Damp & Mould Review 2022

Mid Devon Housing
People · Homes · Communities

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1. Introduction

1.1. This report will summarise the findings of a review of the prevalence, causes and effects of damp and mould affecting Mid Devon Housing's (MDH) council housing stock.

1.2. Damp and mould issues have a significant impact on tenants and housing providers alike, both in terms of financial effects and health impact. With a rise in legal disrepair claims, media coverage and focus from bodies such as the Housing Ombudsman Service, it is essential to better understand the relationship between housing providers, tenants and damp.

1.3. Recent key publications, for example the Housing Ombudsman Spotlight report on damp and mould (housing-ombudsman.org.uk) highlight the changing attitudes toward causes of and responsibility for damp and black mould in rented homes.

1.4. Black mould is almost exclusively caused by condensation, and has in most cases been referred to as a 'lifestyle' problem. Whilst this may be in some ways accurate, recent feedback has suggested that this terminology can lead to tenants feeling abandoned and unsupported. There is a greater recognition that whilst lifestyle changes can reduce or eliminate black mould, some tenants are unable to make such changes, due to reasons including education levels, disability or fuel poverty.

It is also recognised that long term condensation can lead to permanent damage to the building, increased void costs and increased litigation risk. In addition, social landlords are ever increasingly expected to lead the way in terms of acting to improve stock to make condensation easier to manage.

1.5. The amount of Legal Disrepair Claims have steadily risen in recent years and rose further following introduction of The Homes (Fitness for Human Habitation) Act 2018.This has prompted a number of authorities to review and adapt their approach to repair and disrepair, especially in relation to damp and mould, which is a regular feature of most claims.

1.6. Lambeth Council, for example, has recently proposed a disrepair project, with an aim to reduce its disrepair liability. Lambeth had approximately 24,000 dwellings in 2020. The report notes that in 2019/20, the average settlement was £6,500 with a total annual spend of £2,716,198 comprising legal costs and compensation. This increased to £3,179,652 in 2020/21. Disrepair liabilities do seem to vary across varying councils and geographical locations, but if Mid Devon District Council were to experience the same level of disrepair claims, a comparable annual liability could be estimated at around £340,000.

2. Demographics

2.1. The graphics below provide a snapshot of housing stock at the end of 2021.

2.2. Reliance of electric heating can be a key contributor to fuel poverty and the ability to maintain even temperatures throughout the day.

2.3. Older properties and non-traditional building such as Cornish Units, are known to have some poor thermal properties.

2.4. Gas Network data suggests that within the Mid Devon District 51.7% of properties are 'off-gas' and 12.8% of households are in fuel poverty.

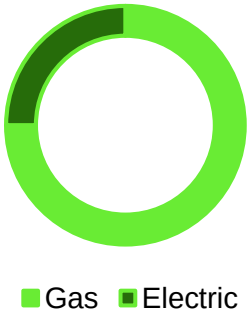
2.5. Within the Council's Housing Stock (Mid Devon Housing):

Total number of homes ~ 3000

Average age of property ~ 59 years

Non-traditional build i.e. Cornish unit ~ 11%

Heating Type



2.6. The average MDH tenant is 54 years old

2.7. Percentage of homes with access meeting Decent Homes Standard >99%.

2.8. Using data showing all repairs and inspections completed between 2015 and 2021, using the words 'mould' or 'damp' in the Schedule of Rates (SOR), the following conclusions can be formed:

- 24% of all homes have received damp and mould relating inspections or works in the past 5 years. This doesn't necessarily mean that this percentage of homes are currently experiencing mould, but it is a good indicator of the extent of the issue.

- There are 29 streets in which 50% or more have been affected by mould. In some cases, this data is likely to be skewed by low numbers of properties owned, i.e. 1 of only 2 properties owned has reported mould. Removing these, the streets most likely to suffer from mould are: Ashley Close, Authers Heights, Bowden Hill, Boyes Close, Dartmoor View, East End, Ham Place, Hermes Avenue, Higher Cotteylands, Hunivers Place, Lea View, Long Mead,

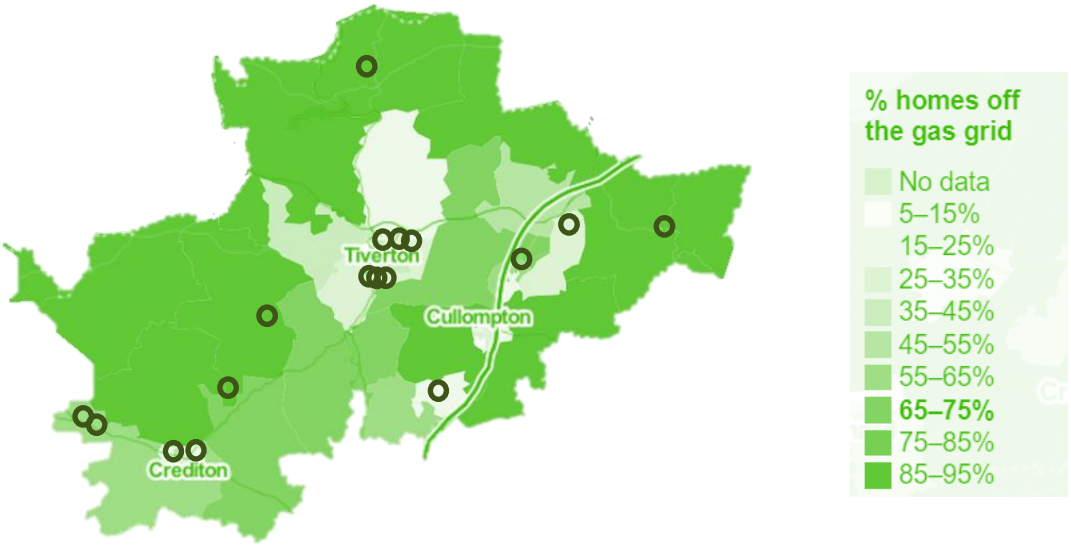
Lower Cotteylands, Moorhayes Bungalows, Moorland View, Prowses, Westfield, Westgate, Wingfield Close.

