

*Consultation Response to a Short Inquiry on*

## **THE RIGHT TO ADEQUATE HOUSING IN WALES**

Local Government and Housing Committee | March 2023

**Submitted jointly by 'Back the Bill' partners Tai Pawb, CIH Cymru and Shelter Cymru**



*This response is submitted jointly by the ‘**Back the Bill – the right to a good home**’ coalition partners, namely Tai Pawb, CIH Cymru and Shelter Cymru. ‘We’ and ‘our’ refers to the partner organisations.*

This response has the support of the following organisations:

Diverse Cymru

Pobl Housing Group

Blaenau Gwent County Borough Council

We warmly welcome the committee’s interest in a right to adequate housing in Wales through launching this short inquiry. We have used this opportunity to provide a background on the campaign’s journey to date, Our submission takes account of and will refer in large measure to the three substantial reports we have commissioned to date:

**The Right to Adequate Housing: feasibility study, June 2019**

- [Executive summary](#)
- [Full report](#)

**The Right to Adequate Housing: evidence base, December 2021**

- [Executive summary \(English\)](#)
- [Executive summary \(Cymraeg\)](#)
- [Full report \(English\)](#)
- [Full report \(Cymraeg\)](#)

**The Right to Adequate Housing: cost-benefit analysis, July 2022**

- [Full report \(English\)](#)
- [Full report \(Cymraeg\)](#)

## RIGHT TO ADEQUATE HOUSING – AT A GLANCE

- Senedd Cymru has the competency to incorporate a right to adequate housing in Welsh law, as per the International Covenant on Economic, Social and Cultural Rights (ICESCR)
- There are different models for incorporating the covenant; a joint model of both direct and indirect incorporation would create the strongest basis for accountability and transform the human rights treaty into domestic law. Individuals are also able to seek justice
- Under the concept of 'progressive realisation', the full right is realised over time where central funding and concerted action drives additional (suitable) housing supply and ending of homelessness
- The legislation via the proposed Draft Bill would create a legally binding commitment for Welsh Government to use 'maximum available resource'. It is for Ministers to justify what that level of resource is – the more resource, the greater and better the supply and the quicker the right can be fully realised
- International examples of a right adequate housing in domestic law demonstrate both opportunities and lessons. Wales can lead the way in its approach to housing as a human right
- Evidence shows that poor quality housing, or a lack of access to housing at all, has significant impacts on individuals as well as the public purse, particularly in health, education and general life chances
- A right to adequate housing represents a significant 'invest to save' opportunity – our cost-benefit analysis finds that Welsh Government would save £11.5bn across a range of public policy areas
- The co-operation agreement between Welsh Labour and Plaid Cymru commits to publishing a White Paper on a right to adequate housing and fair rents
- A right to adequate housing recognises the myriad issues resulting from the housing crisis, helping to tackle key issues such as homelessness, affordability, suitability of accommodation and security of tenure
- Incorporating a right to adequate housing in Welsh law would represent a generational shift in the importance we place on housing as a policy area but, importantly, as a key driver of health and well-being
- **We argue fundamentally that everyone in Wales deserves the right to a home that is safe and secure, that is suitable for their needs and that they can afford.**

## BACKGROUND

A human rights-based approach to public policy has long been discussed and advocated in Wales. To better support the concept incorporation of the Right to Adequate Housing, as set out in ICESCR (International Covenant on Economic, Social and Cultural Rights) ("the Covenant"), into Welsh law, Tai Pawb, CIH Cymru and Shelter Cymru became 'Back the Bill' partners in early 2019.

The campaign began officially some 18 months following the tragedy at Grenfell Tower in London. In our view, that tragedy has come to represent how we have failed people in most need in our society – those in need of that most basic of human requirements: a safe place to call home.

Reflecting specifically on the tragedy at Grenfell, Geraldine Van Bueren QC, Professor of International Human Rights Law in Queen Mary, University of London and Visiting Fellow, Kellogg College, Oxford, said:

*“If there had been a right to adequate housing in the United Kingdom, the government and the local authority would have had a legal duty to consider seriously, and in a timely manner, the safety concerns raised by the Grenfell Tower residents, before the conditions became life-threatening” -*

Moreover, during the COVID-19 pandemic - whereby the fundamental message from governments the globe over was ‘stay at home’ - a further spotlight was shone on our understanding of the concept of a home. It made an assumption that people had/have suitable and sustainable accommodation, the financial means to stay at home or even a home at all – the reality in too many cases is/was very different.

Leilani Farha, former UN Special Rapporteur on adequate housing, wrote in The Guardian in April 2020:

*“It has taken a deadly global pandemic to shake governments to the core and trigger an understanding that having a safe home might be central to human survival.”*

This bleak portrait of the housing crisis is the basis for the fundamental conversation that we need to have as a nation. At the core of any solution to the housing crisis must be nationwide commitment to the fundamental principle that every one of us has a human right, underpinned by law, to access adequate and sustainable housing. Central to a positive transformation of the housing landscape in Wales must be that concept of a ‘home’ for everyone that is safe and secure, is suitable for their needs and that they can afford – ultimately helping to end homelessness altogether and ensuring that the housing system is fit for purpose. Further, a rights-based approach will change the paradigm through which housing is viewed as a key driver (and determinant) of better health, well-being, education, economic activity and general life chances, ultimately ensuring it attracts greater policy attention and investment.

