**EXPLANATORY MEMORANDUM TO**

# THE HAZARDS IN SOCIAL HOUSING (PRESCRIBED REQUIREMENTS) (ENGLAND) REGULATIONS 2025

**2025 No. 1042**

## 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 for Housing and Planning 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 Isobel Ames at the Ministry of Housing, Communities and Local Government email: socialhousingsafety@communities.gov.uk, telephone: 0303 444 1904 can be contacted with any queries regarding the instrument.

## Part One: Explanation, and context, of the Instrument

## 4. Overview of the Instrument

***What does the legislation do?***

4.1 A provision introduced by the Social Housing (Regulation) Act 2023 (SHRA 2023) (known as Awaab's Law) implies, into the lease of a social home, a covenant by the lessor that they will comply with all applicable requirements prescribed in regulations about addressing hazards (such as damp and mould) that affect or may affect the social home, within specified timeframes. This instrument prescribes those requirements.

***Where does the legislation extend to, and apply?***

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

4.3 The territorial application of this instrument (that is, where the instrument produces a practical effect) is England. The instrument applies to lessors of social homes in England (whenever the lease was granted). Such a lessor will be a registered provider of social housing, also known as a 'social landlord' (other than in rare circumstances in which savings provisions apply – see paragraph 5.35). In the description of the

policy given effect by this instrument that follows, the term social landlord is used to refer to landlords to which this instrument applies.

## 5. Policy Context

***What is being done and why?***

5.1 On 21 December 2020, two-year-old Awaab Ishak died as a result of a severe respiratory condition, due to prolonged exposure to mould in his home. In November 2022, the Senior Coroner for Manchester North concluded that action to treat and prevent the mould was not taken by the family's social landlord, despite it being made aware of the presence of the mould initially in 2017, before Awaab was born and 3 years before his death. By the time Awaab died, no action had been taken by the social landlord to treat the mould, which was significant and present in all the rooms in the flat. This event raised serious concerns about how social landlords are handling complaints from social housing tenants (also referred to as 'residents') about hazards in their homes, and the delays some social housing tenants experience to having their homes made safe and decent.

5.2 Following Awaab's death, his family campaigned for 'Awaab's Law', which called for the government to introduce legislation that would:

i. require social landlords to investigate the causes of damp and mould within 14 days of complaints being made and provide residents with a report on the findings;

ii. give social landlords 7 days to begin work to repair a property if a medical professional believes there is a risk to a resident's health;

iii. ensure bids for new social housing properties are treated as a high priority if a medical professional has recommended a resident moves home after identifying a risk to health at their existing property; and

iv. mandate social landlords to provide all residents with information on their rights, how to make a complaint and what standards they can expect under the Housing Health and Safety Rating System, provided in simple English or the language a resident is most proficient in.

5.3 To address the first two asks of the campaign, Awaab's Law was introduced via an amendment to the Social Housing (Regulation) Bill, which became law on 20 July 2023. Awaab's Law requires the Secretary of State to set out in regulations new requirements for social landlords to address hazards in social homes, including damp and mould hazards, within a fixed time period. This instrument sets those requirements.

5.4 Awaab's Law also implies a covenant into the leases of applicable social homes that the social landlord will comply with the requirements set by this instrument. If social landlords fail to do so tenants will, therefore, be able to hold their social landlord to account by taking legal action through the courts for breach of contract.

5.5 10% of social rented homes fail to meet the Decent Homes Standard, and 4% of social rented homes are estimated to contain a 'category 1 hazard' – meaning they pose the most serious risk of harm under the Housing Health and Safety Rating System (HHSRS), including risk of death (Source: Chapter 1: Housing quality - GOV.UK). The HHSRS assesses the severity of hazards. Category 1 hazards are those assessed

to be the most dangerous, and broadly a category 1 hazard means that if the hazard is not removed there will be a need for someone to receive medical attention in the next 12 months i.e. a visit to a doctor or a hospital. Awaab's Law takes a person-centred approach which does not require assessments under the HHSRS and hazards do not have to be category 1 hazards to be in scope (see paragraph 5.7 below).

