

# A reformed Decent Homes Standard for social and privately rented homes

CIEH response to a Ministry of Housing, Communities and Local Government consultation

September 2025

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## About the Chartered Institute of Environmental Health (CIEH)

CIEH is the professional voice for environmental health representing over 7,000 members working in the public, private and non-profit sectors. Building on its rich heritage, CIEH ensures the highest standards of professional competence in its members, in the belief that through environmental health action people's health can be improved.

Environmental health has an important and unique contribution to make to improving public health and reducing health inequalities. CIEH campaigns to ensure that government policy addresses the needs of communities and business in achieving and maintaining improvements to our environment and our health.

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## Introduction

We believe the various housing standards need to be consolidated to provide clarity for landlords, tenants and local authorities. We welcome, in principle, the proposed application of a Decent Homes Standard (DHS) to the private rented sector but are concerned that adding more requirements into the legislation affecting the sector may cause more confusion. We are also concerned about the creation of an additional layer of enforcement obligations for which local authorities do not have enough overall resources or enough environmental health practitioners.

The environmental health profession faces a protracted recruitment crisis. Local authorities need sustained and predictable funding to facilitate the training and recruitment of environmental health practitioners who will enforce the changes in housing regulation.

We believe the content of the DHS should be grounded in public health data and the need for future proofing of housing. It should not be subject to piecemeal changes driven by what has recently been in the public eye.

## Responses to consultation questions

### ***Basic information***

#### *Demography questions*

Question 1:

In which capacity are you completing these questions? (Select all that apply)

- *Membership and awarding body for the environmental health sector*

[Questions 2-10 are not applicable to CIEH.]

### ***Section 3 – Proposed changes to the DHS***

#### **Proposal 1: Updating the definition of disrepair (Criterion B)**

Question 11:

Do you agree that age should be removed from the definition of disrepair?

- Yes

Question 12:

Do you agree that the thresholds used to define disrepair for each component should be updated to reflect a more descriptive measure as proposed?

- Yes

Question 13:

Do you agree that the number of items or components which must require major repairs for the component to be considered in disrepair should be reduced?

- Don't know

It is difficult to answer this question without clarification about what counts as a major repair and what specific reduction is being proposed.

[Question 14 is not applicable to CIEH.]

Question 15:

Do you agree that kitchens and bathroom components should be considered as “key” i.e. one or more in disrepair would cause a property to fail the DHS?

- Yes

Question 16:

a) Do you agree with the proposed list of building components that must be kept in good repair?

- Yes

b) If you have any views on this specific question you would like to share, please do so here

- In general, the scale of defects that will be required for a DHS failure is substantial. This means tenants may have to live with quite severe levels of disrepair in a dwelling that does not fail the DHS. The update should indicate a tightening of standards to reflect improvements in stock and expectations over time.

We believe that further consideration is needed of the question of what will count as a failure. Much of the proposed wording is vague. This will become a problem if it is used as a basis for legal action against landlords. A key role of the DHS will be requiring landlords to maintain and improve their rented homes proactively or face sanctions. It is therefore important for the relevant requirements to be clear, unambiguous and transparent.

We support the provision of some descriptive text to guide landlords as to the nature of the defects that might cause a DHS failure but understand the challenge inherent in producing guidance that comprehensively covers the myriads of

building types, architectural or building features and relevant defects. In this context we would make the following specific observations/suggestions.

- Text should be added to Table 3 to indicate that the examples given are not exhaustive.
- Consideration should be given to widening the scope of components or adding more components as follows.
  - Roof covering - include dormer structures and flashings.
  - Rainwater goods - include soil/waste drainage.
  - Wall structure - include parapets, bays and porches (or add bays and porches as a separate component).
  - Chimneys - include flashings.
- Damp proof courses (DPCs) have been included under the wall structure component but the DHS test is that the component is “Not structurally sound or not weather tight.” Even if a DPC was defective, it is not immediately apparent how this would cause a failure under ‘wall structure’. We would suggest that DPC and damp-proofing should be a separate component. (The term ‘damp-proofing’ would better capture other preventative measures such as ‘tanking’ in basements etc.)
- For the wall structure component, we consider that the pass/fail threshold of being structurally unsound or not weather tight is too high. The DHS is intended to be preventative, and landlords should take action to remedy defects which mean that the risk of water penetration is significantly increased and not wait until water penetration has actually occurred.
- For the heating system component, the focus of the guidance text is on gas and oil-fired systems, but many systems are electric and these should be referenced.
- For the internal doors component, it is not clear whether door replacement could include replacing non-fire doors with fire doors. We would assume that, as this part of the DHS is concerned with disrepair, it would not but clarification/confirmation would be helpful.
- For several components, it is not clear what is the scale of the defects that need to be present for that component to be in disrepair. For example, it is unclear whether a balustrade with a single missing or broken spindle would be in disrepair.

