

# Private Sector Housing Team

## Guidance on the interpretation of the ‘Housing enforcement and charging policy 2017’ during Coronavirus restriction measures

Updated September 2020

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## INTRODUCTION

The purpose of this guide is to provide an overview of the Private Sector Housing Team's (PSHT) approach to its statutory obligations during the Coronavirus (Covid-19) crisis, following the easing of many Government restrictions on public services and the private rented sector. Government guidance has been issued permitting the resumption of routine and non-routine maintenance of property and the general work streams of the PSHT.

Our aim is to ensure the PSHT continue to protect the public in accordance with our enforcement policy. In securing compliance with regulatory requirements, this guide aims for all actions to be undertaken in a fair, equitable and consistent manner having regard to the unique current circumstances and provide relevant interpretation of the PSHT's 'enforcement and charging policy 2017'.

This guide is time limited and current at the time of publication, reflecting Government imposed restrictions and guidance on travel, social interaction, regulatory functions etc.

In developing the document, regard has been had to non-statutory guidance issued by the Ministry for Housing, Communities and Local Government; "COVID-19 (Coronavirus) and the enforcement of standards in rented properties".

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/876501/Local\\_authority\\_rented\\_property\\_COVID\\_enforcement\\_guidance\\_v2.2.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/876501/Local_authority_rented_property_COVID_enforcement_guidance_v2.2.pdf)

This document is intended to guide officers, colleagues and the public on the PSHT response to housing standards and / or tenancy related concerns during the current national Covid-19 situation.

Nothing in this note prevents legal action from being taken where it is considered necessary in the judgement of authorised officers of the Council, in line with the existing enforcement policy.

## **1. SCOPE**

This guide covers the following enforcement activities of the PSHT:

- Housing Act 2004 Part 1 relating to property conditions
- Licensing activities under Housing Act 2004 Part 2
- Harassment and unlawful eviction
- Empty residential properties

This guide sets out the PSHT approach to these areas during the Covid-19 situation, ranging from enforcement to the prioritising of inspections based upon risk.

## **2. ENFORCEMENT APPROACH & OPTIONS**

Enforcement decisions shall be consistent, balanced, fair, and relate to common standards. In order to achieve and maintain consistency of enforcement, officers will have regard to official guidance and codes of practice.

### **Housing Act 2004 Part 1 – Property Conditions**

Following an easing of Government restrictions relating to Covid-19, it is now possible for the PSHT to respond to service requests by carrying out physical property inspections as would have been conducted before the lockdown. As this has only recently become possible, there may be a delay in responding to and / or the inspection of your property. The PSHT are prioritising high risk cases and will work to deal with all service requests as efficiently as possible.

Officers inspecting private accommodation are required to assess the risk to both themselves and customers safety in relation to Coronavirus and will be implementing safety precautions to minimise the risks to all parties. These may be explained to you in detail before and during any inspection and will involve strict adherence to safety measures such as; social distancing, the use of personal protective equipment (PPE), minimising social interactions and others. Inspections may be terminated if Coronavirus safety precautions are not adhered to.

Disrepair and / or deficiencies in properties occupied by individuals who are self-isolating due to confirmed or possible coronavirus will be managed so to avoid risk of transmission to investigating officers. It is likely that an inspection will not be undertaken until such time as the occupiers no longer present a risk of infection to others such as after a 14 day self-isolation period has concluded. However, a decision in such an event will be balanced by the risks present in the property from disrepair.

All service requests received will be responded to, logged and allocated to an officer. Should a case not require an inspection in person as a matter of emergency, the allocated officer will make attempts to resolve the issue remotely and on an informal basis, supporting where possible both the landlord / property manager and tenant. This may include advice and support over the telephone, video calling, requests for action via emails or letters, signposting to other services or measures otherwise deemed suitable.

