

Briefing for the Citizen Participation and Public Petitions Committee on petition PE2143: Introduce legislation to require all landlords to tackle damp and mould to specified standards, lodged by Sean Clerkin

Brief overview of issues raised by the petition

The petitioner refers to increasing numbers of complaints from tenants about damp and mould in their homes. The petitioner states that, in late 2024, Glasgow Councillors discussed the increase in complaints, with some of them demanding an Awaab's law in Scotland, similar to what has happened in England.

[The latest Scottish House Condition Survey covering 2023](#), estimated that levels of mould, damp and condensation were similar to those seen in 2022: 90% of homes were free from any damp or condensation and 90% were free from mould. Older homes and those in the private rented sector are more likely to have dampness.

The problems of damp and mould have gained more public attention following the death of two-year old Awaab Ishak who died in 2020 as a result of a severe respiratory condition due to prolonged exposure to mould in his home. Awaab lived in a housing association home in England. [The coroner investigating the case said](#) this "should be a defining moment for the housing sector in terms of increasing knowledge, increasing awareness and a deepening of understanding surrounding the issue of damp and mould."

This has led the UK Government to introduce an "Awaab's law" for England. Clause 42 of the Social Housing (Regulation) Act 2023 inserts into social housing tenancy agreements an implied term that will require social housing landlords to comply with new requirements to be detailed in secondary legislation. [The UK Government has confirmed that this will apply from October 2025](#), although secondary legislation has still to be passed.

[Consultation on the secondary legislation ran from 9 January 2024 to 5 March 2024](#). The consultation document proposals included that social housing landlords must investigate a hazard within 14 calendar days of being made aware of the potential hazard and produce a written report; complete repairs within a "reasonable time period" and emergency repairs must be completed within 24 hours.

There is a different legislative framework in Scotland, that varies for social and private rented housing. The main legislative provisions are in the Housing (Scotland) Act 2001 for social rented housing, and the Housing (Scotland) Act 2006 which

provides for the 'Repairing Standard' for private landlords. The 'Tolerable Standard' provisions, set out in the Housing (Scotland) Act 1987 are also relevant. A fuller description of the legislation is contained in a [briefing for the Local Government, Housing and Planning Committee on 18 March 2025](#).

The legislation does not set out specific timescales in which damp and mould should be investigated by landlords. Each social landlord should have a policy which specifies how they will deal with repairs and maintenance problems.

There are complaints routes for tenants in social rented and private rented housing if they are unhappy with the action the landlord is taking to deal with the problem.

Scottish Government / Scottish Housing Regulator Action

Following the coroner's report on Awaab's death, in December 2022, [the Scottish Housing Regulator \(SHR\) wrote to all social landlords](#) to ask all governing bodies and committees to consider the systems they have in place to ensure that their homes are not affected by mould and dampness and that they can identify and deal with any reported cases of mould and damp timeously and effectively.

[The Regulator has also worked with the Association of Local Authority Chief Housing Officers \(ALACHO\), CIH Scotland and the SFHA to issue a briefing, Putting Safety First](#), published in February 2023, on how the sector can respond to damp and mould. For example, it encourages landlords to be proactive in addressing problems, focus on the root causes of dampness and encourage tenants to report problems.

The [SHR will also be introducing three new monitoring indicators on dampness](#), as part of the Annual Return on the Scottish Social Housing Charter.

The Scottish Government has supported the dissemination of guidance and has also [published updated guidance on the Repairing Standard for private landlords](#), which includes advice for landlords on dealing with damp.

In response to a parliamentary question ([S6W-30460 asked by Miles Briggs MSP and answered on 25 October 2024](#)), the Minister for Housing, Paul McLennan MSP, set out his view on a similar Awaab's law for Scotland. The Minister stated that, the UK Government's plans "reflects similar rights already in place for social housing tenants in Scotland:

"Question

To ask the Scottish Government what discussions it is having regarding introducing regulations similar to those set out by the UK Social Housing Regulation Act 2023 that require landlords to investigate and fix reported health hazards within specified timeframes (Awaab's law).

Answer

The Scottish Government is aware of the regulations set out in the UK Social Housing Regulation Act 2023 and the plans to introduce Awaab's Law by

setting out specified timeframes for addressing health hazards. This reflects similar rights already in place for social housing tenants in Scotland.

Under the Housing (Scotland) Act 2001, Scottish secure tenants and short Scottish secure tenants currently have the right to have certain urgent repairs carried out by their landlord within a given timescale. The Right to Repair scheme applies to all tenants of local authorities and housing associations. The list of qualifying repairs is set out in The Scottish Secure Tenants (Right to Repair) Regulations 2002, which also sets out the maximum permissible period for completing repairs, and the compensation that is due to tenants where these timescales are not met.

This sits alongside existing requirements for social landlords in Scotland as part of the Scottish Social Housing Charter, monitored by the Scottish Housing Regulator (SHR). The Charter includes expected outcomes on the customer/landlord relationship and on the quality of housing. Landlords need to meet the Scottish Housing Quality Standard, which requires that homes are healthy, safe and free from serious disrepair.

As part of their review of the Annual Return on the Scottish Social Housing Charter (ARC), SHR are engaging with the sector to develop updated indicators for tenant and resident safety.

SHR aim to confirm the revised ARC indicators by January 2025, with the new ARC being in place for collection year 2025/26. In the meantime, SHR will use Annual Assurance Statements to require landlords to provide specific assurance on their compliance with their tenant and resident safety obligations, including their performance in dealing with instances of damp and mould.”

Scottish Parliament Action

Housing quality has been an overarching scrutiny theme for the Local Government, Housing and Planning Committee.

Scrutiny during 2023 focused on damp and mould in rented housing, when the Committee held two evidence sessions:

- [2 May 2023](#) – Two panels, the first made up of with stakeholder organisations and the second of tenant and resident groups.
- [16 May 2023](#) – Panel one included the Scottish Public Services Ombudsman, Chartered Institute of Housing, and Scottish Housing Regulator followed by a session with the Minister for Housing.

During these discussions, issues about landlords’ practices in dealing with dampness and mould were raised and the extent to which changes in legislation might be applicable. Following the sessions, the Committee wrote to the [Minister for Housing on 23 June 2023](#).

[A response was received by the Minister for Housing on 28 July 2023.](#)

The Local Government, Housing and Planning Committee will be returning to this issue (along with consideration of other housing quality issues) in its sessions on 18 and 25 March 2025, followed by taking evidence from the Minister for Housing.

In advance of these sessions the Local Government, Housing and Planning Committee received written evidence which has been published on the website at: https://yourviews.parliament.scot/lghp/building-safety/consultation/published_select_respondent.

The petitioner submitted evidence to the Local Government, Housing and Planning Committee, on behalf of the Scottish Tenants Organisation, which makes similar points to the petition. [The Scottish Tenants Organisation will be part of a panel of witnesses on 18 March 2025.](#)

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13 March 2025

The purpose of this briefing is to provide a brief overview of issues raised by the petition. SPICe research specialists are not able to discuss the content of petition briefings with petitioners or other members of the public. However, if you have any comments on any petition briefing you can email us at spice@parliament.scot

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