## **Housing and inequality in Wales**

Based on research by Shelter Cymru, one in three people in Wales lives in unsafe or unaffordable housing.<sup>1</sup> The pandemic highlighted these inequalities in the housing sector as lockdowns led to people in Wales spending prolonged amounts of time at home. During this period, some citizens spent time in houses of good quality with plenty of living space, others lived in overcrowded, poor-quality housing conditions, while other individuals experienced homelessness.

Based on a survey by Shelter Cymru (2020), during lockdown 32% of households lived in houses with hazards, including damp, mould and electrical hazards, as well as leaking roofs or windows. Rising housing costs, the reduced size of the social rented sector and the growth of private renting have contributed to increasing housing inequalities (UK Collaborative Centre for Housing Evidence, 2021). In September 2021, it was estimated that there were around 130 rough sleepers in Wales, while around 7,000 were in temporary accommodation.<sup>2</sup> (This doesn’t take account of ‘hidden homelessness’ for example where individuals are not recognised by the existing system as being in need of accommodation).

The pandemic highlighted the existing inequalities for some population groups in accessing adequate housing. One of those groups are Black, Asian and Minority Ethnic people who are disproportionately likely to live in overcrowded houses and have a higher risk of

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<sup>1</sup> ITV, 2021. “‘Shocking’ new figures demonstrate scale of housing crisis in Wales amidst calls for immediate Welsh Government action”. Available at: <https://www.itv.com/news/wales/2021-05-26/shocking-new-figures-demonstrate-scale-of-housing-crisis-in-wales-amidst-calls-for-immediate-welsh-government-action>

<sup>2</sup> StatsWales, September 2021. “Homelessness accommodation provision and rough sleeping”. Available at: <https://gov.wales/homelessnessaccommodation-provision-and-rough-sleeping-september-2021>

homelessness. Refugees, migrants and asylum seekers also face housing inequalities including difficulties accessing adequate housing due to racism, discrimination, inequality or structural factors. Individuals from the LGBTQ+ community are four times more likely to be in homelessness compared to their peers. Another population group facing housing inequality are disabled people who need to live in accessible houses that support their safety and independence in daily living. Evidence suggests that 26% of people in Wales have some form of impairment and more than 10% have a mobility impairment. The numbers of older people with physical impairments is estimated to rise by 50% between 2015 and 2035 (Auditor General for Wales 2018) but they are faced with Hidden Housing Crisis (EHRC, 2019) – shortage of accessible housing and inadequate adaptation and allocation system. Housing and homelessness are also gendered issues impacted by the persistent gender income gap, gender differences in caring responsibilities and women’s experiences of domestic violence and other forms of harassment, abuse and exploitation, including ‘sex for rent’ (WEN Wales, 2021).

### **The cost of inadequate housing in Wales**

Poor housing conditions and homelessness can have adverse effects on individuals’ physical and mental health, increasing use of the NHS, worsening self-reported health and reducing life expectancy. In a 2019 report, Public Health Wales estimated that poor housing costs the health service in Wales £95m per year. Housing Support services in Wales generate an estimated gross saving of £300.4m. When taking into consideration the annual spend of the HSG in Wales, this equates to an estimated net saving of £176.7m (Fury, Montes, Taylor, 2020).

Living in inadequate or unaffordable housing is associated with poor educational outcomes for children. Households with access to affordable housing have more available income that can be used for nutrition, further helping children to perform better at school.

There is evidence that improving housing adequacy is associated with higher levels of productivity and economic activity. A lack of affordable and adequate housing is associated with increased contacts with the criminal justice system. Inadequate homes tend to not be energy efficient, resulting in greater emissions of greenhouse gases and low levels of thermal comfort. Nicol et al. (2019) explored a case study example<sup>3</sup> focusing on the costs and benefits of improving a Welsh dwelling with an energy efficiency score of 21. Home improvements would include loft insulation, installation of double glazing and improvement of the heating system, which would result in increasing the energy efficiency score of the building to 57. Additionally, the CO2 emissions of the dwelling and the annual fuel cost would decrease by 53% and 49%, respectively.

### **PUBLIC OPINION & STAKEHOLDER ENGAGEMENT**

A 2020 You Gov poll on behalf of the Chartered Institute of Housing (CIH) Cymru<sup>4</sup> of around 1,000 individuals in Wales found that 77% of people were in favour of the introduction of a legal right to housing and 83% supported that the government should be responsible for ensuring everyone has access to a decent home.

On publication of our Draft Bill at the same time as the poll, [key signatories](#) – from across the housing community, elected representatives and commissioners, academics and charity and third sector leaders – backed the call to introduce a right to adequate housing. To date, we have more than 60 signatories representing a variety of organisations.

