

How do we stamp out damp, condensation and mould in the private rented sector?



About this report

This report has been created thanks to the support of the TDS Charitable Foundation. The Foundation *“works to advance education about housing rights and obligations in general”*.

In particular, the charity focuses on:

- Best practice in the management of private rented housing;
- Legal rights and obligations of those involved in the provision or management of private rented housing;
- Using alternative dispute resolution for more efficient and effective resolution of disputes between landlords and tenants.

The charity has provided a grant to Kate Faulkner who runs Designs on Property Ltd (designsonproperty.co.uk), to produce a series of reports and surveys on the private rented sector which are designed to increase knowledge on the private rented sector in England and to promote best practice.



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About the authors

Kate Faulkner Bsc (Econ) MBA CIM DipM was originally a consumer in the residential property market, buying, selling, renovating and renting property for many years. At that time she was a sales and marketing professional working with major brands such as PG Tips.



Having enjoyed working in her spare time in residential property, she went on to set up one of the UK's first property portals prior to the advent of Rightmove, then used her experience to help create on- and off-line tools designed to take the stress out of corporate relocations for employees.

From here she moved to set up the Self-Build and Renovation Centre in Swindon, and subsequently helped build and professionalise a part exchange business. Kate was also a Future Homes Commissioner for RIBA.

After gaining so much experience across the property market, Kate embarked on a mission to improve the way people carry out property projects, especially within the private rented sector. So whether it is banishing cowboy builders and rogue landlords, or helping the public approach a property project as simple as hanging a door or as complex as letting or building their own home, Kate is always on hand, either via her consumer website at propertychecklists.co.uk or at the property clinics she runs around the UK, to help landlords, tenants, first-time buyer, self-builders, renovators and investors carry out their property projects in the right way, using qualified people and industry experts.

Kate's consultancy, Designs on Property Ltd, provides help and support to companies and organisations that want to communicate better to the public, or to introduce new products and services which help people carry out their property projects successfully, first time around.

She is fanatical that property facts and figures such as prices and rents should be reported correctly in the media, by the industry, and by organisations and policy-makers involved in the property market.

Kate regularly appears in the national and local media, and comments on TV, radio and in regional and national newspapers on property news items of the day. In this way she continues to pursue her chief objective, which is to help ensure the public get an independent, honest view of what's happening in the residential property market.

This report is part of a series of reports and surveys that Kate will be producing thanks to the support of the TDS Charitable Foundation.

The aim of the research provided is to improve the understanding of the private rented sector and to make recommendations on changes which will impact positively on the experience of landlords and tenants.

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She has ghostwritten several property investment books, edited a number of others on property, business and branding, and continues to work with entrepreneurs to produce literature that supports their business enterprises.



How do we stamp out damp, condensation and mould in the private rented sector?

Introduction

The impact of damp and condensation on tenants' health can be significant, causing allergies and respiratory issues, even affecting the immune system.

29% of all privately rented properties surveyed in 2014/15 by the Department for Communities and Local Government (DCLG) were considered 'non-decent homes' (although this is a definition created for social homes, not the private sector). Damp was reported as an issue for 9% of households. That figure rises to 61% of properties in a survey of student tenants carried out by the National Union of Students (NUS). In 2014, 15% of homes in the PRS still did not have a central heating system.

A contributor to damp, mould and condensation issues can be the age as well as the construction of the property. This is a particular issue in the Private Rented Sector (PRS) as, according to the English Housing Survey 2014-15, 33% of privately rented properties were built before 1919, so didn't necessarily have damp proof courses built in. This can make them much more susceptible to damp unless they are well maintained to modern standards.

Damp, mould and condensation are the cause of conflict in the rental market between tenants, landlords and agents (see our report on conflict). However, there is no need for a property – or tenant – to suffer. As long as damp is properly diagnosed and an adequate fix applied, the problem is simple and, in most cases, it is the landlord's responsibility to solve the problem.

Things should be set to improve, though. In the past, unscrupulous landlords would just evict tenants who complained, because they could and because, even if they were reported to Environmental Health, they were only likely to receive a fine of around £1,500.

Thanks to the introduction of the Deregulation Act to prevent 'revenge evictions' and new powers for councils to impose fines of up to £30,000 on landlords from April 2017, as long as resources are made available, and the law is enforced, the future could see a significant reduction in both the proportion of 'non-decent homes' in the PRS, as long as tenants are happier to report problems.

To stamp out damp in the PRS, we need to help educate and motivate landlords to fix the problems and also advise tenants on when it is their responsibility to solve the issue, for example by keeping the property adequately heated and ventilated; even something as simple as opening the window when showering.

There also needs to be a better understanding of the problems and how the statistics are collated. For example, if the problem is more prevalent in flats than houses, it may be due to issues between the freeholder and leasehold landlord as damp, mould and, to some extent, condensation may well be a problem which the freeholder needs to fix on their behalf and refuses or fails to do so.

Finally we conclude that there is more scope for the industry and government to work together to introduce steps to minimise the chance of properties being let with damp and mould issues. This requires more effort on behalf of brokers, lenders, insurers, agents and the industry itself, if necessary introducing additional government legislation.

The biggest difference, though, can be made quickly by educating landlords better on how to fix damp, mould and condensation problems and alerting tenants to what they can do to help avoid it developing in the first place.

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Why do properties have damp, condensation and mould?

