

Agenda – Local Government and Housing Committee

Meeting Venue:

Committee Room 2, Senedd

Meeting date: 9 October 2025

Meeting time: 09.00

For further information contact:

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Committee Clerk

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Hybrid

Private meeting

09.00 – 11.15

1 Homelessness and Social Housing Allocation (Wales) Bill:

Consideration of draft report

09.00 – 11.15

(Pages 1 – 109)

Attached Documents:

Paper 1: Homelessness and Social Housing Allocation (Wales) Bill – Draft report

Paper 2: Note from Legal Services on issues arising following consideration of the Cabinet Secretary's evidence on 18 September

Break

11.15 – 11.30

Public meeting

11.30 – 14.30

2 Introductions, apologies, substitutions and declarations of interest

11.30

3 Building Safety (Wales) Bill: Evidence session 8

11.30 – 12.30

(Pages 110 – 165)



Bethan Proctor, Head of Policy and External Affairs, Community Housing Cymru

Duncan Forbes, Chief Executive, Trivallis

Dylan Davies, Senior Development Project Manager, ClwydAlyn

Attached Documents:

Research brief

Paper 3: Building Safety (Wales) Bill – Written evidence from Community Housing Cymru

Paper 4: Building Safety (Wales) Bill – Written evidence from ClwydAlyn

Break

12.30 – 13.30

4 Building Safety (Wales) Bill: Evidence session 9

13.30 – 14.30

(Pages 166 – 179)

Jaclyn Mangaroo, Chief Communications Officer, Property Institute

Timothy Douglas, Head of Policy and Campaigns, Propertymark

Steven Bletsoe, Deputy Director – Innovation, National Residential Landlords Association

Attached Documents:

Paper 5: Building Safety (Wales) Bill – Written evidence from Propertymark

Paper 6: Building Safety (Wales) Bill – Written evidence from the National Residential Landlords Association

5 Papers to note

14.30

5.1 Reviewing Committee Effectiveness in the Sixth Senedd

(Pages 180 – 182)

Attached Documents:

Paper 7: Reviewing Committee Effectiveness in the Sixth Senedd – Letter from the First Minister to the Chairs' Forum – 23 July 2025

6 Motion under Standing Order 17.42 (ix) to resolve to exclude the public from the remainder of this meeting

14.30

Private meeting

14.30 – 14.45

7 Building Safety (Wales) Bill: Consideration of evidence

14.30 – 14.45

Document is Restricted

By virtue of paragraph(s) ix of Standing Order 17.42

Document is Restricted

Agenda Item 3

By virtue of paragraph(s) ix of Standing Order 17.42

Document is Restricted

Ymateb gan: Cartrefi Cymunedol Cymru | Evidence from: Community Housing

Cymru

Senedd Cymru | Welsh Parliament

Y Pwyllgor Llywodraeth Leol a Thai | Local Government and Housing Committee Bil

Diogelwch Adeiladau (Cymru) | Building Safety (Wales) Bill



CHC Response to the Local Government and Housing Committee Consultation: Building Safety (Wales) Bill

September 2025

Summary of our concerns

Community Housing Cymru welcomes the Building Safety (Wales) Bill and agrees that its reforms are both necessary and overdue to improve resident safety, accountability, and public confidence. However, there are several areas of concern which we have outlined below.

1. Resource and financial implications

The Bill introduces significant new requirements, including the preparation of safety case reports, the establishment of the golden thread of building safety data, and the implementation of new digital systems. Meeting these duties will require additional workforce capacity and specialist skills at a time when the sector is already facing financial pressures. Without targeted funding support, there is a risk that landlords may be forced to pass costs on to tenants and leaseholders, which we believe would be unacceptable.

2. Over-reliance on secondary legislation and guidance

Much of the Bill's practical operation is deferred to future regulations and statutory guidance. This creates uncertainty for landlords who need to prepare

for implementation, reduces the opportunity for scrutiny, and risks inconsistency across the sector. While guidance has an important role, it should not be relied upon to define the meaning of the primary legislation. Greater clarity is needed on the face of the Bill itself.

3. Clause to Withhold Rent, Service Charge and Administration Charge

Clause 65 of the Bill introduces a provision allowing tenants to withhold rent, service charges, and administration charges if they do not receive certain required documents. While we support the principle of accountability and transparency, the sector urgently needs clarity on how this clause will operate in practice and what exactly is required to be compliant with this clause to avoid unintended consequences. Without clear guidance, there is a risk of confusion and inconsistent application, particularly by landlords and managing agents. We are concerned about the potential for similar issues to those experienced under the Renting Homes (Wales) Act in relation to the Electrical Installation Condition Report (EICR), where a lack of clarity led to uncertainty, disputes, and unintended non-compliance. Clear, detailed guidance and possibly transitional arrangements will be essential to avoid repeating those problems.

4. Resourcing of the Building Safety Regulator

CHC supports the creation of a Building Safety Regulator in Wales. It must be adequately resourced and staffed with suitably skilled professionals. Experience from England shows that under-resourced regulators can cause significant delays, increased costs, and inconsistency in enforcement. To be effective, the Welsh Regulator must be properly funded, with investment in training and workforce development.

5. Regulatory overlap and alignment

The Bill adds to an already complex regulatory environment which includes the Fire Safety Order, the Renting Homes (Wales) Act, Welsh Housing Quality Standard (WHQS) and the Housing Health and Safety Rating System (HHSRS). Without clear guidance on how these regimes align, there is a risk of duplication, gaps, or conflicting requirements. This would create confusion for landlords and undermine effective compliance, despite best efforts to meet their obligations.



1. What are your views on the general principles of the Bill, and whether there is a need for legislation to deliver the stated policy intention?

Community Housing Cymru (CHC) welcomes the general principles of the Building Safety (Wales) Bill. As the representative body for housing associations in Wales, we fully support the Bill's aim to create a clear and robust building safety regime that protects residents and ensures accountability across the housing sector.

We agree that there is a pressing need for legislation to deliver the Welsh Government's policy intention of improving safety and restoring public confidence in the wake of the Grenfell tragedy. A statutory framework should provide the clarity and consistency that is needed to ensure an effective regime.

We particularly welcome the Bill's focus on:

- Improving building safety for residents
- Clear roles and responsibilities for dutyholders
- Improved resident engagement and transparency
- Provisions to create a Building Safety Regulator in Wales, adapted to the specific context and needs of Welsh communities.

However, we believe that successful implementation of the Bill will depend on adequate resources, training, and guidance for both regulators and housing providers. Clarity around funding, responsibilities, and transitional arrangements will be crucial to ensure the Bill achieves its intended outcomes without placing undue pressure on social landlords and residents.

In summary, CHC supports the general principles of the Bill and agrees that legislation is necessary and overdue. We look forward to working with Welsh Government and other stakeholders to ensure the Bill delivers a proportionate, workable, and resident-focused building safety system for Wales.



2. What are your views on the provisions set out in Part 1 of the Bill – Safety of buildings containing two or more residential units (sections 1 -66 and Schedule 1)? In particular, are the provisions workable and will they deliver the stated policy intention?

CHC broadly supports the principles and direction of Part 1 of the Building Safety (Wales) Bill. The focus on whole-building safety, clear dutyholder responsibilities, and resident engagement reflects important lessons from past failures in building safety regulation. We agree that legislation is the right mechanism to embed consistent standards across Wales and protect residents.

That said, the workability of Part 1 will depend heavily on the clarity and timing of the supporting guidance, how the regime aligns with existing landlord duties, and how practically the requirements can be implemented by a diverse range of landlords.

Workability of the provisions

Alignment and clarity

- Clarity is particularly important for housing associations, who already work under a range of complex compliance frameworks and legal duties (e.g. Renting Homes (Wales) Act 2016, Regulatory Reform (Fire Safety) Order 2005, Part 1 of the Housing Act 2004, WHQS). The registration requirements, risk assessments, and duty to engage residents are positive steps, but we need clear guidance on how these interact with current responsibilities to avoid duplication, gaps or contradictions.
- An overarching concern is the timing and accessibility of guidance. Guidance should be:
 - Clear, practical, and easy to understand
 - Available prior to the Act being enforced.
 - Developed with input from housing associations and other relevant stakeholders

- Housing associations would like to see Welsh Government provide a template for the Safety Case Report alongside the guidance, to promote consistency and reduce administrative burden—especially for smaller landlords or those managing complex buildings.

Access

- The new process around access (via the Building Safety or Fire Safety Authority) appears more time-consuming than the current legal route (e.g. applying for an injunction). We would like Welsh Government to clarify:
 - How this process will work in practice
 - How it interacts with fundamental terms on access under RH(W)A
 - Whether it allows for urgent access to manage serious building safety risks
- We would like assurance that the Residential Property Tribunal has the capacity to manage a potentially significant increase of cases from social housing providers, given that this tribunal has to-date only dealt only with cases from leaseholders and private landlords.

