pursue the Department is mindful of considering the practical, social and financial impacts that may arise, in the particular context of issues affecting housing in Northern Ireland.

6.15. The Department would welcome your views on the relative merits of the options outlined, supported by evidence as to how they may address the problems resulting in poor housing particular to Northern Ireland. Annex C to this paper provides a comparative overview of the current standards in Northern Ireland, Scotland, England and Wales. It also indicates how an enhanced standard might look, and outlines additional elements which would be introduced here if the HHSRS were adopted for Northern Ireland.

**Your views on the options outlined are welcome, particularly which would most effectively addresses the deficiencies of the Northern Ireland Housing Stock and the resultant impact on tenants affected by unfitness.**

## **Enforcing Authority**

- 6.16. Under the proposals associated with the reform of local government it had been suggested that elements of the enforcement of the housing fitness standard in relation to social rented and owner occupied dwellings would transfer from the Housing Executive to Councils. Subsequently, it was agreed by the Northern Ireland Executive that the housing related functions which were to transfer to Councils would be scoped separately as part of the outworking of the Housing Strategy.
- 6.17. As discussed in Chapter 2, at present enforcement powers are split between the Housing Executive and Councils. Both authorities perform important functions in relation to identifying and tackling unfitness. The Department consulted previously on proposals to transfer the majority of powers in relation to identifying and tackling unfitness from the Housing Executive to Councils. It was proposed that powers relating to clearance areas, which had been used previously in the main for slum clearance, would be revoked.
- 6.18. The Department is again seeking views on the most efficient and effective enforcement arrangements contained in Chapter II of the Housing (Northern Ireland) Order 1981 (as amended). The enforcement of the standard may, to some extent, be guided by the nature of the revised standard, and the views of interested parties are welcome.

## 7. Cost implications of raising the Housing Fitness Standard

- 7.1. Whichever changes are implemented it will inevitably raise the levels of statistical unfitness in Northern Ireland and, consequently, will result in additional costs to rectify issues in dwellings that will fail to meet any new minimum statutory requirement. In making any change it is important that Government takes account of the costs and related benefits of the investment which will be required to meet any new criteria.
- 7.2. Focussing any enhancement of the standard on amendments to what is currently accepted as a simple to understand standard may prove most advantageous in ensuring improved living conditions and maximising value for money. On the other hand, directly linking the statutory requirement to the range of health and safety risks identified through the HHSRS may provide some additional savings in terms of reduced accidents, better outcomes in relation to fuel poverty, and increased community safety.
- 7.3. In March 2010 Building Research Establishment (BRE) published the report 'The Real Cost of Poor Housing,' presenting a cost-benefit analysis on investment in the housing stock in England. By identifying patterns of association between housing quality and health, BRE was able to estimate that by investing to reduce all category 1 hazards as defined under HHSRS to an acceptable level, £600m could be saved by the health service in England annually with a payback period of 29 years on the investment.
- 7.4. In March 2015 BRE, in co-operation with the Chartered Institute of Environmental Health published an update to this report entitled: "The Cost of Poor Housing to the NHS". This report made use of updated models and, among other things, widened the definition of 'poor housing' to include all 'sub-standard' housing. Using updated datasets and revised methodology the BRE Trust now estimates that the savings to the NHS in England if all housing hazards were repaired is £1.4bn, and would require expenditure of over £10bn to realise.
- 7.5. BRE produced a Northern Ireland specific report commissioned by the Northern Ireland Housing Executive, entitled 'The cost of Poor Housing in Northern Ireland' in 2012 applying the same model to Northern Ireland using data from the NIHCS 2011. Although the model uses HHSRS rather than the fitness standard as a basis for its calculations, the results show the potential benefits of addressing some of the areas that the Housing Fitness standard currently does not cover including the potential consequences of falls and poor thermal efficiency.
- 7.6. BRE indicated that at 2012 investment to reduce Category 1 hazards to an acceptable level in Northern Ireland would benefit the Health Service here on an annual basis by

around £33m with a payback period on the investment in meeting the HHSRS standard of 12.8 years. BRE further estimated that the full cost of living with poor housing here is £82m. The much shorter payback period in Northern Ireland was attributed to the much smaller volume of homes affected by excess cold, which by far has the highest payback period of all hazards within the HHSRS. The BRE 2012 report was based on data emerging from the 2009 House Condition Survey. In the interim the level of unfitness in occupied dwellings has continued to fall, and the estimated existence of HHSRS Category 1 Hazards in occupied homes has also fallen. The Department has obtained data from the Housing Executive in relation to the estimated costs to make occupied dwellings requiring works safer.

