

Rother Owned/Leased Accommodation

Damp & Mould Policy

October 2025

1. Purpose

The Council aims to manage damp and mould effectively across all properties, ensuring tenant safety and compliance with legislation.

Condensation and mould in a property are generally caused by a fault with the building (i.e. the landlord's responsibility) or how the building is used by the occupier (i.e. the tenant's responsibility). This Policy sets out broadly how the Council will address the issues of damp and condensation, and any resulting mould that occurs.

The Housing Management Team are committed to providing safe, energy efficient and comfortable homes. We have a responsibility to ensure our homes are safe, healthy, and free from hazards, including damp, condensation, and mould.

The Council will respond to these issues in accordance with this policy and relevant legislation. The Council will work with tenants where mould is present and identify solutions to the problem, some of which will be for the Council to take, and some will be for tenants to implement.

It is also important that tenants report any issues, so we can work quickly to help resolve the problems. We recognise the impact that damp, condensation, and mould can have on our tenants, including distress, inconvenience and concerns about health and wellbeing.

All residential properties owned or managed by the Council have an EPC rating of C or above. The Council is also undertaking an installation programme of AICO gateways with environmental sensors which allows tenants and the Housing Management Team to monitor environmental and structural issues within properties, which will be a pro-active approach to tackling damp and mould, as opposed to re-active.

2. Scope

The scope of this policy covers how the Council's Housing Management Team and tenants can work jointly to control, manage condensation, prevent dampness and remove mould. This includes:

- All residential properties that are tenanted and communal areas, including Housing First, Temporary Accommodation and tied accommodation.
- Identifying the types of damp: rising, penetrating and condensation damp.
- Identifying the Council's responsibilities for dealing with damp, condensation and mould.
- Offering guidance, advice and assistance throughout the process to tenants living in council properties
- Identifying hard to treat situations where the Council will look to alternative solutions.

The Policy will be subject to an annual review.

3. Aims

This policy aims to:

- Re-enforce our zero tolerance to damp, condensation, and mould.
- Ensure that tenants are treated in a fair and consistent way.
- Focus on working in partnership with tenants ensuring that a safe and healthy internal environment is provided.
- Undertake effective investigations and implement all reasonable remedial repair solutions and improvements to get rid of damp including, managing, and controlling condensation.
- Ensure that tenants have access to and/or are provided with comprehensive advice and guidance on managing and controlling damp and condensation.

- Comply with statutory and regulatory requirements and good practice.
- Ensure that the fabric of our properties is protected from deterioration and damage, resulting from damp and condensation.

This policy will:

- Explain the types of damp: rising, penetrating and condensation.
- Identify the Council responsibilities as the landlord for dealing with damp and condensation.
- Identify tenants' responsibilities for dealing with damp and condensation.

4. Legislation

The following is a list of the current legislation that is applicable to this policy:

- **Landlord and Tenant Act 1985** – section 11 landlords must carry out basic repairs within a reasonable timescale
- **Environmental Protection Act 1990** - gives tenants and local councils powers to take legal action where homes contain a 'statutory nuisance', which includes where they are in such a state as to be prejudicial to health.
- **Housing Act 2004** states that properties must be free from hazards at the most dangerous 'category 1' level, as assessed using the Housing Health and Safety Rating System (HHSRS), a risk-based evaluation tool. This includes mould and all types of dampness. 'Category 1' hazard means that an occupier of or visitor to the property may require some form of medical attention over the course of a year.
- **Decent Homes Standard 2006** – social housing must be free of Category 1 hazards and should be in a reasonable state of repair and provide a reasonable degree of thermal comfort. Either disrepair or inadequate thermal comfort of both, may result in damp and mould.
- **Homes (Fitness for Human Habitation) Act 2018** - require that properties are free of hazards, including damp and mould, which are so serious that the dwelling is not reasonably suitable for occupation in that condition. The current occupier may be taken into consideration when determining whether the property is suitable.
- **Hazards in Social Housing (Prescribed Requirements) (England) Regulations 2025** – powers to set time limits for social landlords to address hazards such as damp and mould ('Awaab's Law') with proposed amendment to Landlord and Tenant Act 1985

5. Causes

The most common types of damp are:

Rising Damp – This is the movement of moisture from the ground rising up through the structure of the building, this does not extend above 1.5m meters from the ground.

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, though not limited to, the result of, for example:

- Water ingress.
- Defective components such as 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.

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 (such as walls), which then condenses when it reaches colder conditions within the structure.

Condensation is by far the most common cause of damp and mould within properties, particularly during the winter months. It is often seen as water on windows and is more noticeable when the weather gets colder and the outside temperature drops. Moisture in the air can cause mould growth on walls and ceilings as well as on furniture and possessions.

