

RH 39a

Y Pwyllgor Cymunedau, Cydraddoldeb a Llywodraeth Leol  
Communities, Equality and Local Government Committee  
Bil Rhentu Cartrefi (Cymru)

Gwybodaeth ategol gan: Undeb Cenedlaethol Myfyrwyr

Supplementary information from: National Union of Students

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## **Response to the Communities, Equality and Local Government Committee**

Dear Christine,

Many thanks for your letter regarding NUS Wales' recent appearance at the Communities, Equality and Local Government Committee. Please find enclosed our responses to your questions.

Please do not hesitate to contact me if we can be of any further help.

Yours sincerely,



Beth Button (President, NUS Wales)

**Do you have a view on whether the Bill will improve the condition of dwellings in the private rented sector? We would also welcome views on whether it is right that enforcement of these conditions is effectively left to contract-holders taking the matter to court.**

In our initial response to Part 4 of the Bill, we said:

*13. We support the principle that no-one should have to live in accommodation that is not fit for human habitation. In Housing Fit for Study, three quarters of respondents felt that they had problems with the condition of their home. We do note with concern that the Bill, as proposed, will not see local authorities carrying out inspections on properties. We accept that placing duties on local councils would have budgetary implications – which would be particularly acute in some areas. However, we are concerned about the accountability of the landlord when issues are raised by tenants with regards repairs of housing quality. For instance, top of the criteria list in the Explanatory Memorandum for “criteria for unfitness for human habitation” is damp and mould growth. This can cause serious health issues. The contract-holder can bring a claim against the landlord if this is not dealt with, but this is extremely intimidating for a lot of people. We hope that the Welsh Government would consider the feasibility of a complaint function within the office of the Public Services Ombudsman, or a new body.*

*14. It would be easier if a time limit was placed on the landlord, for how soon they have to inspect and remedy the problem. We are also concerned about 140 (EM). What limit will be placed on reasonable effort, with regards to access? The landlord will not be liable if they cannot access areas with reasonable effort. But what if the problem persists? Will the contract-holders be forced to live in a house not fit for habitation? This is an area that needs clarity.*

We will build upon these points with reference to the questions in turn. We hope that the Bill will improve the condition of dwellings in the private sector. However, the Bill only appears to ensure that dwellings are fit for human habitation. Of course, that is welcome. We naturally want there to be a baseline standard for properties, and the human habitation criteria appears to be that. But we believe that the Bill should go further. Landlords could perhaps be incentivized to continually invest in the property and in tenants to ensure that their property is not just adequate, but exceptionally. Currently, the Bill will ensure that all private rented sector housing will therefore be fit for human habitation but this does not necessarily mean the condition of dwellings will dramatically improve.

We have previously argued that the contract-holder taking a landlord to court, particularly for enforcement of requests to repair elements of the property, is an extremely stress-inducing and intimidating experience. During the evidence session, a number of witnesses argued that a new section should be added to the Bill to legislate for Letting Agents. We do not believe that contract-holders should be forced to fend for themselves if a landlord is not repairing something that they are legally obliged to repair. Letting Agents will have staff who understand the legislative process, and obligations of landlords and contract-holders, far better than most contract-holders. Even if the dwelling is not one that is managed by the Letting Agent, we believe they should be acting as an intermediary if needed. It is not right that enforcement of these legislative conditions is left to people who will not necessarily have the knowledge or ability to take the matter to court.

**Please expand on your point (regarding Public Services Ombudsman role) and comment on whether you believe the Residential Property Tribunal in Wales, or an alternative body, could be developed to reduce the need to go to a court in order**

**to resolve a dispute. We would also welcome your views on whether this would allow contract-holders to exercise their rights more effectively.**

The rationale behind the suggestion for a new role within the Public Services Ombudsman, or a new body, ties neatly into the last point to the previous question; the pressure and responsibility of only having the option of going through the court system. This is a major barrier for tenants, particularly young people. It is far less intimidating to make a complaint to an official body than to start legal proceedings. In light of this, we believe that the Residential Property Tribunal in Wales could be developed to reduce the need to go to a court in order to resolve a dispute.

However, any body that has responsibility for such a system has to have the mandate to make and pass resolutions in cases. As long as that power is protected, and can include arbitration between tenant and landlord, we would be satisfied. This again ties into our previous evidence. Letting Agents will have to ensure that contract-holders are aware of this service before they sign the contract, with clear and accessible information and/or briefings.

This is something that cannot simply be mentioned when the contract is being explained to tenants. It has to be explained before the agency fee is paid, and well before the signing of the contract. It might be worth considering whether or not Letting Agents themselves can be accountable to this body, in the event that people are feeling pressured into entering a contract. The fees charged by some letting agents are inconsistent and not transparent. This is particularly apparent in the fees paid during the initial application to take the property off of the market, and in further administrative charges. We hope that the Bill will take the opportunity to examine the potential regulation of letting agency fees to make the process as clear and fair to students as possible.

Following on from that, we also believe that letting agents have a role to play in maintaining standards. Some student properties will be managed by the letting agent on behalf of the landlord. In some cases, the landlord and agent will pass responsibility for maintenance to each other, leaving the tenants in an unclear position and risks delays in addressing the problems that have been raised. We believe this must be addressed.

We believe that, if this body were to be adequately advertised, contract-holders would be able to exercise their rights more effectively. However, in order to do that, it would have to be considered whether the RPT would need increased staffing and whether this could be met by the Welsh Government.