

Breathe Pure- Guidance on Awaab's Law

Introduction

Awaab's Law is the popular name for provisions contained within the Social Housing (Regulation) Act 2023. These measures were introduced to require landlords to deal more quickly with disrepair, especially in relation to damp and mould growth.

Background

The death of Awaab Ishak focused attention more closely on damp and mould in rental properties and how effectively these issues were being dealt with by landlords. Awaab's Law was intended to put more pressure on social landlords to investigate and rectify these issues promptly. The Renters' Rights Bill extends Awaab's Law to apply to most private sector landlords as well as social landlords.

Structure

The regulations have not been made yet to bring Awaab's Law into effect and so it is hard to say exactly what is intended. However, they were consulted on under the previous government and the current government has indicated that it does not intend to conduct a further consultation and will adopt the proposals already set out.

The proposals require that landlords will be required to deal with hazards as defined for the HHSRS, including damp and mould. They will then be required:

1. Investigate the cause of a reported hazard within 14 days;
2. Provide a written report on causes in the same time period;
3. If the investigation is to take longer then provide an initial report with timescales for further investigation;
4. If the report shows works are required then begin these within 7 days and complete these within a reasonable time.

Where there is an emergency repair, which is something that creates immediate serious risks, then repairs must be dealt with as soon as possible and in any event within 24 hours. This includes very serious issues such as gas leaks but would also include less serious issues such as serious leaks and broken exterior doors. It also includes severe damp and mould where that is impacting the ability of the resident to breathe.

Awaab's Law does not apply to every hazard. It only applies to hazards that cause severe risk to the health of the occupier. So more vulnerable occupiers will have greater protections but not every tenant complaint will necessarily engage the obligations associated with Awaab's Law. However, in practice, it is likely that assessments will need to be completed in most cases to decide whether it will apply. While the Law applies to any hazard it is clearly oriented toward hazards that have a health impact and so damp and mould growth is likely to be one of the most important areas that is impacted by the changes.

Implementation

Awaab's Law actually works by adding new sections into the Landlord and Tenant Act 1985 alongside the relatively well-known repairing obligations in s11 of that Act. At the moment these new obligations are not effective as they require further regulations to be made to bring them into effect. However, Angela Rayner, Secretary of State for Communities, Housing and Local Government, has said that the new rules will be implemented for social landlords for damp and mould and emergency work from October 2025 with it being extended to other repairs progressively over the next two years.

For private landlords the implementation of Awaab's Law will depend on the exact date the Renters' Rights Bill completes its passage before Parliament. It is likely to come into effect in early 2026 and will likely also be phased in the way that the implementation for social landlord's is being, so it will commence with damp and mould.

Enforcement

All enforcement of Awaab's law is in the civil courts. So tenants will be able to claim damages from landlords for failure to comply. This will likely be alongside existing claims for housing disrepair. However, the government has also made clear that it expects the Housing Ombudsman to deal with this matter as well in respect of social landlords and the future redress scheme being created by the Renters' Rights Bill for private landlords.

As well as direct enforcement of Awaab's Law there will be new enforcement powers through the Decent Homes Standard. This is being incorporated into the HHSRS such that a local authority who finds failures of the Decent Homes Standard can immediately fine a landlord up to £7,000 as well as requiring improvements in the property. Repeated failures can lead to much larger fines, potentially up to £40,000.



Practical Steps

Ultimately a lot of Awaab's Law related complaints will be damp related. This can be hard to combat in older properties and so landlords should look to take measures to limit the risk of damp and mould. Further, damp and mould is often an area where there is a tension between landlord obligations and tenant use. The government is seeking to decisively shift the onus on to landlords and so it would be sensible for all landlords to take steps to minimise risks associated with damp and mould growth.

Options

One of the new options for many landlords is the increasing range of products that can be fitted into properties to reduce damp and control mould spores. In properties that are resistant to substantial alteration or where that cost might be prohibitive these potentially offer a real solution by reducing levels of damp and mould.

