Preparing for commonhold in England and Wales: Understanding the challenges for Housing Associations

November 2026

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Acknowledgements

The authors would like to thank Professor David Robinson for reviewing the report and providing helpful comments for improvement, and David Rouse (The Housing Agency, Irish Government) for his valuable suggestions and assistance in facilitating contact with the social housing sector in Ireland. We are also extremely grateful for the time taken by all participants in contributing to the research and sharing their experiences.

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Executive summary

1. This report explores how Housing Associations in England and Wales are preparing for commonhold reform and the challenges and risks that it may pose for their operations, including the governance and management of mixed tenure developments.
2. The study adopts a qualitative approach based on semi-structured interviews with Housing Association staff and other professional stakeholders. Experiences from the Republic of Ireland are incorporated to provide comparative insights, given the established role of Approved Housing Bodies (AHBs) in mixed tenure apartment developments governed by Owners' Management Companies (OMCs), where similar challenges have already emerged.
3. Between July and October 2026, the research team conducted 17 interviews involving 20 participants. The sample captures perspectives from different regions of England and Wales, Housing Associations of varying sizes and geographical coverage, and relevant organisations in Ireland.
4. Participating Housing Associations were actively preparing for commonhold reform, but uncertainties surrounding the details of proposals and their implementation have limited more comprehensive planning and financial modelling. Initial activities included assessing existing housing stock, identifying buildings which may be affected by conversion, reviewing development pipelines, raising organisational awareness, and establishing cross-departmental working groups.
5. The report identifies six key themes concerning the potential challenges and risks of commonhold reform for Housing Associations: (1) demand for conversions and new commonhold sales; (2) mixed tenure and complex buildings; (3) governance, control and regulatory responsibilities; (4) asset management and financial planning; (5) day-to-day management and residents' skills; and (6) complexity and organisational capacity.
6. Demand for conversions and new commonhold sales: The potential conversion of existing buildings to commonhold raises concerns about increasingly complex ownership and management arrangements, particularly where Housing Associations have limited ownership interests but retain responsibilities for residents. Some organisations are considering the potential disposal of properties or interests in buildings where commonhold could further reduce their influence over building management. As a largely untested tenure model in England and Wales, there are significant uncertainties over consumer demand for commonhold, property valuations, and mortgage lending, which may affect RSLs' assessments of development viability and financial projections. Participants expressed differing views on whether commonhold properties would attract a premium or discount relative to leasehold homes.
7. Mixed tenure and complex buildings: The proposed reform presents significant challenges for the development and management of mixed tenure buildings. This is especially where social housing tenants – or shared owners – may live in buildings controlled by Commonhold Associations. Some organisations are considering whether they may be forced to separate tenures within developments to reduce governance and regulatory risks. However, this could increase development costs, complicate Section 106 arrangements, and undermine longstanding commitments to mixed communities and social cohesion. This is a potentially significant unintended consequence of commonhold reform.
8. Governance, control and regulatory responsibilities: A central concern is the potential mismatch between Housing Associations' continuing regulatory obligations and their limited control over decisions made by Commonhold Associations. Participants are concerned that they may be unable to meet regulatory standards, for example related to health and safety or repairs, in buildings which they retain some responsibility for (through social rented or shared ownership homes) but which are managed by Commonhold Associations. Uncertainties remain over the application of social housing regulation, the expectations of regulators, and whether/how Housing Associations will undertake Directorships of Commonhold Associations. Evidence from Ireland illustrates the practical difficulties of reconciling the responsibilities of regulated housing providers with collective building governance. Irish experiences demonstrate how AHBs have taken on Director roles within OMCs to protect their interests and influence building management, but this has also created additional demands on organisational resources, staff training, and the management of governance risks.
9. Asset management and financial planning: Participants raised concerns about the adequacy of sinking funds, the approval of budgets, and the capacity of Commonhold Associations to plan and finance long-term building maintenance. Differences between individual owners' financial priorities and Housing Associations' longer-term responsibilities could affect building safety, regulatory compliance, and the scheduling of planned works across housing portfolios.
10. Day-to-day management and residents' skills: Effective resident-led governance requires considerable initiative, technical knowledge, and interpersonal skills, especially among Directors of Commonhold Associations. Participants highlighted uncertainties over residents' willingness and capacity to undertake these roles, alongside the importance of training, support, professional management, and appropriate regulatory oversight.

11. Complexity and organisational capacity: Commonhold reform is expected to have wide-ranging implications for Housing Associations' organisational structures, staffing, information systems, and operational costs. Preparing for the reform will require coordination across multiple business functions and new forms of specialist knowledge and training.

12. Drawing on the interview evidence and lessons from Ireland, the report proposes recommendations for government, relevant public bodies, and the Housing Association sector across five areas: (1) specification and implementation of reforms; (2) development, design and sales; (3) governance, regulation and assurance; (4) asset management; and (5) professionalisation, training and support.

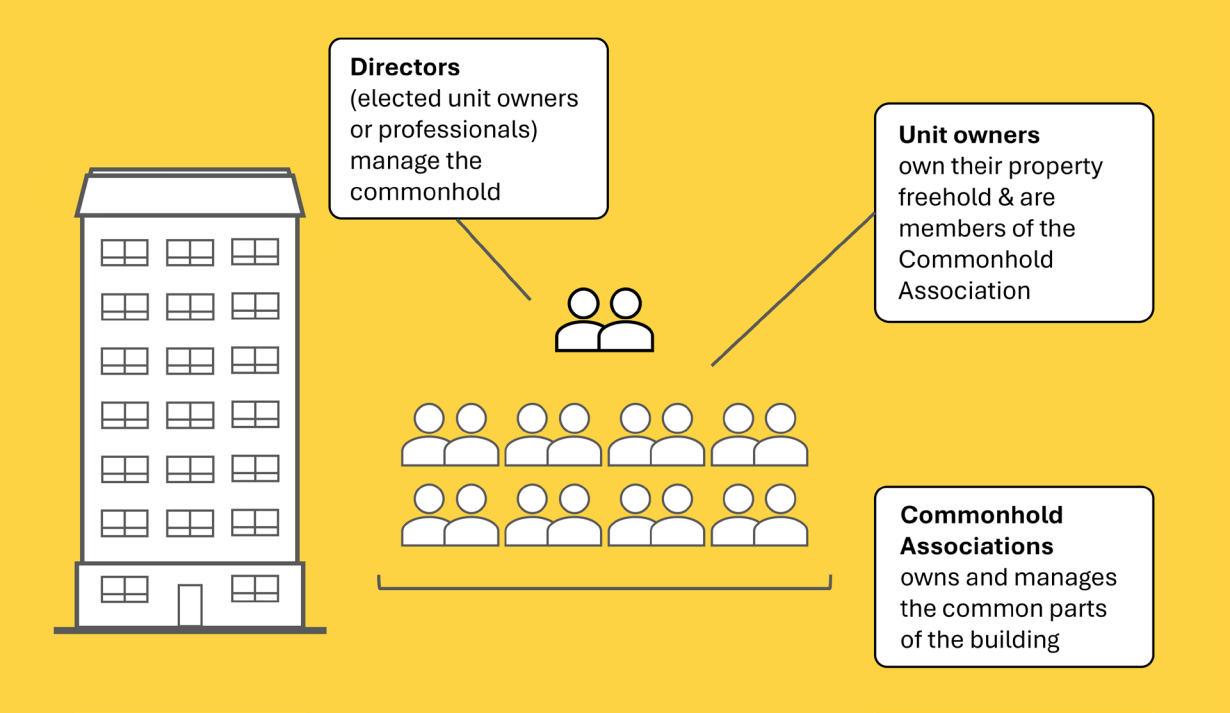
1. Introduction

1.1 Background

Growing numbers of people, across all life stages, live in flats within multi-occupancy buildings (MOBs[1]). Historically in England and Wales, most of these buildings have been managed under the leasehold system. Government has positioned commonhold reform as a response to issues arising from the unequal distribution of power and responsibilities under leasehold arrangements. Problems such as ground rents, the cost of lease extensions, barriers to purchasing the freehold, and costly service charges have received increasing attention (Leasehold Advisory Service, 2026), as well as costs and responsibilities for fire safety in MOBs following the Grenfell Tower fire and the wider building safety crisis (Preece et al., 2024; Ward and Brill, 2024). Whilst the commonhold system was introduced in England and Wales in 2002, it has remained limited in uptake (Robertson, 2006). Reinvigoration of the model to address challenges (Law Commission, 2020) is designed to fundamentally shift property relations in England and Wales, moving to a system of building management led by unit-owners.

The Commonhold White Paper explains that commonhold is ***"a simple democratic model, where a community of homeowners (and which for a mixed-use site may also include commercial owners), come together to collectively decide how to run their building"*** (UK Government, 2025). Figure 1 explains the key relationships in commonhold.

Figure 1: Commonhold responsibilities (adapted from UK Government, 2025)



Unit owners are a member of a Commonhold Association, managed by a board of Directors (elected unit owners or professionals). The Commonhold Association is responsible for activities like maintaining and managing the common parts of the building, insurance, collecting charges, and dealing with disputes (although in practice these may be contracted out to a professional Managing Agent). Each unit-owner can vote on key decisions such as approving an annual budget. Housing Associations would be unit-owners for social rented homes that exist within commonhold buildings, and therefore hold voting rights. The key developments in the commonhold reform process are summarised below:

- March 2025: Publication of a Commonhold White Paper.
- January 2026: Publication of the Draft Commonhold and Leasehold Reform Bill.
- February–May 2026: Pre-legislative scrutiny of the draft Bill.
- May 2026: Confirmation of the Bill in the King's Speech and publication of the pre-legislative scrutiny report.
- Expected Autumn 2026: Amended Bill expected to be introduced to Parliament.