- On the other hand, there were 26 streets in which there were no repairs or inspections relating to mould, which include: Barnfield Close, Bewsley Hill, Bowdens Lane, Brady Close, Britton Close, Cameron Close, Coleridge Road, Coles Mead, East Street, Exon Buildings, Fosterlea, Harts Row, Higher Wellbrook Street, Lilac Road, Little Meadow, Marshall Close, Oakridge, Orchard View, Prospect Place, Silver Park, Somerville Park, Thurlow Close, Tumbling Fields, Vickery Close, Western Road and Wordland Cross.

- Likely contributory factors affecting some of the streets above include: flats housing people in temporary accommodation, off-gas properties, properties in exposed locations, poor insulation details, cold spots in cavity insulation, age of tenants, duration of tenure, bradstone block construction with a smaller cavity, use of calor gas heaters, removal of solid fuel

- Another interesting point is also that the absence of damp and mould in some entire streets of Cornish Units or off-gas areas, does suggest that these features cannot be sole causes of damp and mould. It suggests that it is more likely that these features could instead make it harder for some tenants to manage lifestyle related condensation, compared with living in a more modern home. .

2.9. The graphic below demonstrates an overlay of the streets most affected by damp and mould (circled) in comparison with incidence of off-gas properties. As noted above, this suggests that damp and mould is just as likely to occur in properties with access to gas central heating, as to those without. It is likely that this may change following the 2022 energy cost increase which is likely to affect users of electric heating more so than those of gas.



3. Existing research on condensation relating damp and mould:

3.1. A limited research project carried out by USwitch suggested that 8.4% of people in the South West of England have mould in their homes. By comparison, the most affected are Londoners at 27.4% and least affected, only 2.3% of people in Plymouth.

3.2. During the period of the report, MDDC reported costs in the region of £7,754 in relation to managing black mould, although this is a conservative amount, as it does not include the cost of diagnosing mould, making improvements or dealing with structural damp. This cost is increasing as more is done to support tenants with black mould, although the costs will likely be offset by a reduction in void costs.

3.3. Respondents of the USwitch report agreed that mould had affected their health in some way. While being around mould may cause minor illnesses like a runny nose or coughing, for those with asthma, mould allergies, and weakened immune systems, it can trigger a much stronger reaction. In the survey, 9% of respondents believe that the mould in their home led to them having an asthma attack and 10% of people believe that it compromised their immune system. But aside from the physical issues people have encountered due to their mouldy homes, mental health has also been affected with 13% of people stating that it's made them depressed. (USwitch report)

3.4. The study suggests that those who are younger are more likely to have been blamed for mould growing in their home (44% of 16-24 year olds compared to 11% of over 55's), with men (57%) bearing the brunt of this. But as for the reasons these people have been blamed, it may be due to the following (USwitch report):

- *"40% of those who've had mould dried their clothes indoors.*

- *11% confessed to keeping the shower curtain folded when wet.*
- *22% left the kitchen or bathroom door open when cooking or showering.*
- *and 12% admitted to having a cluttered home"*

3.5. Although unclear whether these statistics relate to all respondents, or only those with mould, the report suggested that 46% of people struggled to pay their heating bills and may have not been able to keep their home adequately warm to prevent it. Out of this group, young adults aged between 25-34 struggled most, whereas those aged 55+ struggled least. 5% of people admitted to not having the heating on at all when they had mould. (USwitch report)

3.6. It's worth noting that one particular type of mould is associated with condensation: aspergillus Niger. Appearing as a patch of small black spots, this mould prefers pure condensed water, so it's a good indicator that the problem is condensation rather than other forms of dampness. The key step for solving condensation is the provision of controlled ventilation. This may be as simple as opening window for a period or might require the installation of mechanical ventilation in the form of humidity-controlled extractor fan and/or whole house ventilation system. If a person inhales the mould spores this can then cause the immune system to create an allergic reaction as it is trying to defend itself from an unknown entity entering the body, causing wheezing and coughing.

4. Whose responsibility is damp and mould?

4.1. The MDDC tenancy agreement states that the landlord is responsible for keeping in repair:

- "the structure and exterior of your Property, including chimneys and chimney stacks, roofs, external walls and doors, window frames, internal walls, floors, ceilings, skirting boards, doors and door frames;
- gutters, drains, sewers and external pipes (except those adopted by a water company);
- service installations where originally fitted or adopted by us, such as those provided for the supply of water, gas, electricity (but not the Solar PV Panel System);
- sanitation wear, such as basins, sinks, baths, toilets and installations for room and water heating;
- the external decoration of your Property in accordance with our programmed cycle for such work; (any Communal parts of the building will be treated in the same way);
- integral garages and outhouses;
- communal areas, such as door entry systems, aerial systems and other installations provided by us, hallways, stairways, lifts and other common parts;

- pathways, walkways, hallways, balconies, passageways, alleys, garage access ways, steps or other means of access (that are owned by the Council)."

