

Building Safety Bill

AMENDMENTS
TO BE MOVED
IN GRAND COMMITTEE

After Clause 117

BARONESS HAYMAN OF ULLOCK

Insert the following new Clause—

“Remediation costs and Building Works Agency

- (1) The remediation costs condition is met when a landlord has carried out any fire safety works to an applicable building in consequence of any provision, duty or guidance arising from one or more of the following—
 - (a) the Housing Act 2004;
 - (b) the Regulatory Reform (Fire Safety Order) 2005;
 - (c) this Act;
 - (d) any direction of any public authority or regulatory body;
 - (e) such other circumstances or enactment as the Secretary of State may prescribe by regulations or in accordance with subsection (9).
- (2) Where the remediation costs condition applies, the costs incurred or anticipated by the landlord in connection with those matters may not be the subject of a demand for payment of service charges, administration charges or any other charge permitted or authorised by any provision of any long lease.
- (3) Any demand for payment which contravenes this section is of no effect and has no validity in law.
- (4) Any covenant or agreement, whether contained in a lease or in an agreement collateral to such a lease, is void in so far as it purports to authorise any forfeiture or impose on the tenant any penalty, disability or obligation in the event of the tenant refusing, failing or declining to make a payment to which this section applies.
- (5) The remediation costs condition does not apply where the landlord is a company in which the majority of the shares are held by leaseholders or where the landlord is an RTM company.
- (6) Within six months of the day on which this section comes into force, the Secretary of State must create an agency referred to as the Building Works Agency.

After Clause 117 - continued

- (7) The purpose of the Building Works Agency is to administer a programme of cladding remediation and other building safety works, including—
- (a) overseeing an audit of cladding, insulation and other building safety issues in buildings over two storeys;
 - (b) prioritising audited buildings for remediation based on risk;
 - (c) determining the granting or refusal of grant funding for cladding remediation work;
 - (d) monitoring progress of remediation work and enforcing remediation work where appropriate;
 - (e) determining buildings to be safe once remediation work has been completed;
 - (f) seeking to recover costs of remediation where appropriate from responsible parties; and
 - (g) providing support, information and advice for owners of buildings during the remediation process.
- (8) The Building Works Agency may recommend that the Secretary of State exercises the power under subsection (1)(e) in such terms and to such extent that it sees fit, and if such a recommendation is made, the Secretary of State must, within 28 days, either—
- (a) accept it and exercise the power under subsection (1)(e) within 28 days of acceptance, or
 - (b) reject it and, within 28 days of rejection, lay before Parliament a report setting out the reasons for rejection.
- (9) In this section—
- (a) “fire safety works” means any work or service carried out for the purpose of eradicating or mitigating (whether permanently or temporarily) any risk associated with the spread of fire, the structural integrity of the building or the ability of people to evacuate the building;
 - (b) “applicable building” means a building subject to one or more long leases on the day on which section comes into force;
 - (c) “service charge” has the meaning given by section 18 of the Landlord and Tenant Act 1985;
 - (d) “administration charge” has the meaning given by Schedule 11 to the Commonhold and Leasehold Reform Act 2002;
 - (e) “long lease” has the meaning given by sections 76 and 77 of the Commonhold and Leasehold Reform Act 2002;
 - (f) “RTM company” has the meaning given by section 113 of the Commonhold and Leasehold Reform Act 2002.
- (10) This section comes into force on the day on which this Act is passed.”

After Clause 119

BARONESS HAYMAN OF ULLOCK

Insert the following new Clause—

“Review of remediation work paid for by leaseholders

The Secretary of State must, before the end of the period of 12 months beginning on the day this Act is passed, publish an estimate of the total sum that leaseholders have spent on building safety remediation work each year for the past 10 years.”

