

ELGC(5)-24-18 Papur 6/ Paper 6

July 23, 2018

Dear John,

We'd like to thank you and the committee for inviting us to provide evidence on the Renting Homes (Fees etc.) (Wales) Bill on July 11. We are writing to provide additional information about our concerns around the 'right to rent' scheme; these concerns are shared by all signatories to this letter.

In the current draft of the fees bill, 'right to rent' is referenced in relation to the treatment of holding deposits (Part 3). The explanatory notes within this section state:

"Paragraph 7 provides that the landlord does not have to repay a holding deposit if the landlord is prohibited by section 22 of the Immigration Act 2014 from letting premises to the prospective contract-holder (because the prospective contract-holder is disqualified from renting privately by reason of his or her immigration status)."

As a general principle we feel that **unless prospective tenants have deliberately misrepresented their circumstances they should not be left substantially out of pocket**. Also given the lack of understanding around the scheme there is considerable danger that right to rent decisions may be incorrect.

More broadly, independent research of the scheme in England¹ found that:

- It has led to a rise in discriminatory letting practices. 51 per cent of landlords say they are now less likely to rent to a non-EU national, while 42 per cent are less likely to rent to anyone without a British passport
- It (the scheme) is not widely understood by landlords. 27 per cent of landlords are either unaware of the scheme or don't feel like they understand their obligations
- Levels of enforcement are low. Only 654 individuals have come to the Home Office's attention as a result of the scheme, and only 31 of these have since been removed from the country.

¹ <http://www.icwi.org.uk/news-and-policy/passport-please> (Accessed 11/07/18)

The 'right to rent' scheme is currently the subject of a judicial review, we do however believe there are tangible steps the Welsh Government could take at present:

- Ensure landlords cannot retain holding deposits as a result of 'right to rent' checks
- Re-consider the inclusion of the 'right to rent' check within the legislation. We feel, considering the evidence, that the policy is discriminatory and therefore it should not be included
- Call on the UK government to urgently undertake additional evidence gathering and evaluation exercises to meet the concerns posed by the independent research

We would be grateful if the committee would consider the points above as you work towards formulating recommendations.

If you would like any further information on anything contained within this letter then please don't hesitate to get in touch.

Yours sincerely,



Matt Dicks
Director, CIH Cymru.



Alicja Zalesinska
Director, Tai Pawb



Ruth Coombes
Head of Wales, EHRC



Dr. Simon Hoffman
Associate Professor,
College of Law & Criminology,
Swansea University



John Puzey
Director, Shelter Cymru



Stuart Ropke
Chief Executive, CHC