



# Consultation response

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## Local Government & Housing Committee inquiry

### Keeping pets in private rented accommodation - May 2023

RSPCA Cymru welcomes the opportunity to contribute to the Local Government and Housing Committee's inquiry into the private rented sector. The RSPCA has long called for more support for pet owners who rent in Wales, to prevent prospective tenants from having to choose between accessing rented accommodation and keeping companion animals.

RSPCA Cymru strongly believes allowing pets in private rented properties can yield wide-ranging social benefits, help promote responsible animal ownership and facilitate happy, healthy tenants. The positive physical and mental health benefits companion animals provide their owners with are well-known and widely established. Pets can combat loneliness by providing comfort and companionship to their owners - many of whom consider their pet to be a member of their respective families.

**Pet ownership - and renting - is on the rise, along with living costs.** The number of households who have companion animals has been on the rise in recent years - in 2015, the National Survey for Wales found that 47% of households owned a pet<sup>1</sup>. According to the latest [National Survey for Wales](#) which featured questions on pet ownership, 53% of households in Wales now have a pet. Welsh Government statistics also estimate that 451,000 (33.5%) people in Wales rent their properties - an increase of almost 3% since 2011<sup>2</sup>.

The Committee's welcome focus on pet ownership in the private rental sector comes at a time when renters are facing significant challenges in terms of rising costs and high demand for properties. Statistics published by the [Office for National Statistics](#) show private rental prices in Wales increased by 3.2% in the 12 months to October 2022, with this being the highest annual percentage charge since records began in 2010. This trend is showing no sign of slowing as Wales' average rental values increased by 11.0% in March 2023 compared to the same period in 2022, according to [HomeLet](#). In April, it was reported that tenant demand had reached a five month high throughout the UK, while the supply of rental properties is currently declining<sup>3</sup>.

With the costs associated with - and the demand for - rental accommodation still rising, we are concerned that pet owners who find themselves having to seek accommodation against the backdrop of the cost of living crisis could struggle to find suitable housing. This could potentially lead to further increases in animal abandonments and the number of pets needing to be rehomed, as well as homelessness figures if renters refuse to give up their animals.

As it stands, the number of animals coming into our care is up by more than a quarter (27%) in comparison to last year. Problems around keeping pets in rented accommodation are a common reason

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<sup>1</sup> <https://www.gov.wales/sites/default/files/statistics-and-research/2019-03/national-survey-wales-pet-welfare-2014-15.pdf>

<sup>2</sup> <https://www.gov.wales/housing-wales-census-2021-html>

<sup>3</sup> <https://www.independent.co.uk/news/uk/royal-institution-of-chartered-surveyors-deals-yorkshire-humber-hexham-b2318835.html>

as to why some find themselves faced with no choice other than to surrender their companion animals. With our centres and many other animal rescues in Wales currently full to capacity, a change in legislation that looks towards making the keeping of companion animals in private rental accommodation a legal right could help ensure that less people need to give up their pets. This could also create much-needed homes for companion animals while helping to alleviate pressure on charities and the rescue sector.

Positively, the Welsh Government shares the RSPCA's relevant best practice guide with private landlords and agents through Rent Smart Wales. Nevertheless, accessing rented accommodation with companion animals tends to pose many challenges to private rental tenants as landlords may be apprehensive about taking requests for pets through fear of an animal damaging the property, or causing a nuisance.

Last May, we surveyed 144 current and prospective renters to establish whether pet ownership is a common barrier to those seeking private rental accommodation in Wales<sup>4</sup>. Our survey found that 86.5% had experienced difficulties when trying to rent with a pet, while almost 60% of respondents had previously been refused a pet by their landlord.

**Wales risks lagging behind on renting with pets.** Recent estimates from the UK Government suggest that only seven per cent of private landlords advertise pet-friendly properties<sup>5</sup>. However, this number could actually be lower in Wales as England introduced model tenancy agreements that specifically discourage blanket bans from pet ownership in 2021. Under these agreements, landlords need to object in writing within 28 days of a written pet request from a tenant and provide a good reason if it is to be declined - with keeping the pet the default scenario. While we would welcome a similar approach in Wales, as these tenancy agreements are not statutory, we are calling for the Welsh Government to go even further by making the keeping of pets a legal default in the private housing sector.

Unlike in England, landlords in Wales can request an additional, separate deposit to cover themselves against any potential damage caused by pets at the end of the tenancy. Meanwhile, landlords in England have the option of charging up to five weeks' rent as a deposit, which could include a pet deposit, while landlords in Scotland can charge up to two months' rent. However, with any additional costs for a pet adding to the expense of the usual deposit and rent advances many agents and landlords require before a tenant moves in, this might not be a viable option for all pet owning renters. Meanwhile, making pets a legal default in tenancy agreements, unless there is justifiable reason not to, such as concerns for animal welfare, would cover all pet owners regardless of their financial circumstances.