5.6 The legislation will reduce the number of social housing tenants who are left living in hazardous conditions for indefinite periods of time. This in turn will reduce the negative health outcomes associated with living in hazardous conditions, and in the worst cases will prevent fatalities. The legislation will make it easier for social housing tenants to understand their rights when it comes to repairs in their homes and enable tenants to challenge their social landlords with legal action if they need to**.**

5.7 Part 1 of the instrument introduces the Regulations and defines terms used throughout the Regulations, including the meaning of "significant hazard" and "emergency hazard" (regulation 3) and "required work" (regulation 4). For a hazard to be one to which the requirements for action set by this instrument apply, it must be an emergency hazard of a type that is prescribed under the Housing Health and Safety Rating System (S.I. 2005/3208) (other than an overcrowding hazard) or a significant hazard where the risk of harm is associated with exposure to damp, mould or fungal growth. A significant hazard is one which presents a significant risk of harm to the health or safety of an individual resident and results from defects, disrepair or lack of maintenance in their home or land or buildings in its vicinity for which the social landlord is responsible. "Significant risk of harm" means a risk of harm to the resident's health or safety that a reasonable lessor with the relevant knowledge (meaning knowledge that the social landlord has or reasonably ought to have about the health and circumstances of the resident) would take steps to make safe as a matter of urgency. An emergency hazard is defined similarly. The difference is that it is a hazard that presents an "imminent and significant risk of harm", which means, in relation to the health or safety of a resident, a risk of harm to the resident's health or safety that a reasonable lessor with the relevant knowledge would take steps to make safe within 24 hours.

5.8 "Required work" is any work necessary to make a social home affected by a significant or emergency hazard safe and ensure, so far as is possible, that the hazard does not recur. Required work is subject to limited exceptions which reflect provision in section 9A(2) LTA 1985 as to the circumstances in which a social landlord is not required to carry out work to a dwelling that is not fit for human habitation. Required work also excludes work that the social landlord cannot lawfully undertake, or can only lawfully undertake if it obtains a consent, if it has not been able to secure such consent. The Regulations do not require landlords to do any cladding work as Awaab's Law is intended to apply to hazards which are affecting specific tenants in their individual homes, and the timescales for action have been set with this in mind. However, other requirements relating to significant or emergency hazards that would require cladding work to address will apply, such as the requirements to investigate, do any other required work, and to keep tenants updated pending the completion of all required works, including the cladding work. This does not mean that social landlords should not be working to remediate unsafe cladding - social landlords are responsible for ensuring their buildings are made safe in a proportionate and timely manner. We expect all social landlords to fully identify and assess relevant housing stock and to remediate unsafe buildings at pace. We are working closely with regulators to ensure these expectations are met.

5.9 Part 2 (regulation 5) of the instrument concerns emergency action in situations where the social landlord has reasonable grounds to believe, or knows from any investigations under other provisions of the instrument, that there is an emergency hazard affecting the social home. Social landlords will have to undertake any necessary investigation and/or undertake any relevant safety work as soon as reasonably practicable, and, in any event, within 24 hours of the relevant safety work being identified by an investigation. Relevant safety work is any required work necessary to make the property safe, other than cladding work. In the event that the social landlord cannot comply with this timeframe they will not breach regulation 5 if they comply with Part 6 (temporary rehousing etc) and complete the relevant safety work as soon as reasonably practicable.

5.10 Part 3 of the instrument covers requirements to investigate hazards other than in the emergency situation described above. If a social landlord becomes aware of an issue of concern – either a "relevant matter" (a matter or circumstance that is or may be a significant or emergency hazard) or any material change to a relevant matter of which they are already aware - they will be required to investigate this, either under Part 3 or under regulation 5 (as described above). Investigations must take into account any information provided by the lessee and any third parties relating to the impact of the relevant matter on, and the risk it poses to, the health or safety of a resident. Investigations may also consider any other relevant information (for example prior inspections or investigations not conducted under Awaab's Law).

5.11 Part 3 provides for three types of investigations.

5.12 Standard investigation (regulation 6). This is the type of investigation that a social landlord must undertake when they first become aware of an issue of concern associated with exposure to damp, mould or fungal growth (unless the requirement to take emergency action applies). A standard investigation must determine whether the home in question is affected by a significant hazard or an emergency hazard. It must also, if possible, determine what work (if any) is required in relation to the hazard. The standard investigation must take place within 10 working days of the date the landlord becomes aware of the issue unless the tenant requests a physical inspection in which case the period to complete the investigation is extended. The investigation must be completed by someone competent (in the reasonable opinion of the social landlord) to do so and can generally be completed in any way (i.e. physically or remotely), unless the tenant requests a physical inspection. If a tenant requests a physical inspection after the standard investigation is concluded, the social landlord must conduct a renewed investigation (see below).

