

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.

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