Occupation contracts and potential variations

- The Bill raises questions about how new responsibilities will be reflected in occupation contracts. For example:
 - Will different categories of buildings require different occupation contracts?
 - Will occupation contracts need to be varied, and if so, will Welsh Government issue guidance on this?
 - Could contract variations from this Bill be aligned with those from other reforms (e.g. the Renters' Rights Bill currently going through the UK Parliament) to avoid multiple separate changes?
 - Will RH(W)A be amended in line with new duties imposed on residents by the Building Safety (Wales) Act, and will fundamental terms be changed to reflect these?



- For tenants in Category 1 buildings, it may be necessary to insert additional clauses about responsibilities and engagement. Tenants in low-rise buildings may not need these. Welsh Government must clarify if a new contractual approach is required, the legislation is currently silent on any changes to occupation contracts and therefore we would like confirmation that this is correct.

Resident responsibilities

- We would ask that the term '*resident*' is clearly defined, particularly in relation to communications. This is critical in mixed-tenure blocks, where leaseholders may be residents themselves, sublet on a long-term basis, or use short-term lets such as AirBnB. Even where we have a clear contractual relationship with residents, greater clarity is needed on who should receive information—for example, whether one copy to joint contract-holders is sufficient.
- The Bill refers to the involvement of owners and adult residents, but does not address situations where others (e.g. children or guests) create building safety risks. It is unclear:
 - Whether the adult resident is responsible for the actions of other occupants
 - How this would be managed in practice if an individual causes fire risk but is not named or accountable under the new regime.
- We suggest that Welsh Government consider whether existing occupation contract clauses (such as those used for antisocial behaviour) could be sufficient to address this, or whether new legal responsibilities need to be introduced.
- Additionally, the Bill should set out more clearly how the complaints process for residents will operate:
 - Will the Building Safety Authority be expected to coordinate with landlords' internal complaints processes?

- Should local authorities act as a first point of contact in the complaints process before escalation?
- How will duplication or confusion between complaints routes be avoided, for the Public Services Ombudsman complaints route.

Delivering the policy intention

CHC believes Part 1 can deliver the stated policy intention if Welsh Government provides:

1. Clear, co-produced guidance and templates (e.g. Safety Case Report) before implementation begins
2. Clear links between new requirements and existing legal responsibilities under Renting Homes (Wales) Act 2016, Regulatory Reform (Fire Safety) Order 2005, Part 1 of the Housing Act 2004, WHQS for example.
3. Clarification on access procedures, occupation contract variations, and resident responsibilities
4. A joined-up approach so that any occupation contract changes from this Bill align with wider legislative reforms
5. Sufficient lead-in time, support, and flexibility to enable housing associations to implement the regime effectively

3. What are your views on the provisions set out in Part 2 of the Bill – Fire safety in certain houses in multiple occupation (sections 67 – 80)? In particular, are the provisions workable and will they deliver the stated policy intention?

CHC supports the intention behind Part 2 of the Bill, which seeks to strengthen fire safety protections in smaller Houses in Multiple Occupation (HMOs). This is a necessary and overdue reform, particularly given the risks associated with these building types.

We welcome the move to extend fire safety duties to a wider group of HMOs, many of which currently fall outside the scope of more rigorous safety



legislation. This reform will help ensure a more consistent, proportionate, and risk-based approach to fire safety across housing tenures and building types.

Workability of the provisions

We believe that these provisions are largely workable, but their success will depend on how key elements are implemented in practice. We highlight the following areas where further clarity is needed:

Housing and under-18s

- Housing associations provide supported and general needs housing in which all occupants may be under 18 years old. It is unclear how such schemes are captured under the Bill's definitions and duties.
- We would welcome clarification from Welsh Government on how under-18s are treated in the context of HMO fire safety, and how responsible persons are expected to manage risks in settings where the residents are young people with complex needs.

Tribunal process and access

- The Bill refers to a tribunal process for access orders, but it is unclear what this will look like in practice.
- We are concerned that use of a tribunal process could cause delays—particularly in cases where there is an imminent and serious fire safety risk.
- The current court process is already difficult and time-consuming for landlords to navigate. If tribunals are to be used, we request clarity on:
 - What an access order will look like
 - Whether the process allows for urgent or emergency access in high-risk situations
 - How this new mechanism compares to the existing legal route via injunction
 - Does the tribunal court have capacity to manage the potential increase in cases?
- If landlords are unable to gain swift access in urgent scenarios, it may significantly delay resolution of safety risks. We ask Welsh Government to

ensure the access process includes an expedited route for emergency situations.

Structure and role of the tribunal

- We ask for clarity on what role the enforcing authorities (e.g. local authorities, fire and rescue services) will play in supporting or advising during tribunal proceedings, especially where serious risk has been identified. Our members' experience of multi-agency work with local authorities (social services) where an individual presents a significant fire risk is that LAs are unwilling/unable to intervene - e.g. reluctance to undertake capacity assessments. We need assurance that this Bill makes clear to them their responsibilities.

Role of fire services

- In current practice, fire services often guide housing associations in resolving building safety concerns—for example, where travel distances are excessive, it is standard practice to install sprinkler systems following agreement with the fire service.
- The Bill does not make clear what formal role the fire service will now play under the new regime. We ask Welsh Government to:
 - Clarify whether fire authorities will have an advisory, enforcement, or approval role
 - Set out how fire services will work alongside accountable persons and enforcing authorities
 - Confirm whether the existing collaborative arrangements between landlords and fire services will continue or be formalised within the new framework

Delivering the policy intention

We believe Part 2 of the Bill can deliver its policy goals if the following are addressed:



1. Practical guidance is developed to support implementation in varied and complex HMO settings.
2. The tribunal and access order process is designed to allow for swift intervention in urgent cases.
3. Welsh Government provides clarity on:
 - The role of fire and rescue services
 - How the tribunal will function and interact with enforcing bodies
 - How under-18s and supported housing schemes are treated within this part of the Bill
4. Local authority enforcement teams receive adequate resourcing and training to meet the increased responsibilities.

By creating a more consistent and proportionate regulatory approach to HMO fire safety, these provisions have the potential to significantly improve outcomes—especially for residents in vulnerable or high-risk accommodation.

4. What are your views on the provisions set out in Part 3 of the Bill – Enforcement and investigatory powers (sections 81 – 97 and Schedule 2)? In particular, are the provisions workable and will they deliver the stated policy intention?

CHC supports the inclusion of robust enforcement and investigatory powers in Part 3 of the Bill as a necessary component of a credible and effective building safety regime. Without clear and enforceable powers, policy frameworks risk failing in practice.

We agree with the stated policy intention—to ensure compliance with building safety duties and enable swift, proportionate action where standards are not met. This is essential for resident safety and for maintaining public trust in the new system.

Workability of the provisions

The enforcement tools provided in the Bill, including compliance notices, stop notices, and the power to enter premises for investigatory purposes, are standard features of regulatory regimes and appear broadly workable. These

provisions provide a necessary mechanism for the future Building Safety Regulator to intervene where there is evidence of non-compliance or risk.

We welcome the intention to apply graduated and proportionate enforcement, ensuring that more serious or persistent breaches are met with stronger sanctions, while still allowing for early engagement and informal resolution where appropriate.

However, the workability of this part of the Bill will depend heavily on enforcement capacity, particularly within the new Regulator and local authorities. Many housing associations already work closely and constructively with enforcement bodies and would welcome a consistent and well-resourced regulatory approach that promotes improvement, rather than one based solely on punitive measures.

We also encourage the Welsh Government to:

- Provide clear guidance on how the new investigatory powers interact with existing regimes (e.g. fire safety enforcement under the Regulatory Reform (Fire Safety) Order 2005).
- Ensure that enforcement is fair and proportionate, recognising the high level of compliance and proactive engagement already demonstrated by many housing associations.
- Clarify what safeguards will be in place to prevent duplication of inspections or enforcement actions across overlapping regulatory frameworks.

Delivering the policy intention

To deliver on the policy intention, the enforcement regime must be:

1. Clear and transparent, so that all dutyholders understand what is expected of them and the consequences of non-compliance.
2. Resourced effectively, with trained inspectors and enforcement officers who understand the complexity of managing social housing, mixed-tenure buildings, and older stock.



3. Used as part of a broader culture of collaboration and continuous improvement, not just as a means of sanction.

If implemented well, the powers in Part 3 will support a building safety culture that prioritises prevention, accountability, and resident wellbeing.

5. What are your views on the provisions set out in Part 4 of the Bill – Supplementary and general (sections 98 – 114 and Schedules 3-4)? In particular, are the provisions workable and will they deliver the stated policy intention?