This study builds on a report which reviewed international

1 MOBs refer to developments comprising two or more residential properties, in which individual units are usually vertically attached, such as blocks of flats, and which may also include commercial or other non-residential properties (Easthope and Randolph, 2016).

research on experiences of resident-led governance in MOBs in order to inform commonhold reform in England and Wales (Wu and Preece, 2026a)[2]. The review highlighted challenges in the governance of buildings across the lifecycle (Easthope et al., 2014), as well as the practical complexities of democratic governance arrangements. These involve residents organising collective action (Yip and Forrest, 2002), addressing issues spanning a wide range of professional and technical domains (Lippert and Steckle, 2016), and engaging with developers, managing agents, and other professional service providers (Altmann, 2015; Easthope and Randolph, 2016; Lippert, 2019; Treffers and Lippert, 2024). The findings offer insights into the potential challenges that could face an expanded commonhold system.

Although resident-led governance models comparable to commonhold are long-established and widely adopted internationally, reform in England and Wales will face challenges arising from its local context[3]. These include substantial changes to established governance practices and cultures, as well as uncertainties over the future management of mixed tenure buildings and developments. International research evidence on mixed tenure buildings (containing private ownership and affordable housing) is limited, yet this represents a significant challenge in England and Wales, where affordable housing is commonly delivered through mixed tenure schemes. Furthermore, although certain forms of resident-led governance already exist under the leasehold system, such as buildings where residents have exercised the Right to Manage or operate a Resident Management Company (RMC) alongside a freeholder, their practical experiences have received relatively little empirical attention.

Against this background, this study aims to understand how Housing Associations, as Regulated Social Landlords (RSLs) and key actors within the UK housing system, are preparing for the proposed transition to commonhold. Mixed tenure buildings represent a key challenge under a commonhold system which requires further attention in relation to how we develop and integrate affordable homes in new developments, how to ensure homes and building management meet regulatory requirements, and the practical day-to-day management of different interests.

1.2 Approach

This study adopted a semi-structured interview approach. Interviewees included staff from Housing Associations (primarily heads of service, directors, or leads for specific areas), and other professional stakeholders involved in the social housing system. The interviews focused on preparations for commonhold reform, potential challenges and risks, and the support and training that RSLs and future residents of MOBs may require. All interviews were conducted online and usually lasted 60 minutes. Interviews were audio-recorded and initially transcribed using the built-in transcription function of the University's Google Meet platform. The transcripts were subsequently checked against the recording, corrected, anonymised, coded, and analysed by the researchers.

A purposive sampling strategy was adopted to capture perspectives across different organisational functions (e.g. leasehold management, regulatory compliance, development, and policy) and geographical areas. A list of potential participants was compiled using publicly available information. Housing Associations with larger housing stocks were prioritised, as they were considered more likely to own or manage properties within MOBs and to be involved in housing development, making the proposed introduction of commonhold as the default form of ownership for new flats particularly relevant to their operations. Participants were recruited through email, LinkedIn, and the researchers' existing professional networks. Information about the research and a call for participants was also disseminated through key practitioner networks in England and Wales, with the consent of gatekeepers. A small number of additional participants were recruited through snowball sampling from initial contacts. The study received ethical approval from the University of Sheffield. All interviews and audio recordings were conducted with the informed consent of participants. Identifying information has been removed or replaced with pseudonyms during the coding process to protect participants' and organisations' identities.

Between July and October 2026, the research team conducted 17 interviews with a total of 20 participants (Table 1). Three interviews involved two participants from the same organisation who held different positions (HA05r1 and HA05r2; HA08r1IR and HA08r2IR; S03r1 and S03r2). The collected data covered Housing Associations operating across different geographical areas and with varying sizes of housing stock. Participants also included stakeholders and representatives of Approved Housing Bodies from the Republic of Ireland, whose experiences offer valuable insights into the governance and management of MOBs.

In England, small providers have been classified as those with under 10,000 homes, medium 10-50,000 homes, and large over 50,000 homes. In Ireland, due to the different make-up of the sector, large providers have been classed as those with over 1,000 dwellings, in line with the AHB Regulator classification.

2 See also Wu and Preece (2026b) for a shorter policy briefing.

3 Scotland also faces unique challenges in managing MOBs, which are governed by tenement law. Reforms seek to create condominium-type owners associations for buildings, sinking funds, and regular mandatory condition inspections. This responds to acknowledged and long-term problems in common repairs and asset management.

Table 1. Overview of Interview Participants

Participant	Type	Region	Size
HA01	Registered Social Landlord	South East	Large
HA02	Registered Social Landlord	National	Large
HA03	Registered Social Landlord	North West	Medium
HA04	Registered Social Landlord	West Midlands	Medium
HA05r1	Registered Social Landlord	Midlands	Small
HA05r2	Registered Social Landlord	Midlands	Small
HA06	Registered Social Landlord	South East	Large
HA07	Registered Social Landlord	National	Medium
HA08r1IR	Registered Social Landlord	Ireland	Large
HA08r2IR	Registered Social Landlord	Ireland	Large
HA09	Registered Social Landlord	North West	Medium
HA10	Registered Social Landlord	National	Medium
HA11	Registered Social Landlord	South West	Medium
HA12	Registered Social Landlord	North East	Medium
S01IR	Stakeholder	Ireland	-
S02IR	Stakeholder	Ireland	-
S03r1	Stakeholder	England	-
S03r2	Stakeholder	England	-
S04	Stakeholder	Wales	-
S05	Stakeholder	National	-

** The geographical classification of housing associations is based on the primary distribution of their owned and managed housing stock. Housing associations whose stock is relatively evenly distributed across three or more regions are classified as 'National'. To protect the anonymity of participating organisations, housing stock sizes are presented in broad categories.*

Data from participants in Ireland has been integrated into the report in key sections throughout, to offer points of learning and reflection for England and Wales as commonhold reform progresses. Many of the challenges discussed by participants in England have already been experienced in Ireland (Mooney, 2019), where Approved Housing Bodies (AHBs) operate within a growing apartment sector that is managed by Owners' Management Companies (OMCs). Mixed communities are also a longstanding part of housing policy in Ireland (Norris et al, 2021). Whilst there are important differences, broad learning points and practical approaches to addressing challenges have been identified. This is also an evolving area in Ireland with calls for further reform, including greater regulation of OMCs (Multi Unit Developments Act Reform Group, 2026).

The rest of the report is organised into eight parts. The first, 'Organisational Approaches', provides a brief overview of how RSLs are preparing for commonhold reform. The following six present key thematic challenges identified through the analysis of interview data (Table 2). The final part, 'Recommendations', draws together the main findings and outlines recommendations informed by the interview evidence.

Table 2. Sector challenges and risks

1. Demand for commonhold conversions and in new homes
2. Mixed tenure and complex buildings
3. Governance, control and regulatory responsibilities
4. Asset management and financial planning
5. Day-to-day management and residents' skills
6. Complexity and organisational capacity

2. Organisational approaches

- Housing Associations were actively preparing for commonhold reform, but uncertainties surrounding the details of proposals and their implementation have limited more comprehensive planning and financial modelling.
- Initial activities included assessing existing housing stock, identifying buildings which may be affected by conversion, reviewing development pipelines, raising organisational awareness, and establishing cross-departmental working groups.

2.1 Planning for commonhold reforms

Housing Associations participating in the research were all actively involved in planning for the impact of commonhold reform. Commonly, organisational awareness started in the leasehold and homeownership teams, with key individuals taking a leading role in raising wider awareness within other parts of the business. Early activities focused on *"understanding our exposure"* (HA10). This included pulling *"data together…in terms of the number of blocks that we think would be potentially eligible for conversion"* (HA04), reviewing buildings in which the Housing Association *"don't own the majority of properties within the block, or own none of the properties on the block but remain a freeholder"* (HA12), and assessing *"what we've got in our development pipeline"* (HA05r2).

Awareness raising – in particular challenging perceptions of commonhold reform as a niche issue primarily relevant to leasehold and homeownership teams – was a crucial activity. There was a danger of people *"putting their heads in the sand"* (S03r1), which made it important for key individuals to *"beat the drum regularly"* about the wider organisational relevance of commonhold reform (HA05r2). HA03 explained that in preparing to respond to Government proposals, a meeting had been called within the organisation:

> "That was the first red flag because they pulled in the sales and leasehold team, and there was the first misconception that it was going to affect the sales and leasehold team. Actually, we'll be the least affected…Once we got into the conversations, it was like, 'no, no, no, you need to involve the development team, you need to involve the finance team, you need to involve the insurance team, you need to involve housing, you need to involve governance'" (HA03)

There could be some resistance to developing wider organisational conversations, particularly early on in a process with many unknowns. However, there are organisational risks to siloed knowledge and skills. As HA07 explained, *"we can't have this go live and have someone go 'what's commonhold?', 'what does that mean for us?'. So, we needed to bring people on that journey with us…and for them to teach their teams… so we didn't have just these two single points of almost failure"*.

HA02 explained that *"this is not a home ownership issue. This has the potential to totally transform how your organisation functions, the products you deliver, what the impact is on your residents. It affects everything, potentially"*. This required a proactive response, starting with *"setting up commonhold working groups…picking up those key individuals from each of those departments"* to cut across business areas (HA07). Sector preparedness was aided by wider bodies, such as membership organisations and networking groups, as well as participation in Government roundtables. However, wider awareness in the sector was perceived to be mixed: *"Some organisations have still got that lack of understanding about it just being something that's going to affect leasehold…the penny still hasn't dropped" (HA03).* Others noted that this was a wider social housing challenge, including for Councils, particularly given their role in *"the right to buy and with high-rise blocks"* in key cities (S03r1).