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<sup>3</sup> <https://phw.nhs.wales/news/the-cost-of-poor-housing-in-wales/the-full-cost-of-poor-housing-in-wales/>

<sup>4</sup> <https://www.cih.org/news/three-quarters-support-legal-right-to-housing-in-wales>

Our reports and the Draft Bill are available on Tai Pawb's [website](#) where supporters can also sign up to 'back the Bill'.

Partners have held discussions with a range of stakeholders including Welsh Government, NHS Confederation Wales, Community Housing Cymru, Welsh Local Government Association, individual housing providers and local authorities and a number of housing and equalities-based organisations.

We intend to continue stakeholder engagement, notwithstanding the Green and White Paper consultations.

## **JOURNEY TO DATE**

In June 2019, Back the Bill partners, together with [Dr Simon Hoffman](#) of Swansea University, published a report entitled "[The Right to Adequate Housing in Wales: Feasibility Study](#)", which outlined why and how the right could be fully incorporated into Welsh law based on ICESCR. This study outlines a roadmap with various options.

## **Human rights, incorporation and enforcement**

Human rights protect individuals and social groups from unjustifiable interference from the state and guarantees everyone a basic level of entitlement in vital areas of public service provision – including housing. The United Kingdom (UK) is party to seven United Nations (UN) human rights treaties. These include the Covenant on Economic, Social and Cultural Rights (CESCR) which guarantees rights to social conditions such as employment and decent working conditions, health and social care, social insurance, education, and an adequate standard of living. The CESCR also guarantees the right to adequate housing.

A number of UN-established treaty monitoring bodies, which monitor international compliance with human rights treaties, made recommendations to incorporate human rights treaties in national laws. Incorporation can be direct, indirect or sectoral (referred to below).

## **Why and how Wales should incorporate into law**

The UN Committee on Economic Social and Cultural Rights, responsible for monitoring the right to housing internationally, commented on the '*persistent critical situation*' of housing in the UK and consistently recommended incorporation of international social rights including housing. Wales, as other devolved nations, is experiencing high levels of homelessness, an increase in rough sleeping, a shortage of affordable housing, severe lack of suitably adapted and accessible accommodation for disabled people, lack of security of tenure and issues with substandard accommodation.

UK government welfare policy, which is non-devolved, will have a direct impact on how people experience the right to adequate housing in Wales. However, housing is a devolved matter and Welsh Government has a crucial role to ensure (as far as possible) that the right to adequate housing is respected, protected and fulfilled in Wales. Welsh Government has already taken action that is consistent with the right to adequate housing, for example, through increased homelessness prevention duties, duties to provide Gypsy and Traveller accommodation and promotion of Housing First approaches to tackle homelessness. Our report demonstrates that this is not sufficient however to meet the standards required by the right to adequate housing.

The loss of rights guaranteed by the Charter of Fundamental Rights of the European Union following Brexit has given new impetus to calls for further incorporation of human rights in Wales. Social rights are the human rights that relate most closely to the competences of the

Senedd and the Welsh Government, with potential to provide a guiding framework for the conduct of policy and legislation in devolved areas. Importantly, although Senedd Cymru doesn't have competency to enter international human rights treaties (this is done at a UK level), it *DOES* have the power to observe and implement them, including the ICESCR and the right to adequate housing. It is an option available to Ministers to introduce legislation for enactment by the Senedd Cymru for the purpose of giving effect to (observing and implementing) human rights treaties to which the UK is already a State party, to include the ICESCR or the right to adequate housing as a distinct right.

When considering how best to implement human rights in Wales, the feasibility study considers three options of incorporation – indirect via due regard duty (Option A), direct via compliance duty (Option B) or the adoption of a dual approach. Option A and B both offer distinct advantages but also challenges. Combining both into a dual approach would offer both advantages – a strong proactive framework for policy making and strong enforcement if the right to housing is breached.

Model A can promote a proactive approach to the right to adequate housing in policy development (including legislation). Where this is insufficient to ensure right-compliant implementation of housing policy Model B could be deployed to provide redress for individuals or groups adversely affected. It's also important to recognise that any future legislation on the right to housing wouldn't sit in isolation from other policy platforms. Indeed, it would serve to enhance and widen existing provisions under, for example, the Human Rights Act 1998 and legislation such as the Rights of Children and Young Persons (Wales) Measure, Equality Act 2010, Social Services and Well-being Act and the Well-being of Future Generations Act.

Internationally, there is evidence as to the impact of incorporation of social and housing rights, although it is difficult to source evidence of direct impact. This is because the extent to which the right is realised depends on numerous factors, including the resources available to government, social attitudes, historical disadvantage, political prioritisation etc. International and Wales-based evidence quoted by this report however, concludes that incorporation is accompanied by significant benefits. These include: opportunities for strategic and structural litigation to ensure better compliance with rights, as well as increase in the status of rights and subsequent recognition of rights in policy and legislation. In Finland, where housing is a human right guaranteed in constitution, homelessness is defined and perceived as a violation of a fundamental right. This led to the development of highly successful 'housing first' model (and significant reduction in homelessness).