CHC supports the provisions in Part 4 of the Building Safety (Wales) Bill, which contain the necessary supporting legal and procedural mechanisms to enable the effective delivery of the wider building safety regime.

Part 4 includes essential provisions covering the prosecution of offences, powers to make statutory guidance, and the establishment of codes of practice, as well as how information is managed and shared. These sections are functional and essential to ensure that the enforcement and regulatory powers introduced elsewhere in the Bill can be applied fairly, consistently, and transparently.

We agree that without these enabling provisions, the practical delivery of Parts 1–3 of the Bill would be undermined. In particular:

- The framework for issuing and using statutory guidance and codes of practice is vital to ensuring consistent interpretation of duties across the sector.
- Provisions around data sharing and the dissemination of information support the transparency and joined-up working needed to maintain building safety over the long term.
- The clarity on how offences will be prosecuted, and how appeals or defences may be raised, helps ensure the regime is legally robust and fair.

However, we would emphasise that any statutory guidance produced under these powers must be clear, accessible, and co-produced with industry stakeholders.

It is essential that this guidance reflects the operational realities faced by different types of landlords—from regulated housing associations to smaller private HMO operators—so that it is not only legally sound but also practical and implementable.

We also encourage the Welsh Government to ensure that:

- Codes of practice and guidance are developed in consultation with the sector, including early engagement with tenants and residents where appropriate.
- Guidance is timely and aligned with key implementation phases of the Bill.
- Materials are made available in a variety of formats to ensure they are usable by organisations with differing levels of technical resource.

In summary, CHC considers the provisions in Part 4 to be necessary and workable, provided they are underpinned by an open, collaborative approach to implementation. With appropriate stakeholder involvement and practical guidance, these measures will play a key role in ensuring the Bill is delivered effectively across the Welsh housing sector.

6. What are the potential barriers to the implementation of the Bill's provisions and how does the Bill take account of them?

While Community Housing Cymru supports the aims of the Building Safety (Wales) Bill and its focus on improving resident safety, there are several key barriers that may impact the practical implementation of its provisions across the housing sector.

1. Reliance on yet-to-be-developed secondary legislation:

A substantial proportion of the Bill's operational detail is deferred to secondary legislation and future regulations that have not yet been developed or consulted upon. This creates uncertainty for dutyholders and makes it difficult for stakeholders to fully assess the implications of the Bill or to begin preparing effectively for implementation. This reliance also limits scrutiny at this stage of the legislative process and risks inconsistent interpretation across the sector.

Greater transparency and early engagement on the content, scope, and timing of forthcoming regulations will be critical to ensuring successful implementation.

2. Workforce competency:

There is currently a shortage of qualified building safety professionals, fire risk assessors, and competent persons in Wales. This skills gap presents a significant barrier to fulfilling the new duties placed on accountable persons and building managers, particularly in the short to medium term. The Bill's success will be dependent on a coordinated approach to workforce development, including support for training and upskilling across the sector. It is unclear to what extent the Bill anticipates or supports this demand.

On a number of occasions the Bill refers to competent individuals or bodies needing 'sufficient expertise' to undertake certain duties. While we understand that further detail on what constitutes 'sufficient expertise' will be provided through secondary legislation or guidance, it is currently unclear when that guidance will be published or what it will include. Without this clarity, housing associations and other dutyholders face uncertainty in workforce planning, recruitment, and assurance processes—potentially leading to inconsistency or delays in implementation.

3. Funding pressures:

There is a financial consideration of implementing the Bill's requirements—especially around retrospective compliance, the establishment of robust safety cases, a golden thread of information, and recruitment and training. Without additional financial support or access to funding mechanisms, there is a risk that some providers may struggle to meet their obligations within the required timeframes. It also means that housing associations may be required to recover the cost of safety-related works through service charges. Our members do not want their tenants to face increased costs and would therefore like to see funding be made available for housing associations to cover these costs.

The Building Safety Regulator must also be adequately resourced and staffed with suitably skilled professionals. Experience from England shows that under-resourced regulators can cause significant delays, increased costs, and

inconsistency in enforcement. To be effective, the Welsh Regulator must be properly funded, with investment in training and workforce development.

4. Regulatory clarity and alignment:

The introduction of the Building Safety (Wales) Bill adds another layer to an already complex regulatory landscape, which includes existing responsibilities under the Regulatory Reform (Fire Safety) Order, landlord regulation, WHQS RH(W)A and the Housing Health and Safety Rating System (HHSRS). There is a risk of duplication or conflict unless clear guidance is issued on how these regimes interact. A lack of clarity may lead to inconsistent compliance approaches and unintended legal or operational consequences.

5. Data and information requirements:

The Bill's emphasis on maintaining a "golden thread" of building safety information is welcomed in principle but will be particularly challenging for existing buildings—especially older stock where records are incomplete or non-existent. Gathering, digitising, and maintaining this level of data will require significant investment in both systems and staff capacity. The Bill does not currently appear to address how such challenges will be supported or resourced.

6. Need for a phased approach and appropriate transition period:

A phased approach to implementation will be essential. Dutyholders and landlords must be given sufficient lead-in time to prepare for new regulatory requirements, particularly where changes will require workforce development, system upgrades, resident engagement, or capital investment. A clearly communicated and realistic transition period will be vital to ensure compliance is achieved without disrupting service delivery or placing undue strain on organisations already facing resource constraints.

7. How appropriate are the powers in the Bill for Welsh Ministers to make subordinate legislation, as set out in Chapter 5 of Part 1 of the Explanatory Memorandum)?

CHC acknowledges the importance of enabling Welsh Ministers to make subordinate legislation in order to provide the necessary detail and flexibility to support the implementation of the Building Safety (Wales) Bill. We recognise that secondary legislation is often the most suitable mechanism for setting out technical requirements and updating them over time in response to emerging evidence or evolving best practice.

However, while the powers outlined in Chapter 5 of Part 1 of the Explanatory Memorandum are broad, we have some concerns regarding the extent and nature of these delegated powers, particularly in light of the following:

1. Lack of current detail limits scrutiny and preparedness:

Much of the Bill's practical impact will be determined by regulations that have not yet been developed. This reliance on future subordinate legislation means stakeholders are being asked to comment on a framework without being able to fully assess how it will operate in practice. While flexibility is necessary, there is a risk that key provisions with significant operational and financial implications will be introduced without sufficient scrutiny or consultation.

2. Importance of transparency and engagement in regulation-making:

To ensure sector readiness and build confidence, it will be essential for the Welsh Government to publish draft regulations as early as possible and to engage meaningfully with stakeholders—particularly housing providers—during their development. Co-production of guidance and regulations will help ensure that the new framework is both proportionate and deliverable.

3. Need for appropriate scrutiny mechanisms:

Given the scale and impact of the subordinate legislation that will flow from the Bill, it is important that the Senedd has the opportunity to properly scrutinise these regulations. We support the use of the affirmative procedure for regulations that impose significant new duties or set out key aspects of the regime (e.g. the safety case regime, golden thread requirements, and competency standards). A more consistent application of affirmative procedure for such powers would strengthen transparency and accountability.

4. Clarity on timelines and implementation planning:

The Bill would benefit from greater clarity on the anticipated timeline for



introducing subordinate legislation. The sector requires early sight of both the sequencing and expected content of these regulations in order to plan and allocate resources appropriately, particularly in light of the other implementation challenges identified (e.g. workforce capacity, funding constraints, and data gaps).

Conclusion:

While the powers granted to Welsh Ministers to make subordinate legislation are, in principle, appropriate to ensure flexibility and adaptability, the effectiveness of these powers will depend heavily on how they are used. We urge the Welsh Government to commit to early, transparent, and collaborative development of regulations, coupled with proportionate use of the affirmative procedure, to ensure that the sector is able to implement the new framework effectively and with confidence.

8. Are there any unintended consequences likely to arise from the Bill?

While CHC supports the core aims of the Building Safety (Wales) Bill—particularly its focus on resident safety and stronger accountability—there are a number of unintended consequences that could arise for housing associations as a result of the Bill’s implementation.

Housing associations are committed to maintaining safe, high-quality homes and supporting residents, but the scale and complexity of the new framework could create challenges that risk undermining both service delivery and wider policy goals.

1. Financial pressure and impact on core services or development:

Housing associations may face significant costs associated with compliance, including safety case preparation, digital recordkeeping (golden thread), and the appointment of competent persons or accountable individuals.

2. Disproportionate impact on smaller and community-based housing associations:

Smaller landlords may lack the in-house technical capacity and resources to implement the new regime at the same pace as larger organisations. This could

lead to capacity gaps, delays in compliance, or even forced restructuring if expectations are not scaled appropriately.

