

4. Mae The Wallich yn cefnogi bwriad y polisi o wella sicrwydd i gleientiaid yn y sectorau cymdeithasol a phreifat, ac yn croesawu'r estyniad i'r cyfnod cychwynnol ar gychwyn tenantiaeth newydd cyn y caiff landlord gyflwyno hysbysiad adran 21, a'r cyfnod rhybudd cysylltiedig â hysbysiad o'r fath, gan roi o leiaf 12 mis felly o sicrwydd deiliadaeth.
5. Meddai rheolwr ar Fwrdd Bondiau The Wallich Blaenau Gwent a Merthyr Tudful:

“Ar hyn o bryd mae landlordiaid yn defnyddio hysbysiadau Adran 21 er mwyn osgoi problemau gyda hysbysiadau Adran 9, megis y natur ddewisol os yw'r ôl-ddyledion yn cronni ers llai na deufis. Y gobaith yw y byddai [y ddeddfwriaeth arfaethedig] yn gwneud landlordiaid yn llai parod i droi tenantiaid allan o dan Adran 21 ac yn fwy parod i roi cynnig ar opsiynau eraill. Dylai hyn, yn ei dro, gynyddu sicrwydd deiliadaeth, er gwaethaf problemau megis ôl-ddyledion.”

6. Yn wir, byddai The Wallich yn mynd ymhellach: byddai'n well gennym ni weld diwedd troi allan heb fai yn gyfan gwbl, gan fod hysbysiadau adran 21 yn cael eu defnyddio'n rhy aml i wahaniaethu a gwahardd, gan arwain at ddigartrefedd i unigolion a theuluoedd. Yn amlach na pheidio, effeithir yn fwyaf difrifol ar fenywod a'r rhai sydd ag anabledau.
7. Er ein bod yn cydnabod y gallai landlordiaid preifat fod eisiau gwerthu neu ddychwelyd i fyw mewn eiddo a arferai fod ar gael i'w rentu weithiau, ni ddylai hyn fod yn bwysicach na hawl dynol tenant i gartref diogel a chyfforddus. Yn bennaf oll, dylai deddfwriaeth ddiogelu egwyddor dim troi allan i ddigartrefedd, a dylid sicrhau bod landlordiaid cofrestredig yn atebol am gynnal y ddyletswydd hon.

Rhwystro potensial i weithrediad darpariaethau'r Bil

8. Mae The Wallich yn credu y gellid gweld rhwystrau posibl i weithrediad y Bil wrth geisio ei orfodi. Mae'r Pwyllgor Cydraddoldeb, Llywodraeth Leol a Chymunedau wedi [clywed tystiolaeth](#) eisoes gan nifer o ffynonellau ynglŷn â gorfodaeth y gofynion presennol o dan Ddeddf Tai (Cymru) 2014 a Deddf Hawliau Defnyddwyr 2015, ac yn yr achosion hynny, mae The Wallich yn glir ynglŷn â'r ffaith bod angen i awdurdodau lleol fod â digon o adnoddau er mwyn gorfodi cydymffurfiaeth yn effeithiol ledled Cymru.

Priodoldeb pwerau'r Bil i Weinidogion Cymru greu is-ddeddfwriaeth

9. Nid oes gan The Wallich farn ar briodoldeb pwerau'r Bil i Weinidogion Cymru greu is-ddeddfwriaeth.

Goblygiadau anfwriadol a gyfyd o'r Bil

10. Mae The Wallich yn pryderu y galli'r Bil, ar ei ffurf bresennol, effeithio'n negyddol ar ein cleientiaid; mynegodd nifer o'n haelodau staff sy'n gweithio ar brosiectau i ailgartrefu unigolion sy'n ddigartref bryder y gallai'r bil ei gwneud yn anos byth i ddod o hyd i landlordiaid preifat sy'n barod i roi cartref i gleientiaid y mae eu hamgylchiadau personol yn anhrefnus.
11. Yn ein Prosiectau Tai yn Gyntaf, er enghraifft, ein profiad ni yw ei bod yn dasg anodd darbwyllo landlordiaid y sector rhentu preifat i dderbyn cleientiaid sydd ag amgylchiadau anhrefnus fel y mae hi. [Mae egwyddorion Tai yn Gyntaf, fel y'u heglurir gan Rwydwaith Tai yn Gyntaf](#) yn cynnwys y gofyniad bod tenantiaethau'n cael eu cynnig i gleientiaid sydd â'r anghenion mwyaf cymhleth, heb i unrhyw amodoldebau gael eu gosod arnynt (er enghraifft gofyniad bod tenant sy'n camdefnyddio sylweddau yn rhoi'r gorau iddi ar unwaith). Rydym ni o'r farn y gallai'r Bil, ar ei ffurf bresennol, fod yn rhwystr arall i landlordiaid sy'n gosod tai i bobl sydd â'r anghenion mwyaf cymhleth.
12. Meddai gweithiwr allgymorth gyda Thîm Ymyrraeth The Wallich Caerdydd ar gyfer Pobl Sy'n Cysgu Allan;

