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# **Fit for human habitation?**

Private Rented Sector Tenants

Qualitative Research



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# Fit for human habitation?

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The Renting Homes (Wales) Act 2016 will introduce new ‘fitness for human habitation’ regulations in the coming years for the rental sector in Wales. These regulations will set the minimum standards people can expect from their rented properties. People renting social housing will also have the Welsh Housing Quality Standards (WHQS) that their homes will continue to need to meet. For people in the Private Rented Sector (PRS), only what the Welsh Government set as the fitness for human habitation standards will apply.

With increasing numbers and diversity of people living in the PRS and ongoing changes to housing policy and legislation in Wales we wanted to understand what matters most about making their homes habitable and what tenants think the minimum standards should be.

At focus groups with a cross-section of PRS tenants we listened to their views about the state of their current home, their experience of getting repair work done and asked tenants what they would like to see the Welsh Government include in the fitness for human habitation standards. Background to the research is detailed at the end of this short report.

## Property conditions in Wales

The PRS is the largest growing housing option for people in Wales, having increased from 7 – 15% of the housing stock between 1996 – 2015<sup>1</sup>. As an in-depth study of the housing conditions in Wales has not been conducted since 2008, up-to-date information about the condition of PRS housing stock is not available. Based on previous data it is estimated that this sector contains some of the worst housing stock in Wales, including some of the most energy inefficient properties<sup>2</sup>. 40% of properties contain at least one Category 1 hazard<sup>3</sup> under the Housing Health and Safety Rating System (HHSRS)<sup>4</sup>.

Shelter and British Gas recently commissioned Ipsos MORI to develop the [Living Home Standard](#) with the public, which considers 39 attributes that people believe define what an acceptable home should provide. Shelter Cymru found 28% of people in Wales felt their homes failed the Living Home standard due to poor conditions, considerably higher than the UK average of 18%<sup>5</sup>. This echoes Shelter Cymru and British Gas previous [Fit to Rent?](#) Research findings into PRS in Wales, which found higher than the UK average levels of poor housing conditions negatively affecting one in ten PRS tenants health<sup>6</sup>.

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<sup>1</sup> Welsh Government, *Dwelling Stock Estimates*, 2016

<sup>2</sup> Shelter Cymru, [Fit to rent?](#), 2014

<sup>3</sup> BRE and Shelter Cymru, [The Cost of Poor Housing in Wales](#), 2011

<sup>4</sup> The Housing Health and Safety Rating System (HHSRS) is a risk assessment tool used to determine whether residential premises are safe to live in, with Category 1 being the most serious type of hazard

<sup>5</sup> Shelter Cymru, [The Living Home Standard: how does Wales measure up?](#), 2016

<sup>6</sup> Shelter Cymru, [Fit to rent?](#), 2014

Looking at the link between housing and health, evidence concludes that poor quality housing, due to problems such as cold, damp, and mould are linked to adverse physical and mental health outcomes, including respiratory problems and infections, exacerbation of asthma<sup>7</sup>, depression, cardiovascular and behavioural conditions, cancers, poisoning<sup>8</sup> and Excess Winter Deaths<sup>9</sup>. It was estimated in 2011 that poor housing conditions costs the NHS in Wales in excess of £67 million every year, with wider societal costs estimated in the region of £100 million a year<sup>10</sup>.

Public Health Wales<sup>11</sup> makes the case to invest in housing standards as a means of saving the NHS money and improving people's quality of life, and the Well-being of Future Generations Act (2015) national indicator set will monitor HHSRS as a means of assessing the level of hazard free dwellings in Wales, showing the importance of good housing conditions to improve or maintain people's health and wellbeing. This is also seen in the Welsh Government's recently published Well-being Objective 9 '*Improve access to secure, safe, efficient and affordable homes*' which highlights in the rationale:

*"Improving access to affordable homes and improving housing conditions contributes to tackling poverty, improves health and wellbeing and helps to reduce health inequalities"*<sup>12</sup>

And it is echoed in the programme for government which commits to increasing access to quality affordable homes (20,000 new affordable homes before 2021) while also reducing the amount of children and young people facing homelessness or living in temporary accommodation.

