

# Tackling Damp and Mould Growth in the Private Rented Sector

PRS Housing Enforcement Service

## 1. Purpose

Southwark Council is committed to ensuring that tenants in the private rented sector live in safe and healthy homes. The Council will use its enforcement powers to hold private landlords accountable for addressing damp and mould issues and protecting tenants' health and wellbeing. This policy outlines how the Southwark Council will identify, assess, and enforce actions related to damp and mould growth in privately rented properties. The objective is to ensure that tenants in the private rented sector live in safe, healthy homes free from damp and mould, in compliance with the Housing Act 2004 and UK Government guidance.

## 2. Legal Framework

2.1. This policy is underpinned by the following legislation and guidance:

- Housing Act 2004 (including the Housing Health and Safety Rating System (HHSRS))
- Environmental Protection Act 1990 (Section 79 to 82)
- Minimum Level of Energy Efficiency standard
- UK Government Guidance on Damp and Mould
- Awaab's Law (as proposals under the Renter's Right's Bill look to extend the law to included privately rented properties)
- Decent Home Standard (Private Rented Sector) when introduced under the Renter's Right's Bill.
- Works to the heating and ventilation systems and replacement of windows are all controlled work. When undertaking controlled work, landlords must comply with the Building Regulations 2010.

## 3. Scope

3.1. This policy applies exclusively to privately rented properties within the borough of Southwark. It addresses instances where damp and mould pose a health or safety risk to tenants as defined by the HHSRS.

3.2. Please see our website [here](#) for information on damp and mould in council housing.

3.3. Tenants of Housing Associations or other Registered Social Landlords must refer to their landlord's websites to make a complaint about damp and mould. See our website for more information here. All Housing Associations that operate in Southwark have specific damp and mould information on their websites as follows:

- [Peabody - Damp, mould and condensation](#)
- [Clarion Housing Group - Leaks, condensation, damp, and mould](#)
- [Hyde - Tackling damp, mould and condensation](#)
- [L&Q \(London & Quadrant\) - Damp and mould](#)
- [Optivo/Southern Housing - Damp and mould](#)
- [Sanctuary Housing – How we manage reports of Damp and Mould](#)

- [Wandle - Working together to beat damp and mould](#)
- [Hexagon – Condensation, Damp & Mould](#)
- [Octavia - Condensation, damp or mould](#)
- [Guinness - Damp, Mould and Condensation](#)

## 4. Definitions

### 4.1.



Condensation damp happens when moisture generated inside the home cools and condenses onto colder parts of the buildings (for example window frames, corners and low points on walls behind sofas or wardrobes). This is the most common form of damp.



Rising damp is moisture from the ground that rises up through parts of the buildings in contact with the ground (walls and floors); it is usually found in older properties and is often misdiagnosed. It can be identified through visual inspection; however chemical testing is the most appropriate way of confirming it. Often it is due to defective damp proof courses and membranes.



Penetrating damp is water that gets into the building from outside due to defects in the walls, roofs, windows or floors.

4.2. Mould is a type of fungus which grows in moist environments. Mould can cause adverse health effects as well as damage to buildings.



4.3. Category 1 Hazard: A serious and immediate risk to health or safety under HHSRS.

4.4. Category 2 Hazard: A significant but less serious or urgent risk under HHSRS.

## 5. Policy Principles

- 5.1. Tenants should report damp and mould to your landlord or agent before contacting the council unless their landlord has a history of threatening behaviour or harassment towards them.
- 5.2. Tenants and those acting on their behalf can access the Housing Enforcement Service for help with damp and mould in a number of ways:
- Phone the council call centre on 0207 525 5200
  - Email the service directly at [resi@southwark.gov.uk](mailto:resi@southwark.gov.uk)
  - Use the online reporting form [here](#) (recommended as the quickest way to contact the service)

### 5.3. Prioritisation of Cases

- The service aims to respond to service requests within 3 working days. Priority is given to reports of damp and mould.
- Severe and urgent cases: Additional priority is given to cases where damp and mould have caused or are likely to cause serious harm to health (i.e. likely to be a category 1 hazard).
- Vulnerable tenants: Expedited attention will be given to properties housing children under 5, elderly individuals, or tenants with pre-existing health conditions.

