HOUSING DAMP AND MOULD POLICY

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Introduction

Tendring District Council is committed to ensuring that the homes it provides are well maintained and of a decent standard.

This policy sets out the activities and responsibilities involved in the control of damp and mould within properties owned by Tendring District Council. It is a companion policy to the Repairs Policy.

The Council recognises the importance of addressing the problems damp and mould and of having measures in place to tackle and reduce these issues and condensation in its properties.

The Council treats all reports of damp and mould seriously and understands the physical and mental health implications it can cause.

The Housing Ombudsman's Spotlight on: Damp and Mould (October 2021) highlighted the need for landlords to deal effectively with damp and mould in properties, following a high number of complaints from tenants regarding landlords did not act appropriately to deal with these issues. This policy has been developed to address the problems associated with damp and mould highlighted in the Ombudsman's report.

Purpose of this Policy

- To ensure that we provide and maintain dry, warm and healthy homes for our tenants and leaseholders
- To ensure that we take a zero tolerance approach to damp and mould
- To ensure that we undertake effective investigations and implement all reasonable remedial repair solutions and improvements to eradicate damp and mould, including managing and controlling condensation
- To ensure that, when tenants report damp and mould in their property, they are treated in a consistent manner and with empathy and respect.
- To comply with the statutory requirements, legislation and good practice relating to damp and mould issues.

- To work in partnership with contractors, tenants, and leaseholders to ensure that safe and healthy properties are maintained in relation to damp and mould matters.

- To ensure that tenants have access to and are provided with advice and guidance on managing and controlling damp, mould and condensation.

- To ensure that the fabric of our properties is protected from deterioration and damage resulting from damp, mould and condensation.

Scope of Policy

The scope of this policy identifies how Tendring District Council, through both responsive repairs and its planned maintenance and improvement programme, can work with its tenants, leaseholders and contractors to control, manage or eradicate damp and mould. This will include:

- All Tendring District Council owned properties and their communal areas.
- All leasehold properties within Tendring District Council owned blocks, where the structure or exterior of the building could be causing an internal defect.
- Identifying the different types of damp and their causes.
- Informing tenants and leaseholders about the different types of damp and their causes.
- Identifying both Tendring District Council's and its tenants and leaseholders responsibilities for managing and dealing with damp and mould.
- Providing guidance to tenants and leaseholders on how to manage and eradicate damp and mould damp within their property.
- Identifying situations where the Council will not be able to undertake works to rectify reported problems of damp and mould.

Types of damp

The types of damp covered by this policy are:

Rising Damp

This is where there is a movement of moisture from the ground rising up through the structure of the building through capillary action. Properties are normally built with a layer of waterproof material in the walls (and floor if it is solid concrete) of the building and this stops moisture rising above it. However, if it is defective, damaged or covered over or if a property was built without one, rising damp can occur.

Rising damp will only affect basements and ground floor rooms and it will normally not rise any more than 1.5 metres above the ground.

Penetrating Damp

This is where water penetrates the structure of the building (external walls, roofs) or if there are internal leaks Penetrating damp can be the result of, for example:

- Water ingress due to defective or poor original design / workmanship of the structure
- Defective components for example roof coverings, external wall doors and windows.
- Defective or blocked rainwater gutters and pipes.
- Defective or leaking internal waste pipes, hot and cold water and heating systems.
- Flooding due to burst or leaking pipes.

Condensation Damp

This is where moisture held in warm air encounters cold air or a cold surface. The moisture vapour held in the warm air condenses producing water droplets. The building conditions and features that can increase the risk of condensation include:

- Inadequate ventilation of a property (for example via trickle vents, mechanical extraction, non-mechanical ventilation)
- Inadequate heating of a property, (for example undersized radiators, draught proofing)
- Inadequate or defective thermal insulation of a property, (for example lack or shortage of cavity wall insulation, loft insulation, external wall insulation)
- High humidity within a property, (for example from a leak or by penetrating damp or rising damp)
- Poor design, construction or a defect, (cold bridging: gaps in insulation caused during building or a problem that has developed since then)

The living conditions that can lead to condensation include:

- Lack of ventilation (not opening windows, blocking up vents, not using extractor fans, not allowing air to circulate around furniture)
- Not heating the property adequately
- High humidity – for example, not covering pans when cooking and drying laundry in the property can contribute to this
- Lack of space around furniture and possessions that prevents air flowing through the property

Legal and regulatory context

There are legislative and regulatory requirements that set the standards that social housing must be maintained to. These include:

Landlord and Tenant Act 1985

Section 11 of this legislation imposes an obligation on landlords to carry out basic repairs, covering the structure and exterior of the property and installations for the supply of water, gas and electricity and for sanitation and space heating and heating water. There is also an implied covenant to maintain the property in good order.