Damp, condensation and mould all occur as a result of water either leaking into or not being able to escape from a property. Sometimes that's because of a fundamental structural issue, sometimes it's because the fabric of the building has not been maintained properly, and there are also factors which are due to the resident, such as occupancy levels, having a fish tank, large dogs and drying clothes indoors.

Damp

Damp is caused by problems with the building itself not being adequately protected against external sources of water and moisture. It occurs in two forms:

- **Rising damp** is caused by moisture in the ground gradually being absorbed by naturally porous construction materials such as stone and brick by capillary action. If a damp proof course was either not installed when the property was built or if it has failed, the moisture rises up through the mortar followed by the masonry and appears on the inside walls, up to a height of around a metre.
- **Penetrating damp** occurs when water leaks into the property from outside, for example from a broken gutter, or via gaps and cracks in a roof or window frame, gradually penetrating the fabric of the building. It can also be caused by faulty construction, such as a basement not being properly waterproofed, and water filtering in when the natural water table rises.

Ultimately, if a property being rented out has damp, it is up to the landlord to resolve it. A building survey before purchase will usually, but not always, identify any signs of damp, which should then be addressed before the property is let.

To be sure, it is essential to seek specialist advice if you think damp or condensation is present. As with virtually every property problem, if damp is ignored it will only get worse and cost more for the landlord to put right. However, every kind of damp can be fixed.



A leaking gutter can lead to penetrating damp.

Picture: Rentokil
(www.rentokil.co.uk/property/)

Condensation

Condensation is moisture that forms inside when a property cannot deal with normal levels of water vapour because of incorrect insulation, inadequate heating and lack of adequate ventilation. It can be caused by something as simple as cooking with the lids off pans. When the vapour cannot escape, it settles on cold surfaces, such as windows and external walls, most commonly between October and April.

Some common causes of condensation:

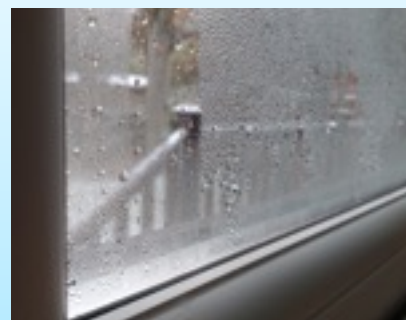
- Insufficient heating. That might be due to the property not having an appropriate heating system installed, or it may simply be down to the occupants wanting to save money, therefore not putting the heating on as regularly as they should. A cold property means there will be more cold surfaces on which the excess vapour can turn into water. It is also worth bearing in mind that if you heat a property then let it go cold, this can increase the amount of energy you use, so it is often better to keep constant, low background heat.
- Poorly ventilated bathrooms. Bathing and showering creates moisture and if there is not a good extractor fan or an open window to remove the excess moisture then it will settle, forming droplets of water on the cold surfaces. Warm, moist air rapidly expands out of a bathroom, so it is always important to keep the door closed during and after bathing.
- Drying washing in unventilated places. As washing dries, the moisture goes into the air and, as with badly ventilated bathrooms, if there is nowhere for it to go, it will settle on any cold surfaces.
- Sealing up the home. Energy efficiency is increasingly a priority for homes, which means double-glazed windows and insulation in the roof and walls. Lack of adequate ventilation means that all the moisture in the air remains inside and will eventually settle as condensation. It may also rise up through the property into the loft space where condensation can form on the timbers and mould can grow.

(Source: Citizens Advice <https://www.citizensadvice.org.uk/housing/repairs-in-rented-housing/disrepair-common-problems/disrepair-dampness/>)

Facts about condensation

A family of four will, on average, produce 14 litres (24 pints) of water vapour every day. This means keeping a house correctly heated and well ventilated is an important step in preventing condensation.

It is also the case that improved glazing and insulation can lead to condensation if ventilation is not managed correctly.



Picture: Envirovent
(www.envirovent.com)

Mould

Mould is a fungus that reproduces and spreads from tiny spores which float through the air and are invisible to the naked eye. Mould quickly forms when the spores land on moist surfaces caused by condensation or damp that has been left untreated.

Leather will go mouldy at a lower relative humidity than other materials.

Long-term moisture problems in a property will quickly lead to mould beginning to grow. Most people won't notice the first signs of mould growth or they will believe that it is soot or dirt due to its similarity in appearance but, left untreated, small patches of mould can lead to much bigger problems.

While landlords cannot necessarily prevent all these things occurring to some degree, if the problem is addressed as soon as it becomes apparent and measures are put in place to prevent the likelihood of it recurring, damp, condensation and mould need not become significant issues or require costly repairs.



Mould in the roof. Left untreated, mould can lead to much bigger problems.

Picture: Rentokil (www.rentokil.co.uk/property/)

What are the legal and health and safety issues around damp, condensation and mould?

Legally, landlords are obliged to maintain a safe and comfortable property for their tenants to live in. Dampness can potentially be considered either a statutory nuisance or a risk to a tenant's health or safety and therefore a hazard under the Housing Health and Safety Rating System. In either case, it is a problem the landlord is obliged to resolve.

Section 11 of the Landlord and Tenant Act 1985 implies a term into every assured shorthold tenancy agreement that the landlord is responsible for:

- keeping in good repair the structure and exterior of the property, for example walls, roof, drains, guttering and external windows and doors
- keeping equipment for supplying gas, electricity and water (including pipework) in a safe and good working order.

