



FPRA
FEDERATION OF PRIVATE
RESIDENTS' ASSOCIATIONS

P O Box 10271
EPPING
CM16 9DB

Telephone Number:
0871 200 3324

E-mail: info@fpra.org.uk
Website: www.fpra.org.uk

The Voice of Leaseholders

Media Release

(Tuesday 2nd September 2008)

Area: [England & Wales](#)

Embargo: Immediate

The Federation of Private Residents Associations Ltd.

PO Box 10271

Epping , CM16 9DB

E-mail. info@fpra.org.uk.

Web. www.fpra.org.uk.

Main Telephone Number: 0871 200 3324

National residents' group see problems ahead for new Equality law!

The Federation of Private Residents' Associations (FPRA) who represent 1000's of leaseholders and resident groups were invited by Office for Disability Issues to contribute to a new piece of legislation that will affect the 'Common Parts' of blocks of flats up and down the Country.

The proposals will legislate for disability-related improvements to 'common parts' of let residential premises contained within the proposals for a Single Equality Act.

The consultation paper "Discrimination Law Review - A Framework for Fairness: proposals for a Single Equality Bill" has been of great interest to us as we believe it is right residents living in flats are treated equally and with respect.

Chapter 13 of paper on which the majority of our comments were made raises the biggest concern as the legislative proposal concerning the common parts of residential premises which have almost entirely been ignored.

New FPRA Chairman and local Councillor Bob Smytherman said:

"The FPRA is a non-political, not-for-profit advice & support service to hundreds of residents associations nation-wide lobbying on behalf for private residential

leaseholders, tenants' and residents' associations and residential management companies, including those companies where the leaseholders together own the freehold of their own residential block."

"Many private residential leaseholders and the residents' associations and management companies are formed to run their residential blocks and are run by volunteers from the tenants or leaseholders who give of their time freely and it is this type of organisation on whom these new duties under this proposed legislation will fall in their role as "landlord and manager".

"We are therefore calling on MP's from all parties to work with us and to minimise the burdens and complexities of any new Single Equality Act and provide clear and unambiguous advice to supplement legislation to ensure that the law that is meant to prevent discrimination does not discriminate against the very people they are trying to protect."

Media Contacts

Chairman: Bob Smytherman
Home (01903) 507073 Mobile: 07867 562538
Direct email: Bob@fpra.org.uk

Committee Member: Rowena Wilson
Home: 0207 931 9696 Mobile: 07910 168 577

Chief Executive: Robert Levene
Main Telephone Number: 0871 200 3324
Direct email: robertlevene@fpra.org.uk

This years Annual General Meeting of the Federation of Private Residents' Associations (FPRA) will feature Ms Charlotte Sewell who is Head of Leasehold and Park Homes Team at Department of Communities and Local Government (DCLG) as our guest speaker.

Notes to Editors:-

Substantial Disadvantage

We are in favour of introducing a single threshold of "substantial disadvantage" provided that the new threshold is related, as it is now in the 2005 amendments to the Disability Discrimination Act 1995, sections 24C and 24D, to the lease or tenancy and the rights or benefits arising from it.

Chapter 13

Code of Practice

In terms of the proposals in respect of common parts, we consider that the proposed statutory Code of Practice will be very important. The requirement on landlords to act reasonably in deciding whether or not to meet a request for a disability-related alteration will be very relevant to our members.

We therefore request that we are kept informed of the progress of the proposed Code and given the opportunity to make comments on its content.

Potential Difficulties

Whilst we welcome the potential extension of the rights of disabled people, we have identified a number of potential difficulties associated with introducing the legislation in respect of common parts. These include conflicting demands from various disabled residents with different disability needs (for example visibility-related alterations may not be compatible with mobility-related alterations), the need to comply with fire safety and other regulations which apply to common parts and control matters such as emergency exit routes (Regulatory Reform (Fire Safety) Order 2005) and the actual practicalities of installing and maintaining the disability-related alteration.

An audit of all other legislation affecting common parts and its relationship with the proposed legislation should be carried out to identify and address potential conflicts and difficulties.

We consider that with each of these potential difficulties there are also potential liability issues for landlords/managers and this needs to be recognised as do the consequent financial impacts. For example, the introduction of apparatus on to stairways may impact on insurance costs for landlords both in terms of occupier's liability and fire safety risk.

Costs to the Disabled Person

It follows from the above, that the disabled person requesting the alteration must be required to meet all reasonable additional costs to which the landlord/manager will be subjected as a result of the alteration. The removal of the alteration and/or any making good to the common parts needs to be explicitly included in the proposal as being potentially required by the landlord/manager. At present only reasonable maintenance costs are mentioned in addition to the actual cost of the alteration itself. There are potentially additional insurance costs, consequential additional health and safety costs, cleaning costs, energy costs and so on. These additional and consequential costs must all be able to be recovered from the tenant requesting the alteration so that they do not fall to be recovered in the service charge.

Ownership of the Alteration

The landlord/manager retains ownership of the common parts and grants rights to the tenants to use those areas in common with others. Annex Two of the Office for Disability Issues' covering letter states that the landlord and tenant should be able to negotiate whether or not an alteration should be treated as a tenant's fixture. We are very concerned about this statement and hope that it does not form part of the actual proposal in respect of common parts. The landlord/manager needs total control over the common parts because of all of the obligations and liabilities that exist in respect of those areas imposed either through other legislation or under the lease. Of course, there would be nothing to stop a landlord/manager offering back the alteration (e.g. a stair lift) to a tenant who is leaving the property where appropriate or practically possible.

This email was sent from The Federation of Private Residents Associations Ltd.
A Non Profit Company limited by guarantee. Registered number 1992130
FPRA only advises member associations - we cannot and do not act for them.
Opinions and statements offered orally and in writing are given free of charge and in good faith and as such are offered without legal responsibility on the part either of the maker or of FPRA Ltd.

Telephone Number; 0871 200 3324 (normal national rates apply)
E-mail. info@fptra.org.uk.
Web. www.fptra.org.uk.
Direct email. Bob@fptra.org.uk