

Research Briefing

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Health inequalities: Cold or damp homes



Summary

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Summary

Cold or damp homes can exacerbate existing health inequalities and became an area of increasing concern for policy makers in 2022.

This briefing discusses the prevalence, cause, and health impacts of cold or damp homes. It focuses mainly on the situation in England, but includes some coverage on Scotland, Wales and Northern Ireland.

How do cold or damp conditions affect health?

Housing quality has a significant and material impact on health and wellbeing.

Condensation and damp in homes can lead to mould growth, and inhaling mould spores can cause allergic type reactions, the development or worsening of asthma, respiratory infections, coughs, wheezing and shortness of breath.

Living in a cold home can worsen asthma and other respiratory illnesses and increase the risk of heart disease and cardiac events. It can also worsen musculoskeletal conditions such as arthritis.

Cold or damp conditions can have a significant impact on mental health, with depression and anxiety more common among people living in these conditions.

Each year, [the NHS spends an estimated £1.4 billion annually on treating illnesses associated with living in cold or damp housing](#). When wider societal costs are considered, such as healthcare, that figure rises to £15.4 billion.

How many households are affected by damp, mould and excess cold?

According to [the English Housing Survey](#), around 904,000 homes in England had damp problems in 2021. Of these, around 11% in the private rented sector had damp problems compared with 4% in the social-rented sector and 2% of owner-occupied homes.

In 2019, an estimated 653,000 households in England lived with a '[category 1 hazard](#)' of excess cold – i.e. a home with poor energy efficiency that could lead to cold conditions posing a serious risk to health and safety.

Some households are likely to be disproportionately affected by cold and damp. Households with children are more likely than others to have damp in their home, while households with over-60s are most likely to live with an excess cold hazard.

Are cold or damp homes an inequalities issue?

Certain groups of people, such as children and young people, the elderly or people with pre-existing illness, are at a greater risk of ill health associated with cold or damp homes.

Some groups of people are more likely to live in these conditions, including households with an older person living in them, households with a lone parent, households with children, low income households and households with people from minority ethnic backgrounds.

Why is there increasing concern about cold or damp homes?

With growing pressure on household finances because of increasing energy costs and wider concerns about the cost of living, there are [concerns households are choosing between “heating or eating”](#) over the winter months.

In 2022, the media reported widely on poor conditions caused by damp and mould in social and private rented housing. This was preceded by reporting on the case of two-year old Awaab Ishak who died in 2020 due to prolonged exposure to mould in his home.

Cold or damp housing creates an additional burden on the NHS which is already struggling to keep up with demand.

Government action to address damp and mould in rented housing

Across the UK private and social rented sectors, landlords have statutory duties to maintain their rented properties. Where landlords breach these duties, tenants can seek redress. For example, enforcement action can take place through the courts, through engaging with local authority

environmental health officers (who also have enforcement powers), and through social landlords' complaints procedures.

There are barriers to tenants exercising their rights in relation to housing conditions. In the private rented sector in England they can face '[retaliatory eviction](#).' Tenants may not be aware of their rights and there is [evidence of inconsistent enforcement activity by local authorities](#).

Following the coroner's report on the death of Awaab Ishak, the Secretary of State at the Department for Levelling Up, Housing and Communities, [Michael Gove, wrote to all council leaders and social housing providers in England](#) setting out expectations in relation to damp and mould. It's expected that the Social Housing Regulation Bill, currently before Parliament, will strengthen tenants' rights to hold their landlords to account for poor housing conditions.

The Regulator of Social Housing in England also wrote to housing providers seeking assurances on action to address damp and mould risks. Similar assurances have been sought by ministers and regulators in the devolved administrations.

There are also proposals to extend the Decent Homes Standard in England to apply to private landlords and to make breaches a criminal offence. Scotland is considering a new housing standard to apply to all homes.

Further reading

For more comprehensive information on energy costs and Government support, see:

- Commons Library, [Constituency casework: Government support for energy bills](#)
- Commons Library, [Domestic energy prices](#)
- Commons Library, [Help with energy bills](#)
- Commons Library, [Help with energy efficiency, heating and renewable energy in homes](#)
- Gov.uk, [Help with your energy bills](#)

1 Cold or damp homes in context

Households may be unable to adequately heat their homes for several reasons:

- They lack the financial resources to pay for a sufficient energy supply, particularly where exacerbated by high energy costs or a high cost of living.
- They need to use heating a lot, particularly where pensioners, young children and people with disabilities live.
- The home is insufficiently insulated or highly energy inefficient, leading to significant thermal loss.
- Physical factors which pre-dispose a person to feeling the effects of the cold more than others, such as ill health or older age.
- There is no functioning heating system in the home.

Inadequate heating and poor ventilation can cause mould to grow in homes.

Accordingly, policy responses to cold and damp homes needs to span across four key policy areas; health, welfare, housing and energy, and their respective departments; Department for Health and Social Care (DHSC), Department for Work and Pensions (DWP), Department for Levelling Up, Housing and Communities (DLUHC) and Department for Business, Energy and Industrial Strategy (BEIS).

In February 2023, the Government announced that a newly created Department for Energy Security and Net Zero would be responsible for long-term energy supply and energy bills, while a combined Department for Business and Trade would support British business.¹

1.1 Increasing concern about cold or damp homes

A set of challenging circumstances in the UK has drawn attention to the prevalence and impact of cold or damp homes. These include high energy prices, wider concerns about the cost of living, and an increasing focus on poor quality housing with respect to insulation and ventilation.

¹ Gov.uk press release, PM: [Making government deliver for the British people](#), 7 February 2023.

Energy costs

Global wholesale energy prices have risen significantly since 2021 owing to an increase in the price of wholesale gas (and electricity, which closely tracks that of gas).

There are several reasons why energy prices have risen globally, notably:

- Increased global energy demand as Covid-19 lockdowns were lifted.
- Disruption in the supply of Russian gas following Russia's military action in Ukraine.
- Across Europe, warmer weather during summer 2022 increased the demand of energy for cooling, while also decreasing energy supplies due to drought and the subsequent reduction in the supply of hydropower.²

The UK has been particularly susceptible to rising energy costs due to 85% of households relying on gas boilers to heat homes, 40% of electricity being generated in gas fired power stations, and poorer domestic insulation as compared to other European countries.³

This has resulted in forecasts which suggest that the price cap for 'typical' consumption (without any Government support) will be around £3,500 in Q2 2023, falling to around £2,800 in Q3 and Q4 2023.⁴

The cost of living and exacerbation of health inequalities

The 'cost of living crisis' in the UK refers to the fall in 'real' disposable incomes (adjusted for inflation and after taxes and benefits) that the UK has experienced since late 2021.⁵ It has largely been caused by high inflation which has diminished the effect of (marginal) wage and benefit rises, and aggravated by recent increases in taxes.

Lower income households are often more vulnerable to economic turbulence than wealthier households. The Institute for Fiscal Studies estimated (in April 2022) that the bottom 10% of the population in terms of income faced an inflation rate of 10.9%, as compared to 7.9% for the wealthiest 10%.⁶

It is widely acknowledged that individuals from low-income households experience poorer health outcomes compared to wealthier households. The

² European Council, [Infographic – Energy price rise since 2021](#), accessed 1 January 2023

³ LSE British Politics and Policy, [Why have energy bills in the UK been rising?](#), 20 October 2022

⁴ Cornwall Insights, [Drop in wholesale energy prices sees price cap predictions fall below the Energy Price Guarantee for second half of 2023](#), 4 January 2023

⁵ Institute for Government, [Cost of living crisis](#), accessed 5 January 2022

⁶ Institute for Fiscal Studies, [Inflation for poorest households likely to increase even faster than for the richest, and could hit 14% in October](#), 25 May 2022

Institute of Health Equity notes that while life expectancy has been stalling across all income groups in the UK over the last decade, this trend has disproportionately impacted the health of people living in areas of the UK with high deprivation, widening health inequalities.⁷

The Institute notes that austerity is an immediate cause of stalled life expectancy. It suggests that cuts to local government grants have disproportionately affected services in areas with high deprivation. These areas rely more on central government funding than those with lower deprivation.

The threat of worsening of health inequality comes while the NHS is facing sustained pressure across general practice, emergency care and social care provision.

Matthew Taylor, Chief Executive of the NHS Confederation urged the Government to “commit to do everything within its power to prevent the NHS from entering the next winter in this same fragile state that has sadly become the norm over recent winters”.⁸

These pressures will be exacerbated by the negative health effects that cold or damp homes have on people living in them. Seasonal flu and Covid-19 are further winter pressures which are aggravated by cold or damp homes.

Housing conditions

In November 2022, a coroner ruled the death of two-year-old Awaab Ishak in 2020 was due to “prolonged exposure to mould in his home environment.”⁹ This prompted demands from professionals and campaigners for improved housing standards.¹⁰

There are reports of more social housing tenants taking legal action against landlords for health conditions relating to unresolved damp and cold in their homes.¹¹

⁷ Institute of Health Equity, [The rising cost of living: A review of interventions to reduce impacts on health inequalities in London](#), 24 January 2023

⁸ NHS Confederation, [NHS Confederation comment on NHS pressures](#), 2 January 2023

⁹ [Awaab Ishak: Prevention of future deaths report - Courts and Tribunals Judiciary](#), 16 November 2022

¹⁰ See for example, [The Mirror, End Housing Hell: The Mirror is calling for urgent action following the death of Awaab Ishak](#), 3 January 2023; Inside Housing, [Decent Homes Standard update must make damp and mould requirements explicit](#), says regulator chair, 1 December 2022; eClinical Medicine, [Awaab Ishak and the politics of mould in the UK](#), Vol 54, December 2022

¹¹ Inside Housing, [“Tenant to sue council after developing incurable lung disease in mouldy flat”](#), 23 January 2023 [login required]

2 Domestic conditions

2.1 What causes damp and mould growth in homes?

In buildings, damp refers to the presence of excess or unwanted moisture. One of the most common causes of damp and mould in homes is condensation.¹²

Moisture from showering, drying clothes and cooking builds up in the air around a home. As warm air can hold more water as vapour than cold air, warm air will form condensation when it comes into contact with a colder surface, such as a wall or window. The air can no longer hold the same amount of vapour, forming condensation on the surface.¹³

Over time, condensation will lead to damp and mould growth. This is more likely to happen in winter, when the difference between the temperature inside and outside is greater.¹⁴

Other causes of mould include rising and penetrating damp, which are the result of moisture from the ground being drawn up into the walls and moisture entering through a building's fabric.¹⁵

There are many reasons damp and mould might occur; in addition to inadequate heating, they are related to how a home is built. For example:

- Poor insulation can lead to heat loss and to condensation; and
- Poor ventilation means internal moisture-laden air cannot escape and is not (sufficiently quickly) replaced with fresh external air.¹⁶

¹² Property Care Association (PCA), [Homeowners Help & Information: Mould problems](#), undated [accessed 31 January 2023]; World Health Organization (WHO) Europe, [Damp and Mould: Health risks, prevention and remedial actions](#) (PDF), June 2009, section 3

¹³ Property Care Association (PCA), [Homeowner Help & Advice: Condensation](#), February 2018; Safeguard Europe, [Control of dampness caused by condensation](#), undated [accessed 11 January 2023]; Homeowners Alliance, [Signs Of Damp And How To Fix It](#), undated [accessed 11 January 2023]

¹⁴ PCA, [Homeowner Help & Advice: Condensation](#), February 2018

¹⁵ PCA, [Rising damp](#) and [Penetrating damp](#), undated [accessed 11 January 2023]

¹⁶ PCA, [Dampness in buildings](#), undated [accessed 11 January 2023]; Designing Buildings, [Condensation in buildings](#), last updated 4 August 2022

2.2

Is there a recommended domestic temperature ?

In 2014, Public Health England¹⁷ (PHE, now the UK Health Security Agency) carried out a [review](#) of literature on how cold indoor temperatures affect health. Its findings were published in [Minimum home temperature thresholds for health in winter – A systematic literature review](#) (October 2014).

PHE made the following recommendations, broadly supporting a temperature of at least 18°C in homes in winter:

Daytime:

- The 18°C (65F) threshold is particularly important for people **over 65yrs or with pre-existing medical conditions**. Having temperatures slightly above this threshold may be beneficial for health.
- The 18°C (65F) threshold also applies to **healthy people (1 – 64)**. If they are wearing appropriate clothing and are active, they may wish to heat their homes to slightly less than 18°C (65F)

Overnight:

- Maintaining the 18°C (65F) threshold overnight may be beneficial to protect the health of those **over 65yrs or with pre-existing medical conditions**. They should continue to use sufficient bedding, clothing and thermal blankets or heating aids as appropriate.
- Overnight, the 18°C (65F) threshold may be less important for **healthy people (1 – 64)** if they have sufficient bedding, clothing and use thermal blankets or heating aids as appropriate.^{18 19}

PHE said its recommendations should be shared with partners and agencies working with people in high risk groups, and incorporated into future editions of the [Cold Weather Plan for England](#) (discussed in section 4.3).²⁰ The Plan, which advises on preventing the major avoidable health effects during periods of cold weather in England, recommends an indoor temperature between 18°C and 21°C.

¹⁷ A wider Government restructure of national public health bodies in England took place in 2021. This saw the closing of Public Health England and the sharing of its responsibilities between two new bodies; [Office for Health Improvement and Disparities \(OHID\)](#) which is responsible for preventative health, and the [UK Health Security Agency \(UKHSA\)](#) which manages the response to infectious disease.

¹⁸ PHE, [Minimum home temperature thresholds for health in winter – A systematic literature review](#), October 2014

¹⁹ The PHE review includes the following note: *There is an existing recommendation to reduce Sudden Infant Death Syndrome (SIDS). Advice is that rooms in which infants sleep should be heated to between 16 – 20 °C (61 – 68F). <http://www.lullabytrust.org.uk/roomtemperature>

²⁰ UKHSA, [Cold Weather Plan for England](#), last updated 1 November 2022

The [World Health Organization's \(WHO\) Housing and Health Guidelines](#) (2018) also recommend indoor temperatures are maintained at 18°C in colder climates, noting:

Indoor housing temperatures should be high enough to protect residents from the harmful health effects of cold. For countries with temperate or colder climates, 18 °C has been proposed as a safe and well-balanced indoor temperature to protect the health of general populations during cold seasons.²¹

The [Housing, Health and Safety Rating System](#) was introduced by the Housing Act 2004 and is a risk based assessment used by environmental health officers to assess property conditions. The operating guidance says a healthy indoor temperature is around 21°C:

There is small risk of health effects below 19°C. Below 16°C, there are serious health risks for the elderly, including greatly increased risks of respiratory and cardiovascular conditions. Below 10°C a great risk of hypothermia, especially for the elderly.²²

2.3

Is there a safe limit for mould growth in homes?

There is no UK based guidance on a safe level of mould growth in homes.

[WHO's 2009 guidelines for indoor air quality regarding dampness and mould](#) advised against setting “acceptable levels” of mould contamination:

As the relationships between dampness, microbial exposure and health effects cannot be quantified precisely, no quantitative, health-based guideline values or thresholds can be recommended for acceptable levels of contamination by microorganisms. Instead, it is recommended that dampness and mould-related problems be prevented. When they occur, they should be remediated because they increase the risk of hazardous exposure to microbes and chemicals.²³

²¹ WHO, [Housing and health guidelines](#), 2018

²² DLUHC and MHCLG, [Housing health and safety rating system \(HHSRS\): guidance for landlords and property-related professionals](#), 2006

²³ WHO, [Guidelines for indoor air quality: dampness and mould](#), 1 January 2009

3 Prevalence of cold or damp homes

3.1 How many cold or damp homes are there in England?

The English Housing Survey (EHS), an annual survey administered by DLUHC, provides estimates of the quality of housing stock in England.