As such, if a landlord is complying with those responsibilities – ensuring the property is watertight, there is an adequate heating system and all plumbing is free from leaks – there should not be a problem with damp.

However, if there are issues, it is the responsibility of the tenant to report them to the landlord or their agent. This should be done as soon as possible and followed up in writing. It is then the landlord's duty to respond to the complaint within a reasonable time and make necessary repairs.

Following the passing of the Deregulation Act 2015, if the landlord fails to respond within 14 days and/or fails to make those repairs, they may subsequently be unable to evict the tenant. Therefore, it is not only a legal requirement, but also very much in the interest of the landlord to remedy damp, condensation and mould issues.

If the landlord fails to resolve the problem, the tenant should contact the Environmental Health department of their local council. An officer can attend the property, assess the health and safety risk to the tenant and take action, as necessary. They can either serve the landlord with an improvement notice, ordering them to carry out repairs or improvements, or carry out the repairs themselves and then charge the landlord.

If conditions are considered to be sufficiently bad, the council can make a prohibition order, restricting access to all or part of the home or even order the demolition of the property. If the case is not sufficiently serious, they can simply serve a hazard notice, informing the landlord of the problem.

Case study

In November 2016, a landlord in Bolton was fined for letting a house that had chronic damp, mould and no heating system.

Philip Ormrod's two-bedroom mid-terraced property had, among other defects, rising damp on the ground floor, penetrating damp to the chimney breast and bedroom wall, leaking gutters and no heating system, other than an electric plug-in heater.

After the council issued Mr Ormrod with a hazard awareness notice, he instructed a contractor to fix the guttering, but failed to attend to anything else. An enforcement notice was issued, followed by a criminal prosecution.

The council subsequently carried out the required improvement works themselves, which included the installation of a gas central heating system, a damp proof course and insulation, and repairs to the chimney.

Councillor Elaine Sherrington, Bolton Council's cabinet member for housing, said: "We always try and work with landlords to secure necessary improvements to properties they rent out. But when landlords fail to carry out the agreed work, we will take enforcement action and prosecute irresponsible landlords who are putting tenants' lives at risk."

Mr Ormrod was fined £500, ordered to pay the council's £539.57 court costs and a victim surcharge of £50, and must repay the council the £11,681.47 they spent on improvement work to make the property safe.

(Source: The Bolton News http://www.theboltonnews.co.uk/news/14925020.Landlord_fined_for_unsafe_and_mouldy_house/)

The potential impact on tenants' health

If dampness and mould are not eliminated from a property at an early stage, they can spread widely, damage furniture and belongings, and cause dust mite infestations.

Not only is that aesthetically unpleasant and uncomfortable to live with, but mould can also cause some health problems. Excess damp can lead to dust mites whose dusty faecal pellets produce allergenic proteins, leading to allergic reactions and asthma attacks. Interestingly, it is often not the mould itself which causes the problems, but other factors such as damp and cold.

Particularly vulnerable tenants are babies and children, the elderly, those with existing skin problems and those who have respiratory problems or an already weakened immune system.

In the most severe cases, a tenant may make a personal injury claim against a landlord for their physical suffering.

(Source: NHS Choices <http://www.nhs.uk/chq/Pages/Can-damp-and-mould-affect-my-health.aspx?CategoryID=87&>)

Case study

Before the Deregulation Act 2015 introduced legislation to prevent retaliatory evictions, Mandy Klopper and her teenage son Alex were evicted from their rented home in Woking, after making a series of complaints to their landlord about persistent dampness, which had left them plagued with chest infections.

“The house was damp and my landlord hadn’t dealt with it properly – my son and I both suffered from significant health issues whilst living there”, said Ms Klopper. “The house had two big damp patches in my son’s room. One wall in the lounge had ‘bubbling’ because of damp and there was extensive green mould in the roof.

Alex had so many chest infections, headaches and nausea. He had to have a month off school at one point. I have cystic fibrosis and living with damp problems meant I kept coming down with a lung infection that I’d never had before — or since we moved out.