Between April 2015 - March 2016 Citizens Advice helped more than 12,000 with over 16,900 housing-related problems across Wales, up 3% against the previous 12 months. Despite PRS housing only accounting for 15% of the housing stock in Wales, every year it makes up nearly a third (29%) of all the housing-related problems people to come to us for help with, that's double the number of problems seen from tenants in the social rented sector. Last year we helped 3,870 people with 4,880 problems in the PRS.

The top 3 PRS problems have remained the same for the past 3 years:

- repairs/maintenance, up 7% to 750, affecting 700 people in 2015/16
- rents and other charges, down 6% to 525, affecting 500 people in 2015/16
- tenancy deposit protection, down 18% to 445, affecting 415 people in 2015/16

The main problems PRS tenants bring to Citizens Advice are the state of their property and how to get repairs or maintenance work done, accounting for 1 in 7 of all PRS housing-related problems.

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<sup>7</sup> [WHO guidelines for indoor air quality: dampness and mould](#)

<sup>8</sup> Byrne E et al [Housing and Health Evidence Review for Health Impact Assessment](#), 2014

<sup>9</sup> Braubach M et al World Health Organization (WHO) report [Environmental burden of disease associated with inadequate housing](#), 2011

<sup>10</sup> BRE and Shelter Cymru, [The Cost of Poor Housing in Wales](#), 2011

<sup>11</sup> Public Health Wales, [The case for investing in prevention: Housing](#), 2015

<sup>12</sup> Welsh Government, [Taking Wales Forward: Welsh Government's Well-being Objectives, 2016](#)

# Tenant's experiences

79 PRS tenants from a range of backgrounds took part in 8 focus groups to discuss their living conditions and experience of the PRS in Wales.

While most considered the physical condition of a property important when choosing a new home, nearly all were disappointed with at least one aspect of their current home's physical condition. Only 1 or 2 tenants at each of the focus groups were satisfied with the condition of their current property, though this appears to be largely down to luck as opposed to area, household type or income.

Worryingly, despite most participants raising problems about disrepair throughout the focus groups, few tenants were aware of the Housing Health and Safety Rating System (HHSRS) or their Local Authority's enforcement role to assess and improve poor quality housing. There was greater awareness in areas where higher levels of poor quality properties were discussed<sup>13</sup>.

The main problems participants reported with their current property were:

- damp, condensation and mould
- poor heating facilities, bathrooms or kitchens
- water leaks
- poor electrical safety
- lack of garden maintenance

## Condensation, cold, damp and mould

Damp property conditions were the most frequently discussed problem at each of the focus groups, as was the issue of who or what is responsible for both causing and solving the problem.

Most participants said that they looked out for signs of damp, condensation and mould when viewing potential properties and that when they have a choice, they don't take the property if it's showing. However, people at each focus group had examples of landlords and letting agents concealing the issue by freshly painting the property prior to the viewing and only finding the problem after taking up their tenancy.

Interrelated problems of poor, or inadequate heating and water leaks were also highlighted by many participants, and the struggle some found in getting landlords or agents to address the problem.

*"Before someone moves in, all the landlord does is paint over the damp and puts the heating up on full. They can cover up damp so easily and you'll never know until you move in"*

- single household, low income, aged 36, long-term renter, Porthmadog

*"I don't have heating in my living room; the heater which was in there fell off my wall. They were meant to sort it out last year, but they only came out this year to look at it"*

- single household, disabled tenant, aged 42, low income, long-term renter, Carmarthen

<sup>13</sup> Llandridnod Wells and Tylorstown focus group showed experience of reporting and dealing with problems

Damp, condensation and mould can be one of the trickier problems to establish the cause of or to resolve depending on whether it is:

- **rising damp:** when moisture travels up from the ground through the masonry to the height of about one metre
- **penetrating damp:** when water penetrates the building from outside to inside, for example, because of a leaking downpipe
- **construction damp:** where dampness is caused by a problem in how the property was designed
- **condensation dampness:** generally happens when a property can't deal with normal levels of water vapour because of a lack of insulation, ventilation or heating
- **a combination of these things**

*"My child has to sleep in a damp room and the spores are causing all sorts of chest infections and other problems like asthma. The landlord said they've put air bricks in but it's caused by me drying clothes on a radiator or not opening windows. I've got no way to prove it"*

- single household, aged 24, low income, medium-term renter, Porthmadog

*"I still haven't got a downpipe from the guttering so all the water is just running down the outside wall and causing damp. The landlord keeps saying he'll do it but that's been going on since I moved in a year ago."*

- couple with dependent children, aged 24, low income, long-term renter, Porthmadog

The way in which landlords deal with damp problems was a particular issue for many participating tenants: one particularly frequent allegation was that they are told to 'open the windows' and to 'not dry clothes indoors', which was considered impractical by most, especially in winter or in homes that tenants said were already cold.

