PUMP COURT
CHAMBERS

Disrepair: Awaab's law and the Renters' Rights Act 2025

James Byrne (2012)

Awaab's law and the Renters' Rights Act

- What changes has Awaab's law made to the law of disrepair generally?
- What phase are we currently at in the implementation of Awaab's law?
- The potential effect on the private housing sector.
- The current consultation of the Ministry of Housing, Communities and Local Government.

Changes to disrepair legislation by Awaab's Law

- Section 42 of the Social Housing (Regulation) Act 2023 introduced a new section 10A into the Landlord and Tenant Act 1985. It is called 'Awaab's law' in memory of Awaab Ishak who died due to mould in his social housing home.
- This currently applies to social housing leases in England.
- Subsection (2) "[…] *implied in the lease a covenant by the lessor that the lessor will comply with all prescribed requirements that are applicable to that lease.*"
- Subsection (4) confirmed that this was to be by regulations in relation to prescribed hazards which affect or may affect the leased dwelling, within the period or periods specified in the regulations.
- Subsection (5) set out the Defence: "*In any proceedings for a breach of the covenant that is implied by subsection (2), it is a defence for the lessor to prove that the lessor used all reasonable endeavours to avoid that breach.*"

Phase 1 of Awaab's law – Emergency hazards

- These came into force on **27 October 2025** under the Hazards in Social Housing (Prescribed Requirements) (England) Regulations 2025/1042:
- Specifically for '**emergency**' and '**significant**' hazards in social housing (defined in Reg 3).
- An **emergency hazard** is one which poses an imminent and significant risk of harm to the occupier that a reasonable lessor would address within 24 hours and **does not include overcrowding**.
- A **significant hazard** is specifically one where there is a significant risk of harm to the occupier which is **associated with exposure to damp, mould or fungal growth** which the reasonable lessor would take steps to make safe as a matter of urgency.

Phase 1 of Awaab's law – Significant hazards

- Specific timeframes for investigations and works (Reg 5) for **emergency** hazards this must be done within 24 hours and a summary of the investigation within 3 days.
- Specific timeframe for completion of works for an **emergency hazard** (Reg 5)**:**

(1) within 24 hours where the landlord has reasonable grounds to believe that there is an emergency hazard affecting the social home even if a relevant investigation has not concluded (condition 1); or

(2) a relevant investigation concludes that there is an emergency hazard affecting a social home and that investigation or a subsequent one identifies relevant safety work in relation to that hazard (condition 2).

- If a landlord cannot complete necessary safety works within 24 hours, they must offer tenants suitable emergency accommodation (Reg 16).

Phase 2 of Awaab's law – shortly coming into force

Imminently coming into force on **30 November 2026**. Set out in the draft legislation Hazards in Social Housing (Prescribed Requirements) (England) (Amendment) Regulations 2026 at Regulation 5.

The 'significant hazard' requirement will be extended to matters where the risk of harm is associated with a matter or circumstance referred to in specific paragraphs of Schedule 1 to the Housing Health and Safety Rating System (England) Regulations 2005.

- Excess cold (para 2);
- Excess heat (para 3);
- Domestic hygiene, including inadequate provision for the storing, preparation and cooking of food, exposure to pests, hygienic storage and disposal of waste and inadequate facilities for personal hygiene (para 14A);
- Falls on the level, including falls associated with toilets, baths, showers or other washing facilities (para 18A);
- Falling on stairs (para 21);
- Falling between levels (para 22);
- Electrical hazards (para 23);
- Fire and explosions (para 23A);
- Structural collapse and falling elements (para 29).

There are two sets of guidance (General guidance and hazards guidance) for social housing landlords for phase 2 which have been published on the GOV website.

Phase 3 of Awaab's law – Anticipated during 2027

Phase 3, according to the Ministry of Housing, Communities and Local Government update of 13 July 2026:

"*Phase 3 will extend requirements to the remaining Housing Health and Safety Rating System (HHSRS) hazards, excluding overcrowding.*"

Prospective extension to Awaab's law to private sector housing

- Section 60 of the RRA 2025 will extend the scope of Awaab's law to the lease of a dwelling house in England, the definition of which will be (emphasis added):

> *"lease of a dwelling-house"* means a lease by which **a building or part of a building is let wholly or mainly as a private residence**, and *"dwelling-house"* means that building or part of a building, together with any yard, garden, outhouses and appurtenances belonging to it or usually enjoyed with it;"

- Section 61 of the RRA 2025 appears to also be poised to extend the scope of Awaab's law to accommodation in England which is occupied under licence.

Implementation and consultation

- A consultation on the extension of Awaab's law to the private sector opened on 9 October 2026 on the GOV website.

- It will remain open **until 11.59pm on 18 December 2026**.

- According to the Ministry of Housing, Communities and Local Government on the GOV website the consultation "[…] *seeks views on how best to apply Awaab's Law to privately rented homes in a way that is fair, proportionate and effective for both tenants and landlords. It also seeks views on extending the requirements of Awaab's Law to temporary accommodation, supported housing and care leaver accommodation.*"

Contact details

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James has an interest in both residential and commercial Property matters. He receives instructions in housing cases and undertakes trials for possession orders, applications for anti-social behaviour injunctions, and committal proceedings. He has also appeared in cases arguing points of public law, human rights and equality act defences. He has advised on homelessness appeals and unlawful eviction. He has been involved in possession cases involving secure tenancies, assured tenancies and starter tenancies; including over-occupation and right to buy.

In private residential property James has dealt with licences, tenancy deposit disputes, the validity of section 21 notices and enfranchisement of leasehold land.

In commercial property James has experience of business tenancies and forfeiture, including the drafting and advising on a section 146 notice under the Law of Property Act 1925.

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