7.7. <sup>12</sup>Table 4 (below) examines the impact of the enhanced fitness standard envisaged under Option A. It should be noted that, at present, the data does not include the additional costs of meeting the current fitness standard. The Department intends to undertake further analysis to determine these costs and will share this information with stakeholders once this is available. The breakdown for Model A by tenure is not available at present, however estimated total costs across occupied dwelling are included to provide an estimate of the likely number of dwellings impacted and associated costs.

**Table 4: Impact of Model A**

Tenure	No of occupied dwellings unfit under the existing standard	Estimated No of occupied dwellings which would require works under an enhanced standard (Option A) <sup>13</sup>	Total estimated costs of works required to meet enhanced standard to occupied dwellings (£) <sup>14</sup>
NIHE	151	Not known at present	Not known at present
Housing Association	0	Not known at present	Not known at present
Private Rented & Others	2,496	Not known at present	Not known at present
Owner Occupied	4,564	Not known at present	Not known at present
<b>TOTAL</b>	<b>7,211</b>	<b>Est 28,766<sup>15</sup></b>	<b>Est 58,293,065<sup>16</sup></b>

Table 5 provides an estimate the impact of the HHSRS model (Option B) and the estimated costs to make occupied dwellings requiring works safer. The costings here provide an indication of the cost of compliance with the full suite of HHSRS hazards.

<sup>12</sup> Corrections to paragraph 7.7 made May 2016

<sup>13</sup> Note: This data is based on sample of dwellings as part of the 2011 House Condition survey and does not, for example, take account of those homes benefitting from measures under the Warm Homes, Boiler Replacement and Affordable Warmth schemes

<sup>14</sup> As above

<sup>15</sup> Estimate is based on overall numbers which would fail the standard, however this is not available at tenure level

<sup>16</sup> Estimate is based on overall numbers which would fail the standard, however this is not available at tenure level

Again, the Department will seek further evidence as to the extent of the costs of compliance with HHSRS, and eliminating the 29 hazards, and will share this information with stakeholders once this is available. The data below, based on the instances of hazards identified in the House Condition Survey sample, do not include the costs of 11 of the 29 hazards, and may not be fully representative of overall costs.

**Table 5: Impact of Model B**

Tenure	No of occupied dwellings unfit under the existing standard	No of occupied dwellings which would require works under HHSRS	Total Estimated costs of works to meet HHSRS to occupied dwellings (£)
NIHE	151	2,376	2,768,077
Housing Association	-	-	-
Private Rented & Others	2,496	9,349	47,924,236
Owner Occupied	4,564	34,249	68,713,636
<b>TOTAL</b>	<b>7,211</b>	<b>45,974</b>	<b>119,405,949</b>

#### Assistance to remedy unfit dwellings

7.8. In order to meet any new standard, home owners may be required to undertake some improvements to their home. Any financial impact would be primarily the responsibility of the owners themselves, although some financial assistance may be available particularly for those on lower incomes.

7.9. Under the current regulatory structures, some assistance can be made available to private homeowners, landlords and tenants to remedy unfitness through a range of statutory grants. Availability of grants is subject to the provision of budget which has, since the economic downturn, been reducing year on year. Access to the Renovation Grant, HMO Grant, Common Parts Grant, the Home Repairs Assist Grant and the Replacement Grant are also available to owner occupiers, landlords and tenants varyingly. These grants are also aimed at tackling unfitness however, under the current arrangements the Housing Executive has the discretion to award an applicant a grant, and regulations prescribe how much an applicant must contribute towards works. The Repairs Grant is available to landlords and tenants where a statutory or protected tenancy is in place and where they are required to undertake repairs where a notice of unfitness has been issued or were a statutory nuisance is identified. Separately the Department has made available grant assistance for a range of energy efficiency measures, which could assist with meeting certain standard criteria.