To further support the principle of incorporating the right to housing into Welsh law, our feasibility study also analyses the potential positive impact that incorporating the right to adequate housing could have on some of the key housing issues of the day. Apart from greater consideration of housing at a cross-policy level, incorporation could help us tackle issues such as homelessness, increasing the security of tenure, increasing the provision of accessible housing, enabling young people to access affordable housing and ensuring tenants' voices are heard.

### **Progressive realisation**

The right to adequate housing is an international human right. It is set out in Article 11(1) of the ICESCR which reads as follows: *'The States Parties to the present Covenant recognise the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions. The States Parties will take appropriate steps to ensure the realization of this*

*right, recognizing to this effect the essential importance of international co-operation based on free consent.*

The right to housing is accompanied by a general obligation to respect, protect and fulfil the right. The right to housing may be *fulfilled progressively, over time*. This means that the government is required to *make progress towards the fullest possible realisation of the right through the application of maximum available resources*. This is called *progressive realisation*. [Progressive realisation](#) means that governments have a specific and continuing obligation “to move as expeditiously and effectively as possible” towards the full and wider realization of the right.

ICESCR also immediately prohibits discrimination and requires the provision of at least a minimum core level of enjoyment of the right to housing, avoiding homelessness, destitution and degrading treatment via provision of shelter

## **DRAFT BILL**

Working closely with Dr Simon Hoffman – as the author of our original feasibility report – in December 2020 we published a Draft Bill ([English](#) / [Cymraeg](#)) as a method of demonstrating what could be achieved in legislation. *It is important to recognise that the Bill is in draft and we are continually seeking views of stakeholders.*

In its current form, the Draft Bill for the right to adequate housing would create a legislative framework to help address some of the key issues of the day:

*Homelessness*: ensuring we build on some of the measures taken during the COVID-19 crisis, including maximising investment in social housing and support

*Security of tenure*: strengthening the position of Welsh Government in its rights-based approach, better balancing the rights of tenants to live in security with those of private landlords

*Accessible housing*: ensuring proper consideration of disabled people’s rights in a housing context, giving them a voice to have those rights recognised and, if needed, enforced

*Black, Asian and minority ethnic people, young people and other minority or disadvantaged groups’ access to affordable housing*: where local authorities would need to consider the needs of particularly disadvantaged groups in the development of local strategies and the supply of affordable homes

*Resource*: will push housing up the policy priority list and in turn ensure increased focus of resource and investment, tackling the chronic under-supply of housing as well as support services

In Part 3, the Draft Bill allows for redress – as referenced above – by indirect and direct incorporation: a strong, proactive framework for policy making and strong enforcement if the right to housing is breached.

## **EVIDENCE BASE - LESSONS AND OPPORTUNITIES**

In 2021, we commissioned Alma Economics to independently undertake two phases of research. In December of that year, we published a [report](#) which laid out an international evidence base on incorporation of the right to adequate housing.

This fundamental human right is incorporated in legislation in countries such as South Africa and Canada and in the constitutions of other countries such as Finland. More recently,



Scotland has been taking steps toward introducing this right in national legislation to ensure its progressive realisation and enforcement. Scotland is currently in the process of drafting a Bill which will, amongst others, provide for the right to housing.

### **International examples of incorporation**

Our report referred specifically to:

*South Africa*, where the right is justiciable but there is little investment in housing supply.

*Canada*, where there is a focus on governance and where legislation has created three accountability bodies. However, despite progressive realisation, the right is not yet justiciable – although citizens can access other mechanisms to ensure their right. The system in Canada is unique and relatively ‘new’, therefore effectiveness to date is difficult to judge.

*Finland*, where significant progress is being made. The right to housing, alongside other economic, social and cultural rights, is part of the Finnish Constitution. Economic, social and cultural rights are enacted through laws, which are assessed beforehand by the Constitutional Law Committee of Parliament before they are passed and are considered justiciable by the courts. Finland has also adopted the Housing First model, an international exemplar that focusses on ensuring homeless people have access to housing and is based on the theory that any other issues would be addressed once housing is obtained. This has been implemented in Finland in the form of national programmes and those programmes have been effective in reducing long-term homelessness.

Reference is also made to *Scotland*, which has a statutorily enforceable entitlement to housing and is taking steps toward introducing an enforceable right to adequate housing in its legislation, through direct incorporation of the Covenant. Scotland’s success in reducing homelessness depends on government investment and social housing supply. The Scottish case highlights that, to fulfil a housing related right, it is essential to combine a legally enforceable right with broad political commitment to ensure that this right is fulfilled under difficult budgetary conditions?.

### **Lessons for Wales**

The evidence from the above report highlighted that political commitment to provide quality housing through policy-making (particularly to encourage supply) can help towards the progressive realisation of the right to adequate housing. International case studies provide valuable lessons for implementing the right to adequate housing in Wales, particularly relating to: (i) progressive realisation; (ii) governance, and (iii) housing supply.

