

RH 01

Y Pwyllgor Cymunedau, Cydraddoldeb a Llywodraeth Leol/
Communities, Equality and Local Government Committee
Bil Rhentu Cartrefi (Cymru)/Renting Homes (Wales) Bill
Ymateb gan: Dinas a Sir Abertawe
Response from: City and County of Swansea

Simplification of Tenancy Types

The Bill proposes introducing new types of tenancies in an attempt to simplify the current system.

Council Response – *The Council would like to receive clarification on the types of standard contract which will actually become available under the new legislation. It would appear that there will be an ‘Introductory Tenancy’ type (which will automatically become a secure contract), a ‘Demoted Tenancy’ type (which can revert to a secure contract) and a Private Rented Sector type. The proposals do not appear to simplify the current tenancy types that are available.*

Prohibited Conduct

All types of tenancy agreements for both social housing tenants and private sector tenants would include the same ‘prohibited conduct’ terms to ensure all tenants are treated equally in relation to anti social behaviour. These terms will allow for action to be taken more easily against a tenant if they cause or allow ASB to occur in the property.

Council Response – The Council agrees with this proposal especially the fact that there will now be a consistent approach to addressing anti social behaviour across all tenures.

Joint Tenancies

Joint tenants will be able to give notice to the landlord (and other tenant/s) to terminate their part of the tenancy. Landlords can also terminate the tenancy for a joint tenant who has clearly left the property, without ending the tenancy for the remaining tenant/s.

Council Response – The Council agrees with this proposal as the proposal will be of benefit to both the remaining joint tenant and the Landlord/Council in terms of reducing the administrative process involved in terminating the tenancy of the person who has left the property.

Abandonment:

Landlords can legally recover possession of any abandoned property without having to go to court.

Council Response – *The Council agrees with this proposal. There will be a role for Local Authorities to play however to make sure notice periods are clear and not abused by landlords in order to regain properties whilst a tenant is on holiday, in hospital or prison etc. Guidance on what level of proof is needed by the Landlord that the property has been abandoned would be useful.*

Young People:

16 and 17 year olds will still not be able to hold a tenancy under property law, they will still hold a license. The difference will be that the contractual arrangements that will exist between the landlords and tenant will mirror those of either the standard or secure agreement.

Council Response - *The Council agrees with this proposal, however support in suitable accommodation must remain the primary focus of solving housing problems for young people.*

Succession Rights of Carers

A Carer who has lived with a tenant for over one year to provide help/support will have the right to succeed to the tenancy providing that there are no family members living in the property who would be eligible to succeed to the tenancy and that the property was the carer's only home. The proposals do allow social landlords to seek possession of the property though if the carer would be significantly under occupying the property

Council Response - *The Council agrees with this proposal. The fact that it is recognised that Authorities/RSL should be able to take possession of the property if significant under occupation was to result is welcomed given the current pressures on the housing stock.*

Consistent Succession Rights across Wales

Reserve successors (non joint tenants living in the property) can be subject to repossession if the property is under occupied. Landlords must take this action within 6-12 months of the death of the original tenant.

Council Response - *The Authority agrees with this proposal given current pressures on the housing stock.*

Removing Mandatory Eviction (ground 8) for Housing Association Tenants:

The Courts will have discretion to consider mitigating factors such as late payment of benefits to decide whether losing a home is justified. This has always been the case for LA secure tenants but it is now proposed that this should apply to Housing Association tenants also.

Council Response - *The Council agrees with this proposal as it will ensure that Local Authority tenants and Housing Association tenants are treated in the same way by the Courts.*

Fit for Human Habitation

Landlords must ensure that all properties are fit for human habitation.

Council Response - *The Council strongly supports this concept but has concerns over the use of the phrase 'fit for human habitation' as this has largely been removed from the legislation over recent years so more clarity in terms of what is acceptable and not acceptable would be useful.*

Waste

Tenants/Occupiers will not be responsible for waste at the property.

Council Response - *The Council has concerns about this as it seems to contradict other existing legislation. The Council has tried to make occupiers/tenants more responsible for their behaviour and this proposal does not help with this objective.*