After Clause 133

BARONESS HAYMAN OF ULLOCK

Insert the following new Clause—

“Fire safety defects and defective dwellings

- (1) The Housing Act 1985 is amended as follows.
- (2) In section 528(1)(a), for “their design or construction, and” substitute—
 - “(i) their design or construction,
 - (ii) their external walls or any attachment to the external walls, whether as a result of the design or construction of the external walls or the attachment in question, or
 - (iii) anything which in the opinion of the Secretary of State poses a building safety risk or a risk to the ability of anyone to evacuate the building, whether or not the building is a higher-risk building, and”.
- (3) In section 528(1)(b), at the end insert “, or in the opinion of the Secretary of State is materially difficult to mortgage, insure or sell compared to non-defective dwellings.”
- (4) In section 528, after subsection (4) insert—
 - “(4A) A designation may identify any part of a building or class of buildings, any design feature, any material used in the construction of that building, any error in workmanship or installation or anything missing from that building, whether or not it should have been included when the building was constructed.
 - (4B) A designation may be made if the defect requires the employment of any person, whether on a permanent or temporary basis, specifically to assist with the evacuation of that building or part of that building.”
- (5) In section 528, after subsection (6) insert—
 - “(7) In this section—
 - “building safety risk” has the same meaning as in section 59 of the Building Safety Act 2022;
 - “external wall” has the same meaning as in Article 6 of the Regulatory Reform (Fire Safety) Order 2005 (S.I. 2005/1541);
 - “higher-risk building” has the same meaning as in section 62 of the Building Safety Act 2022.”
- (6) In section 559(1)(a), for “their design or construction, and” substitute—
 - “(i) their design or construction,

After Clause 133 - continued

- (ii) buildings in the proposed class are defective as a result of their external walls or any attachment to the external walls, whether as a result of the design or construction of the external walls or the attachment in question, or
 - (iii) buildings in the proposed class are defective as a result of anything which in the opinion of the local housing authority poses a building safety risk or a risk to the ability of anyone to evacuate the building, whether or not the building is a higher-risk building, and”.
- (7) In section 559(1)(b), at end insert “or in the opinion of the local housing authority materially difficult to mortgage, insure or sell compared to non-defective dwellings.”
- (8) In section 559, after subsection (4) insert—
- “(4A) A designation may identify any part of a building or class of buildings, any design feature, any material used in the construction of that building, any error in workmanship or installation or anything missing from that building, whether or not it should have been included when the building was constructed.
 - (4B) A designation may be made if the defect requires the employment of any person, whether on a permanent or temporary basis, specifically to assist with the evacuation of that building or part of that building.”
- (9) In section 559, after subsection (6) insert—
- “(7) In this section—
 - “building safety risk” has the same meaning as in section 59 of the Building Safety Act 2022;
 - “external wall” has the same meaning as in Article 6 of the Regulatory Reform (Fire Safety) Order 2005 (S.I. 2005/1541);
 - “higher-risk building” has the same meaning as in section 62 of the Building Safety Act 2022.”
- (10) This section comes into force on the day this Act is passed.”

Insert the following new Clause—

“Fitness for human habitation

- (1) The Secretary of State must, before the end of the period of 12 months beginning with the day this Act is passed, make a statement to Parliament which includes an assessment of the effectiveness of the Homes (Fitness for Human Habitation) Act 2018.
- (2) The statement must include proposals to increase the number of homes which comply with the Homes (Fitness for Human Habitation) Act 2018.”

After Clause 133 - *continued*

Insert the following new Clause—

“Property flood resilience

The Secretary of State must, before the end of the period of 12 months beginning with the day this Act is passed, make regulations under section 1 of the Building Act 1984 for the purpose of property flood resilience insofar as it relates to building safety.”

After Clause 135

BARONESS HAYMAN OF ULLOCK

Insert the following new Clause—

“Annual data and transparency report

- (1) The Secretary of State must, before the end of the period of 12 months beginning on the day this Act is passed, and every 12 months thereafter, publish an annual report on data collected as part of the implementation and monitoring of this Act.
- (2) The report must include details on steps taken by the Secretary of State to increase transparency as part of the implementation and monitoring of this Act.”

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10 February 2022