4.2. The MDDC tenancy agreement states that the tenant is responsible for:

- "reducing damp, mould and condensation through ventilation and controlling moisture. If we inspect your Property to resolve damp issues and these are found to be due to lifestyle choices, we may refuse to put them right or recharge you for carrying out any works."

4.3. Legislation and common law relevant to damp, mould and general disrepair include:

4.3.1. Section 4 Defective Premises Act 1972, which states that:

- The landlord owes a 'duty of care'
- To take such care as is reasonable in all the circumstances to see that the tenant (and anyone else who might be affected) is reasonably safe from personal injury or damage to property caused by a relevant defect
- Landlord cannot be liable under s4 for injury or damage caused by something that the tenant is responsible for repairing.

4.3.2. Section 9A Fitness for Human Habitation obliges a landlord to ensure that properties let:

- Are fit for human habitation at the time the tenancy is granted and
- Will remain fit for human habitation during the term of the tenancy
- Applies to common parts and/or retained parts that the landlord has an interest in

4.3.3. The Homes (Fitness for Human Habitation) Act 2018, amended the Landlord and Tenant Act 1985 and requires all landlords, to ensure that the homes they let are fit for human habitation.

4.3.4. Section 10 of the Landlord and Tenant Act provides that in determining whether a house is unfit for human habitation regard shall be had to its condition in respect of the following matters:

- Repair
- Water supply
- Stability
- Ventilation
- Freedom from damp
- Natural lighting
- Internal arrangement

- Drainage and sanitary conveniences
- Facilities for preparation and cooking of food and for the disposal of waste water

And the house shall be regardless as unfit for human habitation if, and only if, it is so far defective in one or more of those matters that it is not reasonably suitable for occupation in that condition.

4.3.5. Section 11 of the Landlord and Tenant Act 1985 provides an obligation on landlords to maintain the exterior and structure of the rentals property. This includes installations for the provision of water, heating systems, drainage, sanitary appliances and gas and electricity. It ensures a rented property is kept in a good state of repair.

There are two fundamental repair and maintenance requirements that a landlord must adhere to when renting a private dwelling.

Section 11 states that landlords must:

Keep in repair the structure and exterior of the building, including roof tiles, gutters, drains and pipes. […]

Keep in repair and proper working order the installations for water, gas, and electricity plus basins, sinks, baths and toilets. This includes water tanks and pipes, gas pipes, boilers, electrical wiring, radiators and any other installation for space heating and water heating.

It's worth pointing out that the terms "keep in repair" and "proper working order" imply that everything was in good repair and working at the start of the tenancy. If this was not the case, then under the Act the landlord has an obligation to bring the property up to standard and ensures repairs are carried out in a timely manner.

What are the tenant's responsibilities under section 11?

Section 11 states that the lessee has a "duty to use the premises in a tenant-like manner". In essence, this means that tenants are expected to take good care of the dwelling, carry out daily maintenance tasks and not do anything that directly leads to a deterioration of the fabric of the building or the installations and facilities provided.

For example, they should: […]

Keep the dwelling clean

Heat and ventilate the property appropriately […]

A landlord only has to repair the dwelling back to the standard it was when the tenant moved in, as long as the condition was satisfactory at that time. They are not

required to upgrade or improve any part of the property, unless agreed in the tenancy agreement.

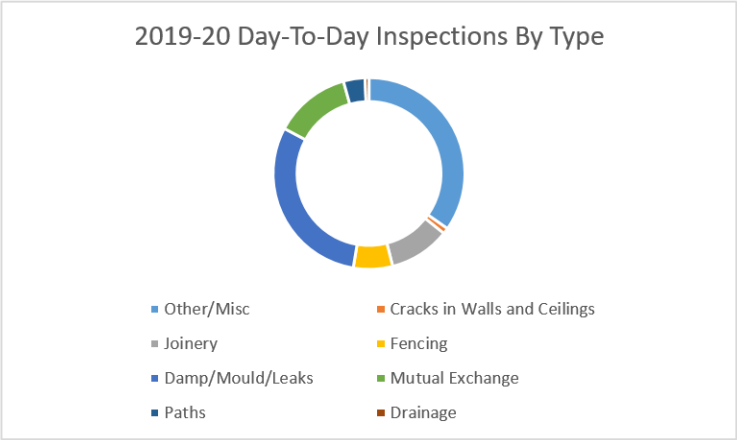
4.4. The USwitch study highlighted that 40% of people wouldn't clean mould themselves if they were in a rented home, with 64% of people believing mould is solely the landlord or letting agency's responsibility. The report highlighted that it's not a black and white issue, with responsibility falling on both parties.

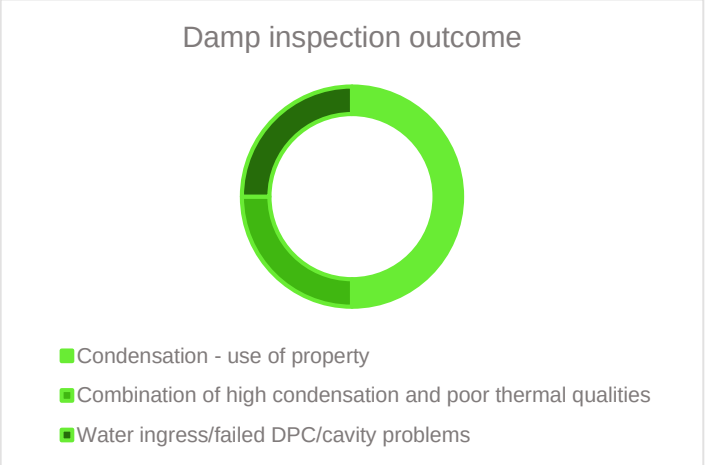
5. Numbers and Types of Inspections

5.1. Between 2015 and 2021, 1117 jobs and inspections related to mould. This includes damp inspections, delivery of mould packs, and mould treatment. This represents 223 jobs and inspections every year just to identify and treat mould, as well as supporting tenants to do so themselves. The cost of this is a minimum of £10k pa. This does not include repairs or improvements carried out to reduce damp or mould.