Furthermore, supported housing and supported living providers are already constrained by funding and accommodating people with complex needs under a whole variety of agreements and arrangements.

3. Rising insurance premiums and risk of underinsurance:

Increased safety obligations, while positive in principle, may have unintended effects in the insurance market. Housing associations, particularly those with older or hard-to-insure stock, are already facing substantial premium increases. The introduction of new duties could further escalate insurance costs or result in reduced insurability, putting pressure on operating budgets.

4. Costs passed on to tenants and leaseholders:

Housing associations may be required to recover the cost of safety-related works through service charges. There is a risk that tenants and leaseholders—often low- to middle-income households—face increased costs. We do not believe this is acceptable or fair and would prefer Welsh Government to explore other options which would limit any additional cost burden for tenants.

5. Overlap and confusion with existing regulatory duties:

Housing associations are already subject to a range of statutory responsibilities under housing regulation, fire safety law, and the Housing Health and Safety Rating System (HHSRS). The introduction of additional duties under the Building Safety Bill, without clear alignment or guidance, risks duplication, confusion, or conflicting interpretations. This may complicate assurance processes and expose providers to legal or reputational risk despite best efforts to comply.

6. Resident anxiety and communication challenges:

Housing associations take their responsibility to engage residents seriously. However, the requirement to share more information about building safety—especially where remediation is required—may lead to unintended anxiety or concern among residents if not managed sensitively. Additional capacity and guidance may be needed to support consistent, transparent, and reassuring communication.

Conclusion:

To avoid these unintended consequences, it is critical that the implementation of the Building Safety (Wales) Bill is supported by:

- Targeted funding and access to financial support for housing associations,
- Scaled requirements that consider the diversity of provider size and structure,
- Clear, integrated guidance across regulatory regimes,
- Strong resident protections around affordability and communication, and
- A realistic, phased approach to implementation.

9. What are your views on the Welsh Government's assessment of the financial implications of the Bill, as set out in Part 2 of the Explanatory Memorandum?

The Welsh Government's financial assessment outlines broad impacts but lacks some detail, particularly regarding the cost to social housing providers and local authorities. While the long-term benefits of improved building safety are clear and supported by housing associations, the upfront and ongoing costs associated with assessments, digital systems, and workforce training could be significant. These costs will fall on not-for-profit landlords who already operate within tight financial constraints, as well as on low / middle income households who are facing significantly high living costs.

The Bill would benefit from a more detailed and transparent financial impact assessment, including modelling of costs by organisation type and size. This would provide a more accurate picture of the financial burden across a diverse housing sector and allow providers to plan accordingly.

In addition, while we welcome the identification of different policy options within the Explanatory Memorandum, we agree that Option 3, which proposes a comprehensive and clearly structured new regime, is preferable to Option 2, which relies on amending existing legislation. However, the successful implementation of Option 3 is contingent on recognising and addressing the significant resource and capacity demands it places on the sector.

The financial implications of the Bill will be significant in the short term where there is a need to develop new systems, engage experts (structural & fire engineers) and undertake staff and contractor training. More details around these short-term costs and support with funding for the not from profit sector will ensure the delivery of safer buildings going forward.

10. Are there any other issues you would like to raise about the Bill and the Explanatory Memorandum or any related matters?

Clause to Withhold Rent, Service Charge and Administration Charge

Clause 65 of the Bill introduces a provision allowing tenants to withhold rent, service charges, and administration charges if they do not receive certain required documents. While we support the principle of accountability and transparency, the sector urgently needs clarity on how this clause will operate in practice and what exactly is required to be compliant with this clause to avoid unintended consequences.

Without clear guidance, there is a risk of confusion and inconsistent application, particularly by landlords and managing agents. We are concerned about the potential for similar issues to those experienced under the Renting Homes (Wales) Act in relation to the Electrical Installation Condition Report (EICR), where a lack of clarity led to uncertainty, disputes, and unintended non-compliance. Clear, detailed guidance and possibly transitional arrangements will be essential to avoid repeating those problems.

Bill Drafting

We have sought legal advice, which indicates that parts of the Bill are poorly drafted and rely too heavily on secondary legislation and guidance. While we understand the need for flexibility in implementation, it is inappropriate for guidance to be used to explain what the Act means. Guidance should support the practical delivery of legislation, not substitute for the clarity that should be present in the primary law itself. Provisions in the Bill that use vague terms—only to be defined later in guidance—create legal uncertainty and undermine transparency. This approach also reduces the level of scrutiny available during the Bill's passage through the Senedd, which is a concern for us.

The Act should be as self-explanatory and complete as possible, particularly given the importance of ensuring accountability and public trust in the building safety regime.

Variations to Occupation Contracts

Our members are concerned about the potential need to vary occupation contracts as a result of new requirements under the Building Safety (Wales) Bill. Many housing associations have only recently completed the complex and resource-intensive process of standardising contracts following the implementation of the Renting Homes (Wales) Act. Some Registered Social Landlords (RSLs) have gone even further, aligning contract terms across all tenants. Varying those contracts again would be a major undertaking. For example, for a landlord with 7,500 homes, this would involve approximately three months of dedicated staff time and an estimated £50,000 in postage costs.

It's crucial that any changes requiring contractual variation are clearly identified and fully supported by detailed guidance before implementation. This will help ensure consistency across the sector and avoid unnecessary rework. Moreover, we note that contract holders are often uncomfortable with changes to their agreements. Feedback from TPAS Cymru has shown that tenants can be distressed by such communications, sometimes mistaking them for eviction notices. There is a significant communications challenge here, and we would strongly support the development of standardised, Wales-wide communications materials to help explain any changes clearly and consistently.

We would also welcome clarity on which parts of the Bill may lead to changes that require formal contract variation, and how these sit alongside existing obligations under the Renting Homes (Wales) Act. Without that clarity, the sector cannot plan effectively for implementation.

The term 'resident'

We would ask that the term 'resident' is clearly defined within the Bill, so that it is explicit who our direct obligations relate to, particularly in relation to communications. This is especially important in mixed-tenure blocks where leaseholders may be residents themselves, may sublet on a long-term basis, or

may have short-term arrangements in place such as AirBnB lettings. Even in more straightforward cases, where a housing association has a clear contractual relationship with residents, further clarity is needed on who is expected to receive information. For example, would providing one set of information to joint contract-holders be sufficient, or would each individual need a copy? Without a precise definition, the current wording could be interpreted to mean that all occupants, including children or visitors, must be provided with information, which would be unworkable in practice. In relation to resident engagement, the Bill currently states that information must be provided to *every adult*. We would welcome greater clarity here, and would suggest this be more narrowly defined to apply specifically to contract-holders and leaseholders. As above, we would also seek clarity on whether separate copies need to be provided to each individual within the same household.

Welsh Government Engagement

As the representative body for housing associations in Wales, Community Housing Cymru works on policy and legislation across the suite of housing associations areas of practice and responsibility. We note that through the development of the Building Safety (Wales) Bill, there has been less opportunity for input and debate from housing associations, as compared, for example, to the Homelessness and Social Housing Allocations (Wales) Bill which was scoped through a cross-sector advisory panel. Given the scale and complexity of the changes proposed — and the significant operational and financial implications for social landlords we strongly urge the Welsh Government to establish clearer and more consistent channels for collaboration with the sector as the Bill progresses, particularly in the development of secondary legislation and guidance, where many of the key operational details will be set out.

Workforce Skills, Capacity, and Consistent Enforcement

The success of the Building Safety (Wales) Bill will be heavily dependent on the technical skills, experience, and resources available to the enforcing authorities. Significant investment will be required to upskill and retain the professionals responsible for overseeing and enforcing the legislation. As noted previously, without detailed and consistent guidance to accompany the legislation, there is a

real risk of inconsistent enforcement across different local authorities and regulatory bodies.

Implementation will also rely on the availability of competent professionals who can prepare key documentation such as safety case reports, structural assessments, and fire risk assessments. At present, the sector is already experiencing shortages in these areas, and the new requirements will place additional pressure on an already stretched workforce. Targeted funding and support will be essential to build capacity, improve competency, and ensure that both regulators and duty holders are equipped to deliver the cultural and technical change that this new regime demands.

Learning from Implementation Challenges in England

We urge the Welsh Government to carefully consider the challenges that have arisen in England following the introduction of the Building Safety Regulator (BSR). There have been significant issues with capacity, resourcing, and a shortage of suitably skilled professionals within the regulator, leading to substantial delays in approvals and increased costs. For example, the cost of installing a new fire door has risen to around £5,000 due to the regulatory process. This cost increase is driven not only by an initial fee charged by the regulator but also by additional hourly fees for the time spent reviewing applications.

