

Part I

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All Wards

WELWYN HATFIELD BOROUGH COUNCIL
CABINET HOUSING PANEL – 19 MARCH 2025
REPORT OF THE EXECUTIVE DIRECTOR (RESIDENT SERVICES AND CLIMATE
CHANGE)

AWAAB'S LAW – DAMP AND MOULD AND OTHER HAZARDS IN HOUSING

1 Executive Summary

- 1.1 On 6 February 2025, the Government announced that new legislation will be brought forward requiring social landlords to investigate and fix damp and mould in their housing within certain timescales (not yet specified) from October 2025, as well as repair all emergency hazards within 24 hours. This is known as Awaab's Law.
- 1.2 This announcement follows a public consultation that was undertaken in 2024 following the death of toddler Awaab Ishak resulting from prolonged exposure to damp and mould in a rented Housing Association property in Rochdale.
- 1.3 Awaab's Law will be introduced in a phased approach commencing in October 2025 for damp and mould hazards and emergency repairs. It will then be rolled out to cover further hazards in 2026, and the remaining hazards under the Housing Health and Safety Rating Scheme (HHSRS) in 2027.

2 Recommendation

- 2.1 That Cabinet Housing Panel note the contents of the report.
- 2.2 The Residents' Panel will also be briefed on this upcoming legislation.

3. Explanation

Introduction of Awaab's Law

- 3.1 On 6 February 2025, the Government announced that new legislation will be brought forward requiring social landlords to investigate and fix damp and mould in their housing within certain timescales (not yet specified) from October 2025, as well as repair all emergency hazards within 24 hours. This announcement follows a public consultation that was undertaken in 2024.
- 3.2 This forthcoming legislation is also often referred to as 'Awaab's Law' as it was instigated following the tragic death of a toddler (Awaab Ishak) in December 2020 who died of prolonged exposure to damp and mould in his home rented from Rochdale Boroughwide Housing (Association).
- 3.3 Landlords who fail to comply face being taken to court, with social tenants able to use the full powers of the law to hold them to account.
- 3.4 Awaab's Law will be introduced in a phased approach as follows:
 - October 2025 – investigate and fix damp and mould that present a significant risk of harm to tenants within a certain timescale (not yet specified)
 - October 2025 – To repair all emergency hazards within 24 hours

- In 2026 - requirements will expand to apply to a wider range of hazards such as excess cold and excess heat; falls; structural collapse; fire, electrical and explosions; and hygiene hazards.
- From 2027 - the requirements of Awaab's Law will expand to the remaining hazards as defined by the Housing Health and Safety Rating Scheme (HHSRS); excluding overcrowding. The full list of hazards can be found in schedule 1 to the Housing Health and Safety Rating System (England) Regulations 2005.

Further reforms:

- 3.5 In the coming months, the Government also intends to implement Awaab's Law into the private rented sector through the Renters' Rights Bill. There will be a government consultation on this proposal.
- 3.6 Further reforms for the housing sector are also proposed. The Government will consult on a new Decent Homes Standard and minimum energy efficiency standards, to ensure tenant's homes are made safe, warm, and free from disrepair.
- 3.7 The Government will also introduce legislation to require social landlords to carry out electrical safety checks at least every five years, (which we already do). In addition, it will include mandatory appliance inspections on all electrical appliances that are provided by the landlord; which we do in communal areas of temporary accommodation and sheltered accommodation and for electrical appliances that we have provided.

Actions being taken by Welwyn Hatfield Borough Council:

- 3.8 Currently, if mould is reported as present, we aim to visit within 48 hours and undertake a mould wash and a surveyor to visit within 5 days. When the Government consultation on Awaab's Law took place in 2024, we held discussions with our repairs contractor on the proposals in the consultation. Once the legislative timescales are known for the investigation and fixing of damp and mould issues we will need to revise and update our damp and mould processes and policy.
- 3.9 In addition, in order to give the Council further assurances, we are looking to commission an independent company to undertake specialist damp and mould inspections and surveys in 1,100 council homes initially, and to undertake post-inspections following the damp and mould works by our repair contractor.
- 3.10 The current KPI for our repairs contractor to attend to emergency repairs and make the hazard safe within 24 hours, which would already appear to be compliant with the proposed legislation. However, we may need to revise the KPI targets and timescales when the detail of the legislation is known.
- 3.11 We routinely monitor and report on repairs performance. We also closely monitor cases of damp and mould reported to us to ensure that they are inspected and remedial actions taken.
- 3.12 We will review our processes when the timescales are known for addressing other hazards under the HHSRS from 2026 and 2027.
- 3.13 All our surveyors have been trained in the HHSRS scheme and in identifying damp and mould.

4. Legal Implications

- 4.1 As a social housing landlord, we are required to meet the requirements of the Regulatory Standards set by the Regulator of Social Housing in accordance with the Social Housing (Regulation) Act 2023.
- 4.2 The Regulatory Standards set the by Social Housing Regulator include the Safety and Quality standard which requires that accommodation should meet the Decent Homes Standard, ensure the health and safety of tenants and have an effective repairs and maintenance service, and communicate repairs, maintenance and timescales to tenants.
- 4.3 Landlords already have a duty under the Homes (Fitness for Human Habitation) Act 2018 to keep their homes fit for human habitation and to remedy disrepair.
- 4.4 The forthcoming legislation (Awaab's Law) will set clearer and stronger laws requiring social landlords to investigate and repair hazards within specified timescales to ensure that tenants are living in safe homes.
- 4.5 Although there are no firm details known yet, it is understood that if a landlord fails to meet the requirements of Awaab's Law, that the tenant can enforce this through their tenancy agreement.

5. Financial Implications

- 5.1 There are no known new financial implications as a result of this report at this time. There may be future financial implications once the legislative requirements are known.

6. Risk Management Implications

- 6.1 It will be important to make sure that the processes and policies, and possible revised KPIs, are in place to ensure compliance with Awaab's Law. Failure to do so could result in harm to tenants, legal action and reputational damage to the council.

7. Security and Terrorism Implications

- 7.1 There are no security and terrorism implications arising from this report.

8. Procurement Implications

- 8.1 There are no new procurement implications arising from this report at this time.

9. Climate Change Implications

- 9.1 There are no new climate change implications arising from this report.

10. Human Resources Implication(s)

- 10.1 There are no human resource implications arising from this report.

11. Health and Wellbeing Implications

- 11.1 Effective management of damp and mould and other hazards in our council homes contributes positively towards the health and wellbeing of our tenants.

12. Communication and Engagement Implications

12.1 There are no direct implications from this report at this time. It is essential that we communicate well with tenants who report damp and mould issues and other hazards to us and keep them updated with works required.

13. Link to Corporate Priorities

13.1 The subject of this report is linked to the Council's Corporate Priorities: Homes to be proud of, Run an effective council and Together, create opportunities for our communities.

14. Equality and Diversity

14.1 An Equality Impact Assessment (EIA) has not been carried out in connection with the proposals that are set out in this report as the recommendation does not require a policy or service change.

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Appendices:

None