5.2. During the 2019-20 financial period, a total of 302 inspections were carried out, with types split as below.

5.3. Damp, mould and (unidentified) leaks represent more than 30% of all inspection requests, more than any other inspection type.





5.4. When assessed the previous year, it was estimated that of these damp, mould and leak inspections, the outcomes were determined to be roughly 50% lifestyle related condensation i.e. where there were no evident building defects, 25% structural issue or ingress and 25% a combination of both.

6. Current damp, mould & condensation procedures

6.1. Tenants calling to report damp or mould for the first time will go through a customer call centre. A scripted system compiled with knowledge from decades of experience in council housing and building pathology will lead to a number of potential actions, or a combination of actions.

The quality of the outcome, is however, very much dependent on the information given by the tenant and the call handler recording it. In principle, the script will help to diagnose and rule out contributing factors such as penetrating damp, leaks, missing insulation, mechanical ventilation issues or rising damp.

6.2. Where any black mould is present, a ‘mould treatment pack’ is offered and delivered to the tenant, often alongside an inspection or repair. Within the mould treatment pack is an advice leaflet. The leaflet advises tenants to call back if after treating mould and following guidance, they still have damp and mould issues. At this point an inspection is arranged, and further repairs or lifestyle advice might be given.

6.3. An inspection will normally focus on the area of damp and/or mould, identifying any contributory factors including penetrating damp, insulation issues, mechanical/background ventilation issues, plumbing leaks, structural issues and lifestyle related condensation issues. Protimeter readings may be taken as an indication of surface only moisture or possible structural dampness. Common recommendations include:

- Plumbing repairs
- Roofing repairs
- Drainage repairs
- Major works i.e. re-roofing, re-rendering, re-pointing, major drainage works, heating upgrade.
- Extractor fan repair/installations
- Trickle vent installations
- Cavity Wall Insulation boroscope checks
- Loft insulation loft up
- DPC injections
- Thermal boarding
- Survey with a view to PIV unit installation (since early 2021)
- Mould pack delivery
- Advice for tenants on positive lifestyle changes.

6.4. Where a tenant disputes the outcome of an investigation, in some circumstances, an independent specialist survey is carried out by a RICS surveyor.

6.5. There is currently very little in the way of enforcement of the tenant responsibility side of damp and mould, nor ongoing monitoring or educational support.

7. Diagnosis methods and tools

7.1. Our current diagnosis methods consist of:

7.1.1. Visual indicators and observations

- Wet patch or brown stain on ceiling – suspected roof leak
- Clear droplets on ceiling – check loft insulation, if dry, likely excessive condensation
- Damp at low level with tide mark and/or salts present. Suspected rising damp, check cavity and external ground level.
- Black mould – no pattern – condensation
- Black mould – defined lines – condensation with insulation issue.
- Water staining around bathroom, kitchen, central heating – likely plumbing leak.
- Moisture staining on external walls with no black mould – possible penetrating damp – check cavity and render/pointing condition.
- Damp mark on chimney breast – check chimney and flashing condition. Consider hydroscopic salts from flue.

7.2. Protimeter readings – used only as a tool to determine if a wall is dry or if there is a possible issue. In line with guidance, high readings might not indicate damp, as the readings indicate high electrical conductivity, which could relate to moisture content, but could also be impacted by foil backed plasterboard, cabling or salts.

7.3. Due to budget consideration, we work through a process of elimination, rather than carrying out major works before diagnosing simple fixes.

7.4. The impact of condensation on diagnosis can be high, especially in cases of extreme condensation. We have seen cases in buildings with no defects of condensation presenting as significant roof leaks. Over a long period, this could deteriorate the condition of the fabric of the building.

7.5. MDH do not currently use other diagnostic tools such as calcium carbide or salts testing. Where the cause of damp is complex or disputed, we do use specialist surveyors.

7.6. We use similar methodology to that described in the Good repair guide 5. Diagnosing the causes of dampness (GR 5 revised) : BREbookshop.com and BRE – rising damp in walls. 3. Rising Damp in walls - Bre.pdf (isse.org.uk)

8. Mould Treatment Packs – are they useful?

8.1. Mould packs supplied by MDDC are designed to support tenants in their duty to clean their homes and treat mould, in recognition that many tenants may disagree that it is their responsibility or may not have funds available to purchase specialist treatment on top of their normal cleaning product budget.

8.2. The ‘Mould Treatment Pack’ is supplied and delivered free of charge and contains:

- Fugicidal treatment
- Fungicidal additive for paint

- Gloves
- Safety goggles
- A paint brush
- A Bucket
- The MDDC Damp, Mould & Condensation Guidance Leaflet.

8.3. In 2018-19 MDDC delivered 56 mould packs to tenants

8.4. Looking at the properties in receipt of these, and overall repairs data between 2007 and 2021, some patterns can be found:

8.5. Of all properties receiving a mould pack in 2018/19, 32% also received some remedial repairs works to accompany the mould pack. Of these, 55% had no further reports of damp and mould between receipt and review in 2021.

8.6. Of all of the properties receiving only guidance and a mould treatment pack, 55% did not report further damp issues.

