**Damp & Mould Guide**

**Introduction**

Following the coroner’s report arising from the death of 2-year-old Awaab Ishak due to mould, an expert committee published its’ guidance “, Understanding and addressing the health risks of damp and mould in the home” on 7 September 2023.

The Guidance of the responsibilities of social and private sector landlords regarding damp and mould and its serious health risks. This guidance note provides an overview of the requirements for private-sector landlords recommended by the expert committee.

Landlords are required to ensure accommodation is fit for human habitation and free from hazards. Damp and mould are health hazards that must be treated seriously and promptly. Landlords must identify the cause and take steps to resolve the dampness and mould.

The committee’s Guidance currently applies to properties in England but can be used by landlords in Wales for best practice purposes.

It is anticipated that it will be legislated in due course. Courts will also look to see if the Guidance has been followed in case any legal action is taken concerning damp and mould.

 In the meantime, landlords already have legal obligations to ensure properties are free from damp and mould as follows:

Homes must be free from the most dangerous Category 1 Hazards using the Housing Health & Safety Rating System (Housing Act 2004).

Hazard 1 means that a tenant may require medical attention over the course of a year because of the hazard.

Homes must not have conditions that are prejudicial to health (Environmental Protection Act), so if the dampness and mould are at a stage that is harmful to health, legal action can be taken against a landlord.

Homes must be fit to live under the Landlord and Tenant Act 1985 (by Homes (Fitness for Human Habitation) Act 2018) and effectively free from damp and mould.

Some tenants are at greater risk from the effect of dampness and mould, and any vulnerabilities of the occupants, such as pre-existing health conditions, people with mental health conditions, etc., will be considered in the required standards.

If the property is not fit for human habitation, the tenant can bring a claim against their landlord for breach of contract and issue court proceedings against them. Landlords may be sued for damages for the entire length of the tenancy.

All private rented homes must have an energy efficiency rating of Band E. The more energy efficient a property is, the less likely it will be affected by condensation, which is often a significant cause of dampness and mould.

**Proactive Steps to Damp & Mould**

The committee’s Guidance provides detailed information about what landlords should do to deal with damp and mould proactively.

This ranges from having processes in place for the management of dampness, regular inspections and maintenance, adequately trained staff about processes, taking complaints from tenants seriously and responding promptly about actions to be taken.

A simple walkthrough of checks pre-tenancy can help identify potential issues so these can be dealt with pre-occupation. See Damp & Mould Indicators Checklist.

**Identify the Cause of damp & mould**

It is important to identify the cause of the dampness and mould first to establish what needs to be done to rectify the problem. When a complaint is received, landlords should arrange a visit (preferably by a damp specialist) to the property to identify the cause as soon as possible. The possible types of issues are set out below:

* Mould
* Penetrating Damp
* Rising Damp
* Traumatic Damp
* Condensation

**Condensation Considerations**

This is often the cause of dampness and mould within a property and arises from the use of the property. This does not mean landlords should not take action to improve condensation issues.

Tenants, however, should do what they can to reduce condensation by closing kitchen and bathroom doors as far as they can. See:

Letter: Access to inspect damp and mould

Tenant Condensation Checklist

Next Steps

Once the cause of the dampness is known, the landlord should promptly notify the tenant of the findings and the action to be taken and arrange a time to carry out the work.

A follow-up visit approximately 6 weeks after the work has been completed should be arranged to check that the work has resolved the problem.