Households sampled in the EHS typically undergo a full internal inspection which determines the presence of hazards including damp and excess cold. However, the Covid-19 pandemic meant that this was not possible in 2020 or 2021.

This means that the most comprehensive and reliable data on cold or damp homes is from 2019, although DLUHC has also produced some modelled estimates on these topics for 2020 and 2021, based on known information about property characteristics in the absence of a full inspection.²⁴

Damp homes

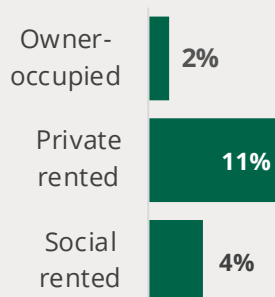
According to EHS data modelling, around 4% of homes had some form of damp in 2020 and 2021, up slightly from a little over 3% in 2019.²⁵ This represents around 904,000 homes with damp in 2021. This definition of damp includes rising damp, penetrating damp, and condensation and/or mould.

Damp problems were much more common in the private rented sector, as the chart on the left shows – 11% of privately-renting households had some form of damp problem, compared with 4% of social-renting households and 2% of owner-occupying households.

Additional data from 2020 tells us more about factors associated with damp in the home.

Households with children are some of the most likely to have damp in their home. In 2020, 8.2% of lone parent households and 5.2% of couples with children had damp at home, compared with an average of 4.1% across all household types.

Percentage of households with damp problems, 2021



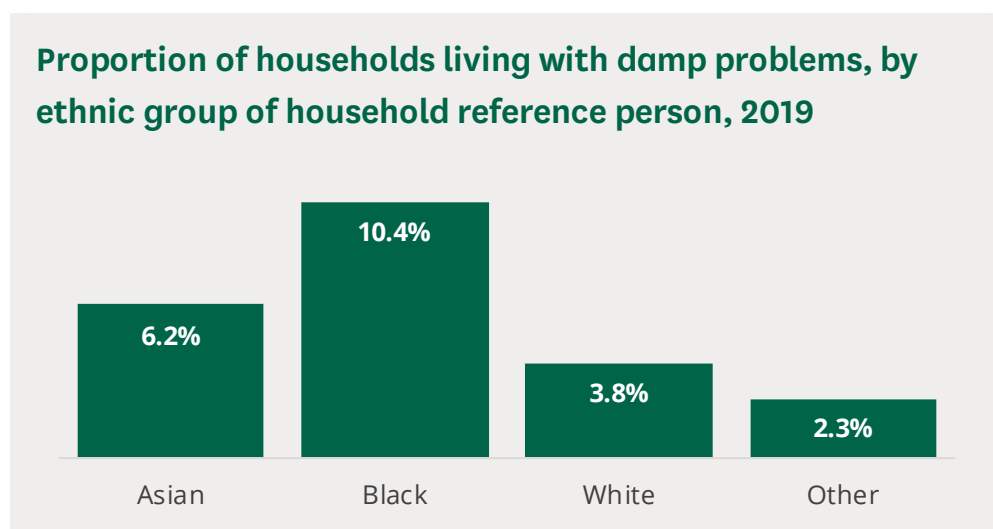
Source: DLUHC

²⁴ DLUHC, [English Housing Survey 2021 to 2022: headline report](#), 15 December 2022

²⁵ DLUHC, [English Housing Survey 2021 to 2022: headline report, Section 2: housing stock annex tables](#), 15 December 2022

Households on low incomes were also more likely to live in homes with damp. 7.0% of households classified as in poverty were living with damp, compared with 3.5% of households not in poverty.

The chart below shows the proportion of households living with damp broken down by the ethnicity of one person acting as a reference point – the Household Reference Person (HRP).²⁶ Some ethnic groups are more likely to have damp at home than others; 10.4% of households with a Black HRP lived with damp in 2019.



Source: DLUHC, English Housing Survey data on dwelling condition and safety, [Table DA5103: damp and mould - households](#)

Older homes are more likely to have damp problems. In 2020, 10.3% of homes built before 1919 had damp problems – the highest proportion of any property age bracket.

Properties in more recent age brackets were less likely to have damp problems. 1% of properties built after 1981 had damp problems.²⁷

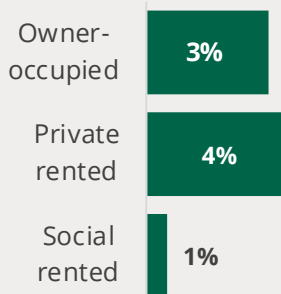
There is also geographical variation in where damp problems are most likely. The EHS classifies properties based on what type of area they are in. Homes were more likely to have damp problems if they were city centres (9.1%), other urban centres (6.3%), or rural areas away from villages and residential developments (7.8%).²⁸

²⁶ The Household Reference Person is the person who owns the accommodation or is responsible for the rent; in joint tenures, the person with the highest income is the Household Reference Person.

²⁷ DLUHC, [English Housing Survey data on dwelling condition and safety](#), Table DA5101: damp and mould - dwellings, 7 July 2022

²⁸ DLUHC, [English Housing Survey data on dwelling condition and safety](#), Table DA5102: damp and mould - areas, 7 July 2022

Percentage of homes with an excess cold hazard, 2019



Source: DLUHC

Excess cold hazards

The EHS assesses whether homes have any category 1 hazards, as defined by the [Housing Health and Safety Rating System](#).²⁹ Category 1 hazards are those which pose a serious risk to health and safety. Excess cold can amount to a category 1 hazard.³⁰

For the purposes of the survey, excess cold is modelled by looking at the energy efficiency of the property. In effect, it is a measure of whether excess cold is likely to occur rather than a measure of the actual temperature conditions experienced by residents.³¹

In 2019, an estimated 2.8% of households lived in a home with an excess cold hazard (around 653,000 households).³²

Households were more likely to live in a home with an excess cold hazard if they contained older people. Around 4.2% of households where the oldest person was aged 60 or over lived with an excess cold hazard, compared with 1.8% of households where the oldest person was aged under 60.³³

Excess cold hazards are more common in rural areas. In 2019, 9.0% of homes in rural areas had an excess cold hazard, compared with 2.6% of homes in city and urban centres and 1.4% in suburban residential areas.³⁴

As the chart on the left shows, owner-occupied and private-rented homes were considerably more likely than social-rented homes to have an excess cold hazard.

As with damp, older properties are also more likely to have an excess cold hazard. 7.9% of properties built before 1919 had an excess cold hazard in 2019, while proportions for more modern properties were lower. 1.0% of homes built between 1981 and 1990 had an excess cold hazard.³⁵

The relationship between energy efficiency, cold and damp in homes

The EHS says there is “a strong relationship between the energy efficiency of the home and its overall housing quality.”³⁶

²⁹ DLUHC, [English Housing Survey 2020 to 2021: housing quality and condition](#), July 2022

³⁰ [The HHSRS guidance](#) lists all possible 29 hazards in Appendix III.

³¹ DLUHC, [English Housing Survey 2020 to 2021: technical report](#), 15 August 2022

³² DLUHC, [English Housing Survey data on dwelling condition and safety](#), Table DA4103: health and safety – households, 7 July 2022

³³ As above

³⁴ DLUHC, [English Housing Survey data on dwelling condition and safety](#), Table DA4102: health and safety – areas, 7 July 2022

³⁵ DLUHC, [English Housing Survey data on dwelling condition and safety](#), Table DA4101: health and safety – dwellings, 7 July 2022

³⁶ DLUHC, [English Housing Survey, 2020 to 2021: housing quality and condition](#), July 2022

As discussed above, the EHS uses the energy efficiency of a property to determine whether it has a category 1 excess cold hazard, on the basis that homes with poor energy efficiency are more likely to become hazardously cold.

An EHS report for 2020/21 also observed a relationship between poor energy efficiency and damp:

Although serious damp has many causes including disrepair, it can also be caused by a lack of adequate heating and/ or insufficient loft and wall insulation; the presence of these features help to keep the walls of homes warmer, reducing the risk of damp. Overall, 713,000 less energy efficient homes with an [energy efficiency rating] band D or below also had damp.³⁷

3.2 Devolved administrations

Housing is a devolved matter, which means that separate housing condition surveys are carried out in Wales, Scotland, and Northern Ireland. These surveys have been carried out at different times, with different methodologies, so they should not be compared directly with the EHS statistics discussed above.

[The Welsh Housing Conditions Survey](#) estimates that in 2017/18, 7% of homes in Wales had damp, mould or condensation.³⁸

[The Scottish House Condition Survey](#) estimates that in 2019, 9% of Scottish homes had some degree of damp or condensation.³⁹

The most recent [Northern Ireland House Condition Survey is for 2016](#). The survey estimated that around 9,300 homes would fail Northern Ireland's housing fitness standard because of the presence of damp.

The survey also estimated that 2% of homes had a category 1 excess cold hazard under the Housing Health and Safety Rating System (which is not adopted in Northern Ireland but is used in the survey for assessment purposes).⁴⁰

³⁷ DLUHC, [English Housing Survey, 2020 to 2021: housing quality and condition](#), July 2022

³⁸ Welsh Government, [Welsh Housing Conditions Survey \(headline results\): April 2017 to March 2018](#), 6 December 2018

³⁹ Scottish Government, [Scottish house condition survey: 2019 key findings, Section 6](#), 1 December 2020

⁴⁰ Northern Ireland Housing Executive, [Northern Ireland House Condition Survey 2016: main report](#), May 2018

4 Health implications of cold or damp homes

4.1 Cost to the NHS

The Building Research Establishment (BRE) has examined the NHS cost implications of people living in cold or damp homes in England. Its 2021 report on [the cost of poor housing](#) (PDF) estimated that it costs the NHS in England around £1.4 billion a year to treat people affected by poor housing, around two thirds of which (£895 million) can be attributed to housing defects which expose residents to excess cold or damp.

BRE also highlight the risk of additional societal costs, such as those relating to care, as well as a loss of economic potential (poorer educational achievement, loss of productivity, career prospects) and mental health costs. When these societal costs are included, it is estimated that the full cost to society of leaving people living in cold or damp homes is around £15.4 billion per year.

The estimated cost of remedial work to remove the risk of exposure to cold or damp homes in England would be around £6.2 billion.⁴¹

4.2 Excess winter deaths

The Office for National Statistics (ONS) measures the increase in deaths during the winter period (defined as December to March), as compared to two non-winter periods:

- The preceding August to November, and
- The following April to July⁴²

This is described as “excess winter mortality” or “excess winter deaths”.

The data used to calculate excess winter mortality are taken from routinely collected death registration data, which cover all deaths occurring in England and Wales.

⁴¹ BRE, [The cost of poor housing in England](#), (PDF) 11 November 2021

⁴² ONS, [Excess winter mortality in England and Wales QMI](#), last revised 26 November 2021

What causes excess winter deaths?

One of the main reasons for higher excess deaths in the UK over the winter months compared to other European countries, is thought to be the high prevalence of cold, damp, poor energy efficient housing and the subsequent effect on health.⁴³

In 2008, Professor Sir Michael Marmot published a landmark independent review on health inequalities, [Fair Society, Healthy Lives](#). The review found that health inequalities result from social inequalities, and that many premature deaths in England were a result of health inequalities.

Friends of the Earth, an environmental charity, commissioned the Marmot Review Team to write a report [on The Health Impacts of Cold Homes and Fuel Poverty](#) (2011). It explained that respiratory and circulatory diseases cause most of the excess winter mortality, while flu acts as a contributory factor rather than a main cause of death. It also found countries with more energy efficient housing had lower excess winter deaths.

Following a 2014 literature review (see section 2.2), Public Health England recommended that heating homes to at least 18°C in winter “poses minimal risk to the health of a sedentary person, wearing suitable clothing”.⁴⁴

The National Institute for Health and Care Excellence (NICE) published guidelines on [excess winter deaths and illness and the health risks associated with cold homes](#) (2015) which further explains the relationship between cold temperatures and winter deaths. It says most are caused by respiratory and cardiovascular problems (during normal winter temperatures), rather than due to extreme cold or hypothermia, and that:

The risk of death and illness increases as the temperature falls further. However, because there are many more relatively 'warm' winter days than days of extreme cold, most cold-related ill health and death occurs during these milder periods.⁴⁵

Some groups of people are more at risk of ill health and death during the winter period. This is discussed in section 4.3.

The excess deaths resulting from cold weather persist longer than those with hot weather. Rates remain higher for up to two weeks after a period of cold weather, compared to just a day with hot weather.⁴⁶

⁴³ PHE, [Healy JD \(2003\). Excess winter mortality in Europe: a cross country analysis identifying key risk](#), Vol 57, 784-9.

⁴⁴ PHE, [Minimum temperature threshold for homes in winter](#), published October 2014

⁴⁵ NICE, [Excess winter deaths and illness and the health risks associated with cold homes](#), NG6, published 5 March 2015

⁴⁶ As above

4.3

Preventing excess deaths

The Government, the NHS and other public bodies have set out measures to reduce the risk of ill health and death during the winter period.

The [Cold Weather Plan for England](#) has been published annually since 2011 (formerly by PHE and now by UKHSA). It is a framework used to guide public agencies, like the NHS and local authorities in conjunction with other local organisations, on what steps to take in response to cold weather.

The Plan explains how the cold weather alert service, comprised of levels 0 to 4, works. Each level aims to trigger a series of action in response to weather severity. These cover long-term planning and commissioning, as well as immediate actions.

The National Institute for Health and Care Excellence (NICE) has published a [Quality Standard on preventing excess winter deaths and illness associated with cold homes](#) (March 2016). It supports health, public health and social care commissioners and other public organisations to reduce health risks associated with cold homes, and sets out six standards that organisations can work towards meeting:

Statement 1 Local populations who are vulnerable to the health problems associated with a cold home are identified through year-round planning by local health and social care commissioners and providers.

Statement 2 Local health and social care commissioners and providers share data to identify people who are vulnerable to the health problems associated with a cold home.

Statement 3 People who are vulnerable to the health problems associated with a cold home receive tailored support with help from a local single point of contact health and housing referral service.

Statement 4 People who are vulnerable to the health problems associated with a cold home are asked at least once a year whether they have difficulty keeping warm at home by their primary or community healthcare or home care practitioners.

Statement 5 Hospitals, mental health services and social care services identify people who are vulnerable to health problems associated with a cold home as part of the admission process.

Statement 6 People who are vulnerable to the health problems associated with a cold home who will be discharged to their own home from hospital, or a mental health or social care setting have a discharge plan that includes ensuring that their home is warm enough.⁴⁷

⁴⁷ NICE, [Quality Standard on preventing excess winter deaths and illness associated with cold homes](#), March 2016

Devolved administrations

The Scottish Government has published its [Winter resilience overview 2022 to 2023](#), containing actions it is taking to support the health and social care sector during the winter period. The overview sits alongside the Scottish Government's [Adult social care – winter preparedness plan 2021-22](#) which sets out measures to be applied across the adult social care sector to meet challenges over the winter period.

The Welsh Government published a [Cold weather resilience plan in December 2021](#). It aims to support its partners to better co-ordinate services for vulnerable and lower income households to reduce the risk of ill health resulting from living in a cold home.

In an [October 2022 statement on winter preparedness](#) (PDF), Northern Ireland's then Health Minister Robin Swann set out detailed plans to mitigate winter pressures across the wider health and social care sector.⁴⁸

4.4

Health effects

Second to concerns about mortality are those of morbidity (ongoing illness), and the impact cold indoor temperatures can have on people with pre-existing health conditions, particularly cardiorespiratory disease.

