

Leaseholders' Rights Bill

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Confer rights on leaseholders relating to the management and maintenance of their properties; and for connected purposes.

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1 Involvement of tenants in decisions on works

- (1) The Landlord and Tenant Act 1985 (c. 70) is amended as follows.
- (2) In section 20ZA (consultation requirements: supplementary), for subsection (5) substitute—
 - “(5) Regulations under subsection (4) shall include provision—
 - (a) requiring the landlord to give reasons in prescribed circumstances for carrying out works; 5
 - (b) requiring the landlord to provide details of proposed works, including estimates of costs, to tenants or the recognised tenants' association representing them; 10
 - (c) requiring the landlord to invite residential tenants or the recognised tenants' association to propose the names of persons from whom the landlord should try to obtain other estimates;
 - (d) requiring the landlord to consult those tenants affected by the proposed works on—
 - (i) the specifications for any tenders issued in respect of the proposed works, and 15
 - (ii) all tenders received in respect of the proposed works;
 - (e) to enable tenants or the recognised tenants' association to submit, within a specified period of time, a counter-proposal in respect of proposed works, specifying alternative provision of the proposed works; 20
 - (f) requiring the landlord to—
 - (i) have regard to any observations made by tenants or the recognised tenants' association in relation to the proposed works, 25

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- (ii) hold a ballot of the tenants directly affected by the proposed works on any counter-proposal that is supported by 25 per cent or more of those tenants directly affected by the proposed works, and
 - (iii) adopt the counter-proposal if it is supported by a majority of tenants directly affected by the proposed works in the ballot; 5
 - (g) requiring the landlord to make available for inspection by the public at reasonable times and for a period of ten years –
 - (i) details of any proposed works and any responses to consultations on such works, 10
 - (ii) any counter-proposals that are supported by more than 25 per cent of tenants directly affected by the proposed works, and
 - (iii) any requests to a residential property tribunal service for adjudication and details of the consequent decisions; 15
 - (h) in cases of dispute, for a leasehold valuation tribunal or other independent arbitration tribunal to make a determination in respect of proposed works or agreements upon application by a landlord, residential tenant or the recognised tenants' association." 20
 - (3) In section 19 (limitation of service charges: reasonableness), after subsection (3) insert –
 - “(2A) If the relevant contribution of any residential tenant in any 12 month period exceeds £12,000, index-linked arrangements must be made by the landlord for such tenants to pay that contribution in reasonable instalments. 25
 - (2B) The sum referred to in subsection (2A) may be amended by the Secretary of State, by order, to take account of inflation.”
- 2 Consultation on proposals by the Secretary of State 30**
- (1) The Housing Act 1985 (c. 68) is amended as follows.
 - (2) In section 105 (consultation on matters of housing management), after subsection (2)(b) insert –
 - “(c) a proposed measure or policy relating to the matters specified in paragraphs (a) and (b) about which the Secretary of State has published a consultation document to which the landlord authority intends to make a written response.” 35
- 3 Short title and extent**
- (1) This Act may be cited as the Leaseholders' Rights Act 2009.
 - (2) This Act extends to England and Wales. 40

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To confer rights on leaseholders relating to the management and maintenance of their properties; and for connected purposes.

*Presented by Mrs Jacqui Lait
supported by
Mrs Cheryl Gillan, Simon Hughes,
Mr Lee Scott, Grant Shapps,
Mrs Caroline Spelman and Sir George Young.*

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to be Printed, 21 January 2009.*

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