We are also conscious that the Bill is not clear on what fees will be charged in Wales under the new regime. This creates apprehension among our members about potential additional costs and financial impacts.

Preparing for Implementation

We would strongly encourage Welsh Government to publish, following Royal Assent, a clear summary document setting out the changes, additions, and

amendments made to the legislation between the publication of the Bill and its approval as an Act. This would support transparency and help stakeholders — particularly housing associations — to understand exactly what has changed during scrutiny, and what new duties and expectations are now in force. A clear, accessible comparison would be extremely valuable in helping the sector prepare for implementation.

For more information, please contact bethan-proctor@chcymru.org.uk or rhea-stevens@chcymru.org.uk

Please use this template to draft your response and email your response to SeneddHousing@senedd.wales

Ymateb gan: Chris Roberts - ClwydAlyn Housing Ltd | Evidence from: Chris Roberts - ClwydAlyn Housing Ltd

Senedd Cymru | Welsh Parliament

Y Pwyllgor Llywodraeth Leol a Thai | Local Government and Housing Committee

Bil Diogelwch Adeiladau (Cymru) | Building Safety (Wales) Bill

You do not need to answer every question, only those on which you wish to share information or have a view.

1. What are your views on the general principles of the Bill, and whether there is a need for legislation to deliver the stated policy intention?

I broadly support the general principles of the Building Safety (Wales) Bill. The focus on safety, clear accountability, and a stronger resident voice is essential to addressing historic failings and ensuring risks are managed throughout a building's lifecycle. The introduction of statutory duty holders, the "Golden Thread" of information, and clear regulatory oversight provides a proportionate and robust framework.

Legislation is necessary to deliver these aims. Without it, responsibilities remain unclear, compliance is inconsistent, and residents lack enforceable rights. Statutory duties and enforcement powers are critical to achieving consistency across Wales and ensuring that safety is prioritised.

In summary, the Bill establishes the right foundations for a safer, more accountable housing system, though its effectiveness will depend on strong implementation and adequate resourcing.

2. What are your views on the provisions set out in Part 1 of the Bill – Safety of buildings containing two or more residential units (sections 1 -66 and Schedule 1)? In particular, are the provisions workable and will they deliver the stated policy intention?

I support the provisions in Part 1 as they provide a clear and structured framework for improving safety in multi-occupied residential buildings. Key positives include:

Clarity of responsibility through the new roles of Accountable Person and Principal Accountable Person.

Risk-based approach, with enhanced duties for higher-risk buildings.

Mandatory registration, safety case reports, and the Golden Thread, ensuring ongoing accountability and transparency.

Resident engagement rights, which give occupants greater voice and protection.

Strong regulatory powers for local authorities to enforce compliance.

However, there are potential challenges:

Resourcing – Local authorities will require additional funding and expertise to regulate effectively.

Costs – Compliance costs may be passed on to residents via service charges, creating affordability concerns.

Consistency – Effective oversight will be needed to ensure provisions are applied uniformly across Wales.

Support for smaller landlords – Clear guidance will be essential to ensure duties are understood and workable in practice.

In conclusion, the provisions are workable and well-designed to deliver the Bill's policy intention of safer, more accountable buildings. Their success will depend on adequate resourcing, fair cost management, and consistent implementation.

3. What are your views on the provisions set out in Part 2 of the Bill – Fire safety in certain houses in multiple occupation (sections 67 – 80)? In particular, are the provisions workable and will they deliver the stated policy intention?

I believe the fire safety provisions for HMOs in Part 2 of the Bill are well-intentioned and largely workable. Requiring annual fire risk assessments, placing duties on landlords and tenants, and designating enforcement to Fire and Rescue Authorities are sensible measures that should improve accountability and reduce risks in multi-occupied homes. The use of tribunals to resolve breaches also provides a clear compliance pathway.

However, there are some practical challenges. The costs of annual assessments and ongoing compliance could be significant, particularly for small landlords, and local Fire and Rescue Authorities may struggle to resource enforcement without additional support. There is also a risk of confusion unless there is very clear guidance on which HMOs are in scope and what is expected of both landlords and tenants.

Overall, I think the provisions will deliver the policy intent if backed by strong guidance and adequate resourcing. To maximise effectiveness, I would suggest clearer examples of in-scope HMOs, practical tools such as template risk-assessment checklists, and ongoing engagement with landlord and tenant groups to promote awareness and compliance.

4. What are your views on the provisions set out in Part 3 of the Bill – Enforcement and investigatory powers (sections 81 – 97 and Schedule 2)? In particular, are the provisions workable and will they deliver the stated policy intention?

5. What are your views on the provisions set out in Part 4 of the Bill – Supplementary and general (sections 98 – 114 and Schedules 3-4)? In particular, are the provisions workable and will they deliver the stated policy intention?

6. What are the potential barriers to the implementation of the Bill's provisions and how does the Bill take account of them?

The main barriers to implementation are likely to be around resourcing, costs, complexity, and skills shortages. The Bill recognises these challenges by embedding clear roles, phased implementation, and ministerial powers to provide guidance and oversight. However, its success will ultimately depend on adequate funding for regulators, effective industry support, and careful monitoring to ensure costs do not unfairly fall on residents.

7. How appropriate are the powers in the Bill for Welsh Ministers to make subordinate legislation, as set out in Chapter 5 of Part 1 of the Explanatory Memorandum)?

I believe the powers given to Welsh Ministers in the Building Safety (Wales) Bill to make subordinate legislation, as set out in Chapter 5 of the Explanatory Memorandum, are broadly appropriate. Building safety is a complex and evolving area, and it would not be practical or desirable for every technical or procedural detail to be fixed in primary legislation. Having the flexibility to address definitions, technical standards, and transitional arrangements through regulations will allow the system to adapt over time as risks, building practices, and lessons from implementation become clearer.

That said, I think it is important that the Bill draws a clear line between matters of genuine policy significance and more minor or technical issues. For example, decisions about what should be treated as a “higher-risk building” are fundamental to the scope of the regime, and I would expect those regulations to be subject to the affirmative procedure so that they receive proper scrutiny by the Senedd. On the other hand, powers to make commencement or saving provisions seem suitable for the negative procedure, as they are more about practical implementation than policy choice.

I also welcome that the use of subordinate legislation in Wales is already supported by safeguards, such as the requirement for Regulatory Impact Assessments, and the wider Well-being of Future Generations framework. These obligations should ensure that regulations are developed transparently, with proper consideration of costs, benefits, and impacts on residents and the sector.

Overall, I think the balance in the Bill is sensible. It gives Welsh Ministers the flexibility they need to implement a complex new system effectively, but within a structure that still allows for democratic oversight on the more significant decisions. To strengthen confidence further, it would be helpful if the

Explanatory Memorandum gave clearer examples of which powers will be subject to affirmative rather than negative procedure.

8. Are there any unintended consequences likely to arise from the Bill?

While the Bill is well designed, some unintended consequences may arise. Potential risks include:

- Higher service charges or rents as compliance costs are passed to residents.
- Administrative and financial strain on smaller landlords, leading to market withdrawal or consolidation.
- Delays to planning and construction due to Gateway processes and regulatory capacity.
- Skills shortages in fire safety and compliance professionals, increasing costs and slowing delivery.
- Inconsistent enforcement between local authorities.
- Developers becoming risk-averse, reducing supply of higher-rise housing.

Mitigations within the Bill include: proportional requirements (focusing on higher-risk buildings), phased implementation, ministerial powers to issue guidance, and strengthened resident rights.

With sufficient funding, clear guidance, and support for smaller providers, the risk of unintended consequences can be minimised, and the Bill's aims can still be achieved.

9. What are your views on the Welsh Government's assessment of the financial implications of the Bill, as set out in Part 2 of the Explanatory Memorandum?

10. Are there any other issues you would like to raise about the Bill and the Explanatory Memorandum or any related matters?

Funding and Resourcing

The Bill places significant new responsibilities on local authorities, landlords, and managing agents. The Explanatory Memorandum could give greater clarity on how regulators will be resourced to ensure consistent and effective enforcement across Wales.

Affordability for Residents

While the Explanatory Memorandum acknowledges costs may be passed on via service charges, more detail on safeguards or mitigation measures would help ensure that residents are not unfairly burdened.

Support for Smaller Providers

Smaller housing associations, co-operatives, and private landlords may struggle to meet administrative and technical duties. Consideration could be given to capacity-building support, guidance, or pooled services.

Skills and Workforce Capacity

Delivering the Bill's provisions will require specialist skills (fire engineers, surveyors, safety professionals). The Explanatory Memorandum could go further in addressing how government and industry will tackle existing skills shortages.

