

Government Response: *The Coronavirus Act 2020 (Residential Tenancies Protection from Eviction) (Wales) Regulations 2020*

Merit Scrutiny point 1: As the Committee has already noted from the letter sent by the Minister for Finance and Trefnydd to the Llywydd, there was an absolute requirement to bring the Regulations into force before 30 September so that the provisions of Schedule 29 to the Coronavirus Act 2020 continued to apply after that date. The Welsh Government is always keen to ensure as much advanced warning as is possible and appropriate is given before it introduces new legislation. For that reason, the intention to extend the relevant period to March 2021 was announced by the Minister for Housing and Local Government in her statement on Housing, Poverty and Communities given in Plenary on 15 September 2020.

However, two factors combined to mean that it was not possible to lay the Regulations 21 days before they were required to come into force. Firstly the demands placed on the Welsh Government by the need to respond to pandemic has had a significant impact on our capacity for making legislation, and the Government has had to take difficult decisions about the legislative programme in order to prioritise resources. Secondly, the Regulations were responding to a rapidly changing set of circumstances, including the evolving nature of the pandemic, the lifting of the stay on possession proceedings in the courts, and the UK Government's amendments to Schedule 29 to the Coronavirus Act. These matters all needed to be taken into account before the Regulations could be laid.

Whilst the Welsh Government accepts that it has had the power to make these Regulations for many months, that does not mean that it could or should have acted sooner to make them.

Merit Scrutiny point 2: We consider that the Regulations are compatible with the European Convention on Human Rights.

Merit Scrutiny point 3: The Welsh Government notes the Committee's comment and has nothing further to add in relation to this point.

Merit Scrutiny point 4: This point raises concerns about the amount of notice given to landlords and others, the lack of consultation and the absence of a quantified regulatory impact assessment.

As noted in response to point 1 above, the intention to extend until March 2021, the relevant period during which increased notice periods apply, was announced in Plenary by the Minister for Housing and Local Government on 15 September. The announcement was publicised on the same day through: an update sent to all registered landlords in Wales via Rent Smart Wales, the issuing of a press notice, and relevant posts issued through the Welsh Government's social media accounts.

This was done in order to provide landlords and others with as much notice as possible of the intended changes.

Whilst it was not possible to conduct a formal consultation in the time available prior making this emergency legislation, the Welsh Government has strong relationships with stakeholders from across the housing sector, and received various representations and evidence from them in relation to notice periods. That evidence helped to inform the development of the Regulations, including, for example, the decision to revert to the pre-Covid arrangements for notices relating to anti-social behaviour and domestic violence.

The Explanatory Memorandum explains at paragraph 6.1 that *The COVID-19 emergency and the urgency to make these Regulations means it has not been possible to prepare a quantified Regulatory Impact Assessment*. Even though there was a period of two months between the making of these Regulations and the previous regulations made in July, the decision to extend the relevant period was still taken at relatively short notice in response to a situation that was rapidly evolving, so there was no significant additional time available in which to conduct a full regulatory impact assessment. Furthermore, with the stay on possession proceedings in the courts only coming to an end on 20 September, longer notice periods have thus far had little impact that is capable of being assessed. Importantly though, the Explanatory Memorandum points out at paragraph 6.4 that if there are additional costs to landlords arising from the extra delay to making a claim to the court and the arrears that may build up during that time, this is now mitigated by the introduction of the Tenancy Saver Loan scheme. As paragraph 6.4 states, *“funds from these loans will be paid directly to landlords, and should help considerably with easing any financial burden on them resulting from rent arrears”*. The Committee may also wish to note that an integrated impact assessment has been completed, a summary of which will be published in the near future.