

**EXPLANATORY MEMORANDUM TO**  
**THE HOUSING HEALTH AND SAFETY RATING SYSTEM (HHSRS) OPERATING**  
**GUIDANCE, AND THE HHSRS ENFORCEMENT GUIDANCE**

**2026 No. 0000**

**1. Introduction**

- 1.1 This explanatory memorandum has been prepared by the Ministry of Housing, Communities and Local Government and is laid before Parliament by Command of His Majesty.

**2. Declaration**

- 2.1 Baroness Taylor, Parliamentary Under-Secretary of State (Lords Minister for Housing and Local Government) at the Ministry of Housing, Communities and Local Government confirms that this Explanatory Memorandum meets the required standard.
- 2.2 Ruhena Ahmed, Deputy Director for Social Housing Quality and Residents, at the Ministry of Housing, Communities and Local Government confirms that this Explanatory Memorandum meets the required standard.

**3. Contact**

- 3.1 Luke Spanton at the Ministry of Housing, Communities and Local Government. Telephone 030 3444 0000 or email [correspondence@communities.gov.uk](mailto:correspondence@communities.gov.uk) with any queries regarding the instrument.

**Part One: Explanation and context**

**4. Overview of the Guidance**

*What does the guidance do?*

- 4.1 The Housing Health and Safety Rating System (HHSRS), put in place by the HHSRS (England) Regulations 2005 ('the 2005 Regulations'), is an advanced risk assessment tool used to determine the severity of hazards in residential premises in England. Local housing authorities use the HHSRS in the enforcement of housing standards under Part 1 of the Act.
- 4.2 Local housing authorities are required by regulation 5 of the 2005 Regulations to have regard to guidance given under section 9 of the Act in relation to the inspection of residential premises. This guidance covers the inspection of premises, the assessment of hazards and the use of the enforcement powers in Part 1 of the Act. New guidance has been produced as part of the HHSRS review, to replace the previous guidance published in 2006.
- 4.3 Section 9(1) of the Housing Act 2004 ('the Act') provides that the appropriate national authority may give guidance to local housing authorities about exercising (a) their functions under Chapter 1 of the Act in relation to the inspection of premises and the assessment of hazards, (b) their functions under Chapter 2 of Part 1 of the Act in relation to improvement notices, prohibition orders or hazard awareness notices, and (c) their functions under Chapter 3 of the Act in relation to emergency remedial action and emergency prohibition orders.

- 4.4 Section 9(4) of the Act requires that before giving guidance under s.9, or revising guidance which has already been given, the Secretary of State must lay a draft of the proposed guidance or alterations before each House of Parliament.
- 4.5 The Secretary of State must not, however, give or revise the guidance until after 40 parliamentary sitting days have passed beginning with the day on which the draft is laid before each House of Parliament (or, if copies are laid before each House of Parliament on different days, the later of those days) in accordance with section 9(5) of the Act. The Secretary of State must not proceed with the proposed guidance or alterations if, within the period of 40 days, either House resolves that the guidance or alterations be withdrawn under section 9(6) of the Act.
- 4.6 There are two separate pieces of guidance. The Operating Guidance is split into three separate sections including: an introductory guide, a technical guide for assessors, and a supplementary guide to the hazard of fire and explosions covers local housing authorities' functions under Chapter 1 of Part 1 of the Act in relation to the inspection of premises, and the assessment of hazards. The Enforcement Guidance will cover local housing authorities' functions under Chapters 2 and 3 of Part 1 of the Act. This will supersede the Operating and Enforcement Guidance published in 2006 and the Operating Guidance Addendum on the assessment of high-rise residential buildings with cladding systems published in 2018, which will be withdrawn.
- 4.7 A local housing authority's assessment of the severity of hazards in residential premises will inform its consideration of what enforcement action it should take under Part 1 of the Act. Where a local housing authority determines that a deficiency gives rise to a health and safety hazard at the most dangerous 'category 1' level, it has a duty to take the most appropriate of the actions available under section 5 of the Act. Where it determines that a deficiency gives rise to a hazard at 'category 2' level, it has discretion to act.
- 4.8 It is estimated that, in 2022, category 1 hazards were present in 12% of the private rented sector, 9% of owner-occupied homes and 4% of the social rented sector.
- 4.9 Under a regulatory standard set under section 193 of the Housing and Regeneration Act 2008 providers of social housing are expected to ensure that it meets the Decent Homes Standard, which requires that social housing stock is free of category 1 hazards. This includes social housing stock supplied by local housing authorities and by private registered suppliers of social housing.
- 4.10 As well as this expectation to meet the Decent Home Standard, private registered providers of social housing are subject to enforcement under Part 1 of the Act and the government expects them to work closely with local housing authorities in ensuring that their stock investment programmes do not leave vulnerable tenants in hazardous conditions pending scheduled improvements. The enforcement powers in Part 1 of the Act are not used formally by local housing authorities to deal with hazards in their own stock.
- 4.11 This guidance is a result of certain of the conclusions of a review of the HHSRS which concluded in November 2022. In particular, the guidance sets out the 21 hazards, the 'classes of harm', the description of a 'prescribed fire hazard', the method for calculating the seriousness of hazards and the hazard bands.