The risk of condensation can be reduced through:

- **Adequate ventilation** such as, opening windows and trickle vents, air bricks, ensuring space around furniture to assist air flow and mechanical extractors.
- **Adequate heating** such as, energy efficient boilers and radiators which maintain an appropriate heat level.
- **Adequate thermal insulation** such as, wall and loft insulation.

This policy focuses attention on the most common type of dampness, condensation and resultant mould.

6. Landlord Responsibilities

The Council shall investigate to determine the cause of condensation and mould and carry out remedial repairs. Landlords are responsible for structural repairs and tenants for reasonable ventilation and heating. Actions in accordance with the tenancy agreement, include:

- The Council will ensure that remedial work for the treatment of mould or condensation on void properties is undertaken before being let to new tenants.
- Diagnose the cause of condensation and mould correctly and deliver effective solutions based on dealing with the cause of condensation not just the symptom.
- Promote and provide advice and guidance on how to manage mould and condensation, taking into consideration the current social climate.
- The Council will ensure that the relevant staff are aware of and fully understand the procedures and delivery of the service that will meet the aims of this Policy.
- The Council will ensure that competent contractors are employed to carry out any works associated with condensation and mould within the agreed timescales.
- The Council will inform the tenant of the findings of the investigations following the visit through a follow up letter and a copy of the report.
- The Council is responsible for insulating the Council's housing stock properties in accordance with Decent Homes Standard to help reduce the likelihood of condensation, insulation failure and excess mould occurring.
- The 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.
- The Council will undertake reasonable improvement works required to assist in the management and control of condensation.
- The Council will have regard to the constraints of the existing building design and structure and will take a pragmatic approach in finding appropriate solutions.
- The Council will make good internal surfaces following any remedial work. This can include a fungicidal wash down.
- Where internal conditions within a home (for example as a result of overcrowding and excessive hoarding of personal belongs etc) are having an effect on the health and wellbeing

of the occupants, or are preventing inspections or remedial works being carried out, the Council will provide support and assistance to review the tenant's options that may include moving to more appropriate alternative suitable accommodation. Effective remedial action may not be possible in these instances until the situation(s) have been resolved.

- If it is unsafe for the occupants to remain in the property while the works are carried out, alternative accommodation arrangements will be made (see Repairs section). This may be on a day-by-day basis or a move to an alternative property. This will be decided on a case-by-case basis.

7. Tenant Responsibilities

Tenant's responsibilities include:

- Reporting to the Council any concerns over condensation and/or mould, and faulty equipment that could make the management and control of condensation more difficult (e.g. faulty extract fan, unable to open windows, lack of heating etc.).
- The tenant should regularly check for mould and clean signs of mould as soon as they are discovered, reporting any concerns to the Council.
- Allow access for inspections and for the carrying out of remedial works.
- Tenants are asked to manage condensation by reducing the conditions that lead to mould by: keeping moisture levels to a minimum e.g. covering pans when cooking, drying laundry outside, keeping the kitchen or bathroom door closed when cooking or bathing, and adequately heating rooms and keeping humidity between 40-60%. The recommended temperature of the home should be maintained between 18 to 21°C.¹
- Keep the house well-ventilated e.g. opening windows when cooking / bathing, turning on and ensuring that the extractor fan is working, keeping trickle vents in windows open, and allowing air to circulate around furniture.
- If the tenant fails to take the advice and reasonable steps to reduce condensation and mould, this will be viewed as a failure of their tenancy, and the tenant may be charged for any resulting repairs required which are considered to be result of this neglect.

8. Repair Timeframes

Emergency repairs are prioritized, followed by urgent and general repairs.

In line with Awaab's Law, emergency hazards posing imminent risk will be made safe within 24 hours of being reported. Significant hazards will be investigated within 10 working days and remedial works commenced within 14 calendar days of identification.

If statutory timeframes cannot be met due to exceptional circumstances, the Council will provide suitable alternative accommodation and escalate the case to senior management for immediate resolution.

Repairs are classified and will be responded to within the following repair categories and timescales.

9. General repairs

These are routine repairs that do not affect health and safety but do affect comfort and convenience.

We aim to complete general repairs which are not related to heating systems **within 10 working days**. However, some repairs will take longer due to requiring additional works such as scaffolding and these repairs may take longer.