5.13 Renewed investigation (including physical inspection) (regulation 7). This is an investigation that takes place when the tenant requests an in-person inspection after the conclusion of a standard or emergency investigation (if that investigation did not include an in-person inspection and the requirements to undertake relevant safety work under regulation 5 or a further investigation under regulation 8 do not apply). It must take place within 10 working days of the request for an in-person inspection being made and must determine whether the home in question is affected by a significant hazard or an emergency hazard. It must also, if possible, determine what work (if any) is required in relation to the hazard. This provision does not apply if a physical inspection has already been undertaken or if required preventative work to address the underlying hazard has already been started. It also does not apply if relevant safety work is required under regulation 5 or if there is a requirement to undertake a further investigation under regulation 8.

5.14 Further investigation (regulation 8). This is an investigation that takes place when an emergency, standard or renewed investigation concludes that further investigative work is required to clarify what work is needed to address a significant or emergency hazard. For example, if a property is affected by a damp and mould hazard, the standard investigation may conclude that a structural survey is needed to diagnose the underlying cause of damp and the supplementary preventative works required. It must be completed as soon as reasonably practicable. A further investigation must include a physical inspection if the tenant requests this before the further investigation is completed and the landlord has not already conducted a physical inspection.

5.15 Part 4 requires the social landlord to provide the tenant with a written summary of findings from the investigation (whether an emergency, standard, renewed or further investigation), and specifies the information to be included in that summary. More than one written summary may therefore be provided in relation to the same issue.

5.16 Regulation 9 requires that, generally, a written summary must be given within 3 working days of the investigation concluding. However, if all the required work to address the hazard is completed before the end of that 3 working days period, the social landlord is not required to give a written summary. Regulation 9 sets out the information that written summaries must contain. All written summaries must set out whether or not the investigation (if emergency, standard or renewed) identified a significant or emergency hazard and if a hazard was identified, what it was. It must also set out what (if any) further action is required under the regulations and target timescales for this, and if no further action is required the summary must explain the reasons why. All written summaries must also include information on how the tenant can contact the social landlord.

5.17 Regulation 10 sets out rules relating to the giving by social landlords of written summaries. Written summaries can be delivered personally, left at the property, sent first class by post or transmitted electronically. The time that they are given is the time they are delivered, left, posted or transmitted.

5.18 Part 5 sets out the required actions if a hazard that presents a significant risk of harm to the health or safety of a resident has been found and an investigation identifies required work to address that hazard. It also covers requirements relating to any supplementary preventative work that may be required after relevant safety work to address an emergency hazard has been completed.

5.19 Regulation 11 concerns making the home safe in circumstances that are not an emergency (which is dealt with in regulation 5). It requires that, generally, in such circumstances the social landlord must secure that the relevant safety work is completed within 5 working days of the completion of the investigation. This may include temporary measures (for example removing mould spores). However, if the social landlord cannot complete the relevant safety work within that timeframe it will not breach this requirement if it complies with Part 6 (temporary rehousing etc) and completes the work as soon as reasonably practicable thereafter.

5.20 Regulation 12 concerns when relevant safety work has been completed, but a relevant investigation has concluded that a further investigation is necessary to determine whether any further supplementary preventative work is required in relation to a significant or emergency hazard and/or any required supplementary preventative work is completed. In those circumstances the social landlord must secure that the home is kept in the condition it is in on the completion of the relevant safety work until the further investigation concludes, and, where any supplementary preventative work that is not cladding remediation is identified, that work is completed.

5.21 Regulation 13 applies where an investigation has identified supplementary preventative work needed to ensure the hazard does not recur that is not cladding work ("relevant supplementary preventative work"). For example, in cases of damp and mould this might be structural work to address the underlying cause of dampness. This work must begin within 5 working days of the investigation that identified the relevant supplementary preventative work concluding (or, if a further investigation was necessary before the work could be started, within 5 days of the further investigation concluding). Where it is not reasonably practicable to begin the relevant supplementary preventative work before the end of that 5 working day period, the social landlord must, within that period, take steps to secure the completion of that work. In the latter case the work itself must begin as soon as reasonably practicable and no later than 12 weeks from the investigation that identified the hazard concluding. Relevant supplementary preventative work must be completed within a reasonable period.