- i. Progressive realisation.* Moving to fulfilling a universal right to adequate housing is an aim that cannot be realised immediately given available resources. This is true for Wales now and was true also for all case studies at the point when those countries introduced forms of the right to adequate housing. “Progressive realisation” is the idea that governments should make continual progress toward the full realisation of a human right, taking deliberate steps both immediately and in future. This is the feasible path for countries introducing the right to adequate housing. Finland leads the way in providing a roadmap for progressive realisation. Since the right to adequate housing was introduced in their constitution 21 years ago, there has been a continual but gradual improvement with significant increases in housing supply and putting Finland on track to end homelessness by 2027.

- ii. *Governance.* Mechanisms are key to progressive realisation of the right to adequate housing and there are lessons to learn on governance from various jurisdictions: • In Finland, economic, social and cultural rights are enacted through laws, which are assessed beforehand by the Constitutional Law Committee of Parliament before they are passed and are considered justiciable by the courts. This includes policy changes affecting the right to adequate housing. • In Canada, alongside the introduction of the right to adequate housing, three accountability bodies were introduced to monitor, promote and protect the right. The Canadian model is unique; however, it is recent, and we could not identify evidence on its effectiveness. • The absence of suitable governance mechanisms is key to the lower rates of progress made in France and Spain. A structure in which new law-making does not cause reductions in the right to adequate housing is key to ensuring progressive realisation.
- iii. *Housing supply.* Increasing housing supply and improving the adequacy of the existing stock are key to progressive realisation. This is the key driver in the difference between the highly successful outcomes that Finland has achieved over time relative to countries such as South Africa, which have similar levels of legal ambition coupled with lower levels of resources to increase the stock of adequate housing, primarily due to South Africa being a less economically developed country. To achieve these improvements in housing supply and the adequacy of the existing stock, new investment is required. This could come from the private and the public sector.

### **The opportunity for Wales**

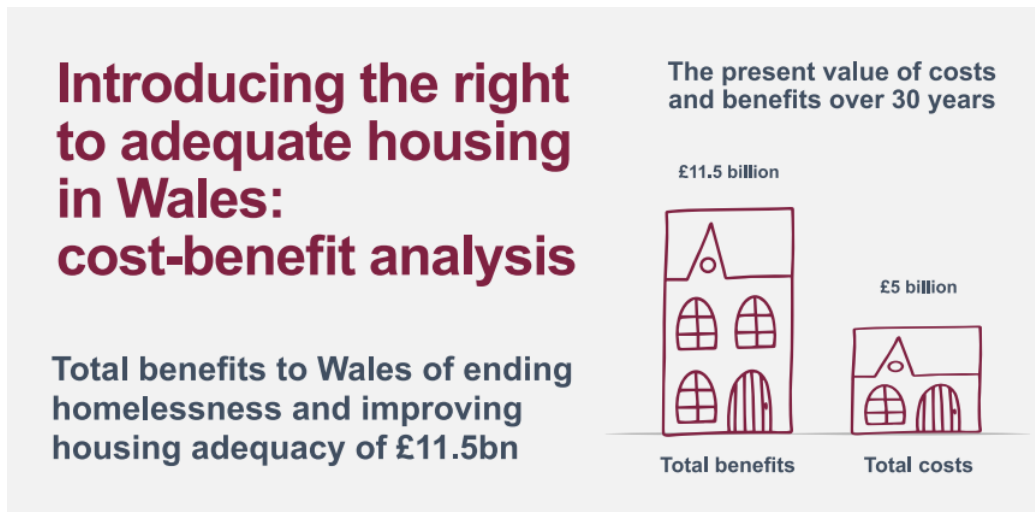
The right to adequate housing is fundamental in the International Covenant on Economic, Social and Cultural Rights. With progressive realisation over time, introducing this right in Wales would lead to continual progress toward addressing housing inequality in Wales and ending the costs to households and public services that come from living in inadequate housing. Whilst most of the case study countries have gone further than Wales at this point in terms of the ambition of their law-making and announced intentions for further law-making, there are weaknesses in all the case studies. This provides an opportunity for Wales to use lessons learnt to become an international exemplar in establishing and realising the right to adequate housing. *The Draft Bill proposed by the Back the Bill campaign would create a stronger justiciable right than has been established in any of the case study countries with clear governance for driving progressive realisation*, including the introduction of housing impact assessments for new law and policy-making with direct or indirect impact on housing (including budgetary allocations) and regular progress reports to be brought to the Senedd.

### **COST-BENEFITS**

We commissioned Alma Economics to independently undertake a second phase of research, namely a cost-benefit analysis of introducing a right to adequate housing in Wales. We [published](#) the research on its conclusion in July 2022. This section of the consultation refers largely to Alma Economics' findings from its executive summary (at the beginning of its report). The greater detail follows on in the same report.

### **Key findings**

Alma Economics identified benefits to the public purse worth £11.5bn against overall costs of £5bn over a 30-year period. It is projected that those benefits could start to outweigh costs after just six years.