The negative health effects of cold or damp homes are not exclusive to dramatically low outdoor temperatures; they have been observed at milder temperatures of just 6°C.⁴⁹

General health effects of mould and cold temperatures

The US Environmental Protection Agency explains that mould is usually not a problem indoors unless mould spores land on a damp spot and start growing.⁵⁰ The Agency explains how mould can immediately affect a person's health, particularly if it produces an allergic reaction:

Molds produce allergens (substances that can cause allergic reactions) and irritants. Inhaling or touching mold or mold spores may cause allergic reactions in sensitive individuals. Allergic responses include hay fever-type symptoms, such as sneezing, runny nose, red eyes, and skin rash.⁵¹

⁴⁸ Northern Ireland Department of Health, [Written Statement to the Assembly by Health Minister Robin Swann – Wednesday 26 October 2022 At 3pm – Winter Preparedness \(PDF\)](#)

⁴⁹ NICE, [Excess winter deaths and illness and the health risks associated with cold homes](#), NG6, published 5 March 2015

⁵⁰ US Environmental Protection Agency, [Mold and health: How do molds affect people?](#), accessed 24 January 2023

⁵¹ As above

Certain moulds are toxigenic, meaning that they produce toxins. This is often called “toxic mould”, though this is scientifically inaccurate as the moulds themselves are not toxic or poisonous.⁵² The Royal Institute of Chartered Surveyors says that the toxic effects of airborne exposure to mould are not well documented, rather, clinicians focus on the well-established connection between the allergenic effects of mould and the human body.⁵³

The US Centers for Disease Prevention and Control (CDC) mentions reports that toxigenic moulds found in homes are associated with unique or rare health conditions such as pulmonary haemorrhage (bleeding in the lungs) or memory loss.⁵⁴ The CDC notes that such reports are rare, and that there is no proof that such moulds do cause these conditions.

The body’s response to cold temperature includes thickening of the blood (and subsequent risk of clotting) and a reduced ability to fight infection.⁵⁵ Hypothermia occurs when the body’s temperature falls below 35 ° C and must be treated as a medical emergency.⁵⁶

Respiratory effects

People living in homes where mould is present may inadvertently breathe in mould spores. The NHS notes people who have damp and mould in their home are more likely to have respiratory problems including respiratory infections, allergies or asthma, and that they can affect the immune system.⁵⁷

In 2009, the World Health Organization (WHO) published a [report on dampness and mould](#) where it reviewed epidemiological literature on the health effects of dampness, mould and other “dampness-related agents”.⁵⁸ It concluded there was sufficient evidence of a link between indoor dampness-related factors and a range of respiratory health effects, including asthma development, asthma exacerbation, respiratory infections, upper respiratory tract symptoms, cough, wheeze and shortness of breath.

NICE explains that the strongest link between cold and ill health is respiratory deaths, but because more people die from cardiovascular disease, cardiovascular illnesses and deaths account for a greater number of health problems.⁵⁹

⁵² Royal Institution of Chartered Surveyors, [Spore law: How to control mould and prevent hazards to health](#), accessed 24 January 2023

⁵³ As above

⁵⁴ US CDC, [Basic facts about mould and dampness](#), last reviewed 14 November 2022

⁵⁵ UKHSA, [How your body copes with cold weather](#), 16 January 2019

⁵⁶ NHS, [Hypothermia](#), accessed 29 January 2023

⁵⁷ NHS, [Can damp and mould affect my health?](#), accessed 23 January 2023

⁵⁸ WHO, [Guidelines for indoor air quality: dampness and mould](#), 1 January 2009

⁵⁹ NICE, [Excess winter deaths and illness and the health risks associated with cold homes](#), NG6, published 5 March 2015

Cardiovascular effects

The WHO explains that cold air can inflame the lungs and inhibit circulation, exacerbating pre-existing conditions such as asthma and chronic obstructive pulmonary disease (COPD) and increase the risk of infection.⁶⁰

Cold environments can induce vasoconstriction (narrowing of the blood vessels), which places the circulatory system under stress.⁶¹ This, in turn, increases the risk of heart disease and cardiac events.

PHE's 2014 literature review highlights the link between higher blood pressure and lower temperatures at home.⁶²

Mental health effects

The measures that people take in response to living in cold or damp homes may create circumstances that affect their mental health. For example, people may feel unable to invite friends or family home because of the cold, or they may reduce social activities to limit expenditure which could otherwise be used towards heating costs. These actions might result in loneliness, which is linked to higher rates of depression, anxiety and suicide in adults.⁶³

The mental health charity Mind carried out an online survey in 2018, where 79% (1,410 of 1,780) of people with a mental health problem said a housing situation had made their mental health worse or caused a mental health problem.⁶⁴

The Marmot Review team's report on the health effects of cold homes and fuel poverty (2011) discussed research examining the impact of poor housing conditions on the mental health of adults and children.⁶⁵ The report suggested that adults and children living in poor housing conditions were more likely to have mental health problems such as anxiety and depression.

In 2014, researchers from the University of Ulster reviewed studies examining the relationship between adult mental health and living in cold or damp homes.⁶⁶

They concluded that cold or damp homes are associated with "sub-optimal mental well-being" and this is because of stressors associated with being

⁶⁰ WHO, [Housing and health guidelines](#), 2018

⁶¹ As above

⁶² PHE, [Minimum home temperature thresholds for health in winter: a systematic literature review](#), 24 October 2014

⁶³ US Centers for Disease Control and Prevention, [Loneliness and social isolation linked to serious health conditions](#), 15 February 2023

⁶⁴ Mind, [Four in five people with mental health problems say their housing has made their mental health worse](#), 3 May 2018

⁶⁵ Institute of Health Equity, [The health impacts of cold homes and fuel poverty](#), 2011

⁶⁶ Liddell C, Guiney C, [Living in a cold and damp home: frameworks for understanding impacts on mental well-being](#) (PDF), Public Health (2014)

unable to afford solutions to adverse living conditions.⁶⁷ The stressors were multiple and diverse, and included low income, fear of debt, damage to possessions from mould and damp, stigma and social isolation.

The researchers found that financial constraints and cold or damp conditions can lead directly to physical health problems and to stress. Furthermore, they illustrated the interdependent nature of stress, physical ill health, mental ill health and harmful and/or financially restrictive coping mechanisms:

Once activated, stress, anxiety and mood distortions operate in a reverberating cycle that can impair immune, cardiovascular and hormonal functions.

These in turn lead to further deterioration in physical health, which further exacerbates the stress/anxiety/mood distortion cycle, and may incur a reduction in disposable income through disability, unemployment, and medical costs. When sufficiently elevated, stress may in some instances also trigger health-risk behaviours such as increased smoking, eating, or alcohol intake. These in turn result in less disposable income, further reducing the affordability of heating.⁶⁸

The researchers summarised a range of poor mental health outcomes that appear to be associated with living in cold or damp conditions:

This range incorporates chronic thermal discomfort, worry about energy bills, the experience of falling into debt (or the fear of it), concern that cold is damaging physical health, 'spatial shrink' from living in only one or two rooms that can be affordably heated, stigma within one's community, damage to possessions from damp and mould, and the absence of any solution or sense of control over the problem.⁶⁹

Vulnerable groups

Some groups of people are more vulnerable to health problems associated with cold homes. This could be due to pre-existing health conditions or as a result of having less contact with relevant health services. PHE says this might include:

- people with cardiovascular conditions
- people with respiratory conditions (in particular, chronic obstructive pulmonary disease (COPD) and childhood asthma)
- people with mental health conditions
- people with disabilities
- older people (65 and older)

⁶⁷ As above

⁶⁸ As above

⁶⁹ As above

- young children (under 5)
- pregnant women
- people on a low income
- people who have attended hospital due to a fall
- people who move in and out of homelessness
- people with addictions
- recent immigrants and asylum seekers⁷⁰

Children and young people

In its [third review of fuel poverty and cold homes](#) (2022), the Institute of Health Equity considered the impact of cold homes on children and young people.⁷¹

The review identified an association between cold temperatures, reduced resistance to respiratory infections and increased circulation of viruses that can cause upper and lower respiratory tract infections, including bronchiolitis, in children.⁷²

The Marmot Review Team reported that children living in cold homes experience a range of negative health and wider social impacts.

Children living in cold homes are twice as likely to suffer from respiratory problems than children living in warm homes. Their educational attainment is negatively affected,⁷³ possibly because of school days missed due to illness.

Living in cold homes is associated with multiple mental health risks for young people, including depression and anxiety.⁷⁴

Children's weight gain, hospital admission rates, developmental status and the severity and frequency of asthmatic symptoms may be adversely affected.⁷⁵

More specifically, they may gain less weight. Infants living in cold homes expend calories trying to prevent hypothermia, instead of using this energy

⁷⁰ PHE, [Data sources to support local services tackling health risks of cold homes](#), published 15 January 2019

⁷¹ Institute of Health Equity, [Fuel poverty, cold homes and health inequalities in the UK](#), August 2022

⁷² Bronchiolitis is an infection of the smaller airways in the lungs (called the bronchioles), usually caused by the respiratory syncytial virus (RSV). For further information, see the British Lung Foundation [webpage on bronchiolitis and RSV](#).

⁷³ Institute of Health Equity, [Fuel poverty, cold homes and health inequalities in the UK](#), August 2022

⁷⁴ PHE and UCL Institute of Health Equity, [Local action on health inequalities: Fuel poverty and cold home-related health problems](#), September 2014

⁷⁵ The Marmot Review Team and Friends of the Earth, [The Health Impacts of Cold Homes and Fuel Poverty](#), May 2011

for growth and organ development.⁷⁶ This is particularly concerning when we consider the lungs, which continue developing well into childhood. If the lungs fail to mature at this vulnerable stage, there is a risk of lifelong pulmonary function deficit.⁷⁷

Older people

Our ability to regulate body temperature – known as thermoregulation – becomes less effective with age.⁷⁸ PHE’s literature review identified studies which showed older people were less perceptive of small temperature changes in a cold environment.⁷⁹

Cold temperatures may cause blood pressure to rise in older people, increasing the risk of strokes and other circulatory problems.⁸⁰ Cold homes are also associated with lower strength and dexterity and can exacerbate existing arthritis symptoms; all of these increase the risk of falls and accidental injury.

People with pre-existing health conditions

Cold environments may exacerbate existing medical conditions, including diabetes, certain types of ulcers and musculoskeletal conditions.⁸¹

⁷⁶ The Lancet Respiratory Medicine, [Eat or heat: fuel poverty and childhood respiratory health](#), 23 December 2021

⁷⁷ As above

⁷⁸ Institute of Health Equity, [Fuel poverty, cold homes and health inequalities in the UK](#), August 2022

⁷⁹ PHE, [Minimum home temperature thresholds for health in winter- A systematic literature review](#), October 2014

⁸⁰ Public Health England and UCL Institute of Health Equity, [Local action on health inequalities: Fuel poverty and cold home-related health problems](#), September 2014

⁸¹ As above

5 Cold or damp homes as an inequalities issue

The relationship between cold or damp homes, health inequalities and wider social inequality isn't always linear. In 2011, the Marmot Review Team noted the absence of a direct relationship between excess winter mortality and socio-economic deprivation; that is to say that people of lower socio-economic status were not necessarily more likely to die during the winter.⁸²

It explained that measurements of socio-economic status often do not take account of the energy efficiency of homes. The fact that people of lower socio-economic status often live in social housing which tends to be more energy efficient than private housing seems to explain why there isn't a direct relationship between lower socio-economic status and excess deaths in winter.

This section considers possible barriers to accessing quality housing and energy cost support, and which groups of people are more likely to encounter them. The prevalence and distribution of fuel poverty is discussed in section 6.

5.1 Barriers to accessing quality housing

Wider factors, set out below, have reduced the availability of, or access to, good quality housing for some groups.

Household income

Socioeconomic factors are often decisive in determining what type of homes people live in, and the condition of the home. Higher income households are better able to access good quality housing.

The World Health Organization (WHO) notes that dampness and mould may be particularly prevalent in poorly maintained housing for low-income households.⁸³ Income constraints also force people to live in housing that is older, more likely to be poorly built and lacking insulation.⁸⁴

⁸² Friends of the Earth and Marmot Review Team, [The Health impacts of cold homes and fuel poverty](#), May 2011

⁸³ WHO, [Guidelines for indoor air quality: dampness and mould](#), 1 January 2009

⁸⁴ WHO, [Housing and health guidelines](#), 2018

As with many resources, where supply is limited, the most vulnerable groups are disproportionately affected. As low income households may find themselves priced out of the housing market, they may be forced to accept poorer quality (but cheaper) housing as a means of compromise.

Home repair and maintenance costs

The cost of home maintenance and repairs may also increase the likelihood of people living in cold or damp homes. In the case of owner-occupied homes, lower income households may struggle to finance maintenance and repairs which might otherwise prevent cold or damp. These include basic repairs, such as water leaks or broken windows, and extend to energy efficiency measures like insulation or double glazing.

In the case of rented homes, households may be subject to inconsistent stances from landlords and particularly the private rental sector with respect to carrying out repairs, or installing energy efficiency measures.

Regarding housing for low-income households, the WHO said addressing conditions that could leave people exposed to damp and mould should be prioritised “to prevent an additional contribution to poor health in populations who are already living with an increased burden of disease”.⁸⁵

Low-income households are more likely to have damp problems in their home. In 2020, around 7% of households on the lowest incomes were estimated to have damp problems at home, compared with around 2% of households on the highest incomes.⁸⁶

Receipt of welfare benefits

If someone is receiving welfare benefits, it can limit their housing options. Private landlords and letting agencies have been known to refuse to consider people receiving benefits.⁸⁷ In 2020, a landmark court case found in favour of a woman who had been denied an opportunity to view and rent a home due to her receipt of welfare benefits.⁸⁸ The judge’s ruling noted women and disabled people were more likely to claim Housing Benefit, and consequently, the “policy of rejecting tenancy applications because the applicant is in receipt of Housing Benefit was unlawfully indirectly discriminatory on the grounds of sex and disability contrary to [...] the Equality Act 2010”.⁸⁹ The Library briefing [Can private landlords refuse to let to Housing Benefit claimants?](#) discusses this issue in more detail.

⁸⁵ WHO, [Guidelines for indoor air quality : dampness and mould](#), 1 January 2009

⁸⁶ DLUHC, [English Housing Survey data on dwelling condition and safety](#), Table DA5103: damp and mould – households, 7 July 2022. These statistics refer to households in the lowest and highest income quintiles, i.e. those on the lowest one-fifth of incomes in England and the highest one-fifth of incomes in England.

⁸⁷ Shelter, [How to challenge DSS discrimination](#), accessed 20 January 2023

⁸⁸ [York County Court judgment – Claim Number FQOYO154](#), (PDF) 2 July 2020

⁸⁹ As above

Immigration status checks

The statutory duty on landlords to carry out immigration status checks, implemented across England in 2016, has produced additional barriers for certain groups in accessing housing, including people from minority ethnic groups and undocumented migrants. The wider impact of this policy is discussed in the Library's briefing, [Right to Rent: private landlords' duty to carry out immigration status checks](#).

5.2

Is financial support for energy costs reaching those who need it most?

