

Frequently asked questions

Question

As residents we have formed a group, however not formally and unsure on the process. Your application form asks for secretary etc. Do we have to form the residents' group before we join? We were hoping you could advise us how to do it.

Answer

When accepting new members - in addition to the details of the 'main contact' setting up the membership, and through who your association's questions should be sent - we would also require details for chairperson, secretary, treasurer, directors and 'other'.

It may be that you do not have all these roles filled at present, but if we have at least details for one additional role, we can set up your membership and request that you keep the admin office up to date as new roles come on board. We can help you in setting up your resident's association and have a publication free to members on how to start this process.

Question

What are the legalities of setting up a residents' association? Do we need recognition from our freeholders to be legal and can a core group of freeholders simply decide to set up an RA?

Answer

A collective enfranchised block really should not need a separate residents' association as the directors should be running the block in the interests of all leaseholders who together, own a share of the freeholder.

From experience, setting up a separate structure causes confusion and often resentment and we certainly would not allow both the Freehold Company and the RA to become FPRA members, as its impossible to offer independent advice to both parties in the same development.

Therefore, we would strongly recommend that the Freehold Company join ahead of any RA being set up and requesting membership as this would be declined, however if the Freehold Company did not join the FPRA but a RA made up of leaseholders did request membership, we would accept them as members whether or not they were formally recognised by the Freehold Company.

We also have a template for an RA available in FPRA's Information Pack: *A Guide to Formation, Recognition and Running Your Association*, available for £18.00 from the Federation's website - the cost of which will be deducted from your first subscription.

Opinions and statements offered orally and in writing are given free of charge and in good faith and as such are offered without legal responsibility on the part of either of the maker or of FPRA Ltd.

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Question

Our block consists of 54 flats but the number of residents who responded to our canvas, is 33.

Which annual subscription do we apply to our association?

Answer

The FPRA membership subscriptions are based on number of flats within the block, (as this figure does not change) and not the number of members within an association. Plus, larger blocks tend to have the more complex issues, so the pricing takes this into account. Please see the table below for our current pricing (all new memberships subject to an additional £90.00 joining fee for the first year only).

Membership Fees – No of flats	2022/2023 fees (inc. VAT)	2023/2024 (no increases)
Up to 25	£153.00	£153.00
26 – 50	£174.00	£174.00
51 – 100	£252.00	£252.00
101 -150	£342.00	£342.00
151 +	£402.00	£402.00

Question

Are there several owners/residents that we need to have on board before we can form a recognised association? We have 60 flats and there are 31 owners who are members, and seven other renters who are members. Do only owners count and what percentage makes it viable?

Also is there a cost involved?

Answer

You can form a recognised residents' association with 50 per cent of owners. In terms of cost, it should only be the time of making the request to the freeholder although if they object there is a potential for other costs if recognition is required from the First-tier Tribunal.

You are eligible for FPRA membership without landlord recognition; however, you MUST be a constituted group. If you were to go on to become recognised (FPRA can help with this process) then once recognised it should simply be a formality writing to the landlord requesting the certificate for you to keep as evidence of recognition.

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Question

We are shared ownership properties mixed with housing association tenants and hoping to form a tenancy association and join your organisation.

Do we have to get a certain number of residents to join in order to become a tenancy association? We currently only have shared ownership tenants interested. If we don't get the interest, could we form one as shared ownership tenants within the block? The current service charge has only shared ownership tenants paying for responsive block repairs, reserve and sinking funds so we would like to dispute this, but I think we'd be unlikely to get the social housing tenants on board.

Answer

We suggest you keep your membership to shared ownership members only as they pay the service charges.

When you join The Federation, it would be helpful to have a copy of the leases for the shared ownership leaseholders, to enable our lawyers to offer the best possible impartial advice to your members.

Question

I live in a private road with freehold only properties on our estate and around half the road has a problem with the 'Residents' Association. We need to find out our rights, can you advise us please?

Answer

Unfortunately, your situation falls outside of FPRA's area of expertise, which is to support long-leasehold flat owners who are members. Unfortunately, our constitution and volunteers are not equipped to advise freehold homeowners.

