EXPLANATORY MEMORANDUM TO

THE HOUSING HEALTH AND SAFETY RATING SYSTEM (ENGLAND) (AMENDMENT) REGULATIONS 2026

2026 No. 571

1. Introduction

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

2. Declaration

2.1 Baroness Taylor, Parliamentary Under-Secretary of State (Lords Minister for Housing and Local Government) 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 Luke Spanton at the Ministry of Housing, Communities and Local Government. Telephone 030 3444 0000 or email correspondence@communities.gov.uk 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 The instrument amends the Housing Health and Safety Rating System (England) Regulations 2005 ('the HHSRS Regulations'). It makes the prescribed method for assessing the seriousness of hazards in housing more intuitive and consolidates some of the prescribed descriptions of hazards.

4.2 The Housing Health and Safety Rating System (HHSRS), put in place by the HHSRS Regulations, is an advanced risk assessment tool used to determine the severity of hazards in residential premises in England. Local housing authorities use the HHSRS in the enforcement of housing standards under Part 1 of the Housing Act 2004 ('the Act').

4.3 A local housing authority's assessment of the severity of hazards in residential premises will inform its consideration of what enforcement action it should take under Part 1 of the Act. Where a local housing authority determines that a deficiency gives rise to a health and safety hazard at the most dangerous 'category 1' level, it has a duty to take the most appropriate of the actions available under section 5 of the Act. Where it determines that a deficiency gives rise to a hazard at 'category 2' level, it has discretion to act.

4.4 It is estimated that, in 2022, category 1 hazards were present in 12% of the private rented sector, 9% of owner-occupied homes and 4% of the social rented sector.

4.5 Under a regulatory standard set under section 193 of the Housing and Regeneration Act 2008 providers of social housing are expected to ensure that it meets the Decent Homes Standard, which requires that social housing stock is free of category 1 hazards. This includes social housing stock supplied by local housing authorities and by private registered suppliers of social housing.

4.6 As well as this expectation to meet the Decent Home Standard, private registered providers of social housing are subject to enforcement under Part 1 of the Housing Act 2004 and the government expects them to work closely with local housing authorities in ensuring that their stock investment programmes do not leave vulnerable tenants in hazardous conditions pending scheduled improvements. The enforcement powers in Part 1 of the Act are not used formally by local housing authorities to deal with hazards in their own stock.

4.7 The changes made by this instrument give effect in law to certain of the conclusions of a review of the HHSRS which concluded in November 2022. In particular, this instrument renames the 'classes of harm', amends the existing description of a 'prescribed fire hazard', introduces a more intuitive method for calculating the seriousness of hazards, simplifies the hazard bands, and amalgamates some of the existing descriptions of hazards, reducing the total number of descriptions from 29 to 21.

Where does the legislation extend to, and apply?

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

4.9 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 The HHSRS was introduced under the Housing Act 2004. However, the HHSRS Regulations did not come into force until 6th April 2006 and the HHSRS has not been updated since. In October 2018 the government launched a scoping review to consider whether the HHSRS should be updated and, if so, to what extent.

5.2 The review concluded that, while there was considerable support for the strong links between health and housing that the HHSRS provides, all stakeholders would welcome a simplification of the assessment process. Local housing authority officers found the system complicated to apply and full assessments were resource intensive. Housing providers and tenants found it difficult to understand the outcomes of assessments and felt that there was a discrepancy between the assessment process and other housing-based regulatory regimes that applied to housing provision. There was also support for an approach that sets out standards that could be met in most cases, supplementing the risk assessment aspect of the HHSRS.

5.3 Following this exercise, government initiated a review of the operation of the HHSRS with the aim to bring it up to date, empower landlords and tenants to engage with the system and help with the effective enforcement of housing standards. The review concluded in 2022.

5.4 A summary report of the review outcomes can be found at https://www.gov.uk/government/publications/housing-health-and-safety-rating-system-hhsrs-review-outcomes-and-next-steps.

5.5 This instrument will bring the conclusions of the HHSRS review, which require regulation, into force. The instrument will amend the HHSRS Regulations, which prescribe the method for calculating the seriousness of hazards of a prescribed description. The method takes account of both the likelihood of harm occurring and the severity of the harm if it were to occur and, based upon that method, whether a hazard is a category 1 or category 2 hazard for the purposes of Part 1 of the Housing Act 2004.

What was the previous policy, how is this different?

5.6 This instrument amends the HHSRS Regulations to make several changes to the way an HHSRS assessment is carried out in order to make these assessments more intuitive for HHSRS assessors and other people engaging with the system. This includes:

5.7 The descriptions of the four 'classes of harm' (which are Classes I to IV) have been renamed as 'Extreme, Severe, Serious and Moderate'.

5.8 The method for calculating the seriousness of hazards which is expressed as a numerical score has been simplified. For example, the 'range of ratios of likelihood' has been changed to rounded values on an increasing exponential scale, and the 'representative scale points' has been changed to numbers rounded to the nearest unit, 10, 100 or 1000.

5.9 The HHSRS Regulations prescribe ten lettered hazard bands (A – J) by reference to ranges of numerical scores. Three hazard bands: 'High' (previously bands A-C, category 1 hazards), 'Medium' and 'Low' (previously bands D-F and G-J, category 2 hazards) have now replaced bands A to J. Relabelling the hazard bands in this way is intended to make the severity level of hazards in the broad category 2 band easier to understand.

5.10 The number of descriptions of hazards have been reduced from 29 to 21 by amalgamating some of the existing descriptions of hazards to make new descriptions. This was carried out by analysing the statistical evidence and does not compromise the statistical evidence base of the system but will simplify and enhance HHSRS inspections.

