



Older People's Commissioner for Wales
Comisiynydd Pobl Hŷn Cymru

HB 25

National Assembly for Wales

Communities, Equality and Local Government Committee

Housing (Wales) Bill: Stage 1

Response from: Older People's Commissioner for Wales

**Response from the Older People's
Commissioner for Wales**
to the
Consultation on the Housing (Wales) Bill

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For more information regarding this response please contact:

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About the Commissioner

The Older People's Commissioner for Wales is an independent voice and champion for older people across Wales, standing up and speaking out on their behalf. She works to ensure that those who are vulnerable and at risk are kept safe and ensures that all older people have a voice that is heard, that they have choice and control, that they don't feel isolated or discriminated against and that they receive the support and services they need. The Commissioner's work is driven by what older people say matters most to them and their voices are at the heart of all that she does. The Commissioner works to make Wales a good place to grow older - not just for some but for everyone.

The Older People's Commissioner:

- Promotes awareness of the rights and interests of older people in Wales.
- Challenges discrimination against older people in Wales.
- Encourages best practice in the treatment of older people in Wales.
- Reviews the law affecting the interests of older people in Wales

Consultation on the Housing (Wales) Bill

As the Older People's Commissioner for Wales I welcome the opportunity to respond to the consultation on the *Housing (Wales) Bill* (the Bill).

As the independent voice and champion for older people, I am keen to look across the work and legislative programmes of all Government departments for reassurance that older people and their issues are adequately reflected and to seek evidence of clear impact on the lives of older people.

The housing needs of people change as they age and a decent home that suits the needs of residents, in a safe, inclusive community, is absolutely critical to the sense of wellbeing felt by older people.

There is much evidence to suggest that the design and location of a home, as well as its condition, can help or hinder ambitions of living healthy, independent lives. The older people I have met and spoken with as part of my Engagement Roadshow have told me about the significant negative impacts that inappropriate housing can have on quality of life, such as poor health, social isolation and fuel poverty. Poor housing can lead to falls, injuries and, in the extreme, preventable winter deaths.

The fundamental issues that are at the root cause of many of these problems must be addressed. There is a current lack of suitable, affordable housing options across all tenures for older people in Wales and a desperate need to better plan future housing stock. Furthermore, older people must be able to access the information and support they need to make positive, informed and planned decisions about the housing choices available to them.

Older people experience negative stereotyping about their housing situation and related wealth. The narrative surrounding older people

'blocking' larger accommodation ignores the real issue of lack of housing choice, and psychological and social reasons for not moving.

I am supportive of the broad ambitions of the Bill to improve housing standards, increase affordability, enhance our communities and support vulnerable people.

However, it is important to note that most of the proposals in the Bill will not directly impact older people, nor will they specifically address the supply of housing stock that is suitable for older people. Although there will, of course, be older people who are privately renting who will benefit from a compulsory registration and licensing scheme and older people who belong to the gypsy and traveller communities, or who are homeless.

Private rented sector

An increasing number of older people across the UK are selling their homes and moving into rented accommodation.

This could be an attempt for people who cannot afford to make changes to their own home to access the specialist housing they need. For example, three quarters of specialist housing for older people is for rent, a proportion of which will come from the private sector, whereas only one quarter of this housing is for sale. It could also be an attempt by older people to relieve themselves of the responsibilities of home ownership, or to release equity from their home in the face of a dwindling pension and rising costs of living.

The ability for an older person to access specialist housing that suits their needs allows them to remain independent for longer and will reduce the risk of trips and falls.

The Bill introduces a compulsory registration and licensing scheme for all private rented sector landlords and letting and management agents. I welcome these proposals as it will mean that tenants will have greater access to information about their landlord and will be able to check whether they are licensed and/or registered. However, the proposals in

the Explanatory Memorandum are that the details of private landlords and agencies will take the form of an online database.