Low-income and vulnerable groups are more likely to live in inadequate housing, therefore, addressing the health risks associated with housing is likely to particularly benefit them.⁹⁰

This makes the Institute of Health Equity's findings, that funding or support for some national energy support initiatives was delayed, reduced or stopped, noteworthy.⁹¹ [The Institute's 2022 report](#) cites delays to a Government pledge to offer smart meters (which can help households to better manage their energy bills) to every household. The initial target of 2020 has been delayed a second time until 2025.⁹²

The report notes delays on the transition between the third and fourth iterations (ECO3 and ECO4) of the Energy Company Obligation (ECO) in 2022.⁹³ ECO places a Home Heating Cost Reduction Obligation on medium and large energy suppliers. This is to promote measures that improve the ability of low-income, fuel poor⁹⁴ and vulnerable households to heat their homes, for example, by installing insulation.

The Energy and Climate Intelligence Unit estimated that the delay would result in up to 56,250 households being left unable to improve their homes in time for winter 2022/23.⁹⁵

⁹⁰ WHO, [Housing and health guidelines](#), 23 November 2018

⁹¹ Institute of Health Equity, [Fuel poverty, cold homes and health inequalities in the UK](#), August 2022

⁹² Utility Week, [The race to meet the smart meter deadline](#), 24 January 2022

⁹³ For further background, see The Times, [Energy crisis: Thousands to miss efficiency upgrades after 'unacceptable' Whitehall delays](#), 31 March 2022 and Energy and Climate Intelligence Unit, [Government delay to home insulation scheme could cost 56,000 homes £600 each](#), 25 May 2022

⁹⁴ In general terms, a household can be said to be experiencing fuel poverty if it has to spend a high proportion of the household income to keep the home at a reasonable temperature. In this definition, fuel poverty is affected by three key factors: a household's income, their fuel costs, and their energy consumption (which in turn can be affected by the energy efficiency of the home).

⁹⁵ Energy and Climate Intelligence Unit, [Government delay to home insulation scheme could cost 56,000 homes £600 each](#), 25 May 2022

The Government said that “while there has been a gap between ECO3 and ECO4, delivery has not stopped”.⁹⁶ It also highlighted that it had allowed suppliers to “carryover”, or overdeliver against their ECO3 targets, meaning that “at least 40,000 extra measures were delivered earlier than they would have been otherwise”.⁹⁷

The Institute’s report also highlights [research from Sheffield Hallam University](#), which discusses the work of the Energy Savings Trust (EST).⁹⁸ The University set out that the EST “essentially aimed to make sure that everybody had access to a minimum standard of quality energy efficiency advice”, and was initially funded by the Government.

It explains that the EST contracted local and regional organisations to provide energy efficiency advice, and that this funding was supplemented by local organisations with further funding from councils, fuel suppliers, charitable trusts and other bodies to provide more bespoke local services, such as home visits and community outreach.⁹⁹

The Institute notes that the EST was defunded in 2018 and “replaced with a digital government website, with variability in local authority energy efficiency advice and limited access for those who most needed the advice, due to inequalities in digital use”.¹⁰⁰ (The EST still exists, but as an independent organisation.)

Many energy companies have signed up to [Energy UK’s voluntary Vulnerability Commitment](#), which sets out measures to support vulnerable households with their energy needs.

5.3

Barriers to accessing energy support

The Government has introduced support schemes to mitigate the impact of high energy costs. It has also spoken of “targeting [energy cost] support to those most in need”.¹⁰¹ Despite this, there are concerns that the support schemes themselves, or aspects of their design, are not sufficiently available to households in greatest need.¹⁰²

There are also concerns that the support provided through the Government’s energy schemes may go to intermediaries such as landlords, rather than the intended households. In response, the Government introduced pass-through

⁹⁶ HL Deb, [Electricity and Gas \(Energy Company Obligation\) Order 2022](#), Vol 823, 12 July 2022

⁹⁷ As above

⁹⁸ Sheffield Hallam University, [Centre for Regional Economic and Social Research, Reaching the ‘Hardest to Reach’ with energy advice: final report](#), September 2019

⁹⁹ As above

¹⁰⁰ Institute of Health Equity, [Fuel poverty, cold homes and health inequalities in the UK](#), August 2022

¹⁰¹ HM Treasury, [Autumn Statement 2022](#), November 2022

¹⁰² The Guardian, [Liz Truss energy bills cap will fail to protect poorest, say thinktanks](#), 7 September 2022

legislation¹⁰³ requiring intermediaries to pass on benefits to end users in a “just and reasonable way”.¹⁰⁴ This reinforced the pre-existing maximum resale price rules, which say that if an intermediary resells electricity or gas to a domestic end user based on their usage, then the intermediary must not charge more than they paid.¹⁰⁵

Prepayment meters and forced installation

The way that households receive credits under the Energy Bills Support Scheme varies depending on the way they pay for their electricity usage. Some households with a traditional (ie non-smart) prepayment meter will receive their discount via vouchers, while some will be credited when they top-up at a retail outlet.

Data released by the Department for Business, Energy and Industrial Strategy (BEIS) in December 2022 showed that 71% of vouchers had been redeemed since the scheme was launched in October.¹⁰⁶

Pre-payment meter use is much higher among low-income households. In 2019, an estimated 30% of households in England from the lowest two income deciles (10% groups) had an electricity prepayment meter compared to less than 1% in the top two deciles and 13% across all households.¹⁰⁷ It is therefore possible that low-income households make up a significant proportion of those who do not claim their vouchers.

Citizens Advice and campaign groups are concerned about the prevalence of pre-payment meter use by lower income households, since there had been an increase in court warrants issued to energy companies to forcibly replace credit meters with pre-payment meters in households unable to pay their energy bills.¹⁰⁸

In January 2023, the then BEIS Secretary Grant Shapps [asked suppliers to voluntarily suspend the forcible replacement of credit meters](#).¹⁰⁹

The same month, [Ofgem’s Chief Executive Jonathan Brearley launched an assessment](#) to determine whether plans set out in Ofgem’s 2022 Market

¹⁰³ See section 19 of the [Energy Prices Act 2022](#)

¹⁰⁴ BEIS, [Guidance on the pass-through requirements for energy price support provided to intermediaries](#), updated 8 December 2022

¹⁰⁵ Ofgem, [The resale of gas and electricity: Guidance on maximum resale price \(updated October 2005\)](#), 13 October 2005; Utility Regulator, [Direction and Public Notice concerning the maximum resale price for electricity and gas](#), 7 June 2007

¹⁰⁶ BEIS, [New government figures shine a light on which suppliers are supporting households this winter](#), 23 January 2023

¹⁰⁷ BEIS (2022). English Housing Survey: Fuel Poverty Dataset, 2019. [data collection]. UK Data Service. SN: 8891, DOI: 10.5255/UKDA-SN-8891-1

¹⁰⁸ Citizens Advice, [Millions left in the cold and dark as someone on a prepayment meter cut off every 10 seconds, reveals Citizens Advice](#), 12 January 2023; See Commons Library briefing, [Self-disconnection of pre-payment meters](#), 14 December 2022 for further information on replacing credit meters.

¹⁰⁹ BEIS, [Business Secretary warns energy suppliers to end mistreatment of customers](#), 22 January 2023

Compliance Review had led to changes.¹¹⁰ The compliance review had examined how suppliers support customers in vulnerable situations.

[Following an investigation by The Times into the practices of British Gas](#),¹¹¹ [Ofgem launched an investigation](#) into British Gas and a market-wide investigation into “the rapid growth of prepayment meters and potential breaches of licences driving it”.¹¹² Ofgem then issued a provisional order instructing British Gas to suspend the practice.¹¹³

Ofgem also asked other suppliers to stop applications for court warrants to forcibly install pre-payment meters and to review their processes for dealing with customers who have fallen into arrears.¹¹⁴

In early February 2023, [Lord Justice Edis, a senior judge, wrote to all magistrates’ courts in England and Wales to suspend the authorising of warrants](#) for forced pre-payment meters with immediate effect.¹¹⁵

This issue, which is beyond the scope of this paper, remains ongoing at the time of publication. Wider concerns about the use of pre-payment meters are discussed in a Library briefing; [Self-disconnection of pre-payment meters](#).

5.4

Barriers to accessing healthcare for issues associated with cold or damp homes

Respiratory tract infections, including cough, cold and flu, are among the most immediate health consequence of living in cold or damp homes. The symptoms include cough, sneezing, sore throat, blocked or runny nose, headache, muscle pain and high temperature in both adults and children.¹¹⁶

In most cases, symptoms will be short lived, of low severity and require nothing more than symptom management via simple medication such as decongestants, nasal spray and painkillers.

In England around 89% of NHS prescriptions dispensed in the community are free of charge.¹¹⁷ Those entitled to free NHS prescriptions include children under 16 (and 16- to 18-year-olds in full time education), adults over 60, and those receiving specified welfare benefits.

¹¹⁰ Ofgem, [Tackling inappropriate energy supplier prepayment meter practices](#), 23 January 2023

¹¹¹ The Times, [Exposed: How British Gas debt agents break into homes of vulnerable](#), 1 February 2023

¹¹² Ofgem, [Ofgem statement on British Gas prepayment meter installations](#), 2 February 2023

¹¹³ Ofgem, [British Gas- PPM Installations – Provisional Order](#), 2 February 2023

¹¹⁴ Sky News, [Ofgem tells suppliers to suspend forced installation of prepayment meters](#), 3 February 2023

¹¹⁵ The Guardian, [Prepayment meters: magistrates told to stop allowing forced installations](#), 6 February 2023

¹¹⁶ NHS, [Respiratory tract infections](#), accessed 23 January 2023

¹¹⁷ [HC Deb, 29 October 2019, vol 667, c188](#)

As part of a wider effort in 2017 to reduce prescribing costs, the NHS in England introduced a recommendation that clinicians no longer prescribe “over the counter” medicines for limited and minor conditions such as coughs and colds.¹¹⁸ Pharmacy bodies raised concerns that this policy might exacerbate health inequalities because low-income households may struggle to pay for over the counter medication.¹¹⁹

People living with severe or long term illnesses, including those caused or exacerbated by poor housing, will need access to GP or specialist healthcare services. [A 2020 analysis carried out by Quality Watch](#) found that people living in the most deprived areas of England experience a worse quality of NHS care and poorer health outcomes than people living in the least deprived areas.¹²⁰

¹¹⁸ NHS England, [Prescription curbs to free up hundreds of millions of pounds for frontline care](#), 30 November 2017

¹¹⁹ The Pharmaceutical Journal, [Prescribing cuts could lead to health inequalities, pharmacy bodies warn](#), 25 October 2017

¹²⁰ Nuffield Trust, [Poorest get worse quality of NHS care in England, new research finds](#), 23 January 2020

6 Fuel poverty

6.1 Defining and measuring fuel poverty

There is no international or national consensus on how fuel poverty should be defined or measured.

In general terms, a household can be said to be experiencing fuel poverty if it has to spend a high proportion of the household income to keep the home at a reasonable temperature. In this definition, fuel poverty is affected by three key factors: a household's income, their fuel costs, and their energy consumption (which in turn can be affected by the energy efficiency of the home).

Definition of fuel poverty in England

The Government uses the Low Income Low Energy Efficiency (LILEE) definition to measure fuel poverty in England.¹²¹ It was set out in the [Sustainable Warmth strategy](#) in February 2021 and introduced in the 2021 [Annual fuel statistics report](#). Under this definition a household is said to be in fuel poverty if:

- They are living in a property with an energy efficiency rating of band D, E, F or G,¹²² and
- Their disposable income (income after housing costs and energy needs) would be below the official poverty line.¹²³

National estimates of the fuel poor population under the LILEE definition have been calculated back to 2010. BEIS has provided further detail about LILEE and metrics related to fuel poverty in its [Fuel Poverty Methodology Handbook \(2022\)](#).¹²⁴

The LILEE definition also allows analysis of the depth of fuel poverty; known as the fuel poverty gap. This measures the amount by which the energy costs of a fuel poor household exceed the high costs threshold. In other words, the cut in energy costs that would lift them out of fuel poverty.

The LILEE measure, like earlier definitions, is affected by household income, how energy efficient a property is (hence its energy needs) and energy prices.

¹²¹ BEIS, [Fuel poverty statistics methodology handbook 2022: Low Income Low Energy Efficiency \(LILEE\)](#)

¹²² As defined by the most up-to-date Fuel Poverty Energy Efficiency Rating methodology

¹²³ This is defined as an equivalised disposable income of less than 60% of the national median

¹²⁴ BEIS, [Fuel poverty statistics methodology handbook 2022: Low Income Low Energy Efficiency \(LILEE\)](#)

Unlike earlier measures, and those used in the rest of the UK, it means that a household in a property with an energy efficiency rating of C or better¹²⁵ (48% of dwellings in 2020) cannot be defined as being in fuel poverty, regardless of their income or the level of energy prices. In 2020, 2.6 million households in England were in the lowest two income deciles (10% groups), but were not deemed to be in fuel poverty because their property had a rating of C or better. All the remaining 2.2 million households in these income groups were defined as being in fuel poverty.¹²⁶

The Institute of Health Equity has said that the LILEE measure underestimates the level of fuel poverty:

It is unclear what prompted the change in the measurements of fuel poverty in England in 2021. As a result of the redefinition, a household in England is not deemed fuel-poor if they live in a property with an energy efficiency rating in band C or above, regardless of whether or not they can afford adequate heating. As such, official figures in England likely underestimate the number of households experiencing fuel poverty using the universal definition.¹²⁷

The LILEE definition uses a modified version of the standard energy efficiency rating which treats cash payments which are aimed at helping to reduce bills as if they improved energy efficiency. In the past this has included the [Warm Home Discount](#) and in future it is likely to include the additional support payments announced in 2022. Treating these payments as if they were energy efficiency improvements cuts estimates of fuel poverty under the LILEE definition more than if they were defined as cutting energy costs or increasing income. The Library briefing [Fuel Poverty in the UK](#) gives more background on this issue.

Definition of fuel poverty in the rest of the UK

The Scottish Government considers that a household is fuel-poor if a) it spends more than 10% of its income (after housing costs) and b) after deducting fuel costs, welfare and disability benefits and childcare costs, the household's remaining income is insufficient to maintain an acceptable standard of living.¹²⁸

The Welsh Government recognises fuel poverty where households need to pay more than 10% of their full household income to maintain a “satisfactory heating regime”.¹²⁹

¹²⁵ This uses the ‘Fuel Poverty Energy Efficiency Rating’ which is a modified version of the standard energy efficiency rating.

¹²⁶ BEIS, [Fuel poverty detailed tables 2022](#) (Table 31)

¹²⁷ Institute of Health Equity, [Fuel poverty, cold homes and health inequalities in the UK](#), August 2022

¹²⁸ Scottish Government, [Tackling fuel poverty in Scotland: a strategic approach](#), published 23 December 2021

¹²⁹ Welsh Government, [Tackling fuel poverty 2021 to 2035](#), published March 2021

The Northern Ireland Executive recognises fuel poverty where households need to spend more than 10% of its income on energy costs.¹³⁰

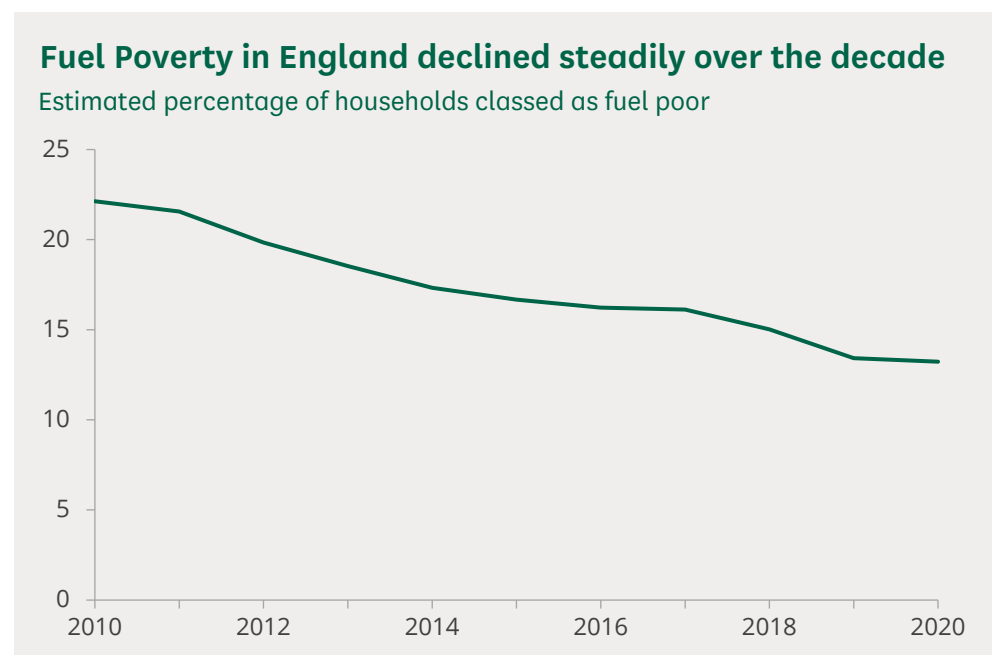
The Library briefing [Fuel Poverty in the UK](#) gives more background on the measurement of fuel poverty across the UK.

