

## **HSHAWB 07 Tai Pawb**

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Senedd Cymru | Welsh Parliament

Y Pwyllgor Llywodraeth Leol a Thai | Local Government and Housing Committee

### **Bil Digartrefedd a Dyrannu Tai Cymdeithasol (Cymru) | Homelessness and Social Housing Allocation (Wales) Bill**

Ymateb gan: Tai Pawb | Evidence from: Tai Pawb

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#### **1. What are your views on the general principles of the Bill, and whether there is a need for legislation to deliver the stated policy intention?**

Tai Pawb welcomes the general principles of the Bill. We recognise a lot of work has gone into designing this legislation from Welsh Government officials, Local Authorities, Housing Associations and other third sector organisations..

As an organisation, we played an important role in supporting the development of these proposals through participating in the Expert Review Panel and amplifying the voices of people with protected characteristics experiences of homelessness through a specific research report.

Tai Pawb also campaign in partnership with Shelter Cymru and the Chartered Institute of Housing to incorporate the right to adequate housing in Wales. We welcome the legislation, the urgent need to end homelessness in Wales and the vital role of social homes. Prioritising improved measures to prevent and eradicate homelessness is consistent with the RTAH for which we together campaign.

With the aim of improving the final legislation, campaign partners will respond in detail as individual organisations to the consultation on the H&SHA Bill, reflecting their different roles and different areas of expertise.

The RTAH puts a focus on a good home as a human right - a right that we want realised for everyone in Wales. A RTAH in the next Senedd term would mark a step change, turbocharging measures such as the proposed new homelessness legislation, by driving long term policy thinking and investment across the whole of our housing system and beyond - with the goal of everyone in Wales being able to find, and keep, a home that is suitable, safe, secure and genuinely affordable.

We believe the legislation is required to reform our homelessness systems. Wales is currently experiencing a housing crisis, of which homelessness is one

manifestation. We hope that legislation will drive the changes required to make homelessness brief, rare and non-recurring.

Overall, we feel the legislation is progressive. We welcome the changes around priority need and intentionality but recognise the challenge this may present through increased demand for local authorities in the future.

We also welcome the proposals around Accessible Housing Registers. Tai Pawb have undertaken research on this area in the past, and what is required to make these succeed. We hope this research can inform later stages of the development of legislation (i.e., code of practice) and will be responding in more detail later in our consultation response.

We recognise legislation is often a compromise, with different stakeholders, presenting diverse challenges. We appreciate clarity and more detailed information may come at a later stage, including during implementation. However, we are concerned that some of the earlier suggestions focused on proposals that would benefit marginalised groups are not included – or as explicitly as we would have hoped. These include:

People with no recourse to public funding (NRPF),

Refugees,

LGBTQ+ Community and

Gypsy Roma and Traveller communities.

Given that we know homelessness can disproportionately affect these communities, we are concerned the overall legislation while positive, may not achieve the policy goals of making homelessness brief, rare and non-recurrent for all

**2. What are your views on the provisions set out in Part 1 of the Bill - Homelessness (sections 1 -34)? In particular, are the provisions workable and will they deliver the stated policy intention?**

Part 1 of the bill contains numerous reforms to our homelessness system. On the whole, we welcome the direction of travel and recognise these to be progressive improvements. However, there are a small number of areas we believe clarity, amendments and/or enhanced focus in later guidance is required:

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Meaning of threatened with homelessness – We welcome the extension around prevention from 56 days to 6 months. We recognise this as a significant change to how we approach preventing homelessness. Later guidance on designing these services will need to ensure they are designed to be diverse and meet the needs of different communities, in particular those with protected characteristics. However, we are uncertain about how this duty would apply to people in asylum system prior to being granted leave to remain. The Home Office has not been included in the list of bodies with a duty to refer, increasing the risk that refugees become even more overrepresented in the homelessness population.

Prevention, Support and Accommodation plans – We believe there is a need to ensure these meet any communication needs of the individuals concerned. There should also be an emphasis on plain language and accessible formats.