5.22 Regulation 14 concerns updating tenants who are awaiting the completion of work. It requires that the social landlord take reasonable steps to keep the tenant informed about the timing and progress of required work until that work is complete, or for any reason the social landlord is no longer required to do the work. (For example, if the work cannot be undertaken lawfully, or a subsequent investigation concludes that there is no significant or emergency hazard, or no required work in relation to it). The lessor must also inform the tenant when the required work has been completed, and, if for any reason the social landlord is no longer required to do the work they must provide this information in writing and explain why.

5.23 Part 6 covers requirements relating to temporary rehousing and that arise if anyone will remain in an unsafe home.

5.24 Regulation 15 concerns the application of Part 6. Part 6 applies if an investigation concludes that a social home is affected by a significant hazard or an emergency hazard but the landlord is not able to secure that any relevant safety work that has been identified is completed within the required timeframe. It also applies if a further investigation is required if the landlord has reasonable grounds to believe it will identify relevant safety work but cannot secure that the further investigation is completed within that timeframe.

5.25 Regulation 16 requires that if the social landlord is unable to secure that the relevant safety work or further investigation is completed within the required periods (24 hours for an emergency hazard and 5 working days for a significant hazard), they must secure the provision of suitable alternative accommodation to temporarily rehouse the tenant's household and pay for this, until the required work to make the property safe has been completed or the requirement to provide temporary rehousing otherwise comes to an end. The requirement to secure the provision of suitable alternative accommodation comes to an end: if the relevant safety work is completed; because another investigation concludes that there is no significant hazard or no relevant safety work; because the lessee no longer wants the alternative accommodation; or if the social landlord has exhausted all efforts to secure any consents necessary in order to comply. The requirement does not apply if the tenant refuses an offer to secure alternative accommodation.

5.26 Regulation 17 requires the social landlord to provide safety advice to the tenant if anyone will remain in the home in the period that it is unsafe (for example if a tenant refuses to move to suitable alternative accommodation) within the required periods for completion of the relevant safety work or as soon as reasonably practicable

thereafter. The social landlord must provide information on actions that any person who remains in occupation of the home can reasonably take or avoid in order to mitigate the risk of harm. If the social landlord does not consider it is possible to mitigate the risk to tolerable levels it must let the tenant know this.

5.27 Part 7 makes general provision.

5.28 Regulation 18 restricts the social landlord from contracting out of the requirement to comply with these regulations (as implied by section 10A(2) LTA 1985). It also prevents the landlord from imposing any penalty if the tenant seeks to enforce the requirements under these Regulations.

5.29 Regulation 19 provides that a court may order specific performance of any requirement under these Regulations.

5.30 Regulation 20 provides the lessor with a right of entry for the purposes of complying with any applicable requirement of these Regulations at reasonable times of day and on 24 hours' notice.

5.31 Regulations 21 and 22 are transitional and saving provisions.

5.32 Regulation 21 is a transitional provision which modifies the application of these Regulations in cases where: the social landlord became aware of a relevant matter before the 'relevant time' which is the date that these Regulations come into force or, if later, the time that they begin to apply in relation to the social home. In such cases, the requirements in this instrument are only triggered if a concern about that relevant matter is reported after the relevant time, or, if, after the relevant time, the social landlord becomes aware of a material change to the relevant matter.

5.33 Regulation 22 is a saving provision that applies where a lease ceases to be one in which the covenant to comply with the requirements of these Regulations is implied. If that happens because the social landlord ceases to be a registered provider, any requirement that arose before that event continues to apply. Even if the implied covenant ceases to be implied (including the provider ceasing to be a registered provider and the social landlord's interest in the home being transferred to a body that is not a registered provider) liability for a breach of requirements under the instrument continues.

5.34 Regulation 23 provides that the regulations must be reviewed at least every five years.

5.35 Section 10A(5) of the Landlord and Tenant Act 1985 (LTA 1985) provides that in any proceedings for a breach of the implied covenant to comply with the requirements of these Regulations it is a defence for the social landlord to prove that they have used all reasonable endeavours to avoid the breach. This means that if the social landlord has done everything they reasonably can to comply with the requirements of this instrument but it has not been possible for reasons genuinely beyond their control the social landlord would not be liable for the breach.

***What was the previous policy, how is this different?***

5.36 This instrument is not changing the type of repairs that must be carried out by social landlords. Social landlords already have a responsibility to maintain their homes to meet the Decent Homes Standard (which includes the requirement that homes must be free of 'category 1' HHSRS hazards), and to remedy disrepair.

