

Haringey Landlord Forum

5th Feb 2024

Private Sector Housing

Damp and Mould

<https://www.gov.uk/government/publications/damp-and-mould-understanding-and-addressing-the-health-risks-for-rented-housing-providers/understanding-and-addressing-the-health-risks-of-damp-and-mould-in-the-home--2>

Government Guidance on Understanding and addressing the health risks of damp and mould in the home.

- Everyone deserves to live in a home that is safe, warm and dry.
- The tragic death of 2-year-old Awaab Ishak in 2020, due to mould in his family home, should never happen to another family.
- The Coroner's report into Awaab's death describes a catalogue of failures, and a housing provider that abdicated its responsibilities to his family and hid behind legal processes.

New Government Guidance on expectations of Landlords

Landlords must ensure that the accommodation they provide is free from serious hazards, including damp and mould, and that homes are fit for habitation. They must treat cases of damp and mould with the utmost seriousness and act promptly to protect their tenants' health.

Expectations of Landlords

Landlords should not blame tenants for the cause of damp and mould. Damp and mould in the home is not the result of 'lifestyle choices', and it is the responsibility of landlords to identify and address the underlying causes of the problem, such as structural issues or inadequate ventilation.

Taking a proactive approach to reduce the risk of damp and mould

Landlords - irrespective of whether they own one or multiple homes - should adopt a proactive approach to the identification and tackling of damp and mould.

This should include:

- **Respond sensitively**, assess the issue with urgency to identify the severity of the damp and mould and potential risks to tenants
- Always **tackle the underlying issue promptly**, Landlords should not delay action to await medical evidence or opinion - medical evidence is not a requirement for action
- Ensure **tenants are informed** about the steps that will be taken to remove mould and address any underlying issues and the timeframes for the work
- **Photograph and document** the location of the mould, to help identify the source
- Remove the mould, to address the health risk to tenants, using a **qualified professional** when appropriate.
- **Identify and tackle the underlying causes** of damp and mould, including building deficiencies, inadequate ventilation and condensation. Simply removing surface mould will not prevent the damp and mould from reappearing
- **Inspect the home at least 6 weeks** after remedial work has been carried out, to ensure that the issue has been fixed and damp and mould have not reappeared. If damp and mould have reappeared, further investigation and intervention should be pursued

Regulation on damp and mould in social and private rented properties

- Landlords must adhere to a number of regulations related to damp and mould . Local councils enforce standards in the private rented sector.
- A lack of compliance can place a landlord at risk of prosecution or financial penalties.
- The legislation and standards are sometimes different for social and private rented landlords, but include:
 - Housing Act 2004
 - Environmental Protection Act 1990
 - Homes (Fitness for Human Habitation) Act 2018
 - Landlord and Tenant Act 1985
 - Decent Homes Standard
 - Minimum Level of Energy Efficiency standard (MEES).

MEES Project at Haringey: Project Aims

1. Enhance Energy Efficiency:

- Improve energy performance in residential buildings within Haringey.
- Implement measures to reduce energy consumption and carbon emissions.

2. Compliance with MEES Regulations:

- Ensure full compliance with Minimum Energy Efficiency Standards (MEES) regulations and guidelines.
- Facilitate property owners and landlords in meeting and surpassing the required energy efficiency benchmarks.

3. Community Engagement and Awareness:

- Raise awareness about the importance of energy efficiency among residents and property owners.
- Encourage community participation in energy-saving initiatives.

4. Financial Incentives and Support:

- Provide financial incentives and support mechanisms for implementing energy-efficient measures.
- Collaborate with local authorities and stakeholders to secure funding for eligible projects.

5. Long-Term Sustainability:

- Foster a culture of sustainability by promoting long-term energy-efficient practices.

MEES PROJECT TO DATE

- The data from selective licensing has been used to carry out a reconciliation to identify properties with non-compliant Energy Performance Certificate (EPC) certificates. Landlords have been contacted with warning letters, advising them that properties under their ownership or management may be breaching the Minimum Energy Efficiency Standards (MEES) regulations. Compliance notices have been served to 136 landlords; however, as of now, **89** have not responded. Additionally, **47** properties have been brought into compliance.
- We are currently in the process of issuing **89** properties with 7-day warning letters, informing them that the Local Authority intends to impose financial penalties for breaches of the MEES Regulations. Failure to respond by landlords or managing agents will result in the issuance of a financial penalty for non-compliance with the MEES Regulations.