

Citizen Participation and Public Petitions Committee
Wednesday 4 June 2025
10th Meeting, 2025 (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. This is a new petition that was lodged on 10 February 2025.
2. A full summary of this petition and its aims can be found at **Annexe A**.
3. A SPICe briefing has been prepared to inform the Committee's consideration of the petition and can be found at **Annexe B**.
4. Every petition collects signatures while it remains under consideration. At the time of writing, 48 signatures have been received on this petition.
5. The Committee seeks views from the Scottish Government on all new petitions before they are formally considered.
6. The Committee has received submissions from the Petitioner, the Scottish Government and Mark Griffin MSP, which are set out in **Annexe C** of this paper.

Action

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

Clerks to the Committee
May 2025

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: SPICe briefing on PE2143



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.](#)

Kate Berry

Senior Researcher

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

Every effort is made to ensure that the information contained in petition briefings is correct at the time of publication. Readers should be aware however that these briefings are not necessarily updated or otherwise amended to reflect subsequent changes.

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Annexe C: Written submissions

Petitioner written submission, 15 April 2025

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

When giving evidence to the Local Government, Housing and Transport Committee of the Scottish Parliament on Tuesday 18th March 2025, I argued for a Scottish version of Awaab's Law, as per petition PE2143, but with more detail which I now give in this submission to the Citizen Participation and Public Petitions Committee.

The problem of damp and mould in Scotland is endemic, blighting the lives of hundreds of thousands of tenants across Scotland. I believe that we face an imminent public health crisis.

Private and social landlords nearly always blame the lifestyle of the tenant for the prevalence of damp and mould when it is mostly to do with the poor structure of the property, housing conditions, inadequate external insulation, cold bridges within walls, and the lack of efficient and affordable heating systems. The cost-of-living crisis has of course exacerbated damp and mould with a massive increase in fuel poverty amongst tenants in Scotland.

The Scottish Housing Condition Survey for 2023 states that only 10 percent of dwellings in Scotland, i.e. 272,000 homes, have mould which is a gross underestimate of this problem as experts state that in England, which has a similar climate to Scotland, up to 27 percent of homes have mould.

In Scotland, as I have said we have a culture of landlords blaming the tenant for damp and mould, so private and social landlords avoid responsibility and take far too long to deal with damp and mould. When they do, landlords place all the onus on the tenant and therefore carry out, for the most part, cheap cosmetic work of painting over the damp and mould, with the fundamental problem remaining unresolved.

Housemark, in a survey in 2024, found that one in five damp and mould cases in Scotland were reopened resulting in negative impacts to the physical and mental well-being of thousands of tenants in Scotland.

The solution to this massive problem with damp and mould is to have a zero-tolerance approach to the problem. Therefore, there has to be statutory intervention, and we need to pass a Scottish Awaab's Law, like that done in England, except to do it much better in that any such statutory framework must firstly require all private and social landlords to hold accurate and up to date property condition information based on comprehensive stock condition surveys.

Secondly, all employees of private and social landlords have to be trained in damp and mould identification, and all contractors need to be trained and certificated in dealing with damp and mould.

All of this would encourage said landlords in Scotland to be proactive instead of what they do now, which is to be reactive and only respond to tenant's complaints.

Another important step forward would be that landlords adopt new technology in the home, such as sensors, to measure the extent of moisture in the home.

Tenants should not have the full burden placed on them. For too long, the Scottish housing sector has lacked the knowledge and been totally lacking in dealing effectively with damp and mould.

Going forward all landlords in Scotland must investigate all cases of damp and mould within a robust specific timeframe consisting of information gathering, a thorough walkthrough inspection of external and internal parts of a property where precise measurements are taken and 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 removal of all mould from a tenant's home, creating a healthy living environment. Therefore any statutory intervention, e.g. through amendments to the Housing Bill in the Scottish Parliament, must specify that all work in relation to damp and mould must be done to defined high standards and not just mention timeframes by which such work should be finished.

If a dispute still occurs between tenant and landlord on damp and mould, then a publicly funded Expert Witness should do an independent survey to resolve matters.

As stated at the outset of this submission, there is a major crisis with damp and mould in Scotland. We urgently need statutory legislation to ensure that this widespread problem is tackled properly.

This means we need a large overhaul of the current toothless paper tiger that is the Scottish Housing Regulator to be beefed up in terms of much stronger powers and resources to enforce a Scottish Awaab's Law. Housing has to be the number one priority of all those in power in Scotland, as otherwise we will condemn a whole generation of tenants in Scotland to living in terrible conditions with dire physical and mental ill health that this would result in.

Scottish Government written submission, 8 May 2025

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

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

Mark Griffin MSP written submission, 20 May 2025

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

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 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.