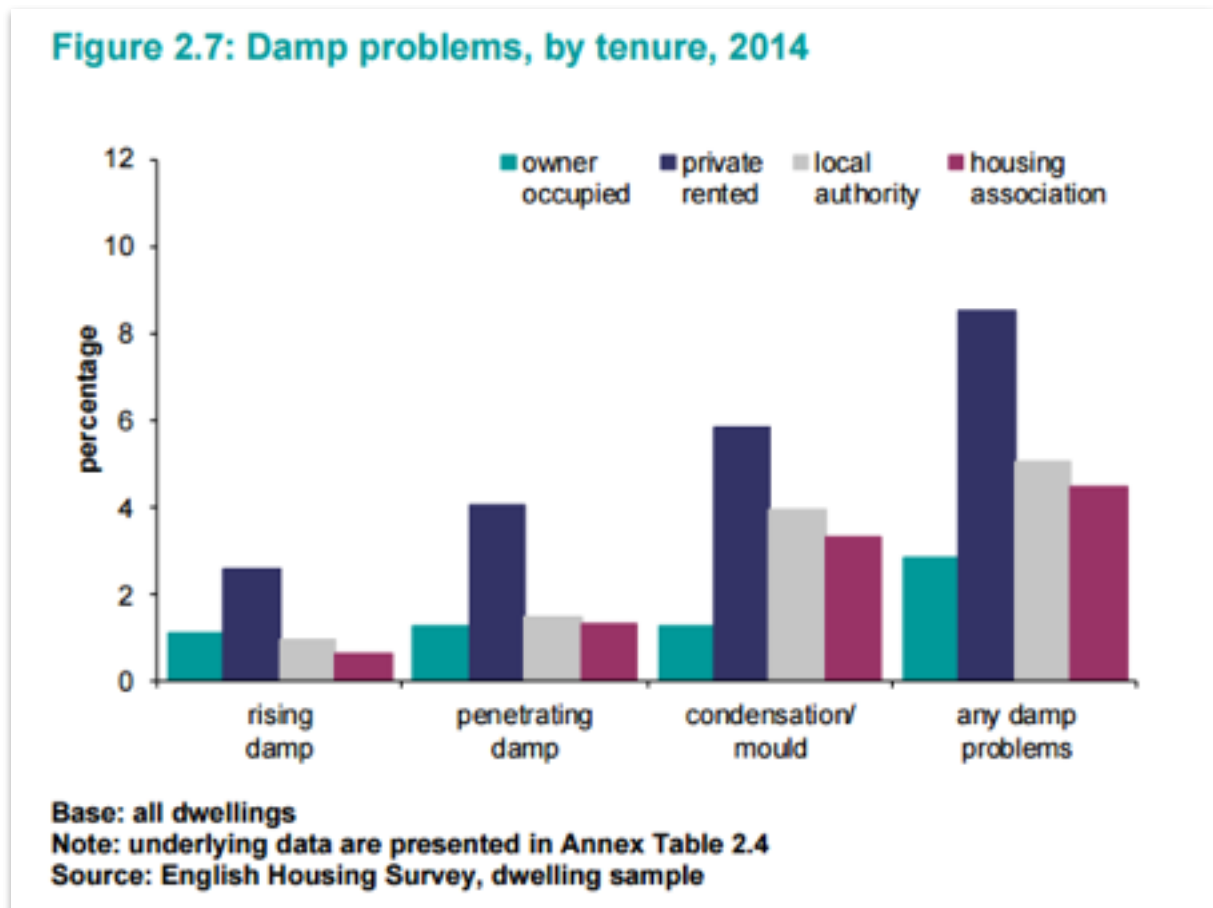
Our landlord didn’t seem to understand that for us, the tenants, that property is our home, and a place we should be able to feel safe in, not in fear for our health.”

(Source: Shelter http://media.shelter.org.uk/home/press_releases/renters_health_at_risk_as_rogue_landlords_fail_to_carry_out_repairs)

What is the level of damp, condensation and mould in the PRS?

Every property that has not been maintained correctly will suffer from some degree of dampness, as the fabric of the building and original preventative measures taken against damp start to fail. If heating, insulation and ventilation is not installed correctly, then condensation and mould will occur. In some cases the age of the property can influence the likelihood of issues.

It is a particular problem in the PRS where, according to the English Housing Survey 2014-15, 33% of properties were built before 1919, compared with only 20% of owner-occupied homes and 7% of homes in the social sector. It is therefore unsurprising that the survey found 29% of all privately rented properties to be 'non-decent homes' (compared to just 14% in the social sector which has suffered with similar problems in the past), with damp, condensation and mould being significant contributing factors.