- 7.10. The grant assistance arrangements were established in legislation over the past twenty years and introduced to help those most vulnerable to address the impacts of fitness within the homes in which they live. The statutory grant arrangements have been variously described as complex and rigid and can be difficult for applicants to understand and are costly to administer. Therefore in parallel with the review of the Housing Fitness Standard, the Department is also examining the future framework for grant assistance to ensure that available resources are channelled to maximise their effectiveness in addressing unfitness within the structures of housing fitness requirements. The energy efficiency grant schemes (for example Affordable Warmth and Boiler Replacement) are separate to these grants and are not encompassed within that review.
- 7.11. For some considerable time grant assistance has been provided to repair and improve private sector dwellings, to prevent them from falling into serious disrepair and unfitness. Intervention has proven successful in keeping levels of unfitness and serious disrepair in check. However, as a result of the economic downturn, the financial resources to fund grant assistance have become increasingly constrained.
- 7.12. In the wider context of absence of the levels of previous available funding, the Department believes the current regulatory framework is no longer fit for purpose. Added to this, the schemes have variously been described as overly complex and difficult for applicants to participate in.
- 7.13. The Department has examined methods in other jurisdictions within the UK and the Republic of Ireland to find innovative solutions which may prove suitable in a Northern Ireland context. Solutions which have worked in other jurisdictions include repayable loans to assist owners to maximise their existing assets while protecting the most vulnerable from poor living conditions and unnecessary debt. The Department is also reviewing legislation surrounding the assistance arrangements to determine which should remain in their current form and which should be adjusted in response to changing policy requirements and public views.
- 7.14. The introduction of any new legislative framework should ensure flexibility to provide a range of assistance including grants and loans, and to address the purposes of meeting the fitness standard and providing adaptations where necessary. This could, for example, allow the targeting of assistance to geographical locations, types of dwelling, or types of works in order to meet the standard.
- 7.15. A report published by the Department's Repossessions Taskforce indicates that as a result of the heavier impact of the economic downturn and the impact on the property market here there is a bigger proportion of households with problem debt and at risk

of repossession in Northern Ireland than in the rest of the UK. The implementation of the Taskforce's recommendations may help ameliorate the situation. The provision of a recyclable scheme of assistance for private sector housing repairs and improvement may help sustain the availability of assistance for the hardest pressed householders.

7.16. It is clear that government intervention is helping to address some of the key issues which it is important that the fitness standard tackles. The Boiler Replacement Scheme, for example, has completed to date over 25,000 grant-assisted installations of new, more efficient boilers, helping householders to more effectively heat their homes and helping to tackle the impact on occupants of cold homes.

7.17. At present owner occupiers, private landlords and their tenants can apply to the Housing Executive for grant assistance to comply with the fitness standard. For many years there was a considerable volume of such grant paid, however since the economic downturn the majority of grant is paid in exceptional circumstance, where there is an immediate risk of harm to the occupant where works are not carried out. A wider review of the grant arrangements is also underway, however grant assistance at previous levels is unsustainable and the level of assistance available to contribute towards compliance with any new standard will be, at best, modest

**Question 7: How, in your view, has grant assistance made a contribution to tackling unfitness and is government intervention still required?**

**Question 8: What are your views on the provision of loans as an alternative to grant to assist in tackling unfitness?**

**Views are welcome on the options available to the Department for making available assistance to address fitness in an effective and sustainable way.**

#### **Application of a Revised Fitness Standard**

7.18. As discussed above, there are likely to be some significant costs both in terms of complying with the provisions of a new standard and with enforcing a new standard. The levels of assistance made available in the past through the Housing Executive to help dwelling owners meet the fitness standard are no longer sustainable and it will not be possible to provide finance to assist every household to comply. There may therefore be merit in either focussing all available assistance schemes on the most expensive provisions, or of taking a phased approach to introducing the more expensive provisions of the proposed amendments. In the past the Department has made available grant assistance for specific housing purposes, for example through the boiler replacement scheme. However until now all elements of the housing fitness standard have always applied uniformly and concurrently to all tenures. We are

therefore seeking your views on whether there would be merit in introducing new elements of a revised standard in an incremental way, or introducing the new standard in its entirety, but phasing its application tenure by tenure.