Social Housing Regulation Act 2023

The Social Housing Regulation Act 2023 strengthens the regulatory framework for social landlords, placing a greater emphasis on safety, accountability, and proactive management of housing conditions. The Act gives the Regulator of Social Housing enhanced powers to carry out regular inspections, enforce standards, and intervene quickly where landlords fail to meet their obligations.

Key elements include:

- A stronger consumer regulation regime, ensuring tenants' safety, wellbeing, and housing conditions are prioritised.
- Proactive inspections of landlords, rather than relying solely on reactive investigations.
- New enforcement powers, including unlimited fines and performance improvement plans. • Greater transparency and tenant empowerment, requiring landlords to provide clear information on performance and compliance.
- Awaab's Law provisions, which introduce statutory timeframes for investigating and resolving hazards such as damp and mould.

Overall, the Act aims to ensure that social landlords deliver safe, decent, and well-maintained homes, while giving tenants stronger rights and clearer routes to hold landlords to account.

The Hazards in Social Housing (Prescribed Requirements) (England) Regulations 2025 (Awaabs Law)

Awaab's Law was introduced through the Social Housing (Regulation) Act 2023 following the tragic death of two-year-old Awaab Ishak, who died as a result of prolonged exposure to damp and mould in his home. The law places strict, legally enforceable timeframes on social landlords to ensure damp and mould hazards are addressed promptly and effectively.

Under Awaab's Law, landlords must:

- Investigate reported damp and mould within a set number of days,
- Provide a clear written plan of action, and
- Complete necessary repairs within defined statutory deadlines.

The legislation reinforces that damp and mould are not the result of "lifestyle choices" and must be treated as potential health hazards requiring urgent intervention. It aims to ensure that all residents live in safe, healthy homes and that landlords take swift, proactive responsibility for identifying and resolving damp and mould issues.

Housing Health and Safety Rating System

The Housing, Health and Safety Rating System (HHSRS) was introduced in 2006 to provide an assessment tool for the 'Minimum Standard for Housing' (Criterion A of the Decent Homes Standard). It is a risk assessment tool designed to identify the risk to occupants in domestic properties.

Decent Homes Standard

Announced in 2000 and updated in 2006, the Decent Homes Standard sets expectations for registered providers of social housing to provide tenants with quality accommodation and a cost-effective repairs and maintenance service. According to the standard, for a home to be considered 'decent' it must:

- Meet the current statutory minimum standard for housing
- Be in a reasonable state of repair
- Have reasonably modern facilities and services
- Provide a degree of thermal comfort

Homes (Fitness for Human Habitation) Act 2018

This amended the Landlord and Tenant Act 1985 with the aim of ensuring that all rented accommodation is fit for human habitation. Whilst it did not create new obligations for landlords, it required them to ensure that their properties, including any common parts of the building are fit for human habitation at the beginning of and throughout the tenancy. Where a landlord fails to do this the tenant has the right to take action in the courts for breach of contract.

Defective Premises Act 1972

Section 4 of this Act places a duty on landlords to take reasonable care to ensure that anyone who might be expected to be affected by defects in a property is reasonably safe from injury or damage to their property resulting from defects.

Regulatory framework for social housing

The Home Standard is one of the Regulator of Social Housing's consumer standards and it covers both the quality of accommodation and the repairs and maintenance service and sets required outcomes and specific expectations in relation to each of these. Registered providers

should provide a cost-effective repairs and maintenance service and meet all applicable statutory requirements that provide for the health and safety of all occupants.

Right to Repair regulations

The Council will operate within the statutory requirements of the 'Right to Repair Scheme' which covers certain small, urgent or routine repairs costing up to £250, which are likely to jeopardise the health or safety of the tenant.
Social Housing Regulation Act 2023

This legislation, which received Royal Assent in July 2023, builds upon the existing regulatory framework for housing and introduces a proactive rather than a responsive regulatory regime that is underpinned by inspection.