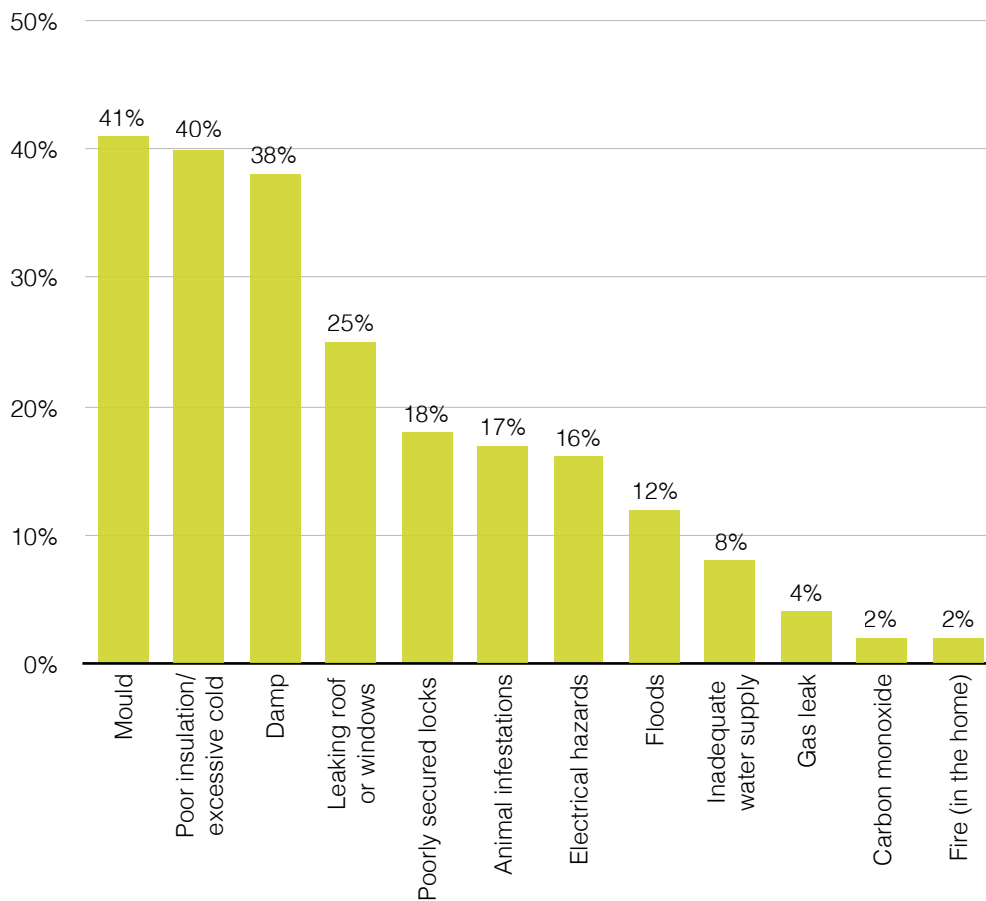


(Source: The Government's English Housing Survey 2014-15 https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/501065/EHS_Headline_report_2014-15.pdf)

As depicted in the chart on the previous page, 9% of homes in the PRS suffered from some dampness in 2014, with 6% reporting condensation and mould problems. That relatively high figure may be due in part to the fact that 15% of homes in the PRS still did not have a central heating system at that time.

A survey jointly commissioned by Shelter and British Gas in 2014 suggested damp to be even more of a problem, with 41% of adult renters saying their home had suffered from mould in the previous 12 months – topping the list of challenges – and 38% specifying damp as having been an issue.

Problems renters have experienced in the past 12 months



Source: YouGov 2014, base 4544 private renting English adults. Jointly commissioned by Shelter and British Gas.

(Source: Shelter report 2014 https://england.shelter.org.uk/data/assets/pdf_file/0006/892482/6430_04_9_Million_Renters_Policy_Report_Proof_10_opt.pdf)



Mould is a big problem for student tenants, according to a report from the National Union of Students.

Picture: Envirovent (www.envirovent.com)

Also, a report from the National Union of Students suggests damp, condensation and mould are the top problems for student tenants, with 61% of respondents living in the PRS reporting one or more of these issues. More than half cited condensation as a problem, 47% mould and 41% damp. Given that these figures are significantly higher than those reported in the DCLG English Housing Survey, it would seem to indicate that damp, condensation and mould can be specific to particular types of lets and that education and enforcement could be targeted at specific groups to make the best use of limited resources.

(Source: Homes Fit for Study <https://www.nus.org.uk/PageFiles/12238/Homes%20Fit%20for%20Study%20report.pdf>)

How do you diagnose and solve damp, condensation and mould in a property?

Recognising damp

Damp is a problem that makes itself visible, via stains, tide marks and mould. While expert diagnosis is required to get to the source and fix the problem, some key indicators should enable landlords and tenants to recognise when a property is suffering from some form of damp.

Rising damp

If it is only from the bottom part of the walls on the ground floor and nowhere else, it's likely to be rising damp.

Because rising damp only affects the lower levels of a property, if the property in question is a flat or maisonette that is not on the ground floor, any other dampness will either be penetrating damp or condensation.

The small amount of water that evaporates off a damp wall/floor is not enough on its own to create condensation.

Rising damp only affects the lower portion of a wall.

Picture: Rentokil (www.rentokil.co.uk/property/)



Penetrating damp



Penetrating damp will appear as patches on the wall, ceiling or around the windows. If it's on the wall, it's likely to be coming through the brickwork from outside. If it is on the ceiling, that will probably be because of either an internal leak, such as a water tank or badly sealed bathroom fitting, or an issue with the roof. Damp around the windows suggests the fitting has not been sealed properly or has degraded over time.



Examples of penetrating damp, from the outside and inside of a building.

Pictures: Rentokil (www.rentokil.co.uk/property/)

Damp patches on plaster that come and go with the weather may be caused by hygroscopic salts from rising damp – mould is rarely a feature of rising damp.



The external sign of damp is either wetness, algae or a white residue. These are typically known as efflorescence and there are two types:

- one where salts in the water are left behind when the water itself evaporates
- the more common one is salts naturally occurring in building materials which can appear after, for example, a water leak or lots of rain.

That's why always seeking expert help and diagnosis is vital to secure a correct fix.

Efflorescence, a white residue which appears on an external wall, after driving rain, is one sign of damp.

Picture: Rentokil (www.rentokil.co.uk/property/)

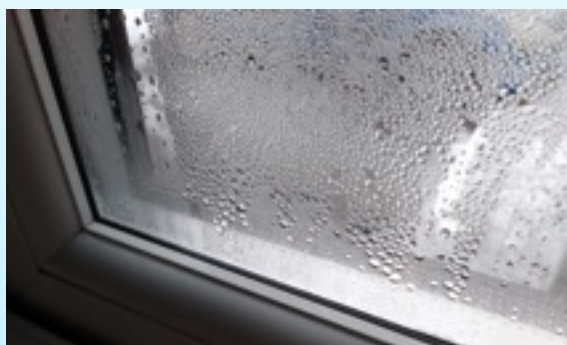
Condensation

This begins with high levels of relative humidity and inadequate ventilation, heating and insulation.

Moisture which is trapped in the property due to poor ventilation will condense on cold surfaces such as windows, walls and ceilings and create pools of water, usually on window frames.