For every £1 spent on the right to adequate housing, the paper highlights £2.30 in benefits (and each of the categories referenced below are explored in greater detail in the report). It will:

- save **£5.5bn** in improved well-being;
- save **£2bn** from local council budgets;
- save **£1bn** for the NHS; (likely an under-estimate and in addition to savings derived from existing Welsh Government housing-based policies)
- save **£1bn** for the criminal justice system; and
- generate **£1bn** in additional economic activity;

One of the main assumptions is that the right to adequate housing (RTAH) is progressively realised over a 10-year period, meaning that new policies are introduced over 10 years to support people to access adequate housing. However, in practice, the progressive realisation of the RTAH might take more or less time to achieve. This means that the costs and benefits of introducing the RTAH will materialise at a slower or faster rate, but the ratio of benefits to costs would not be expected to change substantially (and is inflation adjusted).

Although the RTAH is progressively realised over and fully implemented in 10 years, the impact of the costs and benefits of introducing the RTAH stretch over 30 years. The model estimates costs as well as tangible and intangible benefits compared to a 'business as usual' scenario, that is, a scenario in which the RTAH is never introduced. On the other hand, if Wales was hypothetically and fully on the path toward universal adequate housing under current policies, introducing the RTAH would not generate any additional costs or benefits, instead it would only reinforce the commitment to achieving adequate housing for everyone in the country.

### **One scenario for taking forward a right to adequate housing in Wales**

The RTAH is not a set of all the fully specified actions and policies required to move toward universal adequate housing, but is instead a high-level legal commitment to moving in this direction. For the report we commissioned, the analysis focuses on a *specific scenario* for

progressive realisation of the RTAH. *This path represents one out of many potential paths* and is used to demonstrate the costs and benefits of introducing the RTAH in Wales, however this right is to be implemented. Throughout the report, the authors discuss where specific assumptions feeding into the analysis could be changed without materially changing the conclusions of the report.

Based on latest evidence, under current policies, *Wales has been on a path toward achieving significant improvements in housing adequacy*. Announced policies, such as decarbonisation policies and potential changes in Welsh Housing Quality Standards, will improve habitability by improving thermal comfort of properties, reducing energy bills, increasing the physical security of buildings and reducing the prevalence of damp. However, there is still more to do, particularly on policies relating to other aspects of universal adequate housing, such as homelessness policies, and some areas of adequacy, such as adapting the housing stock for an ageing population and meeting specific needs. In our model, we assume that this 'room for improvement' will be addressed by introducing the RTAH, resulting in ending homelessness and adapting every house to residents' needs.

The scenario we developed points to the overall benefits that the RTAH will bring considering all costs and benefits to "society", including both the public and private sectors. However, it does not pre-empt the Welsh Government's policy choices on how to achieve these benefits. The costs and benefits we estimated would broadly generalise to apply to a range of scenarios for how the RTAH might be realised.

### **Costs of introducing the right to adequate housing in Wales**

The model includes costs relating to homebuilding, securing suitable accommodation for homeless households, such as through deposit payments or rent arrears payments, as well as rents paid. The model also assume that all households exiting homelessness will continue receiving housing support to maintain their accommodation. Alma Economics also take into account the costs of adapting houses to residents' needs. All figures in the modelling, including all estimates of benefits which are discussed in the following subsection, were inflation-adjusted and represent constant 2025 (real) values. If inflation is higher or lower than expected, real prices remain unaffected.

### **Benefits of introducing the right to adequate housing in Wales**

The key findings suggest that the specific scenario modelled for progressive realisation of the RTAH in Welsh law would generate socio-economic benefits that *significantly outweigh the costs*. Incurring costs of £5 billion for the RTAH to be progressively realised over ten years is expected to generate £11.5 billion in economic and social benefits over a 30-year period. The discounted net present value (i.e., discounted total benefits minus discounted total costs) is equal to £6.5 billion, and the Benefit-Cost Ratio (BCR) is equal to 2.3, meaning that each £1 of spending to provide adequate housing in Wales would generate around £2.30 in benefits. This is additional to significant benefits already included in the business-as-usual scenario of only pursuing policies that have already been announced. Under the business-as-usual scenario, assuming that all people in Wales will live in a house of EPC rating A by 2050, we estimate that decarbonisation policies will generate health and wellbeing benefits of over £30 billion. The benefits of the introduction of the RTAH will be additional to the benefits generated by policies to tackle the climate emergency, in particular supporting and boosting the decarbonisation agenda.