Clarity on Interfaces with Other Regimes

The Bill interacts with the Fire Safety Order, health and safety law, and planning/building regulations. More detail on how these frameworks will align in practice would be helpful to avoid duplication or confusion.

Implementation Timetable

Phased implementation is sensible, but the Explanatory Memorandum could be clearer on expected timescales for different provisions, so stakeholders can prepare effectively.

The Bill provides a strong foundation for reform, but its success depends on adequate resourcing, affordability safeguards, clarity for smaller providers, and alignment with existing regulatory regimes. Greater detail in the Explanatory Memorandum on these points would improve confidence and support effective delivery.

Please use this template to draft your response and email your response to SeneddHousing@senedd.wales

Ymateb gan: Propertymark | Evidence from: Propertymark

Senedd Cymru | Welsh Parliament

Y Pwyllgor Llywodraeth Leol a Thai | Local Government and Housing Committee

Bil Diogelwch Adeiladau (Cymru) | Building Safety (Wales) Bill

You do not need to answer every question, only those on which you wish to share information or have a view.

1. What are your views on the general principles of the Bill, and whether there is a need for legislation to deliver the stated policy intention?

1. Propertymark agrees with the general principles of the Bill and the need for legislation to deliver the aim of improving the safety of people in multi-occupied residential buildings and Houses in Multiple Occupation (HMOs) in Wales. Our feedback on the Bill mainly focuses on the practical enforcement and implementation of the legislation based on how similar regulations have been applied in other UK nations.

2. What are your views on the provisions set out in Part 1 of the Bill – Safety of buildings containing two or more residential units (sections 1-66 and Schedule 1)? In particular, are the provisions workable and will they deliver the stated policy intention?

2. Overall, our understanding is that the challenges to the workability of provisions set in Part 1 are due to enforcement and guidance for the sector. This is based on the challenges implementing very similar provisions in England through the Building Safety Act 2022¹. There is however one key element of Part 1 of the Bill which we wish to raise as leading to considerable confusion and a reduction in compliance in England. This is the definition of accountable person, which is defined by the Building Safety (Wales) Bill as, “a person who holds a legal estate

¹ <https://www.legislation.gov.uk/ukpga/2022/30/contents>

in possession in the common parts of the building or any part of them” or “a person who does not hold a legal estate in any part of the building but who is under a relevant repairing obligation in relation to the common parts of the building or any part of them”. Furthermore, as outlined in the Bill, the estate owner is not the accountable person if all long leases state that a specific person who does not hold a legal estate in the building but is under a relevant repairing obligation to the common parts or if the functions of the repairing obligations have been regulated to a Right to Manage Company. The same definition applies to England, with almost identical responsibilities. This definition has caused considerable confusion and has caused instances where accountable persons have not been identified or have led to disagreements as to who should be the principal accountable person. Further to this confusion, at the time the Building Safety Act 2022 was coming into force in England, the Department for Levelling Up, Housing and Communities explicitly stated in its guidance that managing agents hired by Right To Manage companies, the owner of the block of flats or leaseholders would rarely be the accountable person.

3. Reflecting on these provisions, we think that managing agents are best placed to fulfil the duties of accountable persons, as they are often appointed to carry out the existing responsibilities of block owners and support leaseholders where they have taken ownership of the management of the common parts. This helps specifically where leaseholders are unaware of legislative requirements or when freeholders of blocks are foreign investors who have delegated all management to the agent. However, since managing agents are not considered accountable persons by existing legislation, many do not understand the fire safety requirements for their block and are less able to support residents, leaseholders and freeholders of the building. In a June 2023 survey of Propertymark members who provided block management services, only 50% reported that they were at least confident in their understanding of requirements for managing agents and accountable persons. Only 16% agreed that the legislative changes had been well-communicated by the UK Government with 72% disagreeing or strongly disagreeing that the changes had been well-communicated.
4. To help clarify who should be appointed as the principal accountable person, Propertymark suggests three solutions:
 - The first of which is to include a new clause within the Building Safety (Wales) Bill that specifies if an organisation has been hired to carry out the management of the block or specific common parts, they are to be

considered an accountable person for the purpose of fulfilling the responsibilities set by the Building Safety (Wales) Bill. This could be tied to the introduction of minimum qualification for management agents. Proposals to ensure managing agents in England are suitably qualified and are members of a designated body are currently being consulted on by the Ministry of Housing, Communities and Local Government (MHCLG)². This would have the benefit of ensuring that any the new qualifications and regulatory oversight can be linked to existing regulatory frameworks in Wales and designed to include fire safety requirements, thus ensuring qualified professionals rather than building owners or leaseholders are responsible.

- The second solution is to support accountable persons by providing specific guidance. This should include various scenarios where a principal accountable person is not clearly known and to provide definitive clarity as to who are the principal and accountable persons in these scenarios.
- Thirdly, recommend that local authorities can set up a system where residents can flag that there is no accountable person or the accountable person is failing to meet their responsibilities. This will help raise awareness to fire safety authorities of any non-compliance.

3. What are your views on the provisions set out in Part 2 of the Bill – Fire safety in certain houses in multiple occupation (sections 67 – 80)? In particular, are the provisions workable and will they deliver the stated policy intention?

5. We have two main views on the provisions set out in Part 2 of the Bill. Firstly, the provisions for fire safety in certain HMOs recognises that mandatory licensing already exists in Wales with the intention of controlling housing standards in higher risk HMOs, such as those with the highest risk of death or injury by fire.³ Secondly, for all private rented property in Wales there is already an existing registration and licensing regime for landlords and letting agents under Rent Smart Wales. This includes the letting of houses, purpose-built flats, HMOs and houses converted into flats. Therefore, to prevent duplication it is right that they will not need to re-register the property with the building safety authority in their

² <https://www.gov.uk/government/consultations/strengthening-leaseholder-protections-over-charges-and-services-consultation>

³ <https://www.gov.wales/houses-multiple-occupation-hmo-guidance-local-authorities>

area – coordination between local authorities and Rent Smart Wales can confirm this.

6. Under the Renting Homes (Wales) Act 2016, there is a requirement for landlords to ensure functioning smoke alarms, carbon monoxide detectors and electrical and gas safety certificates be in place for each property they let. Therefore, to ensure that the legislation is workable the Welsh Government are attempting to ensure that the building safety regime compliments rather than duplicates existing legislation and regulatory requirement for owners and managers of residential buildings in Wales. Furthermore, we do think the provisions will deliver the Welsh Government’s policy intent because under the Bill landlords are required to ensure that fire safety risks in HMOs are suitably and sufficiently assessed. Furthermore, the duties relating to HMO fire risk assessments mirror those in relation to a regulated building and similarly the fire risk assessment must be done by a competent person.

4. What are your views on the provisions set out in Part 3 of the Bill – Enforcement and investigatory powers (sections 81 – 97 and Schedule 2)? In particular, are the provisions workable and will they deliver the stated policy intention?

7. Propertymark recognises that placing enforcement and investigatory powers on local authorities and fire and rescue services will utilise significant expertise they hold in relation to matters such as building control, firefighting experience and their familiarity with the buildings within their areas, but a localised approach potentially will not have the advantage of a nationally consistent approach to enforcement. Therefore, to support enforcing authorities, the Welsh Government should consider how they can monitor, train and have oversight of these bodies to ensure consistent application of the provisions set out in Part 3 of the Bill.

5. What are your views on the provisions set out in Part 4 of the Bill – Supplementary and general (sections 98 – 114 and Schedules 3-4)? In particular, are the provisions workable and will they deliver the stated policy intention?

8. We have no comments to make.

6. What are the potential barriers to the implementation of the Bill’s provisions and how does the Bill take account of them?

9. When implementing very similar provisions in England, compliance with their building safety legislation has been poor. We are therefore concerned that the Building Safety (Wales) Bill will face similar barriers. Propertymark members have regularly reported that even documents that demonstrate a building’s registration with the building safety authority are not present, which is arguably the easiest new responsibility for principal accountable persons to comply with. Additionally, 75% of UK Gateway 2 approvals being rejected⁴. While this applies to pre-occupation requirements, this reflects the understanding of building safety requirements from the housing sector. This demonstrates both a lack of understanding of the Bill’s requirements and a lack of enforcement from local authorities. As with England, local authorities in Wales are required to work with the Building Safety Regulator to enforce these new requirements and while there are fewer buildings over 18m+ in Wales, which can be targeted by local councils with few buildings under their authority, the Building Safety (Wales) Bill applies to all multi-occupied buildings. These can be difficult to identify, meaning more resources would have to be spent determining the number of properties that each local authority in Wales would have to visit. This is at a time when the Welsh Local Government Association has warned councils face “unsustainable” budget pressures⁵.