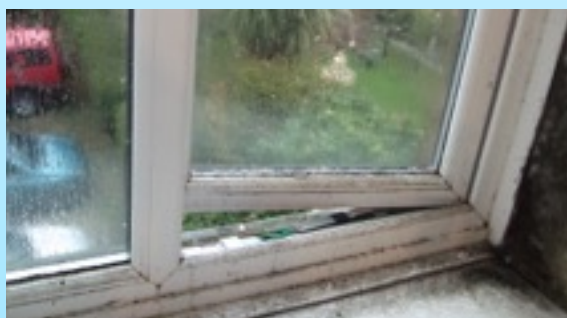
When water condenses on window frames or solid structural features such as lintels, this is called cold bridging.

If the high levels of relative humidity are not dealt with and condensation forms for more than six hours, mould will grow and spread rapidly throughout the wet/cold areas of the property.



Condensation forms when moisture is trapped due to poor ventilation. It can lead to mould forming.

Pictures: Envirovent (www.envirovent.com)



Cavity vs solid wall insulation

Solid wall of whatever thickness means the outside world is attached to the inside world, therefore penetrating or rising damp can easily come through to the plaster.

Cavity walls were invented so that penetrating damp in particular cannot reach the plaster, as it reaches the cavity and runs away to the soil. The only way water can cross the cavity is if mortar 'snots' bridge a wall tie, rubble bridges, the damp course has failed on both inner and outer wall or there has been incorrect installation of cavity wall insulation, etc.

However, there have been some issues with regards to damp, condensation and mould appearing where inappropriate or failed cavity wall insulation has been found.

As this is a tricky area, it needs expert advice to diagnose as applying a 'quick fix' on the affected wall using paint or other cheap methods are unlikely to work. For more information, visit: <http://www.rentokil.co.uk/assets/content/files/condensation-information-leaflet.pdf>.

Checklist for signs of damp

For landlords, the obvious problem is that they cannot fix dampness issues unless they know about them and some tenants may be slow to report the problem, particularly at the earliest stages. For this reason, it is vital that landlords or their letting agents schedule regular periodic inspections and ensure that the following checks are carried out:

Inside

- Is there any condensation on windows and are pools of water forming on window sills?
- Are any internal walls damp and is the flooring below showing signs of dampness or mould?
- Is there any surface mould in the bathroom – on the walls, ceiling or around fittings?
- Are there any tide marks or mould on the bottom part of ground floor walls?
- Are there any damp patches, tide marks or mould on walls?
- Are there any damp patches, tide marks or mould on ceilings?
- Is the loft freely ventilated?

Outside

- Is there any efflorescence (white marks) evident on the brick or stonework?
- Are there any visible cracks?
- Are the guttering and downpipes intact or are there any splits or breaks?
- Do all the roof tiles appear to be in good order or are any slipped or missing?
- Do window frames appear to be in good order?
- Are there any water tank overflows?
- Is vegetation too close to walls and leaving damp marks?

Carrying out these checks will ensure that damp and condensation issues are caught at the earliest stage or possibly avoided altogether by any necessary repairs being made in a timely fashion.

Note: After replastering, it is common to get a white deposit on the surface of the Gypsum skim as it dries. These are sulphate salts and can just be brushed off.

Importance of securing expert diagnosis

Once signs of damp have been recognised it is vital that an expert is called in to diagnose the problem accurately. Damp, condensation and mould can have a hugely negative impact on the fabric of a property and it is not always possible to tell the extent of the issue simply from looking at it. By the time rising and penetrating damp appear, water has already soaked the walls, ceiling and/or floor, causing untold damage, while mould can grow and spread extensively behind wallpaper and tiles.

Landlords who have trusted maintenance contractors or their handyman, builder or plumber may be tempted only to take their advice. However, if the problem is incorrectly diagnosed and the necessary steps to treat the cause of the damp or condensation are not taken, the issue will persist and is likely to worsen. That will continue to put the tenant's health at risk and cause unnecessary property damage which can become extremely expensive to put right further down the line.

For condensation and mould issues, a specialist company such as EnviroVent (www.envirovent.com) can undertake a comprehensive inspection of the property and provide a detailed report recommending suitable ventilation solutions for the property.

For rising or penetrating damp, you should contact an expert who is qualified by the Royal Institution of Chartered Surveyors (www.rics.org), The Residential Property Surveyors Association (www.rpsa.org.uk), The Property Care Association (www.property-care.org) or companies who employ qualified surveyors such as Rentokil Property Care (www.rentokil.co.uk/property/) or Peter Cox (www.petercox.com).



A property is treated for rising damp.

Picture: Rentokil (www.rentokil.co.uk/property/)

Who is responsible for repairing the issue – landlords or tenants?

'Fault' ultimately comes down to the cause of the problem. If damp has occurred as a result of some fundamental structural or maintenance issue, it is the landlord's responsibility to resolve it. Instances include:

- A failed damp course resulting in rising damp
- Broken guttering causing penetrating damp
- Cracked brickwork or missing tiles allowing damp to penetrate
- A damaged water tank or badly sealed shower unit causing ceilings to become damp.

As condensation tends to occur because of how tenants live in the property, many landlords believe it should fall to the tenant to put right any resulting damage. However, if the condensation issue is unavoidable because of the condition or facilities within the property, it remains the landlord's fault. For example, if a bathroom suffers from condensation and mould because the tenant has not used the extractor fan, it is down to the tenant. However, if it is because there is no extractor fan, it is not working or it is inadequate to deal with the problem at hand, that is the landlord's fault.

