

# **Sunderland City Council**

## **Damp and Mould Policy**

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## **Introduction**

### **1.0**

In October 2021, the Housing Ombudsman issued a “Spotlight on Damp and Mould”, highlighting the approach they expect social landlords to take when dealing with tenants who complain about damp to them. The Housing Ombudsman has been adopting a more proactive approach to dealing with tenant complaints and in line with Government direction is working much more closely with the Regulator for Social Housing in preparation for new legislation being brought by the Government based on the Social Housing White Paper. The approach has been taken following the Grenfell Tower tragedy and the tragic death of 2-year-old Awaab Ishak who tragically died due to mould in his family home.

The Ombudsman has made it clear that social housing providers must listen to tenants and take seriously their complaints, including using the organisation’s complaints processes to mitigate against any potential future legal action or costly disrepair cases. The Ombudsman will require social housing providers not to dismiss reports of dampness stating, ‘It’s not Lifestyle’.

This Policy has been developed using the Governments guidance ‘Understanding and addressing the health risks of damp and mould in the home’ published in September 2023. This guidance also makes clear that tenants should not be blamed for damp and mould, and it is the responsibility of landlords to identify and address the underlying causes of the problem, such as structural issues or inadequate ventilation.

## **Legislative Requirements**

### **2.0**

There are legislative requirements setting out what is a decent home. The Decent Homes Standard was updated in 2006 to take account of the Housing Health and Safety Rating System (HHSRS). According to the Standard, for a home to be considered ‘decent’ it must:

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

The Homes (Fitness for Human Habitation) Act 2018 amended the Landlord and Tenant Act 1985, with the aim of ensuring that all rented accommodation is fit for human habitation. While it did not create new obligations for landlords, it required landlords to ensure their properties are fit for human habitation at the beginning of, and throughout, the tenancy. The Landlord and Tenant Act 1985 does not define “fit for human habitation”, but consideration should be given to repair, stability, freedom from damp, internal arrangement, natural lighting, ventilation, water supply, drainage and sanitary conveniences, facilities for preparation and cooking of food, the disposal of wastewater and any prescribed hazard. The Act also strengthened tenants’ means of redress

where landlords do not fulfil their obligations, with the expectation that if tenants are empowered to take action against their landlord, standards will improve.

The Government is committed to ensuring a decent standard of housing for tenants in the social and private rented sectors. Through the Renters (Reform) Bill and Social Housing Regulation Act, legislative changes will improve housing standards by introducing:

- Introduce Awaab's Law to set out new requirements for landlords to address hazards such as damp and mould in social rented homes. These will be brought into force following consultation and when Parliamentary time allows.
- Provides new powers for the Housing Ombudsman and change the law so that social housing residents can complain directly to the Housing Ombudsman.
- Review the Decent Homes standard.
- Introduce new professional standards that will require senior housing staff to hold or work towards, recognised housing management qualifications.

The following legislation also applies to this Policy:

- Housing Act 2004
- Environmental Protection Act 1990
- Minimum Level of Energy Efficiency standard

### **3.0 Aims of the policy**

This Policy has been developed to sit alongside and complement our Responsive Repairs, Void Management Policy and Sunderland Housing Service Complaints and Compliments Policy.

#### **3.1**

The policy aims to assist in the delivery of a damp, mould and condensation service that will be able to:

- Ensure that tenants are treated in a fair and consistent way and respond sensitively and assess the issue with urgency to identify the severity of damp and mould and potential risks to tenants.
- Focus on working in partnership with tenants ensuring that they are safe in their home.
- Understand that some homes are difficult to heat, either due to energy efficiency or cost of living pressures, and that this can make damp and mould more likely to occur. Sunderland City Council should consider what support they can provide or signpost tenants to.
- Undertake effective investigations and tackle the underlying cause of damp and mould and implement all reasonable remedial repair solutions and improvements to eradicate damp including, managing, and controlling condensation. Simply removing surface mould is not acceptable.
- Always tackle the underlying issue promptly and act with urgency when concerns have been raised about tenants health. Landlords SHOULD NOT delay action to await medical advice or opinion.
- Ensure tenants are informed about the steps that will be taken to remove mould and address any underlying issues and the timescales for the work.