Question 17:

Do you agree with the proposed “key” components and “other” components as listed?

- No

Question 18:

a) Do you agree that the suggested additional components that relate to the public realm (boundary walls, curtilage, pathways and steps, signage, external lighting, bin stores) should only apply to the social rented sector?

- No

b) If you have any views on this specific question you would like to share, please do so here

- We do not agree that the suggested additional components which relate to the public realm should apply only to the social rented sector. Whilst it is clearly the case that some landlords, typically leasehold owners of privately rented flats, will not have any obligation or power to maintain the public realm around the building containing the flats, there are many others that will have this responsibility. We recognise that there is some potential complexity where the rented home is a flat, but no such issue arises where the home is a house and we believe that all landlords should have a responsibility to maintain and repair a range of elements including paved areas/patios, paths, boundary walls/fences and outbuildings.

Question 19:

If you have any views on these specific questions you would like to share, please do so here

- The division of building components into 'key' and 'other' seems somewhat arbitrary and not obviously aligned to the ability of a dwelling to provide accommodation that is safe and comfortable. For example, 'wall structure' is a 'key' element. Serious defects under this heading such as structural instability would clearly impact on the safety of tenants. Defects such as defective pointing or render, however, would generally present less risk of serious water penetration than defects in above ground drainage. 'Rainwater goods' are nevertheless categorised as 'other' rather than 'key'.
- We believe that some building components will be more important or relevant with regard to the application of the DHS to some dwellings but less so (or not relevant at all) to other dwellings and that the list of important (or 'key') components will not be the same for every dwelling. We see this as being another inherent difficulty in designing/developing a DHS that is equally relevant to the whole housing stock given the myriad variations in building types referenced above. For example, whilst we can see why the components proposed for social rented sector properties only are all in the 'other' category, the condition of a long flight of external steps/stairs providing access to a house or flats will clearly be 'key' for that property or those properties.
- We suggest that defects linked to health and/or safety should be treated as key but that more nuanced guidance is required.

## **Proposal 2: Facilities and services (Criterion C)**

Question 20:

a) Do you agree that under the new DHS landlords should be required to provide at least three out of the four facilities listed?

- No

b) If you said No, are there any of the facilities that you would prioritise?

(Please select all that apply) Kitchens / Bathrooms / Noise Insulation / Communal Areas

- Clearly, kitchens and bathrooms are universally important for all dwellings. The remaining two facilities, however, may be particularly important or relevant for certain dwellings.

c) Do you believe that the “multiple choice” nature of Criterion C (i.e. landlords must provide at least three out of the four facilities listed) could lead to any practical implications for tenants, landlords and/or organisations responsible for regulating/enforcing the standard?

- Yes

It is not clear why a ‘multiple choice’ approach is being used as the facilities listed are not related and have no bearing on each other. There is no reason to create a choice with regard to the provision of these facilities. We would suggest that the kitchen and bathroom facilities should be mandatory.

Since the “adequate size and layout of common entrance areas” facility is not relevant to houses, the requirement to provide three of the four facilities listed would lead to a situation where all three of the other facilities would have to be present in houses but one of them could be absent in flats. This does not seem to make sense.

Adequate sound insulation in relation to external noise, whilst desirable, is a very technical area and will not always be straightforward. It might be more achievable where landlords in the social rented sector are carrying out major refurbishments but could be less easy to achieve in the private rented sector. Also, it appears that no account has been taken of the issues around leasehold flats where the leaseholder has no control over the building fabric.

d) If there is anything else you would like to add on this specific proposal, please do so here

- No further comments

### **Proposal 3: Window restrictors (Criterion C)**

[Question 21 is not applicable to CIEH.]

Question 22:

a) Do you agree with the proposal that all rented properties must provide child-resistant window restrictors that can be overridden by an adult on all windows which present a fall risk for children (as defined above including a recommended guarding height of 1100mm)?

- Yes

b) If there is anything else you would like to add on this specific proposal, please do so here

- Whilst we agree this is a simple and low cost measure that could improve safety, we remain unclear about how the DHS will align with the Housing Health and Safety Rating System (HHSRS). There are several other simple measures that could be taken to prevent falls, for example handrails for staircases and adequate guarding for balconies. The specific requirement for window restrictors does not seem to be linked to public health data.

Since falls on staircases represent a far greater impact on the nation's public health than falls from windows, these too should be considered in the DHS.