The Renting Homes (Wales) Act 2016 came into force in December 2022 but there is little reference to pet ownership included within the associated guidance for this legislation. While pets can be included as an 'additional term' in rental contracts under this Act, this falls short of making the keeping of pets a legal default in tenancy agreements. The explanatory guidance relevant to this legislation states that "additional terms are agreed between the landlord and contract holder"<sup>6</sup> - which suggests that landlords could potentially still refuse pets should they wish to do so. RSPCA Cymru has long called for a change in law to prevent private landlords initiating blanket bans on the keeping of pets in private rental properties and had previously hoped that this would be featured in the Renting Homes (Wales) Act.

**Public and political support for pet owning renters is strong.** [A petition](#), which RSPCA Cymru has supported, calling for the use of 'no pet clauses' in tenancy agreements to be banned in Wales, is currently under the consideration of the Petitions Committee. In [correspondence](#) associated with this petition, it has been stated that following the commencement of the Renting Homes (Wales) Act 2016 "a landlord cannot unreasonably withhold a request to have a pet". Unfortunately, there is no further explanation as to what would be considered 'reasonable' in terms of refusing a pet in the legislation's

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<sup>4</sup> The survey was conducted in May 2022 and asked 144 people a series of questions on renting with pets. The survey was created via Google and advertised on the RSPCA's social media channels.

<sup>5</sup> <https://www.gov.uk/government/news/new-standard-tenancy-agreement-to-help-renters-with-well-behaved-pets>

<sup>6</sup> National Residential Landlord Association - Make your voice heard in new Welsh tenancies consultation, 8 June 2021

guidance. What a prospective tenant would deem reasonable could differ significantly from what a landlord would consider reasonable, with there being no dispute resolution mechanism in place as it stands.

The aforementioned survey found that a clear majority (64%) of those who had been previously refused pets were not given a reason why by their landlord. Concerns around damage to the property were among the most common reasons given to those who did receive an explanation, while some landlords were also fearful of insurance issues as well as the 'smell' of pets.

The Consumer Rights Act 2015, which prohibits 'unfair terms' in rental contracts, is also referred to in [the guidance](#) for the Renting (Homes) Wales Act. Any 'additional terms' in contracts, such as pet clauses, are required to comply with this Act in terms of fairness. A 'pets clause' would allow a contract-holder to ask for permission to keep a pet, which the landlord cannot unreasonably refuse. Nevertheless, with the inclusion of a pet clause still being classed as an 'additional term', there is no legal requirement for them to be included in a contract as standard or if a landlord refuses.

While the Consumer Rights Act means a blanket ban on keeping pets in a tenancy agreement could be struck out if challenged in court, tenants might find legally challenging 'no pets clauses' an expensive and time consuming process. With a high number of adverts for rental properties also stating 'no pets' - allowing prospective landlords to refuse pets before a prospective tenant has even viewed a property - this legislation also doesn't help those who are seeking to enter the rental market with a companion animal and/or those without an existing contract.

As to whether most current and prospective tenants would be aware of the legislation above and their legal rights in terms of keeping pets in rented accommodation is also questionable. Our survey also found that 87% of respondents felt that there was not enough advice available for private renters who have or want pets, with a similar amount (81%) stating that the Welsh Government is not doing enough to support them.

Reducing the barriers pet owners who rent face has strong cross-party support in the Senedd. A relevant legislative proposal tabled by Luke Fletcher MS was debated in the Senedd last July<sup>7</sup>. A clear majority of eligible MSs (30/49) voted in favour of the introduction of legislation that would ban 'no pets' clauses in rented accommodation, with only seven members voting against the proposals. The proposed bill would also -

- introduce a standard tenancy agreement similar to the UK Government's model tenancy agreement announced in January 2021;
- propose a series of measures which would ensure that responsible pet owners are not treated unfairly as a consequence of the type of accommodation they live in;
- allow consent for pets as the legal default in social housing and the private rented sector, unless there is a justifiable reason not to do so

This RSPCA Cymru-proposed bill is currently included in the Senedd's legislative ballot for Members Bills. With this ballot being 'random' and infrequent, we remain concerned that unless legislation is progressed by the Welsh Government, pet owners will continue to find themselves at a disadvantage when seeking appropriate accommodation. With the number of renters - along with the number of households with companion animals - on the rise in Wales, it is vital that more support is made available for pet owning renters. We therefore urge the Local Government and Housing Committee to recommend that the Welsh Government legislates to establish a fairer balance between tenants' rights and the rights of landlords, who could also benefit from these proposals by maintaining longer-term, successful letting arrangements.

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<sup>7</sup> <https://business.senedd.wales/ieListDocuments.aspx?CIId=700&MIId=12901>