



Housing Act 2004

2004 CHAPTER 34

PART 1 **E+W**

HOUSING CONDITIONS

CHAPTER 1 **E+W**

ENFORCEMENT OF HOUSING STANDARDS: GENERAL

Procedure for assessing housing conditions

- 3 Local housing authorities to review housing conditions in their districts **E+W****
- (1) A local housing authority must keep the housing conditions in their area under review with a view to identifying any action that may need to be taken by them under any of the provisions mentioned in subsection (2).
- (2) The provisions are—
- (a) the following provisions of this Act—
 - (i) this Part,
 - (ii) Part 2 (licensing of HMOs),
 - (iii) Part 3 (selective licensing of other houses), and
 - (iv) Chapters 1 and 2 of Part 4 (management orders);
 - (b) Part 9 of the Housing Act 1985 (c. 68) (demolition orders and slum clearance);
 - (c) Part 7 of the Local Government and Housing Act 1989 (c. 42) (renewal areas); and
 - (d) article 3 of the Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 (S.I. 2002/1860).
- (3) For the purpose of carrying out their duty under subsection (1) a local housing authority and their officers must—

Changes to legislation: *Housing Act 2004, Cross Heading: Procedure for assessing housing conditions is up to date with all changes known to be in force on or before 17 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

- (a) comply with any directions that may be given by the appropriate national authority, and
- (b) keep such records, and supply the appropriate national authority with such information, as that authority may specify.

Commencement Information

II S. 3 wholly in force at 16.6.2006; s. 3 not in force at Royal Assent see s. 270(4)(5); s. 3 in force for E. at 6.4.2006 by S.I. 2006/1060, art. 2(1)(a) (with Sch.); s. 3 in force for W. at 16.6.2006 by S.I. 2006/1535, art. 2(a) (with Sch.)

4 Inspections by local housing authorities to see whether category 1 or 2 hazards exist **E+W**

- (1) If a local housing authority consider—
 - (a) as a result of any matters of which they have become aware in carrying out their duty under section 3, or
 - (b) for any other reason,
 that it would be appropriate for any residential premises in their district to be inspected with a view to determining whether any category 1 or 2 hazard exists on those premises, the authority must arrange for such an inspection to be carried out.
- (2) If an official complaint about the condition of any residential premises in the district of a local housing authority is made to the proper officer of the authority, and the circumstances complained of indicate—
 - (a) that any category 1 or category 2 hazard may exist on those premises, or
 - (b) that an area in the district should be dealt with as a clearance area,
 the proper officer must inspect the premises or area.
- (3) In this section “an official complaint” means a complaint in writing made by—
 - (a) a justice of the peace having jurisdiction in any part of the district, or
 - (b) the parish or community council for a parish or community within the district.
- (4) An inspection of any premises under subsection (1) or (2)—
 - (a) is to be carried out in accordance with regulations made by the appropriate national authority; and
 - (b) is to extend to so much of the premises as the local housing authority or proper officer (as the case may be) consider appropriate in the circumstances having regard to any applicable provisions of the regulations.
- (5) Regulations under subsection (4) may in particular make provision about—
 - (a) the manner in which, and the extent to which, premises are to be inspected under subsection (1) or (2), and
 - (b) the manner in which the assessment of hazards is to be carried out.
- (6) Where an inspection under subsection (2) has been carried out and the proper officer of a local housing authority is of the opinion—
 - (a) that a category 1 or 2 hazard exists on any residential premises in the authority’s district, or
 - (b) that an area in their district should be dealt with as a clearance area,

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the officer must, without delay, make a report in writing to the authority which sets out his opinion together with the facts of the case.

- (7) The authority must consider any report made to them under subsection (6) as soon as possible.

Commencement Information

- I2** S. 4 wholly in force at 6.4.2006; s. 4 in force for certain purposes at Royal Assent see s. 270(2)(b); s. 4 in force for W. at 25.11.2005 by S.I. 2005/3237, art. 2(a); s. 4 in force for E. at 6.4.2006 by S.I. 2006/1060, art. 2(1)(a) (with Sch.)

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

- Act savings and transitional provisions for amendments by S.I. 2022/1166 by [S.I. 2022/1172 Regulations](#)

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 66(1A) inserted by [2016 c. 22 s. 125\(3\)\(a\)](#)
- s. 66(3A)(3B) inserted by [2016 c. 22 s. 125\(3\)\(c\)](#)
- s. 89(1A) inserted by [2016 c. 22 s. 125\(6\)\(a\)](#)
- s. 89(3A)(3B) inserted by [2016 c. 22 s. 125\(6\)\(c\)](#)
- s. 139(7A)(7B) inserted by [2016 c. 22 s. 127\(3\)](#)