

**Major pan London disrepair project is now available!**

Across London, there are 1000s of vulnerable families trapped in poorly maintained dwellings with key players, such as local authorities seemingly unable or unwilling to effectively intervene.

University House (Legal Advice Centre), has secured dozens of pro bono lawyers to help undertake disrepair casework. We have also entered into a partnership with a pro bono body for building surveyors. The basic idea is to obtain surveyor reports at the earliest possible stage of cases in order to pressurise authorities including landlords. This project is a game changer and will empower those who need it most.

We are a registered charity, and this new service is free of any charges and available to anyone in London who is experiencing a significant disrepair problem.

To make a referral, please email us at disrepair@legaladvicecentre.london

Press should contact Eddie Coppinger (CEO) at eddie@legaladvicecentre.london

29th May 2024

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1. **Project Overview**

The Disrepair project is a Collaborative Pro Bono Project that University House (UH) anticipates delivering with leading commercial law firms, Land Aid and community organisations. A “soft” launch is anticipated in late April with it fully commencing in May 2024.

University House is one of the oldest advice agencies in London, founded in 1886. Our Legal Advice Centre provides free specialist legal advice, whilst our A2J Lab provides consultancy support and opportunities for access to justice project partnerships. More information about its vision and programmes can be found on its website at <https://legaladvicecentre.london/>.

**The University House contacts are as follows:**

* Supervising Solicitor and Legal Aid Manager: Muzammel Hussen Muzammel@legaladvicecentre.london
* Project Lead: Rupshana Uddin rupshana@legaladvicecentre.london
* Housing Law team: housing@legaladvicecentre.london

**The Aim of the Project**

**For disrepair substitute despair…**

Throughout London, there are 1000s of vulnerable families trapped in poorly maintained dwellings with key players, such as local authorities seemingly unable or unwilling to effectively intervene, indeed, local authorities are themselves often guilty of forcing people to remain in unfit dwellings.

According to Shelter, 48% of people in council houses feel ignored about their housing disrepair, with one in seven council homes not meeting the national standard. Again, according to Shelter, about 40% of people in rented homes had experienced poor health as a result of their living conditions in the past year, amounting to almost 3m people in England.

Those who qualify for Legal Aid can only get help under that scheme if the disrepair qualifies as a significant health hazard.

Disrepair may also be cited as a counterclaim in possession proceedings.

Outside of the above two actions, complaints of disrepair are often not progressed. We propose to change the status quo and adopt a much more interventionist stance on behalf of London’s vulnerable families. We will do this by adopting two key measures.

1. We will establish an Exceptional Casework Funding (ECF) disrepair project. ECF is possible as a result of a successful judicial review application against the Legal Aid Agency, however, there are very few examples of successful ECF disrepair applications. In terms of disrepair, ECF is for individuals who meet the financial test for Legal Aid, but who would not normally qualify for Legal Aid in a disrepair matter because the disrepair is not sufficiently bad (the bar is normally very high). In effect, an ECF application is a petition to the Legal Aid Agency arguing that the client and their family is vulnerable, and that the vulnerability justifies the granting of a Legal Aid certificate in their circumstances. We run ECF applications on Family Law matters at a success rate of 80%. We want to use lessons learnt from this work and now apply it to disrepair.
2. The other measure we wish to adopt is securing non-Legal Aid funding for surveyor reports. We believe this will be a game changer.

There are three key areas where early non-Legal Aid funded surveyor reports would have a significant impact. The first is disrepair complaints to Environmental Health. EHOs have a chequered history in how they deal with such complaints, with little or no follow up in many instances. The second is complaints about disrepair to the Housing Ombudsman, and the third is applications concerning ‘deemed’ homelessness because of disrepair. In all three cases, obtaining an early surveyor’s report would potentially have profound effects.

A complaint to Environmental Health which was accompanied by a surveyor’s report would force them to do something failing which they would open themselves up to all sorts of liabilities. The same would apply to ‘deemed’ homelessness cases, and no doubt would also increase the effectiveness of complaints to the Housing Ombudsman.

