

Dear John,

I am writing to you as a local constituent living at the [REDACTED] [REDACTED] an extensive and prominent leasehold development of 982 apartments [REDACTED]. I am not only a concerned leaseholder who has lived [REDACTED] for 4 years, but also a volunteer and board member. I now find myself facing immense responsibility with little or no support from anyone outside the Board of Directors, who are also all leaseholder volunteers in the same situation.

Like other leaseholders [REDACTED], my partner and I purchased our home in good faith, choosing to invest in a property, which had recently been passed as safe, having met all necessary inspections required by the building regulation system; a property built by a long established property developer with a valid NHBC certificate. Like other purchasers I was a responsible buyer, ensuring appropriate due diligence before completing our 1st home purchase. I used the services of a qualified solicitor to protect my interests, I paid for appropriate professional building inspections and valuations and I personally made sure that I understood my responsibilities in connection with the terms of my lease and the financial information within the accounts [REDACTED]. In short, like many others living here, I invested my savings in what I believed to be my dream home after having first evaluated that I could afford to do so.

The tragic Grenfell Tower disaster changed these circumstances for a large percentage of the UK population almost overnight, people living in medium and high rise apartment blocks found that their buildings were actually unsafe and that their lives were potentially at risk. Failed by the very systems designed to protect them.

The directors ██████████ worked hard in the aftermath of this event to try and ensure that the buildings ██████████ were safe for residents. Following government fire safety guidance, through engagement with NHBC and the developer ██████████ tests were undertaken on the ACM cladding of buildings demonstrating the severe fire hazard that residents risked. It took 3 years of proactive negotiation and hard work to get ██████████ to agree to undertake work to replace these unsafe materials. Work finally started on site this year but has unfortunately been subject to delay because of Covid-19.

In order to undertake this work, ██████████ committed residents to living on a noisy building site for 3 years and the loss of numerous parking passes, following advice of the fire service. Whilst this is an acceptable price to pay for leaseholders, it continues to be a bone of ongoing contention amongst those who chose to rent a property at ██████████ and have no financial investments in the buildings.

When leaseholders finally felt we were making some headway towards achieving appropriate fire safety standards at ██████████, the government fire safety guidance evolved to include non ACM cladding, the EWS1 form was introduced and we now face the immense financial implications of the Draft Building Safety Bill which will place us in an intolerable position. All of which were safety developments intended to protect the resident leaseholder. Sadly these are having the opposite effect and our leaseholders find themselves trapped in what appears to be unsafe properties with potentially huge unaffordable bills to put them right.

The EWS1 form and the Building Safety Bill, on the surface, are about making buildings safe and protecting those who live within them. As residents living in these complexes, we too want this. However, when you delve deeper into the detailed content of this Bill, the new legislation will have a severe financial impact on local residents' pockets. It is also evident from recent

remedial costing becoming available, that the example costs included in the impact assessment for this legislation are grossly under-estimated.

Under the terms of the Bill and our lease, leaseholders are expected to cover the costs associated with the EWS1, an intrusive survey which expires after just 5 years. We are currently looking at an estimated EWS1 cost of £117,000 to verify the true extent of what we believe to be the problems; a figure which will only increase with inflation every five years or more.

The system is also problematic, with as many as 9 out of 10 surveys being undertaken are currently failing. There are a growing number of companies who are now 'specialising' in the provision of EWS1 surveys. Contractors who may subsequently simply be absolving themselves from any possible future liability, whilst still being paid in full for the survey work undertaken. We are concerned that the current situation permits companies to grow and profit from the increasing demand and pressure for the provision of these surveys, whilst supporting an environment in which high charges can be made whilst there is no prospect of even passing the tests which are undertaken. We are also aware of the police investigation into fraudulent contractors operating locally within the [REDACTED], contractors which we ourselves considered engaging.

The initial investigations now undertaken by [REDACTED] (our appointed Managing Agents) continue to support our concerns that any EWS1 completed [REDACTED] would result in a failed certification for all buildings. The quality of site information, including block O&M manuals, provided by [REDACTED] when the development was handed over to [REDACTED], is not of a good standard and there is nothing to guarantee that what is included in these manuals was actually built on site. In addition, the O&M manuals for the development were actually incomplete. After 3 years directors are still striving to obtain copies of these from [REDACTED] and the NHBC.

