

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

Mark Griffin MSP written submission, 20 May 2025

As MSP for Central Scotland, I am writing in support of petition PE2143, which calls on the Scottish Parliament to introduce legislation to require all landlords to tackle damp and mould to specified standards.

Current legislative position

In Scotland, the law requires homes in either the social sector or the Private Rented Sector to be mould and damp-free in order to be deemed fit for human habitation. However, evidence shows that the current legislation is not doing enough to make sure that tenant's homes in Scotland are warm and dry.

The most recent data on the condition of housing in Scotland reported that 46922 (around one in 10) socially rented houses have fallen below tolerable living standards, as set out in guidance published by the Scottish Government. Living Rent has recently carried out a survey which estimated that one in three private sector tenants are living with damp and mould in their homes.

In Scotland any housing which falls below a "tolerable standard" is deemed to be unacceptable living accommodation. In its guidance, the Scottish Government has identified that the presence of rising or penetrating damp, not being insulated to a high enough standard, and not having enough ventilation, natural and artificial light or heating would cause a home to fall below a tolerable standard.

Where homes have fallen below this standard, residents can raise a formal complaint with their landlord.

If they live in a socially rented home, they are entitled to raise the complaint with the Scottish Public Sector Ombudsman. There is also scope for Residents to take a case to the Sheriff court who can order landlords to fix the repairs within a certain amount of time and, if the landlord does not comply, may order compensation.

Issues arising with the current legislative framework

At present, the system relies on tenants being able to take on the burden of raising a complaint against a landlord, and pursuing that complaint through several stages, before action is taken. This can be incredibly difficult for people surviving on low incomes while dealing with the mental and physical effects of a home which is making them and their families sicker.

Although there is a different regulatory framework for social housing in Scotland, Awaab's death is a stark reminder of the harmful health impacts of dampness and mould and the need to tackle the problem. As an MSP, I have been involved with cases where the circumstances have been disturbingly similar to those involving Awaab, where my constituents have had to become involved with protracted disputes with their landlords over the definition of a tolerable standard of mould and damp, while their children are attending hospital for damp related medical conditions.

My position is that any level of damp or mould in a home is by definition not tolerable, and will lead to or exacerbate existing health complaints.

I'm particularly aware of cases where tenants have been encouraged to make changes to their lifestyle as an alternative to landlords fixing the issues in the home that lead to damp and mould. It's not practical or safe for families to be expected to live with windows open throughout the winter, nor is it to expect people to stop doing their laundry or using the shower. Houses should be of a sufficient quality to allow people to live a fairly normal day to day life without causing damp and mould, and if a landlord is charging a fair level of rent, it's only fair to expect them to keep the property up to a habitable standard of living.

Changes to the legislation

I lodged two amendments to the Housing Bill which would have transplanted the provisions of Awaab's law to social and privately rented housing in Scotland. During committee discussion at stage 2 of the bill, I acknowledged that the different legislative basis in Scotland meant that my amendments should be reconsidered at stage 3 to ensure that they were practically workable. I understand that the Government, along with several other MSPs who lodged amendments in this area intend to redraft amendments at stage 3 to ensure that landlords are obligated to ensure homes are warm and dry. I am of the opinion that statutory obligations should be placed on landlords from both the private and socially rented sectors to make it simpler for tenants to raise and pursue complaints about damp and mould, that the definition of tolerable standards in Scottish housing are clear and expansive, and that strict timelines and enforcement procedures should be in place to guarantee that landlords take action to remedy hazards in their tenant's homes. I will be looking for amendments at stage three of the bill that reflect these stipulations.

I will work with the Government during the passage of the Housing Bill, but I am also keen to follow the progress of this petition and assist in ensuring that standards for warm and dry homes in Scotland are as good if not better than the equivalent Awaab's law in the rest of the UK.