



10th March 2020

TPAS Cymru have been supporting tenants and landlords in Wales for over 30 years and have a strong track in developing effective participation. We have an extensive knowledge of the social housing sector and have recently broadened our expertise of the private rental sector.

We focus on issues from the tenant perspective and for the tenants' benefit. Across Wales our work improves the quality of tenant participation through promoting good practice. Whilst we do not manage homes, we work in partnership with our members- Registered Social Landlords, Local Authorities, the Registered Landlord Association, Community Housing Cymru, Chartered Institute of Housing Cymru and tenants.

This response is an example of our ongoing work to contribute to policy developments and issues, challenging the experience and needs of tenants and landlords to policy makers.

Our response

TPAS Cymru welcomes the opportunity to respond to this call for evidence. We support the principles of the Bill and feel that it ensures tenants feel secure in their homes and are given the necessary time to find suitable accommodation.

To inform our response, we engaged with private rental tenants from across Wales who supported the suggested Amendments. Tenants told us that the impact of a two month notice period impacts every element of their lives; that security of tenure is absolutely paramount and no tenant should be expected to make such radical changes in such a short time period due to fault of their own.

The suggested Amendments to the Renting Homes (Wales) Act will encourage other grounds to be used for the correct purpose. Such as the use of prohibited conduct contracts when the tenant is at fault. This offers security to neighbouring tenants who may be victims of prohibited conduct and encourages the perpetrating tenant to change their behaviour. This was something we raised in our initial consultation as it was a significant concern of tenants. We feel that the opportunity to demote a tenancy to a prohibited conduct tenancy offers the security to the wider tenant community.

We have structured our response below according to the inquiry's terms of reference.

The general principles of the Renting Homes (Amendment) (Wales) Bill and the need for legislation to deliver the stated policy intention

Extending the minimum notice period from two months to six months, coupled with issuing S.173 notices to six months does what it intended to do and

increases security of tenure for tenants. As mentioned in our response to the 'Increasing the minimum notice period for a 'no fault eviction' it will alleviate stress related to moving home. This is likely to be elevated if you're on a low income, with health conditions, children, caring responsibilities and living in an adapted property. It is well documented that such stresses can contribute to mental health issues and will, in turn put additional pressure on health provision.

"If being evicted (no fault) there is so much stress and problems trying to find an alternative accommodation due to limited rental housing stock being available even in the private sector market"

"The stress of trying to find a suitable alternative in a short time and in an already dwelling market is unbearable. We are pensioners and finding monies to move at short notice is very difficult"

TPAS Cymru consulted with over 100 tenants via Tenant Pulse, our online surveying platform. Tenants unanimously agreed with this proposal; emphasising that moving home is extremely disruptive and costly; two months is simply not enough time. One tenant who had been previously evicted, stated that "it was extremely stressful. Having two months to find a property resulted in moving into an unsuitable property".

"It takes more than two months to find somewhere to live, especially if you have a young family or elderly or disabled members of the family. Why should people be evicted if they are not at fault? There is, the packing up possessions and preparing a new home to be considered"

In addition to the stress it causes tenants, there are other factors to consider when only providing two months' notice, such as the number of rural areas in Wales and the limited stock.

Tenants felt that if there was 'no fault', then they deserve to be given the sufficient time to find alternative accommodation. The financial implication of these rapid changes leads to significant consequences and families with children are left with the additional burden of finding new schools and childcare providers. This, in turn, not only puts pressure on the parent but also causes unnecessary stress on the child.

"I am an older person without family and have lived in my current home for 10 years. It would take more than two months to find a home, pack up and move, not to mention all costs involved in moving"

"It is hard to find suitable accommodation (especially when there are children involved) so the extra time is a more realistic timescales to be able to achieve this and make it an easier process for both parties"

Tenants were concerned over incidents where Anti-Social Behaviour occurred or prohibited- conduct in the Act.

There is no dispute that the Amendments suggested in this Bill will reduce the impact of no-fault evictions through providing additional time for families to secure a new home.