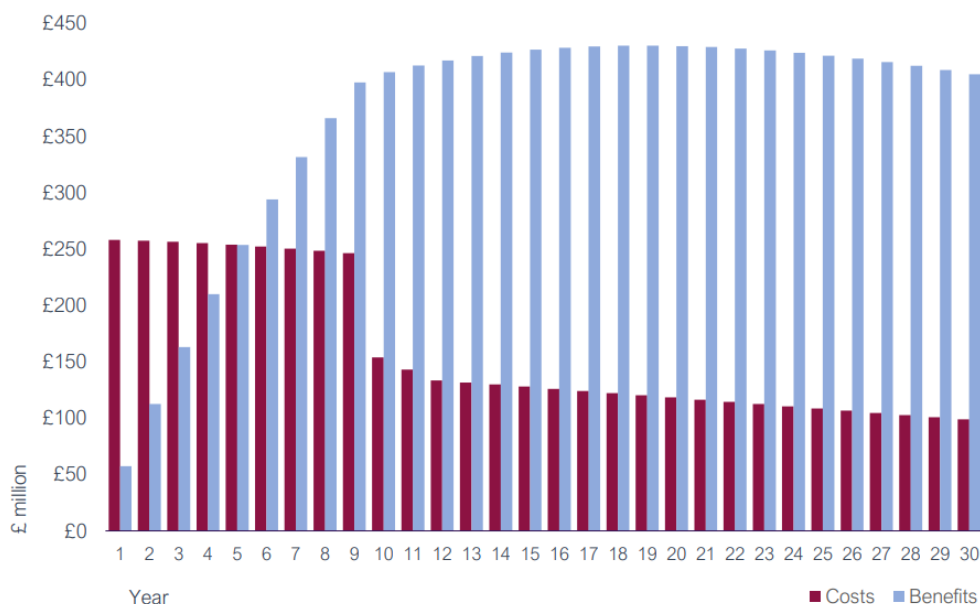
Figure 1 below shows the present value of costs and benefits generated over a 30-year period following the introduction of the RTAH in Year 1. Most costs relating to homebuilding and housing adaptations are generated over Year 1 to Year 10. Homebuilding continues

from Year 10 until Year 30, as we assume that after Year 10 there are 500 newly homeless households per year which are supported to rapidly exit homelessness by being provided with newly built houses (this is in addition to the 20,000 homes to which Welsh Government has already committed in this Senedd term). Other costs relating to the provision of housing support to households exiting homelessness, rents and costs of securing suitable accommodation continue until Year 30. Benefits, including savings to the public and private sector as well as wellbeing gains, start materialising from Year 1, during which a proportion of homeless households exit homelessness and housing stock begins to be adapted at a faster rate than under current policies. In year 6 and beyond, benefits start outweighing the costs. This means that before Year 10, the year in which the RTAH will be fully realised, the introduction of the RTAH will generate more benefits than costs. The sum of the present value of costs and benefits depicted in the figure below is equal to £5 billion and £11.5 billion, respectively.

The scenario for progressive realisation of the RTAH in Wales is also expected to generate some offsetting fiscal benefits. Based on findings from Phase 1, ending homelessness and making housing adaptations can generate around £1 billion in cost savings for NHS Wales over a 30-year period due to reduced use of drug and alcohol treatment and reduced need for mental health services, as well as benefits due to a reduction in accidents in the home. The introduction of the RTAH in Wales will support current plans toward a Healthier Wales and contribute to putting NHS Wales onto a sustainable path. Supporting homeless households to move out of unemployment could generate additional economic output of around £900 million over 30 years. Regarding cost savings to the criminal justice system, the report estimates that around £1.3 billion could be saved. Additionally, access to adequate housing can lead to reduced crime, thus fewer victims of crime and enhanced community safety (Alma Economics, 2021). Due to a lack of quantitative evidence, the study also qualitatively discusses the expected positive impacts of housing adequacy on educational outcomes, using the evidence base described in our Phase 1 report.

The model also includes benefits for local authorities due to reduced use of homelessness services, which are estimated to be around £2 billion. The report also considers the improved wellbeing of households due to moving from homelessness into secure housing as well as due to reduced housing hazards as a result of housing adaptations (£5.5 billion). The model also includes the rental value of newly built houses, which is estimated to be around £1 billion.

Figure 1. Present value of costs and benefits of the RTAH over 30 years



On health and well-being, for example, the report projects that the improved quality and suitability of homes would lead to less hospital admissions; equally, with a gradual increase in the number of suitable homes available, there would be less reliance on council and other homelessness support services, resulting in further savings to the public purse.

In their report, Alma Economics further highlight ways in which the proposed legislation would support important priorities for the Welsh Government and the people of Wales, such as decarbonising the housing stock across Wales by 2050 and providing homes suitable for an ageing population. Additionally, a right to adequate housing would drive action to tackle inequalities by reducing overcrowding and better supporting disabled people to access homes that meet their needs.

## ROAD TO IMPLEMENTATION

In November 2021, Welsh Labour and Plaid Cymru announced a three-year [co-operation agreement](#) across 46 areas of public policy. The agreement contains reference to a right to adequate housing:

***Property and Fair Rents** – Publish a White Paper to include proposals for a right to adequate housing, the role a system of fair rents (rent control) could have in making the private rental market affordable for local people on local incomes and new approaches to making homes affordable.*

Back the Bill partners [warmly welcomed](#) the commitment at the time it was published and have since worked constructively with Welsh Government and other organisations in preparing the ground by way of sharing evidence and expertise.

As at February 2023, a Green Paper is shortly due for publication, later to be followed by a White Paper. We look forward to engaging with Welsh Government and other interested parties on both.