The proposed Safety and Quality Standard covers stock quality, decency, health and safety as well as repairs, maintenance and planned improvements.

These revised Consumer Standards are currently subject to consultation with the expectation that these will come into force in April 2024.

Tenant Satisfaction Measures

As part of the new regulatory regime for housing, providers have been required to collect specified data in relation to their performance from 1 April 2023 known as Tenant Satisfaction Measures.

Of the 22 Tenant Satisfaction Measures, 12 are perception measures that will be informed by an annual tenant satisfaction survey and 10 will be informed from housing provider's own management information. The measures are listed in the Council's Repairs Policy.

Responsibilities

Tendring District Council Responsibilities:

- Meet statutory repairing responsibilities as well as those set out in our tenancy agreements
- Maintain our properties so that they meet the Decent Homes Standard
- Be responsible for maintaining homes to avoid penetrating and rising damp and for carrying our reasonable remedial action if either of these do occur
- Treat tenants who report problems with damp and mould in a consistent manner and with respect and empathy.
- Recognise the impact that living in a property where there is damp and mould can have on residents health and well-being.

- Investigate reports of damp and mould in a timely manner and implement all reasonable repairs and improvements to eradicate or manage damp, including the management of condensation in a property

- Aim to diagnose the cause of damp and mould correctly and deliver effective solutions based on dealing with the cause of the damp rather than just the symptom

- Keep tenants informed about the findings of the investigation undertaken, including the cause of damp and mould, details of any remedial works to be carried out together with the estimated timescale for these and any other effective solutions to mitigate the cause of damp

- Keep the tenant updated in connection with their report of damp or mould from their initial report until the completion of any works

- Ensure that the fabric of the Council's property is protected from deterioration and damage resulting from condensation

- Ensure that tenants and leaseholders have access to and are provided with, comprehensive advice and guidance on how to deal with damp and mould within their home

- Ensure that staff have adequate training and equipment to effectively determine the cause of damp and, where practicable, provide reasonable solutions and/or remedial actions,

- Ensure competent contractors are employed to undertake remedial works to rectify root cause/s of damp and mould

- Where required, engage with specialists to undertake detailed surveys of the property and provide advice and recommendations to rectify any causes of damp and mould

- Provide all tenants with the opportunity to provide feedback on any remedial works carried out.

- Undertake follow up visits by a surveyor, after works have been completed and where necessary, to check that the measures put in place have been effective in resolving the issues of damp and mould in the property and to identify whether any further measures are required.

Tenant Responsibilities

Tendring District Council tenants are required to:

- Report any concerns of damp, mould or condensation to Tendring District Council as soon as possible using any available repair reporting method and giving as much detail as possible

- Tell the Council about any faulty equipment that will hamper the management and control of damp and condensation, for example faulty extractor fan, heating not working or windows not able to be opened

- Regularly check for mould and remove any signs of mould as soon as they are discovered

- Follow advice and guidance provided by the Council and as set out in the tenancy agreement

- Allow access for inspections and for carrying out remedial works to rectify causes of damp and/or mould

- Manage, where practicable, condensation within the property by reducing the conditions that can cause it, for example not drying clothes on radiators, opening windows where possible, using extractor fans provided ensuring vents are not blocked and that they are open and adequately heating the property

- Redecorate the property, as required, following repair works carried out for damp and mould issues using anti-fungal paint

Any neglect by the tenant to follow the advice given or to carry out repairs for which they are responsible for and where this has a direct impact on the condition of a Council owned property will be dealt with in accordance with the terms of the Council's tenancy agreement.

Leaseholder responsibilities

Leaseholders are required to manage and maintain their properties, including damp and condensation, in accordance with their lease agreement. The Council will not carry out damp and condensation remedial works to leasehold properties unless these are covered by the landlord responsibilities in the lease

Any neglect by the leaseholder to follow the advice given or to carry out repairs for which they are responsible for and where this has a direct impact on the condition of a Council owned property will be dealt with in accordance with the terms of the lease agreement.

