

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

Scottish Government written submission, 8 May 2025

Context

I am writing to provide the Scottish Government's response to the above petition. 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.

Landlords in the social and private sectors are already required to ensure the properties they let comply with specific standards – the Scottish Housing Quality Standard, which sits within Scottish Social Housing Charter, for social landlords and the Repairing Standard for private landlords. These standards include a requirement to ensure the property meets the Tolerable Standard, including being substantively free from rising and penetrating damp.

Social landlord performance is monitored by the Scottish Housing Regulator. Tenants can make a complaint or report them to the Regulator if they do not meet the required standards. Social tenants can also escalate their complaint to the Scottish Public Services Ombudsman if they are not happy with the initial response.

Where a private tenant believes the Repairing Standard is not being met in the house they rent from a private landlord, they can apply to the First Tier Tribunal (Housing and Property Chamber) for a determination.

The Scottish House Conditions Survey shows that the percentage of homes with condensation and mould has been decreasing over time, although Scottish Government recognises more needs to be done to ensure no home contains damp and mould. Damp and mould in homes can have serious health consequences for residents and the Scottish Government is committed to reducing this number as much as possible.

The Scottish Housing Regulator works closely with social landlords to reduce damp and mould across the social housing sector. The Regulator wrote to all social landlords in 2022 asking them to review systems in place to tackle damp and mould and ensure they have appropriate mechanisms in place. The Regulator has now introduced three new indicators on damp and mould, which will measure the time taken to resolve cases, the number of repeat cases and the number of open cases. Data from these new indicators will be available from summer 2026.

Awaab's Law

On 6 February 2025, Deputy Prime Minister, Angela Rayner announced that Awaab's Law will be implemented in England in three phases into the social housing sector, starting with damp and mould from October 2025, with another 27 hazards to health brought into force between 2026 and 2027.

On 17 March, the Scottish Government lodged an amendment to the current Housing Bill to create a new power for Scottish Ministers to set out timescales for investigating and commencing repairs in the social rented sector.

Once Royal Assent is granted for the Housing Bill later in 2025, secondary regulations will be developed to set out the specific requirements for repairs and any other hazards that may be included, in addition to damp and mould. Officials will continue to work with the UK Government to learn from their introduction of similar regulations, and the detail of the regulations in Scotland will be informed by extensive engagement and consultation with tenants and housing professionals over the course of the coming months.

The Housing Bill already contains proposals to improve tenants' rights, and these measures will strengthen those even further to make sure tenants' home are safe for them and their families.

The Government is also committed 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.

Better Homes Division