5.11 The definition of a 'prescribed fire hazard' has been updated following analysis of the statistical basis for fires and explosions in English dwellings. A category 1 or 2 hazard is now a 'prescribed fire hazard' if the risk of harm is associated with exposure to uncontrolled fire and associated smoke and fumes, an explosion, or the collapse of the whole or part of a building as a result of fire or an explosion.

6. Legislative and Legal Context

How has the law changed?

6.1 Section 2 of the Act provides for regulations to be made to prescribe descriptions of hazards and the method for assessing the seriousness of hazards for the purposes of the Act. Section 10 provides that local housing authorities have a duty to consult with fire and rescue authorities before taking enforcement action in relation to a fire hazard prescribed for the purposes of that section by regulations under section 2.

6.2 This instrument amends the HHSRS Regulations, addressing concerns raised during the HHSRS scoping review and bringing into force those conclusions from the HHSRS scoping review that require regulation.

Why was this approach taken to change the law?

6.3 This was considered the only viable approach to make the necessary changes.

7. Consultation

Summary of consultation outcome and methodology

7.1 The government worked closely with key stakeholders during the course of the review, in order to ensure that they were satisfied with the proposals for detailed implementation of the overall policy.

7.2 This engagement was undertaken in the initial stages of the project along with in-depth literature reviews for each of the project outputs and workstreams. A multi-method approach to engagement, using a combination of regional online focus groups, one-to-one interviews and online surveys, was undertaken. Over 1,000 stakeholders with specialist experience and relevance to the HHSRS and housing sector contributed to the consultation.

7.3 A sounding board consisting of landlords, tenants, local housing authority officers, academics and officials from multiple government departments monitored the outputs of the review.

8. Applicable Guidance

8.1 Local housing authorities are required by regulation 5 of the HHSRS Regulations to have regard to guidance given under section 9 of the Act in relation to the inspection of residential premises. This guidance covers the inspection of premises, the assessment of hazards and the use of the enforcement powers in Part 1 of the Act. New guidance has been produced as part of the HHSRS review, replacing the previous guidance published in 2006. This guidance was laid in draft before Parliament on 23 March 2026 and will not be given by the Secretary of State until 40 days have passed and neither House has resolved that the guidance be withdrawn.

8.2 This guidance will be produced in two parts. Part 1 will cover local housing authorities' functions under Chapter 1 of Part 1 of the Act in relation to the inspection of premises, and the assessment of hazards. Part 1 will be known as the Operating Guidance. Part 2 will cover local housing authorities' functions under Chapters 2 and 3 of Part 1 of the Act and will be known as the Enforcement Guidance. This will supersede the Operating and Enforcement Guidance published in 2006, which will be withdrawn.

8.3 New non-statutory guidance for landlords, agents and tenants will also be published, superseding the following guidance published in 2006, which will also be withdrawn:

- Housing health and safety rating system (HHSRS): guidance for landlords and property-related professionals
- Reducing the risks: the housing health and safety rating system (HHSRS)

8.4 Guidance published in 2018 on the assessment of and local authority enforcement powers available for action in the case of high-rise residential buildings with cladding systems will also be withdrawn.

Part Two: Impact and the Better Regulation Framework

9. Impact Assessment

9.1 A full Impact Assessment has not been prepared for this instrument. While it is broadly a regulatory requirement, being set out in regulation, there are no direct costs on business and any impact on business is secondary. The instrument does not change or introduce standards that business must meet but instead makes implementation of existing standards more efficient for businesses and regulators.

Impact on businesses, charities and voluntary bodies

9.2 The impact on business, charities or voluntary bodies is low. The regulations build on the existing HHSRS, which is applied to all residential premises, whether rented or owner-occupied. Businesses, charities and voluntary bodies that already use the HHSRS to assess the safety of residential premises they own or manage will need to take a small amount of time to familiarise themselves with the reviewed system but will then find it more intuitive and simpler to use. The same will apply to those who offer the assessment of the safety of residential premises as a service, whether or not they are paid to do this.

9.3 The legislation does impact small or micro businesses. Small or micro businesses will not be exempt from the requirements of regulation because the impact will be low but also because the HHSRS forms a vital part of building safety. The use of an HHSRS assessment to identify health and safety hazards is not dependent on the size of a business, so it would not be appropriate for tenants of small or micro businesses to be treated differently to, or not protected in the same way as, tenants of larger businesses.

9.4 The impact on the public sector is low. Local authorities, both as landlords and enforcers of the Housing Act 2004 will need to take a small amount of time to familiarise themselves with the reviewed system but will then find it more intuitive and simpler to use. Detailed statutory guidance on the operation and enforcement of the HHSRS will be published when the regulations come into force.

10. Monitoring and review

What is the approach to monitoring and reviewing this legislation?

10.1 The approach to monitoring this legislation is in the form of an evaluation commissioned within three years of implementation. This will enable an assessment of the impact and effectiveness of the HHSRS tool.

10.2 This instrument does not include a statutory review clause and, in line with the requirements of the Small Business, Enterprise and Employment Act 2015, Baroness Taylor, has made the following statement: it is not proportionate to include a review clause in this instrument given that the changes being made to the HHSRS Regulations do not make changes to local housing authority powers and duties or the enforcement action that arises following an HHSRS inspection.

Part Three: Statements and Matters of Particular Interest to Parliament

11. Matters of special interest to Parliament

11.1 None.

12. European Convention on Human Rights

12.1 As the guidance is subject to negative procedure and does not amend primary legislation, no statement is required.

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").