8.7. Of all of the properties receiving a mould pack and no remedial works, 82% had not received reports of damp or mould during a previous tenancy and 45% did not receive any report of damp and mould during a subsequent tenancy. This suggests that the use of the property by the tenant is likely to be the one of the biggest contributing factor in black mould and can in many circumstances be completely controllable without the need for major works.

8.8. That said, data can be deceiving. Having telephoned a cross section of tenants whose homes had previously received a mould pack, but reported no further issues, around 15% of tenants told us that they did have some mould return but had not reported it again. The remainder told us that the black mould issues had significantly reduced or completely gone. Some comments made include:

- “We had new roof and insulation since then. There was the odd issue after that, but after receiving the pack and leaflet, we realised that we just needed to change our habits. Better ventilation and using a dehumidifier. There's the odd small issue. It's just a case of learning to live with the character of the building, like a bit of cold bridging around the windows. It's common sense once you think about it. The dehumidifier seems to make the most difference. We have a right to buy in place, not sure whether we’ll do anything then, or just keep going as is.”

- “We have had continued issues with mould - quite bad. I’ve been using bleach but it keeps coming back. I’ve had to move my son into another room. I assumed it was related to roofing issues so didn’t report again.”

- "We did have mould problems, in the bedroom, kitchen and bathroom, nothing re-appeared since we received the pack. No changes to property or lifestyle. We used the supplied mould inhibitor in paint when re-decorated."

- "It's not returned as far as I'm aware"

- "We had roof vents fitted around the same time. Since then a small patch came through in corner of bedroom ceiling, nothing since then"

9. Positive input ventilation – does it work?

9.1. The Building Research Establishment (BRE) published the results of a study of positive input ventilation in 1998. The report found that: *'Input ventilation was found to be effective in reducing relative humidity levels by around 10%RH in the test house, even when internal doors were closed' ' In the field monitored houses input ventilation was not consistently effective […] when absolute humidity excess over that outside was examined it was effective in the most humid houses'. 'The occupants were more enthusiastic about the effectiveness of input ventilation than the results would suggest. Those who previously had the highest humidity in their houses were the most impressed. Some occupants also claimed relief from severe respiratory illness but these claims could not be substantiated in this project.'*

9.2. In early 2021, MDDC restarted a programme of commissioning positive input ventilation units for suitable properties suffering from condensation black mould.

9.3. Between the start of the project and November 2022, 158 properties had been referred for survey by an external company, with a view to assessing for improvement works including new mechanical extractor fans and positive input ventilation systems.

9.4. Of these, 124 were recommended a PIV unit, 46 have been recommended at least one new extractor fan. So far, 137 individual improvements have been made.

9.5. Having contacted tenants who had PIV units installed 49% of people told us that the PIV unit completely eliminated symptoms of condensation and black mould. A further 33% told us that the symptoms of condensation had significantly reduced since the PIV unit was installed. The remaining 18% stated that they saw no improvement; of this %, 40% hadn't actually treated the mould prior to the install, 20% explained that they were impacted by overcrowding, and 40% felt that there were further structural issues to be resolved. Comments received included:

"Just to let you know [they] fitted the PIV unit a few weeks ago, I am pleased to inform you that the unit has made a great difference. We no longer get any condensation on the windows in the Kitchen, Bathroom, Living Room or Utility Room Door Window. There is a very small amount of condensation on the Bedroom window but nothing like it had been. Thank you both for your efforts in solving the problem we had."

"Before, condensation was dripping off the ceiling, and black mould everywhere, especially in bedroom. It's not returned. Some mould in the bathroom in tiles and grout, but may just be staining. The system definitely has worked."

"Resolved since install – It was always the same sorts of corners. We don't know if it was the PIV or that we used Cillit Bang around the same time, I was previously just wiping off with a normal household cleaning solution. The unit is not invasive. Can't say whether it is the PIV or the mould treatment that cured it. I was doing it every couple of weeks before"

"7/10-0/10 mould. Would recommend - there has been an improvement in partner's breathing, better health overall. This should be fitted wherever there is asthma."

"Mould has continued. Bedrooms, kitchen and bathroom. Quite over crowded. 4 adults and 3 children as sister moved in (2 bed flat). We used mould paint and trickle vents always open, windows on vent during day. Treating with mould spray and using dehumidifier. We had the board put on the wall (thermal boarding) but it just moved in to other areas. We're just hoping to find a bigger place"

10. Thermal improvements – benefits and drawbacks

10.1.1. By comparison to other methods of reducing condensation in home, thermal improvements are the most expensive and disruptive works. Thermal improvements tend to comprise of:

- Cavity wall insulation
- Internal insulation (Thermal boarding)
- Insulating behind vertical tiled details on Cornish Units.
- External wall insulation.
- Loft insulation top ups

10.1.2. There are clear benefits to these works in most cases, including a reduction in heating costs, increased thermal comfort and a reduction or elimination of black mould affecting walls.

10.1.3. Loft insulation and insulation of vertical tiled details are completed as standard on roof renewal contracts. Other improvements are considered as part of major works, but not standard or always possible to fund.

10.1.4. We have been under pressure in the past to insulate cavities unsuitable for filling, which has actually contributed to genuine damp problems in homes. This has led to our more cautious current approach.

10.1.5. Based on data taken from properties with internal insulation fitted between 2015 and 2021, recurrence of damp and mould issue post-fitting indicate that this method of insulation has a potential 57% success rate.