## CONCLUSION

Wales, as the rest of the UK, is in the midst of one of the deepest and far-reaching housing crises that we have seen in modern times: a crisis which is having a profound impact on the very fabric of our society – from homelessness and temporary accommodation to poor quality and unsuitable housing conditions.

As a society, therefore, how much of a priority do we want to place on housing in order to ensure universal access to that most basic of human rights - a safe, secure and affordable place that we can call home. We believe that at the core of any solution to the housing crisis must be a national commitment to the fundamental principle that every one of us should have a human right, underpinned by law, to access adequate and sustainable housing. We need a vision and a legal framework that would help us shift the paradigm of the way housing is understood – namely as being central to the dignity of every person. A big part of that process should be, in our view, embedding into Welsh legislation, the Right to Adequate Housing as outlined in ICESCR (International Covenant on Economic, Social and Cultural Rights). We believe that the report makes for a compelling case for the incorporation of the Right to Adequate Housing into Welsh law, whilst also clearly setting out the route map for how we get there. (Former UN Special Rapporteur on adequate housing, Leilani Farha, clearly outlined this when she [spoke](#) at Tai Pawb's annual conference in 2021).

We believe that our feasibility study, evidence base and cost-benefit analysis make a compelling case for the incorporation of the Right to Adequate Housing as set out in ICESCR (International Covenant on Economic, Social and Cultural Rights) (“the Covenant”) into Welsh law, whilst also clearly setting out the route map for how we get there. This is a call to action for us all to fundamentally re-think the value we place on social and all housing, and the role that simple bricks and mortar must play in acting as a starting point for any form of community, economic and social regeneration.

Introducing a right to adequate housing in Wales doesn't just support housing policy, it amplifies it – from the recently implemented Renting Homes (Wales) Act to the planned legislation to end homelessness, or the decarbonisation agenda and retro-fitting standards agenda – underpinning them with a rights-based approach.

We argue that a legal right to housing is one of the biggest gifts we could give to future generations.

In the words of former Future Generations Commissioner, Sophie Howe:

*“Affordable, safe, connected, energy-efficient homes help keep people well, and a right to housing in law would help us meet the goals set by our unique Well-being of Future Generations Act, preventing homelessness, lowering the cost of running a home, taking action on the climate emergency and allowing us to plan better for looking after people in old age.”*

The evidence base we have collated and published is a clear demonstration of the power of positive change. Equally, we recognise that Wales is already on a positive journey in this area. However, we know that poor quality housing has negative impacts on the quality of an individual's health and life chances as well as a variety of other knock-on (costly) effects on areas of public policy.

The case studies show that introducing a legal right to adequate housing in legislation is a necessary condition to ensure a progressively realised and enforceable right to adequate housing - something Wales is yet to introduce. The Draft Bill we have proposed would create a stronger right than has been established in any of the case study countries, with a clear

drive for realising the full right over time. This would include the introduction of housing impact assessments, for example, and regular progress reports before the Senedd.

The moral argument of a right to adequate housing, in our view, is won – and now, complete with the cost-benefit analysis, we believe an ‘invest to save’ model can transform the Wales of the future.

We recognise that a right to adequate housing cannot happen overnight. Rather, using both the concept of progressive realisation and the basis of our Draft Bill to inform the Cooperation Agreement’s commitment to a White Paper on a right to adequate housing, we can shape a uniquely ‘Welsh way’ forward; ensuring, over time, that everyone in Wales can have the right to a good home.

Surely, everyone in Wales deserves a home that is safe and secure, that is suitable to their needs and one that they can afford.

*If not now, then when? And if not us, who?*

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### **Supplementary supporting statement from Pobl Housing Group:**

*We are very supportive of the principle of incorporating a right to housing into Welsh law. If the right to adequate housing is adopted into law and truly influences all parts of the housing system we have the opportunity in Wales to deliver real and lasting change and deal with some of the most difficult challenges of our time including homelessness.*

*At the heart of the housing crisis in Wales is the lack of supply – it is so important to understand how the system (including planning policy, housing standards, legislation and guidance) that shapes how homes are funded and built really delivers for the people of Wales. The delivery of new homes is very complex and increasingly more bureaucratic and expensive. This complexity is well intended but does mean that we consistently fall short in-house building targets. Until we solve and unpick these very difficult issues we will not be able to realise our ambitions of ensuring adequate housing for all.*

*It is really important that the right to adequate housing being incorporated into Welsh law provides an opportunity to understand how our housing system works and considers how we can reduce complexity and bureaucracy in a way that protects standards but delivers more homes.*

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### **ABOUT THE PARTNER ORGANISATIONS**

**Tai Pawb** works to advance equality and social justice in housing in Wales. We imagine a Wales where everyone has the right to a good home | [www.taipawb.org](http://www.taipawb.org)

**CIH Cymru** supports housing professionals to create a future in which everyone has a place to call home. We’re the professional body for people who work in housing, the independent voice for housing and the home of professional standards | [www.cih.org](http://www.cih.org)

**Shelter Cymru** exists to defend the right to a safe home. We help thousands of people each year in Wales by offering free, independent advice | [www.sheltercymru.org](http://www.sheltercymru.org)