We note the importance of ensuring that window restrictors do not impede a route of escape in the case of a fire or inhibit ventilation to prevent overheating.

#### **Proposal 4: Home security measures (Criterion C)**

Question 23:

The following questions relate to additional home security requirements in the DHS:

a) Do you think that home security requirements in relation to external doors and windows are sufficiently covered in the Decent Homes Standard?

- Don't know

b) If you responded No to part a), should we consider additional security requirements in relation to external doors and windows in the Decent Homes Standard?

- Not applicable

c) If you responded Yes to part b), should we consider giving landlords the option to comply with Part Q requirements in Building Regulations?

- Not applicable

d) If there is anything else you would like to add about the impact of introducing additional home security measures (such as challenges, costs), please provide detail here

- Our view of this proposal largely mirrors our view of the proposal for window restrictors with regard to how it relates to the public health data.

We acknowledge that, statistically speaking, tenants (in social and privately rented homes) are more likely to experience burglary than owner occupiers. Consideration should be given to whether there is any further information available regarding the level and quality of the security of doors and windows at rented dwellings where burglaries have occurred. Consideration should also be given to whether there are other factors that might be driving the difference (for example, urban versus rural, estate based versus street based) and whether there are other measures that might reduce fear of crime amongst tenants (for example, better CCTV and controlled access to the common parts of flatted accommodation).

The proposal goes beyond the existing baseline of requiring dwellings to be free of a category 1 'entry by intruders' hazard. Again, it is not clear why the approach needed for this specific hazard is different from the approach needed for other HHSRS hazards.

If the DHS is going to require locks, it should also require that the keys are available (given that keys go missing).

We note that it is not always appropriate to have a lock on a window, for example when the window provides a route of escape in case of fire.

The given definition of 'easily accessible' doors and windows indicates that a door or window is easily accessible "where any part is within 2m vertically of an accessible level surface" and this level surface may be "an access balcony". Consideration should be given to whether any provision or allowance will be made in relation to compliance with this criterion for flats in blocks that are accessed by decks or balconies but where there is controlled access to the block (for example, via a door entry system or concierge with CCTV present).

We are concerned about the additional complexity for landlords and for enforcement that might be created by requiring new doorsets and windows to comply with Approved Document Q in the private rented sector but not in owner occupied properties (given that properties may move between these two sectors).

## **Proposal 5: Suitable floor coverings (Criterion C)**

Question 24:

a) Do you think that landlords should provide suitable floor coverings in all rooms at the start of every new tenancy from an agreed implementation date?

- Don't know



b) If you have any views on this specific question you would like to share, please do so here

- We believe that landlords should provide suitable floor coverings or floor finishes and that these should be in good repair and suitable for the dwelling. We are conscious, however, that a requirement to do this at the start of every tenancy could be difficult to enforce in the private rented sector (given the number of new tenancies each year in some areas). Even if a floor covering were found to be unsuitable through an inspection carried out in the first year of a new tenancy, there would be a need for evidence that this was the case at the start of the tenancy. Also, if it was identified that a dwelling had not been provided with a suitable floor covering in one or more rooms and the landlord (voluntarily or following a formal notice) then provided this covering, on a simple reading of the requirement, the dwelling would remain non-decent until such time as the next new tenancy started. The belated provision of the covering would not remedy the non-compliance.

[Questions 25 is not applicable to CIEH.]

#### **Proposal 6: Streamline and update thermal comfort requirements (Criterion D)**

Question 26:

Do you agree with the proposal that the primary heating system must have a distribution system sufficient to provide heat to the whole home?

- Yes

Question 27:

Are there other thermal comfort requirements that you think should be included in the DHS beyond current MEES proposals?

- No

Question 28:

If there is anything else you would like to add on this specific topic please do so here

- Our recommendation is for a minimum energy efficiency standard (MEES) to use a triple metric approach that would assess properties as follows.

Properties will be assessed on the basis of:

- *Fabric performance*

This could include cavity wall insulation, solid wall insulation, loft or roof insulation, floor insulation, double glazed windows and energy efficient doors.

Once the fabric performance standard is met, landlords must improve:

- *Heating system*  
This would incentivise energy efficient low-carbon options, such as heat pumps, over direct heating and carbon-intensive fossil fuel systems.

Once the heating system standard is met, landlords may choose to improve:

- *Smart readiness*  
This could include solar panels, batteries and other load shifting appliances, and smart meters to enable tenants to access smart tariffs and services.

#### **Proposal 7: Properties should be free from damp and mould (Criterion E)**

Question 29:

a) Our expectation is that, to meet the DHS, landlords should ensure their properties are free from damp and mould. Do you agree with this approach?