6.2

Statistics on fuel poverty

Total levels of fuel poverty in England

In the latest year for which statistics are available (2020), an estimated 3.16 million households in England were defined as fuel poor under the LILEE definition. This was 13.2% of households.¹³¹ Trends in fuel poverty under this definition are shown below. Over the past 10 years fuel poverty rates have gradually declined from 22% in 2010. The number of households estimated as being in fuel poverty under this definition fell by 1.6 million (34%) between 2010 and 2020.¹³²



Source: BEIS, [Fuel poverty trends 2022](#)

The Government also publish [sub-regional fuel poverty statistics](#) which includes a breakdown by region, local authority, Parliamentary Constituency and Lower Layer Super Output Area¹³³ in England. The Library dashboard [Local area data: fuel poverty](#) includes data on the 2020 levels of fuel poverty by constituency and maps of how these rates vary within constituencies.

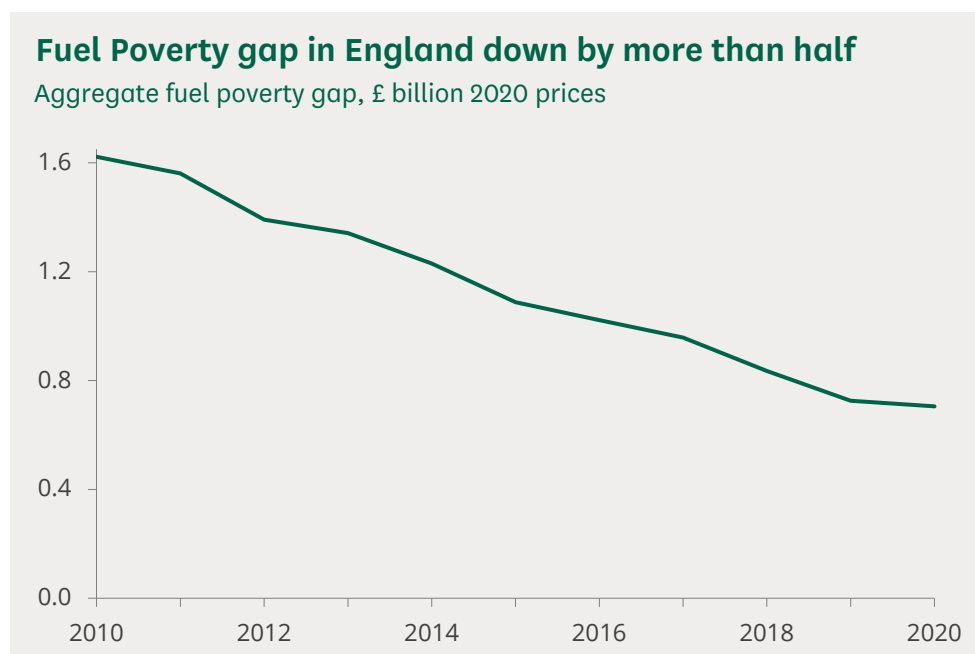
¹³⁰ Northern Ireland Executive, Department for Communities, [Fuel poverty](#), accessed 17 January 2023

¹³¹ BEIS, [Annual Fuel Poverty Statistics in England, 2022](#)

¹³² As above

¹³³ Around 32,000 small areas which contain an average of around 650 households.

In 2020 the mean average fuel poverty gap was £223 per fuel poor household, down from £339 in 2010.¹³⁴ The aggregate gap across all fuel poor households was £705 million. The next chart shows trends in the real level of the aggregate gap in England. The Government recommends using this (rather than the percentage of households measure) as an indicator of trends at a national level. It is more sensitive to changes in energy prices and energy efficiency.



Source: BEIS, [Fuel poverty trends 2022](#)

Projections for 2021 and 2022

Increases in energy prices in late 2021 and especially in 2022, coupled with more general pressures on the cost of living, have led to widespread concerns about the extent and depth of the resulting fuel poverty. UK-wide projections from the charity National Energy Action are summarised in the next section.

The Government has projected fuel poverty levels in England in 2021 and 2022 under the LILEE definition. These show that the proportion of households defined as fuel poor is expected to fall from 13.2% in 2020 to 12.8% in 2021 and 12.5% in 2022. This is despite the rapid rise in energy prices. These projections were made in late February 2022 so included the impact of the 54% increase in the price cap in April 2022, but not the further rise in October 2022. The average fuel poverty gap, which measures the depth of fuel poverty and is tied more closely to prices, was projected to increase from £223 in 2020 to £233 in 2021 and £258 in 2022.¹³⁵

The [Annual fuel poverty statistics report: 2022](#) says “Under the LILEE metric the impact of fuel prices is small on the overall level of fuel poverty, however

¹³⁴ Both figures are in 2020 prices so represent a real change.

¹³⁵ BEIS, [Annual fuel poverty statistics report: 2022](#)

they do have a direct impact on the fuel poverty gap”.¹³⁶ The way the underlying survey data is compiled for the estimates means that two years of survey data are used. They also use two years of price data. So, for instance, the 2020 estimates used prices for 2019 and 2020. This means there is a lag between when prices rise and when they are reflected in the fuel poverty estimates, even when the estimates are nominally for the same year as these price rises. Total levels of fuel poverty in the devolved administrations

Scotland

Under the current definition used in Scotland 613,000 households were estimated to be in fuel poverty in 2019. This was 24.6% of households. The equivalent figure for 2018 was higher at 25.0%.

The current definition also includes a measure of the median fuel poverty gap (the amount that would be required to move the household out of fuel poverty). This was £750 in 2019. The 2019 level was higher in real terms than between 2015 and 2018.¹³⁷

Wales

In Wales 196,000 households, or 12%, were estimated to be in fuel poverty under their 10% measure in October 2021. 38,000 households (3%) were estimated to be in severe fuel poverty (needing to spend more than 20% of their income on energy).¹³⁸

Northern Ireland

179,000 households were estimated to be in fuel poverty in Northern Ireland in 2019; 24% of households. Earlier estimates put the rate at 17% in 2017 and 18% in 2018.¹³⁹

UK-wide estimates

The charity National Energy Action (NEA) has estimated that the increase in the energy price cap in autumn 2021 meant that the number of households in fuel poverty across the UK increased from 4 million in summer 2021 to around 4.5 million in winter 2021/22. Under the October 2022 to March 2023 Energy Price Guarantee (EPG) the NEA estimate increased to 6.7 million. Higher bills from April 2023 when the EPG increases by 20% means their estimate increases further to 8.4 million.¹⁴⁰ NEA use the 10% definition -a household is

¹³⁶ BEIS, [Annual fuel poverty statistics report: 2022](#) (page 53)

¹³⁷ Scottish Government, [Scottish house condition survey: 2019 key findings](#) (chapter 4)

¹³⁸ Welsh Government, [Fuel poverty modelled estimates for Wales: as at October 2021](#) (November 2022)

¹³⁹ Northern Ireland Housing Executive, [Estimates of fuel poverty in Northern Ireland in 2019 Modelled using data from the Northern Ireland House Condition Survey 2016](#) (opens in PDF)

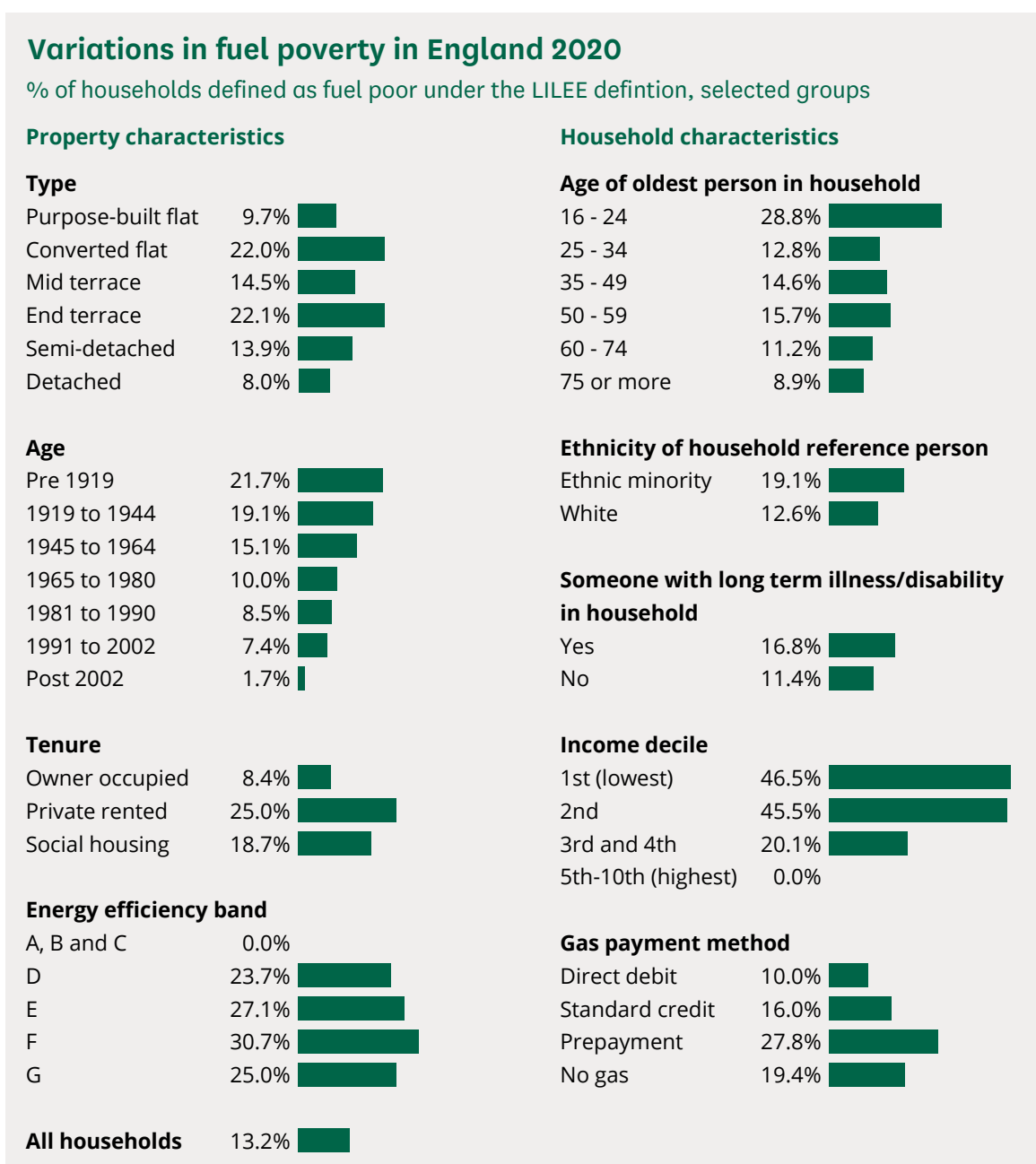
¹⁴⁰ NEA, [Energy crisis](#) (accessed 24 January 2023)

in fuel poverty if it needs to spend more than 10% of its income on energy in order to maintain a satisfactory heating regime.

NEA has published a [Fuel Poverty Statistics Explainer](#) which sets out the differences between its estimates and those of the UK Government. In January 2023 it published its [UK Fuel Poverty Monitor 2021-22](#) which looks at how the energy crisis has affected fuel poor households.

Variations in fuel poverty in England

The following charts show how fuel poverty rates varied across different property and household characteristics. More detail and data on the size of the fuel poverty gap can be found in [Fuel poverty detailed tables 2022](#).



Source: BEIS, [Fuel poverty detailed tables 2022](#).

Households were more likely to be in fuel poverty if they were living in properties that were:

- Poorly insulated
- Older
- Rented
- Converted flats or end terrace
- Off the gas network

Households with the following characteristics were more likely to be in fuel poverty:

- Poorer
- Young (oldest person aged under 24)
- Paying for energy by a prepayment meter
- Headed by someone from an ethnic minority
- Include someone with a disability or long term illness

7 Rented housing standards and tenants' rights

As a rule, owner-occupiers are responsible for conditions in their homes. In a block of flats with long-leaseholders there may be responsibilities on the freeholder or managing agent where problems arise from the structure and exterior of the block, eg, defective roofing. Leaseholders are generally liable to contribute to the cost of remedial works in line with provisions in their lease agreements. This section focuses on conditions and landlord responsibilities in rented housing given the prevalence of damp and mould in that sector.

7.1 England

For detailed information on the private rented sector see Library briefing: [Housing conditions in the private rented sector \(England\)](#).

Despite the availability of remedies for private tenants, there are barriers to tenants exercising their rights in relation to housing conditions, not least the possibility of 'retaliatory eviction.' Information on these barriers can be found in the existing paper and is not repeated here.

Energy Performance Certificates (EPCs)

Private rented properties must currently have a rating of band E or above although there are exemptions.¹⁴¹

If a local authority believes a landlord has failed to fulfil their obligations in relation to the band E rating, they can serve the landlord with a compliance notice. If a breach is confirmed the landlord may receive financial penalties of up to £5,000 per property. In 2021, the Department for Business, Energy and Industrial Strategy held a competition for funding for English and Welsh local authorities to support them in enforcing the Minimum Energy Efficiency Standard (MEES) Regulations. Successful authorities were announced on 22 October 2021.¹⁴²

¹⁴¹ The Energy Efficiency (Private Rented Property) (England and Wales) Regulations 2015 (SI 2015/962). See [Shelter Legal England - Minimum energy performance standards for rented homes](#). [accessed 13 December 2022]

¹⁴² BEIS, [Private Rented Sector Minimum Energy Efficiency Standard Compliance and Enforcement Funding competition: successful local authorities - GOV.UK](#)

Repairing obligations

Section 11 of the Landlord and Tenant Act 1985 (the 1985 Act) inserts an implied covenant¹⁴³ in tenancies with a fixed term of less than seven years under which landlords are required to:

- keep in repair the structure and exterior of the dwelling-house (including drains, gutters and external pipes);
- keep in repair and proper working order the installations in the dwelling-house for the supply of water, gas and electricity and for sanitation (including basins, sinks, baths and sanitary conveniences, but not other fixtures, fittings and appliances for making use of the supply of water, gas or electricity); and
- keep in repair and proper working order the installations in the dwelling-house for space heating and heating water.¹⁴⁴

Section 11 only applies to disrepair, e.g. a broken boiler. Inherent defects are not disrepair and there is no obligation to make improvements, such as installing central heating or insulation.

