

A number of our leaseholder residents have written to Camden Council requesting the completion of an EWS1 form, in order for them to either re-mortgage their property or to enable them to sell their property to a buyer who, in turn, requires an EWS1 form from their mortgage lender.

EWS1 forms have been required by members of UK Finance or the Building Societies Association (BSA) since December 2019, for any mortgage applications for leasehold properties in residential buildings over 18m. They replaced the numerous liability letters, created by the various mortgage lender members of these organisations, which began to appear around the summer of 2019. The EWS1 form was created by the Royal Institute of Chartered Surveyors (RICS), who intervened in order to standardise the previous liability letters. RICS also produced a non-exhaustive list of professional bodies whose full or chartered members could complete the EWS1 forms.

The RICS guidance regarding EWS1 forms states: “The EWS process, and resulting form, is a set way for a building owner to confirm to valuers and lenders that an external cladding system on residential buildings in scope above 18m in height (approx. 6-storeys) has been assessed by a suitable expert. Not every building in scope above 18m will require an EWS form – only those with some form of combustible cladding or combustible material on balconies.”

It must be noted that completing EWS1 forms is NOT a legal requirement – despite information coming from various lenders insisting that they must be completed. They are a condition being imposed on mortgage applicants by lenders. The legislative requirement is the completion of a suitable fire risk assessment (FRA) under the Regulatory Reform (Fire Safety) Order 2005. FRA are available to residents at camden.gov.uk/fra

So why is this causing problems and delays and why can't Camden fill the form in?

- 1) Many lenders are insisting that an EWS1 is completed on ALL buildings – even those below 18 metres in height. An EWS1 is not needed for buildings less than 18m high. Where your building is under 18m, Camden's advice is to send back a blank copy of an EWS1 form to the lender with the below response:

As per EWS1 form paragraph 1, which states this form is for buildings over 18m and that it should not be used for any other purpose, my building is under 18m so EWS1 does not apply.

EWS1 form from UK Finance is available [here](#).

- 2) There is a national shortage of independent professionals that are both suitably qualified to complete an EWS1 form and who ALSO have a suitable level of professional indemnity (PI) insurance. This means that most landlords / building-owners cannot get these completed.
- 3) Where it is possible to find a suitably qualified and insured professional, quotes are being received of up to £12,000 per EWS1 – especially where simple visual inspection is not possible. As EWS1s are not a legal requirement, there is no obligation on landlords to complete these at a cost to themselves. Work is underway, as per the final paragraph below, to try and resolve the cost issues arising from EWS1s and who should actually be responsible for these.
- 4) Cost cannot be split across all leaseholders in a block for a number of reasons, some of these include:
 - a) There may only be a single leaseholder (L/H) in the block – Camden has towers like this
 - b) Some L/H's have no mortgage, making EWS1 irrelevant to them
 - c) Some L/H's may have a cash buyer for their flat, so again EWS1s are irrelevant
 - d) Some L/H's may have a long fixed term mortgage deal, so it will run out before they get to use it.

Camden considers it may be unreasonable to pass these costs on to other leaseholders where the EWS1 is only being carried out because of individual mortgage applications.

In light of these issues, Camden has not been ignoring the plight of leaseholders. We have lobbied the Government, as well as key stakeholder groups like the Local Government Association and London Councils. The Ministry of Housing, Communities and Local Government have taken a paper to Ministers and we are currently awaiting a response from them regarding EWS1's.