7.19. It is commonly agreed that one of the most expensive matters to comply with would be the provision of thermal comfort/prevention of excess cold. The Department's previous Warm Homes Scheme which ran until 31 March 2015 made available assistance to provide a range of heating and insulation measures, including full heating systems, cavity and loft insulation. The new Affordable Warmth Scheme was introduced in September 2014 and replaced the Warm Homes Scheme. The Affordable Warmth Scheme targets low income households considered to be in severe/extreme fuel poverty and offers a range of heating and insulation measures including full heating systems, boiler replacement, loft and cavity insulation and solid wall insulation. Focusing the majority of available assistance on thermal provisions across the private housing sector could address one of the most costly additional provisions, however taking this approach could fail to address other costly fitness criteria.. The Boiler Replacement Scheme is available to owner occupiers with an annual income of less than £40,000 and whose boiler is at least 15 years old.

7.20. Another potential means of maximising the available assistance, and minimising the initial impact on the housing market of an uplifted standard could be to implement the most costly new elements in a phased approach using certain established criteria. For example, this could be achieved through making the majority of fitness criteria, existing and new, applicable to all tenures. The thermal criteria (either thermal comfort provision or prevention of excess cold) could be introduced through the rented sectors (both private and social) first, and then extend to the remaining tenures. This again could permit the focus of limited resources to undertake the necessary works. While this proposal has the potential to address some of the key issues within housing stock in Northern Ireland, it will extend the timescale for full implementation and has the potential to lead to some confusion in terms of enforcement. However, the latter issue may be overcome with proper planning and a suitably targeted publicity campaign.

7.21. An alternative approach could be to implement the new standard through a phased approach based on, for example, tenure, geographical location, dwelling type, dwelling age or in relation to the construction of the dwelling. This would be a departure from the existing situation where the standard applies equally at all times across all tenures. However there may be merit in minimising the cost impact of introducing a new standard in a phased way. It should be noted however that the phasing of a new standard may cause confusion both in terms of compliance and enforcement while the public and the enforcing authority adjust to the new models.

**Views are welcome on the proposals to:**

- i. Target any available assistance towards the costs of certain fitness criteria;**
- ii. Introduce a revised standard in phases.**

## 8. HOW TO RESPOND

### Responses

- 8.1 The Department will consider all responses provided in writing, preferable in electronic format. Comments on this paper are welcome. A summary of questions is included at Annex D. Responses should reach the Department by **10 June 2016**. You may provide comments by letter or email, where possible using the template included at Annex D. Please reply to:

**Ross Cameron  
Housing Group  
Department for Communities  
Level 3 Causeway Exchange  
1-7 Bedford Street  
Belfast BT2 7EG**

**Email:** [housingrenewal@dsdni.gov.uk](mailto:housingrenewal@dsdni.gov.uk)

- 8.2 If you wish to seek clarification on this document please contact Ross Cameron on tel: (028) 90515238) or by email [housingrenewal@dsdni.gov.uk](mailto:housingrenewal@dsdni.gov.uk)

### Copies of this Paper

- 8.3 This document is being produced primarily in electronic form and may be accessed on the Department's website at [www.dsdni.gov.uk/](http://www.dsdni.gov.uk/). If you require access to this document in a different format – eg Braille, disk, audio cassette, larger font – or in a minority ethnic language please contact the Department on 028 90829066 and appropriate arrangements will be made as soon as possible.