Many respondents believed that they had gone as far as they could in meaningfully planning for the impact of commonhold reform, because of high uncertainty and lack of specificity around elements of the proposals. Detailed modelling of the cost implications, for example, was unrealistic *"because there's not much we can know or control at the moment, there's only so far you can take that conversation"* (HA02). A key 'ask' of these participants was detailed guidance relating to the challenges and risks highlighted in the following sections.

3. Demand for conversions and new commonhold sales

- Potential conversion of existing buildings to commonhold raises concerns about increasingly complex ownership and management arrangements, particularly where Housing Associations have limited ownership interests but retain responsibilities for residents.
- Some organisations are considering the potential disposal of properties or interests in buildings where commonhold could further reduce their influence over building management.
- As a largely untested tenure model in England and Wales, there are significant uncertainties over consumer demand for commonhold, property valuations, and mortgage lending, which may affect RSLs' assessments of development viability and financial projections. Participants expressed differing views on whether commonhold properties would attract a premium or discount relative to leasehold homes.

3.1 Understanding conversion risks

The stock profile, size, and development activities of participating Housing Associations differed, and this guided the risks they saw as being most relevant for them, particularly between existing stock converting to commonhold, and newly built commonhold developments once a ban on selling new leaseholds was in place. Some organisations were more concerned with conversion, for example HA04 explained that they did not build new leasehold developments, but they were assessing the risks from conversion ***"in terms of 'we've got this number of blocks or schemes that are potentially eligible for collective enfranchisement and then to go for commonhold'"*** (HA04). Similarly, for a Housing Association more dominant in urban areas in the South, ***"conversions are going to be one of our key things"*** because flats were far more prevalent, including mixed blocks with ***"shared-owners and leaseholders"*** (HA06).

This was not just an issue for large buildings, with management arrangements of smaller blocks also seen as potentially becoming more complex through commonhold reform. HA12 was reviewing blocks where the Housing Association was not a majority owner or only acted as freeholder, to consider ***"whether we want to have a proactive disposal programme of those blocks, because we see the additional burden…around commonhold, freehold, leasehold, shared ownership, and socially rented to be complex and really challenging"*** (HA12). This was driven by concerns over being ***"much less in control of what happens to those blocks"*** (HA12). This will be discussed further in later sections.

Other organisations were similarly concerned about the potential for commonhold to create more complex management arrangements, which they were already trying to actively reduce as a result of the costs and risks of third-party arrangements. As HA04 explained, these relationships existed where the Housing Association had limited control over elements of the building, but retained responsibilities. These ***"interdependencies"*** made management ***"more complicated"*** and commonhold looked set to increase this complexity (HA04).

3.2 Understanding demand for new commonholds

Participants referred to commonhold as an ***"untested"*** model (HA02), for which consumer demand was uncertain. As S03r1 asked: ***"Will it actually appeal to people?"***. Participants recognised some potential positives and the motivation that underpinned reforms was often supported. However, resident self-management was relatively uncommon among existing homes in this sample of landlords. For example, HA02 explained that ***"we actually do publish and we promote self-management [for entirely leasehold buildings]. Nobody will take us up on it…It's a huge responsibility…We've had a few blocks look at it and take an interest, but they've all declined to take it any further"***. Other participants were so concerned with problems of staffing, regulation, and planned investment, that ***"we haven't even thought about whether that [commonhold] would impact demand for those properties"*** (HA12) although they did not anticipate significant issues because their stock profile and development activity did not include blocks.

For Housing Associations who would likely be developing and selling commonhold flats, the model needed to ***"work during constructions and sales, as well as when the development is fully occupied"*** (HA10). In large and multi-phased developments:

> "A sales team working within a Housing Association…could end up selling leaseholds and commonholds side-by-side…And how would you value that?...How would we model that [financially]?…If we had to hedge a bet at the moment, the smart money would be on a commonhold valuation coming in slightly under the leasehold valuation" (HA02)

This was in part because of uncertainty and risk, as well as the potential for service charges to be higher due to sinking fund requirements. Others were concerned that ***"a two-tier system"*** (HA07) could impact leasehold sales, with potential for leasehold values to ***"crash, because everybody wants this new tenure, commonhold"*** (HA06), which offered ***"that control"*** (HA07). Or, it could ***"flip the other way"*** with lower demand for commonhold because purchasers ***"want to know someone knows what they're doing"*** (HA07). Whatever the valuation, much more guidance and a clear explanation of the model will be essential during sales processes, including for the legal sector. As HA10 explained, in relation to existing experiences of leasehold, ***"I don't think the legal industry covers itself in glory personally, when it comes to explaining what's in a lease. I think there's a lot of assumed knowledge"***. A new tenure with different responsibilities would require even more support.

The value and saleability of commonhold was also linked to lenders' reactions. Most participants noted that ***"it's still not clear how the market will react"*** (HA01). Some participants wanted to know ***"what's the lender appetite for commonhold?"*** (HA03) and questioned whether risk aversion would limit commonhold mortgage products making them ***"costly for residents"*** (HA04). Whilst some noted that ***"we've got lenders that are very uncomfortable about this"*** (HA07), others were less concerned and expressed the view that lending ***"will work itself out...Most lenders are multinational companies. They already operate in jurisdictions where a version of commonhold is in place, so they'll get there in time"*** (HA02).

4. Mixed tenure and complex buildings

- The proposed reform presents significant challenges for the development and management of mixed tenure buildings. This is especially where social housing tenants – or shared owners – may live in buildings controlled by Commonhold Associations.
- Some organisations are considering whether they may be forced to separate tenures within developments to reduce governance and regulatory risks.
- However, this could increase development costs, complicate Section 106 arrangements, and undermine longstanding commitments to mixed communities and social cohesion. This is a potentially significant unintended consequence of commonhold reform.

4.1 Mixed tenure as a policy objective

In this sample – and particularly among larger Housing Associations which are major developers of new homes – the impacts of commonhold on form of new developments were a significant concern, especially in relation to mixed tenure buildings and communities. As HA02 explained:

> "Our development strategy, and that of most of the housing sector, is to develop mixed communities… The majority of the new homes will probably be for rent, so we therefore need to think about what does that look and feel like for us if we're going to be developing new properties under a commonhold regime and where we could be placing our…rented customers in buildings that from the offset we will not own or control" (HA02)

Many participants emphasised their role in ***"trying to build communities"***, not just properties (HA06), and the value that tenure mix had in this, particularly ***"for stigma purposes"*** (HA01). As S03r1 explained:

> "For decades we have had a commitment to mixed tenure as a principle in housing design and housing management. And because Government doesn't work in the detail, I don't think they'd realised that this could be an issue at that fundamental level. There seems to be a belief that it should all be fine and it will work. And maybe it can, but it's not being explained how that will work for social housing landlords and I think the experiences that Housing Associations in particular have had on those complex new builds is going to put them off, regardless of whether it's actually a real risk or not" (S03r1)

4.2 Mixed tenure in development pipelines

Most participants were actively considering how to reduce the risk of mixed tenure buildings managed by Commonhold Associations, with the potential that the importance of mixed tenure could be overridden by the need to prioritise ***"regulatory compliance"*** (HA01). Reforms may inadvertently create ***"an efficiency incentive"*** for developers to start separating tenure types (S05). As one smaller Housing Association explained: ***"The best way to manage the risk is not to develop them [new mixed tenure flats] because then you won't have the risk"*** (HA05r1). This was similar to the view of HA06 (a large Housing Association), who explained that ***"our ethos has always been not just to make it stack up financially but to have those mixed communities…So I suppose the immediate reaction to commonhold is obviously, we need to split out everything because we like to manage our estates ourselves"***. This meant that they were already ***"looking at single tenure in a building, no more mixed tenure like we were doing in the past"*** (HA06).

Practically, this could include scrutiny of the site design and the use of 'sections' to ***"think much more deliberately about the physical separation of different interests within a development"*** (HA10). This would mean design flowing more concretely from the legal and management structure, resulting in attention to ***"entrances, the core of the building, lift access, communal areas, car park and bin stores, gardens, plant rooms and access arrangements…If we're not careful, you design segregated buildings…This takes you very much away from community cohesion"***, as well as potentially stretching out the design stage which would ***"inadvertently slow down the development of homes"*** (HA10). However, Right to Acquire and Right to Buy would likely result in ***"that real mix of tenure types across a development"*** (HA09) over time, creating mixed tenure buildings ***"irrespective of whether you***

do or don't build the mixed tenure community" in the first place (HA07).

For smaller schemes such as single buildings, this approach of splitting out services and homes would not be practical as it *"doesn't make any sense for us to have to make two different buildings…that really raises development costs"* (HA01). There was particular concern around section 106 sites, with proposals expected to *"completely transform"* the development model for social housing (HA01). Challenges in relation to s.106 sites were already recognised, for example *"because of those complex management arrangements where a Housing Association is not the owner of the block, it's possibly not even the freeholder, and they're having to ask other people for their compliance certificates"* (S03r1).

