

**Citizen Participation and Public Petitions Committee**  
**Wednesday 28 January 2026**  
**3rd Meeting, 2026 (Session 6)**

## **PE2143: Introduce legislation to require all landlords to tackle damp and mould to specified standards**

### **Introduction**

**Petitioner** Sean Clerkin

**Petition summary** Calling on the Scottish Parliament to urge the Scottish Government to introduce legislation to require all private and registered social landlords to investigate and remediate damp and mould within specified timeframes and to high-quality standards.

**Webpage** <https://petitions.parliament.scot/petitions/PE2143>

1. [The Committee last considered this petition at its meeting on 4 June 2025.](#) At that meeting, the Committee agreed to write to the Scottish Government.
2. The petition summary is included in **Annexe A** and the Official Report of the Committee's last consideration of this petition is at **Annexe B**.
3. The Committee has received new written submissions from the Scottish Government and the Petitioner, which are set out in **Annexe C**.
4. On 21 January 2026, [the Scottish Government announced the introduction of the first set of regulations](#) by which landlords will be required to investigate reports of damp and mould and start any repairs needed within a set timescale. A full copy of the Government announcement has been included at **Annexe D**.
5. [Written submissions received prior to the Committee's last consideration can be found on the petition's webpage.](#)
6. [Further background information about this petition can be found in the SPICe briefing](#) for this petition.
7. [The Scottish Government gave its initial response to the petition on 8 May 2025.](#)
8. Every petition collects signatures while it remains under consideration. At the time of writing, 77 signatures have been received on this petition.

### **Action**

9. The Committee is invited to consider what action it wishes to take.

**Clerks to the Committee**  
**January 2026**

## Annexe A: Summary of petition

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

### **Petitioner**

Sean Clerkin

### **Date Lodged**

10 February 2025

### **Petition summary**

Calling on the Scottish Parliament to urge the Scottish Government to introduce legislation to require all private and registered social landlords to investigate and remediate damp and mould within specified timeframes and to high-quality standards.

### **Background information**

Thousands of complaints about damp and mould have been made across Scotland in recent years. A Sunday Post Freedom of Information request to 22 local authorities in Scotland showed that 14,451 complaints about damp and mould were made in 2021-22, a 19 percent increase on the year before.

In late 2024, Glasgow Councillors discussed the massive increase in complaints about damp and mould in low-income social housing with some of them demanding an [Awaab's Law](#) in Scotland, as has been done in England.

The health problems associated with mould spores from mouldy homes can be potentially fatal for people with underlying health conditions, such as lung and heart disease, according to an increasing number of doctors. It can also cause mental health problems.

There is a major problem with damp and mould in Scotland, and it is clear that we need legislation to ensure that this is tackled.

## Annexe B: Extract from Official Report of last consideration of PE2143 on 4 June 2025

**The Convener:** PE2143 was lodged by Sean Clerkin, who was the architect of another petition that we considered earlier. The petition calls on the Scottish Parliament to urge the Scottish Government to introduce legislation to require all private and registered social landlords to investigate and remediate damp and mould within specified timeframes and to high-quality standards. As the SPICe briefing on the petition reminds us, the problem of damp and mould has gained more public attention following the death in 2020 of two-year-old Awaab Ishak from a severe respiratory condition that was due to prolonged exposure to mould in his home. That led to the UK Government introducing Awaab's law for England, which aims to put an obligation on social landlords to investigate and fix dangerous damp and mould within a set amount of time as well as to repair all emergency hazards within 24 hours.

In a written submission to the committee, the petitioner advocates for a Scottish version of Awaab's law for social and private landlords. In addition to the requirement for a set timeframe for repairs, the petitioner believes that any statutory intervention must also specify that all work in relation to damp and mould has to be done to defined high standards and must focus on removing all mould from tenants' homes.

