EXPLANATORY MEMORANDUM TO

THE HAZARDS IN SOCIAL HOUSING (PRESCRIBED REQUIREMENTS) (ENGLAND) (AMENDMENT) REGULATIONS 2026

2026 No. [XXXX]

1. Introduction

1.1 This Explanatory Memorandum has been prepared by the Ministry of Housing, Communities and Local Government and is laid before both Houses of Parliament by Command of His Majesty.

1.2 This memorandum contains information for the Joint Committee on Statutory Instruments.

2. Declaration

2.1 Matthew Pennycook, Minister of State at the Ministry of Housing, Communities and Local Government confirms that this Explanatory Memorandum meets the required standard.

2.2 Ruhena Ahmed, Deputy Director for Social Housing Quality and Residents, at the Ministry of Housing, Communities and Local Government confirms that this Explanatory Memorandum meets the required standard.

3. Contact

3.1 Megan Stuart at the Ministry of Housing, Communities and Local Government can be contacted by email at the following address with any queries regarding the instrument: megan.stuart@communities.gov.uk. Alternatively, the department can be contacted by telephone: [departmental correspondence team's phone number].

Part One: Explanation, and context, of the Instrument

4. Overview of the Instrument

What does the legislation do?

4.1 This instrument amends the Hazards in Social Housing (Prescribed Requirements) (England) Regulations 2025 (the Principal Regulations), sometimes known as Awaab's Law. Its effect is to extend the requirements of the Principal Regulations relating to significant hazards to additional types of hazard. Once in force, it will require social landlords to investigate, assess and take action on a wider range of hazards where they present a significant risk to the health or safety of an individual resident, within specified timeframes.

4.2 The instrument also amends key definitions used in the Principal Regulations, clarifies the scope of work required under the Regulations, and makes provision for how Awaab's Law operates alongside existing fire safety legislation. Together, these changes ensure that the requirements remain proportionate, clearly defined and capable of operating effectively within the wider regulatory framework.

4.3 The key changes made by this instrument are as follows. The instrument extends Awaab's Law to additional hazards, including excess cold and excess heat, falls, structural collapse and falling elements, fire and explosions, electrical hazards and hygiene hazards. It also ensures that fire safety risks in parts of buildings already

covered by the Regulatory Reform (Fire Safety) Order 2005 are not duplicated under Awaab's Law, and clarifies the types of actions that fall within scope of the Regulations. In addition, it refines key definitions to provide greater clarity and consistency in how landlords are required to respond to hazards, and makes consequential changes to reflect the phased implementation of the policy.

Where does the legislation extend to, and apply?

4.4 The extent of this instrument (that is, the jurisdiction(s) which the instrument forms part of the law of) is England and Wales.

4.5 The territorial application of this instrument (that is, where the instrument produces a practical effect) is England.

5. Policy Context

What is being done and why?

5.1 In addition to extending the range of hazards within scope, this instrument introduces a number of refinements to how Awaab's Law operates in practice. These include amendments to definitions used to determine when action is required, clarification of the scope of work required under the Regulations, and provision to ensure that the requirements operate effectively alongside existing fire safety legislation as follows.

5.2 The Regulations clarify how Awaab's Law operates alongside existing fire safety legislation by ensuring that fire safety risks in parts of buildings already regulated under the Regulatory Reform (Fire Safety) Order 2005 are excluded from scope, to avoid duplication.

5.3 The Regulations clarify the scope of actions required under Awaab's Law by excluding certain activities that are already required under other legislation, including residential personal emergency evacuation plans, so that landlords are not subject to overlapping duties.

5.4 The Regulations refine key definitions, including how thresholds for action are determined, to provide greater clarity and consistency in how landlords are expected to respond to hazards in practice.

5.5 The Regulations make consequential amendments to transitional provisions to reflect the phased implementation of Awaab's Law and the introduction of additional hazards within scope.

What was the previous policy, how is this different?

5.6 Social landlords are already required to keep homes safe under a range of existing duties, including the Decent Homes Standard, Part 1 of the Housing Act 2004, and fitness for human habitation obligations under the Landlord and Tenant Act 1985. These frameworks require landlords to address serious hazards, but they do not set out clear statutory timeframes for investigations or remedial action, and enforcement generally relies on discretionary action by regulators or on court judgments reached after the event.