Responding to reports of damp and mould

On receiving a report of damp and / or mould, the Council will:

- Arrange and carry out a repair within its published timescales if the cause of the problem can be identified from the information given on the phone or via the online form submitted, for example if the problem is being caused by a leak from a gutter or faulty plumbing.

- If mould is reported that has already been cleaned and treated by the tenant but returned , we will arrange for our in house team or contractor to carry out a mould wash within three days or as agreed with the tenant after that to ensure that any detrimental effect of this is minimised for the tenant.

- If further investigation is required, a surveyor will visit the property, with appropriate equipment to determine the cause and identify measures aimed to eradicate or reducing the problem to a tolerable and/or manageable level. This could be a combination of measures carried out to the building or its ventilation and advice to residents on how to minimise condensation in their home.

- Where the cause cannot be determined by Tendring District Council's Building Surveyors, consideration will be given to engaging 'external' mould and damp specialists to provide detailed reports and recommendations to eradicate and/or provide further advice to residents.

- If the outcome of initial inspections shows that condensation is causing the problem and that all reasonable measures are in place for the tenant to adequately manage the situation, suitable advice and guidance will be provided in connection with heating and ventilating the property. If fuel poverty is identified as a factor, then we will offer support via our Tenancy Sustainment and Fuel Poverty staff .

- Where remedial works and mould wash treatments have been undertaken by the Council, we will ensure that surfaces are prepared to a condition ready for the tenant to redecorate with the recommendation that anti-fungal paint is used.

- All tenants will be given the opportunity to provide feedback on any remedial works that have been undertaken.

- Where considered necessary, the surveyor will visit the property again within six to ten months after the remedial work is carried out, to make sure the damp and mould problem has been resolved.

- Where conditions within a home are having a detrimental impact on the health and wellbeing of the occupants or are preventing inspections or remedial works being carried out, such as the excessive hoarding of items, the Council will provide suitable support and assistance to the tenant. In these instances, effective remedial action for any damp and mould issues may not be possible until the situation has been resolved.

- If it is considered unsafe for the occupants to remain in the property while the works are carried out, alternative accommodation arrangements will be made. This will be arranged in accordance with the Council's Decant Policy.

The Council will always have regard to the constraints of the existing building design and structure. This means that it will not be possible to control or eradicate damp, mould or condensation where it would be unreasonable or impractical to do so or where remedial action would be ineffective. These circumstances include:

- Poor construction or design
- Non habitable rooms
- Unheated or uninsulated external toilets or store rooms

In certain situations, the Council may seek to sell or otherwise dispose of the property and this will be done in accordance with the Council's Property Dealing Procedure.

Missed appointments

In accordance with the Council's tenancy agreements, tenants are required to allow access for Council employees, contractors or anyone else working on our behalf into their property to inspect its condition, including that of any fixtures and fittings, or to carry out repair, maintenance or improvement works. Unless it is an emergency, or otherwise agreed, a minimum of 24 hours' notice will always be given.

Tenants are also required not to obstruct access to the property either directly (by refusing permission to enter or cancelling appointments) or indirectly (by the accumulation of furniture, personal belongings, stored items, pets or unhygienic conditions).

Where an appointment is missed by the tenant, a record of this will be made by the visiting surveyor and the appointment will be rebooked. If (two / three) appointments are missed, a repair request would normally be cancelled. However, if there is considered to be a health and safety risk, these missed appointments will be taken as refused access and further action may be taken to gain access to your property.

Missed appointments may also be subject to a charge, as set out in the Council's Recharge Policy.

Property Visits

To assist with the early identification of potential issues, every visit to a property by either the Council's own housing staff or its contractors will be taken as opportunity to identify signs and damp and mould and to report these through appropriate channels.

Mutual Exchanges

Before any mutual exchange takes place, the property will have been inspected. Outgoing tenants will be required to adequately clear areas to allow inspection and complete any repairs that are the tenant's responsibility before the exchange takes place. This inspection will also identify whether there are any damp and mould issues and appropriate advice will be given at this time and / or remedial repairs requested by the member of staff visiting the property.

Properties moved into as a mutual exchange are accepted as seen. This means that any large scale works such as kitchen refurbishment will only be completed when and if they are due to be completed via an ongoing planned improvement programme. However, responsive repairs will be carried out following our standard procedures and this includes the response to reports of damp and mould.