In the Scottish Government's response to the petition, the Minister for Housing indicates that one of the amendments that he has lodged to the Housing (Scotland) Bill, which is being considered by the Parliament, aims to transplant the provisions of Awaab's law into Scottish legislation. The amendment would create a new power for the Scottish ministers to set out timescales for investigating and commencing repairs in the social rented sector. In the response, the Scottish Government also states its commitment to implementing Awaab's law for private tenants, using existing powers, after engagement with housing professionals, private landlords and tenants across the private rented sector.

In support of the petition, the committee received a submission from our colleague Mark Griffin, who also advocates for replicating the provisions of Awaab's law for social and private rented housing in Scotland. Mr Griffin indicates that he will work with the Government during the bill process and that he is keen to ensure that his proposals are reflected in amendments to the bill at stage 3. This is an important issue.

**Foysol Choudhury:** I think that we also had a members' business debate on the matter. I would write to the Scottish Government to ask what engagement it has had with the private rented sector, what specific steps it will take to implement similar provisions to Awaab's law for private tenants in Scotland using existing powers and what plans it has for statutory intervention to require all remedial work in relation to damp and mould to be done to defined high standards. I would keep the petition open.

**Maurice Golden:** I agree. Members of the public would think that it is outrageous that people are living in damp or mouldy conditions. It is a sad reflection of things that a petition needed to be lodged for this committee's consideration. I am loth to

close the petition until stage 3 of the Housing (Scotland) Bill is complete and we have seen what provisions acquiesce to the petition's aims.

**The Convener:** Yes. This is all fairly fresh, because the UK Government's announcement was at the beginning of February and the Scottish Government's announcement was in the middle of March. Given that the bill is going through the Parliament just now, we would, as suggested, want to see the provisions of the petition incorporated into the bill.

**Fergus Ewing:** I should declare an interest because I have a property, which used to be my home, that has been rented out since my wife passed away. As a matter of principle, all private landlords should maintain their properties. Plainly that is the case, and I suspect that most of them do. However, those who do not do that create an extremely difficult problem for tenants. As I know from my constituency work, the situation can be extremely difficult where landlords are recalcitrant and very often just refuse to do anything at all. Therefore, some powers of compulsion are necessary, and the question is whether the existing quality standards meet that need. As Mr Golden said, the answer from the Scottish Government is that it is lodging an amendment to the housing bill. The matter is very live and it will be debated further by the Parliament.

The approach that has been taken in England seems to be logical, although I do not think that it has yet been implemented. The ministerial response that the committee received on 8 May said that the approach in England would start to be implemented from October this year, starting with damp and mould. This is a serious problem that requires to be dealt with. It is just not acceptable that tenants are sitting powerless in properties and suffering the effects of damp while landlords refuse to do anything. We have all seen photographs of what this is like, often for children and people with diseases and conditions such as asthma, who are inhaling mould spores. We have all seen this in our constituency work and, from time to time, we see heart-rending cases. I am absolutely satisfied that the law needs to be tightened up in this area, so it is just a question of getting it right by working together across the parties.

**The Convener:** I think that we are all agreed. We will keep the petition open and we will progress on the basis that has been suggested. We thank Mr Clerkin for lodging the petition; it remains open, and we hope to advance its aims. Thank you for joining us in the gallery for the discussion of both your petitions, Mr Clerkin.

## Annexe C: Written submissions

### Scottish Government written submission, 10 November 2025

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

Thank you for your email on the above petition PE2143 and request for information on the Scottish Government's plans and engagement for implementing Awaab's Law in the Private Rented Sector. I sincerely apologise for the delay in responding.

As the Committee will be aware, subject to Parliament's agreement, the Scottish Government is committed to bringing Awaab's Law into force, starting with damp and mould, in the rented sector from March 2026 – ensuring landlords promptly address issues that are hazardous to tenants' health.

Officials hosted a series of roundtables between 22 September - 2 October 2025, which included engagement with some of the key stakeholders from the Private Rented Sector, to ensure that any timescales for investigating and commencing repairs under Awaab's Law balances the needs of the tenants and supporting landlords.

The outputs of these sessions are currently being analysed to inform implementation, with secondary legislation anticipated to be laid early 2026.