Fitness for human habitation

The [Homes \(Fitness for Human Habitation\) Act 2018](#) (the 2018 Act),¹⁴⁵ amended the Landlord and Tenant Act 1985 to require landlords in England to ensure their properties, including any common parts of the building, are fit for human habitation at the beginning of the tenancy and throughout. The Act achieves this by implying a covenant to this effect in the tenancy agreement.

In determining whether a property is unfit for human habitation, regard should be had to its condition in respect of the following factors:

- repair
- stability
- freedom from damp
- internal arrangement
- natural lighting

¹⁴³ In other words, the landlord's repairing obligations under section 11 apply even if the tenancy agreement says nothing about repairs. Furthermore, any attempt by a landlord to contract out of these obligations will be void.

¹⁴⁴ Section 11(1) of the Landlord and Tenant Act 1985

¹⁴⁵ The House of Commons Library briefing paper CBP08185: [Homes \(Fitness for Human Habitation\) Bill 2017-19](#) provides the background to Karen Buck's Private Members' Bill on housing fitness, and explains its provisions and amendments made at Committee Stage.

- ventilation
- water supply
- drainage and sanitary conditions
- facilities for preparation and cooking of food and for the disposal of waste water
- any ‘prescribed hazard’ - this is defined as any matter or circumstance amounting to a category 1 or 2 hazard under the [Housing Health and Safety Rating System \(HHSRS\)](#).¹⁴⁶

A property will be unfit for human habitation if it is “so far defective in one or more of those matters that it is not reasonably suitable for occupation in that condition”.¹⁴⁷ The 2018 Act provides a means through which tenants can take legal action against their landlords for a breach of the fitness for human habitation duty.

Environmental health officers (EHOs) can inspect properties using the Housing, Health and Safety Rating System (HHSRS). This is a risk-based assessment of housing standards. If an EHO identifies a category 1 hazard (e.g. excess cold) they must take action to ensure the hazard is removed. They have various enforcement powers, such as serving an improvement notice on the landlord to require certain works to be carried out.

In October 2018 the Government [announced a review of the HHSRS](#).¹⁴⁸ On 11 July 2019, following a scoping exercise, the Government [confirmed its intention to carry out further work](#) to “make the system easier to understand for landlords and tenants, correct the disconnect between the HHSRS and other legislative standards, and facilitate the effective enforcement of housing standards by local authorities”.¹⁴⁹ The review was due to conclude in autumn 2022.¹⁵⁰

Statutory nuisance

The Environmental Protection Act 1990 (the 1990 Act) applies where a tenant’s home is suffering from a ‘statutory nuisance’. The Act sets out the circumstances which might give rise to a statutory nuisance, including: “... any premises in such a state as to be prejudicial to health or a nuisance”.¹⁵¹

The whole premises have to be prejudicial to health or a nuisance for a statutory nuisance to occur. This can be due to a single major item of

¹⁴⁶ Section 10 of the Landlord and Tenant Act 1985 (as amended). The HHSRS recognises [29 ‘matters and circumstances’ that give rise to hazards](#).

¹⁴⁷ Section 10(1) of the Landlord and Tenant Act 1985 (as amended)

¹⁴⁸ MHCLG, [Greater protection for renters thanks to plans to tighten tenant safety](#), 26 October 2018

¹⁴⁹ MHCLG, [Outcomes of report on Housing Health and Safety Rating System \(HHSRS\) scoping review](#), 11 July 2019

¹⁵⁰ DLUHC, [A fairer private rented sector](#), 16 June 2022, p25

¹⁵¹ [Section 79\(1\)\(a\) of the Environmental Protection Act 1990](#)

disrepair, such as a leaking roof, or several minor items. Although there may be disrepair, it is the effect of the defect that gives rise to the nuisance rather than the disrepair itself.

Dampness, condensation or mould growth are examples of defects in premises that are considered prejudicial to health. The landlord may not be liable if these occur because the tenant has failed to use the heating system properly.¹⁵²

Tenants can request an inspection of the property by an EHO. Where a statutory nuisance is identified, the local authority must serve an abatement notice, which requires the nuisance to be dealt with.

Tenants have the option of pursuing a private prosecution for statutory nuisance in a magistrate's court under section 82 of the 1990 Act.

Decent Homes Standard

[The Decent Homes Standard](#) (DHS) is a non-statutory standard which was introduced by the 1997 Labour Government.¹⁵³ A Public Service Agreement target (PSA7) was adopted in 2000 to bring all social housing up to a decent standard by 2010. As part of Spending Review 2002, John Prescott announced that private sector homes occupied by vulnerable households would also be brought within the decent homes target.

Despite the end of the formal programme, the DHS is still widely referred to when housing conditions are discussed. The English Housing Survey refers to the number of homes not meeting the standard (see section 3.1).

Registered providers of social housing are required to meet the [Home Standard](#). This is one of four consumer standards set by the Regulator of Social Housing (RSH). The Home Standard refers to the DHS – registered providers should:

(a) ensure that tenants' homes meet the standard set out in section five of the [Government's Decent Homes Guidance](#) and continue to maintain their homes to at least this standard

(b) meet the standards of design and quality that applied when the home was built, and were required as a condition of publicly funded financial assistance if these standards are higher than the Decent Homes Standard

(c) in agreeing a local offer, ensure that it is set at a level not less than these standards and have regard to section six of the Government's Decent Homes Guidance.¹⁵⁴

¹⁵² Shelter Legal, [Statutory nuisance under Environmental Protection Act 1990](#) [accessed 13 December 2022]

¹⁵³ Section 7.1 contains a description of what the DHS entails.

¹⁵⁴ RSH, [Home Standard - GOV.UK](#) [accessed 19 December 2022]

The Government launched [a two-part review of the Decent Homes Standard](#) in 2021.¹⁵⁵ Part 1 closed in autumn 2021 and concluded the standard remained broadly suitable and effective, but said an update would be beneficial. Part 2 began in spring 2022 and is exploring application of the DHS to the private rented sector and potential regulatory changes to the standard that would apply to both the PRS and social rented sectors.¹⁵⁶

Social landlords' complaints processes and regulation

Council and housing association landlords have their own internal complaint procedures which tenants can use if they are dissatisfied with the outcome of a complaint, including about conditions in their homes. Once these processes are exhausted, if the matter is unresolved, one option might be to refer it to the Housing Ombudsman.

The Housing Ombudsman Scheme was revised in September 2020 to enable further investigation into systemic issues for the first time. One such investigation concerned damp and mould: [Housing Ombudsman Spotlight report on damp and mould](#) (PDF, 2021). The report contained a series of recommendations for senior managers in the social housing sector, the first of which referred to the adoption of “a zero-tolerance approach to damp and mould interventions.”¹⁵⁷

As noted above, the RSH has a role to play in ensuring registered providers of social housing adhere to the relevant consumer standards, including the [Home Standard](#). RSH periodically writes to all registered providers to highlight specific issues. A review of the RSH's work on consumer regulation over 2021/22 was published in July 2022.¹⁵⁸

Action to improve damp and mould in rented housing (England)

Social rented housing

In November 2022, a coroner held the death of two-year-old Awaab Ishak in 2020 was due to “prolonged exposure to mould in his home environment.”¹⁵⁹ The family rented a flat from Rochdale Boroughwide Housing which describes itself as “the UK's first tenant and employee co-owned mutual housing society.”¹⁶⁰

The coroner issued a Regulation 28 Report to Prevent Future Deaths on 16 November 2022 concerning the Awaab Ishak's death, to which Michael Gove (Secretary of State for Levelling Up, Housing and Communities) and

¹⁵⁵ DLUHC, [Decent Homes Standard: review](#), 8 February 2021

¹⁵⁶ See below.

¹⁵⁷ Housing Ombudsman, [Housing Ombudsman Spotlight report on damp and mould](#), (PDF) 2021

¹⁵⁸ RSH, [RSH publishes review of its 2022 social housing consumer regulation - GOV.UK](#), July 2022

¹⁵⁹ [Awaab Ishak: Prevention of future deaths report - Courts and Tribunals Judiciary](#), 16 November 2022

¹⁶⁰ [About Us | RBH](#) [accessed on 19 December 2022]

Steven Barclay (Secretary of State for Health and Social Care) responded on 13 January 2023.¹⁶¹

Prior to this there were several media reports focusing on the incidence of damp and cold housing in the social rented sector and the sector's apparent failure to respond in a timely and appropriate manner. The Housing Ombudsman's 2021 investigation on damp and mould said:

Cases like those shown in the media are thankfully a minority, however, even one such case is one too many. The recent media coverage clearly demonstrates the significant impact on residents when things do go wrong, complaints are not responded to appropriately, and lessons are not learned.¹⁶²

On 20 November 2022, Michael Gove wrote to all council leaders and social housing providers setting out expectations in relation to damp and mould and issuing a direction under section 3(3) of the Housing Act 2004. He said:

All social homes must meet the Decent Homes Standard; you must be aware of any that do not and undertake rapid remedial works. However, in light of this case I expect you to go further than the letter of the Standard and have particular regard to damp and mould.¹⁶³

On 22 November 2022, the Regulator for Social Housing wrote to chief executives of large and small registered social housing providers to give assurance on addressing risks relating to damp and mould in tenants' homes. Large providers (stock of over 1,000 units) were asked to provide assurance on tackling the issues together with specific information and data by 19 December 2022:

- Firstly, your approach to assessing the extent of damp and mould issues affecting your properties, including how you assess the prevalence of category 1 and 2 damp and mould hazards
- Secondly, and in the context of that approach, your most recent assessment of the extent of damp and mould hazards in your homes, including the prevalence of category 1 and 2 damp and mould hazards
- Thirdly, given those findings, the action you are taking to remedy any issues and hazards, and ensure that your homes meet the Decent Homes Standard
- Lastly, tell us how you ensure that individual damp and mould cases are identified and dealt with promptly and effectively when raised by tenants and residents.
- Explanations should be supported with recent data. If data are not available, this should be noted.¹⁶⁴

¹⁶¹ [2022-0365 - Response from Secretary of State for Levelling Up, Housing and Communities and Department for Health and Social Care \(judiciary.uk\)](#) (PDF), 13 January 2023

¹⁶² Housing Ombudsman, [Housing Ombudsman Spotlight report on damp and mould](#), (PDF) 2021

¹⁶³ [Secretary of State calls for action on housing conditions - GOV.UK](#), 20 November 2022

¹⁶⁴ [Letters to registered providers about damp and mould - GOV.UK](#), 22 November 2022

Smaller providers with less than 1,000 units were expected to have a “comprehensive understanding of the extent of potential damp and mould” in their homes and to be “taking action to remedy them.” Providers who were unable to satisfy themselves of this were urged to contact the RSH “immediately”.¹⁶⁵

Providers who breach RSH consumer standards will be blocked from receiving new Affordable Homes Programme funding until improvements are made.¹⁶⁶

On 19 December 2022, Dehenna Davison, Parliamentary Under-Secretary of State at DLUHC, responded to a Parliamentary Question about extra resources to help authorities tackle housing mould. She said information gathered by the RSH “should provide a clearer picture on the scale of the problem for the government to consider what action is needed.”¹⁶⁷

Michael Gove also referred to measures in the Social Housing (Regulation) Bill,¹⁶⁸ currently before Parliament, to enhance tenants’ rights:

Our Social Housing Regulation Bill will enable a rigorous new regime that holds all landlords to account for the decency of their homes and the service they provide. The Regulator of Social Housing will proactively inspect landlords – and will have the power to issue unlimited fines. It will be able to intervene in those cases where tenants’ lives are being put at risk because landlords are dragging their feet in actioning repairs. And in the very worst cases, it will have the power to instruct that properties are brought under new management.

We are bringing in these changes to rebalance the relationship between residents and landlords by enhancing the current system of regulation and redress, but there is already a well-recognised minimum quality standard, the Decent Homes Standard, and clear guidance from the Housing Ombudsman Service on how complaints should be handled. Landlords must ensure their homes meet this Standard and handle complaints in line with the Ombudsman’s guidance.¹⁶⁹

In June 2022, the National Housing Federation (NHF) and Chartered Institute of Housing (CIH) launched the Better Housing Review with an aim of making practical recommendations to tackle social housing issues in England.¹⁷⁰ The report of the review was published in December 2022. The recommendations include:

- Housing associations refocusing on their core purpose “to provide decent, safe homes for those who can’t afford the market”. Only when delivering against that core purpose should they assess capacity to deliver on wider responsibilities and ambitions.

¹⁶⁵ As above.

¹⁶⁶ [Government to block failing social housing providers from new housing funding - GOV.UK](#) [accessed on 20 December 2022]

¹⁶⁷ [PQ 110658 \[Housing: Mould\] 19 December 2022](#)

¹⁶⁸ For more information see Library briefing [Social Housing \(Regulation\) Bill \[HL\] 2022-23](#).

¹⁶⁹ [Secretary of State calls for action on housing conditions - GOV.UK](#), 20 November 2022

¹⁷⁰ [About the review - The Better Social Housing Review](#) [accessed on 20 December 2022]

- Housing associations to work together to conduct and publish a thorough audit of all social housing in England by adopting and applying the new HACT UK Housing Data Standards across the sector.
- Working with tenants, contractors and frontline staff to develop and apply new standards defining what an excellent maintenance and repairs process looks like.¹⁷¹

In the letter of 13 January 2023 responding to the coroner's Regulation 28 report on the death of Awaab Ishak, Michael Gove and Steven Barclay referred to ongoing reviews of the Decent Homes Standard and the Housing, Health and Safety Rating System. The letter included a commitment to amend the Social Housing (Regulation) Bill:

Our intention, subject to further discussion with the representatives of Awaab's family, is to commit me (the Secretary of State for Levelling Up, Housing and Communities) to publishing a policy statement on approaches to tackling serious hazards (including damp and mould) in the social rented sector. The policy statement would specify time limits which landlords must meet regarding investigating hazards and acting where there are health concerns. I intend to direct the Regulator of Social Housing to implement the approach set out in this new policy statement in its standards. If this amendment is approved by Parliament we will implement any new measures as soon as possible and within six months of Royal Assent of the Bill.¹⁷²

DLUHC is publishing monthly updates on progress in improving social rented homes.¹⁷³

Private rented housing

The Government launched [a two-part review of the Decent Homes Standard](#) in 2021.¹⁷⁴ Part 1 closed in autumn 2021 and concluded the standard remained broadly suitable and effective, but said an update would be beneficial. Part 2 began in spring 2022. This is exploring the application of the DHS to the private rented sector and potential regulatory changes to the standard that would apply to both the private rented and social rented sectors.

On 2 September 2022, the Government published a [consultation on applying the Decent Homes Standard to the private rented sector](#).¹⁷⁵ It is proposed that in order to meet the Decent Homes Standard (DHS) in the PRS, a property will have to:

¹⁷¹ NHF & CIH, [The Better Social Housing Review](#), December 2022

¹⁷² [2022-0365 - Response from Secretary of State for Levelling Up, Housing and Communities and Department for Health and Social Care \(judiciary.uk\)](#) (PDF), 13 January 2023

¹⁷³ The most recent at the time of writing was published on 26 January 2023: [January 2023 - update on government's work to improve the quality of social housing - GOV.UK](#)

¹⁷⁴ DLUHC, [Decent Homes Standard: review](#), 8 February 2021

¹⁷⁵ DLUHC, [New standards for rented homes under consideration](#), 2 September 2022

- meet the current statutory minimum standard for housing (to be decent it should be free of category 1 hazards, assessed through the HHSRS).
- be in a reasonable state of repair;
- have reasonable facilities and services; and
- provide a reasonable degree of thermal comfort.