**Revenge Evictions**

Under – s.33 of the Deregulation Act 2015, a tenant has protection from retaliatory eviction for 6 months, but only in the case of disrepair, where a tenant’s Local Authority has served an Improvement Notice on the landlord.

**Costs**

The costs of instructing the surveyor may be recoverable in certain circumstances. Costs are in principle recoverable from the other side where they are “of use and service” in the subsequent claim (see e.g. Re Gibson’s Settlement Trusts [1981] Ch 179). Further, if the claim settles without proceedings being issued, a claimant may still recover their pre-action costs in those circumstances under the CPR Part 8 procedure pursuant to CPR 46.14 “costs only proceedings”.

**Pro Bono Lawyer’s role within the Disrepair Project**

The Disrepair project will have different pathways available to a client who approaches UH with a disrepair matter.

**Pathway 1 – ECF application**

The Disrepair project aims at utilising pro bono lawyer’s capacity to work on legal aid ECF applications for disrepair and prepare a referral bundle for a Legal Aid Lawyer to take on the case when the ECF is granted. University House has an in-house Housing Legal Aid team to take on the case once the ECF application is granted.

We will assist any individual who presents to is referred to UH for help with a disrepair matter with potential ECF eligibility, including meeting the means test and vulnerability (for example, language, literacy or mental health difficulties) such that it would be difficult for them to undertake legal action with expert assistance.

Pro bono lawyers will be fully trained and supervised by University House. The work that the Pro bono lawyer would have to complete would include:

1. Drafting the ECF applications, including

1. Completing the ECF application and drafting a statement of case covering the merits and human rights test; and
2. Completing the Legal Aid application form and attaching the necessary documents; and
3. Creating a comprehensive referral bundle for a Legal Aid lawyer to take on the disrepair application if the ECF is granted, including:
	* + - Preparing a case summary, chronology and statement of issues
			- Compiling documentary evidence in support of the client’s case

This work should take approximately 30 hours per matter.

**Pathway 2 – Surveyor report & disrepair complaints to Environmental Health**

This pathway would involve the pro-bono lawyer drafting instructions to the surveyor and then drafting a comprehensive letter to the Environmental health team to carry out an inspection under the Housing, Health & Safety Rating System (HHSRS).

**Pathway 3 – Surveyor report & disrepair complaints to the Housing Ombudsman**

This pathway would involve the pro-bono lawyer drafting instructions to the surveyor and then if required, assisting the client in following the complaint through the landlords’ complaints procedure and then submitting a complaint to the Housing Ombudsman.

**Pathway 4 – Surveyor report & ‘deemed’ homelessness cases.**

This pathway would involve the pro-bono lawyerdrafting instructions to the surveyor and then using this to draft a “deemed” homeless letter to support the homeless application to the local authority.

There will be an opportunity to be involved with other pathways in assisting the client with a disrepair matter where the ECF application pathway is not appropriate.

Cases will be taken on in house by University House’s Legal Aid team or referred to UH's housing law clinic when there is no law firm or UH in-house capacity to take on the case.

In the rare and exceptional instance where UH cannot find a LA lawyer to take on the case once the ECF application is granted, firms may have the opportunity to assist with a full disrepair case should they have capacity to do so. The team who worked on the initial ECF application will have first right of refusal to take on the matter, and if they do not have capacity to do so, it will be circulated to all firms to find volunteers.

**Initial Screening**

The UH team is responsible for the initial identification and screening of clients. UH holds all client relationships, and pro bono lawyers will act as volunteers of UH in undertaking all work. In practice this will mean that:

* all individuals will sign a client engagement letter with UH, not the firms;
* pro bono lawyers will identify themselves as UH volunteers on all phone calls, emails and any other communication to project clients and all third parties;
* pro bono lawyers will use a disclaimer at the end of their email signature;
* pro bono lawyers will use UH letterhead for all letters; and
* all correspondence will be reviewed by UH before being sent.

**The main aim of the project is to utilise pro bono capacity to undertake casework in an area of great legal need for a group of vulnerable clients. It is hoped that the work of the project can feed into strategic efforts by UH and other organisations working to:**

* **influence policy around the importance of the availability of Legal Aid for Disrepair cases beyond the current scope.**