### Confidentiality, Data Protection and Freedom of Information

- 8.4 Your response may be made public by the Department and placed on the Department's website as part of the discussion process. If you do not want all or part of your response or name made public, please state this clearly in the response by marking your response as 'CONFIDENTIAL'. Any confidentiality disclaimer that may be generated by your organisation's IT system or included as a general statement in your fax cover sheet will be taken to apply only to information in your response for which confidentiality has been specifically requested.
- 8.5 Information provided in response to this document, including personal information, may be subject to publication or disclosure in accordance with the access to

information regimes (these are primarily the Freedom of Information Act 2000 (FOIA) and the Data Protection Act 1998 (DPA)). If you want other information that you provide to be treated as confidential, please be aware that, under the FOIA, there is a statutory Code of Practice with which public authorities must comply and which deals, amongst other things, with obligations of confidence.

- 8.6 In view of this, it would be helpful if you could explain why you regard the information you have provided as confidential. If we receive a request for disclosure of the information we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the Department.

### EQUALITY CONSIDERATIONS

Section 75 of the Northern Ireland Act 1998 requires the Department in carrying out its functions to have **due regard** to the need to promote equality of opportunity:

- between persons of different religious belief, political opinion, racial group, age, marital status or sexual orientation;
- between men and women generally;
- between persons with a disability and persons without; and
- between persons with dependants and persons without.

Without prejudice to the obligations set out above, the Department is also required, in carrying out its functions relating to Northern Ireland, to have **regard** to the desirability of promoting good relations between persons of different religious belief, political opinion or racial group. It is expected that the changes being proposed in this document will not practically affect any Section 75 category adversely. The Department has undertaken an initial Section 75 screening exercise and invites comments on any equality impact that may arise. A copy of this document is available on the DSD website.

[Your views on the potential equality impacts of the matters raised in this paper are welcome.](#)

### REGULATORY IMPACT

The Department has prepared a draft partial regulatory impact assessment in association with the information provided in this document. The Department will use evidence gathered prior to and as a result of feedback from this document to further develop the draft partial regulatory impact assessment (RIA). This will assess the likely impact of these proposals in terms of costs, benefits and risks to businesses and, in particular, to small businesses. A copy of the draft partial regulatory impact assessment is available on the Department's website and will be circulated alongside this document.

A further draft Regulatory Impact Assessment will be published as part of the future consultation on proposals, which will form part of the next phase.

[Your views on the potential regulatory impacts of the matters raised in this paper are welcome.](#)

### RURAL STATEMENT

The Department has considered specific implications for rural areas. This indicates that, while at present there is generally higher instance of housing unfitness in rural isolated dwellings, to amend the standard will provide those whose rural homes are unfit with additional mechanisms to access works or any available assistance. No specific disadvantages arising from amending the standard have been identified, however views on this issue are welcome.

[Your views on the potential rural impacts of the matters raised in this paper are welcome.](#)