- Prior to the removal of the mould the area must be photographed, and the area of mould documented to help identify the source.
- Remove the mould, to address the health risk to tenants, using a qualified professional where appropriate.
- Ensure that tenants have access to and/or are provided with advice and guidance on managing and controlling damp and condensation.
- Comply with statutory requirements and good practice.
- Maximise the available budgets and ensure that they are used effectively and efficiently to deal with damp and condensation problems.
- Ensure that the fabric of our property is protected from deterioration and damage resulting from damp and condensation.
- Inspect the home at least 6 weeks after remedial work has been carried out to ensure the issue has been eradicated. If damp and mould reappear further investigation and intervention should be pursued.
- Ensure staff and external contractors are aware of the significant health risks associated with damp and mould, the need to address the underlying cause of the issue, are aware of process associated with reporting and addressing damp and mould, and the importance of being sensitive to tenants circumstances and vulnerabilities.
- Ensure complaints of damp and mould are dealt with transparently.
- Build relationships with tenants, ensuring tenants feel encouraged to report damp and mould.

## **4.0 Scope of the policy**

### **4.1**

The scope of this policy covers how Sunderland City Council, and our tenants can control, manage and eradicate damp, mould and condensation. This includes:

- All housing properties that are tenanted including emergency / temporary accommodation.
- Identifying the types of damp: rising, penetrating, condensation, and internal leaks.
- Identifying the council's responsibilities for dealing with damp, mould, and condensation.
- Identifying the tenants' responsibilities for dealing with damp, mould, and condensation.
- Ensuring our homes are free from hazards at the most dangerous 'category 1' level.
- Ensure our homes are fit to live in.
- Ensure our homes meet the Decent Homes Standard
- Offering guidance, advice, and assistance throughout the process to all tenants living in council properties.
- Identifies situations where the council will not be able to undertake works to rectify condensation damp.

## **5.0 Responsibilities**

### **5.1**

The Senior Manager for Strategic Asset Management has overall responsibility for the policy, ensuring that it is fully implemented.

### **5.2**

The Housing Operations Manager and Senior Manager – Operational Asset Management are responsible for:

- The effective implementation and delivery of the policy.
- Monitoring the performance and delivery.
- Reviewing the policy.

### 5.3

The Repairs and Maintenance Manager and Housing Operations Manager is responsible for:

- Developing the processes and procedures that are in line with the policy.
- Ensure that the policy aims, and terms are adhered to.

## 6.0 Policy

### 6.1 Types of damp

#### 6.1.1 The types of damp covered by the policy.

##### a) Rising Damp

The movement of moisture from the ground rising through the structure of the building through capillary action.

##### b) Penetrating Damp (including internal leaks)

Water penetrating the external structure of the building or internal leaks causing damp, rot and damage to internal surfaces and structure. The cause can be the result of, for example:

- Water ingress due to defective or poor design / workmanship of the structure.
- Defective components for example roof coverings, external wall doors and windows.
- Defective or blocked rainwater gutters and pipes.
- Defective or leaking internal waste pipes, hot and cold water and heating systems.
- Flooding due to burst pipes.

##### c) Condensation Damp

Condensation occurs when moisture held in warm air comes into contact with a cold surface and then condenses producing water droplets. This can take two main forms:

- Surface condensation arising when the inner surface of the structure is cooler than the room air.
- Condensation inside the structure (interstitial) where vapour pressure forces water vapour through porous materials (e.g. walls), which then condenses when it reaches colder conditions within the structure.

The conditions that can increase the risk of condensation are:

- Inadequate ventilation e.g., natural opening windows and trickle / background vents and mechanical extraction in bathrooms and kitchens.
- Inadequate heating, undersized boilers and radiators, draught stripping.
- Inadequate or missing thermal insulation or defective wall and loft insulation.
- High humidity e.g., presence of rising and penetrating damp.
- Poor building design and construction – specific cold areas (bridging) which are integral with the building construction.

Conditions that can lead to condensation are:

- Poor ventilation – not opening windows, blocking up vents not turning on extract fans, not allowing air to circulate around furniture.
- Poor heating – not heating the house which can be a result of fuel poverty.
- Defective insulation –dislodged insulation in lofts.
- High humidity - not covering pans when cooking and drying laundry inside the house can contribute to this.
- Overcrowding.

### **6.1.2**

Mould is a natural organic compound that develops in damp conditions and will only grow on damp surfaces. This is often noticeable and present in situations where condensation damp is present.

## **7.2 The Sunderland City Council's responsibilities**

### **7.2.1**

Sunderland City Council shall investigate to determine the cause of damp and condensation and carry out remedial repairs and actions. We will listen to tenants and take seriously their complaints, including using the organisation's complaints processes to mitigate against any potential future legal action or disrepair cases.