***Where does the guidance extend to, and apply?***

- 4.12 The extent of the instrument that this guidance relates to (that is, the jurisdiction(s) which the instrument forms part of the law of) is England and Wales.

- 4.13 The territorial application of the instrument that this guidance relates to (that is, where the instrument produces a practical effect) is England.

## 5. Policy Context

### *What is being done and why?*

- 5.1 The HHSRS was introduced under the Act. . However, the HHSRS Regulations did not come into force until 6th April 2006 and the HHSRS has not been updated since. In October 2018 the government launched a scoping review to consider whether the HHSRS should be updated and, if so, to what extent.
- 5.2 This exercise concluded that, while there was considerable support for the strong links between health and housing that the HHSRS provides, all stakeholders would welcome a simplification of the assessment process. Local housing authority officers found the system complicated to apply and full assessments were resource intensive. Housing providers and tenants found it difficult to understand the outcomes of assessments and felt that there was a discrepancy between the assessment process and other housing-based regulatory regimes that applied to housing provision. There was also support for an approach that sets out standards that could be met in most cases, supplementing the risk assessment aspect of the HHSRS.
- 5.3 Following this exercise government initiated a review of the operation of the HHSRS with the aim to bring it up to date, empower landlords and tenants to engage with the system and help with the effective enforcement of housing standards. The review concluded in 2022.
- 5.4 A summary report of the review outcomes can be found at [www.gov.uk/government/publications/housing-health-and-safety-rating-system-hhsrs-review-outcomes-and-next-steps](http://www.gov.uk/government/publications/housing-health-and-safety-rating-system-hhsrs-review-outcomes-and-next-steps).
- 5.5 An instrument will bring the conclusions of the HHSRS review, which require regulation, into force. The instrument will amend the 2005 Regulations, which prescribe the method for calculating the seriousness of hazards of a prescribed description. The method takes account of both the likelihood of harm occurring and the severity of the harm if it were to occur and, based upon that method, whether a hazard is a category 1 or category 2 hazard for the purposes of Part 1 of the Act.
- 5.6 This guidance will set out how to assess the seriousness of hazards in housing and how to enforce housing standards under Part 1 of the Act.

### *What was the previous policy and how is this different?*

- 5.7 Changes to the way an HHSRS assessment is carried out, which will make assessments more intuitive for HHSRS assessors and other people engaging with the system, include:
- 5.8 The descriptions of the four ‘classes of harm’ (which are Classes I to IV) have been renamed as ‘Extreme, Severe, Serious and Moderate’.
- 5.9 The method for calculating the seriousness of hazards which is expressed as a numerical score has been simplified. For example, the ‘range of ratios of likelihood’ has been changed to rounded values on an increasing exponential scale, and the ‘representative scale points’ has been changed to numbers rounded to the nearest unit, 10, 100 or 1000.
- 5.10 The HHSRS Regulations prescribe ten lettered hazard bands (A – J) by reference to ranges of numerical scores. Three hazard bands: ‘High’ (previously bands A-C,

category 1 hazards), ‘Medium’ (previously bands D – F), and ‘Low’ (previously bands G-J), category 2 hazards) have now replaced bands A to J. Relabelling the hazard bands in this way is intended to make the severity level of hazards in the broad category 2 band easier to understand.

- 5.11 The number of descriptions of hazards have been reduced from 29 to 21 by amalgamating some of the existing descriptions of hazards to make new descriptions. This was carried out by analysing the statistical evidence and does not compromise the statistical evidence base of the system but will simplify and enhance HHSRS inspections.
- 5.12 The definition of a ‘prescribed fire hazard’ has been updated following analysis of the statistical basis for fires and explosions in English dwellings. A category 1 or 2 hazard is now a ‘prescribed fire hazard’ if the risk of harm is associated with exposure to uncontrolled fire and associated smoke and fumes, an explosion, or the collapse of the whole or part of a building as a result of fire or an explosion.
- 5.13 The HHSRS operating guidance will cover these changes.