These issues and lack of influence on design and quality had prompted some organisations to move away from involvement in s.106 arrangements already. However, sector-wide, s.106 was still viewed as important in bringing *"agility into acquisitions and get the social homes that we need into the system sooner"* (S04) – as such, protecting the viability of this delivery route was important. For organisations involved in s.106 sites, whilst they already *"would not look to pepper-pot apartment block schemes"*, this was *"even more so"* with commonhold reform meaning that *"if we're getting offered apartment blocks we'd be looking…to keep mixed tenure separate"* (HA03). There was recognition of the potential opportunities for Housing Associations to develop stronger relationships with particular developers under commonhold, so that *"if we're buying the majority of units on a section 106, or at least half of the units, then can we influence the developer and…have an oversight of whatever's going to go in that [commonhold] community statement?"* (HA03).

Overall, many participants expressed the view that the complexities of mixed tenure buildings had not been adequately considered in the proposals. As HA05r2 explained:

> "One or two of the very vocal campaigners on the leasehold and the shared ownership front were asked repeatedly about what happened in the mixed tenure blocks, and it was just very much glossed over, 'well, this is what democracy looks like, and everybody's got a right, and it'll all just work itself out'. And I think there's a head of steam amongst the campaigners, which is meaning that really important piece around how do we deal with mixed tenures, it just keeps being glossed over and swept aside" (HA05r2)

The key issues – related to control, governance, regulatory compliance, and asset management – are explored further in the following sections.

5. Governance, control and regulatory responsibilities

- A central concern is the potential mismatch between Housing Associations' continuing regulatory obligations and their limited control over decisions made by Commonhold Associations. Participants are concerned that they may be unable to meet regulatory standards, for example related to health and safety or repairs, in buildings which they retain some responsibility for (through social rented or shared ownership homes) but which are managed by Commonhold Associations.
- Uncertainties remain over the application of social housing regulation, the expectations of regulators, and whether/how Housing Associations will undertake Directorships of Commonhold Associations.
- Evidence from Ireland illustrates the practical difficulties of reconciling the responsibilities of regulated housing providers with collective building governance. Irish experiences demonstrate how AHBs have taken on Director roles within OMCs to protect their interests and influence building management, but this has also created additional demands on organisational resources, staff training, and the management of governance risks.

5.1 Housing Associations' relationships with Commonhold Associations

Rethinking the design of future developments sought to control a key risk related to regulatory compliance, whereby affordable homes owned by Housing Associations would be located within buildings managed by Commonhold Associations. There was considerable uncertainty around the application of regulatory frameworks in this model, and the expectations of the Regulator of Social Housing (RSH) and the Housing Ombudsman. This was related to two key issues: (1) assuming Director roles; and (2) regulating Housing Associations where they lacked control to resolve problems.

One question was whether Housing Associations would ***"have to become Directors where they've got over 50% in a building? What's that going to do to their governance structures?"*** (S04). Other participants wondered how regulatory standards would apply:

> "There may be a world where actually commonhold has to take its own approach, and therefore the requirements of social housing regulation, even if you are a provider, don't apply. But at the minute…I feel as though we are stuck between a rock and a hard place, because we're trying to manage the implementation of…all the new regulations… But there's absolutely not that clarity on actually how it is going to interact with this commonhold approach" (HA10)

Participants were eager to hear from the RSH and Ombudsman to make ***"clear how they expect Housing Associations to interact with commonhold…They have been completely silent on any of this"*** (HA01).

In relation to undertaking Director roles, significant risks and complexities were highlighted, as HA02 explained: ***"You've got a fiduciary duty to act in the best interests of that company…What do we do if what's in the best interest of the Commonhold Association diverges from what's in the best interest of us as a Housing Association, or our tenants? How do we marry that with the Regulator's expectations of us?"***. Participants expressed a spectrum of opinions, ranging from the view that if they were asked to undertake a Directorship ***"it would be…a big fat 'no'"*** (HA03) to those who may be open to acting in this capacity in buildings where the provider had a controlling stake. Participants were considering a range of scenarios, including what would happen if no resident Directors came forward. As HA03 asked, ***"will they look to us? Will there be an expectation that us, as the registered social provider, will perform that duty? And if not, why not?...Would we be seen to be letting that [Commonhold] Association down?"***.

Several participants explained their view that Housing Associations would likely be expected to be involved with Commonhold Associations, because this was already the case where more complex management arrangements existed. For example, S03r1 explained that in relation to existing complex blocks, the Regulator's position had been very much: ***"'It's you that we regulate, you have to get them [compliance data], and if you've got a problem, you can explain to us what the issue is, but that's no excuse'…It needs a solution, and you can't just say: 'We're sorry, we're just unable to do it'"***. HA02 agreed, noting that the Regulator's position in relation to s.106 sites was: ***"If you place tenants in that building, even if you don't own and manage it, 'we don't care, we still expect you to achieve assurance that they're safe'"***. A similar belief was

expressed in relation to the Housing Ombudsman, who was *"very, very clear in their expectation…that we will work with those managing agents, third parties, whoever they might be, in order to resolve some of our residents' issues"* (HA06).

Learning from Ireland is instructive here, as organisations have worked through similar questions. Although in Ireland, *"statutory regulation of the AHB [Approved Housing Body] sector…only came into play a few years ago"* (HA08r1IR), tensions between the responsibilities of regulated social housing providers and Owners' Management Company (OMC) management of buildings have been challenging. This issue recently featured in a court case, with a social housing provider *"challenged by a tenant for an issue in a building that they cannot remedy"* because an OMC was responsible for building management (S01IR). An initial finding in favour of the tenant was later overturned through the courts. These tensions also featured in regulatory activities such as property inspections, which were carried out by Local Authorities. As HA08r2IR explained, where a problem was outside the control of the AHB, *"in terms of our response to the regulators, we're saying, 'look, that is a separate legal entity that owns those common areas. We have no right, never mind, responsibility to address those things. So, we're going to need to get you to liaise with the OMC'"*. There had also been cases taken to the Residential Tenancies Board (RTB) – the statutory regulator for rental homes – which had similarly clarified that the OMC was *"a separate legal entity, the landlord cannot be held responsible for something that they cannot fix"*, although the social provider would be trying to work with the OMC *"in the background…to protect our residents, protect our homes"* (HA08r2IR).

S02IR felt that in Ireland *"the regulator for the Housing Associations has been more sympathetic…they have a much better understanding"* compared to the court system. This meant that sometimes *"courts will make a judgment against [AHBs] for something that we've no control over. But it's not really a problem if people are well informed. It's a problem only because of ignorance"* (S02IR). S02IR explained that the regulatory system *"doesn't work well here"* and was complex, split between multiple different bodies and legislation, including the RTB, Property Services Regulation Authority, company law, the Multi-Unit Developments (MUD) Act and the AHB Regulator. This meant that regulation was *"a little bit disparate"* (HA08r1IR). However, there are calls for greater regulation of OMCs potentially through the Housing Agency, which currently provides advice, guidance and training resources (Multi Unit Developments Act Reform Group, 2026).

5.2 Learning from existing Directorships

In England, some organisations were also applying learning from their experiences of undertaking Director roles within Right to Manage organisations or Resident Management Companies (RMCs), however these were generally viewed as *"extreme circumstances where we basically have to"* act in that capacity to avoid significant risks (HA01). For example, HA07 explained that they had *"stepped in to be that Director"* of a management company where lack of volunteers was preventing residents from being able to sell their homes. This experience meant that they foresaw potential scenarios in which they may need to undertake Directorships within Commonhold Associations, but they were cautious: *"Would we take it on enthusiastically? Probably not…that's not what we're here to do. But…we will have our customers there…I think we'd have no choice but to step in, but I don't think we'd be doing it voluntarily"* (HA07). The likely scenarios being considered related to both moral and regulatory obligations:

> "The overall nervousness is that Decent Homes Standard, the Consumer Standards, the Housing Ombudsman…Morally, we are not going to let our customers live in properties that aren't okay. So morally, we probably would step in, but…is that right for the rest of our stockholding if we're having to step in to do things within these blocks that actually we probably shouldn't be doing? But from a duty of care perspective, we do want the fire risk assessments. We do want the electrical testing certificates. We do want to understand that they are clean, they are safe, they are well-maintained, and…you're then into a difficult area because…we then can't charge for that" (HA07)

However, there were significant practical concerns around who would undertake Directorships, and how this could be delivered in complex, large organisations operating across wide geographies. Organisational structures would likely need to be adapted to account for engagement with – and possible Directorships of – Commonhold Associations. Housing Associations would need consider *"how that will be resourced, how that works alongside our existing housing operations, how it is funded"* (HA02), and *"at what level of the business will it [Directorship] sit? What team within the business?"* (HA03). HA06 explained that they had some experience as a management company Director, however this was *"an onerous thing, and we've decided as an organisation it's only people at Director or above can be Directors of this type of thing because of the seniority…I'm personally liable for building safety in this building"*. Whilst eligibility was therefore limited, there were also *"very few people willing to do it"* (HA06).

To effectively engage with Commonhold Associations may require Housing Associations to *"reconfigure or even add a huge element of our workforce"* (HA02), especially when buildings start to convert. Beyond this was then the question of how Housing Associations would be able to *"achieve assurance that we are performing as company Directors in an appropriate way…ensuring that we've got assurance controls in place, evidence in place…documentation"* (HA02). Training would also be crucial because *"that's not normally a role that people are skilled in within an organisation"* (HA03).