¹ The World Health Organisation, UK Government and Energy Saving Trust

Emergency Repairs

10. Emergency Hazards

An emergency hazard is one that poses 'an imminent and significant risk of harm' to the health or safety of the occupier in the social home. An 'imminent and significant risk of harm' is defined in the regulations as 'a risk of harm to the occupier's health or safety that a reasonable lessor with the relevant knowledge would take steps to **make safe within 24 hours**'. Tenants will receive updates at least every 48 hours during emergency repairs and weekly during significant hazard investigations, via either SMS, email, phone or in person.

'Emergency hazards' are intended to be issues that could cause immediate harm to the mental or physical health or safety of tenants if not addressed quickly i.e. prevalent damp and/or mould that is having a material impact on a tenant's health significant structural defects or disrepair.

Examples of hazards that could be emergency hazards requiring emergency action include, but are not limited to: gas or carbon monoxide leaks broken boilers, total loss of water supply, electrical hazards such as exposed wiring, significant leaks, broken external doors or windows that present a risk to home security, prevalent damp and/or mould that is having a material impact on a tenant's health, significant structural defects or disrepair.

Where there is a gas escape, smell of gas, uncontrollable leak coming from any part of the heating system or reports of fumes. We will aim to respond to these emergencies **within 2 hours of the report** being received and **aim to have completed the repair within 24 hours**. If a CO alarm is activated the resident must leave the property immediately and then contact the Council.

For some of these examples everyone will be potentially vulnerable, such as gas leaks. For others RDC will also consider if the risk is likely to be exacerbated by a specific condition in relation to the tenant or other circumstances (e.g. a broken boiler is likely to be a more severe issue in colder months).

We aim to attend to investigate any emergency repair **within 4 hours** and if we are unable to complete a permanent repair at the time of our first attendance, we will undertake relevant work to ensure the property is safe as soon as is reasonably practicable. We will then aim to **complete any permanent repair follow up within 24 hours**; where we are unable to fulfil this we will provide suitable alternative accommodation until this is resolved.

11. Urgent repairs

Significant hazards

1. A 'significant hazard' is one that poses a significant risk of harm to the health or safety of an occupier of the property.
2. A 'significant risk of harm' is defined in the regulations as 'a risk of harm to the occupier's health or safety that a reasonable lessor with the relevant knowledge would take steps to make safe as a matter of urgency'.
3. These are repairs required to fix any defect which puts the health or security of a tenant or third party at immediate risk or which affects the structure of the building. Examples include no water in the home, serious roof leaks, no power, boarding up a broken window, major plumbing leaks, structural damage, or instability.

If RDC has reason to believe a home is affected by a significant hazard, we will investigate the hazard **within 10 working days** of becoming aware of them:

- I. We will ensure that an investigation is conducted by a person who (in the reasonable opinion of the social landlord) is competent to do so.
- II. This will be a person with the skills and experience necessary to determine whether the social home is affected by a significant or emergency hazard.

Upon investigation, should RDC find there is no significant or emergency hazard, there are no further requirements to respond to this urgently and the issue will be classed as general repair and works carried out in line with the standards for these as shown on page 4.

Potential significant hazards will be investigated as detailed below:

- a. Produce a written summary of investigation findings and provide this to the named tenant within **3 working days** of the conclusion of the investigation.
- b. Undertake relevant safety work within **5 working days** of the investigation concluding, if the investigation identifies a significant hazard.
- c. Begin, or take steps to begin, any further required works within **5 working days** of the investigation concluding, if the investigation identifies a significant or emergency hazard.
- d. If steps cannot be taken to begin work in **5 working days** this must be done as soon as possible, and work must be physically started **within 12 weeks**.
- e. If relevant safety work cannot be completed within specified timeframes secure the provision of suitable alternative accommodation for the household, at the landlord's expense.

If the investigation results in re-classification of a Significant Hazard as an Emergency Hazard, then RDC will take emergency make-safe action within 24hrs and then follow the Potential Emergency Hazard protocol.

See Appendix 1 for Process flow diagram showing further detail.

12. No access

Where damp or mould has been identified either by a tenant or by the Council or a property has been assessed as high risk through the Council's investigations, tenants will be required to allow access for inspections and for the carrying out of remedial works (in accordance with their tenancy agreement).

If the Council considers there to be a health and safety concern for tenants they will consider alternative methods of gaining access, such as seeking an injunction. All properties identified as hard to access or refusal of access will be managed through the Council's standard process.

13. Limitations and Exclusions

The 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 or 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, e.g. out-buildings and sheds that have been converted including linking buildings between the house and outbuilding and other add-on structures.
- Unheated or uninsulated external toilets and storerooms.

