



Disrepair Policy and Procedure

1. Introduction

- 1.1. Lincolnshire Rural Housing Association (LRHA) is a Registered Provider (RP) of Social Housing with over 430 properties under management. It is regulated by the Regulator for Social Housing. We have a small staff team including directly employed Maintenance Technicians that undertake repairs and maintenance to the property portfolio.

2. Purpose

- 2.1. LRHA is committed to our residents having safe, comfortable and well-maintained homes. This policy sets out how we will deliver this service:
 - 2.1.1. We will keep all properties free from disrepair and poor housing conditions by identification and proactive resolution.
 - 2.1.2. We will investigate disrepair and poor housing conditions claims promptly and establish whether there is a case against LRHA.
 - 2.1.3. We will resolve claims quickly and effectively to improve the property, create resident satisfaction and avoid the need for court action.
- 2.2. This policy applies to all general needs and shared ownership properties; it should be read in conjunction with the individual tenancy agreements and leases.
- 2.3. If a defect identified amounts to disrepair, it will be dealt with in line with this policy.

3. Regulatory and Legal Considerations

- 3.1. LRHA has responsibilities to keep all residential properties in a good state of repair under the following legislation:
 - 3.1.1. Social Housing (Regulation) Act 2023 (including clause 42 Awaab's Law);
 - 3.1.2. Landlord and Tenant Act 1985;
 - 3.1.3. Defective Premises Act 1972;
 - 3.1.4. Environmental Protection Act 1990;
 - 3.1.5. Housing Act 2004;
 - 3.1.6. Homes (Fitness for Human Habitation) Act 2018; and
 - 3.1.7. Decent Homes Standard (including future versions).
- 3.2. Specifically, a property must:
 - 3.2.1. Meet the current statutory minimum standard for housing;
 - 3.2.2. Be in a reasonable state of repair;
 - 3.2.3. Have reasonably modern facilities and services; and
 - 3.2.4. Provide a reasonable degree of thermal comfort.
- 3.3. LRHA's repair responsibilities differ across the general needs and shared ownership tenures as detailed in the individual tenancy agreements and leases. Where LRHA is not responsible for the disrepair, all assistance including prompt advice and guidance will be provided to assist residents or shared owners to resolve the issue.

4. Definitions

4.1. The definitions used in this policy are:

- 4.1.1. **Decent Homes Standard** - A Government programme aimed at improving social housing homes to bring them all to a minimum accepted standard;
- 4.1.2. **Housing Health and Safety Rating System (HHSRS)** – Places a legal duty on landlords to assess and regularly review the condition of their properties to ensure that properties are safe and free from hazards;
- 4.1.3. **Disrepair / Poor Housing Conditions** – The failure to keep in repair the structure, exterior and installations for water, gas, electricity, heating and sanitation of a property to the requisite standard or, if LRHA have failed to comply with our repair obligations under the tenancy agreement or lease;
- 4.1.4. **Housing Conditions Claim** – A civil claim arising from the condition of residential property and may include a related personal injury claim;
- 4.1.5. **Pre-action Protocol** – Procedural framework to be used by parties in the pre-action stages of a disrepair / poor housing conditions claim to resolve the issues early and appropriately;
- 4.1.6. **Expert / Single Joint Expert** – A suitably qualified expert who acts as an independent witness for the benefit of court, and who prepares a report addressing the allegations of disrepair and / or poor housing conditions;
- 4.1.7. **Survey** – An inspection or assessment of the structure, exterior or related installations of a property.

4.2. All staff with specific responsibilities will receive a detailed induction process plus mandatory training annually to ensure consistent service delivery.

5. Legal Routes of Disrepair

- 5.1. Upon receipt of a letter of claim LRHA will contact the resident to seek their consent to share their data in compliance with General Data Protection Regulation (GDPR), this responsibility will sit with the Head of Operations (HO) or the Property Maintenance Officer (PMO).
- 5.2. LRHA aim to reply to a Letter of Claim within 20 working days of receipt of a legal claim, in accordance with the Pre-Action Protocol when responding to all reports of disrepair / poor housing conditions.
- 5.3. Where a resident issues a poor housing conditions claim, LRHA will instruct a solicitor to act on its behalf. The use of alternative dispute resolution methods will be positively engaged with where reasonable to resolve the matter promptly with a resident avoiding legal action. LRHA, where appropriate, will consider settlement including financial settlements or others, to resolve housing condition claims.
- 5.4. Where appropriate, an expert or joint single expert will be instructed, in liaison with the resident or their third-party legal advisor to inspect the property for evidence of disrepair, to facilitate prompt remedial actions.