### **7.2.2**

We will utilise our Repairs and Maintenance Team to diagnose the cause of damp correctly and deliver effective solutions based on the ethos of dealing with the cause of the damp not just the symptom and wherever possible "fix first time". Sunderland City Council will triage all cases of damp and mould and utilise a Specialist Preservation Contractor. We will have clear escalation routes, respond within timescale, and identify root causes to prevent the situation happening again. Where possible we will investigate neighbouring properties and similar house types in order to identify trends and issues and have a proactive approach to dealing with damp and mould.

### **7.2.3**

Sunderland City Council will listen to our tenants and their needs to offer a customer focused service. We will communicate with tenants about damp problems they highlight whether they are based on structural issues or whether we need to support tenants to live more comfortably within their homes. Tenants can also report repairs using traditional approaches, in person or on the telephone and via email. We aim to continue to develop information for tenants about how to identify damp problems with their property and provide general advice and guidance on how to manage damp and condensation. Sunderland City Council publicises the complaints process and encourages tenants to make complaints to assist in organisational learning and service development and reduce the future need for complaints.

### **7.2.4**

Sunderland City Council will work with households to maximise their income and offer support via our Strategic Advice Service in relation to fuel poverty.

### **7.2.5**

Sunderland City Council will ensure that all our staff who deliver services or work in our homes will have training from an external company specialising in damp, condensation, and mould. We will ensure all staff are aware of and understand the delivery of the service that will meet the aims of this policy. All staff when visiting our tenants' homes will adopt a '**see it, report it**' approach to damp and mould.

#### **7.2.6**

We will ensure that only competent staff and contractors will be employed to carry out any works and that the tenant's possessions are adequately protected during the works. Competent staff should be in house or specialist contractors who are trained in the ability to identify and report signs of mould and carry out any associated remedial actions.

#### **7.2.7**

Sunderland City council will inform the tenant of the findings of the investigations following a home visit. This will include identifying the possible cause of damp, recommending effective solutions and all necessary remedial works / actions / enhancements and the estimated timescales to complete the works. This will be communicated to the tenant keeping them up to date with their enquiry through the process from inception to completion. Where practicable Sunderland City Council will adopt a whole house approach to property improvements with a clear understanding of how components interact.

#### **7.2.8**

When Sunderland City Council is satisfied that in partnership with the tenant all reasonable efforts in managing condensation damp has been carried out and this has not been successful, the council will visit the property and investigate the matter further.

#### **7.2.9**

Sunderland City Council is responsible for insulating tenants' homes in accordance with Decent Homes Standard to help reduce the likelihood of condensation occurring.

#### **7.2.10**

Sunderland City Council is responsible for maintaining a tenant's home to avoid penetrating and rising damp and for carrying out remedial action if these do occur.

#### **7.2.11**

We will undertake improvement works required to assist in the management and control of condensation damp, for example installation of mechanical extractor fans, fresh air vents, trickle vents, ensuring windows are able to be put in the vent position (without compromising security), repairing existing insulation, etc.

#### **7.2.12**

Sunderland City Council will have regard to the constraints of the existing building design and structure and will take a pragmatic approach in finding appropriate solutions.

#### **7.2.13**

Sunderland City Council will make good internal surfaces following any remedial work.

#### **7.2.14**

A three-stage mould removal process will be carried out by the council where mould is present.

#### **7.2.15**

In some cases, remedial work may not be necessary. Additional support and advice to be given to the tenant on managing and controlling the occurrences of condensation damp.

#### **7.2.16**

Sunderland City Council will make reasonable attempts to access the property to inspect and carry out the works. After two failed appointments, Repairs and Maintenance will escalate the issue to the Housing Operations Team to gain access.

Should a tenant not allow us access into the property to deal with damp and mould Sunderland City Council will treat this as a tenancy breach and may take legal action where necessary.

#### **7.2.17**

Sunderland City Council will not be able to control condensation damp where it is unreasonable or impractical to do so or if any remedial action would be ineffective for example:

Poor construction / design (not meeting current construction and living standards) for example:

- Cold bridging areas in the fabric of the building that cannot be eliminated.

Non habitable rooms / For example:

- Out –buildings /
- Unheated / uninsulated semi external toilets and storerooms.

