

Waverley Borough Council

Report to: EWG: Landlord Services Advisory Board

Date: 29 February 2024

Ward(s) affected: All

Report of Director: Community Wellbeing

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Report Status: Open

Key Decision: No

DLUHC Awaab's law: Consultation on timescales for repairs

1. Executive Summary

This report is intended to share the Awaab's Law proposal, provide officers initial thoughts on the measures and seek the Board's feedback to inform Waverley's consultation response.

2. Recommendation to EWG: Landlord Service Advisory Board

It is recommended that the Board:

- review the proposal made in Awaab's law,
- consider the current process to respond to damp and mould reports in light of the proposals, and
- make comments to inform the Council's response to the consultation.

3. Reason(s) for Recommendation:

3.1 To raise awareness of the proposed legislation and seek Board members views to inform the consultation response.

4. Exemption from publication

4.1 No

5. Purpose of Report

5.1 To share the Awaab's Law proposal, provide officers initial thoughts on the measures and seek the Board's feedback to inform Waverley's consultation response.

6. Strategic Priorities

6.1 The report supports the Council's Corporate commitment to promote "Good quality housing for all income levels and age groups" and aim to "be the best council landlord in the South East and to be acknowledged so by our tenants."

7. Background

7.1 Awaab's Law has been proposed in honour of the tragic death of two-year-old Awaab Ishak in December 2020. Awaab suffered respiratory issues caused by prolonged exposure to black mould in the Rochdale flat where he lived with his family. Despite his parents' complaints to their housing association about the ultimately fatal mould they were having in their home, they were repeatedly ignored. Awaab's law aims to confront the issue of poor housing by recognising the mistakes made by Awaab's death and ensuring social housing landlords are accountable for investigating any hazards, making repairs within strict deadlines as well as assuring tenants' homes are safe and fit to live in.

7.2 The Awaab's Law consultation has been launched by the Housing Secretary, Michael Gove, as part of the amendments to the Social Housing Regulation Act. The law proposes introducing new stricter time limits for social housing providers and forces them to take prompt action when tenants are dealing with dangerous issues such as damp and mould.

7.3 The proposals are wider than the expected damp and mould cases to include all Housing Health Safety Rating System hazards. The consultation runs until 9 March – consultation questions at Annexe One.

7.4 Currently at Waverley, the timescale for dealing with Damp and Mould are to respond in 7 days for urgent cases and 28 days for non-urgent from the date of report. Approximately 300-400 properties are affected by mould every year and in most cases the mould appears to reoccur the following winter.

7.5 Waverley created the Damp Project Working Group to review the Housing Ombudsman Service spotlight report on Damp and Mould and improve the service. The Group developed an action plan to respond to the recommendations, which were reported to LSAB in February 2023. This was followed by the Damp and Mould Policy in July 2023. One of the actions was to recruit a dedicated officer. The team have recently appointed a damp and mould officer who will be in charge on monitoring and responding to cases.

7.6 The current actions available to tackle damp and mould are as follows:

- Mould treatment: apply Bactdet and Halophen to affected wall areas, followed by 2x coats of Biocheck matt performed in 4 four visits.
- Install humidity tracking extractor fans.
- Install Positive Input Ventilation, depending on the gravity of the mould and occupancy.

7.7 When investigating and establishing cause of damp/mould, Policy states that:

All reports of damp and/or mould must be investigated by the Council Thorough inspections using a holistic, whole-house approach must be undertaken, focussing on the fabric of the home. Any reasonable and cost-effective solutions (in line with the Tenancy Agreement see section 8) will be actioned to tackle damp, condensation and mould within timescales specified

8. Consultations

8.1 The primary purpose of Awaab's Law is to set timeframes for social housing landlords to investigate and fix reported health hazards in unsafe homes.

8.2 The consultation seeks views on the specific requirements to be set and how these obligations will impact on residents and landlords. In particular, they are consulting on proposals for:

- timescales for initial investigations of potential hazards;
- requirements to be placed upon landlords to provide written summaries of investigation findings;
- timescales for beginning repair works;
- timescales for completing repair works;
- timescales for emergency repairs;

- the circumstances under which properties should be temporarily decanted to protect residents' health and safety; and
- requirements to be placed upon landlords to maintain adequate record keeping throughout repair works.

8.3 The proposed legal changes would make it mandatory for landlords in England to investigate any hazards within 14 days and start fixing them within a further 7 days. Emergency repairs would also have to be made within 24 hours and failures from landlords to comply with these changes could result in them being taken to court where they may be ordered to pay compensation for to tenants.

8.4 All regulations under the law would also be embedded in tenancy contracts making it possible for tenants to be aware of their landlords' obligations and be empowered to legally demand decent living standards.