When considering a new property, participants told us the condition of the heating facilities, bathrooms, and kitchens were the second most important aspect after checking for damp, mould and condensation. Issues with heating and the link to cold and damp conditions were often discussed at the focus groups, and the difficulty of tackling damp when you struggle to control the heat within your own home due to poor insulation, gaps in windows or insufficient heating facilities.

There was at least one example per focus group of water leaks, often exacerbating damp problems caused by leaking external or internal pipework.

Participants also gave other examples of the impact of water leaks causing electrical faults and shocks with health and safety implications.

## Problems with repairs and maintenance

PRS tenant participants' experience of accessing quality repairs in a timely manner ranged widely. Some were able to work with their landlord to get things done quickly, efficiently and well. Others reported roofs continuing to leak or backdoors left broken for months at a time. Overall, across all groups and household types, the way repairs were dealt with seemed to depend largely on the landlord's or letting agent's responsiveness and willingness to undertake them, with no set approach being apparent.

*"It's a different relationship if the landlord is local or if you're dealing with a letting agent - sometimes you don't know the landlord's phone number and the agent washes their hands of the problem. I've found that I have no out-of-hours contacts for repairs and getting repairs done quickly is a real issue ..."*

- single household, aged 54, low income, long-term renter, Shotton

For the majority of participating tenants who rent via a letting agent, delays in getting repairs were common. Tenants complained that letting agents seemed to have no discretion to action repairs without first contacting the property owner and expressed confusion and frustration at the obscure division of responsibility between landlord and agents. Some people suggested that agents should be able to action important repairs without the landlord's permission to ensure a property is *fit for human habitation*.

Most of the participants said they simply put up with minor disrepair or carried out repairs themselves rather than ask their landlord or agent to do them. The reasons for this ranged from not wanting the hassle, through to fear of rent hikes, loss of tenancy, or non-renewal of their tenancy.

These fears were particularly the case for the PRS participants in the Cardiff, Llandrindod Wells, Porthmadog and Shotton focus groups. They highlighted that 'voting with their feet' (leaving a poor landlord or an unsatisfactory property) was not always an option due to too few alternative rental properties in their area.

A few people at each focus group were confused about tenant and landlord or letting agent responsibility for repairs. When talking about the proposed model contract and the current Code of Practice for landlord and letting agents, there was general agreement that having roles and responsibilities clearly identified would be helpful to prevent future problems about responsibility for repairs.

*"I wouldn't want to keep complaining in case they ended the tenancy"*

- shared household, aged 32, mid-high income, long-term renter, Cardiff

*"I have been with the landlord for 22 years and I have had 3 properties. Unless there's a problem I don't have any contact with him. Any small jobs that need doing, I do myself. That's where respect comes. Even though it's not my house, it's my home and I treat it like it's my home and respect and look after it... I look after the property and pay rent!"*

- couple with dependent children, aged 47, low income, long-term renter for 22 years, Tylorstown

While many participating tenants stated that repairs were all too often of poor quality which can lead to further problems soon after, there were examples of excellent landlords and letting agent responses. Unsurprisingly, where repairs are dealt with promptly and to a good standard, tenants appeared to be very happy with their property and their landlord.

This was particularly the case for the two examples of very long-term PRS tenants we met who had been with their landlords for over a decade who worked with the landlord to maintain and improve the property.

## Fit for human habitation?

To enable a conversation about what the new fitness for human habitation regulations could cover as a minimum standard for all renters in Wales, we gave participants an overview of both the Housing, Health and Safety Rating System (HHSRS) and Welsh Housing Quality Standards (WHQS). We then discussed these further.