Ultimately, even if the tenant's behaviour has caused the problem, it is in the landlord's interests to put it right, because proving fault can be difficult and time-consuming and, in the meantime, the tenant may have already made a formal complaint. If sufficient evidence can subsequently be gathered to prove that the tenant caused the issue, the landlord may be able to recoup the cost of repair from the deposit.



Condensation can form when a room is not properly ventilated.

Picture: Envirovent (www.envirovent.com)

The potential complication with leasehold properties

For landlords of leasehold flats and the tenants who live there, damp and condensation can be hard to resolve, simply because the landlord/owner is not responsible for maintaining the external fabric of the building themselves. That falls to the freeholder, who may not be easy to contact and/or be resistant to making repairs and necessary improvements.

This can leave the landlord in the unenviable position of having an unhappy tenant who has a legitimate complaint, and being unable to resolve the issue because of a freeholder who is either slow to respond or is simply not responding at all.

The Association of Leasehold Enfranchisement Practitioners (www.alep.org.uk) — the professional body for specialists within the residential leasehold sector — has a database of legal practitioners who should be able to advise on resolving such issues.

What is already being done to solve damp-related problems in the PRS?

To help ensure that property professionals continue to learn and improve their skills, many key bodies and associations, including the Royal Institution of Chartered Surveyors (RICS) for surveyors and the Association of Residential Letting Agents (ARLA) for agents, require their members to undertake 'continuing professional development' (CPD). That involves spending a certain number of hours each year on specified training in order to ensure they are kept up to date with new legislation and best practice.

Surveyors and agents, therefore, should both be well aware of the latest health and safety legislation and be on the lookout for any signs that a property that is being acquired to let might be suffering from, or susceptible to damp.

Then there is legislation itself. Following the 2000 'Decent Homes Standard', which related to social housing, the Housing Health and Safety Rating System (HHSRS) was introduced for all residential properties in England and Wales in 2004. In May 2006, the Department for Communities and Local Government (DCLG) produced its latest guidelines for private landlords and other property professionals, to help them identify and prevent hazards, including damp and mould (<https://www.gov.uk/government/publications/housing-health-and-safety-rating-system-guidance-for-landlords-and-property-related-professionals>).

More recently, legislation has tended to focus on penalising landlords who do not keep their properties in a good condition, and introducing both voluntary and compulsory licensing and registration schemes in various areas around the UK. In theory this helped tenants identify good landlords and properties and, in some cases, help to increase enforcement against poor landlords.

Penalties for non-compliance

In 2015, under the Deregulation Act, it became illegal to evict a tenant simply for having legitimate complaints about the condition of their rented home. As the law now stands, under the Deregulation Act any Section 21 Notice will be invalid **if** the local authority serves a notice for improvement to the property. This means if a landlord doesn't act and a complaint takes place and is upheld by the council, it would be difficult for the landlord to evict the tenant.

According to Shelter's research in the year 2013-14, 12% of tenants had not asked for repairs to be carried out or challenged a rent increase because they feared eviction, although fewer than 3% of renters claimed they had been either evicted, served notice or threatened with eviction because they had complained about a problem.

Considering damp, condensation and mould problems are easily fixed if diagnosed correctly and if the appropriate fix is applied, this is a problem that shouldn't be happening or, if it does, it should be quickly fixed.

Moving forward, the 'retaliatory eviction' legislation should give tenants the confidence that more of these problems are found and put right, but only if the industry, tenants and landlords are aware it exists and local authorities enforce the new rules.

The second thing that should motivate landlords to resolve dampness issues moving forward is the amendment to the Housing and Planning Act, allowing councils to impose fines of up to £30,000 on landlords who contravene regulations and act illegally. Previously, the maximum civil penalty was £5,000 and the average fine just £1,500.

The amendment also gives councils the power to ban landlords from letting property for 12 months and pledges the introduction of a national database of 'rogue' landlords, which should go some way to ensuring they do not simply move to another area with their illegal practices.

(Sources: Property Industry Eye <http://www.propertyindustryeye.com/housing-and-planning-bill-set-to-raise-fines-against-agents-and-landlords-to-30000/> and <http://www.legislation.gov.uk/ukpga/2016/22/section/23/enacted>)

What more can the PRS do to help landlords and tenants ensure their homes are damp, condensation and mould free?

Firstly, on the mortgage lender's part, it could be made a requirement that a building survey is instructed before any buy-to-let mortgage is approved. That would pick up most signs of damp – and other major maintenance issues – and the lender could then stipulate that a specialist inspection be carried out to diagnose the severity of the problem. What can be missed is the issue of hygroscopic salts and condensation if 'out of season'. Also, bear in mind if a property has suddenly gone from two tenants to six, problems are likely to arise from extra vapour production. This is something to be considered before converting to room lets, for example.

Secondly, insurers of buy-to-let properties could make a comprehensive property survey a condition of the policy, or offer a reduction for providing a survey that includes information on dampness and mould. Alternatively, legislation requiring periodic damp checks could be introduced for all rented properties, in the same way as gas and electrical system checks have been.

