

THE DRAFT STRATEGY FOR RESPONDING TO REPORTS OF DAMP, MOULD AND CONDENSATION IN COUNCIL HOMES

1) Aims of the strategy

The aims of the strategy are for the Council to:-

- i) Provide and maintain dry, warm and healthy homes for our tenants.
- ii) Work in partnership with tenants to resolve issues of damp and mould in their home. This will include advising them on ways to reduce condensation.
- iii) Make sure the fabric of our homes is protected from deterioration and damage resulting from damp and mould.
- iv) Make sure responsive repairs to alleviate damp (for example work to guttering and drains, replace tiles etc.) are carried out as quickly and efficiently as possible. This will be to minimise damage to the structure, fixtures and fittings of the property.
- v) Know our stock and the type of properties and components that are likely to suffer from damp and mould.
- vi) Plan resources to respond to higher demand. For example, during the winter months.
- vii) Reduce the number of visits by the main repairs contractor/their sub contractor/other contractors. Plus increase the number/percentage of damp related jobs completed in one visit. (First time fix).
- viii) Increase our monitoring of the works undertaken and completed by the main repairs contractor/ their sub contractor(s).
- ix) Reduce the number of jobs raised to alleviate the results of condensation in tenants' homes. This will be through increasing tenants' knowledge of maintaining their home.

2) Definition of and responsibility for damp and condensation

Damp occurs when a fault in the building's basic structure lets in water from outside. Damp can originate from:-

- Leaking or defective pipes, wastes, drainage and overflows.
- Rain water from defective roof coverings, blocked or leaking gutters and broken pipes.
- Penetrating dampness around windows, through walls and due to raised ground levels.
- Rising damp due to lack of, or no effective damp proof course.

There are three main categories of damp:-

Penetrating damp: This occurs if water (rainwater or otherwise) is coming in through a wall or roof, (for example under a loose roof tile) or through cracks. It can be identified by:-

- Discolouration of internal walls or ceilings.
- The presence of tidemarks or salt deposits.
- Blown or blistered plaster.
- Rusted nails in skirting boards and floor timbers.

Random damp patches to walls and ceilings (at any height) may appear and severe black mould on internal walls and window frames may be present.

Rising damp: This is relatively rare and occurs where there is a problem with the damp proof course (DPC). Rising damp results in bricks becoming porous and means water will flow from the ground level and be carried up the brickwork. This will transfer moisture from wet bricks to dry ones.

Like penetrating damp, rising damp usually leaves a tide mark.

Condensation: This occurs when the moisture in the air becomes cooler and tiny water droplets appear on surfaces. Condensation is caused by:-

- Humidity of indoor air.
- Low temperature.
- Poor ventilation.
- Poor insulation.

Condensation usually happens during cold weather and appears on cold surfaces and places where there is little movement of air. For example in corners of rooms, on or near windows, in or behind furniture. If left untreated, mould will begin to grow.

Note:

i) The Council is responsible for dealing with damp as per the tenancy agreement. (See section 8.1(a): *"We will keep the structure and outside of your home in good repair"*).

ii) The landlord does not have an obligation to remedy condensation as per section 8.2 (g): of the tenancy agreement: *"You are responsible for managing condensation levels inside your property by properly ventilating and heating it. You should not dry wet clothes and possessions inside the property on or by radiators or heaters."*

3) The legal aspects of dealing with damp and mould in the home

i) The Council's tenancy agreement

See sections 8.1(a) and 8.1(g) as detailed in section 2: 'Definition of and responsibility for damp and condensation.'

ii) Landlord and Tenant Act (LTA) (1985)

Under section 11(1) (a) of the LTA, landlords have an obligation to "keep in repair the structure and exterior of the dwelling-house". This is a continuing obligation to keep up the standard of repair throughout the tenancy. It also requires the landlord to put the premises into repair if it was not in good repair at the start of the tenancy.

Due to the duty they owe to tenants, the landlord must repair the defect to the structure/exterior of the property which is resulting in damp. "To keep" means that there must have been some form of deterioration before the landlord is liable to repair. Therefore the mere existence of damp does not automatically mean that disrepair has occurred. Section 11 of the LTA is a legally enforceable obligation under which tenants are entitled to compensation.

The landlord does not have an obligation to remedy condensation. This obligation falls upon the tenant due to their duty to act in a "tenant like manner".

iii) Environmental Protection Act (EPA) (1990)

Any occupier is entitled to take action directly where affected by a statutory nuisance. The process involves serving notice and an application to the Magistrates' Court for an order to abate a nuisance, prohibit its recurrence and requiring the Council (as landlord) to undertake remedial work.

The Courts can impose a fine and breach of any order is an offence. The Court can also require compensation to be paid for personal injury loss or damage for a limited period.