14. Assessment of Risk

These are the types of risk factors considered:

Vulnerability Factors

The most at-risk customers are the very young and elderly. This also relates to known medical vulnerabilities such as asthma, allergies, chronic conditions and learning difficulties, where self-management present added complexities. The most at risk therefore fall into the high-risk category with medical/vulnerability present.

Scale and Scope of Damp and Mould

It is important to recognise that not all damp and mould present the same risk to our clients. The most immediate risk, however, relates to severe mould growth which is therefore especially dangerous to those described above. Mould growth within living/habitable rooms is also a factor as well as spread in multiple areas.

Damp from either building fabric failure, DPC or DPM failure (rising damp) leaks through roofing guttering etc. (penetrating damp) and internal leaks also present high risk. Immediate response should be actioned in the most severe/obvious case.

Non-Urgent

Minor instances of mould such as around window frames and in silicon is considered lower risk and should be treated as non-urgent. Once mould appears to any degree on ceilings walls and soft furnishing it becomes higher risk and needs urgent attention.

15. Performance Monitoring

To ensure continuous value for money and effective monitoring of service delivery, the Housing Management Team will report on the following Key Performance Indicators (KPIs) to monitor the completion of works:

- The quality of the works carried out, usually collated by Tenants' Satisfaction responses
- Timely response to initial customer contact
- Timely completion of inspections (e.g. within 24 hours of emergency hazard)
- Number of first-time fixes (Stage 1)
- Timely resolution of damp and mould issues
- Reduction of repeat damp and mould incidents
- Percentage of homes that are free from dampness and mould
- Percentage of tenants who are satisfied with the damp and mould resolution process.
- Number of decants required

KPI monitoring information will be presented annually at Standards Committee.

16. Equalities

The Council aims to ensure its policies promote equality both as a provider of services and as an employer.

Appendix 1.

Awaab's Law

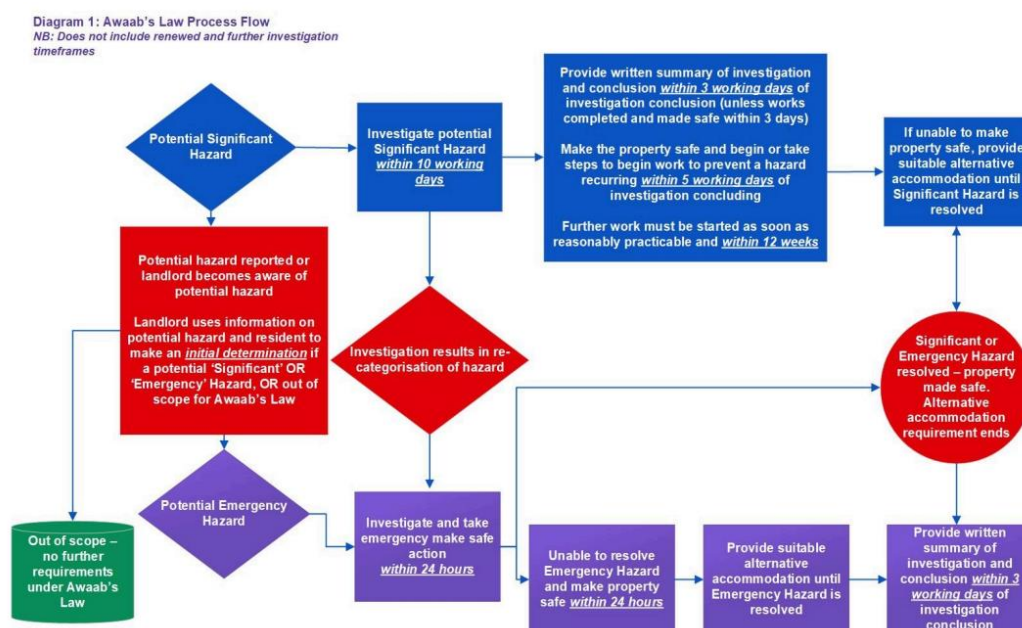


Diagram 1 provides a simplified overview of the process and timeframes under Awaab's Law for addressing significant or emergency hazards. It does not include renewed and further investigations. For full details, please refer to the relevant sections of the guidance.

Commitment to Future Hazard Requirements

In line with Awaab's Law and its phased implementation, the Council will review and update this Repairs Policy annually to incorporate all additional hazards as they become legally prescribed. From 2026, this will include hazards such as excess cold and heat, falls, structural integrity issues, fire safety, electrical safety, and hygiene/food safety. By 2027, the policy will extend to cover all remaining Housing Health and Safety Rating System (HHSRS) hazards, except overcrowding. These updates will ensure that our repairs and maintenance processes remain fully compliant with statutory requirements and continue to protect the health, safety, and wellbeing of our tenants.