9. Proposal

- a. Timescales for initial investigations of potential hazards.

If a registered provider is made aware of a potential hazard in a social home, they must investigate within 14 calendar days to ascertain if there is a hazard.

- b. Requirements to be placed upon landlords to provide written summaries of investigation findings.

Within 14 calendar days of being made aware that there is a potential hazard in a social home, the registered provider must provide a written summary of findings to the resident that includes details of any hazard identified and (if applicable) next steps, including an anticipated timeline for repair and a schedule of works.

c. Timescales for beginning repair works.

If the investigation indicates that a reported hazard poses a significant risk to the health or safety of the resident, the registered provider must begin repair works within 7 calendar days of the written summary being issued.

d. Timescales for completing repair works.

The registered provider must satisfactorily complete repair works within a reasonable time period. The resident should be informed of this time period and their needs should be considered.

e. Timescales for emergency repairs

Hazards that pose significant and imminent danger to residents will require faster action and should be treated as an emergency by the landlord. For example:

- Gas leaks
- Broken boilers
- Lack 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 mould that is impacting a resident's ability to breathe

The registered provider must action emergency repairs as soon as practicable and, in any event, within 24 hours.

f. The circumstances under which properties should be temporarily decanted to protect residents' health and safety.

In the event that the investigation finds a hazard that poses a significant, or a significant and imminent, risk of harm or danger, and the property cannot be made safe within the specified timescales for Awaab's Law, the registered provider must offer to arrange for the occupant(s) to stay in suitable alternative accommodation until it is safe to return.

g. Requirements to be placed upon landlords to maintain adequate record keeping throughout repair works.

The registered provider will be expected to keep clear records of all attempts to comply with the proposals, including records of all correspondence with the resident(s) and any contractors. If the registered provider makes all reasonable attempts to comply with the timescales but is unable to for reasons genuinely beyond their control, they will be expected to provide a record of the reasons that prevented them from doing so

10. Officer response to proposals

10.1 The team welcome the legislation to give provide greater safety to tenants and:

- i agreed timescales- but need to work with contractor to review/amend contract and timescales for works.
- ii debated about "reasonable time", recognised that tenants to be kept notified of works ordered and timescales.
- iii noted the need to ensure clear process to identify /triage cases that present significant risk to health.
- iv believe that Awaab's Law Legislation needs to reflect right to repair timescales.
- v identified need to improve case management and reporting processes, to ensure clear tenant communications.
- vi noted good practice that Waverley process already includes 6- and 12-month check/reviews.

- vii the property services team have recently undertaken HHSRS training.
- viii recognised the investment required for record keeping, analysis and monitoring of hazards and actions.
- ix recognised additional resources will be required for tenancy amendment – if statute is there a need to change tenancy agreements, and
- x noted need to be proactive in recognising hazards. To use Stock Condition Survey data.

11. Legal Implications

No immediate legal implications. Maintaining homes that are safe and in good condition is a core function of all social landlords.

12. Key Risks

12.1 Not applicable - no decision

13. Equality and Diversity Implications

13.1 Not applicable - no decision

14. Climate Change/Sustainability Implications

14.1 Not applicable - no decision 15. Summary of Options

17.1 Not applicable - no decision

15. Conclusion

15.1 The officer team welcome the proposal in Awaab's law to protect social housing tenants and ensure all landlords response and resolve damp and mould case in a timely manner.

15.2 Tackling damp and mould is important to prevent and mitigate the damaging aspects for tenants, staff and the property asset itself. It is

fundamental that the sector has clear and strict directives specifically directing how damp and mould will be managed and resolved. This will ensure clarity for all staff, stakeholders and tenants as well as managing expectations and meeting best practice.

15.3 Whilst Damp and Mould have been the key subject in this report, it is fundamental that the council can also adopted same open and accountable approach when dealing with all other 29 hazards listed by the HSSR. See Annexe Two.

17. Background Papers

17.1 Awaab's Law: Consultation on timescales for repairs in the social rented sector (January 2024)

17.2 Understanding and addressing the health risks of damp and mould in the home (September 2023)

18. Appendices

18.1 Annexe 1 Consultation Questions

18.2 Annexe 2 Hazards considered by Awaab's law

18.3 Annexe 3 Health Risks of Damp and Mould

Please ensure the following service areas have signed off your report.
Please complete this box, and do not delete.

Service	Sign off date
Finance / S.151 Officer	Not required
Legal / Governance	Not required
HR	Not required
Equalities	Not required
Lead Councillor	8 February 2024
CMB	Not required
Executive Briefing/Liaison	Not required
Committee Services	