- Yes

b) Criterion E will be in addition to the requirements under Awaab's Law as it aims to prevent damp and mould reaching a level that is hazardous. If, however, damp and mould in a property were to become severe enough to cause 'significant harm', landlords would have to comply with Awaab's Law to ensure prompt remediation and, if they do not, tenants will be able to take action in the courts. The damp and mould standard in the DHS should however help to prevent damp and mould getting that severe. Do you agree with this approach?

- No

Question 30:

To ensure the standard is met, regulators and enforcers will consider whether the home is free from damp and mould at bands A to H of the HHSRS, excluding only the mildest damp and mould hazards? Do you agree with this approach?

- Yes

Question 31:

If there is anything else you would like to add on this specific proposal please do so here.

- We accept that in a general sense landlords should be required to keep their properties free from damp and mould and that regulators and enforcers will consider whether the home is free from damp and mould at bands A to H of the HHSRS. We do not support, however, an approach in which damp and mould would be covered by a separate criterion in the DHS as well as by the HHSRS and Awaab's Law. This duplication of standards would add further complexity to an already complex legislative environment and would be confusing for landlords and tenants. We would suggest that the need for damp and mould to be dealt with more effectively could be addressed by changing the HHSRS Operating Guidance and providing improved guidance for landlords.

We note that the enforcement of Awaab's Law will depend on the ability and willingness of tenants themselves to seek redress and, ultimately, to take legal action through the courts. It is often difficult for tenants to use legal remedies themselves. Also, the Awaab's Law draft regulations require social landlords to respond to significant and emergency hazards within specified timeframes. The regulations and the draft guidance on Awaab's Law for social landlords are vague, however, on what constitutes a significant hazard and an emergency hazard.

#### ***Section 4 – Application of the DHS to temporary accommodation and supported housing and implications for leasehold and commonhold tenants and landlords***

##### *Temporary accommodation*

Question 32:

Do you agree all other aspects of the DHS in relation to bathrooms and facilities should still apply to temporary accommodation which lacks kitchen and cooking facilities and/or separate bathroom facilities?

- Yes

Question 33:

a) Are there any other elements of the DHS which have not already been identified which are likely to be challenging to apply to temporary accommodation?

- Don't know

b) If answered yes to Q33a), please give details

- Not applicable

Question 34:

Do you think the proposed DHS requirements will impact temporary accommodation supply?

- Don't know

### *Supported housing*

Question 35:

a) Are there any challenges you foresee in applying the outlined DHS proposals in Supported Housing?

- No

b) If you have any views on this specific question you would like to share, please provide details

- We do not see any relevant difference between supported housing and other properties with regard to enforcement of legislation.

### *Leasehold and commonhold*

Question 36:

a) Do you agree with the proposed approach to enforcement for rented properties that are leasehold?

- Yes

b) Do you see any unintended consequences or risks with this approach, including for resident-owned blocks?

- There are now a lot of former right to buy properties in the private rented sector. Consideration needs to be given to how enforcement will work where the leaseholder is a landlord and the local authority is both the enforcing authority and the freeholder of the building.

There are very limited circumstances (given the proposed classification of most components as 'key') where a dwelling may be regarded as non-decent through a combination of two 'other' building components being in disrepair, one of which falls to the freehold owner to remedy and one to the leasehold owner of the rented flat. This gives rise to an issue about how improvement notices should be issued on both parties (given that only in combination would the contents of the notices be addressing non-decency) and whether, if one of the notices was complied with so that the dwelling was no longer regarded as non-decent, the second notice would still be valid.

Consideration needs to be given to how freeholders will be held responsible for compliance in relation to any works required under the DHS (and under the proposed changes to MEES). In order to ensure freeholders are not obstructing works there will need to be a requirement for them to comply and to give relevant permissions with sanctions available for the enforcement of this requirement.

Question 37:

a) Do you feel that any of the proposed policies create costs for leaseholders (including owner occupiers who live in mixed-tenure buildings) that go beyond what they would expect to cover currently in terms of repair and maintenance liabilities?

- Don't know

b) If you have any views on this specific question you would like to share, please do so here

- No comment

### ***Section 5 – Guidance***

Question 38:

a) What information and/or topics would you like included in the proposed additional best practice guidance for social and private landlords and tenants? (Select all that apply)

Please select what you would like to include:

- Accessibility
- Additional home security measures e.g. external lighting and CCTV
- Adaptations to climate change
- Digital connectivity
- Electrical Vehicle Charging
- Furniture provision
- Water efficiency measures
- Other

b) If you have selected 'Other', please say what you would like to be included

- We would like to see guidance around children living in temporary accommodation and shared houses.
- We would like to see separate and more user friendly guidance for smaller landlords.