## ANNEX B

Scotland Enhanced Tolerable Standard	England and Wales HHSRS	Northern Ireland Statutory Fitness Standard	Republic of Ireland Housing Act
<p><b>2006</b></p> <p><b><u>Enhanced Tolerable Standard</u></b></p> <ul style="list-style-type: none"> <li>Structurally stable</li> <li>Substantially free from rising or penetrating damp;</li> <li>Satisfactory provision for natural and artificial lighting, for ventilation and for heating;</li> <li>Satisfactory thermal insulation;</li> <li>Adequate piped supply of wholesome water available within the house;</li> <li>Sink provided with a satisfactory supply of both hot and cold water within the house;</li> <li>W/C or waterless closet available for the exclusive use of the occupants of the house and suitably located within the house;</li> <li>Fixed bath or shower and a wash-hand basin, each provided with a satisfactory supply of both hot and cold water and suitably located within the house;</li> </ul>	<p><b>2006</b></p> <p><b><u>Physiological Requirements</u></b></p> <ul style="list-style-type: none"> <li>Damp &amp; Mould Growth</li> <li>Excess Cold</li> <li>Excess Heat</li> <li>Asbestos &amp; Other Fibres</li> <li>Biocides</li> <li>Carbon Monoxide etc</li> <li>Lead</li> <li>Radiation</li> <li>Uncombusted fuel gas</li> </ul> <p><b><u>Psychological Requirements</u></b></p> <ul style="list-style-type: none"> <li>Crowding and Space</li> <li>Entry by Intruders</li> <li>Lighting</li> <li>Noise</li> </ul> <p><b><u>Protection against infection</u></b></p> <ul style="list-style-type: none"> <li>Domestic Hygiene, pests and refuge</li> <li>Food Safety</li> <li>Personal Hygiene, sanitation, drainage</li> <li>Water Supply</li> </ul> <p><b><u>Protection against Accidents</u></b></p> <ul style="list-style-type: none"> <li>Falls associated with baths etc</li> <li>Falling on level surfaces</li> <li>Falling on stairs</li> <li>Falling between levels</li> <li>Electrical Hazards</li> <li>Fire</li> </ul>	<p><b>1992</b></p> <ul style="list-style-type: none"> <li>Structurally stable.</li> <li>Free from serious disrepair.</li> <li>Free from dampness prejudicial to the health of the occupants (if any).</li> <li>Adequate provision for heating, lighting and ventilation.</li> <li>Adequate supply of wholesome water.</li> <li>Satisfactory facilities in the house for the preparation and cooking of food, including a sink with a satisfactory supply of hot and cold water.</li> <li>suitably located water closet for the exclusive use of the occupants (if any)</li> <li>Suitably located fixed bath or shower and wash-hand basin, each of which is provided with a satisfactory supply of hot and cold water.</li> <li>Effective system for the draining of foul, waste and surface water.</li> </ul>	<p><b>1966</b></p> <ul style="list-style-type: none"> <li>Stability</li> <li>Resistance to spread of fire</li> <li>Safety of staircases and common passages including the state of paving in any yard or open space appurtenant to the house</li> <li>Resistance to moisture</li> <li>Resistance to transmission of heat</li> <li>Resistance to infestation</li> <li>Water supply, sanitary arrangements and drainage</li> <li>Air space and ventilation</li> <li>Natural and Artificial lighting</li> <li>Facilities for preparing, storing and cooking of food.</li> </ul> <p>The local authority may <b>also</b> consider the extent to which the house does not comply with any standard or requirement (other than a standard or requirement relating to any matter hereinbefore mentioned) of building bye-laws in force in the area under the Local</p>

<ul style="list-style-type: none"> <li>• Effective system for the drainage and disposal of foul and surface water;</li> <li>• Compliant electrical installations</li> <li>• Satisfactory facilities for the cooking of food within the house; and</li> <li>• Satisfactory access to all external doors and outbuildings.</li> </ul>	<ul style="list-style-type: none"> <li>• Flames, hot surfaces etc</li> <li>• Collision and entrapment</li> <li>• Explosions</li> <li>• Position and operability of amenities etc</li> <li>• Structural collapse and falling elements</li> </ul>	<p>In the case of a dwelling which is a flat, the building in which the flat is contained must meet the following:</p> <ul style="list-style-type: none"> <li>• The building or part is structurally unstable.</li> <li>• It is free from serious disrepair.</li> <li>• It is free from dampness.</li> <li>• It has adequate provision for ventilation.</li> <li>• It has an effective system for the draining of foul, surface and waste water.</li> </ul>	<p>Government (Sanitary Services) Acts, 1878 to 1964, or building regulations in force in the area under the Local Government (Planning and Development) Act, 1963 .</p>
<p>A house must meet all criteria under the enhanced Tolerable Standard in order to be classified as Fit for Human Habitation.</p>	<p>A dwelling is deemed unfit if it possesses a category 1 Hazard. Local Authorities are obliged to take enforcement action to ensure corrective measures are put in place to address the hazard.</p> <p>Local Authorities also have a range of enforcement options to address category 2 hazards where necessary. Category 2 hazards in themselves will not see a dwelling classified as unfit.</p>	<p>A house must meet all criteria under the Statutory Fitness Standard in order to be classified as Fit for Human Habitation.</p>	<p>In addition the Housing (Standards for Rented Houses) Regulations 2008 and the Housing (Standards for Rented Houses) (Amendment) Regulations 2009 provide additional conditions which are only applicable to the private rented sector.</p> <p>Landlords are expected to fully adhere to all articles of the legislation and local authorities are empowered to issue improvement and prohibition notices where non compliance is found.</p>