The Government proposes to introduce a legal duty on landlords to ensure their properties meets the DHS. Local authorities would have a duty to investigate complaints relating to the DHS in their area. A breach of the DHS would be a criminal offence, which could incur a civil penalty or result in a prosecution in the Magistrate’s Court. It would also be a banning order offence, which would prohibit a landlord from letting housing or engaging in letting agency or property management work.

The Government intends to extend the grounds for rent repayment orders, requiring landlords to repay rent to the tenant(s) in situations where they have not complied with the DHS.

The consultation closed on 14 October 2022 and the Government is considering responses.

The [Queen’s Speech 2022](#) said a Renters Reform Bill would be introduced in the 2022-23 parliamentary session. When subsequently pressed about timing Government Ministers have said it will be introduced “in this Parliament.”¹⁷⁶

In addition to the DHS requirements, there is a commitment to abolish section 21 ‘no fault’ evictions in England. This would strengthen the ability of private tenants to take action in respect of poor conditions by removing the threat of retaliatory eviction. There’s also an intention to require all private landlords to be members of a new Private Rented Sector Landlord Ombudsman.

On 24 November 2022, the Government awarded a share of £14 million to seven areas with high numbers of poor private rented housing “to crack down on rogue landlords and test new approaches to driving up standards.”¹⁷⁷

¹⁷⁶ See, for example: [PQ HI 2662 \[on rented housing\], 31 October 2022](#)

¹⁷⁷ [Government to block failing social housing providers from new housing funding - GOV.UK](#) [accessed on 20 December 2022]

7.2

Devolved administrations: rented housing standards

Scotland

For an overview see: [Dampness in Scottish social housing](#) (December 2022) by Kate Berry of the Scottish Parliament Information Centre.

The [Tolerable Standard](#) is the basic statutory minimum standard for housing in Scotland. It is a pass or fail measure of housing fitness applying to all tenures. The last significant update to the Tolerable Standard was set out in section 11 of the Housing (Scotland) Act 2006 (the 2006 Act), which added thermal insulation and electrical safety to the minimum standard.¹⁷⁸ Where a dwelling is below the Tolerable Standard, local authorities have a duty to take action to close it, demolish it, or bring it up to the required standard.

Section 13 of the 2006 Act outlines the [Repairing Standard](#). This standard applies in addition to the Tolerable Standard. Under the 2006 Act, private landlords in Scotland are required to ensure a rented property meets the Repairing Standard at the start of a tenancy and throughout the letting.

The Scottish Government's [Energy Efficiency and Condition Standards in Private Rented Housing consultation](#) proposed further changes to the Repairing Standard to bring it closer to the standards required for social rented housing (see below). Following that consultation, the Housing (Scotland) Act 2006 (Modification of the Repairing Standard) Regulations 2019, amended and extended the Repairing Standard. The changes will apply from 1 March 2024. The Scottish Government has committed to improve the energy efficiency of the PRS and intends to bring forward legislation in due course.¹⁷⁹

In December 2021, the Scottish Government launched a [consultation on a draft new rented sector strategy](#) seeking views on proposals to deliver a 'new deal' for tenants. The proposals included:

- a new Housing Standard to apply to all homes;
- establishing a private rented sector regulator to uphold new housing standards and to ensure the system is fair for both landlords and tenants; and
- setting minimum standards for energy efficiency.¹⁸⁰

¹⁷⁸ Scottish Government, [Implementing the Housing \(Scotland\) Act 2006: Advisory and Statutory Guidance for Local Authorities](#), March 2009

¹⁷⁹ Scottish Government, [Energy efficiency standards for the private rented sector](#) (accessed 15 December 2022)

¹⁸⁰ Scottish Government, [A new deal for tenants](#), 20 December 2021

The consultation closed on 15 April 2022. The Government published its [analysis of consultation responses](#) in August 2022.¹⁸¹ The results are expected to feed into the final version of the Government’s Rented Sector Strategy, with legislation being introduced in due course.

The current Scottish Housing Quality Standard developed by the Scottish Government requires that homes provided by social landlords:

- Meet the Tolerable Standards;
- Be free from serious disrepair;
- Be energy efficient;
- Have modern facilities and services; and
- Be healthy, safe and secure.¹⁸²

The Scottish Housing Regulator wrote to all governing bodies and committees of social landlords in December 2022 asking them to consider their systems for ensuring tenants’ homes are not affected by mould and dampness and ensuring they have “appropriate, proactive systems to identify and deal with any reported cases of mould and damp timeously and effectively.”¹⁸³

Wales

In Wales, the provisions on housing fitness in the Landlord and Tenant Act 1985 and the Housing Act 2004 have been replaced by those in the [Renting Homes \(Wales\) Act 2016](#) (the 2016 Act), which came into force on 1 December 2022.

The 2016 Act requires landlords to ensure the property is fit for human habitation at the commencement of, and throughout, the tenancy.¹⁸⁴ [The Renting Homes \(Fitness for Human Habitation\) \(Wales\) Regulations 2022](#) (SI 2022/W4) set out 29 matters and circumstances to which regard must be had when determining whether a property is fit for human habitation.

Landlords must also “keep in repair” the structure and exterior of the house, as well as the installations for water, gas, electricity, sanitation, space heating and water heating.¹⁸⁵ This is a fundamental term of the occupation contract.¹⁸⁶

¹⁸¹ Scottish Government, [A new deal for tenants: Consultation analysis](#), 23 August 2022

¹⁸² [Improving housing standards - Social housing - gov.scot](#) [accessed 1 February 2023]

¹⁸³ [Letter to landlords - advice on tenant safety, damp and mould | Scottish Housing Regulator](#), 18 January 2023

¹⁸⁴ [Section 91 of the Renting Homes \(Wales\) Act 2016](#)

¹⁸⁵ These repairing provisions are largely a restatement of section 11 of the Landlord and Tenant Act 1985.

¹⁸⁶ [Section 92 of the Renting Homes \(Wales\) Act 2016](#)

Where a landlord has not complied with the fitness for human habitation, repair and mandatory safety requirements, tenants can make a claim to the County Court to get works carried out and for compensation.

Following the death of Awaab Ishak, the Minister for Climate Change in Wales wrote to all social landlords on 17 November 2022 to remind them of their responsibilities to keep tenants safe in their homes. Subsequently, the Director of Housing and Regeneration requested all social landlords to provide details of responses to lessons learned:

The information requested includes an explanation of the assurance the governing body has scrutinised to give them confidence their systems and processes are the best they can be, and do not discriminate in any way, to ensure damp and mould issues are dealt with promptly and effectively.¹⁸⁷

Landlords were asked to return the information requested by 20 January 2023.

Northern Ireland

The statutory minimum standard for properties in the PRS in Northern Ireland is known as the [Housing Fitness Standard](#). The Fitness Standard was last updated by the Housing Order (Northern Ireland) 1992. It is a pass or fail standard and is primarily concerned with the internal and external fabric of the building and the provision of heating, lighting, ventilation and sanitation. Local authorities are responsible for the fitness enforcement process in respect of private rented dwellings.

In addition, private landlords are required to ensure their properties comply with minimum standards set out in the [Housing \(Standards for Rented Houses\) Regulations 2019 \(SI 137/2019\)](#).

The Department for Social Development's¹⁸⁸ Housing Strategy 2012-2017 committed to review and enhance the Fitness Standard. In March 2016, the Department published a [discussion paper](#) (PDF) on the future of the Fitness Standard, which presented two possible options for reform:

- Option A – An Enhanced Housing Fitness Standard.
- Option B – Introduce the Housing Health and Safety Rating System in Northern Ireland.¹⁸⁹

In January 2017, the Department for Communities [consulted on wide-ranging proposals for PRS reform](#) in Northern Ireland. The [Departmental response](#), published in May 2021 committed to, amongst other things:

¹⁸⁷ [Letter from Minister for Climate Change to social landlords on damp and mould issues](#), 19 December 2022

¹⁸⁸ The Department for Social Development is now part of the Department for Communities.

¹⁸⁹ Department for Social Development, [Review of the Statutory Minimum Housing Fitness Standard for all Tenures of Dwelling \(PDF\)](#), March 2016

- Introduce an enabling power in primary legislation to make provision for the introduction and enforcement of minimum standards of energy efficiency in the PRS.¹⁹⁰

The [Private Tenancies Act \(Northern Ireland\) 2022](#), which received Royal Assent on 27 April 2022, introduced new requirements in relation to fire, smoke and carbon monoxide detectors (section 8) and gave the Department for Communities the power to make regulations with regards to energy efficiency standards (section 9) and electrical safety standards (section 10).

The Minister for Communities, then Deirdre Hargey, indicated the Act was the first step in PRS reform and further work was a priority for the Department.¹⁹¹

The Northern Ireland Assembly [debated the issue of damp and mould in Housing Executive owned homes on 28 June 2021](#). Deirdre Hargey commented on action to improve the NI Housing Executive's stock:

On looking at the issue of damp, the Housing Executive acknowledges that there is dampness and mould in its stock. It is not widespread, with a large proportion of the stock meeting the decent home standards. However, I completely acknowledge and understand that, if you live in one of the homes with dampness and mould, that is the most important issue for you and that issue needs to be resolved. Through the engagements that I have had with the Housing Executive, I have been assured that it takes issues of dampness and mould seriously. In all instances, the circumstances will be inspected and assessed on what the cause of the dampness may be and the action that will be taken as is necessary.

In February, I answered a question for written answer on this issue and said:

"The Housing Executive has advised that, in the last 12 calendar months, it has had 2,121 defects reported by its tenants associated with damp where corrective action has been taken."

If investigation shows that it is a one-off problem specific to an individual property, it will most likely be addressed through the Housing Executive's response maintenance programme. However, if there is a clear cluster of problems in an area, consideration may be given to addressing that through a remedial works scheme. Those works could be a combination of improved ventilation, insulation and heating. Where the source of the dampness is identified as condensation, advice will be provided to tenants on its causes and how to avoid a reoccurrence.¹⁹²

¹⁹⁰ Department for Communities, [Departmental Response Consultation on the Review of the Role and Regulation of the Private Rented Sector](#), 4 May 2021

¹⁹¹ Department for Communities, [Minister Hargey delivers protections for private renters](#), 15 March 2022

¹⁹² [Damp and Mould in Housing Executive Properties](#), 28 June 2021

8

Building standards for new homes

The energy efficiency, ventilation and moisture resistance of when a new home is constructed or when an existing home is significantly altered are regulated by the building regulations. This section provides further information. Because building regulations are devolved, this section focuses on the situation in England. Further information on the devolved administrations is provided in section 8.4.

8.1

Building regulations in England

Any building work that is carried out in England has to adhere to the building regulations, under the [Building Act 1984](#) and the [Building Regulations 2010](#).¹⁹³ The regulations set minimum standards for the construction and performance of homes to ensure the health, safety and welfare of the people living in it.¹⁹⁴ To support the regulations, Government publishes [Approved Documents which provide guidance on ways to meet the regulations](#).¹⁹⁵

The building regulations apply when building new homes and, in some cases, when making changes to existing homes (such as certain renovations). They apply only at the time when building work is taking place; standards for existing homes will therefore usually depend on when they were built. There is no requirement to retrofit homes to comply with new building regulations.¹⁹⁶

Part C of the Building Regulations 2010 deals with moisture control, Part F sets standards for ventilation and air quality and Part L deals with the conservation of fuel and power.¹⁹⁷ Further information is set out below.

Generally, the building regulations set standards that need to be met (for example, energy performance standards) rather than the way they need to be achieved (for example, by using a specific type of insulation). They do not prescribe which technologies, materials or methods should be used.

¹⁹³ [Building Act 1984](#); [Building Regulations 2010](#)

¹⁹⁴ MHCLG, [Manual to the Building Regulations](#) (PDF), July 2020, page 5

¹⁹⁵ DLUHC and MHCLG, [Approved Documents](#), last updated December 2021. Archived versions of the Approved Documents are available on the [website of the National Archives](#).

¹⁹⁶ Further information on what is considered “building work” for the purpose of the building regulations is set out in the [Manual to the Building Regulations](#) (PDF), pages 27-32.

¹⁹⁷ Part C, Part F and Part L of [Schedule 1 of the Building Regulations 2010](#)

Moisture control

Part C requires that the walls, floors and roofs of a house “adequately protect the building and people who use the building from harmful effects” of moisture and condensation.¹⁹⁸ Houses should be constructed to ensure that condensation between building elements does not “adversely” affect their “structural and thermal performance”.¹⁹⁹

Furthermore, walls and floors should not pass moisture from the ground upwards and from the outside to the inside of a building. Given “reasonable occupancy conditions”, they should not lead to mould growth.²⁰⁰ For example, homes should include a damp-proof course and membrane that prevent moisture from being “sucked up” into the walls.²⁰¹

Ventilation

Part F requires that “adequate means of ventilation” are provided for the people in a building.²⁰² Approved Document F notes that “without adequate ventilation, mould ... might become hazardous to health”.²⁰³

The building regulations set minimum air quality standards for each room in a home and for a building as a whole. These requirements may be met using natural ventilation (for example, windows), mechanical ventilation (for example, extract fans) or a combination of both. There should be enough ventilation to:

- extract water vapour from areas where it is produced (e.g. from kitchens and bathrooms) to minimise its spread to the rest of the building;
- provide fresh air to dilute, disperse or remove water vapour; and
- quickly disperse water vapour, for example through windows, from the inside to the outside to allow for “at least four air changes per hour”.²⁰⁴

Approved Document F states that “there should be no visible mould on the inner surfaces of external walls of a properly heated dwelling with typical moisture generation”.²⁰⁵ During the colder months of the year, the relative humidity of the indoor air should not exceed 85% a day.²⁰⁶

¹⁹⁸ Requirement C2 of [Schedule 1 of the Building Regulations 2010](#)

¹⁹⁹ MHCLG, [Approved Document C: Site preparation and resistance to contaminants and moisture](#), September 2013, paragraphs 4.2a, 5.2a and 6.2a

²⁰⁰ As above, paragraphs 4.4-4.5 and 5.2e-5.2f

²⁰¹ As above, paragraph 5.5

²⁰² Requirement F1 of [Schedule 1 of the Building Regulations 2010](#)

²⁰³ DLUHC and MHCLG, [Approved Document F: Ventilation](#) (Volume 1: Dwellings), last updated June 2022, paragraph 1.1

²⁰⁴ As above, paragraphs 1.17-1.31

²⁰⁵ As above, Appendix B, paragraph B2

²⁰⁶ As above, Appendix B, paragraphs B10-B11

For further information about ventilation requirements, see the Library briefing on [Building ventilation and Covid-19](#).

Energy performance

Part L requires that “reasonable” provisions are made to conserve energy in a home.²⁰⁷ This includes limiting heat loss through a building’s fabric elements, for example by installing insulation and double glazing, and fitting energy efficient heating systems.