10. It is for these reasons that we have recommended establishing managing agents as accountable persons by default, especially where a building owner does not play a large role in the management of the building. This ensures that

⁴ <https://internationalfireandsafetyjournal.com/uk-gateway-2-approvals-stall-as-application-rejections-reach-75/>

⁵ <https://wlga.gov.uk/council-services-face-%E2%80%99Cunsustainable%E2%80%9D-budget-pressure-says-wlga>

an accountable person can be identified and begin taking action to implement fire safety measures immediately. Additionally, enabling residents to raise concerns would help offset financial challenges facing local authorities.

11. Aside from these methods, we would also recommend that the Welsh Government consider the role that letting agents play in supporting fire safety in multi-occupied buildings. This would help ensure that more residents, primarily those renting out property, are more familiar with requirements and what to do in case of identifying a potential fire safety risk. Under the building safety regime in England, there is no clear requirement for letting agents, which has made it very difficult for the sector to support contract holders by establishing a clear communication link between the agent and the accountable person. Not only would this help raise potential cases where accountable persons have not been set up nor meeting their requirements, agents are required to support contract holders at the start and throughout their residency within the building. Agents can provide required building safety information, update accountable persons when contract-holders move out and play a part in the resident engagement strategy. Failure to do this could result in accountable persons not being updated on the occupation of residential units, a failure for safety information to be shared and potentially leaving contract-holders unable to raise potential fire safety risks.

7. How appropriate are the powers in the Bill for Welsh Ministers to make subordinate legislation, as set out in Chapter 5 of Part 1 of the Explanatory Memorandum)?

12. In relation to residents' engagement strategies (section 39 and section 40) in the Bill we think further detail is needed so a route of communication is established between the accountable person and those who interact with the property and provide information on building safety. For instance, engagement with landlords, letting and estate agents who will be marketing, letting, and selling these types of property. For instance, under the Consumer Protection Regulations and recently updated legislation, letting and estate agents must provide all material information about the property to all perspective tenants and buyers so they can make a reasonable assessment as to whether to continue with the transaction or not.

8. Are there any unintended consequences likely to arise from the Bill?

13. We have no further comments to make.

9. What are your views on the Welsh Government's assessment of the financial implications of the Bill, as set out in Part 2 of the Explanatory Memorandum?

14. Propertymark acknowledges the estimated monetised benefits from the application of the Bill but is concerned about the impact on Councils across Wales who will enforce the majority of the regulations as new building safety authorities. We know from our work in the private rented sector that local authorities already struggle to enforce existing rules and this legislation is adding additional responsibility. To this end, further clarity is needed from the Welsh Government on how they will support local councils financially and via additional resources to upskill, create more capacity and transition to the new building safety regime.

10. Are there any other issues you would like to raise about the Bill and the Explanatory Memorandum or any related matters?

15. Propertymark welcomes the opportunity to respond to the LGHC's consultation on the Building Safety (Wales) Bill. Propertymark has been working closely with Welsh Government officials on building safety, publishing joint guidance⁶ on the elements of the Building Safety Act 2022⁷ which have already been introduced in Wales, and will continue to provide guidance and work with the Welsh Government on building safety. Taken as a whole, Propertymark takes no issue with and has no concerns over the majority of the Building Safety (Wales) Bill. As a UK-wide membership body, Propertymark has been paying close attention to the way the post-occupation phase of the Building Safety Act 2022 was implemented in England, which has been challenging for many property agents

⁶ <https://www.propertymark.co.uk/resource/propertymark-collaborates-with-welsh-government-on-in-depth-guide-to-building-safety.html>

⁷ <https://www.legislation.gov.uk/ukpga/2022/30/contents>

and the housing sector in general. Overall, compliance with the Act in England has been inconsistent partially due to poor guidance but due to some definitions within the Act, some of which have been included within the Building Safety (Wales) Bill. So, while Propertymark supports the implementation of the Bill, we have three main areas of concern that we'd like to bring to the attention of the LGHC:

- **Firstly, subsequent regulations must set out the role of property agents within multi-occupied buildings** – when introduced in England, the legislation and guidance failed to cover the role of the agent. This is vitally important as agents are the primary contact between contract holders and landlords when the tenancy is fully managed. This enables the agent to support contract holders by sharing contact details of accountable persons and informing accountable persons when there has been a change of tenancy.
- **Secondly, the Bill will fail to meet its aims unless sufficient resources are invested into enforcing the legislation** – our understanding, as reported by our members managing individual units within a block of flats, compliance with the occupation phase of the building safety regulations in England is inconsistent. Despite this, no individual or company has yet to face any enforcement action from breaching regulations related to the Building Safety Act 2022⁸. The Welsh Government must ensure that local councils and fire authorities are sufficiently resourced inspect buildings that come under the regulations.
- **Thirdly, the Welsh Government must ensure guidance is clear** – poor guidance on the implementation of the Act has often been cited as a leading cause behind non-compliance with the Building Safety Act in England. The Welsh Government must ensure that they engage directly with the industry to create guidance that best helps the industry meet their new obligations.

⁸ <https://resources.hse.gov.uk/notices/search/standard/default.asp>

Ymateb gan: National Residential Landlords' Association | Evidence
from: National Residential Landlords' Association

Senedd Cymru | Welsh Parliament

Y Pwyllgor Llywodraeth Leol a Thai | Local Government and Housing
Committee

Bil Diogelwch Adeiladau (Cymru) | Building Safety (Wales) Bill

Building Safety (Wales) Bill: Call for Evidence
Response from the National Residential Landlords Association

1.0 About the NRLA

- 1.1 The **National Residential Landlords Association (NRLA)** is the leading voice in England and Wales for private sector residential landlords. We have over 110,000 members, making us by far the largest organisation in the sector. Our members, which includes both leasehold and freehold landlords, own and manage around 10% of private rented housing in England and Wales, equating to approximately one million private rented homes.
- 1.2 The NRLA provides training and support for landlords to ensure they fully understand their responsibilities and are equipped to provide good quality housing for their tenants. We currently offer a qualification in managing property and residential lettings, which is recognised by the Office of Qualifications and Examinations Regulation (Ofqual).
- 1.3 We also work with other stakeholders and campaign for policies that seek to improve the sector for the benefit of tenants and responsible landlords. This includes being involved with the working group that prepared the Regulation of Property Agents report in 2019.

2.0 Executive summary

- 2.1 The NRLA supports efforts to improve building safety, and we recognise its vital role in protecting residents and maintaining confidence in the housing sector. In line with this, we advise all landlords of houses in multiple occupation (HMOs) to have fire safety assessments undertaken on their properties. We therefore find no issue with the spirit of the Building Safety (Wales) Bill, but we do hold some concerns about its practical implementation.
- 2.2 We believe the expected cost to the HMO industry of £62 per HMO is an underestimation. The cost of fire risk assessments (FRAs) alone far exceeds this. As part of our preparation, we assessed the fire risk assessment industry in Wales. We found that it typically costs £394.50 for a full FRA. Beyond this initial cost, there may also be upgrades identified by the FRA. Whilst the cost can vary, we have been given estimates of up to £15,000 for a single property.
- 2.3 The proposed Bill also does not provide for adequate mechanisms for landlords to deal with tenants reneging or ignoring their duties regarding fire safety. We request that a new fundamental term be included in occupation contracts by the Welsh Government that would make breaching the tenant's fire safety duty a breach of the tenancy agreement.
- 2.4 Local authorities and fire services are already burdened with enforcement matters from existing regulation, with little to no extra funding. Additional enforcement duties without corresponding funding will compound the issue. We believe that appropriate funding should be allocated as part of the Bill to allow the relevant authorities to adequately carry out their duties.

3.0 General principles of the Building Safety (Wales) Bill

- 3.1 The NRLA has always advised landlords of HMOs to have annual fire safety assessments undertaken on their properties.¹ We support evidence-based regulation that improves the private rented sector for both landlords and tenants. We welcome reasonable legislation that strengthens fire and building safety, saving lives or preventing casualties. Therefore, we find no issue with the spirit of these proposed regulations.
- 3.2 However, we have some concerns around the implementation of the Bill and where powers have been granted to the Welsh Ministers for future decisions. Without guidance as to what these changes to the existing system of FRAs will be, it is difficult to estimate the impact on the industry, and therefore the wider private rented sector.