Six-month restriction on reissuing of S.173

The issuing of a S.173 notice should be taken very seriously due to the high levels of stress that this places on tenants. Tenants should be able to feel secure in their homes without worrying that they may have to leave. The current literature emphasises numerous mental health and psychosocial benefits of a 'quality home'. In addition to that, there is an emphasis on the landlord and tenant relationship and how this makes a difference to the perception of a quality home.

A landlord that continuously issues a S.173 notice immediately becomes untrustworthy to a tenant, leading them to feel uncertain instead of having an improved level of well-being.

TPAS Cymru believe that restricting the re issuing of a S.173 will minimise uncertainty amongst tenants and enable them to thrive.

Removal of landlord's ability to end a fixed term standard contract under section 186

TPAS Cymru agree with the Welsh Governments suggested amendments that the continuation of the use of S. 186 will render the measures put in place to increase protection for tenants invalid.

Use of break clause following retaliatory possession claim

Tenants in the PRS have told TPAS Cymru that they already feel that renting is insecure without the threat of eviction; and that vulnerable families need to be protected. Tenants commented that some landlords ignore their responsibilities when it comes to repairs and that this change would act as a disincentive to the current behaviour and as a protection for tenants. Ultimately tenants felt that they should not be penalised or feel anxious about reporting a necessary repair and that it is immoral that this practice exists. These changes put tenants in a stronger position to challenge poor conditions.

"Although I have been evicted, I have been "threatened" ie if I don't like the damp/mould, perhaps it's time to find something else. Given the shortage of alternative rental accommodation and the fact that my two children were settled in their schools, we put up with the damp/ mould. Six months would have put us in greater control for considering other options"

Potential barriers to the implementation of the Bill's provisions and whether the Bill takes account of them

There has been an overwhelming argument across the sector that the pressure on the courts will be a barrier to implementation. However, due to the significant changes within the social housing sector regarding the elimination of evictions into homelessness, TPAS Cymru feel that this is likely to free up a substantial amount of court time.

Through our work with private rental sector tenants, we are very aware of tenant's lack of understanding of their rights. There is the work TPAS Cymru and stakeholders do to increase this awareness but there needs to be a considerable investment in raising awareness of The Act and the rights this gives tenants. We can achieve this though taking best practice from Scotland and implementing this in Wales. The level of engagement with tenants in the PRS is significantly low and the implementation of the Act will not be as impactful without this.

The appropriateness of the powers in the Bill for Welsh Ministers to make subordinate legislation (as set out in Chapter 5 of Part 1 of the Explanatory Memorandum).

TPAS Cymru believe that the powers in the Bill are appropriate

Unintended consequences arising from the Bill, and – the financial implications of the Bill (as set out in Part 2 of the Explanatory Memorandum).

When engaging with single parent tenants on their views of unintended consequences, they felt that their landlords would be more likely to sell their properties. Due to the lack of social housing stock, this would leave them in a position where they would be placed in shelter then temporary accommodation until social housing became available.

A single parent tenant who was currently a student told us she was battling with agents to get another PRS property following her landlord deciding to sell. She was not a priority and was advised not to move out until she had received notice. She would then be supported by the local council but this would be the process mentioned above. She told us:

“It is such a nightmare, I felt like I was doing the right thing going back to uni and getting a degree and a decent paid job eventually. I was comfy here and my landlord springs a sale on me”

Another told us:

“I have been in a situation where my landlord of 6 years decided to sell. I am a single mum of two (one autistic) and the council couldn't help in any other way than to put me in a hostel or shelter. I managed to rent through an agency to then find out 6 months later that my new landlord was selling”

Whilst we appreciate that the Bill will extend the notice period, we are aware that stakeholders feel that when a landlord wishes to sell, they should have the right to do so at a shorter period than the Bill suggests. It is important to note that the, whilst we appreciate a landlord should have the right to sell their property, the cases above highlight the impact of such sales on families. We encourage the Welsh Government

to broaden their PRS pathfinder leasing scheme to minimise the potential need for landlords to sell.