

Workshop 3C

Spotlight on Damp and Mould

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Chaired by: Karl Linder

Room: C



NHMF
Maintenance
Conference
2023



Why does it matter?



RSH

- 19 December 2022 all landlords with over 1,000 properties were required to provide evidence as to actions taken to tackle damp and mould.
- Similar approach taken in Wales – date for response 20 January 2023.

Cost of living crisis

- Driving up problems with damp and mould:
 - General squeeze on household finances;
 - Affordability of heating;
 - Affordability of running fans/ventilation;
 - Keeping windows closed.

COVID-19 and other factors

- **COVID-19** people at home more - more moisture – more need for heating/ventilation – job losses – increase in energy bills – impact on response times – complaints – legal cases.
- **Aging housing stock** – inherent problems, retrofitting – sealing properties – lack of ventilation – people at home more – job losses – increase in energy bills – complaints – legal cases

Housing Ombudsman Report (Oct 21)

- Residents living in homes with damp and mould may be more likely to have respiratory problems, allergies, asthma, and other conditions that impact on their immune system . This, set against the context of the COVID-19 pandemic, highlights the potential seriousness of this issue for residents. There are also other broader impacts on the mental health, education and career prospects of residents living with damp and mould, highlighting why there is a real urgency for change

Facts and figures

- According to the 2019-20 English Housing Survey, serious condensation and mould problems were present in at least one room in 133,000 (3%) social sector homes and 192,000 (5%) of homes lacked thermal comfort.
- Homes built between 1981 and 1990 were most likely to fail the decent homes standard for thermal comfort.

Maladministration

- **Key data Overall complaint volumes and outcomes – April 2019 to March 2021**
- 1,595 complaints from residents about damp and mould were reported while within the landlord's complaint process and were assisted by HO Dispute Support Team
- 410 damp and mould complaints were formally investigated because the resident was dissatisfied with the landlord's response
- 56% of cases we investigated resulted in findings of maladministration

Maladministration

- 976 individual findings were made within those complaints
- 501 orders were made to put something right with 288 additional recommendations
- £123,094.57 in compensation was ordered across 222 cases, with sums over £1,000 being ordered in 21 cases

It is a massive issue facing the housing sector

Recent Ombudsman involvement

- As published in Inside Housing in December 2022, Orbit were ordered to pay £5,000 compensation for a failure to effect repairs relating to damp and mould and a slug infestation over a number of year. The landlord was criticized for blaming “lifestyle”.
- The Government/Ombudsman is now “naming and shaming” landlords (14 as at end of 2022)
- So far in 2022-23, the ombudsman has ordered landlords to pay more than £574,000 in compensation to social tenants.

What causes damp and mould?

- Penetrating water – leak from roof, gutters, flat above, draughty windows etc
- Rising damp – defective (or no) DPC
- Condensation – lack of effective heating, ventilation, excess moisture

Legal obligations on landlords

Decent Homes Standard

The Decent Homes Standard was updated in 2006 to take account of the Housing Health and Safety Rating System (HHSRS), which replaced the Housing Fitness Standard..

According to the Standard, for a home to be considered 'decent' it must:

1. Meet the current statutory minimum standard for housing
2. Be in a reasonable state of repair
3. Have reasonably modern facilities and services, and 4. Provide a reasonable degree of thermal comfort.

Recent White Paper to extend standard to the PRS and update it.

2012 Homes Standard (England) – requires compliance with DHS.

Legal obligations on landlords

- S11 Landlord and Tenant Act 1985
 - Structure/exterior
- s9A-10 Landlord and Tenant Act 1985 (as amended by the Homes (Fitness for Human Habitation) Act 2018
 - Includes freedom from damp

What approach should you take?

- Building safety crisis and challenge of net zero pushing landlords to examine stock.
- Be proactive where possible.
- Housing Ombudsman what to see a single comprehensive policy and a "zero tolerance" approach.
- Look at housing stock – what is at most risk of damp and mould? Concrete construction, converted street properties, older solid construction.
- What groups are most at risk? Health, disability, financial.
- Risk assess. Training.

Don't just blame lifestyle

- Not a good defence anymore.
- Normal household living produces moisture.
- In winter there may be no other option than to dry clothes on radiators.
- Work with tenants to educate (leave extractor fan on, open windows, don't block radiators) and look at whether risks can be mitigated – thermal boarding, improved ventilation.
- Use the void periods to risk assess.
- What actions are your organisation taking?

Best practice when receiving a report of damp and mould

- Good record keeping.
- Respond in a timely manner.
- Send a surveyor familiar with causes of and treatment of damp. Make an appointment in writing.
- Don't close a job where an appointment is missed. Follow up.
- Keep resident's updated.
- Is a decant necessary?

Best practice when receiving a letter before action

- Ask the tenant to use the internal complaints procedure or Ombudsman first.
- Comply with the pre-action protocol for Housing Conditions cases.
- Inspect the Property and produce a report that can be used in Court.
- Carry out repairs as soon as possible.
- Make appropriate offers of settlement.

Thank you.

**See you at the
next conference!**



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