The majority of participants were unaware of either set of housing standards, and few had experienced living in social housing from across the focus groups. Some tenants expressed surprise that they could report any concerns about their property to the local authority, and wanted to know more about the standards so they could consider how to use them in the future. There was greater awareness of HHSRS and how to access enforcement in areas where tenants reported a higher incidence of poor quality properties, such as in Llandrindod Wells and Tylorstown.

*"My previous property was terrible... Nothing was done. Environmental health got involved. The landlord got fined £1000. The house got condemned and I took the landlord to court. I got the bond, 6 months' rent back and compensation"*

- couple with dependent children, aged 28, low income, long-term renter, Tylorstown

*"It's no good having a test every year for carbon monoxide - there needs to be a detector in every house ... I've only ever had one property out of four where there was a fire extinguisher and a fire blanket"*

- couple with dependent children, aged 29, mid-high income, long-term renter, Cardiff

Tenants across all groups considered the 29 hazard categories of HHSRS to be comprehensive, and confirmed that the most important conditions and common problems areas like damp and heating were covered. Some noted that hazards like carbon monoxide, radiation and explosions should be assumed as not present for a property to be considered fit for human habitation, as they represent a potential risk to life. Discussion highlighted that people may not know what hazards are present and that additional safety devices such as carbon monoxide detectors should be a legal requirement within the new standards.

With few of the participants having lived in social housing, WHQS were unknown to most however, they were typically considered important and desirable for all rental properties.

Tenants unanimously supported the inclusion of the 29 hazards in the fitness for human habitation regulations. Furthermore, the majority, and particularly those in the first Cardiff group, felt strongly that equal standards should apply to both the private and social rented sectors. They queried why lower standards should be acceptable in the private sector when these properties are often more expensive than social housing, and desired a minimum set of standards that applied to **all** rented properties.

*"Shouldn't the private rented sector be on the same par as the standards for social housing?"*

- shared household, BME, aged 53, mid-high income, long-term renter, Cardiff

Discussion about improving property standards raised some concerns about how this may affect rent levels. At the Porthmadog focus group, participants seemed convinced raising standards would also raise rents, whereas in Cardiff, participants thought that rent would stay competitive. This reflects the local variation across Wales of available PRS properties, their quality and affordability.



## What does this mean for the regulations?

Our findings show general support for HHSRS to be incorporated into the forthcoming fitness for human habitation regulations with some additional requirements, such as carbon monoxide detectors. This shows a positive alignment with the Welsh Government policy intent and proposed way forward.

The issue will be how tenants know about and use the new regulations. Our research showed a lack of awareness, understanding and use of the existing regulations by PRS tenants, despite all too often reported experiences of poor housing conditions. We believe this underlines the clear need for a wide ranging public education campaign and access to advice, to ensure both PRS tenants and landlords know about the existing standards, the changes and what it means for them.

To help the regulations lead to improved standards in the rental sector, and in particular the PRS, clear, accessible information and guidance will be required to enable tenants and landlords to make informed decisions about property conditions. This can be achieved through both the regulations, guidance and public education work required with its implementation, but also through the model contract and its explanatory information.

Having clear, accessible information about the roles and responsibilities of the tenant and landlord in the contract will help to ensure the reader knows how best to enact their new rights and which is the best avenue for them to take to ensure their property is fit for human habitation.

Ensuring a clear, simple process for tenants wishing to contest an eviction notice on grounds of retaliatory eviction will help alleviate some of the expressed fears about eviction for reporting problems. This will support the Renting Homes groundbreaking legislation against retaliatory eviction practices.

For the fitness for human habitation regulations to achieve their purpose of ensuring minimum standards throughout tenure at a property, we believe they need to be clear about how they apply to property conditions. This and reporting processes and timescales for repairs would help ensure the problems identified by participants and seen across our network don't continue. In particular, clarity in the wording on responsibility for problems like damp, cold, condensation and mould would help both tenants and landlords know when and how to take action to alleviate the problem(s) and reduce their associated links to ill health.