## **6. Legislative and Legal Context**

### *How has the law changed?*

- 6.1 Section 2 of the Act provides for regulations to be made to prescribe descriptions of hazards and the method for assessing the seriousness of hazards for the purposes of the Act. Section 10 provides that local housing authorities have a duty to consult with fire and rescue authorities before taking enforcement action in relation to a fire hazard prescribed for the purposes of that section by regulations under section 2.
- 6.2 This guidance does not amend the law and is laid in draft before Parliament pursuant to section 9(4) of the Act and will not be given by the Secretary of State until 40 days have passed and neither House has resolved that the guidance be withdrawn.

### *Why was this approach taken to change the law?*

- 6.3 This is the only possible approach to make the necessary changes.

## **7. Consultation**

- 7.1 The Act does not require a consultation before publishing the guidance. The government worked closely, however, with key stakeholders throughout the HHSRS review, to ensure that they were satisfied with the proposals for detailed implementation of the overall policy.
- 7.2 This engagement was undertaken in the initial stages of the project along with in-depth literature reviews for each of the project outputs and workstreams. A multi-method approach to engagement, using a combination of regional online focus groups, one-to-one interviews and online surveys, was undertaken. Over 1,000 stakeholders with specialist experience and relevance to the HHSRS and housing sector contributed to the consultation.
- 7.3 A sounding board consisting of landlords, tenants, local housing authority officers, academics and officials from multiple government departments monitored the outputs of the review.

## **8. Other Applicable Guidance**

- 8.1 New non-statutory guidance for landlords, agents and tenants will also be published, superseding the following guidance published in 2006, which will also be withdrawn:

- Housing health and safety rating system (HHSRS): guidance for landlords and property-related professionals
  - Reducing the risks: the housing health and safety rating system (HHSRS)
- 8.2 Guidance published in 2019 on the assessment of and local authority enforcement powers available for action in the case of high-rise residential buildings with cladding systems will also be updated.

## **Part Two: Impact and the Better Regulation Framework**

### **9. Impact Assessment**

- 9.1 A full Impact Assessment has not been prepared. While it is broadly a regulatory requirement, being set out in regulation, there are no direct costs on business and any impact on business is secondary. The guidance does not change or introduce standards that business must meet but instead makes the implementation of existing standards more efficient for businesses and regulators.

#### *Impact on businesses, charities and voluntary bodies*

- 9.2 The impact on business, charities or voluntary bodies is low. The HHSRS is applied to all residential premises, whether rented or owner-occupied. Businesses, charities and voluntary bodies that already use the HHSRS to assess the safety of residential premises they own or manage will therefore need to take a small amount of time to familiarise themselves with the reviewed system but will then find it more intuitive and simpler to use. The same will apply to those who offer the assessment of the safety of residential premises as a service, whether or not they are paid to do this.
- 9.3 Small or micro businesses will not be exempt from the requirements of guidance because the impact will be low, but also because the HHSRS forms a vital part of building safety. The use of an HHSRS assessment to identify health and safety hazards is not dependent on the size of a business, so it would not be appropriate for tenants of small or micro businesses to be treated differently to tenants of larger businesses. However, there will be no significant or disproportionate impact on these businesses.
- 9.4 The impact on the public sector is low. Local authorities, both as landlords and enforcers of the Act will need to take a small amount of time to familiarise themselves with the revised guidance in order to use the revised system but will then find it more intuitive and simpler to use. The guidance will be published when the new system comes into force.

### **10. Monitoring and review**

#### *What is the approach to monitoring and reviewing this guidance?*

- 10.1 The HHSRS and any guidance will be kept under review.

### **Part Three: Statements and Matters of Particular Interest to Parliament**

#### **11. Matters of special interest to Parliament**

11.1 None.

#### **12. European Convention on Human Rights**

12.1 As the guidance is subject to negative procedure and does not amend primary legislation, no statement is required

#### **13. The Relevant European Union Acts**

13.1 This guidance is not made under the European Union (Withdrawal) Act 2018, the European Union (Future Relationship) Act 2020 or the Retained EU Law (Revocation and Reform) Act 2023 (“relevant European Union Acts”).