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National Residents group launch On-line Survey to highlight Energy Efficiency standards for Blocks of Flats

FPRA team up with an MSc student from Graduate School for the Environment to collect evidence to inform the Government's 'Green Deal' proposals as part of the Energy Bill

The UK has ambitious 2050 targets to reduce carbon emissions and with households accounting for over a quarter of these emissions, there are significant challenges ahead. Legislation to reduce carbon in new buildings is now starting to play a role in the carbon reduction challenge, with two thirds of existing homes expected to still be in use in 2050, one of the most difficult challenges lies in the existing housing stock.

Within the housing sector, a huge 20% of dwellings are flats, a number of which are owned and/or managed privately by a number of different parties. Not only is the structure of blocks of flats different to houses, accessing such large buildings and making improvements to the 'common parts' is not straightforward. But despite significant differences to other housing types, little research has been carried out on improving blocks of flats or on the specific challenges faced in these buildings; the guidelines on renovating existing buildings are mainly aimed at a limited range of standard houses.

The survey is a joint initiative between The Federation of Private Residents Association who have represented the interests of long-leaseholders for the last 40 years and Jo Brooks from West Sussex who is an Msc student from Centre for Alternative Technologies Graduate School for the Environment who is currently conducting research on energy efficiency and blocks of flats.

Jo said, "I became aware of the many additional challenges in complicated buildings such as blocks of flats a couple of years ago. It is well known that wasted energy from buildings is best dealt with by reducing heat loss through the building fabric and should be addressed before heating, glazing and low carbon technologies are considered. I realised this must be quite difficult for blocks of flats so for MSc research I have chosen to investigate the key challenges and try to find solutions to installing insulation in these buildings."

Last year the FPRA Legal Advisor Dr Nick Roberts raised the energy efficiency issues facing leaseholders in blocks of flats with an article published in the New Law Journal and having discovered a number of specific challenges in blocks of flats, Chairman Bob Smytherman has met with officials from the Department of Energy & Climate Change to raise the concerns of the £2m or so leasehold flat owners affected.

The newly published FPRA summer newsletter has announced the exciting news that the campaign on the unfair treatment of flats and leaseholders under the Government's Green Deal energy saving measures has been recognised by Minister for Housing and Local Government Grant Shapps MP who has promised to carry out consultation and take action on problems raised.

When asked about Jo's research, FPRA Chairman Bob Smytherman said,

"Long-leases of purpose built flats nearly always provide for works to the exterior, and on the internal common parts, to be funded by a service charge payable by all leaseholders. For very good reasons, most leases provide for service charges to be levied for repair and maintenance of existing facilities only and make no provision for "improvements" such as cavity wall or loft insulation."

"The typical flat owner is likely to find that despite this new so-called 'Green Deal' they will not be able to install loft insulation or cavity wall insulation because the roof space and the cavities in the external walls belong to the ground landlord, and not to him or her."

"If the Government is to succeed in reducing CO₂ emissions from our homes we believe there needs to be serious consideration given to the situation for long leasehold flats and provide real joined up Government working with the Department of Communities and Local Government (Leasehold Reform Branch) and with a few simple changes to leasehold legislation we can make existing blocks of flats as energy efficient as those flats built today."

"The news from the CLG is great but now we need researchers such as Jo more than ever to collate evidence of the problems with insulating these 'hard to treat' flats. We often hear that blocks of flats are not getting insulated because the leaseholder has little or no incentive to put pressure on landlords or freeholders, but it would really help to have further evidence to prove the true extent of the issue; now we will be able to feed that into the promised consultation".

Jo's MSc survey carried out in conjunction with the FPRA is aimed at leaseholders and tenants living in blocks of flats but responses from anyone involved in the management of block of flats are welcomed. The survey can be found online at <http://kwiksurveys.com?u=energyandflats>.

The survey is anonymous and should only take between five and ten minutes, it is open now until midnight on 22nd June.

If you require any further information about the survey please contact Jo Brooks on 01903 737690 or e-mail jo_b100@hotmail.com.

Ends

Notes to Editors:-

The Federation of Private Residents Associations are members of the End Fuel Poverty Coalition and a national not for profit organisation that have represented the interests of long leaseholders since 1971 believe the Government's policy on energy efficiency discriminates against around two million leasehold flat-dwellers who are currently being excluded from carrying out many home insulation initiatives as a result of conflicts with legislation or because there is no provision for this in their leases.

Much legislation on energy efficiency and certainly the legislation that provides for grants currently exclude many of those people living in leasehold flats because the grants are aimed at individuals that purchase in their own names rather than through communal arrangements. It is therefore not practical for the leasehold owner of a flat to take most of the steps that a freehold house owner can take to improve the energy efficiency of his or her home.

Measures such as loft insulation and cavity wall insulation obviously have to be taken up for the block as a whole rather than each individual.

Our legal advisor Dr Nick Roberts first highlighted the issue in an excellent article published last year in the New Law Journal. Full article available on request.

The Federation of Private Residents Association believes that this could be achieved in the following way.

Section 35 of the Landlord and Tenant Act 1987 already provides for long leases of flats to be varied by the Leasehold Valuation Tribunal if they are defective in certain designated ways (e.g. if the service charge arrangements are defective, or if there are inadequate provisions for insurance). We are suggesting that s 35 should be amended to provide that the failure of a lease to make adequate provision for the reasonable insulation of a property should be a ground for its variation.

Section 35(2)(g) of the LTA 1987 (added by 162(3) of the Commonhold and Leasehold Reform Act 2002) already makes provision for additional grounds for variation of leases to be added to s 35 by Regulation, so this is a matter which could be dealt with by Statutory Instrument and not by primary legislation. Expressly providing that the lease should provide only for "reasonable" insulation would automatically mean that, in the event of any dispute arising as to whether the measures proposed were reasonable, a further application could be made to the Leasehold Valuation Tribunal under s 19 or s 27A LTA 1985 in order to resolve the issue.

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The FPRA have been a non-political, not-for-profit advice, support and lobbying organisation for the last 40 years and our members include private residential leaseholders, tenants' and residents' associations and residential management companies as well as those companies where the leaseholders together own the freehold of their own residential block.

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