Again, learning from Ireland is useful here. The relationship between AHBs and OMCs has been described as *"a journey"* whereby AHB involvement in OMC governance has increased

over time. Partly this is due to growing recognition of management challenges, but it also reflects the growth in apartments, which are now a more significant part of some AHBs' stock. This gave organisations ***"a great impetus, where we would have had a handful of Directorships at the time, to actually really resource this area"*** and increase their involvement (HA08r2IR). S02IR explained their belief that AHBs needed to take on Director roles in OMCs because ***"I don't think you can…do an adequate job of housing management unless you're involved at that level"***. For mixed tenure buildings, social housing providers could play a crucial role in building positive relationships and setting the culture of a building. As S02IR explained, it was important that ***"different people at the different stages of the life cycle [are] represented on the management company"*** in order to foster tolerance and understanding:

> "The only place where there were children were in our block. The rest of it was completely retired, or people who were renting…We would get hauled over the coals because one of our tenants had called down from a balcony calling one of the children into their dinner, whereas somebody could urinate in the fountain after a stag party, and nothing would be said...Over time, that's eased considerably, particularly as we've become much more significant players. We're acquiring a lot more of the apartment complexes, so our needs need to be taken into account. And also, I think because we're now taken seriously as property managers" (S02IR)

The AHB through its role on an OMC board could therefore be instrumental in tackling some of the stigma around social housing, and perceptions that ***"their tenants are the problem and they cause everything"*** (HA08r2IR).

However, this could leave AHBs being positioned ***"as the expert owner, so there becomes almost a pressure to take on the role as a Director, and we can't become Directors on every OMC…we do sometimes have to pick and choose"*** (S02IR). HA08r2IR explained that their organisation sometimes had to set up an OMC as part of planning regulations, even where the AHB was the only owner on a development, but more commonly they would become involved ***"where we have a significant stake in an OMC… we need to…be at the table to protect our own assets, but actually then to act as good Directors with the time, and the resource, and the ability to act on behalf of all members"*** (HA08r2IR). Decisions about where and how much to be involved were based on an assessment of risks:

> "We may not take on a Directorship…[if] the competency of the board in place, or the age of the development, we feel the risks are low enough to just exercise our vote…and keep a watching brief, and we assess them annually just in terms of risks arising, etc. In other developments…we might own 10 apartments in a block of 50, and so we're fully tied in and reliant on the Owners' Management Company to manage it in line with best practice. And that's where we find that there's challenges… There are times where we feel we need to step on to do what's right…by the development, but to play a lead role in making sure we're protecting the value of our assets, we're monitoring the financial operations of the company, good governance, all of that" (HA08r2IR)

Social providers in Ireland had experienced reluctance from staff to take on these Director roles, and organisations needed to invest time and training, ***"to reassure them, show them the insurance is there, that they're acting in the best capacity that they can, that we will cover them"*** (S02IR). Whilst the OMC should purchase Director and Officer insurance, HA08r2IR explained that their organisation also ***"takes out a second policy to keep them [Directors] safe, just in case the OMC never renewed…There's an apprehensiveness [from staff]: 'I'm applying for a mortgage next year, what happens if this company is running a deficit'"***. Nevertheless, Director roles could be undertaken by people working at different levels within an AHB, who were also backed up by ***"a central resource, so a number of staff would become experts in this area…available then for staff to consult"*** (S02IR). However, this again was differentiated by risk, so for relatively straightforward schemes where the risks were low, there may be no Director from the AHB, or a housing officer may act as Director to ***"be the eyes and ears at AGM [Annual General Meeting], at board level…And then there's the stickier ones where…it's crippled with defects, crippled with risks, be it rogue Directors, be it Managing Agents not acting properly… And that might be where a manager or the OMC team steps in to say, 'OK, well, we need to resource this, give it time, give it a bit of attention'"*** (HA08r2IR).

5.3 Meeting regulatory standards under commonhold management

Even if Housing Associations undertook Director roles in Commonhold Associations in England and Wales, they could still encounter governance and regulatory challenges because certain decisions are subject to a vote and Housing Associations may not have a controlling interest in a building. As HA01 explained, if the Housing Association ***"is not able to make executive decisions in the Commonhold Association, how are we going to make sure that the decisions that the Commonhold Association makes complies with regulation?"*** (HA01). There were significant concerns about interdependencies, where building management ***"is now shared with somebody who has absolutely no idea what those responsibilities are and mean"*** (HA05r2). This was also a concern in Wales, with potential for Housing Associations

who fail to meet the Welsh Housing Quality Standard to be ***"pushed into non-compliance"*** (S04). As HA10 explained:

> "I think the worst case scenario is Housing Associations remaining accountable but not having the direct control over the decisions that are going to affect the management of that building and the outcomes…As an example…we were having to do some [building safety] work and that's costing leaseholders more money than they thought it would. Now, some leaseholders challenge that and don't want the works done…What you potentially end up here with is that…accountable people in the eyes of regulation, i.e. Housing Associations, have to carry risks that they have a plan to mitigate but are unable to put in place to mitigate…I hope it never happens, but if something does happen in that building, who's then held to account for the things that didn't happen?" (HA10)

Other participants questioned whether Housing Associations may have to step in ***"to almost bankroll some works in commonhold...just to make sure that the homes for our customers are safe…But…it's almost not our place to pick [it] up"*** (HA07). HA12 expressed similar concerns around the Decent Homes Standard: ***"We're probably nervous that the obligation on ourselves from a regulatory perspective…will compel us to do works…at our own cost…But…once those costs are incurred without agreement, it would be unlikely that we recoup"***. One participant explained that some existing problems in leasehold could be magnified under commonhold, for example some leases gave leaseholders responsibility over their front door ***"…our fire risk assessment…states that that front door isn't compatible with fire legislation and regulation. If we replace the door, we can't charge that back…But how do we get them to do it?...If you replicated that and magnified that for every aspect of compliance and safety, we're going to have a huge problem"*** (HA09).

One way to achieve assurance and consistency of resident-led governance is to put in place a regulatory framework for Commonhold Associations. One participant questioned whether this could see ***"a broadening of the regulator (RSH)"*** (HA03) in cases where regulated housing sat within a Commonhold Association-managed building, to ensure that social housing standards were maintained. At a minimum, experiences from Ireland in managing significant building defects suggest that a specific agency needs to maintain a register of Commonhold Associations, including contact details. As S01IR explained, ***"we simply don't know who they are…There's no centralised system where we can search up who is the OMC"*** (S01IR). The only current mechanism was to search company registrations and look at the title of the company, which was a ***"primitive way of doing it [and] not necessarily going to be accurate"*** (HA08r1IR).

As with the defects crisis in Ireland, the recent history of building safety problems in England and Wales loomed large in discussions. Whilst in England this was more often discussed in relation to high-rise and more complex buildings, the Building Safety Wales Act ***"is more extensive…It applies to all buildings with two or more dwellings...and they need a Golden Thread…there's a new fire risk assessment regime"*** (S04), which Commonhold Associations would be responsible for. Should similar major works be needed in the future:

> "Who decides what works are required and…in what order?...How does that affect the long-term viability of that building?...There is a point where… that [remedial work] could take the actual worth of that building…Who takes responsibility when there's not enough money in either reserve funds or sinking funds to meet the costs that need to be met?... At the moment when a building is owned by a housing association, it has full control of that building, ultimately we step in and we fill that breach whether we like to or not. But…we also have that control to say, actually spending that additional six million makes that building not viable. So therefore let's sell it, let's demolish it, let's reprovision it…This commonhold approach, it appears it doesn't give you that flexibility." (HA10)

As HA02 explained, ***"at some point a building does cease to be economically viable to maintain and you reach that termination point…There's nothing in commonhold about it, but there's actually nothing in leasehold about it either"***. These risks around building safety – and how to plan for maintaining the condition and repair of the building long-term – are explored further in the next section.

6. Asset management and financial planning

- Participants raised concerns about the adequacy of sinking funds, the approval of budgets, and the capacity of Commonhold Associations to plan and finance long-term building maintenance.
- Differences between individual owners' financial priorities and Housing Associations' longer-term responsibilities could affect building safety, regulatory compliance, and the scheduling of planned works across housing portfolios.

6.1 Building investment and sinking funds

Housing Associations generally have a long-term interest in building management, including planning for the condition of the building over its lifecycle. Whilst proposals for commonhold include a mandatory sinking fund linked to an asset management plan, further detail is needed of the precise requirements (it may, for example, mirror proposals in the Leasehold and Freehold Reform Act – LAFRA). As HA06 explained, ***"there is a mandatory sinking fund, but they haven't mandated that it should be realistic"***, or over what time period Commonhold Associations should plan. HA06's experience of Right to Manage suggested that the first action was often to ***"reduce the contributions into the sinking fund"***, and this was a concern in a commonhold model.

Many participants were worried about meeting regulatory requirements around building repair and condition should sinking funds be insufficient, or budgets not be approved by voting members of Commonhold Associations. It was crucial that ***"people who have voting rights to understand the impact of what they're voting for"***, particularly around safety and financial investment (HA09). As HA02 questioned:

> "What do we do if we are engaged with a Commonhold Association, but the private flat owners have a controlling stake and they take it in a direction that we are really uncomfortable with? Like they choose to lowball service charges and achieve that through loss of maybe safety precautions…Sure, we can report them…but what do we do? Do we then start intervening and spending our own money on stuff that's on an asset that's effectively owned by a private entity? Can we just shrug and turn a blind eye to it? We don't think so" (HA02)

There was a danger that ***"the Housing Association is caught between…multiple competing views…which then become impossible for us to manage"*** (HA05r2). As HA03 explained, this stemmed from different orientations towards the building: ***"It's that dynamic…They [residents] want to maintain it, but they want to maintain it affordably, whereas we're looking at the long-term and it's not really hitting us in the pocket in the immediate term"***. This was particularly seen as an issue for residents living in flats from which they expected to move on, which ***"undoubtedly"*** resulted in ***"short-termism thinking"*** (HA06). Whilst there was acknowledgement that ***"it's very hard to encourage, in a cost-of-living crisis, for people to proactively want to pay…into a sinking fund"*** (HA07), lack of funds create significant affordability pressures when major works are needed, with the potential for ***"buildings going to wreck and ruin…if we're not careful"*** (HA06). Options such as enforced sales and borrowing by a Commonhold Association were viewed as ***"very difficult"*** and ***"unlikely"*** (HA06).