Question 39:

If you have any other views on this specific topic you would like to share, please do so here

- We would make the following suggestions about subjects that should be covered in any best practice guidance covering the proposed topics.
  - Accessibility – funding available through Disabled Facilities Grants and other sources
  - Additional home security measures e.g. external lighting and CCTV – the use of ring type doorbells and recorded materials, available funding
  - Adaptations to climate change – energy efficiency guidance, available funding
  - Digital connectivity – available funding
  - Electrical Vehicle Charging – available funding
  - Water efficiency measures – installation of water meters so that tenants pay only for the water they use

With regard to the proposed topic of furniture provision, the Department for Business and Trade and the Office for Product Safety and Standards conducted a consultation in 2023 on a new approach to the fire safety of domestic upholstered furniture. Any guidance covering the topic that accompanies the DHS needs to take account of this.

### ***Section 6 – Implementing the Decent Homes Standard***

Question 40:

a) What do you think the implementation date for the DHS should be in the SRS?

- Other

b) If Other – What do you think the implementation date should be? (Please select one)

- 2030

Question 41:

a) What do you think the implementation date for the DHS should be in the PRS? (Please select one)

- Other

b) If Other – What do you think the implementation date should be? (Please select one)

- 2030

Question 42:

a) Do you support phasing in some elements of the new Decent Homes Standard ahead of the proposed full implementation dates (2035/2037)?

- Yes

b) If Yes – Which elements of the new DHS do you think should be introduced ahead of the proposed full implementation dates (2035/2037)?

- If the full implementation dates will be later than 2030, criterion A should be introduced ahead of these dates (as landlords should already have addressed any category 1 hazards) and the date for implementation of criterion E should be no later than the date for the introduction of Awaab's Law in the PRS.

[Question 43-46 are not applicable to CIEH.]

Question 47:

If there is anything else you would like to add on this specific section? If so, please do so here

- We believe it is important for the DHS to be implemented as soon as possible rather than in 2035 or 2037 so that improvements in housing quality are delivered without unnecessary delay.

We do not agree with the division between type 1 and type 2 requirements in relation to the enforcement actions that local authorities can undertake. It is too simplistic to categorise all failures of DHS criteria B, C, D and E as “less serious” than failures of DHS criterion A – their seriousness will depend on circumstances. If the division between type 1 and type 2 requirements is retained, the enforcement option of issuing immediate civil penalties should be available for breaches of both types of requirements. The use of these penalties, however, should be subject to the statutory guidance for enforcement.

We note the need to address concerns about the ability of the First-tier Tribunal to handle the likely increase in appeals and the ability of local authorities to cope with the additional burdens arising from this increase (for example in relation to staffing, time and expertise).

## ***Section 7 – Meeting the Standard***

### ***Social Rented Sector***

Question 48:

a) Do you agree that providers should be given flexibility from meeting the DHS where tenants refuse access?

- Yes

b) Do you agree that there should be additional guidance issued by the government to provide more detail on tenant refusals?

- Yes

c) Do you agree that providers should be given flexibility from meeting the DHS where there are physical or planning factors preventing compliance?

- Yes

d) Do you agree that providers should be given flexibility from meeting the DHS for non-compliance due to sale, demolition, or planned regeneration of properties?

- Don't know

e) If there is anything else you would like to add on this specific question please do so here.

- No comment

#### *Private Rented Sector*

Question 49:

a) Do you agree that statutory enforcement guidance should specify that local authorities should exercise discretion on enforcement when physical or planning factors prevent compliance with a DHS requirement?

- Yes

b) Should statutory enforcement guidance specify that local authorities exercise discretion on enforcement in situations of tenant refusal?

- Yes

c) If there is anything else you would like to add on this specific question please do so here.

- We agree that in broad terms statutory enforcement guidance can be helpful. We are also wary, however, of the possibility that excessively prescriptive guidance could be counter-productive, prejudicing a local authority's ability to take appropriate action taking account of all case-specific and other local factors. Any guidance produced should be suitably high-level and give appropriate weight to the principal decision-making role of the local authority.

With specific reference to planning factors, we recognise that there may be planning implications in relation to some external improvements needed to comply with DHS components, particularly around energy efficiency and thermal comfort (for example air source heat pumps, external wall insulation and solar



panels). We would ask that government departments work together to ensure that any planning restrictions which might impact upon such improvements are strictly necessary and proportionate.