



# DO LEASEHOLDER PROTECTIONS APPLY TO ME?



## Relevant Building

To qualify for leaseholder protections, your building must meet all of the following criteria:

- it is at least 11 metres in height or has at least five storeys (whichever is reached first)
- it contains at least two dwellings

A relevant building can be a self contained building or a self contained part of a larger building.

The following buildings do not qualify for leaseholder protections:

- Commonhold buildings
- Leaseholder owned buildings

## Relevant Defect

To qualify for leaseholder protections, the defect must meet all of the following criteria:

- it puts people's safety at risk from the spread of fire or structural collapse
- it has arisen from work done to a building, including the use of inappropriate or defective products, during its construction, or any later works (such as refurbishment or remediation)
- it has been created in the 30 years prior to the leaseholder protections coming into force (28 June 1992 to 27 June 2022), and
- it relates to at least one of the following types of works:
  - the initial construction of the building,
  - the conversion of a non-residential building into a residential building, or
  - any other works undertaken or commissioned by or on behalf of the building owner, or management company.

The information included in this document does not represent advice; rather, it is a summary of our understanding as at the time of publication.

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Work done before or after 28 June 2022 to remediate a relevant defect is also covered.

Defects that have arisen in relation to professional services are also covered by the definition of relevant defect (i.e. If an architect or building designer specified the inappropriate use of flammable materials on a building and the contractor followed those designs).

The following defects are not relevant defects to qualify for leaseholder protections:

- Wear & tear
- Routine maintenance

## Qualifying Lease

To qualify for leaseholder protections, your lease must meet all of the following criteria:

- it is a long lease (more than 21 years in length) of a single dwelling within a building of above 11 metres or at least five storeys
- it is in England
- you are responsible for paying a service charge
- the lease was granted prior to the qualifying date, that is 14 February 2022
- on the qualifying date, that is 14 February 2022:
  - the dwelling was your only or main home, meaning it was the home where you spent most of your time, or
  - you did not own more than 3 dwellings in the United Kingdom in total - please note, dwellings outside of England will not be covered by the leaseholder protections



If a lease or leasehold qualifies for leaseholder protections, the BSA will automatically transfer these protections on to future buyers of the lease, ensuring that all new owners are covered even if they purchase the property post the qualifying date. However, if a lease or leasehold did not meet the criteria for leaseholder protections on 14 February 2022, no leaseholder protections will be in place and future buyers will not be eligible.

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