Learning from Ireland highlights continued challenges around non-payment of service charges, with a lack of ***"proper and very easily accessible mechanisms…to enforce compliance. So, we still have a situation here where often large debts to management companies [OMCs] from individual owners are only settled when the apartment is conveyanced and changes hands"*** (S02IR). Setting sinking funds in the first place could be fraught and contentious. Participants noted that future legislative reform was needed in Ireland to ensure that building investment funds were ***"based on a proper building survey rather than somebody sticking their finger up in the air and suggesting that this is what we need…A building survey will put you on a much more scientific basis about what you need to be putting away"*** (S02IR). Guidance had grown, and participants noted that professional bodies such as the Society of Chartered Surveyors in Ireland (SCSI) ***"produce a lot of information, guidance, research to say this sinking fund situation is really bad and things need to change"*** (HA08r2IR). One of the problems was the legislation, with the MUD Act requiring sinking funds to be set up within three years:

> "So already three years gone, and then it kind of arbitrarily says, 'we recommend you put it at €200 per unit unless otherwise agreed'…And so you can imagine for developers, for private landlords, they wave that €200 around, and all the research…most recently 2024…from the SCSI…says…if you've got an apartment – obviously it varies on the size of the block and how many lifts – but it's not €200, it's €1500 to €2500 per apartment per year. So, there's

> a lot we've been trying to do to get the legislation updated…And…a developer is supposed to create a building life cycle report…but anything that I've seen is really watery…and with very little regulation or mandate over that" (HA08r2IR)

This process of asset management and long-term financial planning was highlighted by participants in England and Wales as ***"a very specialist part of being able to manage a building"*** (HA01). Several participants explained that forecasting life cycle costs was already challenging, and in leasehold buildings ***"reserve funds are just nowhere near what they need to be in order to insulate leaseholders and shared owners from some substantial major work contributions"*** (HA02). However, there was also acknowledgement that in a competitive marketplace and in the absence of clear requirements, very high reserve fund contributions would mean that ***"we're not going to sell anything…we can explain the benefits all day long. It just doesn't matter"*** (HA02).

6.2 Generating consensus on service charges and asset management

As well as this technical challenge, setting sinking fund contributions – and service charges more broadly – was viewed as a difficult area with potential for tension in a commonhold model:

> "If nothing else you need resilience and a tin hat for the pelters you get for increasing sinking funds… But in that instance, you're almost detached aren't you?...They've got a common enemy or a common focus. But if you're setting that as a commonhold, as a Director…you could have situations where residents are unhappy with each other…Setting a sinking fund can be an unpopular decision. You can have to make difficult decisions in order to preserve the long-term asset and make sure it's adequately looked after and has got the money there for future expenditure…That's quite a difficult relationship and quite a difficult thing to manage because you will have people that are only interested in the short-term. They only want to pay the smallest amount of service charge…and may not see the bigger picture of…a well-stocked sinking fund actually preserves or increases the value of your property compared to if it's on the floor" (HA04)

The skills to communicate this to residents, and build consensus when budgets were being voted on, are therefore crucial for Directors of Commonhold Associations. Alongside this, procurement practices were also key ***"to get the competent contractors in that have got all the working practices, safety records, training records…That comes at a cost"*** (HA04). At present, participants considered the social housing sector to be well-placed to work across scale to access specialist services, which in larger organisations may be in-house, ***"whereas a managing agent or residents will have to buy in all of those specialist services"*** on a building-by-building basis under commonhold (HA06). This ***"could increase the cost because you're losing those economies of scale"*** (S04).

Learning from Ireland suggests that consensus building can be challenging, but it can also result in perhaps unexpected alliances. As S02IR explained: ***"The difficulty with all democracies…if everyone has a voice then…it takes…a lot of time to reach consensus, whereas if there's large block votes you can often do the right thing"***. This meant that it could be easier to resolve major works in some mixed schemes where there were large institutional investors because ***"…usually what they're interested in is identical to ours…whereas some private landlords who have just maybe one or two units, or an absentee landlord…it's much more of a stretch for them to become involved"*** (S02IR).

As well as challenges around the long-term repair of buildings, participants in England and Wales also expressed concerns about knock-on impacts on business planning, forecasting, and scheduling works across their whole portfolio of stock:

> "We are able…very confidently, to do our 30-year business plan, to look at our planned schedule of works…and to plan for that accordingly…Going to the commonhold model that takes that out of our hands. So we're then faced with building a financial plan in the hope that the commonhold group are going to provide us with something to mitigate that for us…We're still faced with that question…: Do you plan anyway, because [of] the risk there that you might have to step in?...We're therefore planning for something that isn't our responsibility, but at least in planning for it we're effectively able to do our 30-year business plan" (HA07)

As HA05r2 explained, from a Housing Association point of view, scheduling in works was essential to ensure that an effective programme could be developed across all stock, which meant ***"trying to explain that you have to plan a programme of work across a period of time"*** and even if the asset management plan ***"is saying we recommend 2030, [it] doesn't mean it has to be done in 2030"*** because it would not be possible to renew all stock in the same one-year period (HA05r2).

7. Day-to-day management and residents' skills

- Effective resident-led governance requires considerable initiative, technical knowledge, and interpersonal skills, especially among future Directors of Commonhold Associations.
- Participants highlighted uncertainties over residents' willingness and capacity to undertake these roles, alongside the importance of training, support, professional management, and appropriate regulatory oversight.

7.1 Resident volunteer Directors

Whilst acknowledging the potential advantages of a move to commonhold and the drivers of reform, participants noted that it was essential for the responsibilities of commonholders, and especially Directors, to be clearly explained and supported. As HA01 expressed, ***"this is not some kind of cure-all for all the issues of leaseholders…It's going to give residents more transparency and power…but they're going to realise how difficult managing a building really, really is"***. Participants drew on their own professional experiences of managing different interests which could make finding ***"a common ground…extremely difficult"*** (HA10). HA05r1 expressed a similar view that:

> "There's quite a lot of naivety around commonhold groups running these flat blocks and they'll all get on fine…They're still going to have the same problems of building safety, managing diverse views, diverse behaviours, collecting money to pay for stuff…All those things that we face in the sector, they will have too. I'm not saying they won't be able to do that. But there's a big learning curve, and certainly a couple of early conversations with [Government]…were: 'well, the commonhold group will work it out'…And our experience is, that's not going to happen" (HA05r1)

Given that commonhold is a significant shift in England and Wales, it is not yet clear how willing residents may be to act as Directors of Commonhold Associations, and there could be wide variation in demand. Some participants were concerned about volunteers in markets with ***"a high demographic of people potentially in employment. Do I want to come home from a full-time job and start doing service charge accounts, or have meetings to attend…Not sure I would"*** (HA03). There was recognition that some buildings would come with much more complexity, including health and safety requirements, and that being a Director was ***"a huge responsibility"*** which could initially be met with enthusiasm but may wane when it was ***"taking up every weekend"*** (HA06). Some learning can be gleaned from existing resident-management mechanisms, such as RMCs. Many participants had experienced ***"a spectrum…you've got residents who are really keen, really want to take control of the block that they live in…But also, you've got those on the opposite side of the spectrum who don't want to be engaged…so you've got that issue of apathy almost"*** (HA04).

Learning from Ireland highlighted challenges arising from managing significant building defects, resulting in homeowners taking on significant workloads as part of OMC management: ***"In a situation with the defects, we've seen that really affect people's health, where they simply signed up to kind of help out…and now they've become almost like a default oracle on all this…and there being a lot of pressure and a lot of stress, and it's their own home as well is affected"*** (S01IR). This underlines the importance of effective mechanisms to support residents in undertaking roles in building management, especially in more complex situations.

7.2 Skills and knowledge for effective Directorships

Ensuring that Commonhold Associations have the relevant knowledge and skills to manage buildings is essential, but participants' existing experiences of resident-led management structures varied. For example, in relation to Right to Manage buildings, HA07 explained:

> "I've had to step in and say 'you can't do that. This is where we need to intervene now'…We look at what the housing sector is trying to do at the moment in the Competency and Conduct Standard, and where does that sit for commonhold? Because yet again, with the greatest respect, these aren't professionals that have trained to manage these scenarios, whereas other people working in RPs [Registered Providers] probably have…they've got their qualifications" (HA07)

Participants highlighted varied ***"multi-disciplinary"*** (S05)

areas of knowledge and skills that would be needed to effectively undertake Directorships. These were ***"probably not too dissimilar from what we're talking about with things like the CIH [Chartered Institute of Housing] qualification"***, but included individuals with Royal Institute of Chartered Surveyors and Chartered Institute of Building backgrounds to understand ***"building integrity and…management"***, as well as building safety (HA10). In terms of knowledge, regulatory and health and safety compliance was crucial, alongside ***"financial planning, service charges…resident engagement and governance"*** (HA01). Directors also needed to understand ***"asset management, how to run a building, how long a roof should last, picking suitably qualified contractors"*** (HA03), and ***"your legal obligations as a company director"*** (HA06). However, complex blocks were seen as much more challenging, and there were concerns that residents ***"don't really understand what they're taking on"*** (HA06).