Empty Properties

When a tenancy has ended, work will be undertaken before the next tenant moves in to make sure that the property meets our agreed Void Letting Standard. This aims to ensure that the property is safe, secure, clean and in a good state of repair.

To assist with the eradication, control or management of damp, mould and condensation, this will include:

- Completion of any works required to eradicate rising or penetrating damp
- Cleaning of any extractor fans to ensure they are working properly
- Replacement or upgrading of any faulty fans

- Installation of mechanical ventilation to any property showing signs of damp, mould or condensation

- Ensuring that doors and windows are serviceable and can effectively ventilate the property

- Application of any damp and mould treatments, where necessary

Planned Maintenance and Improvement Programme

Through its planned maintenance and improvement programme, the Council will

- Target and improve the thermal efficiency of any poorly insulated homes, where measures are practical and affordable, and ensure the associated heating system is working as effectively as practicable,

- Explore and use new technologies to monitor humidity levels in properties and evaluate the results, identifying solutions for those properties,

- Carry out regular surveys to identify mould and damp within the Council's housing stock and use that data to inform works required within the capital investment programme

- Ensure that the fabric of buildings is protected from deterioration and damage, thereby minimising the potential for condensation or damp to occur

- Install extractor fans as part of all kitchen and bathroom refurbishment works

- Replace inefficient heating with efficient or renewable heating

- Allocate funding through the Housing Revenue Account (HRA) to carry out preventative maintenance to reduce the occurrence of damp and mould

Training

We will ensure that all relevant staff and contractors have training to raise their awareness of damp and mould issues, its impact on residents and its causes and control measures

This will include:

- Induction and refresher training will be provided for all technical and visiting staff to raise and awareness of and create a good understanding of damp and mould issues

- Ensuring that all staff are aware of this policy and have the skills and knowledge to comply with it and its associated procedures

- Providing our staff with equipment to assess damp in properties and training in how to use this in order to find a resolution to the problem

- Developing relevant staff and contractor's knowledge on our stock, archetypes and components of properties that are likely to suffer from damp and mould so that these can be monitored during property inspections and this information used to inform future programmes of work.

Contents Insurance

Whilst the Council arranges buildings insurance, tenants are responsible for arranging adequate household contents insurance to protect their home from damage caused by damp, mould, or condensation.

Rechargeable Repairs

If a tenant or leaseholder fails to take the advice and reasonable steps to reduce damp and mould in their property they may be recharged for any resulting repairs required which are considered to be result of this neglect. Missed appointments may also be charged for. Both of these would be carried out in accordance with the Council's Rechargeable Works Policy for Tenants and Leaseholders.

Equality and Diversity

The Council is committed to welcoming and valuing diversity, promoting equality of opportunity and tackling unlawful discrimination in accordance with the Equality Act 2010.

In delivering this policy, the Council will have regard to the Public Sector Equality Duty and ensure that no individual is discriminated against based on their sex, sexual orientation, marital status, pregnancy and maternity, gender reassignment, race, religion, belief, disability or age.

The Public Sector Equality Duty is a duty on the Council and that responsibility cannot be delegated to a contractor/service provider and is a continuing duty.

Monitoring

The Council will monitor the effectiveness of this policy by collecting data on:

- Number of cases of damp and mould reported to and responded to
- Number of formal complaints received relating to damp and mould
- Number of reported cases and complaints resolved

Other performance information ion the general state of the stock and on performance of the organisation through its stock condition survey programme and through tenant feedback as well as other means as identified in the repairs and other policies.

Complaints

If a tenant or leaseholder is not satisfied with the way in which their report of damp and mould has been dealt with or the response provided, they will be advised to raise a formal complaint in accordance with the Council's Housing Complaints Procedure.

Complainants may also seek advice and support while their complaint is going through our internal complaints process. However, the Housing Ombudsman cannot formally investigate or make a decision on a case until it has exhausted a landlord's complaints process and suitable advice will be provided at each stage of the complaints process.

Review

The policy will be reviewed every three years or earlier if there are any changes to legislation or to the Council's strategies or policies.

Review Date	**Reviewed By**	**Info**
24/02/26	Chris Ball	SHRA2023 & Awaabs Law