6. Complaints about Disrepair

- 6.1. LRHA will manage complaints regarding disrepair and / or poor housing conditions directly from residents, or a third party representing them, in line with the Complaints Policy except where a resident instructs solicitors. A response will then be provided to the residents' instructed solicitors outside of our complaint procedure, while seeking an alternative dispute resolution.
- 6.2. Where a resident raises a disrepair claim with the Housing Ombudsman Service, we will provide the Housing Ombudsman Service with the outcome of the disrepair claim and any related documents and information they may require.

7. Prevention Against Disrepair and Poor Housing Conditions

- 7.1. LRHA strategically invests in and manages properties to ensure that all properties meet the regulatory and contractual obligations outlined in this policy and meets the obligations to its residents.
- 7.2. A five-year cycle of stock condition inspections is completed to evaluate, and risk assess all properties to ensure that the regulatory and contractual obligations are met. The data is held in a central asset management database which enables planning to take place over a single or multiple years such as LRHA's 30-year business plan period. The property data allows assessment of which properties may require a quicker response, by the assessment of property types and developments so that properties can be prioritised.
- 7.3. The responsive repairs and cyclical maintenance are undertaken by directly employed staff of the Property Maintenance Service (PMS) and supported by specialist Approved Contractors to mitigate against the potential disrepair / or housing conditions.
- 7.4. Residents are encouraged to report repairs at the first opportunity that they believe LRHA are responsible for. All repairs are recorded from residents, whether they are identified by staff during property and development inspections or other sources.
- 7.5. LRHA identify potential disrepair / or poor housing conditions during maintenance and tenancy management visits, and during the relet process. If issues are identified during the relet process, all works are completed to ensure that the property fully complies with the Property Condition & Lettable Standard before it is let to the new resident.
- 7.6. All LRHA staff and approved contractors are expected to report any issues of poor property condition and any safeguarding issues they may observe or suspect following a property visit.

8. Completion and Post-Inspection of Identified Works

- 8.1. LRHA will undertake an agreed schedule of works to remedy disrepair within a reasonable period of time. This may mean areas of the property are not available for short periods of time for the household to use, the health and safety of our residents and staff is paramount.
- 8.2. The completed work will be post-inspected within ten working days by the Property Maintenance Officer. The information and images of actions completed will be shared with the residents and / or their third-party representative.

9. Access to Properties

- 9.1. LRHA endeavors to maintain excellent relations with its residents and normally there are no problems accessing properties for inspections or repairs. However where disrepair and / or poor housing conditions are reported and subsequent attempts to gain entry may have been unsuccessful, LRHA will pursue legal routes, including injunction if necessary to gain access under the terms of the Tenancy Agreement. All access attempts will be fully documented.

10. Disrepair and Possession Claims

- 10.1. Where LRHA are in the process of taking recovery action against a resident for rent arrears, and a resident raises a counter claim of disrepair / or poor housing conditions, the arrears recovery process will continue. If applicable, any sum payable under the housing conditions claim will be offset against the arrears and the remaining amount paid to the resident. LRHA will follow its Remedy & Compensation Policy in these circumstances.

11. Equality and Diversity Implications

- 11.1. LRHA are committed to fairness and equality for all regardless of their colour, race, ethnicity, nationality, gender, sexual orientation, marital status, disability, age, religion or belief, family circumstances or offending history. Our aim is to ensure that our policies and procedures do not create an unfair disadvantage for anyone, either directly or indirectly.
- 11.2. LRHA respects and values the differences of our residents, partners, and staff and LRHA will treat everyone with fairness, and respect. This policy has been considered in light of LRHA's equality and diversity policy and is compliant with its principles.
- 11.3. We will comply with the Equality Act 2010 and will adapt our process or make reasonable adjustments to accommodate an individual's needs wherever possible and reasonable.

12. Monitoring and Review

- 12.1. LRHA will manage disrepair and / or poor housing conditions as per this policy, which will be reviewed every three years. A review may be conducted earlier if there are significant changes to either legislation or LRHA's operating practices.

13. Associated Documents / Policies

- 13.1. The policy should be read in conjunction with.

- 13.1.1. Tenancy agreement
- 13.1.2. Lease agreement for shared owners
- 13.1.3. Housing Disrepair Protocol Timeline

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Appendix 1 – Housing Disrepair Protocol Timeline