The Scottish Government agrees that repairs measures should be appropriate, considered and of good quality. We will issue guidance in connection with implementation of Awaab's Law, subject to Parliament's approval, which will seek to ensure landlords appropriately identify and tackle the root cause of damp and mould.

#### Better Homes

### Petitioner written submission, 28 November 2025

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

The Scottish Government responded to my petition stating that they would implement Awaab's Law on damp and mould by early 2026. Normally this petition would be closed down at this point following the above but I contend that this Petition should be kept open for several reasons.

The proposed Awaab's Law on damp and mould for Scotland is firstly wholly inadequate as it stands, in that there is a gaping loophole in the new law, which would allow homes to be only substantially free from rising and penetrating damp. This is a get out clause for bad landlords and it would allow some rising and penetrative damp to remain in those affected homes without resolution.

Secondly, bad landlords will only do the minimum required, meaning they will only do a basic paint job on the mould in a home knowing that mould will re-emerge months later.

This is completely unacceptable. The new Awaab's Law only mentions timescales for doing an investigation and for carrying out the work with no specific defined high standards for remediating damp and mould.

I mention in my petition that all work dealing with damp and mould has to be carried out by trained personnel working to defined high standards. That would mean putting together a detailed statutory framework through a Scottish Awaab's Law that would outline not only timescales but the defined high standards of work required to be done to properly remediate damp and mould in all social and private rented homes in Scotland.

A proper process would involve all social and private landlords within a statutory framework being required to train all their own staff in identification of damp and mould and for all contractors to be trained and certificated in remediating damp and mould to defined high standards.

All private and social landlords should be required to hold accurate and up to date property condition information based on comprehensive stock condition surveys and inspections to void homes.

All private and social landlords must investigate and remediate damp and mould through doing a thorough walkthrough inspection of external and internal parts of a home where precise measurements are taken and then to take 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 the removal of all mould from a home creating a healthy living environment. All such remediation work must be done to specified high standards as zero tolerance has to be at the heart of a proper Scottish Awaab's Law.

Where a dispute exists between the landlord and the tenant on damp and mould a publicly funded independent expert surveyor should survey the property to resolve matters.

Lastly, a Scottish Awaab's Law will only work if it is properly enforced and that should be done through a beefed up Scottish Housing Regulator, with more regulatory powers and more resources to properly take on bad private and social landlords, looking after the real interests of all tenants and not pandering to the interests of landlords.

In this way we can tackle damp and mould properly in Scotland facing up to the imminent public health crisis that it constitutes. Therefore because of all of the above I would ask the Committee to keep my petition open and bring the Cabinet Secretary for Housing Mairi McAllan in front of this committee to question her more closely on my concerns regarding the proposed Scottish Awaab's Law on damp and mould.

## Annexe D: Scottish Government announcement, 21 January 2026

### Tenants to be better protected from damp and mould

Published

**21 January 2026 00:01**

Regulations for Awaab's Law to be introduced in Scotland.

New regulations to protect tenants from damp and mould will be laid in the Scottish Parliament.

The Investigation and Commencement of Repair (Scotland) Regulations 2026 will introduce new duties on landlords to investigate reports of damp and mould and start any repairs needed within a set timescale if approved by Parliament.

This is the first set of regulations for the implementation of Awaab's Law, named after two-year-old Awaab Ishak who died in 2020 from a respiratory condition caused by mould in his family's housing association flat in England.

Housing Secretary Màiri McAllan said:

"Everyone deserves to live in a home free from damp and mould. These regulations will help to ensure that's the case by requiring any instances to be swiftly investigated by landlords and prompt action taken."

"In Scotland, while 90% of homes are free from damp and mould, we want to make sure everyone is protected. That's why we are leading the way in rolling out these protections to both social and private tenants. We have worked closely with tenant groups, landlords and other stakeholders to develop regulations that protect tenants while being practical for landlords to implement."

"We will also be raising awareness of the importance of identifying and addressing damp and mould issues as quickly as possible."