Even with restrictions being lifted, this is a difficult time for property managers and tenants. As such, the PSHT's approach to enforcement of housing related issues will be pragmatic, with an emphasis on supporting landlords to comply with their obligations during this period. However, the duty for landlords to maintain safe housing for their tenants remains. Where necessary, PSHT will take appropriate enforcement actions to safeguard private sector tenants.

All available enforcement options will be considered to ensure the PSHT is complying with its statutory obligations in relation to category 1 hazards as defined by the Housing Act 2004. Where necessary, all appropriate enforcement action will be taken. Irrespective of the Covid-19 situation, landlords and property managers still have a responsibility to maintain their properties.

Charges relating to the taking of enforcement action and/or service of notices/orders during the Covid-19 period may be waived in extenuating circumstances where there is compelling supporting evidence that the landlord is attempting to address issues but cannot due to Covid-19 related restrictions. In these circumstances, the PSHT may still be statutorily required to serve a notice or to take emergency action to resolve any imminent risks of serious harm to tenants. The waiving of charges will be determined by the PSHT on a case by case basis.

### **Housing Act 2004 Part 2 – Mandatory Licensing of Houses in Multiple Occupation (HMO)**

The full processing of HMO licence applications has now resumed. All outstanding licence applications will be processed as soon as is reasonably practicable. You will be contacted by the processing officer to arrange an inspection of your property.

Licence fees are still payable during this period and any application received without the correct associated fee will not be deemed duly made. Flexibility on the payment for licence fees will be considered on evidence.

### **Harassment and Unlawful Eviction**

The investigation and enforcement of tenant harassment and / or attempted illegal eviction will proceed unaffected by the Covid-19 situation. All service requests received will be responded to, logged and allocated to an officer.

All attempted illegal evictions and cases of landlord harassment will be fully and swiftly investigated and where necessary, enforced by the PSHT. This may include civil proceedings against offenders in court and / or criminal prosecution for offences committed. The PSHT will continue to place a high priority on all cases of suspected tenant harassment / attempted illegal eviction and will work effectively to protect tenancies.

## Empty Homes

All empty homes investigation work has now resumed. As this has only recently become possible there may be a delay in responding to new service requests whilst officers respond to those logged with the PSHT during lockdown. The PSHT are prioritising high risk cases and will work to deal with all service requests as efficiently as possible.

## Prosecution / financial penalties

The PSHT approach to prosecutions and financial penalties remains the same during this period for offences. Consideration will be made to relevant guidance, code of practice and the 'Housing enforcement and charging policy 2017'.

Further, consideration will be made to any submissions by suspected offenders in light of restrictions or challenges imposed by the Covid-19 situation.

## 3. COMPLAINTS

We aim to provide an effective, timely and quality service in-line with the City Council's 'Complaints Guide and Procedure'. This details how a complaint will be investigated and what the Council will do if you are not happy with the result of any investigation.

If you are unhappy with any aspect of your dealings with the Private Sector Housing Team there are a number of ways you can make a complaint to us:

- Phone Customer Services on **01902 551 155**
- Complete the council's complaints form
- Complete the council's complaints e-form via [www.wolverhampton.gov.uk/contact-us/customer-feedback](http://www.wolverhampton.gov.uk/contact-us/customer-feedback)
- Email us at [customerfeedback@wolverhampton.gov.uk](mailto:customerfeedback@wolverhampton.gov.uk)
- In person at the Civic Centre
- Write to our Complaints Manager, City of Wolverhampton Council, Civic Centre, St Peter's Square, Wolverhampton, WV1 1RL
- Ask a friend, a relative, advocate or anyone to contact us your behalf

## 4. REVIEW

This document will be reviewed and updated where appropriate during the Covid period and in line with further Government instruction and Ministry guidance.

## 5. REFERENCES

In compiling this document, reference and guidance has been sought from the Ministry of Housing, Communities and Local Government advice published in 'COVID-19 (Coronavirus) and the enforcement of standards in rented properties'.

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