10.1.6. In some cases, we have seen that without prior improvement to excessive lifestyle related moisture, moisture has moved from walls and ceilings to other areas, such as soft furnishings, carpets, furniture and clothes. Whilst it may be frustrating for tenants, this has led to our current approach that these improvements must be complimented by ventilation and lifestyle changes first. See 9.5 - last tenant quote.

11. Case studies

11.1. Although the purpose of this review is to acknowledge that landlords may need to do more to support tenants with condensation black mould issues, it is useful to have tangible evidence that in some cases a property is fully capable of being fit for human habitation if lived in in a 'tenant-like manner'.

11.2. Using examples of long term tenants who have moved throughout the Council's stock, it is possible to build a picture of the scale of the impact lifestyle can have on black mould.

11.3. For authorities with a limited budget for improvements, these case studies may build a picture to help defend decisions to focus repairs and improvement budgets on properties with known issues, as opposed to households with known issues, especially where improvements are likely to simply move moisture around the home.

11.4. The case studies detailed in Appendix 1 do show what many in the housing repair business know already:

- Sometimes structural issues are difficult to diagnose and resolve, but in severe cases, there will be nothing that a tenant can do to avoid internal damp and mould
- In cases where there are no building defects, but poor thermal properties, whether or not black mould is present is likely to depend on the occupants and not the property itself.
- There are some circumstances in which there are no building defects or poor thermal properties but due to occupancy issues, black mould will persist. In these circumstances there is practically nothing a repairs service will be able to do to directly prevent it.

12. Complaints

12.1. In 2020-21, MDH repairs service received 147 complaints, of which 10 related in some way to damp or mould. Of these; none were upheld in relation to damp or mould, 3 were escalated to stage 2 and none were escalated to the Housing Ombudsman Service.

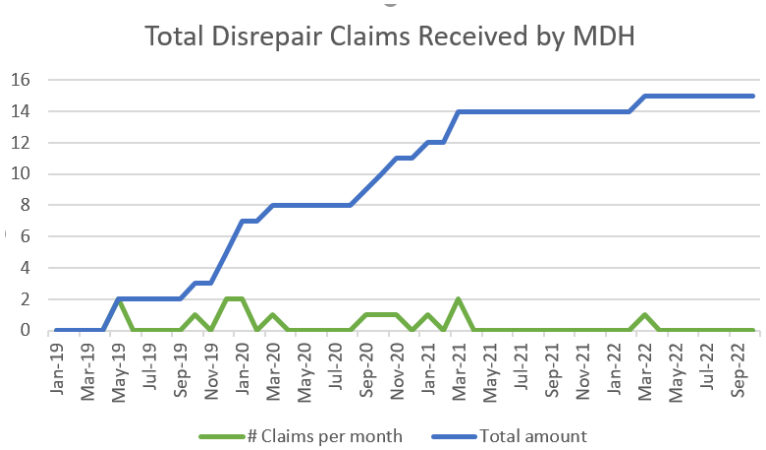
12.2. In the last 5 years, only one complaint relating to damp and mould has been investigated by the Housing Ombudsman Service, with no maladministration found.

13. Disrepair Claims

13.1. Since 2019, MDDC has received 15 legal disrepair claims. At the point of this report:

- 5 have been defended and closed with no action.
- 9 are active and being defended.
- 1 has been settled out of court.
- 0 have gone to court.

13.2. Total legal disrepair claims received are as below



13.3. These figures are positive in terms of comparative and proportional figures we see elsewhere. This is possibly reflective of the Housing Service's firm stance not to settle where there is no fault, but also that larger authorities and larger cities are often more vulnerable to claims.

13.4. Like many social landlords aware of the unscrupulous tactics of many no-win no-fee disrepair solicitors, MDH have taken the stance to defend claims and avoid settling out of court unless there is a clear failure of service. This is to protect the HRA revenue from having to fund regular no-fault settlements.

14. Summary/Key Findings

14.1. The HOS and tenants are giving us the feedback that landlords need to find a way to move past the 'it's a lifestyle' stance. Is in inarguable that in some, but not all cases, lifestyle, or 'use of property' might be the only factor leading to damp and mould. Even without limited budgets, the case studies and our experience show that in some circumstances there is little to nothing landlords can do to control what tenants do or do not do inside their homes.

14.2. Perhaps, rather than looking at whether it is possible for a home to be mould free if managed by the 'ideal tenant', we should be looking at setting a benchmark for

assessing whether a property can **reasonably and practicably** be kept mould free by the **average** tenant. This would involve holistically looking at the property's history as well as the tenants'.

14.3. There is a balance to be had in terms of the 'blame game'. Absolutely, landlords and tenants need to work in partnership, but there is a balance of being supportive but also firm and clear. Our experience shows that in many cases, a landlord carrying out improvements or offering mould treatment as a gesture of good will can lead to reinforcement in some tenants' minds that the landlord must have caused the mould.

In some of these cases, the thermal properties improve but the tenant behaviours do not. We see it enough to be concerned, that where tenants accept structural improvement works, but do not follow with a change in habits, black mould moves away from walls and ceilings, beginning to affect only soft furnishings, belongings, furniture and carpets. This is just as, if not more harmful to health than on hard surfaces and is both harder and more expensive to treat.

It seems that the key is language used and the ability to develop rapport between landlords and tenants.

14.4. Taking on board feedback, it is clear that it is not always enough to prove to a tenant that the cause of black mould is condensation and not wet walls/ceilings, but also that the cause of high moisture is not the result of moisture penetration in another area of the home evaporating. This needs to be built into procedure and communication.