5.7 Awaab's Law operates in the context of this existing regulatory framework, which already requires social landlords to maintain safe and decent homes. However, those duties do not impose clear, enforceable deadlines for action in individual cases. Previous regulations addressed this gap for significant damp and mould hazards and emergency hazards by setting out specific requirements, including timeframes for investigating hazards and taking action to make homes safe, and requirements to

keep residents informed. This instrument further addresses the gap. Its effect is to strengthen tenant protections by enabling residents to hold landlords directly to account through the courts where additional types of significant hazards are not addressed promptly.

5.8 A requirement to comply with the Principal Regulations (as amended by this instrument) is implied into social housing tenancies, enabling tenants to take direct legal action if landlords fail to comply. The instrument therefore moves beyond general duties and standards by providing certainty, consistency and enforceability in relation to further health and safety risks in social housing.

6. Legislative and Legal Context

How has the law changed?

6.1 Section 10A of the Landlord and Tenant Act 1985, inserted by the Social Housing (Regulation) Act 2023, created a statutory requirement for the Secretary of State to prescribe time-limited requirements for social landlords to address hazards in social homes. The first phase of implementation of Awaab's Law gave effect to that power in relation to damp and mould hazards that present a significant risk of harm, and all emergency hazards (apart from overcrowding).

6.2 This instrument exercises the same statutory power to extend the prescribed requirements applicable to significant hazards to additional types of hazards. Once in force, social landlords must investigate and address a wider range of significant hazards within specified timeframes, although exceptions apply such as where work cannot be lawfully undertaken or where hazards are not the responsibility of the social landlord. As with the earlier regulations, non-compliance with those requirements is enforceable by tenants through the courts as a breach of contract.

6.3 It also amends key definitions in the 2025 Regulations and makes provision to remove overlaps between Awaab's Law and the Regulatory Reform (Fire Safety) Order 2005 and the Fire Safety (Residential Evacuation Plans) (England) Regulations 2025.

Why was this approach taken to change the law?

6.4 The approach taken reflects the statutory framework established by section 10A of the Landlord and Tenant Act 1985, which provides that landlords are required to comply with requirements for addressing hazards affecting social housing that are set out in secondary legislation. Using regulations to extend the scope of Awaab's Law requirements relating to significant hazards enables the Government to deliver legally enforceable protections for tenants while allowing for phased implementation and alignment with existing regulatory regimes.

6.5 This approach allows additional significant hazards to be brought into scope of Awaab's Law in a controlled and proportionate way, ensuring that the law remains deliverable for landlords, provides certainty for tenants, and can be adjusted in future as part of the Government's 'test and learn' approach to the wider implementation of Awaab's Law.

6.6 Alternative approaches, such as reliance on guidance or regulator intervention alone, were not considered sufficient to achieve the policy objective. Guidance cannot create legally binding obligations, and the Regulator of Social Housing does not intervene in individual cases.

7. Consultation

Summary of consultation outcome and methodology

7.1 A public consultation entitled *"Awaab's Law: timescales for repairs in the social rented sector"* was undertaken between 9 January and 5 March 2024 and published on GOV.UK. The consultation received 1,028 responses from social housing tenants, social landlords, representative bodies, local authorities, charities and other organisations. There was broad support for extending Awaab's Law beyond damp and mould to a wider range of hazards where they present a significant risk of harm, alongside feedback on deliverability and interaction with existing regulatory frameworks. A full government response to the consultation has been published on GOV.UK and sets out how consultation feedback has informed the final policy.

7.2 Following the first set of regulations, the Government has adopted a 'test and learn' approach to implementation. This has included ongoing engagement with social landlords, tenants, sector bodies and other stakeholders during the development and early implementation of Phase 1, as well as consideration of operational feedback on the practical application of investigation and repair timescales, communication requirements, and interaction with existing legislation.

7.3 Lessons from this process have informed the design of Phase 2. In particular, the Government has taken account of feedback on deliverability, and the need for clarity in how requirements for 'Phase 2 hazards' apply alongside existing regulatory regimes. This has supported decisions to implement the policy on a phased basis, to focus on hazards with the greatest risk to health and safety, and to ensure that the requirements can operate effectively within the wider housing and building safety framework.