“Rydym ni'n cael problemau mawr yn dod o hyd i dai digon da fel y mae hi, a gallai hyn olygu mai am y 'dewis diogel' y bydd landlordiaid ac asiantaethau gosod yn mynd wrth ddewis pwy sy'n cael tai.”

13. Meddai uwch weithiwr cymorth tenantiaeth ym Mhen-y-bont ar Ogwr;

“Mae fy mhrosiect yn gweithio gyda landlordiaid a thenantiaid yn y sector rhentu preifat ac o’r herwydd rwy’n mynychu fforymau i landlordiaid. Mae landlordiaid wedi mynegi pryderon, a llawer yn nodi y gallent werthi eu heiddo gan eu bod yn teimlo y bydd yn anodd rheoli tenantiaid problemus.”

14. Byddai The Wallich felly yn hoffi gweld camau ychwanegol yn cael eu cymryd i gynorthwyo landlordiaid preifat sy’n ymgysylltu â phrosiectau fel Tai yn Gyntaf, er mwyn parhau i ddarparu cartrefi i rai o’r cleientiaid sydd fwyaf agored i niwed.

Goblygiadau ariannol y Bil

15. Nid oes gan The Wallich farn ar oblygiadau ariannol y Bil fel y’u nodir yn Rhan 2 o’r Memorandwm Eglurhaol. Nid ydym yn credu y byddai’r darpariaethau yn y bil yn arwain at gostau cydymffurfio ychwanegol i’n sefydliad nac i’r cleientiaid yr ydym yn eu cefnogi. Byddem, fodd bynnag yn monitro’n agos i weld a fyddai costau rhent a thaliadau gwasanaeth yn cynyddu, yn uniongyrchol neu’n anuniongyrchol, mewn ymateb i’r newidiadau sy’n digwydd yn sgil y Bil.

Casgliad

16. Mae The Wallich yn ddiolchgar am y cyfle i ymateb i’r ymgynghoriad i’r Bil hwn a byddwn yn dilyn ei ddatblygiad drwy broses graffu’r Pwyllgor a’r dadleuon yn y Cyfarfod Llawn. Hoffem hefyd bwysleisio ein cefnogaeth gyffredinol i’r bwriad polisi sy’n sail i’r Bil a nodwn fod 60% o’r aelodau staff a ymatebodd i’n harolwg mewnol yn cytuno y byddai’r cynigion yn cael effaith gadarnhaol ar ein cleientiaid. Fodd bynnag, am y rhesymau a eglurwyd uchod, rydym yn dal yn bryderus nad yw’r Bil ar ei ffurf bresennol yn mynd yn ddigon pell er mwyn sicrhau y bydd landlordiaid yn parhau i osod eu heiddo i’r cleientiaid sydd fwyaf agored i niwed.



Equality, Local Government and Communities Committee

Consultation on the Renting Homes (Amendment) (Wales) Bill

About The Wallich

The Wallich wants to create a Wales where people stand together to provide hope, support and solutions to end homelessness.

As Wales's largest homelessness and rough sleeping charity, The Wallich operates under three core objectives: **getting people off the streets; keeping people off the streets; and creating opportunities for people.**

Running 68 diverse projects, across 18 local authorities, The Wallich works with more than 9,000 homeless and vulnerable people every year across Wales.

Website and social channels

To find out more, please visit: www.thewallich.com

Twitter: [@TheWallich](https://twitter.com/TheWallich)

Facebook: [The Wallich Wales](https://www.facebook.com/TheWallichWales)

Instagram: [@homelessinwales](https://www.instagram.com/homelessinwales)

LinkedIn: [The Wallich](https://www.linkedin.com/company/the-wallich)

YouTube: [The Wallich](https://www.youtube.com/channel/UCvKj8q8q8q8q8q8q8q8q8q8)

Overview

1. The Wallich is broadly supportive of the general principles of the Renting Homes (Amendment) (Wales) Bill and considers any measures to improve security of tenure for renters in the social and private rented sectors a positive step forward. Provisions in the bill are likely to be of particular assistance to our clients who are ready to move on from temporary accommodation, as minimum 12-month tenancies will give them security in that crucial first year as they get back on their feet. We do however have some concerns regarding possible unintended consequences on the market for rental homes.
2. Whilst this legislation is primarily focused on extending protection for clients from Section 21 notices or so-called 'no-fault' evictions, we note that due to the complexity of some of our clients' needs, many cases of eviction will be due to perceived or actual breaches of contract.
3. Finally, we would like to reiterate our call for more funding for tenancy support services to keep people in their homes, and more social housing to be made available across Wales as the best possible way to support people experiencing homelessness into sustainable, long-term, affordable accommodation.

