

Welsh Women's Aid Briefing: Renting Homes (Wales) Bill

The Welsh Government's Rented Homes (Wales) Bill is currently in Stage Two of the legislative process at the National Assembly for Wales. This means that the Communities, Equalities and Local Government Committee who are scrutinising the Bill have received both written and oral evidence, and the Committee report has been published.¹ Welsh Women's Aid have been involved during all stages of the Bill process to date.

There are a number of discussions and recommendations which have been made by the Committee, which Welsh Women's Aid members should be aware of.

Joint contracts

The Bill proposes that any contract should allow for the fact that if one person leaves a tenancy, it doesn't automatically end the tenancy for the other person/people in the property. This is something Welsh Women's Aid were in agreement with; allowing perpetrators of abuse to be removed from a property without affecting the tenancy of the survivor. Welsh Women's Aid did, however, note that there would be considerations to acknowledge, particularly implications to housing benefit and the spare room subsidy, which we will continue to monitor.

The Committee have also recommended that the Minister considers including specific details and guidance about joint contracts to prospective contract-holders as part of a contract-holder education and awareness scheme.

Temporary exclusion

As opposed to continuing licence agreements (after 6 months of occupancy) in supported housing, the Bill discusses a supported contract with an exclusion element. This part of the Bill gives supported accommodation the option to exclude persons in supported accommodation from their property for 48 hours if they pose a threat or break conditions of the agreement.

Welsh Women's Aid, as well as most other support providers and the Committee, have raised concerns over this element of the legislation. It appears that this exclusion would be at the discretion of the relevant housing provider, or one of their staff members, and would therefore not be subject to any judicial oversight. The Committee have stated that they believe any decision to exclude a person from their home should be taken at a senior level. Additionally, they are deeply concerned that the use of the exclusion power could lead to persons becoming street homeless for periods of 48 hours. Given that this power will be used against those who are also likely to have other difficulties or be vulnerable for other reasons, their temporary exclusion could ultimately lead to permanent loss of their home.

The Committee recommend that the 'Minister amends the Bill to remove the temporary exclusion provisions within supported standard contracts. If the provision for temporary exclusions is not removed from the Bill, we recommend that the Minister amends the Bill to provide for an independent review of decisions to exclude persons in supported accommodation from their property for 48 hours, and that such reviews should be able to take place within the exclusion period. Further, and if the provision for temporary exclusions is not removed, we recommend that the Minister makes arrangements for any decision to temporarily exclude a person in supported accommodation from their home to be taken at a senior level.'

¹ <http://www.senedd.assembly.wales/documents/s41895/Committee%20Stage%201%20report%20-%20summary%20of%20conclusions%20and%20recommendations.pdf>

Occupation contracts

The Bill proposes to offer contracts to 16 and 17 year olds. This is something Welsh Women's Aid has supported throughout the consultation and scrutiny process, due to the numbers of young women who are victims of violence and abuse in their homes.

This is something that the Committee have concerns over. In particular, that a minor would find it difficult to enter into ancillary contracts for utilities and other items relevant to their occupation, such as contents insurance for their possessions. They are concerned that the Bill places 16 and 17 year olds in a position where they can enter into occupation contracts, but where the additional necessary services that they need in order to utilise that property may be unavailable or only available on an unattractive basis.

The evidence received from a number of respondents suggested that, in the private rented sector at least, landlords would be unlikely to enter into contracts with 16 and 17 year olds. Additionally, they are concerned that the private sector may not provide the right support for these potentially vulnerable contract-holders, who could be open to exploitation.

The Committee recommend that the Minister amends the Bill so as to restrict its provisions relating to 16 and 17 year olds to occupation contracts issued by community landlords. They also recommend that the Minister amends the Bill so that the provision of guidance and support is a statutory requirement of all landlords when offering contracts to 16 and 17 year olds.

Anti-Social behaviour and other prohibitive conduct

Welsh Women's Aid has always welcomed this recommendation, which allows for removal of someone who is proven to be abusive towards a partner or family member within the rented property. However, we have continued to note that there are some issues which need to be addressed:

- 1.** Domestic abuse and ASB need to be separated clearly, and training to landlords provided on domestic abuse – as it could be dangerous if the two are confused; for example if a woman is being abused and they consider noise complaints, damage to property and other elements as anti-social behaviour;
- 2.** This prohibitive conduct doesn't explicitly cover other forms of violence against women;
- 3.** If the perpetrator does not live in the property, yet causes nuisance and damage to the property, it would put the woman in the property at risk of losing her home.

The Committee are concerned that the test of '*conduct capable of causing nuisance or annoyance*' provided in section 55 of the Bill, appears to set a very low threshold for a possession order. The courts' discretion may not be enough to prevent some landlords from engaging in bullying behaviour by threatening contract-holders with possession on this basis for very minimal levels of nuisance or annoyance.

There is also the concern that section 55 would not always cover incidents of domestic abuse, as the perpetrator's partner may not necessarily fall into the definition in section 55(1) of a person with a right to live in the dwelling or in the locality of the dwelling.

The Committee has recommended that the Minister considers amending section 55 of the Bill to ensure that it applies to the partner of a contract-holder, where that contract-holder is a perpetrator of domestic abuse and the partner does not live in the dwelling or in the locality of the dwelling.

What's missing

Welsh Women's Aid has consistently questioned the implementation of the supported contract, but this is not discussed with in the Committee's final report. This means that once a woman has been in refuge

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for a period greater than 6 months, they would automatically be transferred, under this legislation, onto a 'supported contract' as opposed to continuing a licence agreement. The licence could however, be extended if the service applies to the relevant local authority (with at least two weeks' notice) expressing the need for ongoing support.

There are a number of issues that need to be addressed in regards to this area:

1. The need to apply for a licence extension in advance is problematic as services may not know if a woman will still be there in a few weeks' time. This is also an extra administrative burden for services;
2. The application to the local authority would be on the grounds that the woman needed continual support. However, this is not always the reason women are in refuge for prolonged periods of time (no move-on available, unable to get into local authority housing etc.) so we would require clarification of what would happen in these circumstances.

Next steps

Welsh Women's Aid will continue to inform the Minister and Bill team of any issues that may follow the implementation of the supported contract, as well as related issues including the problems that may arise issuing contracts to service users and implications of 'bed-blocking'.

We would welcome any feedback from member services around these areas going forwards, and once the legislation is enacted at a point later this year.

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