If dissatisfied, action could be taken by way of judicial review or complaint to the Ombudsman.

iv) Housing Health and safety rating system (HHSRS) for rented homes

The HHSRS was introduced under the Housing Act (2004) as a risk based evaluation tool to help local authorities identify and protect against potential risks and hazards to health and safety from any deficiencies identified in dwellings. This assessment method focuses on the hazards that are present in housing and means a higher burden can be placed upon landlords generally to minimise or avoid potential hazards and to review conditions regularly including to rectify damp and mould in properties.

Nationally, under HHSRS ratings, many properties have been found to score highly in the category of environmental hazards due to issues such as a lack of damp proofing or poor ventilation. As a result of such defects and in relation to Council properties, Environmental Health Officers can make a report or send an informal notice to Housing Officers. Tenants are also able to pursue issues by way of Waverley's complaint process and to the Housing Ombudsman.

Environmental Health Officers carrying out HHSRS assessments within the borough of Waverley have not found there are many high scoring damp and mould cases. When Environmental Health Officers see condensation or mould within a property, they will consider whether it is capable of being kept warm at a reasonable expense. If there is condensation, they may still decide that the property has an excess cold hazard, whether or not there is an issue of mould or disrepair.

Guidance on HHSRS provided by the Ministry of Housing, Communities and Local Government can be found at:-

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/9425/150940.pdf

v) Defective Premises Act (DPA) (1972)

Under section 4(1) of the DPA, a duty of care is imposed on landlords to ensure that users of their property are reasonably safe from damage or personal injury attributable to a relevant defect. A tenant may be able to claim compensation if their home has been severely damaged or they have suffered adverse health effects due to the condition of the premises. For example damp and mould.

4) The causes of damp and mould

The most common causes of damp and mould within Council properties are as follows:-

i) Cold bridging: Can be caused by insulation not fully extending into the eaves of a roof, as well as poorly installed cavity wall insulation.

ii) Type and location of radiators: Damp can occur when radiators are located on internal walls, creating colder external walls. Plus the radiators may be too small when compared to the size of a room.

iii) Blocked, broken or covered ventilation: Examples would include blocked air bricks and malfunctioning window vents.

iv) No extractor fans in kitchens, bathrooms and utility rooms: Alternatively, extractor fans may be broken, covered or otherwise malfunctioning.

v) Bridging damp: This occurs when bridging damp from render systems (i.e. the textured surface of a wall) goes below the damp proof course (DPC) to ground level. Also when concrete paving and ground levels are increased.

vi) Penetrating damp from render systems: This could be as a result of render systems exceeding their life span. Plus the mix may be too dense.

vii) Lack of pointing on brickwork: This is where poor or broken pointing (i.e. the finish between bricks) on parts of a brick wall may have created cold spots for condensation and penetrating damp.

viii) Finlock gutters: This type of guttering can become defective and this can lead to leaks, resulting in penetrating damp and cold bridging for condensation.

ix) Leaking guttering: This is where guttering is overflowing or blocked and joints are leaking.

x) Leaking roofs: For example when tiles are missing.

xi) Unvented and condensing tumble dryers: These can produce excessive amounts of water vapour, encouraging condensation.

xii) Lack of adequate ventilation is the primary cause of excessive humidity within the home: However drying clothes on radiators, cooking with lids off pans and even tropical fish tanks all add to the moisture levels within a property.

xiii) Fuel poverty: Fuel poverty is becoming a major factor in the increase in damp and mould problems when tenants are unable to heat their home.

5) Procedure for gathering information and taking action in respect of responsive damp repairs

At the initial point of contact by the tenant, the following steps should be undertaken by the Housing Customer Services Team (HCST):-

i) Establish the cause(s) of the damp, mould or condensation from the discussion with the tenant. Also if appropriate, request they submit photographs of the damp to the Council. On receipt of these, the photographs should be scanned in to Council's

document management system, plus referred to the appropriate Housing Maintenance Inspector.

ii) If the mould is considered to be associated with condensation, the Customer Services Officer within HCST should explain the causes of this to the tenant and how it can be reduced/alleviated. Plus they will inform the tenant they will receive the 'tackling damp, mould and condensation in your home information guidance sheet' (shown as **appendix 2**) that will assist them in managing the cause(s) of the condensation. This advises the tenant to contact the Council **after four weeks** if the damp has still not improved.

iii) The condensation could be caused by a lack of heating in the tenant's home as a result of fuel poverty. If the Customer Services Officer feels there could be an issue with the benefits claimed by the tenant, they should be advised to approach their local Citizens Advice for further advice:-

- Godalming: 36 Bridge Street, Godalming, GU7 1HP. Tel. 03448 487 969.
- Cranleigh: Village Way Cranleigh, GU6 8AF. Tel. 03448 487 969.
- Farnham: Montrose House, South Street, Farnham, GU9 7RN. Tel. 03448 487 969.