#### **7.2.18**

We will respond to a report of damp, mould and condensation and complete any remedial works/measures within timescale. However, this may be dependent on the severity and urgency of the problem and on the complexity of the solution of the remedial works/actions required. If remedial works are to be completed out of timescale this must be communicated with the tenant and a mutual timescale agreed. Where issue of damp and mould are present a 'Property MOT' should be carried out and a whole house approach to repairs should be considered.

#### **7.2.19**

Sunderland City Council will provide support to clean and/or redecorate the affected area.

#### **7.2.20**

Where Internal conditions within a home for example, overcrowding and excessive hoarding of personal belongs are influencing the health and wellbeing of the occupants or preventing inspections or remedial works being carried out, Sunderland City Council will provide support and assistance and review the tenant's options this may include moving to more appropriate alternative accommodation.

#### **7.2.21**

We will always endeavour to work in collaboration with the tenant to resolve any issues in relation, to damp and mould, however if this is not possible Sunderland City Council may need to seek legal remedies to carry out the work.

#### **7.2.22**

If it is unsafe for the occupants to remain in the property while the works are carried out, alternative accommodation arrangements will be made. This may be on a day-by-day basis or a temporary decant to an alternative property. The tenant will be supported through this process to find suitable accommodation.

#### **7.2.23**

When a property becomes 'Void' Sunderland City Council will investigate and remedy any work that relates to damp and mould before it is 'relet' to a new tenant. Sunderland City Council will also upgrade any energy efficiency measures whilst the property is void e.g., check the loft insulation is adequate, draught proofing and energy efficient fittings.

Where a tenant wishes to exercise their right to mutually exchange their home. Sunderland City Council will ensure their former home is free from damp and mould and their new prospective home is free from damp and mould.

#### **7.2.24**

When both Sunderland City Council and tenant are satisfied that all work is complete the Housing Management Officer will carry out aftercare visits at 4 weeks and 12 weeks to ensure the situation has been remedied.

#### **7.2.25**

Sunderland City Council will aim to visit each of their properties on an annual basis and carry out a customer care visit and property inspection. Should the Housing Management Officer see any issues relating to damp and mould they will report them immediately and remedy deficiencies promptly.

#### **7.2.26**

The council will ensure that all properties have an Energy Performance Certificate and aim for a band C by 2030. The council will carry out a Stock condition survey every 5 years.

#### **7.2.27**

Sunderland City Council will treat each case of damp and mould individually to prevent assumptions being made. All tenants reporting damp and mould will be treated with respect and empathy.

#### **7.2.28**

Sunderland City Council understand that some tenants may face barriers which may mean they struggle to report damp and mould to their landlord. This may be due to knowledge, language or literacy or communication barriers, personal circumstances, a lack of legal standards and housing rights or the fear of eviction. Sunderland City Council will support these tenants by building trust and working with other professionals who may be able to provide additional support. Types of tenants who may face barriers to reporting include:

- People from ethnic minority backgrounds
- People who have moved to the UK within the past 10 years, including people seeking refuge and foreign students.
- People moving in and out of homelessness and/or in insecure tenures.
- People with a learning and/or neurodiverse condition such as autism.
- People living with a mental health condition.
- People who are dependent on alcohol and/or drugs
- People in receipt of welfare benefits
- People who live in houses of multiple occupation (HMO)
- People without a diagnosed mental health condition or registered disability but with either temporary or on-going support needs.

### **7.2.29**

Sunderland City Council recognise that while damp and mould pose a risk to anyone's health and should always be addressed quickly, it is particularly important that damp and mould is addressed with urgency for the groups identified below as they may be more vulnerable to significant health impacts:

- People with a pre-existing health condition (for example allergies, asthma, COPD, cystic fibrosis, other lung disease and cardiovascular disease) who are at risk of their condition worsening and have a higher risk of developing fungal infections and/or additional allergies.
- People of all ages who have a weakened immune system, such as people who have cancer or are undergoing chemotherapy, people who have had a transplant, or other people who are taking medications that suppress their immune system.
- People living with a mental health condition.
- Pregnant women, their unborn babies and women who have recently give birth, who may have a weakened immune system.
- Children and young people whose organs are still developing and are therefore more likely to suffer from physical conditions such as respiratory problems.
- Children and young people who are at risk of worsening mental health.
- Older people
- People who are bedbound, housebound or have mobility problems making it more difficult for them to get out of a home with damp and mould and into the fresh air.

People who fall into more than one of these categories are likely to be particularly vulnerable to the health impacts of damp and mould. Sunderland City Council will not delay action to await medical evidence or opinion as medical evidence is not a requirement for action.

