

Report to the Cabinet

Report reference: C-046-2023/24

Date of meeting: 18 March 2024



**Epping Forest
District Council**

Portfolio: Housing and Strategic Health Partnerships (Cllr Holly Whitbread)

Subject: Condensation, Damp and Mould Policy

**Responsible Officer: Surjit Balu, Interim Director for Housing
(sbalu@eppingforestdc.gov.uk)**

Democratic Services Officer: V Messenger (democraticservices@eppingforestdc.gov.uk)

Recommendations/Decisions Required:

To adopt the proposed Condensation, Damp and Mould Policy.

Executive Summary:

Condensation, damp and mould in homes can create risks to health due to increased prevalence of house dust mites, mould or fungal growths. Young persons aged 14 years or under are one of the most vulnerable groups impacted by the health risks associated with condensation, damp and mould, but all people can be at risk.

in December 2020, two-year old Awaab Ishak died from a respiratory condition caused by extensive mould in the one-bedroom flat in Rochdale where he lived with his parents. The failings that led to Awaab's death has highlighted the importance of managing and preventing condensation, damp and mould effectively.

Amendments to the Social Housing (Regulation) Act 2023 introduced 'Awaab's Law'. This requires landlords to fix reported health hazards within prescribed timescales (yet to be confirmed) and provides greater powers to the Regulator of Social Housing to ensure housing providers are managing condensation, damp and mould effectively.

Landlords were already under obligations to ensure the homes they let are free from the hazards created by damp and mould. This includes The Housing Act 2004, The Landlord and Tenant Act 1985 and the Decent Homes Standard.

Fuel poverty is exacerbating the problem as tenants on low incomes reduce heating, or even turn their heating system off altogether. As the landlord, we need to do all we can to support our tenants in keeping their homes warm and dry. This will include improving the energy efficiency of homes through measures such as insulation and installing energy efficient heating and ventilation. We can also support with advice on managing humidity levels within their home.

This policy follows the advice of Housing Ombudsman Spotlight Report: It's Not Lifestyle (October 2021). The central theme of this report is that landlords must take responsibility for the issue.

"It is crucial that landlords avoid paternalistic attitudes, automatically apportioning blame or using language inferring blame on the resident" Housing Ombudsman
Spotlight Report: It's Not Lifestyle (October 2021)

Report:

The proposed policy is attached to this paper. The key features of the policy are that:

- We will provide dry, warm, healthy, and safe homes for our tenants.
- We will investigate the cause of any condensation, damp and mould and carry out remedial repairs.
- We will take responsibility for proactively diagnosing and resolving condensation, damp and mould in a timely and effective way.
- We will deal with the cause, not just the symptoms.
- We will enhance our understanding of our assets in relation to condensation, damp and mould and have proactive programmes for managing this issue.
- We will take every opportunity to check for condensation, damp and mould and promote ways our residents can report condensation, damp and mould.
- We will treat tenants reporting condensation, damp and mould with empathy and respect and will not prejudge the reason for any issue.
- We will promote and provide general advice and guidance to tenants on how to manage damp and condensation in their homes.
- We know that some residents cannot afford to heat their homes adequately due to fuel costs and their income levels. We will work with residents to ensure that they are receiving the income to which they are entitled, engaging with third party support groups and organisations as appropriate.
- Where homes are overcrowded, humidity will tend to be higher, and this increases the likelihood of condensation. We will work with the resident and explore solutions available in EFDC's Housing Allocations Scheme which may include moving to a more suitable home if this is available and appropriate.
- We will track cases of condensation, damp and mould to ensure that they are resolved effectively.

Scrutiny Comments

The Condensation, Damp and Mould Policy was considered by the Communities Scrutiny Committee on 16th January 2024. The Committee asked:

- Will additional resources be required? Confirmed that no additional resources will be required to implement the policy.
- Will there be additional costs for leaseholders? In most cases work to treat condensation, damp and mould will be within tenanted homes. Work to remedy or prevent penetrating damp, e.g. from a communal roof or rainwater goods, may be recharged to leaseholders in accordance with their lease.
- Do we intend to use systems such as positive input ventilation? In most cases trickle ventilation in windows together with extract fans in kitchens and bathrooms is sufficient. However, in some cases we install positive input ventilation which can be very effective in serious cases.
- Will we use Housing News for advice on managing moisture levels? We will continue to use Housing News for tips on how to manage humidity and condensation and to encourage tenants to report problems. We will also use other means of communication including noticeboards, leaflets with rent statements and service charges and articles on EFDC's website.
- Will we comment on the government consultation on proposed regulatory timescales for responding to cases of condensation, damp and mould? The Chair of the Tenants' and Leaseholders' Panel promised to share a link to the consultation document. Comments to go to the Director of Housing and Property for collation.

Resource Implications:

This policy will be implemented within the existing budget and staffing resources.

Legal and Governance Implications:

Adherence to the recommended policy will provide assurance that EFDC are compliant with our statutory obligations under the Landlord and Tenant Act 1985, the Environmental Protection Act 1990 and the Housing Act 2004

The Social Housing (Regulation) Act 2023 provides the Regulator with powers to set strict time limits for social landlords to fix reported health hazards within specific timeframes. It also provides greater powers to the Regulator of Social Housing to ensure housing providers are managing condensation, damp and mould.

Implementation of this policy will reduce the potential liability of EFDC from claims of legal disrepair brought by tenants of EFDC.

Safer, Cleaner and Greener Implications:

This policy will assist the prevention of health issues caused by condensation, damp and mould in the homes provided by EFDC.

Consultation / Scrutiny Undertaken:

The Tenant's and Leaseholders' Panel reviewed the proposed policy on 2nd January 2024. Comments included:

- Section 8.2 – The Panel noted that more complex cases will need Housing Officers, Surveyors or Specialists to inspect to correctly diagnose the problem and specify the solution. This is incorporated in the latest version of the policy (attached).
- Fuel poverty - The Panel asked whether there is anything more we could do about fuel poverty. The proposed policy covers our energy efficiency retrofit programme and working with tenants to help them access income they are entitled to. They discussed the possibility of establishing a hardship fund (e.g. from income generated from exporting excess energy generated from solar panels). This may be considered for a subsequent version of the policy or our strategy for energy efficiency retrofit.
- Overcrowding – The Panel asked if overcrowded households would be prioritised for rehousing. EFDC's Housing Allocations Scheme allows applicants to be prioritised to band B if they are 'occupying insanitary or overcrowded housing which poses a serious health hazard'.
- Preventative maintenance – The Panel emphasised the point in section 8.1 concerning planned works to prevent water ingress.
- Communications – The Panel asked officers to ensure messages about preventing condensation and mould also targeted leaseholders and sub-tenants. As well as including leaflets with rent statements, they should go with service charge statements and be displayed on noticeboards. We should also use social media.
- Progress reporting – The Panel asked to be updated on progress in tackling condensation, damp and mould every six months.

Background Papers:

Proposed Condensation, Damp and Mould Policy.

Risk Management:

Implementation of this policy will reduce the risk of health issues caused by condensation, damp and mould.

Equality:

An Equality Impact Assessment was carried out and there was no adverse impact on any equality group.