The general principles of the Bill and the need for legislation to deliver the stated policy intention

4. The Wallich supports the policy intention of improving security for tenants in the social and private rented sectors, and welcomes the extension of both the initial period at the start of a

new tenancy before a landlord may issue a section 21 notice, and the notice period of such a notice, effectively giving a minimum of 12 months security of tenure.

5. A manager at The Wallich Blaenau Gwent & Merthyr Tydfil Bond Board said;

“Landlords currently use Section 21 notices to avoid issues with Section 8 notices, such as the discretionary nature if arrears are less than two months. [The proposed legislation] would hopefully make landlords less willing to evict using Section 21 and more willing to try other solutions. This should in turn increase security of tenure even if there are issues such as arrears.”

6. The Wallich would in fact go further: we would prefer to see the end of ‘no-fault’ evictions altogether, as all too often the section 21 notice is used as a tool of discrimination and exclusion, driving individuals and households into homelessness. Women and those with disabilities are often most severely affected.
7. Whilst we recognise that private landlords may sometimes wish to sell or return to live in a property previously available for rent, this should not be allowed to trump a tenant's human right to a safe and comfortable home. Above all, legislation should enshrine the principle of no evictions into homelessness, and registered landlords should be held accountable to upholding this duty.

Potential barriers to the implementation of the Bill’s provisions

8. The Wallich believes that potential barriers to the implementation of the Bill could arise when it comes to enforcement. The Equality, Local Government and Communities Committee has already [heard evidence](#) from a number of sources concerning enforcement of existing requirements under the Housing (Wales) Act 2014 and the Consumer Rights Act 2015, and as in those cases, The Wallich is clear that local authorities or licensing bodies need to be sufficiently resourced in order to effectively enforce compliance across Wales.

The appropriateness of the powers in the Bill for Welsh Ministers to make subordinate legislation

9. The Wallich takes no view on the appropriateness of the powers in the Bill for Welsh Ministers to make subordinate legislation.

Unintended consequences arising from the Bill

10. The Wallich has concerns that the Bill in its current form could inadvertently negatively impact upon our clients; a number of our staff working on projects to rehome individuals experiencing homelessness raised concerns that the bill may make it even harder to find private landlords willing to house clients with chaotic personal circumstances.

11. In our Housing First Projects for example, our experience has been that it is already difficult to convince PRS landlords to accept clients with chaotic lifestyles. [The principles of Housing First as set out by the Housing First Network](#) include the requirement that tenancies are offered to clients with the most complex needs, with no conditionalities imposed upon them (for example a requirement that a tenant with substance misuse issues immediately becomes abstinent). We believe that the Bill in its current form may create another barrier to landlords housing those with the most complex needs.

12. An outreach worker with The Wallich Cardiff Rough Sleepers Intervention Team said;

“We have huge issues finding adequate housing as it is, and this may mean that landlords and letting agencies only go for “safe bets”, when it comes to picking those they're housing.”

13. A senior tenancy support worker in Bridgend said;

“My project works with landlords and tenants in the private rented sector and as such attend landlord forums. Landlords have expressed concerns with many stating they may sell their properties as they feel it will be harder to manage problematic tenants.”

14. The Wallich would therefore like to see additional steps taken to support private landlords who engage with projects such as Housing First, to continue to provide homes to some of our most vulnerable clients.

The financial implications of the Bill

15. The Wallich takes no view on the financial implications of the Bill as set out in Part 2 of the Explanatory Memorandum. We do not believe the provisions within the bill would lead to additional compliance costs either for our organisation or the clients we support. We would however closely monitor whether rents and service charges were to increase either directly or indirectly in response to the changes brought about by the Bill.

Conclusion

16. The Wallich is grateful for the opportunity to respond to the consultation into this Bill and will closely follow its progress through Committee scrutiny and debates at Plenary. We would like to reiterate our broad support for the policy intention behind the Bill and note that 60% of staff responding to our internal survey agreed that the proposals would positively impact upon our clients. However, for the reasons set out above, we remain concerned that the Bill in its current form does not go far enough to ensure landlords will continue to let their properties to our most vulnerable clients.