Meaning of Local Connection– We recognise the strong feeling around the Local Connection Test, particularly from local authorities. We welcome opportunities for a Minister to add relevant groups in the future. Our research in particular highlighted that LGBTQ+ who experience homelessness may have friendship support connections that perform the role of family. Given that 1 in 4 young people who experience homelessness are from the LGBTQ+ community, we are concerned about the risks of repeat homelessness to this community in particular, if no exemption from local connection applies.

We are also unclear how this would apply in practice to people who are newly granted refugees and people fleeing domestic abuse who have NRPf conditions attached to their visa. Clarity either in the legislation or guidance which follows would be beneficial.

Circumstances in which duties to help applicants end – Some of the circumstances listed may be affected by protected characteristics, including around poor behaviour. We recommend guidance states equalities data is collected where these decisions are made and robust monitoring takes place, to identify any potential patterns of bias in decision-making.

Duty to ask and act – We welcome this section of the legislation – and in particular the opportunity for Welsh Ministers to add to this in the future. We are disappointed the Home Office is not currently listed – and have concerns about how this may affect people with newly granted refugee status. We are uncertain whether the omission of primary care and schools, may disproportionately affect children in families where there is NRPf status, as these are the public services they may be more likely to engage with.

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We also wonder whether provisions could be made in the future to explore whether landlords in the PRS could have a mechanism to refer people at risk of homelessness when they are handed notice. Consultation with PRS landlords we work with indicates they would welcome the opportunity to have such a mechanism.

Duties to seek the views of homeless people in exercise of homelessness functions - We welcome the inclusion of this, particularly having undertaken work in the development of this legislation to allow the voices of people with lived experience to be heard. We would recommend subsequent guidance states that the engagement is representative of the characteristics of the homelessness population in an area so the views of all can be heard and undertaken in a way that ensures all can participate.

**3. What are your views on the provisions set out in Part 2 of the Bill – Social Housing Allocation (sections 35 – 38)? In particular, are the provisions workable and will they deliver the stated policy intention?**

Tai Pawb are supportive of the provisions included in Part 2 of the Bill.

In particular, we welcome the inclusion of accessible housing registers having a) undertaken research on this area across Gwent in recent years and across Wales previously and b) advised and assisted local authorities in the development of AHR's. We advise legislation and future guidance take account of our key findings and recommendations and are happy to support developments and implementation in our role as a sector body. These include:

Accessible Housing systems can be either separate or embedded within the wider Common Housing Registers (both can work well).

Needs should be assessed at application stage (by an Occupational Therapist) rather than at allocation stage.

Adapted housing does not necessarily mean accessible housing. Therefore, categorising homes within the register can greatly support the allocation process. All homes should be categorised according to their accessibility level. E.g. from A (most accessible) to H (not accessible) – see our research.

In our regional research - virtually all stakeholders supported a regional categorisation of properties and applicants therefore we would recommend a nationally standardised accessibility categorisation of properties (some RSL's have properties across many local authority areas, with different categorisation creating confusion and extra work)

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Age restrictions - Some disabled people as well as housing/social care practitioners highlighted age restrictions on some accessible properties limited disabled people's options and access to housing. There should be flexibility where possible.

Development of accessible housing allocation framework and guidance. The framework could help establish common ground and work towards more standardised and improved practice based on an agreement between stakeholders.

Consider investing in mapping of accessible housing stock onto centrally held database(s). Our research found that even 'good practice' local authorities/common housing registers were only able to hold accessibility information on ca.50% of homes. Assessing and recording accessibility level of homes in a standard way should be a proactive exercise (and could be undertaken as part of e.g. regular stock condition surveys). Invest in proactive assessments, classification and mapping of accessible properties (potential for pooling resources to carry this out).

Focus on increase and exchange of practice and skills amongst housing, health and social care staff. Many stakeholders we engaged with were not aware of social model of disability, therefore training should be provided on this model, in line with the new Disability Rights Plan. This also includes Investing in Occupational Therapists in housing options teams. We hope to work further with local authorities and the Welsh Government to implement these changes.