### 5.4. Investigative Process - When a complaint about damp and mould is received:

- Initial Inspection: Conduct an HHSRS assessment to determine the presence and severity of hazards. Identify the root cause of damp and mould (e.g., structural issues, lack of maintenance, or tenant-related factors).
- Tenant Support: Provide advice to tenants on minimising condensation and reporting maintenance issues. Signpost tenants to additional support services, if necessary.
- Enforcement Actions: Unless the landlord is already actively taking steps to remedy the hazard enforcement action will be taken as set out below.

### 5.5. Enforcement Actions

- Environmental Protection Act 1990 Notice (Section 80): Require property owners to carry out remedial works within a specific period usually where the dampness is caused by a neighbouring property and therefore constitutes a statutory nuisance.
- Improvement Notices (Section 11 and 12, Housing Act 2004): Require landlords to carry out remedial works to reduce or eliminate a category 1 or category 2 hazard within a specific period.
- Prohibition Orders (Section 20, Housing Act 2004): Restrict use of the property or part of the property if it poses a severe health risk especially in cases where a remedy is not possible.

- **Emergency Remedial Action:** If there is an imminent risk to health, the Council may carry out remedial works and recover the costs from the landlord.

#### 5.6. Prosecution and Civil Penalties

Where a landlord or property owner fails to comply with the enforcement actions detailed above one or more of the following actions will be undertaken by the council:

- **Civil Penalties:** Fines of up to £30,000 may be imposed under the Housing and Planning Act 2016 for non-compliance.
- **Prosecution:** Serious or repeat offences may result in prosecution.
- the Council carries out remedial works in the owners/landlords default and recovers the costs from the owner/landlord.

#### 5.7. Monitoring and Follow-Up

- Regular inspections will ensure compliance with enforcement notices.
- Cases will be reviewed periodically to evaluate the effectiveness of enforcement actions.

#### 5.8. Rent Repayment Orders

Tenants may apply for a Rent Repayment Order where landlords fail to comply with statutory enforcement notices. Tenants who wish to take such action can access free advocacy services from organisations such as [Justice for Tenants](#). The Council will provide evidence the formal action taken to assist in obtaining the order.

#### 5.9. Collaboration with Stakeholders

- **Landlords and Letting Agents:** Promote awareness of legal responsibilities for property maintenance and proactive damp prevention.
- **Tenants:** Educate tenants on recognising and reporting damp and mould issues.

#### 5.10. Public Awareness and Communication

The Council will provide clear information to tenants and landlords, including:

- Guidance on reporting damp and mould issues.
- Landlords' responsibilities under housing legislation.
- Tenants' rights under the Homes (Fitness for Human Habitation) Act 2018.

## 6. Private Rented Sector Damp and Mould Action Plan

6.1. The following action plan was introduced in 2023

Action		New or existing action	How will we measure success
Enforcement action	Take enforcement action against damp and mould where there is a category 1 or significant category 2 hazard (D) under the Housing Health and Safety Rating System.	Existing	Number of formal and informal enforcement actions taken per year
	Utilise property licensing to proactively identify properties with damp and mould	Existing	Number of proactive inspections
Improve data collection	Change the way complaints, referrals and proactive inspections are recorded so that cases with damp and mould hazards can be reported on.	New	Number of damp and mould cases recorded
Increase awareness	Increase awareness of the health impacts of damp and mould	New	N/A
Improve energy efficiency	Enforce MEES legislation to ensure PRS homes are compliant	Existing	Number of properties previously with an EPC of F or G where improvements have been made to an E or above per year
	Support landlords to improve the energy efficiency of their properties	Existing	Number of applications made for schemes and grants
	Encourage landlords to improve the energy efficiency of their properties to C or above (Gold Standard Charter)	Existing	Number of properties previously with an EPC of D or E where improvements have been made to a C or above per year Number of properties that

<p>Refresher training on damp and mould for enforcement officers</p>	<p>Ensure all staff have attended the latest training on damp and mould, identifying and most appropriate remediation for enforcement and advice to landlords.</p>	<p>New</p>	<p>All staff have attended a specific damp and mould training course and will attend refresher training every year. Any new staff will need to attend a specific damp and mould training course.</p>
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