iv) In addition if the Customer Services Officer or another member of the Property Services team feels there is an issue relating to the tenant's welfare in respect of their capacity to maintain their tenancy, they will refer the matter to the appropriate officer within the Tenancy and Estates team. This will be to see whether any assistance or support can be provided to the tenant.

v) If the tenant has already received a leaflet, or the diagnosis highlights another cause, the Customer Services Officer will raise an order for either the main repairs contractor or a Housing Maintenance Inspector to visit the property. This will provide specific instructions of the work to be undertaken and be in accordance with the following criteria:-

Cause	Action
Damp on a ceiling and becoming progressively worse.	Raise a job for a plumber to inspect/repair.
Damp on a ceiling with spores/mould and previous advice given.	Raise a job for a Housing Maintenance Inspector to visit.
Constant wet patch surrounded by a ring that becomes bigger after rain.	Raise a job for a Housing Maintenance Inspector to visit.
Constant wet patch surrounded by a ring that becomes bigger every day regardless of rain.	Raise a job for a Housing Maintenance Inspector to visit.
Mould spores in the corner of a room behind furniture.	Raise a job for a Housing Maintenance Inspector to visit.
If the tenant has decorated over a recent leak that has reappeared.	Raise a job for a Housing Maintenance Inspector to visit.

vi) When an inspection in respect of damp is carried out by an officer of the Council or a contractor, where practical they will survey the following:-

1. The heating system.
2. Damp and humidity (which should be measured).
3. Pipework.
4. Rainwater goods.
5. The damp proof course (DPC).
6. Loft insulation.
7. Cavity wall insulation.
8. Thermal imaging.¹

vii) Following the inspection, the results of the survey will be evaluated by the Housing Maintenance Inspector to establish the cause of the problem. **Within five working days of the inspection**, the tenant will be advised by a Customer Services Officer within the HCST of the following:-

- Actions they should take to alleviate the damp/mould.
- Further work the Council will undertake to alleviate the damp/mould and the timescale for this.

viii) **Damp work over £300 will be post inspected by the Housing Maintenance Inspector and undertaken within ten working days of the application for payment being 'Submitted to Client' by the contractor.** Following the post inspection the job will either be passed or failed.

ix) **Damp work over £1000 or that considered to be more major or complex (for example where they adversely affect a number of properties or involve a number of jobs)** should be referred to the Repairs and Voids Manager for consideration and approval. The job will be presented with a fully costed order, together with photograph(s) of the damp work required.

x) **Damp work up to a value of £1000 or of a standard nature will continue to be carried out as lower cost/minor works repairs.** This work will generally be restricted to minor repairs rather than the replacement of components.

6) Preventative and monitoring work

This will include the following:-

i) Further promotion to tenants as to how they can prevent and reduce condensation and report damp/mould in their home. (See 4(ii)). This will be by the following means:-

- The Housing Customer Services team continuing to send the 'tackling damp, mould and condensation in your home information guidance sheet' to those reporting issues associated with condensation in their home.

¹ This will be carried out by a contractor instructed by the Housing Service.

- Incorporating the 'tackling damp, mould and condensation in your home information guidance sheet' within the Council's website.
- Publicising advice on tackling damp, mould and condensation via social media, prior to the commencement of winter.
- Publicising advice on tackling damp, mould and condensation via the Tenants' Panel.
- Publicising advice on tackling damp, mould and condensation at future tenant events. For example, Mutual Exchange roadshows.
- Incorporating the tackling damp, mould and condensation in your home information guidance sheet' within the new tenants' sign up pack.
- Incorporating the tackling damp, mould and condensation in your home information guidance sheet' within quarterly rent statements to tenants.
- Including advice and information relating to damp, mould and condensation within future editions of the Council publication: 'Homes and People.'

ii) **All damp and mould jobs being reviewed by the Asset Manager every six months to assess whether the proposed solution has been effective.** If necessary, he/she will liaise with the Senior Surveyor to assess whether any planned work (for example cavity wall insulation) will be necessary.

iii) In conjunction with ii) above, the Repairs and Voids Manager will identify a list of components most likely to cause damp and liaise with the Council's main repairs contractor and any other contractor to monitor these items. The intention of this process will be to consider whether the replacement of these components could be covered by a cyclical or planned works programme.

iv) Work to alleviate damp in tenants' homes will be identified by the Stock Condition Surveyor within the Asset Management team when carrying out stock condition surveys. This will involve the following actions:-

- Database Support within the Asset Management team to pass any such reports to the Planned Works team (if required) on a weekly basis as a responsive or planned repair.
- Database Support mapping blocks or groups of houses within an area that may be susceptible to damp. This information will be presented to the Repairs and Voids Manager, Senior Surveyor and Asset Manager to make a decision on any planned or programmed work that may be necessary.