

PE2143/A: Introduce legislation to require all landlords to tackle damp and mould to specified standards

Petitioner written submission, 15 April 2025

When giving evidence to the Local Government, Housing and Transport Committee of the Scottish Parliament on Tuesday 18th March 2025, I argued for a Scottish version of Awaab's Law, as per petition PE2143, but with more detail which I now give in this submission to the Citizen Participation and Public Petitions Committee.

The problem of damp and mould in Scotland is endemic, blighting the lives of hundreds of thousands of tenants across Scotland. I believe that we face an imminent public health crisis.

Private and social landlords nearly always blame the lifestyle of the tenant for the prevalence of damp and mould when it is mostly to do with the poor structure of the property, housing conditions, inadequate external insulation, cold bridges within walls, and the lack of efficient and affordable heating systems. The cost-of-living crisis has of course exacerbated damp and mould with a massive increase in fuel poverty amongst tenants in Scotland.

The Scottish Housing Condition Survey for 2023 states that only 10 percent of dwellings in Scotland, i.e. 272,000 homes, have mould which is a gross underestimate of this problem as experts state that in England, which has a similar climate to Scotland, up to 27 percent of homes have mould.

In Scotland, as I have said we have a culture of landlords blaming the tenant for damp and mould, so private and social landlords avoid responsibility and take far too long to deal with damp and mould. When they do, landlords place all the onus on the tenant and therefore carry out, for the most part, cheap cosmetic work of painting over the damp and mould, with the fundamental problem remaining unresolved.

Housemark, in a survey in 2024, found that one in five damp and mould cases in Scotland were reopened resulting in negative impacts to the physical and mental well-being of thousands of tenants in Scotland.

The solution to this massive problem with damp and mould is to have a zero-tolerance approach to the problem. Therefore, there has to be statutory intervention, and we need to pass a Scottish Awaab's Law, like that done in England, except to do it much better in that any such statutory framework must firstly require all private and social landlords to hold accurate and up to date property condition information based on comprehensive stock condition surveys.

Secondly, all employees of private and social landlords have to be trained in damp and mould identification, and all contractors need to be trained and certificated in dealing with damp and mould.

All of this would encourage said landlords in Scotland to be proactive instead of what they do now, which is to be reactive and only respond to tenant's complaints.

Another important step forward would be that landlords adopt new technology in the home, such as sensors, to measure the extent of moisture in the home.

Tenants should not have the full burden placed on them. For too long, the Scottish housing sector has lacked the knowledge and been totally lacking in dealing effectively with damp and mould.

Going forward all landlords in Scotland must investigate all cases of damp and mould within a robust specific timeframe consisting of information gathering, a thorough walkthrough inspection of external and internal parts of a property where precise measurements are taken and a systematic approach to addressing the root causes of the problem ensuring long term resolution and prevention.

It is absolutely crucial, irrespective of cost, that remediation is about removal of all mould from a tenant's home, creating a healthy living environment. Therefore any statutory intervention, e.g. through amendments to the Housing Bill in the Scottish Parliament, must specify that all work in relation to damp and mould must be done to defined high standards and not just mention timeframes by which such work should be finished.

If a dispute still occurs between tenant and landlord on damp and mould, then a publicly funded Expert Witness should do an independent survey to resolve matters.

As stated at the outset of this submission, there is a major crisis with damp and mould in Scotland. We urgently need statutory legislation to ensure that this widespread problem is tackled properly.

This means we need a large overhaul of the current toothless paper tiger that is the Scottish Housing Regulator to be beefed up in terms of much stronger powers and resources to enforce a Scottish Awaab's Law. Housing has to be the number one priority of all those in power in Scotland, as otherwise we will condemn a whole generation of tenants in Scotland to living in terrible conditions with dire physical and mental ill health that this would result in.