5.37 Under provision inserted into the LTA 1985 by the Homes (Fitness for Human Habitation) Act 2018, social landlords are also required by law to ensure that their

properties, including any common parts of the building, are fit for human habitation at the beginning of the tenancy and throughout. To be fit for human habitation a home must be safe, healthy, and free from things that could cause anyone in the household serious harm. However specific timeframes for these actions are not set in legislation and currently what is a 'reasonable' timeframe for addressing fitness for human habitation or disrepair is only established after the fact, via the judgement of a court. This means that timeframes for repairs are left to landlord discretion, and there is uncertainty as to when tenants have a legitimate case to make complaints regarding landlord delays.

5.38 Living in hazardous conditions can have a significant impact on the health, safety and wellbeing of a property's occupants and lead to illness and/or injury and, in the worst cases, can be fatal. The tragic death of toddler Awaab Ishak demonstrates the profoundly serious harm that can be caused by dangerous conditions in the home that are not addressed. That is why Awaab's Law is needed as a backstop for the worst cases where social landlords are failing to make repairs quickly enough and leaving their tenants at risk.

5.39 Awaab's Law makes clear to social landlords and social housing tenants the timeframes within which investigations and repairs must be actioned to protect residents from health or safety risks in their homes. It also sets new requirements for social landlords to, in most cases, provide written summaries of investigation findings to tenants, and to provide suitable temporary alternative accommodation if a home cannot be made safe within the required timeframes.

## 6. Legislative and Legal Context

***How has the law changed?***

6.1 Section 10A(2) LTA 1985 (inserted by section 42 SHRA 2023) implies a term into all applicable social housing tenancy agreements that the social landlord will comply with all applicable requirements prescribed in regulations about addressing hazards that affect or may affect the social home within specified timeframes. This instrument prescribes those requirements.

6.2 All social landlords will have to meet the requirements prescribed in this instrument concerning the investigation and remediation of prescribed hazards in social homes, and if they do not, their tenants will be able to hold them to account by taking legal action through the courts for a breach of contract.

***Why was this approach taken to change the law?***

6.3 Section 10A(3) LTA 1985 requires the Secretary of State to set legally binding time limits for investigation and repairs of hazards through secondary legislation (and created the powers to do so). The clause specifies that the Secretary of State **must** make regulations.

6.4 Legislation is the only way to ensure landlords can be held to account directly by tenants if they fail to take repair action to keep tenants safe within specified timescales. The Regulator of Social Housing does not intervene in individual cases and will only take action where there is systemic failure of a landlord. We believe legislating for timescales that landlords must meet is the best way to drive a meaningful culture change within the sector: there will be no ambiguity as to landlords' duties to respond within timescales to reports of significant or emergency hazards, and tenants can challenge their landlords for a breach of their legal duties if they fail to do so. As an alternative to the courts route, tenants can go through their

social landlord's formal complaints process and escalate their complaint to the Housing Ombudsman Service.

6.5 The government has committed to extending Awaab's Law to the private rented sector. Measures to provide powers to do so are included in the Renters' Rights Bill that was introduced to Parliament on 11 September 2024. The government will consult on the detail of the requirements that will be set for the private rented sector.

## 7. Consultation

***Summary of consultation outcome and methodology***

7.1 A consultation on Awaab's Law: timescales for repairs in the social rented sector took place for 8 weeks between 9 January and 5 March 2024. The consultation was published on www.gov.uk and responses were accepted via online survey, email and post.

7.2 The purpose of the consultation was to seek views from across the sector to set timeframes for landlords to investigate and fix reported health hazards. In particular, the consultation sought views on the following proposals:

- timescales for initial investigations of potential hazards;
- requirements to be placed upon landlords to provide written summaries of investigation findings;
- timescales for beginning repair works;
- timescales for completing repair works;
- timescales for emergency repairs;
- the circumstances under which residents should be temporarily decanted from properties to protect their health and safety; and
- provisions for a defence if landlords have taken all reasonable steps to comply with timeframes, but it has not been possible for reasons beyond their control.

7.3 The consultation received 1,028 responses (428 resident, 289 landlord responses, 311 other) and received broad support for the overall proposals.

7.4 The government's response to the consultation can be found online on www.gov.uk and sets out the policy changes that will be delivered by the making of this instrument.

