

Date: 02 July 2021

Dear partner,

The building safety crisis, EWS1 forms and subletting

The Mayor is conscious of the acute impact the building safety crisis has had on many leaseholders, who are concerned about their safety and the cost of remediating problems that were not their fault. He is also aware that this is having a particular impact on those trapped in their homes due to ongoing difficulties in securing an EWS1 form. This has led to a steady increase in the volume of queries we have received from partners as to whether requests for subletting by shared ownership leaseholders may be approved.

To date, the GLA's approach to subletting has been grounded in long-standing policy that prohibits subletting of shared ownership properties, only allowing this in exceptional circumstances. The GLA Capital Funding Guide (GLACFG) details this policy and encourages the Mayor's delivery partners to consult with their Area Manager in the GLA housing team to confirm if exceptional circumstances apply to specific subletting requests. Our approach to date has been that the absence of an EWS1 form is not in itself an exceptional circumstance but does raise concerns about the safety of a building. However, we recognise that the need for subletting has become more pressing, given the difficulties leaseholders continue to face when seeking to secure EWS1 assessments. To address this issue, as at the date of this letter:

- **Sub-letting eligibility:** When in receipt of requests from shared ownership leaseholders to sublet their property, it will be the sole responsibility of partners as landlords to determine whether exceptional circumstances apply. When considering requests, partners are strongly encouraged to take into account how the challenges associated with the EWS1 process is impacting the leaseholder and whether the circumstances presented justify approval. In cases where EWS1 assessments have identified the need for remediation, it is the GLA's expectation that partners will take immediate action to start remediation works promptly.
- **Length of sublet:** Where exceptional circumstances have been established, we will continue to permit subletting for fixed terms only. The GLA will not prescribe any maximum subletting term and instead leave it to partners to determine what is appropriate in the context of each case, including the likely timetable for building safety assessments.

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As already stipulated in the GLACFG, partners should seek their own legal advice when considering sub-letting requests.

The GLA is committed to protecting private tenants and intends to work with our partners to ensure any increase in subletting does not come at the expense of tenants' experience. We expect partners to support shared owners in fulfilling their responsibilities as private landlords. We will expect partners who allow subletting in their buildings to:

- Ensure that shared owners make potential tenants fully aware of the lack of an EWS1 form, or the need for remediation following an EWS1 assessment. The expectation to share this information with potential tenants is especially important in the latter case.
- Ensure that shared owners make potential tenants aware of the expected duration of the sub-letting period.

As per the GLACFG, shared owners will still be required to seek permission from their mortgage lender to sublet their property.

Should you have any queries in relation to any aspect of this policy or its implementation, please refer them to your GLA housing team Area Manager in the first instance.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'R Hyatt', written over a horizontal line.

Rickardo Hyatt
Executive Director, Housing and Land