Soft skills were also crucial:

> "I think probably more importantly to me [than technical knowledge], you're going to have those softer skills. You're going to need the patience of saint. You're going to need to be able to build consensus. You're going to be able to manage a meeting properly. You're going to…have to bring potentially very disparate views together into a space where you might not agree, but you've got a way forward that works for…the majority of people. So, I think you're going to have to be a bit of a sort of UN negotiator" (HA05r1)

HA07 agreed that ***"it absolutely is those soft skills…It can be really hard for them [residents] to separate 'this is my home. This is how I want to manage it' versus 'but this is the interest of everyone in the block'"***. This required resilience, making potentially unpopular decisions in the wider interest of the building – for example maintaining healthy sinking funds – rather than ***"kicking the can down the road for future problems"*** (HA04). It would be crucial to work with the principles of ***"good governance…so that when somebody comes along to question what they're doing…because they will get asked…can they demonstrate an audit trail"*** (HA09).

For participants in England with experience of existing resident-led models, there was perceived variation in the skills and capacities of Directors. As HA02 explained:

> "Where we see it work really well is…they've got time, they've got the motivation to get involved, but they've also got the right skill set…It's quite common that they're used to running their own business, they're used to interpreting financial data, contractual information, they're used to appraising options and…making decisions…But…we've got some flats in some private developments that are run through Resident Management Companies. They're not so successful. And where they tend to fail it's often because they've got the opposite" (HA02)

Where there were lower levels of participation or problems began to arise, it was common for Housing Associations to find that ***"the Resident Management Company has leaned on you…to provide support"*** (HA03). This had left some organisations in a position where they had ***"almost become the kind of de facto [Management Company]…So, I think there's a bit of a safety net there where you've got a freeholder that's an RP"*** (HA04).

This was also an experience reported in Ireland, with social housing providers that owned a majority stake in a building with an OMC sometimes feeling ***"overly relied upon by the OMC because the AHB brings in the expertise of the asset managers, it brings in that professionalism, and the OMCs, in terms of their Directorships and their memberships… they're just simply people who live there"*** (S01IR). This obviously has resource implications.

7.3 Training requirements

There is a clear need for dedicated training for Commonhold Association members and Directors. As HA10 explained, ***"there's got to be access to training, advice, and professional management…It's no good setting up…a load of Commonhold Associations out of nowhere. Nobody knows where to go for training, for advice, for professional management"*** (HA10). The general view was that ***"there's a lot of information needed, a lot of education needed…Will we see 'how to be a commonhold unit holder'…those type of training courses?…I think there's going to have to be a whole raft of that type of offer"*** (HA03). This could be led by a range of bodies, including Government, or even involving Housing Associations through ***"an umbrella body…[to] take on board the infrastructure and the management for delivering that"*** given the importance of ***"the guidance and the regulation being done right and understanding that interaction with social housing regulation"*** (HA10).

Several participants saw the move to commonhold – without training requirements or support – as being in tension with the current drive for professionalisation across the housing sector. However, there were different views on whether training should be voluntary or mandatory, and whether there would be an appetite for learning. It may be that there could be different approaches, including ***"consideration…[of] the different types of building, because the risks associated with them [high-rises] are much greater"*** (HA04). In part, whether training is mandatory also depends on the regulatory landscape for Commonhold Associations, because this would require a way to seek monitor compliance. Some participants were concerned that without some oversight in relation to standards ***"we're just in the same position as we were with big bad managing agents and freeholders"*** (HA03). Managing this risk required ***"more thought…about what that assurance looks like"*** (S04). However, general learning from existing resident-led models also suggests that ***"you can't expect***

big company governance in these kinds of small domestic arrangements where you're not people being paid" (S05).

Learning from Ireland highlighted similar mixed opinions. The necessary skills for Directors were *"the same skills that any good director needs, that kind of impartiality, acting for the common good rather than for themselves, willingness to listen"* (S02IR). Yet, the sector did face challenges in relation to *"getting a healthy, competent board together"* with a mix of skills and experience (HA08r2IR). The ideal position was:

> "Representation from the different unit type owners…You have different people with different skills…and it's a good size…if you have a board of seven or eight, you can…spread out some of that responsibility…You want diverse opinions, you want representation, you want a strong chair to be able to steer all that, and you want an effective Managing Agent to really be the engine room. And quite often that can be where it fails too, that you have a couple of volunteer Directors heavily reliant on assuming that the Managing Agent is competent and confident and that's not always the case" (HA08r2IR).

Whilst training was crucial, whether this should be mandatory was subject to *"debate"* within the sector (HA08r1IR); there were concerns that mandatory requirements would *"be off-putting"* and consideration needed to be given to *"ways of doing [it] that will encourage participation"*, for example via accessible video tutorials (S02IR). The challenge with growing regulation and legislative requirements was that *"it becomes more daunting"* for a single owner to *"take on not just all of this time and effort and challenge, but actually taking on a huge risk, because 'I'm a fiduciary of a company with 20 million worth of assets, and now I have a regulator telling me they're going to sue me'"* (HA08r2IR). Irish stakeholders had seen some *"sharp practice"* from Directors and examples of mismanagement (S02IR), but in relation to assurance, although regulators such as the Property Services Regulatory Authority *"nominally has interest in that area"*, they did not consider this to fall within their remit (S02IR). Regulation therefore remained fragmented and gaps existed.

7.4 Professional management and Directorships

Many participants in England believed that the Managing Agent role would become more important under commonhold as building management functions were likely to be contracted out. This underpinned calls for reform and regulation of this sector (which the Government has committed to and is consulting on through LAFRA). HA01 summarised this position: *"What we kind of hope is that people will…just pass the responsibility onto Managing Agents…And part of that is also making sure…that there's good enough regulation, and making sure that there's enough competence and conduct within the [Managing Agent] sector"*. Greater consistency within that sector was therefore crucial to get *"them all to be up to a level playing field and a standard"* (HA03). Whilst regulation is being considered, there was uncertainty about *"what it's going to look like"* (HA04) and how effective it would be. In Wales, there was also acknowledgement that the wider application of the Building Safety Act could create additional technical demands that may make *"training or mandating a management agent… important for buildings where the risk is quite high"* (S04). However, HA06 cautioned that *"ultimately, the Managing Agent takes their instructions from the Directors…If the Managing Agent advises you really should be doing this, and the Director says 'no, I'm not doing it', then ultimately it's the Director's call, isn't it?"* (HA06). This means that for those appointing Managing Agents *"you can't really be a sort of passive passenger…It does really require proper due diligence and proper attention and proper oversight of the professionals that have been appointed"* (S05).

Some participants also believed that professional Directors would be necessary, given uncertainties around resident volunteers, skills and knowledge, and managing risk in complex buildings. Some participants saw the potential for existing Managing Agents and other professional service firms *"offering this as a price menu option…If they're able to demonstrate competency in commonhold…and they've got the necessary insurances in place, I could see that potentially being a viable business model. But…the issue there would be how much that would cost"* (HA02). However, this again underlined the importance of specifying mechanisms for regulation, as otherwise *"all the issues you've got Managing Agents will become issues that we will have with professional Directors"* (HA05r2). The aftermath of building safety problems, in which *"there was all sorts of players in the arena"* (HA06) but not all with adequate skills, experience and qualifications, offered a cautionary tale in generating a high demand for services without adequate oversight. Some participants also questioned whether professional Directors should be required or encouraged for some buildings, rather than *"amateur directors"*, for example in large, complex and/or mixed tenure buildings *"where there is a significant risk that if things are not managed properly, things could really go wrong"* (HA02).

Learning from Ireland highlighted that there had been occasions where professional Directors were particularly useful, with one organisation employing professional Directors *"in the early days…in some of our high-risk ones"* (HA08r2IR). This could happen because *"it's a particularly onerous OMC, it's particularly fractious…Specialised OMC Directors…would go in almost like a troubleshooter. They would begin to bring the thing around to where it needed to be…Again, sometimes [the AHB] would be seen as part of the problem, so bringing in somebody else…helped to neutralise that"* (S02IR). Whilst it was a small sector, some participants could see it growing, but there was also caution that professionalism needed to be balanced with *"ensuring that they put the welfare of the residents and the home first"* (HA08r1IR).

8. Complexity and organisational capacity

- Commonhold reform is expected to have wide-ranging implications for Housing Associations' organisational structures, staffing, information systems, and operational costs.
- Preparing for the reform will require coordination across multiple business functions and new forms of specialist knowledge and training.

8.1 Policy flux and interactions

Commonhold reform is not happening in isolation but comes as one of many significant changes in the social housing sector in recent years. As HA09 explained change was taking place in *"quite a narrow space…there's leasehold stuff coming out of our ears"* and some of those reforms *"are going to have much more significant impacts in the very near future, and so that has really been our focus"*. This made it *"difficult to get people to start to prepare [because]…we have other priorities"* that had more immediate impacts (HA01). Planning was also difficult because of the high level of uncertainty around the detail of the reforms, and interactions with parallel reforms – such as the Leasehold and Freehold Reform Act – which could result in *"unintended consequences of one not being linked to the other"* (HA03). As one example, *"we've got LAFRA telling us, 'we need to regulate these Managing Agents'…versus commonhold…we can have customers – that might not know housing – managing a whole building, and I think those two don't line up"* (HA07). Shared ownership was consistently noted as being *"probably the most complicated area for Housing Associations…in understanding really how commonhold's going to interact"* with the model (HA10).