7.5 Analysing consultation responses demonstrated that there was strong support for the proposals, with all proposals receiving a majority of 'yes' answers from respondents. Despite this overwhelming support for these proposals, qualitative analysis revealed that there were concerns with some of these proposals. Many of these concerns have been addressed in this instrument.

7.6 Although 87.8% of respondents agreed that 'the right threshold for hazards in scope of Awaab's Law are those that could pose a significant risk to the health or safety of the resident', qualitative analysis identified concerns that there may be hazards reported that cannot be addressed by social landlords, because some of these hazards are beyond their control, and that responsibility of tenants to address some of these hazards must be acknowledged. We have therefore provided that to be a "significant hazard" or "emergency hazard" to which Awaab's Law applies a hazard must arise from defects, disrepair or lack of maintenance in land or buildings for which the social

landlord is responsible and that required work excludes work for which the lessee is liable.

7.7 Overcrowding hazards are not in scope of Awaab's Law. This is because overcrowding is not usually a result of disrepair and cannot be fixed by repairs or maintenance.

7.8 Awaab's Law does not require social landlords to do any work to remediate cladding. This is because Awaab's Law is intended to apply to hazards which are affecting specific tenants in their individual homes, and the timescales for action have been set with this in mind. As such, whilst the remediation of dangerous cladding is a priority for the government, we do not consider Awaab's Law regulations an appropriate mechanism for securing cladding remediation. The cost and complexity of remediating cladding means that it would be impossible for the majority of building owners to meet Awaab's Law timeframes and we do not believe this is a sensible or proportionate expectation to set. This does not mean that social landlords should not be working to remediate unsafe cladding - social landlords are responsible for ensuring their buildings are made safe in a proportionate and timely manner. We expect all social landlords to fully identify and assess relevant housing stock and to remediate unsafe buildings at pace. We are working closely with regulators to ensure these expectations are met. The government outlined its commitment to accelerating building remediation through the Remediation Acceleration Plan (RAP), published on 3 December.

7.9 Some responses to the consultation, particularly from social landlords, called for the timescales for action (investigations, repair works and written summaries) to be set out in working days, instead of calendar days. Reasons for this included that existing legislation (such as the Secure Tenants of Local Housing Authorities (Right to Repair) Regulations 1994) uses working day timescales, and we understand that many contracts between social landlords and third-party contractors will be based on working day timescales. Meeting calendar day timeframes could therefore require re-negotiation of contracts and/or requirements to hire additional staff for out of hours working at excessive costs. Whilst we do not wish to significantly widen the overall timeframes for action, we do think there is merit in expressing these in working days to ensure deliverability of the legislation, and have done so in the regulations. The timeframe for standard and renewed investigations is 10 working days, the timeframe for making properties safe and beginning repairs is 5 working days and the timescale for providing written summaries (see below) is 3 working days.

7.10 Additionally, concerns were raised about the proposal to provide written summaries within 48 hours. 68.7% of total respondents agreed that social landlords should have 48 hours to issue the written summary. Responses raised concerns that it would not be feasible for social landlords to produce written summaries in the proposed time frame, especially when the investigation falls over a weekend, due to staff shortages on these days. Setting a timescale that is too short to be achievable would risk written summaries being rushed, which could compromise on accuracy and accessibility and may not deliver the intended outcomes. We have therefore provided that the timescale for producing written summaries under Awaab's Law will be 3 working days, to ensure there is adequate time for landlords to effectively capture the required information to keep tenants informed.

7.11 During our consultation and subsequent engagement with the sector, concerns were raised that the level of information to be contained within the written summary would be difficult to deliver accurately within the proposed timescale. We want to ensure the

written summary provides a clear, accurate record for tenants so that they can easily understand the issue in their home and have written evidence they can use to challenge their landlord if needed. Making written summaries too prescriptive could result in the production of rushed, confusing summaries. We believe setting out simplified, outcomes-based requirements mitigates this. Therefore, Awaab's Law regulations will require a set of simplified requirements for the written summary compared to what was proposed in the consultation.