15. Recommendations

15.1. Roof leaks – where the same leak is reported twice, additional time should be allowed for and ideally booked for immediately after a rainy day to properly identify the location of the leak. Keyfax script change.

15.2. Consideration to offering financial incentives for keeping property in good condition and/or low repairs reporters. Property MOT and incentive for high reporters.

15.3. Improve educational information for tenant and communication with tenants and other stakeholders. This should be in consultation with tenants.

15.4. Introduce a fuel poverty assessment where there are repeated reports of black mould. Fuel poverty calculator - updated and still going strong ... | Centre for Sustainable Energy (cse.org.uk) C

15.5. Introducing heating familiarisation visit at beginning of tenancies, when new heating is installed and as required in between. Offers should be available to adjust heating settings to most efficient. Provide understandable material for tenants.

15.6. Check that heating and insulation levels enable each room to meet a minimum temperature of at least 18°C Minimum temperature threshold for homes in winter (publishing.service.gov.uk)

15.7. Where all defects have been ruled out or remedied, and lifestyle issues are present, monitoring and enforcement action should be taken to set out clear expectations and targets to prevent damage to the fabric of the building. Tenancy action where use of the property is causing damage to property and risk to health.

15.8. Re-instate satisfaction surveys, ideally by SMS, if not, perhaps a selection by letter.

15.9. Focus on pro-active communication and repairs, similarly to a project run by Coastline Housing. Regularly run reports to identify properties and estates/property types most affected by damp and mould. Send out 'damp and mould surveys' (https://www.surveymonkey.co.uk/r/DampAndMould), chase non-respondents.

15.10. Consideration to sourcing of additional diagnostics tools, for example salts analysis kit, wall hygrometer, environmental sensors, floor hygrometer, calcium carbide speedy test kit.

15.11. Improved guidance for tenants, including consideration of a mini hygrometer to support tenants to monitor and understand the impact of high levels of relative humidity. Associated cost, approximately £2.50 per home.

15.12. Consideration of a damp & mould log similar to those used for ASB and noise levels. This could include, regular temperature and RHI monitoring, recurrence of mould and weather monitoring.

15.13. Consider use of thermal imaging camera for calculating dew points for individual properties and rooms. In combination with the mini hygrometer, constructive advice can be given to help reduce the chances of moisture condensing and becoming problematic black mould. Dew Point Calculator

15.14. Social media campaigns. Advice, case studies, links to complaints, warning about disrepair scams.

15.15. Focus group of staff, tenants and councilors on damp and mould.

Appendix 1 – Case Studies

1.1. Case Study 1 – 'Family A' – primarily lifestyle factors, exacerbated by property type

Family A is a family of 4, and lived in a 2 bedroom traditional on-gas property between 2009 and 2016. There were no reports of damp or mould in the property prior to the tenancy start date, although this is limited data (2years). Family A reported damp and mould during their first winter, 6 months after moving in. Damp and mould issues remained a consistent feature despite a number of thermal and ventilation improvements being made. No major remedial works were carried out during the void period. A new family moved in in 2016, no damp or mould issues were reported and a right to buy application was successful in 2021.

Family A then moved to another traditional on-gas property in 2016, this one a 3 bedroom home. No reports of damp or mould were raised during the previous visible repairs history covering 2007-2016 and no mould treatment was required during the void period. Family A reported damp and mould at the start of their first winter, 9 months after moving in. Despite a number of works being carried out, including all repairs and some improvements recommended by an independent FRICS surveyor, black mould issues persist.

1.2. Case Study 2 – 'Mrs B' - primarily property type, exacerbated by lifestyle factors

Mrs B represents a single person retirement age household. Between 2016-2019 she lived in a 1 bedroom ground floor flat. Some of the oldest homes in our stock, non-purpose built flats. No damp proof course. Records show that all previous tenants had experienced some level of damp or mould. A number of DPC injection works were carried out which worked in isolation. In 2019/2020, Modernisation works were carried out to the block and Mrs B accepted a permanent decant to another more modern 1 bedroom bungalow.

The new bungalow had had only one isolated damp issue between 2007 and 2019 (in 2018) – this was fully resolved by re-insulating the loft space. Mrs B reported black mould at the end of her first winter, 6 months after moving in. Further reports were made in 2021, with investigation works finding no structural issues.

1.3. Case Study 3 – Family C' – primarily lifestyle factors, exacerbated by property type

Family C represent a household of 8, two non-working working age adults and 6 children.

After reporting property condition issues in a private rental outside of the district, duty was accepted and tenancy commenced in an older traditional off-gas 3 bedroom property in 2016. Prior to 2016 the property was under occupied, and no reports of damp or mould were reported between 2007 and 2016. Major works were identified during the void period and a number of improvements and repairs were carried out,

including demolition of leaking chimney, re-plastering and installation of Quantum storage heating.

Damp and mould issues were reported before the first winter period of the tenancy, 4 months after the tenancy commenced. An independent structural survey was carried out by a RICS surveyor and remedial works carried out, including DPC injections, investigation of damp to the ground floor (negative) and mechanical extraction installation. Some recommendations were refused by the tenant.

During each inspection, major lifestyle factors were also identified, including all windows and trickle vents being closed, washing drying indoors, furniture and clothing against external and internal walls with no gap. Despite clear advice, and confirmation of understanding, this has remained a constant feature.

Two further independent surveys were carried out and despite recommended remedial works being carried out, mould and damp reports persisted, with the tenant insistent that a structural issue must be the cause. Having exhausted the Council's complaints process, but failing to request a Housing Ombudsman Service review, a Legal Disrepair Claim was received by the council in 2019 but having denied liability, this was neither settled nor heard in court, with legal action dropped in 2021.