Lack of specific provision for Gypsy, Roma and Travellers – The White Paper proposed legislation provides for sites (rather than bricks and mortar accommodation) to be generally considered the most suitable accommodation for an applicant from the travelling community (Gypsy, Roma and Travellers) and the local housing authority should be obliged to ask an applicant from the Gypsy, Roma and Travelling Community whether or not they are culturally averse to bricks and mortar and to ensure suitability of accommodation is culturally appropriate for the applicant. Unfortunately, provisions do not appear to have been carried through to deliver this, negatively impacting a community already affected by inequality and homelessness

**4. What are your views on the provisions set out in Part 3 of the Bill – Social Housing Allocation (sections 39 – 43 and Schedule 1)? In particular, are the provisions workable and will they deliver the stated policy intention?**

N/A

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## **5. What are the potential barriers to the implementation of the Bill's provisions and how does the Bill take account of them?**

Tai Pawb recognise this bill to be transformative and ambitious in scope. We welcome the policy goals to make homelessness brief, rare and non-recurrent. We see potential barriers to achieving this as following:

Supply of suitable homes – The current target of 20K social homes in this Senedd term looks unlikely to be achieved. To achieve the goals of this legislation, we will need to boost the supply of homes. In doing this, we must ensure that we build the right homes in the right places to address homelessness. This will require data driven local approaches, and given the changes in the demographics, a particular focus on accessible homes.

Lack of strategy to ensure the right homes – It's been over a generation since Wales last had a housing strategy. This lack of a strategic approach to housing has been a contributory factor in our homelessness crisis. Unless we get a more strategic approach, we risk undermining the progressive and positive aspirations of this legislation.

Capacity of staff at a local authority level – Local authorities may need additional resource to ensure they have the capacity and staff to deliver on the enhanced changes, especially at the prevention side of delivery.

Finance – We note and welcome the positive financial benefits identified in the cost-benefit analysis. To achieve the changes desired by this legislation, we believe there needs to be a long-term approach and increase in funding available to housing and homelessness – ideally taking homelessness and housing away from being a party-political issue.

Focus on diversity – We feel one of the strengths of the original Expert Review Panel Recommendations and White Paper, was a focus on diversity. Our research highlighted people with protected characteristics experiences of homelessness had a common theme that understanding diversity would enable a more flexible approach. This would be particularly beneficial when dealing with people with protected characteristics, who may have more complex lives. We've already outlined a few of these areas in this response around LGBTQ+, Refugees and people with NRPF, but the same also applies to the Gypsy, Roma and Traveller communities. Later guidance must ensure an understanding of diversity, or we will risk homelessness not being rare, brief, and non-recurrent for some communities

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**6. How appropriate are the powers in the Bill for Welsh Ministers to make subordinate legislation, as set out in Chapter 5 of Part 1 of the Explanatory Memorandum)?**

N/A

**7. Are there any unintended consequences likely to arise from the Bill?**

Unintended consequences can be difficult to accurately predict. However, given the scope of changes proposed, we feel it necessary to recommend robust monitoring of these, accompanied by the ability and preparedness to respond as they occur. This could include additional guidance, finances or partnership working – as well as legislative amendments in the longer term. Potential unintended consequences we foresee could include:

Lack of duty to ask and act on Home Office – We welcome the provision for changes in the future in this area. However, the lack of this at this stage risks Refugees making up a bigger proportion of the homelessness system. Given the challenges in place already around racism and far right populism in our communities, we feel this may stigmatise a vulnerable group and presents the risk of further community unrest.

Accessible Housing Registers – While the creation of these is undoubtedly positive, this may raise expectations amongst disabled people for better accommodation. There is a risk that unless these are tied to increases in supply and good practice recommendations, this leads to little change in the system and disappoints disabled people further.

**8. What are your views on the Welsh Government’s assessment of the financial implications of the Bill, as set out in Part 2 of the Explanatory Memorandum?**

N/A

**9. Are there any other issues you would like to raise about the Bill and the Explanatory Memorandum or any related matters?**

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