

CLIENT INFO SHEET #3

INTRODUCTION

This fact sheet offers an overview of the envisioned role of the Building Safety Director.

RESOURCES

Key Building Safety Act 2022

DISCLAIMER

This fact sheet provides a summary of our understanding of this subject as of the publication date and is not intended as legal advice. Information accurate as of January 17, 2024.

IMPORTANT DATES



The commencement regulations took effect on **January 16, 2024**.

OBLIGATIONS

The Building Safety Act of 2022 imposes duties on both Accountable Persons and the Principal Accountable Person to oversee structural and fire safety in high-risk buildings during occupancy.

Recognizing that directors of resident-led organizations may lack the requisite expertise for these responsibilities, the government initiated a consultation on December 1, 2022.

The aim is to explore the option for Resident Management Companies (RMCs) and Right to Manage Companies (RTMs) to appoint a professional Building Safety Director (BSD) to assist them. However, this appointment is not mandatory under the proposed consultation.

Prior to appointing a BSD, all eligible leaseholders in the building must be informed and given the opportunity to provide feedback.

For Resident Management Companies (RMCs), proposed amendments to the articles of association outline eligibility criteria for a BSD, including willingness to serve as a director,

legal authorization to do so, and declaration of any conflicts of interest. Considerations include the anticipated cost (to be covered by the RMC through service charges) and alignment of interests between the BSD and the RMC.

Similarly, for Right to Manage Companies (RTMs), eligibility extends to any willing individual not legally barred from serving as a director. Conflict of interest disclosure is required, with associated costs to be recuperated via service charges.