Participants wanted Government to provide *"some clarity and a bit more meat on the bones so we can see how much of a concern and a risk those potential scenarios could be. You can't really work them through at the moment"* (HA03). Interactions with recent regulatory changes, for example around consumer standards, were particularly pressing, as noted in the previous section. However, there was also recognition that some elements would likely be worked out through *"testing in the courts…because I think that's what happens in housing"* (HA07).

8.2 Organisational impacts

Participants expected the move to commonhold to have significant cost implications for their operations. Some were already in the process of, or expecting to, purchase new housing management and/or finance systems. This was expected to make it easier to adapt to regulatory changes so that compliance could be assured. In commonhold, a basic information need would be *"to make sure that we're able to track which of our buildings have Commonhold Associations [and] what are the decisions of those Commonhold Associations"* (HA01). Management complexity was expected to come with additional costs. HA02 explained that there had often been an assumption that occupying an intermediate role in building management would *"require less involvement, less input from us, so management fees have often been set lower…But now that we're looking at what we're really doing, and what we need to do to meet the Regulator's standards, we actually think it needs to increase"* and this would likely be the same under commonhold arrangements (HA02).

Organisational structures would likely change in order to engage with Commonhold Associations and potentially take on Directorships, although there were different views on the likelihood of acting in this capacity. One participant speculated that participation in Commonhold Associations – even in some form – was *"probably going to have to have a whole new…team or position"* (HA01). The function of housing management – commonly undertaken by housing officers on a neighbourhood basis – would also potentially change, with such individuals acting as *"the eyes and ears of the organisation"* but needing *"to understand that on a commonhold site, their role is different…They're representing their employer as a unit-holder, and depending on how… the Housing Association approaches its engagement with the Commonhold Association…up to and including being a Director"* (HA02). This presents a challenge, *"because obviously that person themselves, they'll not be a building safety expert… They'll not have all of that background and expertise…They'll have to…get that advice and that information before they go into those meetings"* (HA10). This may mean upskilling through qualifications *"further down in the organisation all the way down to the front line, just in case one of those people has to go to a Commonhold Association board"*, which would increase costs (HA02).

Participants recognised that there would therefore be wider training needs within organisations to embed knowledge and understanding of commonhold across relevant business areas. As S05 explained, ***"leasehold won't stop existing, so, we'll still have to have our teams familiar and trained in leasehold property management…As commonhold starts… we're going to have to train people on those new governance requirements"***. However, ***"because this seeps into every single part of the organisation, and it's so complex, we will need some kind of training for everyone"*** (HA01). This included retraining ***"sales teams and redesigning governance"*** (S04), ***"legal training"*** (HA11), ***"service charge and finance-related"*** training as well as ***"how to understand our priorities and our obligations"*** in commonhold and new approaches to housing management (HA12).

Again, the evolving role of AHBs in OMC governance in Ireland offers an indication of how training may be approached, including specialist teams alongside widespread training for housing officers and OMC Directors. HA08r2IR explained that their organisation had ***"an in-house programme that explains the basics, what an OMC is…[the AHB's] processes…how is an OMC repair managed, how is an OMC concern or case managed…Then we have ongoing check-in sessions with Directors, shared learning sessions, that kind of stuff"***. This was also bolstered by a wider set of resources from the Housing Agency, although there was recognition that ***"ready-made, bespoke advice isn't there because of the legal risks",*** and advice on specific issues was something of a gap (HA08r2IR).

9. Recommendations

9.1 Key findings

Whilst it is recognised that commonhold reform is still under development, initial proposals do not adequately respond to the complexity of managing mixed tenure homes. This research has been undertaken at this key point in time to raise awareness of important challenges so that they can be given attention and addressed as part of the development of commonhold reform proposals. Whilst it is informed by the perspectives of Housing Associations and key stakeholders involved in this sector, the views of residents are also important. In particular, existing resident Directors of RMCs and RTMs can provide valuable insight into the delivery of training and other support needs, as well as the complexities and benefits of resident-led management. This is an important area for future research.

The findings demonstrate that:

- The most significant – and perhaps complex – challenge concerns the interaction between regulation, responsibility for building management, and sinking funds. These areas are fundamentally interlinked, with significant concern and uncertainty related to meeting regulatory requirements without the management function that Housing Associations have traditionally had in relation to buildings. Whilst providers seem likely to be held to the same standards, with mixed tenure buildings there will be scenarios in which resolving a problem for a tenant is in the control of a Commonhold Association. Similarly, where budgets are subject to approval through voting, this may leave some works uncompleted, which could impact residents' experiences and safety, as well as regulatory ratings.
- Although Housing Associations could take a greater role in leading Commonhold Associations, for example through Directorships, there is uncertainty as to how this could be implemented given the geographical spread of many large organisations, and the resource implications.
- These uncertainties have implications for the future of mixed tenure communities, because if the organisational risks cannot be clearly understood and managed, one possible resolution would be to separate tenures to reduce mixed buildings. This could be a significant unintended consequence of the reforms, with potentially far-reaching consequences for wider housing policy and management. It is crucial to address regulatory and governance concerns to avoid this, and also in recognition of the fact that commonholds may still be created through conversion and the sale of homes over time, meaning that questions around organisational risks still need to be resolved.
- Commonhold represents a significant shift in building management and it is essential to resource this with advice, support and training. Many areas of technical knowledge and soft skills have been identified through the research. Directors of Commonhold Associations will need to be a focus for training and guidance, but training and support will also be needed for associated professions and the wider resident body. Learning from other contexts may be useful here, to audit existing support in terms of knowledge and skills, but also the format and delivery mechanisms for training.

The following recommendations have been developed in response to the challenges associated with current plans for commonhold reform, highlighted by participants in the research.

9.2 Actions for Government and Government bodies

1. Government should set out a detailed road map and timeline for the implementation of commonhold reform, to enable organisations to effectively model its roll-out and the implications for ongoing developments.

2. When developing legislation and guidance, Government needs to consider the interactions between commonhold reform and other legislation in development, in particular the Leasehold and Freehold Reform Act (LAFRA), to ensure consistency in outcomes and approaches (for example, related to Asset Management Plan requirements, professionalisation and regulation of Managing Agents).

3. When developing legislation and guidance, Government needs to reflect on and mitigate the potential for unintended consequences which could impact other priority housing policy objectives, such as affordable housing supply and mixed tenure communities.

4. Government needs to set out arrangements for the regulation of Commonhold Associations. This should include consideration of whether additional requirements should be made in relation to certain buildings (for example, high-rise buildings, or buildings which contain affordable housing tenures).

5. Government should name a specific body to maintain a register of Commonhold Associations, which should include Director details and contact information, at a minimum, updated on a regular basis. This could provide the basis for additional data collection and

reporting, including compliance with asset management planning or tracking training, giving transparency to residents around the competence and functioning of Commonhold Associations.

6. Government should specify requirements related to asset management plans, including the timeframe that these should cover and requirements to link these to a building survey or other technical forecast of the building's life cycle and expected maintenance needs, in future legislation. Consistency with LAFRA requirements should be considered.

7. The Regulator of Social Housing and Housing Ombudsman should provide clear guidance on how regulatory standards for Registered Social Landlords will be applied in commonholds, considering scenarios in which the RSL does not have responsibility for building management.

8. The Regulator of Social Housing and Housing Ombudsman should provide clear guidance in relation to the role Housing Associations may play in the governance of Commonhold Associations, including undertaking Directorships, and how this relates to existing governance frameworks.

9. Government should work with key stakeholders to develop standardised information packs to support commonhold sales, to ensure that key information is provided in a clear and consistent way. This should include information on service charges and sinking funds, projected life cycle costs for buildings, the Commonhold Community Statement, residents' responsibilities, and Director roles and responsibilities.

10. Government should work with key sector bodies to ensure that standardised training is developed for the legal profession, particularly conveyancers, to support the provision of consistent and accurate information to purchasers, and ensure that the roles and responsibilities of commonhold are adequately and consistently explained.

11. Government should name a specific body to develop and deliver a range of accessible learning modules to support residents to engage with, and undertake Directorships of, Commonhold Associations. The training offer should be structured according to key topics and respond to the complexity of buildings of different types, including those with commercial and affordable housing interests.

12. Government should consult on whether certain qualifications or training requirements should be mandatory for Commonhold Association Directors, and/or those managing particular types of buildings (such as high-rise, mixed tenure, etc.).

13. Government should continue to progress reform to the Managing Agent sector, including qualifications and regulation (currently being consulted on as part of LAFRA), given the likely use of professional Managing Agents by Commonhold Associations.

14. Government should consider specifying the use of Managing Agents for some buildings (this is part of the current consultation on commonhold reform).

15. Government should assess the risks around the use of professional Directors for Commonhold Associations, considering qualifications and oversight mechanisms, similar to the proposals for Managing Agents.

9.3 Actions the Housing Association sector can take to prepare

1. Housing Associations should audit their existing stock and development pipeline to identify buildings which would be eligible for conversion to commonhold and planned schemes in which affordable housing is likely to be located in buildings managed by Commonhold Associations.

2. Housing Associations should establish cross-organisation working groups to understand the implications of commonhold reform for their context.

3. Social housing sector membership bodies should continue to take a leading role in facilitating cross-sector conversations as commonhold reform progresses, to share learning and resources. This may be expanded over time to include learning from international affordable housing providers with experience of resident-led models of housing management.

4. Social housing sector membership bodies should help to facilitate Housing Associations and residents to develop model Commonhold Community Statements that would be particularly relevant to mixed tenure developments.

5. Social housing sector membership bodies should consider their potential future role in developing commonhold-related training for Housing Associations.

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