## ANNEX C

**TABLE COMPARING CURRENT HOUSE CONDITION STANDARDS ACROSS THE UK WITH A PROPOSED ENHANCED NI FITNESS STANDARD OR HOUSING HEALTH AND SAFETY RATING SYSTEM**

	<b>Current Housing Fitness Standard Criteria (Northern Ireland)</b>	<b>Housing Health and Safety Rating System Hazards (England &amp; Wales)</b>	<b>Enhanced Tolerable Standard Criteria (Scotland)</b>	<b>Proposed Enhanced Housing Fitness Standard Criteria (Northern Ireland)</b>	<b>Additional elements included in HHSRS</b>
1	Be free from dampness prejudicial to the health of the occupants (if any).  Has adequate provision for ventilation.	Damp and Mould Growth	Is substantially free from rising or penetrating damp	Be free from dampness prejudicial to the health of the occupants (if any)  Has adequate provision for ventilation.	
2	Has adequate provision for heating	Excess cold	Has satisfactory provision for natural and artificial lighting, for ventilation and for heating.  Has satisfactory thermal insulation.	Has adequate provision for thermal comfort	
3	Has adequate provision for ventilation	Excess heat	Has satisfactory provision for natural and artificial lighting, for ventilation and for heating.	Has adequate provision for ventilation.	Some elements of excess heat provision
4		Asbestos(and MMF)			Asbestos(and MMF)
5		Biocides			Biocides
6		Carbon Monoxide and fuel combustion products		Has an effective system for the detection of fire and, where necessary, carbon monoxide.	
7	Has an adequate piped supply of wholesome water.	Lead	Has an adequate supply of wholesome water available within the house.	Has an adequate piped supply of wholesome water.	
8		Radiation			Radiation
9		Uncombusted fuel gas			Uncombusted fuel gas (although additional CO detection provisions included)
10		Volatile organic compounds			Volatile organic compounds

11		Crowding and space			Crowding and space
12		Entry by intruders		It is secure and free from disrepair which could be injurious to health and to emergency egress.	
13	Has adequate provision for lighting	Lighting		Has adequate provision for natural and/or artificial light to assist movement into and around the dwelling.	
14		Noise		(Separate legislation relates to excess noise).	Noise (although separate legislation relates to noise)
15		Domestic hygiene, pests, and refuse			Pests and refuse
16	There are satisfactory facilities in the house for the preparation and cooking of food, including a sink with a satisfactory supply of hot and cold running water.	Food safety	Has satisfactory facilities for the cooking of food within the house.	There are satisfactory facilities in the house for the preparation and cooking of food, including a sink with a satisfactory supply of hot and cold running water.	
17	<p>It has a suitably located water-closet for the exclusive use of the occupants.</p> <p>It has, for the exclusive use of the occupants, a suitably located fixed bath or shower and wash-hand basin each of which is provided with a satisfactory supply of hot and cold water.</p> <p>It has an effective system for the draining of foul, waste and surface water.</p>	Personal hygiene, sanitation and drainage	<p>Has a water closet or waterless closet available for the exclusive use of the occupants of the house and suitably located within the house.</p> <p>Has a fixed bath or shower and a wash-hand basin, each provided with a satisfactory supply of both hot and cold water and suitably located within the house.</p> <p>Has an effective system for the drainage and disposal of foul and surface water.</p>	<p>It has a suitably located water-closet for the exclusive use of the occupants.</p> <p>It has, for the exclusive use of the occupants, a suitably located fixed bath or shower and wash-hand basin each of which is provided with a satisfactory supply of hot and cold water.</p> <p>It has an effective system for the draining of foul, waste and surface water.</p>	
18	Have an adequate piped supply of hot and cold water	Water supply	Has a sink provided with a satisfactory supply of both hot and cold water within the house.	Have an adequate piped supply of hot and cold water	