## Citizens Advice Cymru recommend Welsh Government:

- Make clear accessible regulations and guidance which tenants and landlords can use to ensure properties are fit for human habitation, including:
  - the requirement for carbon monoxide detectors
  - regular electrical safety checks
  - clear standards about condensation, cold, damp, and mould, the rights and responsibilities to address these problems for both tenants and landlords
  - clear timescales and processes for both reporting problems and carrying out repairs
- Carry out a widespread information and education campaign to raise awareness and understanding of what private rental property conditions should be in Wales, and how to go about accessing improvements if they are not
- Ensure the model contract and supporting information is clear and accessible on the roles and responsibilities for the conditions of a property, its upkeep and accessing repairs and includes:
  - a clear process with timescales for retaliatory eviction to provide tenants and landlords protection from malicious behaviour
  - timescales for both reporting problems and carrying out repairs
- Undertake a housing conditions survey to establish a baseline to enable effective monitoring of whether the new regulations improve standards in the PRS, and where the regulations may require amendment in years to come
- Consider whether agents should be able to action important repairs without the landlord's permission to ensure a property is *fit for human habitation*.

# Background to the research

The growing importance of the Private Rented Sector in Wales prompted Citizens Advice Cymru to commission Opinion Research Services (ORS) to explore the housing problems of a range of PRS tenants, focusing on:

- the condition of their property
- their tenancy contracts
- how best to communicate changes in housing legislation

We commissioned qualitative research to complement the evidence from across our network in Wales. ORS undertook 8 focus groups pan-Wales<sup>14</sup> in February and March 2016, as well as 2 in-depth interviews with disabled tenants.

The research design was careful to ensure that specific types of households living in both rural, urban and valley locations were studied – for example: the ‘lower end of the market’, ‘unfit dwellings’, ‘higher income renters’ and ‘disabled tenants’ were all included to match as closely as possible the recent census<sup>15</sup>, as shown in the table below. 79 people took part:

Household type	Number of attendees	% of total focus group attendees	Known average % from 2011 census analysis
Cohabiting couples with no children	14	18%	<b>52%</b> of PRS tenants are ‘families’ where: - 17% single parent households - 16% cohabiting couples
Households with dependent children	12	15%	
Households with non-dependent children	11	14%	
Shared households	9	11%	<i>Unknown</i>
Single person households	15	19%	36%
Disabled tenants	8	10%	<i>Unknown</i>
BME tenants	10	13%	8%
Total	<b>79</b>	<b>100%</b>	

<sup>14</sup> Focus groups were held in: Cardiff (x2), Carmarthen (disabled tenants), Porthmadog (facilitated in Welsh), Llandridnod Wells, Shotton, Swansea, and Tylorstown.

<sup>15</sup> <http://gov.wales/docs/statistics/2014/140225-2011-census-characteristics-households-en.pdf>

Focus group participants were recruited on-street by IQCS trained and experienced ORS fieldworkers. Recruits received written invitations, as well as telephone reminders shortly before the meeting. The focus groups ran for approximately two hours and participating tenants were recompensed for their time and efforts. To ensure those consulted had relevant 'life experiences' all participants had been living in the PRS for at least 4 months. There was a mix of participants: some had rented privately for over 20 years, some had only started renting within the past 6 months.

Care was taken to ensure that no potential participants were disqualified or disadvantaged by disabilities or any other factor, with accessible information produced to be used during the focus groups providing background information on the areas discussed. Careful monitoring ensured that the focus group participants recruited were diverse and met the pre-agreed criteria to reflect the census information about the range of PRS tenants in Wales.

The Welsh language focus group and disabled tenant focus groups (and 2 in-depth interviews with disabled people) were specifically undertaken to consider whether there were differences in experience and expectations for either disabled tenants or Welsh language users. To recruit disabled tenants ORS contacted a number of organisations who support disabled people and worked with Supporting People Carmarthenshire to hold a focus group with six tenants who have learning difficulties. Disability Wales also provided contacts of two physical disabled tenants who took part in face to face interviews.

The engagement used for this project was rigorous, inclusive and representative in the sense of involving diverse groups of people; but it should not be understood as achieving a 'statistical sample of individuals'. Focus groups cannot be regarded as such because of their small size, but the recruitment process and information presented to contextualise discussion gave a diverse range of tenants the opportunity to take part and voice their opinions. We believe that the results can be seen as broadly indicative of how opinion may vary and converge across the PRS in Wales.

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