Some basic investigations by former contractors indicate that a combustible EPS board has probably been installed in all cavity insulation on site. A number of different manufacturers were used across the development and unfortunately many of the contractors utilised by ██████ are no longer trading. We are also unable to determine if the correct fire barriers are in place, as previous work survey undertaken on site indicates that they may not be.

Without the EWS1 form, leaseholders essentially become mortgage prisoners. Many homeowners, including young families and vulnerable elderly adults, are trapped in homes that no longer suit their purposes through no fault of their own. They cannot sell their home, nor can they rent it out, because they are simply unable to move their mortgage debt to a buy-to-let mortgage. Those who purchased on fixed term mortgages, now face huge rate increases when their mortgages fall due for renegotiation. In addition, couples who sadly find themselves separating are unable to reach any financial settlement. All of which will have a considerable negative impact on the local housing market.

A failed test will be of great consequence. Not only does it mean residents are potentially living in a property that carries a greater fire risk, it also means corrective work must be done before the home can be sold, with leaseholders potentially facing enforcement notices and even property repossession.

Remedial work will take years, and the terms of the lease means that the cost will fall on the homeowner rather than the freeholder. Homeowners believe it is unfair that they need to pay to make their blocks adhere to new safety regulations, while freeholders say the blocks adhered to the rules at the time they were built, so they shouldn't have to pay either. We should not be forced to pay for the removal of unsafe materials that ██████ used, even if this was compliant with government building regulations. This is a national

safety failure, as recognised combustible material, such as polystyrene, should never have been permitted within the building chain.

As [REDACTED] previously agreed to pay for the removal of the ACM cladding in [REDACTED] this implies that they have already acknowledged that they are partly responsible for the safety risk and that they have a moral duty of care. However, to date, approaches requesting them to investigate and provide a clean bill of health for the remaining areas of buildings at [REDACTED] have not been successful. We urge you to assist us in applying pressure on the developer and their insurers to seek a speedy solution for leaseholders at [REDACTED].

It is clear that Parliament recognises that this situation is completely unjust and I am deeply concerned that funds provided to the Welsh government to assist leaseholders have been intentionally diverted to other expenditure at our expense. Having read the transcript of the latest Plenary discussion on this topic in the Senedd, which took place last week, the response from the Housing Minister and potential solutions discussed were totally unsatisfactory and offered little assistance or practical support to leaseholders trapped in this nightmare situation.

Private leaseholders are often incorrectly simply considered to be financially secure. Leaseholders at [REDACTED] have faced absolutely necessary but often unaffordable increases in their service charges in recent years. Before handing over the development to [REDACTED], [REDACTED] intentionally retained service charge demands artificially low, to make the sale of their properties attractive to potential purchasers. Current owners are therefore trapped in properties which are not supported by the necessary level of reserve funds needed to maintain them in the standard that they should be. A historic situation which we were already working to address.

Our building Insurance costs have also increased to an extortionate level (43% this year) because of the perceived high risk, a further situation which remains outside of leaseholder control because of the terms of our lease.

I feel totally powerless. Volunteer directors of leasehold management companies simply do not have the required knowledge or expertise necessary to fully act in the best interest of their leaseholders, who at very best, potentially face expensive litigation. This requires government support and expertise to help navigate through regulation and to deal with the associated legal systems.

Leaseholders at [REDACTED] find themselves in this prejudicial situation through no fault of their own, they have been forced into this position as a result of public policy failure which has and will continue to remain beyond their control. Leaseholders had not part in building these properties and they played no role in signing them off as being safe, they simply reside in them.

The entire leasehold system requires reform to protect the leaseholder. Leaseholders are now trapped and desperate, we need help in the form of both legal and financial support.

With the upcoming elections I challenge you to raise this with other Senedd members, to take this forward and provide solutions for Welsh leaseholders. For the voters of [REDACTED], approximately 2000 in number, this will be the single key issue on which we want to see a party commitment of support. A situation which will likely be mirrored across the other large developments in Wales affected by the same safety issues.

I look forward to receiving your response which I hope to share with all [REDACTED] Leaseholders. I will also be contacting other respective politicians, including Senedd members, in connection with the issue.

Yours sincerely

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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