7.12 Some respondents, mostly social landlords, felt that 7 calendar days was too short to begin some repair works with reasons given including that this timescale could incentivise quick fixes that do not properly address issues or that this may not be enough time to be able to make sufficient arrangements to begin repair works and/or secure the required skilled workers. A few respondents, mostly social residents, noted that the proposed interpretation of 'begin' repair works could lead to repairs being started but not completed to a sufficient standard. Although not specified in the consultation, regulations will differentiate between work to 'make safe' and 'supplementary preventative work' to address the underlying cause of a hazard. For example, in cases where a home is affected by a damp and mould hazard, required works could include removal of spores ('make safe') as well as repairs to a defective roof that is causing penetrating damp ('supplementary preventative work'). Awaab's Law regulations will require that if an investigation concludes a hazard presents a significant risk of harm to the health or safety of the resident and there is required work under the regulations, the social landlords must make the property safe within 5 working days of the investigation concluding (or 24 hours in an emergency). The social landlord must also begin supplementary preventative works within 5 working days. Supplementary preventative works are works to ensure (as far as is possible) that the hazard does not recur. In circumstances where it is not reasonably practicable to begin supplementary preventative work within 5 days (for example because of a shortage of available workers), the social landlord must, within 5 days of the investigation concluding, take steps to secure that the works begin as soon as reasonably practicable and within no longer than 12 weeks of the investigation concluding.

7.13 Finally, we received overall agreement for each question relating to our Impact Assessment (which detailed the assumptions behind the projected costs of Awaab's Law); with 72.8% of respondents agreeing with the assessment that proposals 1, 3, 4, 5, 6 and 7 will create small net additional costs to the sector, 72.5% of respondents agreeing with the assessment of the net additional costs of proposal 2 and 72.3% of respondents agreeing with the assumptions we made to reach cost estimates in the Impact Assessment. However, qualitative feedback from respondents highlighted concerns that the assumptions underpinning our Impact Assessment had underestimated the cost of proposals, and highlighted additional staffing costs in relation to actioning investigations and repairs at a faster pace than current practice. We have addressed these concerns by adjusting cost estimates to reflect that, whilst social landlords are already required to action such repairs, the requirement to action them at a quicker pace may require additional staff for social landlords whose internal targets are longer than the timeframes set by Awaab's Law. The impact of this instrument is set out below.

## 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. Although the duty to make repairs to address hazards is not a new burden on social landlords, introducing timescales does place a new burden on them because of the additional staff required to meet faster timescales. A further additional burden is the duty to provide a written summary to tenants, which social landlords are not currently required to do.

9.3 Phase one of Awaab's Law will apply to significant damp and mould hazards and all emergency hazards, and the Impact Assessment is focussed on these requirements. The impact of these requirements on social landlords that are not local authorities will be £9.3m per year over a 10-year appraisal period. The cost impacts fall into the categories of additional staff costs, familiarisation costs and the preparation and postage costs for written summaries.

9.4 The impact of these requirements on local authorities that are social landlords will be £5.4m per year over a 10-year appraisal period. The cost impacts fall into the categories of additional staff costs, familiarisation costs and the preparation and postage costs for written summaries.

9.5 The legislation impacts small or micro businesses. Evidence from the Regulator of Social Housing (RSH) has shown that small social landlords (those owning under 1000 homes) own around 3% of all social rented sector stock, and many of these will have fewer than 49 FTE employees. We recognise that smaller social landlords might face distinct challenges in meeting the Awaab's Law timescales. For example, they may not have in-house maintenance staff and therefore be more reliant on external contractors, and they do not have the economies of scale from which larger providers may benefit.

9.6 Nevertheless, social residents do not have freedom of choice over who their landlord is and we think all social housing tenants should receive the same protections regardless of who their social landlord is. The intention of Awaab's Law is to ensure social landlords respond quickly when they become aware of hazards in order to protect tenants from poor health or safety outcomes, and to empower tenants to challenge their landlords if they fail to do so. We therefore do not think that any social landlord, regardless of size, should be exempt from these requirements.

## 10. Monitoring and review

***What is the approach to monitoring and reviewing this legislation?***

10.1 A statutory review clause is included in the instrument, requiring the Secretary of State to carry out a review of the regulatory provision contained in this instrument at

least every 5 years, and to publish a report setting out the conclusions of the review. The government has also designed Awaab's Law with a 'test and learn' approach in mind, with the use of phased implementation allowing for the policy to be reviewed and updated in line with feedback.

## Part Three: Statements and Matters of Particular Interest to Parliament

### 11. Matters of special interest to Parliament

11.1 Section 10A(2) LTA 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) LTA 1985 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:

"In my view the provisions of the Hazards in Social Housing (Prescribed Requirements) (England) Regulations 2025 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 ("relevant European Union Acts").