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17 March 2020

Renting Homes (Amendment) (Wales) Bill: questions following cancellation of 18 March 2020 meeting

Dear Will,

As the Equality, Local Government and Communities Committee's meeting on 18 March 2020 was cancelled due to guidance from the Welsh and UK Governments on Coronavirus, I would be grateful if you could provide a written response to the questions outlined below, to inform the Committee's scrutiny of the Renting Homes (Amendment) (Wales) Bill.

General questions

1. Is there a need for this Bill and, if so, why?
2. The Welsh Government has decided to amend the Renting Homes (Wales) Act 2016 before it has been commenced. Do you agree with that approach or not? If not, why not?
3. What level of awareness is there amongst landlords, tenants and professionals working in the sector that the 2016 Act is coming? What, if anything, can be done to raise levels of awareness?
4. The Committee has heard evidence about the impact security of tenure can have on people's health, wellbeing and family life. What groups of tenants/contract-holders might benefit the most from this Bill? Does the Bill do anything to address the needs of the most vulnerable groups?
5. Do you have any views on the potential impact of the Bill on a landlord's right to peaceful enjoyment of property under Article 1 Protocol 1 of the European



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Convention of Human Rights, and a contract holder's Article 8 right to private and family life?

6. How effectively does the Bill balance the rights of landlords and contract holders?
7. To what extent do you consider that this Bill makes progress towards a legislative universal right to adequate housing?

Consultation and evidence base

8. The Committee has heard that some of the evidence base for this Bill is anecdotal. How strong is the evidence base for changing the current approach to no-fault evictions? Is anecdotal evidence sufficient to change the law in this area?
9. Should the Welsh Government be doing more to understand how the sector operates, and how could it do this?
10. Community Housing Cymru says the use of Section 21 (no fault) notices by housing associations is fundamentally different to its use in the PRS. Could you explain what those differences are?
11. Tai Pawb's evidence notes that the mechanisms to engage with private rented sector tenants are lacking or underfunded. What challenges does the lack of tenant representation, particularly in the private rented sector, present to policymakers?

Changes to no fault evictions

12. To what extent are social landlords able to use no-fault evictions at present and why do they use them?
13. Where no fault evictions are used by social landlords, what measures are in place to protect tenants from any misuse?
14. The Bill exempts prohibited conduct standard contracts and supported standard contracts from the new extended no fault notice requirements. Do you support this provision, and why?
15. Introductory standard contracts are not given any exemption by the Bill and will be subject to the new arrangements for no fault notices. What impact might this have on social landlords?
16. Would including introductory standard contracts in the list of exemptions mean that social landlords would retain an additional mechanism to evict tenants in a way that private landlords would not? Do you think this would be in line with the policy intention of the Bill?
17. Given there is work underway to eliminate evictions into homelessness from social housing, is there a case, as some stakeholders have claimed, for removing the ability to issue a no fault notice entirely so landlords always have to give a reason for eviction?



Impact on the private sector

18. Are there concerns that private landlords will leave the sector as a result of the amendments in this Bill? Does the Bill in any way risk reducing the supply of private rented accommodation and putting additional pressure on social housing providers?
19. Are there concerns that the changes to no fault evictions in this Bill might make private sector landlords less likely to let their properties to more vulnerable tenants who may be seen as higher risk?
20. Could this further increase demand for social housing? What wider implications might this have for social landlords given some vulnerable contract-holders may have high support needs?

Impact of the Bill on the courts

21. Many stakeholders have expressed concerns about how the courts deal with possession claims. How effective will this Bill be without reforms of the court system, and what measures to reform the system should the Welsh Government push for?
22. Should there be a dedicated housing court or tribunal that deals with possession claims and other housing disputes?
23. The Minister told the Committee that she expects a reduction in the number of social housing possession claims, and that this will free up court time. When is this reduction in possession claims by social landlords likely to happen? Is it likely to happen before the 2016 Act is commenced – expected to be in spring 2021?

Impact of the Bill on homelessness

24. A number of stakeholders have raised concerns with the Committee about the potential impacts on homelessness. Given there could be more use of ground/fault based possession claims, particularly in the private rented sector, is it likely that more households will be found to be intentionally homeless?
25. Will there be an expectation that contract-holders should challenge ground based possession claims in the courts if they present as homeless?
26. The Minister told this Committee that homeless applicants should expect a service from local authorities at the point they are served with notice, even if that is six months before their notice expires.
27. Will this happen in practice, or will local authorities wait until it is 56 days until the applicant is threatened with homelessness?
28. If local authorities wait until contract-holders are 56 days from their notice expiring, will the six month notice period make any difference to those facing homelessness?




Is this a matter that could be clarified in guidance or does there need to be legislative change?

29. In light of the changes in the Bill, Shelter Cymru have called for the statutory definition of successful prevention and relief of homelessness to be increased from having suitable accommodation likely to be available for six months to 12 months.
30. The Minister has said that there is no need to do this, as a notice cannot be issued within the first six months of an occupation contract, so in practice there is a minimum 12 month contract once the six month notice is taken into account.
31. Do you think the justification the Minister has given is sufficient, or do you consider that a change to the statutory definition in the 2014 Act is needed?
32. Shelter Cymru said that if a local authority was able to persuade a landlord to serve a 6 month no fault notice rather than a 28 day ground based notice that would count as preventing homelessness. Should a scenario like that be classed as successful prevention of homelessness?

Due to the uncertain nature of the ongoing situation, I am not able to provide a definitive deadline of when the response would be needed, however I hope to give confirmation of this by the end of the week.

Yours sincerely



John Griffiths AM

Chair

Croesewir gohebiaeth yn Gymraeg neu Saesneg.

We welcome correspondence in Welsh or English.

