



**DAMP AND MOULD IN PRIVATE
RENTED HOUSING
INVESTIGATION AND
ENFORCEMENT
POLICY**

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1.0 Scope

The Policy outlines the approach to dealing with damp and mould in private rented properties within the Borough. Landlords must ensure that the accommodation that they provide is free from serious hazards, including damp and mould, and that homes are fit for human habitation. Landlords must deal with cases of serious disrepair, including cases of damp and mould, promptly to protect their tenant's health.

Reports of damp and mould received about properties owned by the Council will be referred to Housing Repairs for investigation and are dealt with under a separate Policy.

The Policy should be read in conjunction with the Corporate Enforcement Policy, the Housing Civil Penalties Policy and the wider procedures for investigating issues of disrepair in private rented properties and the Housing Health and Safety Rating (HHSRS) process.

2.0 Purpose

The Policy outlines the approach that the Council will take in regards to reports of damp and mould in private rented properties and this includes where damp and mould is identified as part of other housing work such as licence inspections or wider housing complaint investigation.

The Policy will ensure that effective investigations are undertaken to identify the cause of any damp and mould identified, and where assessed under the HHSRS as a Category 1 or high Category 2 hazard, that appropriate action is undertaken by landlords and/or managing agents to address it, which may include the need for them to instruct specialists to investigate causes and any remediation required.

3.0 Aims and Objectives

The Policy will:

- Ensure that all reports of damp and mould in private rented properties are responded to promptly, assessed and action is taken in accordance with the Council's investigation and enforcement procedures and policies.
- Aim to provide a safe and healthy home for occupiers of private rented properties within the Borough
- Comply with all relevant guidance, statutory requirements and good practice including recommendations made by both the Ombudsman and Central Government

4.0 Regulatory Code and Legal Framework

The Policy is aligned with the regulatory framework of the Ministry of Housing, Communities and Local Government.

Relevant legislation includes:

- Housing Act 2004 including the Housing, Health and Safety Rating System (HHSRS)
- Homes (Fitness for Human Habitation) Act 2018
- Landlord and Tenant Act 1985
- Environmental Protection Act 1990
- Decent Homes Standard
- The Domestic Minimum Energy Efficiency Standard 2018 (MEES)
- Landlord and Tenant Act 1985
- Defective Premises Act 1972
- Housing (Suitability of Accommodation) 2012
- Building Regulations 2010 (when undertaking work to heating, ventilation and windows)

5.0 Policy Outline

5.1 Risk management

It is important to recognise that not all damp and mould presents the same risk. The most immediate and serious risk relates to severe mould growth which presents airborne toxicity. The risk is higher if mould growth is found in multiple areas or if the mould growth is in bedrooms. Minor instances of mould such as around window frames and in silicone is considered lower risk and should be treated as not urgent. Once mould appears in any degree on ceilings, walls and soft furnishing it becomes higher risk.

Serious disrepair in private rented properties may include a number of hazards which may, or may not, include damp and mould.

Private Sector Housing Officers will investigate reports of damp and mould and other disrepair in private rented properties. Officers will use the HHSRS process to systematically assess the hazards present and categorise hazards. Where appropriate, additional checklists, such as one for damp and mould will also be utilised. Cases where a higher risk (Category 1, or high Category 2 hazards, or a cumulative impact) has been identified, follow up action will be prioritised and the various enforcement options will be considered and implemented depending on the situation and in accordance with the Council's enforcement Policy.

5.2 Types of damp

To be able to treat the damp and mould correctly and completely resolve the issue, the type of damp must be identified correctly. Private sector housing officers are trained in identifying and assessing hazards. Use of a moisture meter as well as heating and ventilation provision will all be considered. Landlords may be required to carry out further investigations into damp and mould at particular premises.

Rising Damp

This is the movement of moisture from the ground rising through the structure of the building. This is caused by building defects, such as a breakdown of a damp proof course, which allows moisture to enter the property. This can be identified by wet patches on walls; flaking or bubbling plaster and rotting skirting boards. If a damp proof course has broken down, there may also be a tide mark line around the perimeter of the room.

Penetrating Damp

Penetrating damp is water that gets into the building from outside due to defects in the walls, roofs, windows or floors or defective or blocked rainwater pipes and guttering or poor original design or workmanship.

