

Damp & Mould consultation response update, (Private Sector Housing, Kuda Zireva)

Synopsis of report:

To provide members with an update on the response submitted to the Department for Levelling Up, Housing and Communities (DLUHC) following a letter from the Secretary of State for Levelling Up, Housing and Communities, the Rt Hon Michael Gove MP, in the wake of the tragic and avoidable death of Awaab Ishak.

Recommendation(s):

None: This report is for information.

1. Context and background of report

- 1.1 In November 2022, the Secretary of State for Levelling Up, Housing and Communities, wrote to all Local Authority Chief Executive and Council leaders, following the tragedy of Awaab Ishak, who died at two years old as a direct result of mould in his family home.
- 1.2 In his letter, the Secretary of State directed all local housing authorities to carry out three actions in line with their duty under section 3(3) of the Housing Act 2004. These actions were to:
 1. Have particular regard to high scoring (bands D and E) category 2 damp and mould hazards, as outlined in the guidance 'Housing health and safety rating system (HHSRS) enforcement guidance: housing conditions;
 2. Supply the department with an assessment of damp and mould issues affecting privately rented properties in their area, including the prevalence of category 1 and 2 damp and mould hazards; and
 3. Supply the department with an assessment of action they have identified that may need to be taken in relation to damp and mould issues affecting privately rented properties in their area.
- 1.3 The Secretary of State also requested information on the specific activity taken over the last three years to address damp and mould hazards in the private rented sector (PRS), with specific questions covering the amount and nature of remediation and enforcement activity, Civil Penalty Notices and prosecutions. He also asked for details of plans in place to prioritise the enforcement of housing standards more generally, with a particular focus on how the authority will ensure adequate enforcement capacity to drive up standards in the Private Rented Sector (PRS).

2. Report

- 2.1 The Runnymede Borough Council initial response to DLUHC highlighted the following:
- 2.2 With regards to proposals on addressing damp and mould issues in the private rented sector, our private sector housing enforcement policy aligns with the Housing

Act 2004 - The Council has a duty to take action in respect of category one hazards and discretion to take action in respect of category two hazards. Runnymede plan to continue to make use of the appropriate enforcement measures available to address any assessed hazard identified, whether it is a category 1 or 2 hazard, namely;

- Hazard awareness notices
- Improvement notices
- Prohibition orders
- Emergency prohibition orders

2.3 The Private Sector Housing (PSH) team additionally plan to review the current measures available to the private rented sector which are as follows:

- In the first instance, landlords are responsible for addressing defects in their properties, enforcement is undertaken in line with our enforcement policy. The PSH team will review our policy to ensure we are adequately addressing category 2 hazards and in particular damp and mould hazards.
- Minor non-means tests grants (up to £5,000) are available to address property repairs impacting on fuel poverty. Funded by the Council's Disabled Facilities Grant utilising the same qualification criteria as within the existing DFG process. £100,000 of funding is available – the PSH team will review the associated processes and ensure that these grants are available for any tenants with repairing responsibility.
- Runnymede BC operate a loan Scheme through Parity Trust for those who may struggle to access high street lenders – the PSH team will review whether this scheme can be extended to private sector landlords.
- Green Homes Grants and the Local Authority Delivery (LAD) Scheme Rented (private or social) subsidy - not to exceed £5000 per property. Minimum of 1/3 to be paid by the landlord.

2.4 The Council also proposes to take the following action specifically in relation to 'Damp & Mould'

- Provide advice on damp and mould in our borough-wide magazine to residents, including signposting to the measures available to assist.
- Provide a training session on damp & mould at the next Landlords forum.
- Where there are underlying health issues with asthma, signpost residents to a new project by the Surrey Heartlands Asthma Network [Asthma Toolkit - Healthy Surrey](#) who provide support and also direct concerned residents to charities

2.5 Within the DLUHC return the PSH team also highlighted concerns with regards to fuel poverty and its effect on damp and mould:

“We are also concerned where the root cause of condensation resulting in mould in properties is due to fuel poverty. Most of our damp & mould complaints turn out to be condensation and we provide advice (as per above) on how to deal alleviate issues in a property. Sadly, the majority of these cases the issues arise due to due to fuel poverty as occupants are not able to adequately heat their properties due to the costs involved particularly in instances where they are on pre-payment meters. We anticipate that we

will encounter more damp and mould concerns this winter due to the current economic climate and rise in energy costs. We make use of the limited tools available to us to assist in these cases such as to direct them to the current cost of living benefits and to charities. We would appreciate some clarity from the department on these matters”

2.6 A link was provided by DLUHC in which to submit our response and a copy is attached as Appendix A to this report.

3. **Policy framework implications**

3.1 Access to safe and affordable housing is a key determinant of health and identified as a priority in the RBC Corporate Business Plan.

4. **Resource implications/Value for Money**

4.1 None identified

5. **Legal implications**

5.1 All legal implications including enforcement powers are covered in the body of this report.

6. **Equality implications**

6.1 There are no equality implications.

7. **Environmental/Sustainability/Biodiversity implications**

7.1 Encouraging and supporting landlords to insulate rented homes will reduce the amount of fuel required for heating.

8. **Other implications (where applicable)**

8.1 RBC's Housing Service was also required to report back to DLUHC on its position in relation to damp and mould in December 2022. The response uploaded via an electronic form is included as Appendix B.

8.2 There are various ways in which a council tenant could request action from Runnymede Borough Council to damp and mould issues within their home.

- 1 Via a repair request
- 2 Two via the Council's complaints process – and ultimately via the Housing Ombudsman
- 3 Via a Disrepair Claim.

9. **Complaints from Housing Association tenants**

9.1 Complaints received by the private sector housing team which relate to accommodation provided by Housing Associations are processed in the same way as complaints received relating to privately rented accommodation. The same enforcement options are available. Additionally, the PSH team contact Housing Associations directly by telephone when complaints have been received regarding their accommodation. This direct telephone contact is usually very effective in

delivering a satisfactory outcome. Where resolution is not achieved, the team will arrange to visit as per the standard procedure.

10. **Conclusions**

10.1 This report is for information only

(For information)

Background papers

Private Sector Housing Enforcement Policy