Then there is a more general raising of awareness of the potential damage damp, condensation and mould can cause to both a tenant's health and the fabric of a property. Letting agents could, as a matter of best practice, issue all landlords with a checklist (like the one on page 20) that could be completed by either the landlord themselves or the agent, on the landlord's behalf. (property-care.org/homeowners/condensation)

There is already the government's How to Rent guide, which must be supplied to tenants at the start of every tenancy but, given that damp and mould issues have been shown to top the list of tenants' complaints, it may be beneficial for the Department for Communities and Local Government (DCLG) to produce a specific guide covering those problems.

At the same time, there could be government and industry push to raise awareness among tenants of their right to complain about the condition of their home without fear of being evicted.

And, although there is currently no blanket requirement for properties in England to be registered or licensed, that could be expedited with local councils required to inspect every rental property for hazards, including dampness and mould, and sign it off before a landlord is allowed to let it.

What should landlords and tenants do in the meantime?

Landlords should be carrying out the checks suggested on page 20 and ensuring the necessary repairs and measures are taken to prevent damp and condensation occurring in the future, but what action can tenants take?

Damp

Because damp is primarily a structural and/or maintenance issue, there are really only three things that the tenant can do:

- Ensure they don't cause any damage to the property that could result in damp, such as damaging brickwork or misusing bathroom facilities and causing flooding
- Report any signs of damp as soon as they occur, both verbally and in writing, to the landlord or their agent
- Not rent a property with damp and being aware that it is unacceptable for landlords to provide damp properties.

Condensation

Where condensation is concerned, there are a number of ways in which tenants can keep excess moisture to a minimum and help prevent it from settling:

- Rooms that regularly experience excessive moisture, such as kitchens and bathrooms, should be kept well ventilated while in use. Continuous running extractor fans should be fitted. Doors should be kept closed when cooking or bathing
- The internal temperature of the property should be kept as constant as possible and not pitch from cold to hot
- If laundry has to be dried indoors, it should be put in a well-ventilated room such as a bathroom or utility room with the door shut to prevent the moisture travelling throughout the property
- Extractor vents should be cleaned periodically
- Furniture should not be pushed up against walls, thereby preventing the free circulation of air
- Ensure that all internal doors have a 10mm undercut to ensure that air can circulate around the property even when the doors are shut to keep in heat. When taking a shower or cooking in a kitchen, excess moisture is being generated so doors should be kept shut

- Any condensation that does form on windows, sills and walls should be wiped off. The cloth should then be wrung out in a sink so the water is removed from the house, rather than evaporating on a radiator
- Never block off a chimney; always leave a ventilator to prevent damp
- Don't block eaves ventilation in lofts with excessive insulation or condensation may form
- If double glazed windows are closed during the winter, keep the trickle vents open
- Ensure tumble drier vent pipes are extracting to the outside
- Never use gas or paraffin heaters to heat a room, they release large amounts of water vapour
- Dehumidifiers are not the answer to excess or long term condensation problems as it will just start again when the machine is switched off
- If fitted wardrobes are on outside walls, leave the doors open a little to prevent cold air forming inside, which may encourage mould to form.

In conclusion

Damp, condensation and mould can and will continue to be an issue in the private rented sector (PRS) until more steps are taken by industry professionals to raise awareness of the dangers and prevent sub-standard properties from coming on to the rental market. Some of the recommendations made in this report would take some time to implement, so what can be done in the meantime?



Gutters blocked with debris can lead to problems with penetrating damp from water running down walls.

Picture: Rentokil (www.rentokil.co.uk/property/)

What tenants can do

The two things most likely to make a significant impact would be more tenants refusing to rent properties with damp and reporting damp issues as soon as they arise. Tenants should also:

- Cover pans and turn down the heat when boiling food.
- Dry clothes outside, or in a well-ventilated room, or open a window to let the moisture out.
- When taking a shower or bath, ventilate the bathroom by opening the window or turning on the extractor fan if there is one.
- Open windows in the property each day to change the air.
- Let air circulate by leaving a gap between furniture and walls.
- Wipe away moisture to stop mould developing. If you find mould, wipe it away with diluted bleach (one part bleach to four parts water).

(Source: crisis.org.uk)

What landlords can do

- Understand that fixing the problem is primarily their responsibility
- Get an expert to identify the root cause and offering the correct, long term, fix
- Understand that not fixing the problem correctly could lead to a lower property valuation, which could affect mortgage rates or mean a loss of capital value
- Know that they could be fined by the local authority if they are perceived as responsible for fixing the issue
- Understand that they may not be able to evict tenants when they want to if the tenant has reported the problem and they haven't done anything in response.

What agents can do

All agents should refuse to let a property which has any mould, damp or condensation, mainly because it is against the law and, unlike landlords and tenants, they should be aware of it and act appropriately.

If all landlords with properties which have issues are told they can't let their property via local agents, most are likely to fix the problem, especially if guided to the right experts by agents. The ones that don't and continue to let should then be reported by the agent to the local authority.

What councils can do

Councils should use the powers they have been given to crack down strongly on landlords who continue to refuse to comply with their health and safety obligations.

What others can do

Mortgage brokers, lenders and insurance companies should discuss what they can do to help ensure the problem doesn't occur in the first place. When making a mortgage offer on a property, it is not unusual for a lender to withhold funds until damp problems are fixed and it is this process that may well need to be more rigorously applied to buy-to-let.

Finally, all those in the industry involved in lettings should make sure all properties are checked for damp, mould and condensation using the checklist we have supplied in this report.