19		Falls associated with baths etc			Falls associated with baths etc
20		Falling on level surfaces etc	Has satisfactory access to all external doors and outbuildings.	It is secure and free from disrepair which could be injurious to health and to emergency egress.	
21		Falling on stairs etc		It is secure and free from disrepair which could be injurious to health and to emergency egress.	
22		Falling between levels		It is secure and free from disrepair which could be injurious to health and to emergency egress.	
23		Electrical hazards	In the case of a house having a supply of electricity, complies with the relevant requirements in relation to the electrical installations for the purposes of that supply; <ul style="list-style-type: none"> <li>• “the electrical installation” is the electrical wiring and associated components and fittings, but excludes equipment and appliances;</li> <li>• “the relevant requirements” are that the electrical installation is adequate and safe to use.</li> </ul>	In the case of a house having a supply of electricity, complies with the relevant requirements in relation to the electrical installations for the purposes of that supply; <ul style="list-style-type: none"> <li>• “the electrical installation” is the electrical wiring and associated components and fittings, but excludes equipment and appliances;</li> <li>• “the relevant requirements” are that the electrical installation is adequate and safe to use.</li> </ul>	
24		Fire		Has an effective system for the detection of fire and, where necessary, carbon monoxide.  It is secure and free from disrepair which could be injurious to health and to emergency egress.	
25	There are satisfactory	Flames, hot surfaces etc		There are satisfactory	

	facilities in the house for the preparation and cooking of food, including a sink with a satisfactory supply of hot and cold running water. (is taken in guidance to include layout re prevention of burns and scalds).			facilities in the house for the preparation and cooking of food, including a sink with a satisfactory supply of hot and cold running water. (is taken in guidance to include layout re prevention of burns and scalds).	
26		Collision and entrapment			Collision and entrapment
27		Explosions			Explosions
28	There are satisfactory facilities in the house for the preparation and cooking of food, including a sink with a satisfactory supply of hot and cold running water. (is taken in guidance to include layout including layout of food preparation amenities)	Position and operability of amenities etc		There are satisfactory facilities in the house for the preparation and cooking of food, including a sink with a satisfactory supply of hot and cold running water. (is taken in guidance to include layout including layout of food preparation amenities)	
29	Be structurally stable	Structural collapse and falling elements	Be Structurally stable	Be structurally stable	
		Enforcement provisions include the Hazard Awareness Notice- which may be issued where a less serious hazard is present and the enforcing authority wishes to draw attention to the desirability of remedial action.			

## REPLY TEMPLATE

Name of Organisation/Individual responding	
Contact Details	

If you are responding on behalf of or representing the views of any Section 75 Category please indicate below

Yes  Section 75 Category Represented  
(Please indicate)

No

Religious belief; Political opinion; Racial/Ethnic group; Age; Marital status; Sexual orientation; Men & women generally; Disability
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Question 1: What is your view on the inclusion of separate and specific provision in relation to thermal comfort as part of a revised standard?

Question 2: Do you consider that provision for the detection of fire and carbon monoxide should be a priority for focus within an updated Housing Fitness Standard?

Question 3: Do you consider that electrical safety should be a priority for focus within an updated Housing Fitness Standard?

Question 4: What is your view on the provision of reasonable security measures is an appropriate element within an updated Housing Fitness Standard?

Question 5: What is your view on the prevention of accidental falls as an area for focus within an updated Housing Fitness Standard?

Question 6: Are there any other issues currently not addressed within the Housing Fitness Standard that you believe should be included within a revised Housing Fitness Standard?

Question 7: How, in your view, has grant assistance made a contribution to tackling unfit and is government intervention still required?

Question 8: What are your views on the provision of loans as an alternative to grant to assist in tackling unfit?

Your views on the options outlined are welcome, particularly which would most effectively address the deficiencies of the Northern Ireland Housing Stock and the resultant impact on tenants affected by unfit

Views are welcome on the options available to the Department for making available assistance to address fitness in an effective and sustainable way.

Views are welcome on the proposals to:

- i. Target any available assistance towards the costs of certain fitness criteria;
- ii. Introduce a revised standard in phases.