Traumatic Damp

Traumatic damp can be caused by leaking water from waste and heating pipes, overflowing baths or sinks, burst pipes or defective water storage vessels inside the building. Traumatic damp can also originate from outside the property, for example from another building or from environmental flooding.

Condensation

Condensation occurs when moisture held in warm air comes into contact with a cold surface and then condenses producing water droplets. The conditions that can increase the risk of condensation include:

- Inadequate heating, including undersized radiators and tenant not using the heating
- Inadequate ventilation, including lack of or blocked vents and mechanical extraction and these not being used correctly
- Inadequate insulation, including missing or defective cavity wall insulation or loft insulation
- High humidity, including not covering pans when cooking or drying laundry inside
- Lack of space around possessions and storage, that prevents air flow through the property
- Poor building design and construction, such as specific cold areas (bridging) which are integral with the building construction
- Overcrowding, which increases moisture levels.

5.3 Mould

Mould is a natural organic compound that develops in damp conditions. Mould will only grow on damp surfaces. It is often present in situations where there is condensation. If moisture accumulates, mould growth will often occur on indoor surfaces.

In order to reproduce, mould produces tiny particles called spores. Spores are carried in the air and may cause health problems if inhaled by people who are sensitive or allergic to them. It is important to note that most people will not experience any health problems from coming into contact with mould. However, mould exposure can cause a runny or blocked nose and irritation of the eyes and skin.

5.4 Investigation Process

The Council will provide support and assistance to ensure that private rented tenants are able to raise concerns or issues relating to damp and mould.

If the tenant has contacted the landlord and they have not responded in a satisfactory or timely manner, further support will be provided as below:

Council Responsibilities

- The Council shall investigate complaints to determine the cause of damp and mould. An Officer will contact the tenant in the first instance to gather further information. The team will ask some questions regarding the severity of the issue. This may include asking for photographs. This information will then determine how the team deals with the complaint. We aim to do this within five-working days.
- The Council's regulatory duties and powers enable us to carry out a visit to the property, sometimes resulting in a more formal full inspection. When the Council is investigating a complaint, the Council's first visit to a property will usually be a verification visit arranged solely with the tenant. The landlord would not usually be asked to be there on that first visit. Some tenants do not want their landlord to be involved at the earliest stage of a complaint for fear of retaliatory (revenge) eviction.
- Where low or medium risk is identified, the matter will be dealt with informally with the landlord unless they refuse to rectify the issue.
- Where a high (Category 1) or severe risk is identified, or the landlord has refused to carry out work at the informal stage, the team will organise a full inspection of the property and will take appropriate enforcement action to ensure work is carried out to rectify the issue. Timescales for the works to be completed will be discussed with the tenant as this can vary between individual cases.
- To ensure relevant staff understand the aims of this Policy and can support and deliver it
- If the causes of damp and mould are not related to the fabric of the property, the council will signpost tenants to other agencies who may be able to provide further support.

Tenants' Responsibilities

- To ensure concerns regarding damp and mould have been notified to the landlord in a reasonable timeframe
- To use heating and ventilation systems at the property adequately throughout the term of the tenancy
- To wipe down condensation on windows and treat any areas of mould growth which appear using a fungicidal treatment

- To allow access to Officers to fully investigate any concerns. If access cannot be obtained to assess the conditions at the property, we may not be able to pursue further action against the landlord
- To give the landlord reasonable access to obtain quotes and carry out the works

How to report any concerns regarding damp and mould.

Items of disrepair need to be reported to the landlord in the first instance before contacting the Private Sector Housing Team for assistance

By email at psh@broxtowe.gov.uk

By phone on 0115 9173438

5.5 Training

All Private Sector Housing Officers will be appropriately trained, including in HHSRS, causes and remedies of damp and mould, relevant legislation and enforcement options.

6.0 Related Policies, Procedures and Guidelines

This Policy should be read in conjunction with the:

- Council Enforcement Policy
- Housing Civil Penalties Policy
- Damp and Mould in Council Housing Policy

7.0 Review

The Policy will be reviewed every five-years unless an earlier review is appropriate due to:

- Changes to legislation or statutory guidance
- Recommendations from the Housing Ombudsman
- Response to internal learning
- New relevant best practice from other local authorities becoming available.

8.0 Document History and Approval

Date	Version	Committee Name
TBC	1.0	Cabinet