## **8.3 Tenant responsibilities**

### **8.3.1**

The tenant shall immediately report to Sunderland City Council issues with damp and mould. The tenant must also report faulty equipment that will hamper the management and control of damp and condensation (faulty extract fan, unable to open windows, lack of heating etc.) in accordance with their tenancy agreement. Should a tenant not be happy with how we have dealt with their remedial works in relation to damp and mould they should be escalated through the Sunderland Housing Service Complaints and Compliments Policy.

### **8.3.2**

The tenant shall regularly check for mould and clean signs of mould as soon as they are discovered. Tenants can also help reduce the conditions that lead to condensation damp by:

- a) Keeping the presence of moisture to a minimum e.g., Covering pans when cooking, drying laundry outside, keeping the kitchen or bathroom door closed when cooking or bathing and wipe away condensation from windows and other surfaces.
- b) Adequately heating rooms – ideally between 18 and 21C and keeping humidity between 40-60%. In cold weather, a low background heat during the day can help. If a tenant is worried about the cost of heating, they should let their Housing Management Officer know as soon as possible so they can provide help, advice and assistance.
- c) Keep the house well-ventilated e.g., opening windows when cooking / bathing, turning on and ensuring that the extractor fan is working if applicable, keeping trickle vents in windows open, and allowing air to circulate around furniture. Moving large items of furniture away from walls to allow air circulation can help

### **8.3.3**

Follow all advice and guidance issued by Sunderland City Council on managing and controlling damp and condensation. Further information can be found on Sunderland City Council's website and at [www.gov.uk](http://www.gov.uk)

### **8.3.4**

If all reasonable efforts have been made to manage and control condensation and mould, and this has not been successful contact the council's Housing Operations Team immediately.

### **8.3.5**

If following an inspection by the Repairs and Maintenance Team and the outcome shows that all reasonable measures are in place for the tenant to adequately manage the condensation damp further advice and support will be given to the tenant.

### **8.3.6**

If the tenant fails to take the advice and make reasonable steps to reduce damp or not allow access for remedial works, the council may treat the situation as a tenancy breach.

### **8.3.7**

The tenancy agreement recommends that the tenant arranges adequate household contents insurance.

### **8.3.8**

Redecoration:

- Where remedial works and treatments have been undertaken by the council, the council may offer to redecorate the affected areas.

### **8.3.9**

Tenants should allow access for inspections and for the carrying out of remedial works (in accordance with the tenancy agreement).

- **9.0 Monitoring**

The Senior Manager of Operational Asset Management and the Housing Operations Manager will monitor the effectiveness of the policy in terms of the delivery and whether the policy aims have been met. This will be reported to the Housing Services Monitoring Group Quarterly. The Housing Services Monitoring Group will also receive regular updates on any cases relating to damp and mould and what action has been put in place to remedy the situation.

### **10.0 Review**

The Policy will be reviewed every three years and in response to:

- Legislative changes.
- Council strategy or policy changes; or
- Ineffective policy terms.

## Damp and Mould Procedure

Tenant contacts Customer Service Network to advise they are experiencing damp and mould in their home. The person who is taking the call must determine if the customer has any vulnerabilities as identified in 7.2.29 and advise Housing Management via email to [sunderlandcouncilhousing@ Sunderland.gov.uk](mailto:sunderlandcouncilhousing@ Sunderland.gov.uk) .



The CSN will advise Property Services via GOSS form of the report which will update the repairs database and ensure that the repair works is documented on Technology Forge.



Property Services will visit or instruct a Preservation Specialist to visit the tenant (within 10 working days) to complete a survey/investigation of works. If the issue is classed as an emergency a make safe service will be complete within 24 hours. Provide suitable alternative accommodation if the landlord is unable to complete work to make the home safe within 5 working days, or 24 hours in emergency situations.



Written report issued to tenant within 3 working days of concluding the investigation.



### **Repair**

If after investigation a report finds a hazard that poses significant risk to the health or safety of the resident, the registered provider will commence repair within 5 working days. If the repair will take longer than 5 working days due to the complexity of works, this must be communicated with the tenant and a mutually agreed timescale must be reached.

### **Specialist**

A preservation specialist will survey the tenant's home and develop a scope of works. If after investigation the report finds a hazard that poses significant risk to the health or safety of the resident, the registered provider will commence repair within 5 working days. If the repair will take longer than 5 working days due to the complexity of works, this must be communicated with the tenant and a mutually agreed timescale must be reached.