4.0 Potential barriers to the implementations of the Bill's provisions

Tenant's duties and enforcement mechanisms

- 4.1 Landlords in Wales want to provide safe homes for their tenants. Undertaking a fire risk assessment is one of the ways they can do this. Unfortunately, we have regularly heard reports from our members that they struggle to convince tenants to comply with fire safety measures such as leaving escape routes clear of obstructions.
- 4.2 More will need to be done to ensure that landlords and tenants are aware of their duties under these regulations. Unlike virtually all other duties on tenants and landlords in Wales, these new duties are not set out in the occupation contract as a fundamental or supplementary term.
- 4.3 The current system allows building owners to evict and recover remediation costs from leaseholders who materially increase building safety and fire risk, such as removing an internal wall that undermines compartmentalisation. We believe a similar system should be put in place to make tenants aware of their duties, and to allow landlords to take their own enforcement measures against tenants who consistently undermine fire safety within a relevant HMO.
- 4.4 The proposals outlined in the Building Safety (Wales) Bill provide a weak method of enforcement against tenants who regularly fail to comply with their duties. The enforcement powers are reliant on an outside body and penalties for non-compliance focus on the landlord even if the landlord is not at fault. As a result, it is likely to be slow, cumbersome, and provide no meaningful way for landlords to compel a tenant to stop breaching their own fire safety duties. To ensure the fire safety of all tenants in a building, we believe that landlords will need a fast, effective way of addressing reckless or negligent behaviour by some occupants.
- 4.5 To achieve this, we recommend inserting a new fundamental term into occupation contracts, detailing the tenant's duty to follow fire safety rules. It will give landlords a mechanism to enforce the tenant's responsibility, without the need for external compliance mechanisms. This fundamental term should be added at the same time as any terms added due to the Renters' Rights Bill, to limit administrative burden.
- 4.6 We believe the Welsh Government should avoid adding new fundamental terms where possible, due to the risks and burdens around providing a statement of variation or

¹ <https://www.nrla.org.uk/resources/managing-your-tenancy/fire-safety-overview>

updating tenancy agreements in a short timeframe. However, we cannot envisage another route to successfully ensuring tenant duties are complied with without onerous cost or administration for a landlord.

Fire risk assessment industry

- 4.7 The Welsh Government should take action to ensure that the proposed regulations do not create a sector-wide shortage of fire risk assessors, leading to landlords or building owners attempting to adhere to said regulations unduly finding themselves in breach due to the shortage. Fire risk assessors are already in heavy demand throughout Wales undertaking FRAs on “high-rise” buildings.
- 4.8 As identified in England, 38% of fee-earning fire risk assessors (in a self-reporting survey) report conducting assessments on buildings that are 18 metres or above, with 58% conducting assessments for buildings 11-18 metres.² It is likely that the statistic is similar in Wales. Given the financial incentive for assessing complex high-rise buildings, we anticipate that independent landlords are the most likely group to struggle to find suitably qualified assessors in time for the proposed legislation if the criteria for competence is too stringent.
- 4.9 The proposal to give Welsh Ministers powers to determine who is a competent person to undertake FRAs, including “*qualifications, memberships or accreditations*”³ must be clearly defined at an early stage to avoid sector-wide shortages of qualified fire risk assessors to undertake the required assessments.
- 4.10 The legislation as proposed also allows Welsh Ministers to determine methodology and content within an FRA.⁴ Diverging methodology or content may make it more difficult for assessors to remain fully trained to operate across England and Wales, causing unnecessary delays to FRAs in Wales – not only for relevant HMOs, but other building categories outlined within the Building Safety (Wales) Bill.
- 4.11 The most recent standard of FRA, published by the BSI (BS 9792:2025)⁵ updates existing guidance and provides a comprehensive framework for assessing fire risks – with the focus of a Person-Centred Fire Risk Assessment (PCFRA) via expanded evacuation guidance and legal alignment.
- 4.12 In discussions with leading building safety organisations however, we believe that this standard may be onerous, and perhaps even irrelevant for affected HMOs (as outlined in the Bill) in comparison to other categories of building outlined in the Building Safety (Wales) Bill.
- 4.13 To offset this, the Welsh Government should outline guidance regarding who will be considered a competent person and outline any methodological or content changes well in advance of commencement to ensure adequate time to train and adapt. We recommend a

² Home Office, 2024, Fire risk assessors in England: a survey of competency, capacity and experience: <https://www.gov.uk/government/publications/fire-risk-assessors-in-england-competency-and-capacity/fire-risk-assessors-in-england-a-survey-of-competency-capacity-and-experience>

³ Welsh Government, Building Safety (Wales) Bill, s29, p145: <https://laiddocuments.senedd.wales/primary-legislation/laid17294-em-en.pdf>

⁴ Ibid, s31, p146

⁵ BSI.knowledge, 2025: <https://knowledge.bsigroup.com/products/fire-risk-assessment-housing-code-of-practice>

12-month lead in time, to give industry time to adapt to any new regulations. This guidance should explicitly state elements to include when performing an FRA on a relevant HMO – this may then form a standardised FRA for the HMO sector.

5.0 Unintended consequences of the Bill

- 5.1 We want to ensure that HMOs are kept free of fire risk, but we are concerned that the Bill may create an overly burdensome regime on room-only HMOs, particularly if it extends things like waking watches to small HMOs. This would exceed the potential risk of living in this type of home and incentivises landlords to remove the choice about letting arrangements from tenants and make them jointly and severally liable for the behaviour of other tenants.
- 5.2 To avoid this, we recommend mirroring the fire safety legislation affecting HMOs in England. Specifically, the Building Safety Bill 2022 and Fire Safety Regulations 2023 set reasonable and proportionate expectations on landlords that match the level of risk found within HMOs let on a room-by-room basis. Namely, that the landlord must have a full fire risk assessment, provide suitable information on fire safety to their tenants, and ensure that communal parts have suitable fire safety doors and adequate fire-resistant signage to facilitate exits.
- 5.3 In addition to this, we are concerned that the additional enforcement duties placed upon local authorities and fire services as part of this Bill do not appear to be matched by corresponding funding. We anticipate lack of funding will limit the effectiveness of the Bill in tackling rogue and criminal elements of the private rented sector.
- 5.4 Regulatory compliance requires enforcement, and it would be reasonable to expect knock-on effects to private rented sector enforcement efficiency in local authorities' cooperation with Rent Smart Wales.
- 5.5 It is also probable that local authorities or fire services will have to reduce or remove optional services to fulfil their statutory obligations found in the Bill, compounded by other regulations coming into force in both Wales solely and the UK more generally, affecting communities within Wales.
- 5.6 Finally, as discussed in Section 5.8, we are concerned that changes to the FRA sector without appropriate lead-in time may lead to shortages that will have a compounding effect on the private rented sector. Landlords and building owners who make all effort to comply with the new regulations may find themselves stuck, with a lack of available assessors due to the extremely high demand shared across relevant HMOs and other categories of buildings found in the Bill.

6.0 The Welsh Government's assessment of the financial and other impacts of the Bill

- 6.1 We consider the costed figures for industry stated in the Bill of £62 per HMO building to be a severe underestimate if taken at face value.
- 6.2 As part of our preparation for this Bill we contacted FRA assessors across Wales and found an average cost of £394.50 for an FRA of an average 3 stories HMO. However, the ongoing cost of an annual review of these FRAs should be lower than this initial cost – with most estimates being around £100-£120.

- 6.3 Where FRAs identify issues with a property, there will be requirements to upgrade fire suppression/alert systems or compartmentalisation efforts.
- 6.4 Taken together, the upfront and ongoing cost to landlords is substantially more than the quoted cost to industry within the Bill. These costs will generally be passed on to tenants through rent – although significant costs can lead to unprofitability within the HMO market for some landlords as it could be impossible to wholly pass them on, causing sell-offs and reducing the total stock available within the private rented sector.



Llywodraeth Cymru
Welsh Government

Our ref: FM/PO/371/25

Rt Hon. Elin Jones MS
Chair
Chairs Forum

23 July 2025

Dear Elin,

I attended the Committee for the Scrutiny of the First Minister on 13 December 2024, and whilst I made clear my view that Senedd Committees do great work, I also expressed concern about the volume of recommendations which are often made by Committees to the Welsh Government.

As a government, we need to be realistic about our ability to deliver Committee recommendations and of the need to consider recommendations in the context of the limited resources which are available. If the current volume continues, the government is likely to need to reject more recommendations going forward to ensure we can continue to focus on delivering for the people of Wales.

I am keen to get to a position where Committees, in carrying out their work, concentrate on fewer recommendations, with a focus on specific and clearly defined recommendations which will have the greatest impact as appropriate to the matter under consideration.

In making these observations, I do not seek to fetter the critical work of our Senedd Committees in scrutinising and holding the government to account. Targeting efforts and experience in this way however, will help us collectively to continue to deliver effectively for the people of Wales.

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Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

I would be grateful if this could be fed back to the Chair of each Committee, who I'm sure will wish to consider prior to the expansion of the Senedd. We will also respond with further detail to your letter of 8 July seeking views as part of the Chairs' Forum review of Committee operations in the sixth Senedd.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Eluned Morgan', written in a cursive style.

Eluned Morgan