7.4 Housing is a devolved matter. As this instrument applies to social housing in England only, the devolved administrations were not required to be formally consulted.

8. Applicable Guidance

8.1 Guidance relating to the regulations will be published on www.gov.uk before this instrument comes into force to ensure social housing tenants understand their rights and to support social landlords with compliance

Part Two: Impact and the Better Regulation Framework

9. Impact Assessment

9.1 A full Impact Assessment is submitted with this memorandum and published alongside the Explanatory Memorandum on the legislation.gov.uk website.

Impact on businesses, charities and voluntary bodies

9.2 This instrument will have an impact on social landlords, which may be businesses, charities or local authorities, as they will be subject to extended legally binding requirements and timeframes for investigating and addressing a wider range of serious health and safety hazards. Social landlords already have duties to keep homes safe and free from serious hazards; the additional impact arises from the need to meet enforceable deadlines for investigation and remedial action, to undertake further investigatory steps where required, to provide written summaries to residents, and, where necessary, to secure suitable temporary alternative accommodation.

9.3 The costs and impacts associated with these requirements are assessed in the Impact Assessment submitted alongside this memorandum. The estimated annual cost to the sector is ££213.6m over a 10-year appraisal period, comprising the costs of familiarisation, triaging hazards and provision of written summaries.

9.4 The legislation impacts small or micro businesses that are registered providers of social housing.

9.5 Social housing tenants do not have a choice over who their landlord is, and exempting smaller providers would have resulted in unequal protections for tenants facing serious health and safety risks. The Government therefore considers it appropriate that the requirements apply consistently to all social landlords, regardless of size and across all types of social landlords to ensure equal protections for tenants. The phased implementation of Awaab's Law, and the focus on the most serious hazards, is intended to support proportionality and deliverability across the sector, including for smaller providers.

10. Monitoring and review

What is the approach to monitoring and reviewing this legislation?

10.1 This legislation will be monitored through a combination of statutory review, ongoing engagement with the sector, and a 'test and learn' approach to implementation. Initial monitoring has taken place as part of the early implementation of Phase 1 of Awaab's Law, drawing on engagement with tenants, social landlords, regulators and other stakeholders to understand how the requirements are operating in practice. This initial 'test and learn' process has provided useful early insights into the application of investigation and repair timeframes, communication requirements and the interaction with existing regulatory frameworks. However, as Phase 1 has only recently been implemented, this evidence remains at an early stage.

10.2 Phase 2 provides an opportunity to undertake more in-depth evaluation as the scope of the policy expands to include a wider range of significant hazards. The Government will continue to gather and assess evidence from across the sector, including operational data, stakeholder feedback and analysis of how cases are being managed in practice. This will support a more comprehensive assessment of the effectiveness, proportionality and deliverability of the requirements, and how they operate alongside wider housing and building safety regimes.

10.3 This instrument amends the Hazards in Social Housing (Prescribed Requirements) (England) Regulations 2025 which includes a statutory review clause. This requires the Secretary of State to carry out a review of the regulatory provisions contained in the instrument (including those provisions made by this instrument) and to publish a report setting out the conclusions of that review at least every five years. Evidence gathered through the ongoing monitoring and evaluation process will inform this review, as well as any future adjustments to guidance or further legislative changes.

Part Three: Statements and Matters of Particular Interest to Parliament

11. Matters of special interest to Parliament

11.1 Section 10A(2) of the Landlord and Tenant Act 1985 implies a term into all applicable social housing tenancy agreements that the social landlord will comply with requirements prescribed in regulations made under section 10A(3) of that Act as to the addressing of hazards that affect or may affect the social home within specified

timeframes. This instrument prescribes such requirements. Failure to comply with a requirement of this instrument may therefore be enforced in the courts by tenants as a breach of contract.

12. European Convention on Human Rights

12.1 Matthew Pennycook, Minister of State for Housing and Planning at the Ministry of Housing, Communities and Local Government has made the following statement regarding Human Rights:
"In my view the provisions of the Hazards in Social Housing (Prescribed Requirements) (England) (Amendment) Regulations 2026 are compatible with the Convention rights.

13. The Relevant European Union Acts

13.1 This instrument is not made under the European Union (Withdrawal) Act 2018, the European Union (Future Relationship) Act 2020 or the Retained EU Law (Revocation and Reform) Act 2023.