A noticeable impact in this particular case is a trend of moisture moving around the property as improvements are made. Where mould started primarily on cooler external walls and ceilings, as thermal improvements are made, this starts to migrate more and more to soft furnishings, clothes, carpets and furniture.

1.4. Case study 4 – 'Family D' – primarily property issues

Family D represents a family living in a traditional build on-gas property. The tenancy period was 2013 – 2017. Toward the end of 2013 and beginning of 2014, mould, damp and drainage issues were reported. The mould present was not classic condensation black mould, although the cause was not immediately apparent. A cavity check was carried out during the same month as the inspection which identified a ground water ingress issue, which was the most likely cause of the internal damp and mould. Major works were carried out within a few months, which involved a temporary decant. Following this, the cavity fill material was also extracted and re-filled.

Further issues were reported approximately 12 months later and in October 2015, major external excavation works were carried out to resolve further ground water ingress issues. The following year, further thermal boarding, excavation and DPC injection works were carried out in 2016. All works were made good by Autumn 2016.

No further issues arose and the tenant was successful in their right to buy application, completing in 2017. The repairs service have incidentally heard from them since and it does appear that no further issues have persisted.

1.5. Case Study 4 – Family E – Primarily lifestyle issues.

Family E moved to a 2 bedroom Bungalow in May 2019. Between 2007 and 2019 there were three other households who had held tenancies in the same property, with none having reported damp or mould issues. Family E moved in by way of mutual exchange, so with no void works having been carried out, it is clear that any changes in symptoms are most likely to be as a result of the tenants' management of condensation.

The mutual exchange inspection in 2019 demonstrated that the property had been kept in immaculate condition.

Repairs and tenancy records suggest that there were a number of social, financial and educational issues affecting the household and their ability to understand their role in management of the home.

Damp and mould issues were first reported during their first winter period, 5 months after moving in. Major lifestyle concerns were raised, and advice given. Some improvement works were carried out, with little improvement seen. The property was abandoned in 2020 and left in extremely poor condition.

A new tenancy commenced in June 2021 and no further damp or mould issues have yet been raised.

Appendix 2: **Source Material**

1.1. CMB Housing Disrepair 005.pdf (lambeth.gov.uk)
1.2. Mouldy nation report | Uswitch
1.3. Non-gas map (nongasmap.org.uk)
1.4. Positive input ventilation in dwellings – Does it work? (bre.co.uk)

Appendix 3
Proposed Process Flow Chart

Report received of damp or mould in a home, or damp and mould identified by a visiting officer

Black mould in a moisture producing room

Send electrician to check extractor fans, or see if possible to install. Send mould pack and advice leaflet

Black mould in a ground floor flat or ground floor of a house

Send mould pack and advice leaflet

Defined black mould on ceilings or at high level immediately below a roof area

Send roofer to check for uneven or missing insulation, and check for roof leaks. Send mould pack and advice leaflet

Wet patch immediately below a roof area where there is no water tank. When dry there may be a defined brown stain

Send roofer to check for roof leak

Wet patch immediately below a roof area where there is a water tank – after period of rain

Send multi-skilled roofer to check for roof leak or plumbing leak

Wet patch immediately below a roof area where there is a water tank – not after period of rain

Send plumber to check for a plumbing leak

Wet patch on walls with no black mould

Raise inspection for assessment of external wall finish

If any of these turn out to be black mould, inspector/officer will refer back to black mould options

Wet patch or tide mark at low level with no black mould

Raise inspection for assessment of possible damp issues

Wet patch or tide mark at low level on upper floor or internal wall

Ask tenant to check for leaks from plumbing and send plumber

Wet patch or leak showing near a pipe, tank or radiator.

Ask tenant to check for leaks from plumbing and send plumber/gas

Tenant contacts to advise mould has returned

Carry out fuel poverty assessment at any point that this could be a factor

Inspection carried out, looking for issues such as: pointing condition, render condition, high external ground level, drainage issues, plumbing issues, DPC failure etc. Works raised for responsive or planned maintenance.
Protimeter readings recorded if necessary

If property and household is incompatible, consider support for re-registering on Devon Home Choice

If no major issues found, but use of property is identified as most significant factor, joint tenancy/repairs inspection arranged with regular follow ups
Include fuel poverty assessment

Inspection carried out, looking for issues such as: pointing condition, render condition, high external ground level, drainage issues, plumbing issues, DPC failure etc. Works raised for responsive or planned maintenance.
Protimeter readings recorded if necessary
Mould pack or mould treatment recommended if black mould also identified

Tenant contacts to advise damp continues

Inspection carried out, looking for issues such as: pointing condition, render condition, high external ground level, drainage issues, plumbing issues, DPC failure etc. Works raised for responsive or planned maintenance.
Protimeter readings recorded if necessary
Mould pack or mould treatment recommended if black mould also identified

Tenant disagrees with outcome, or structural works are exhausted.
Complaint process or independent structural survey considered.

Independent structural survey commissioned.

Tenant contacts to advise damp continues

If structural issues identified, works will be scheduled or programmed for future planned maintenance/improvements

Tenant contacts to advise mould has returned

Inspection carried out, looking for issues such as: pointing condition, render condition, high external ground level, drainage issues, plumbing issues, DPC failure etc. Works raised for responsive or planned maintenance.
Protimeter readings recorded if necessary.

Mould pack or mould treatment recommended if black mould also identified
OR
Independent structural survey commissioned

Repairs recommended will be completed and improvements considered.