Through my engagement with older people, I know that, for many, digital exclusion is a barrier to accessing information and services. If an older person does not have internet access and/or does not have a family or carer who is able to use the internet, then they may have no means of accessing the database of registered landlords and agencies. Older people, by virtue of this situation, may already be in a heightened position of vulnerability and a lack of access to this information puts them at risk of being exploited by a poor landlord.

The online database needs to be supported by face to face and/or telephone information and advice to support the most vulnerable tenants. Older people simply cannot make informed and planned choices about their housing situation if they do not have access to the relevant information.

Council tax for empty dwellings

The Bill introduces a power for local authorities to charge more than the standard rate of council tax on homes that are empty for over a year.

An older person may need to spend an extended period of time in a hospital, reablement facility or residential care setting due to their care or support needs. During this time, there may be no other resident at their home. However, for a variety of reasons they may not want to sell or rent their home. The ability for an older person to choose how to keep their property in this situation should be maintained and an older person should not be penalised as a result of this situation.

The Bill specifies that regulations may be made by Welsh Ministers to prescribe one or more classes of dwelling, by reference to the circumstances of any person who is liable to the charge, that may not be subject to an increased rate of council tax.

An exemption for an older person whose home is empty because of a care or support need should be created through these regulations and I

urge the Welsh Government to bring these forward as soon as possible upon the passage of the Bill.

Accessible Housing Registers

Almost 60 per cent of people aged over 65 identified that they had a disability or long-term health problem that limited their day-to-day activities. This rises to 73% amongst over 85s in Wales (2011 Census Data).

As the housing needs of older people change as they age, they may need to live in a property that is accessible and has been adapted to suit their needs. Living in a home that has been adapted can dramatically reduce the risk of accidents and maintain independence for longer.

Suitable housing may not exist within the community of an older person. However, it may exist but is unknown to the person in need. Without access to appropriate housing in their own community, the choice often lies between 'getting by' in unsuitable accommodation or up-rooting to some form of institutional home, usually triggered by a crisis.

An Accessible Housing Register identifies disabled people who are in need of an accessible home, identifies the properties available and enables effective matching of people and homes at the point that a property becomes available to let.

The Welsh Government White Paper 'Homes for Wales: A White Paper for Better Lives and Communities' included a commitment that Welsh Government would "Ensure there is an Accessible Housing Register covering every local authority area, based on good practice and collaborative working".

Although all local authorities have processes for allocating accessible housing, Accessible Housing Registers are not available in all areas of Wales. There is no legal requirement to provide this service and the majority of social landlords are unaware of the Welsh Government's policy to encourage the use of Accessible Housing Registers.

Furthermore, where they are available, there is extensive variation in

how they operate and many registers are not promoted to or accessible by the public.

It is disappointing that a requirement for an Accessible Housing Register in every local authority area has not been placed on a statutory footing through the Bill. This would reduce variation across authorities and ensure that all registers are accessible to the people who most need access.

Equality Impact Assessment

Equality Impact Assessments are essential in order for any unintended consequences or difficulties as a result of the Bill to be mitigated and for positive changes to be highlighted. Whilst I am pleased that the Welsh Government has produced assessments for the Bill, the content is not sufficiently comprehensive to assure me that the impact of the Bill on older people has been fully considered. For example, earlier in this document I highlighted the disproportionate impact that an online only register of private landlords would have on digitally excluded older people who would benefit from accessing this information.

Furthermore, a proposal in the Bill is that prisoners leaving custody will no longer be classed as priority need. People over 60 are the fastest growing age population in prison, and over 60's as a group has trebled in size in the UK prison population in the last 20 years (Prison Reform Trust). The proposals will make it difficult for an older person leaving prison to find suitable and accessible housing unless extra support, or specific resettlement programmes are available. This presents a particular challenge because older people can have specific housing needs, as outlined earlier in the document, that are essential to be met in order to maintain health and independence. I am disappointed that the Equality Impact Assessment does not give sufficient consideration to older people in these proposals.