



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

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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

Federation backs National Energy Efficiency Drive to tackle Rising Fuel Poverty and must include leasehold flats this winter

The Federation of Private Residents Associations who are members of the End Fuel Poverty Coalition have today backed the National Energy Action (NEA) Warm Homes Campaign to protect the most vulnerable households from fuel poverty and also for an urgent change in leasehold legislation to prevent leasehold flat owners from missing out.

The campaign has already gained high profile support from Prime Minister David Cameron who said:

“The Government welcomes and supports National Energy Action's Warm Homes Campaign. We recognise the need to help the most vulnerable to keep their homes warm at an affordable cost and the vital role that civil society and local communities can play in helping to tackle fuel poverty.”

“A key part of the solution is to improve the energy efficiency of the UK's housing. Through the Green Deal, we will help drive investment by enabling households and businesses to take up energy efficiency improvements paid for by savings on energy bills; and we will help deliver extra support for the most vulnerable through the new Energy Company Obligation.”

Chairman of the Federation of Private Residents Associations, Bob Smytherman comments:

“It is shocking that there remain millions of people who are simply struggling to keep their homes warm and protect their families from the ill effects of the cold. Fuel-poor households experience a number of detrimental health impacts and reductions in general wellbeing as a result of cold, damp living conditions. This is unacceptable.

"The Federation of Private Residents Associations is today calling on the Secretary of State for Energy and Climate Change and Secretary of State for Communities and Local Government who has responsibility for leasehold law in England and Wales to make changes to the Landlord and Tenant Act that would allow for 'reasonable' insulation to be carried out to blocks of flats as part of the service charge.

“The Coalition Government has announced that it will introduce a national programme of energy efficiency as part of the forthcoming Energy Bill and will attempt to provide access for everyone to have energy efficiency measures and enable householders to reduce their energy bills and their carbon emissions. It is imperative that the Government ensures that the scheme will be effective at targeting help at the most vulnerable including those living in leasehold flats.”

“We need to address fuel poverty from the bottom up, in a systematic community wide roll-out of energy efficiency. This needs to be led by local authorities, commercial sector and include voluntary partners like residents associations.

The Federation of Private Residents Associations who are members of the End Fuel Poverty Coalition and a national not for profit organisation that represents the interests of long leaseholders believe the previous Government’s policy on energy efficiency discriminated against around two million leasehold flat-dwellers who are 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 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.

Bob added:

"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 he is not 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 new coalition 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 with the Department of Communities and Local Government [making a simple change to leasehold regulations](#) we can make existing blocks of flats as energy efficient as those flats built today."

Ends

Notes to Editors:

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.

Further details are provided in an article by the FPRA legal advisor Dr Nick Roberts who had an article published in the New Law Journal on the issue earlier this year which is attached.

Media Contact:-

Bob Smytherman
Chairman - Federation of Private Residents' Associations
Home (01903) 507073 Mobile: 07867 562538
Direct email: Bob@fpra.org.uk

The FPRA is a non-political, not-for-profit advice, support and lobbying organisation for our members who 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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Telephone Number; 0871 200 3324 (normal national rates apply)
E-mail. info@fpra.org.uk
Web. www.fpra.org.uk