We would suggest however, that you contact the Citizens Advice Bureau and your local MP and see if they can assist.

Question

Why can't I join as an individual?

Answer

The FPRA is a small not-for-profit organisation for leaseholder groups of residents' associations - either recognised or not. Unfortunately, we do not have the capacity within our structure to offer advice to individuals. We work closely with the Leasehold Advisory Service – LEASE who can assist individual leaseholders – [020 7832 2500](tel:02078322500) www.lease-advice.org

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Question

Do you help leaseholders living in Scotland?

Answer

FPRA advisers are all experts on leasehold law in England and Wales. Property law is very different in Scotland and Northern Ireland, therefore the best place to start for advice and support would be your local MP or MSP as many issues are devolved to the Scottish Parliament. Alternatively, the local Citizens Advice Bureau or local Councillors may also be able to assist.

Question

On a new scheme with only 50 per cent of properties sold, can a residents' association be recognised? The membership is under 50 per cent of the entire scheme but over 51 per cent of current owners. So is the recognition level required 51 per cent of the whole, or 51 per cent of current owners?

Answer

This is a common issue for new developments as occupancy is staggered.

Ultimately the decision to recognise a RA is a matter for the freeholder/landlord which can be challenged at First-tier Tribunal for a determination if there is no agreement.

The advice would be to join the FPRA as members now, to access impartial advice services and seek recognition when you are confident that you have a clear majority of eligible members, as the freeholder can legitimately argue that the RA does not represent the majority of properties, albeit impossible until they are completed and occupied.

There are several useful documents available on the FPRA website for a charge but would be free as part of your FPRA membership.

Question

Fees are from 1 April each year. If we join now do we pay the full fees - in which case we will join next year, or pro-rata?

Answer

Due to the structure of the organisation and FPRA's Articles of Association, we are unable to offer pro-rated membership fees. Membership renewals for all members is 1 April each year however, anyone joining us after 1 January will receive membership through to the following April, therefore receiving 15 months for the price of 12.

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Question

Why do you need a copy of our lease upon joining?

Answer

When answering members questions, FPRA advisers must have a copy of your lease to ensure they are providing you with the right information based on your circumstances. Upon joining we always ask that you email the admin office with a copy of your lease.

Question

I am writing on behalf of the residents in a small private estate of 17 shared-ownership retirement OPSO (old people's shared ownership) bungalows. We are 80 per cent owners, with the HA being a 20 per cent owner and the freeholder.

Your membership talks about blocks of flats, and we are in bungalows. Can we still join?

Answer

The Federation is geared to help leasehold properties and unfortunately means that our advisers would not be able to help you with the problems you encounter as freehold properties.

We would suggest you order the FPRA's Information Pack: *A Guide to Formation, Recognition and Running Your Association*, available for £18.00 from the Federation's website, which you would generally, still find this very useful setting up and running your association.

Question

Our block consists of 88 flats, and we have a 50 50 split between tenants' and resident owners. We want to form a residents' association but have been told that a mixture of tenants' and homeowners cannot do so to act as a voice to challenge decisions made by the management company.

Answer

You can join the Federation if you have a residents' association. Tenants cannot be members or vote but they can come to meetings and have a voice if they want. The RA represents the leaseholders only and is a voice for them. It can still open its meetings (and care) for the tenants on an unofficial basis.

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Question

Why do you not help freeholders?

Answer

FPRA's remit is to support long-leasehold flat owners who are members. FPRA's constitution and volunteers are not equipped to advice freehold homeowners.

Question

We live in a development consisting of seven leasehold flats, three leasehold commercial properties, and two freehold houses. We share a common area and refuse area.

Private residents would like to form a residents' association to challenge a service charge and resolve other issues, do we need to include commercial property owners (three owned offices on the ground floor)? Can freehold house owners be observers or participate somehow in the RA?

Answer

Our legal experts are well placed to answer questions with sight of your lease and constitution, I am not a lawyer, but would suggest it would always be very important to include within the membership of your RA, everyone that contributes to the service charge regardless of their tenure. We have a useful guide to help you set up your association: *A Guide to Formation, Recognition and Running Your Association*, available for £18.00 from the Federation's website

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