Approved Document L notes that “gaps in insulation can have a significant impact on heat loss ... and create a risk of condensation and mould”.²⁰⁸

To reduce unwanted heat loss, the building regulations set minimum energy efficiency standards for a building’s fabric elements. Their energy efficiency is assessed using “U-values”. These measure the ability of a building element “to conduct heat from a warmer environment to a cooler environment”.²⁰⁹

The building regulations also set a target CO₂ emission rate which houses must meet. As of 15 June 2022, newly built homes must also meet a target primary energy rate. It measures the efficiency of a property’s heating system and the energy required to produce the fuel and deliver it to a property.²¹⁰

8.2

Updated energy efficiency and ventilation standards (from June 2022)

To meet its net zero target by 2050, the Government will introduce higher energy performance standards for new builds from 2025, under the [Future Homes Standard](#). As a stepping stone, the Government updated energy efficiency and ventilation requirements in December 2021.²¹¹

The change took effect on 15 June 2022. It primarily applies to new homes; existing homes are only affected if they are undergoing building work.²¹²

²⁰⁷ Requirement L1 of [Schedule 1 of the Building Regulations 2010](#)

²⁰⁸ DLUHC and MHCLG, [Approved Document L: Conservation of fuel and power](#) (Volume 1: Dwellings), last updated June 2022, paragraph 4.14

²⁰⁹ As above, Appendix A

²¹⁰ As above, paragraph 1.2

²¹¹ [Building Regulations etc. \(Amendment\) \(England\) Regulations 2021](#). The Government consulted on these changes between October 2019 and February 2020: MHCLG, [Future Homes Standard: Changes to Part L and Part F of the Building Regulations for new dwellings](#), last updated January 2021.

²¹² The changes also do not apply to building work where notice has been given to, or plans have been deposited with, a local authority prior to 15 June 2022, provided that work is started by 15 June 2023.

Under the updated standards, new homes will have to produce 30% less CO₂ emissions. Standards for thermal elements – that is, the floors, roof, and walls of a building – have also been tightened.²¹³

Alongside the changes to energy efficiency, the Government also updated ventilation requirements. Approved Document F now recommends that all new and replacement windows include trickle vents to improve air quality.²¹⁴

These requirements apply primarily when building new homes but also when undertaking work on thermal elements in an existing home, for example, when installing insulation.²¹⁵ When building work affects the ventilation of a home, it should comply with updated air quality standards or, at least, meet the standards that existed prior to the works taking place.²¹⁶

8.3 Compliance with the standards (in England)

When carrying out work controlled by the building regulations, a building owner needs to seek approval from a building control body. This approval can come from either the local authority or a privately approved inspector.²¹⁷

Through periodic site inspections and, sometimes, approved plans, the building control inspector will determine whether the work complies with the building regulations. They will issue a certificate when satisfied, after taking “all reasonable steps”, that the work meets the building regulations.

This certificate is not a complete guarantee that all works have been done to the required standard, however. Ultimately, the responsibility to meet the requirements rests with the owner, designer, and builder of a house.²¹⁸

The [Building Safety Act 2022](#), which was introduced in response to the 2017 Grenfell Tower fire, created a [Building Safety Regulator](#) (BSR) within the Health and Safety Executive. Its functions will include ensuring building safety, especially of higher-risk buildings, and overseeing building control inspectors.²¹⁹ Its role will be phased in between April 2022 and October 2023.

²¹³ DLUHC, [New homes to produce nearly a third less carbon](#), Press release, 15 December 2021

²¹⁴ EnviroVent, [Approved Document F: New ventilation rules 2022 in England](#), 21 July 2022 [accessed 11 January 2023]. A Commons Library briefing offers further information on recent [changes to ventilation requirements in the context of Covid-19](#).

²¹⁵ DLUHC and MHCLG, [Approved Document L: Conservation of fuel and power](#) (Volume 1: Dwellings), last updated June 2022, sections 10-12

²¹⁶ DLUHC and MHCLG, [Approved Document F: Ventilation](#) (Volume 1: Dwellings), last updated June 2022, paragraph 3.2

²¹⁷ The Building Safety Act 2022 requires privately approved inspectors to register with the Building Safety Regulator. They will be known as “building control approvers”.

²¹⁸ MHCLG, [Manual to the Building Regulations](#) (PDF), July 2020, page 24; Local Government and Social Care Ombudsman (LGSCO), [Building control: I have a problem with the council's handling of a building control matter](#), August 2022

²¹⁹ [Sections 43 and 44 of the Building Safety Act 2022](#)

Enforcement of the building regulations

A local authority has a general duty to ensure building work in its area complies with the building regulations. The [Building Act 1984](#) gives local authorities formal enforcement powers that they can use at their discretion:

- They can prosecute the person who carried out the building work (e.g., the builder, installer, or contractor). This is only possible up to two years from completion of the work.²²⁰
- They can require the building owner to alter or remove building work that contravenes the regulations or, if they fail to, fix the work themselves and recover the costs from the owner. Currently, this is only possible up to 12 months after the building work is completed. This period will be extended to 10 years when the [Building Safety Act 2022](#) takes effect.²²¹

In future, local authorities will have further powers to deal with building regulations contraventions: they will be able to issue stop notices, requiring non-compliant building work to stop, and compliance notices, requiring defective building work to be remedied.²²² They will also be able to lay claims for compensation with respect to “damages”, including death, disease, or injury, caused by building regulations contraventions.²²³

Concerns about non-compliance with the building regulations should be directed to the local authority; however, it is up to the local authority whether to pursue enforcement action against building regulations violations.²²⁴

Once a council’s complaints procedures are exhausted, one option might be to refer to the matter to the [Local Government Ombudsman](#). The Ombudsman can “only rarely” help with building control matters, however, because building control inspectors are not directly liable for defective building work.²²⁵

8.4

Devolved administrations

Building regulations are devolved. Standards for performance are set by the devolved administrations, and local councils (or district councils in Northern Ireland) are responsible for administering them and ensuring compliance.

²²⁰ [Sections 35 and 35A of the Building Act 1984](#)

²²¹ [Section 36 of the Building Act 1984](#), as amended by [Section 39 of the Building Safety Act 2022](#)

²²² Sections 35B and 35C of the Building Act 1984, as added by [Section 38 of the Building Safety Act 2022](#)

²²³ [Section 38 of the Building Act 1984](#); Lexology, [The Building Safety Act: Where are we now?](#), 22 September 2022.

²²⁴ Planning Portal, [Failure to comply with the building regulations](#), undated [accessed 31 January 2023]

²²⁵ LGSCO, [Building control: I have a problem with the council’s handling of a building control matter](#), August 2022

Across the UK, standards are performance based; they set requirements for what should be achieved but not how it should be achieved. They also apply primarily at the time of construction. New standards are not retrospectively applied to existing homes, except where these are undergoing building work.

Wales

In Wales, standards for building works are also governed by the [Building Act 1984](#) and the [Building Regulations 2010](#).²²⁶ They are supported by [Approved Documents](#) which help builders achieve compliance in common situations.

Building regulation requirements

Requirements for moisture levels, ventilation and energy performance are broadly similar in Wales and England. The Welsh Government also updated energy efficiency and air quality requirements in 2022. The changes, which took effect on 23 November 2022, require new homes to produce 37% less carbon emission than previously.²²⁷

Compliance and enforcement

When carrying out works that are controlled under the regulations, building owners have to get approval from their local authority or a privately approved inspector.²²⁸ Failing to do so can result in enforcement action.

Local authorities are responsible for ensuring compliance with the building regulations in their area. They can prosecute builders who carry out faulty building works and require owners to remedy them.²²⁹

Scotland

In Scotland, building standards are governed by the [Building \(Scotland\) Act 2003](#) and the [Building \(Scotland\) Regulations 2004](#). They are supported by the [Technical Handbooks](#) which provide guidance on compliance.²³⁰

Compliance and enforcement

Prior carrying out works to which the regulations apply, a building owner needs to obtain a “building warrant” from the local authority. This warrant confirms that the proposed works meet building standards. On completion, the building owner must submit a “completion certificate”, confirming that

²²⁶ Welsh Government, [Building regulations: approved documents](#), last updated 20 December 2022. The [Welsh Ministers \(Transfer of Functions\) \(No.2\) Order 2009](#), which came into force on 31 December 2011, devolved responsibility for the building regulations to the Welsh Government.

²²⁷ [Building Regulations \(Amendment\) \(Wales\) \(No.2\) Regulations 2022](#); BEAMA, [Changes to Building Regulations for homes on the way](#), 29 April 2021 [accessed 11 January 2023]

²²⁸ Welsh Government, [Guide to building regulations](#), December 2021, section 5

²²⁹ As above, section 6

²³⁰ [Building \(Scotland\) Act 2003](#); [Building \(Scotland\) Regulations 2004](#); Scottish Government, [Building standards technical handbook 2022: Domestic](#), June 2022

the works comply with building standards. A home can only be occupied once a local authority has accepted this certificate.²³¹

Failure to comply with the regulations can result in enforcement action by the local authority. It can require that building works are altered to comply with the building standards and, if the owner fails to comply, may fix the works itself and recover the costs from the owner. A local authority can also prevent the occupation of a home until it meets building standards.²³²

Building standards: moisture, ventilation, insulation and temperature

The building standards require that homes are designed and constructed so that moisture from the ground, rain and condensation do not pose a threat to a building's occupants.²³³ The people living in a home should not be placed "at risk as a result of moisture" or "mould that is injurious to health".²³⁴

Homes should also include means of (mechanical or natural) ventilation to meet air quality standards and remove excess water vapour.²³⁵

Unlike building regulations in the rest of the UK, Scottish building standards state that a home should be able to be heated to a certain temperature.²³⁶

Every dwelling should have some form of fixed heating system, or alternative that is capable of maintaining a temperature of 21°C in at least 1 apartment [room that is not a kitchen, storage or utility room] and 18°C elsewhere, when the outside temperature is minus 1°C.

[...]

Where there are elderly or infirm occupants in a dwelling the capability of the heating system to maintain an apartment at a temperature higher than 21°C is a sensible precaution. [...] the heating system should be designed with the capability of being easily upgraded at a later date.²³⁷

The Scottish Government also sets energy efficiency standards for a building's fabric and its heating system and requires new homes to meet certain carbon emission standards. These requirements were updated in 2022 to make homes easier to heat while ensuring they are well ventilated. These changes came into force on 1 October 2022.²³⁸

²³¹ Scottish Government, [Building standards: procedural handbook](#), September 2019, sections 3 and 6

²³² As above, section 7

²³³ Scottish Government, [Building standards technical handbook 2022: Domestic](#), June 2022, standards 3.4 (on moisture from the ground), 3.10 (on precipitation) and 3.15 (on condensation)

²³⁴ As above, paragraph 3.4.0

²³⁵ As above, standard 3.14

²³⁶ As above, standard 3.13

²³⁷ Scottish Government, [Building standards technical handbook 2022: Domestic](#), June 2022, paragraphs 3.13.1-3.13.2

²³⁸ [Building \(Scotland\) Amendment Regulations 2022](#). The Scottish Government consulted on these changes between October 2019 and February 2020: [Proposed changes to Energy Standards and associated topics](#), last updated June 2022.

Northern Ireland

In Northern Ireland, standards for building works are governed by the [Building Regulations \(Northern Ireland\) 2012](#). They are supported by [Technical Booklets](#) which provide guidance on compliance in commons situations.²³⁹

Building regulation requirements

Regulations in Northern Ireland are modelled on the regulations in England: they set broadly similar requirements for moisture levels, air quality, and energy efficiency. The Northern Ireland Executive also updated energy performance requirements (but not ventilation standards) in 2022. The changes, which took effect on 30 June 2022, require new homes to achieve a 40% reduction in carbon emissions.²⁴⁰

Compliance and enforcement

A building owner needs to give notice to the council when carrying out minor building work, for example when replacing a boiler or installing insulation. For major works, they will need to submit full building plans to the council. Building control officers will then carry out site inspections.²⁴¹

Where they discover works that do not comply with the building regulations, a building control officer can serve a “contravention notice”, requiring the faulty works to be altered or removed within a certain period.²⁴²

²³⁹ [Building Regulations \(Northern Ireland\) 2012](#); Northern Ireland Executive, [Building Regulations Technical Booklets](#), last updated June 2022

²⁴⁰ Elmhurst Energy, [Northern Ireland Government announce new Part F standards](#), 29 March 2022; The Northern Ireland Executive consulted on these changes between October and December 2021: [Proposals for amendment of Technical Booklet Guidance to Part E](#), last updated March 2022.

²⁴¹ Building Control Northern Ireland, [Advice & Guidance](#), undated [accessed 11 January 2023]

²⁴² As above

9 Further information and resources

9.1 Addressing damp and mould in homes

The following webpages advise on addressing damp and mould found in homes:

- [Helping tenants with damp and mouldy housing \(England\) \(parliament.uk\)](#)
- The Energy Saving Trust, [Fixing damp and condensation](#)
- Which?, [How to get rid of damp](#)

9.2 Support towards energy and energy efficiency costs

The Government has introduced a range of schemes to support households with the cost of energy and the cost of installing energy efficiency measures.

For more information on these, see:

- Library briefing [Constituency casework: Government support for energy bills](#)
- Gov.uk, [Help with your energy bills](#)

General support with energy costs

- **The Warm Home Discount:** a £150 rebate on winter electricity bills for low-income households.
- **The Energy Company Obligation (ECO):** places a Home Heating Cost Reduction Obligation (HHCRO) on medium and large energy suppliers. It requires them to support households to fit energy-saving measures.
- **The Winter Fuel payment:** a £100 to £300 payment towards heating bills for pensioners during the winter month. In addition, during winter 2022/23 they will receive a one-off £300 Pensioner Cost of Living Payment.

- **Cold weather payments:** a payment of £25 per week for people receiving certain benefits. The payment is triggered during the winter when the temperature is zero or below for more than seven days.

Support for energy costs during winter 2022/23

The Government introduced further universal and time-limited support schemes in response to higher energy costs over 2022/23. These have been, and remain, subject to change.

- **Energy Bills Support Scheme (EBSS), including the EBSS Alternative Fund:** a one-off £400 payment to households to help with bills over winter 2022-23
- **Energy Price Guarantee (EPG):** a cap on domestic electricity and gas prices over the period 1 October 2022 to 31 March 2024
- **Energy Bill Relief Scheme (EBRS), including the EBRS for non-standard customers:** a discount on non-domestic electricity and gas prices over the period 1 October 2022 to 31 March 2023
- **Energy Bills Discount Scheme (EBDS):** a discount on non-domestic electricity and gas prices over the period 1 April 2023 to 31 March 2024
- **Pass-through requirements for the EBSS, EPG and EBRS,** including specific pass-through requirements for heat networks: these require third party intermediaries to pass on benefits to end users
- **Alternative Fuel Payments, including the Alternative Fuel Payments Alternative Fund:** a one-off payment for households (£200) and non-domestic customers (at least £150) who are not on the mains gas grid and use an alternative fuel (such as heating oil) for heating.
- **£150 council tax rebate:** a one-off payment made to households up until November 2022.

9.3

Energy cost support for people relying on medical equipment

At the time of publication, the Government had not provided support specifically for households incurring high energy costs due to reliance on energy-intensive medical equipment during winter 2022/23.

In response to a Parliamentary Question asking about support for these households, the Government highlighted the requirement for electricity

network operators to maintain a Priority Services Register to prioritise support for vulnerable customers during power disruptions.²⁴³

The Government has also said that it is reviewing the Energy Price Guarantee, and that its consultation will “explore the best ways to ensure that vulnerable high energy users, such as those with medical requirements, are not put at risk of having to pay more”.²⁴⁴

In some cases, there limited provision for support towards the cost of running specialist medical equipment from home. For example, NHS England’s service specification for haemodialysis to treat established renal failure performed in a patient’s home stipulates that contributions can be made towards utility bills in specified circumstances.²⁴⁵

²⁴³ [PQ 108182](#), 22 December 2022

²⁴⁴ [PQ 111611](#), 22 December 2022

²⁴⁵ NHS England, [Service specification A06/S/b. Haemodialysis to treat established renal failure in the home](#), accessed 24 January 2023



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