

1. **Examine how incorporating the right to adequate housing into Welsh law would work in practise**

Care & Repair Cymru is Wales' Older People's Housing Champion. Every day, Care & Repair sees older people in Wales living in unfit and unsafe housing, with few opportunities to improve their situation. Older people are more likely than any other demographic to own their own home. The rising cost-of-living and a shortage of contractors have contributed to the deterioration and disrepair of many properties. Without Care & Repair's intervention, thousands of vulnerable older adults are increasingly at risk due to unfit, unchecked and unresolved housing issues.

For Care & Repair, the right to adequate housing has always been at the heart of what we do. Ensuring all older people in Wales have access to homes that are safe, warm, suitably adapted to their needs, and supports them as they age is our priority. In 2021-2022, Care & Repair provided support to 56,897 older people across Wales, completing over 58,000 individual works for older people in Wales to enable them to live safely and independently in their own home.

Immediate, practical solutions to help solve housing disrepair:

In January 2023, Care & Repair published a new report '*The State of Older People's Housing in Wales*'¹. This report draws on the experiences of Care & Repair staff, including our Technical Officers who are responsible for fitting adaptations and facilities as required. The report highlights the urgency of thousands of older people living in inadequate housing right now, today, in Wales. Nearly 1 in 5 homes in Wales have a Category 1 Hazard present, rising to nearly 1 in 3 for homes built before 1919. With Wales having a median EPC (Energy Performance Certificate) rating of Band D, the need for energy efficiency and home insulation is key to protecting energy bills and health. Our clients tend to be low-income, and the cost-of-living crisis means they are even less likely to be able to afford work in a volatile environment, so they have no choice but to turn to Care & Repair. A long-term ambition to incorporate the right to adequate housing must be supplemented with a series of practicably implemented policy solutions implemented over the short and medium term. For this reason, Care & Repair are calling for a safety net grant to tackle disrepair in owner occupied and private rented tenures for vulnerable older people who would otherwise have to live in unfit housing.

Mandatory accessible housing targets:

Wales has already adopted a 'Lifetime Homes' approach through its Beautiful Homes and Spaces quality standards for affordable homes. Despite this, only one out of 22 Local Authorities in Wales has an accessible housing building target. However, the standard mostly applies to new builds. Many Care & Repair clients will not move home again in their lifetime, unless to seek residential care or supported living. Welsh Government cannot overlook owner occupiers with changing needs throughout the life course when it comes to accessible housing. By 2035, 58% of people over 65 are predicted to have a mobility impairment. Without forward

planning and investment based on population need, the Welsh housing stock will be increasingly unfit for purpose for an ageing population with increasingly complex needs.²

In practise, the creation of accessible housing must be a key feature in allowing equal access to adequate housing for those with physical adaptation needs. Disabled people are disproportionately and systemically locked out of housing options due to a lack of accessible homes that are adapted to their needs, or the cost of creating a home that is suitable for their needs is seen as unviable. *'Locked Out: liberating disabled people's lives and rights in Wales beyond COVID-19'* comments on the necessity to provide housing adapted to suit the needs of disabled people:

'Urgent financial support is needed for disabled people who require adaptations to their living spaces and for disabled homeowners to retain their adapted properties. In the long-term, we recommend more research and analysis is undertaken into the barriers to high quality housing and home ownership for disabled people in Wales, particularly those in receipt of benefits relating to disability/long-term health conditions.'

We believe there should be a specific requirement on all Local Authorities to commit to creating an accessible housing building target. This will mean that disabled people and people needing adaptations will have a greater choice of housing options and locations and will be able to access suitable housing in their chosen community.

Review of Disabled Facilities Grants (DFGs) means-test removal to support accessible housing demand:

In April 2021 Welsh Government issued guidance for Local Authorities to remove the means test for small and medium DFGs across Wales under Regulatory Reform Order 2002. We asked our Care & Repair Agencies whether, as of February 2023, this guidance had been adhered to in their local area with mixed results:

- Ten local authorities had removed the means test. Some of these local authorities have reached capacity and have stopped accepting applications.
- Five local authorities had removed the means test up to a certain value, ranging from between £8,000 and £16,000.
- One local authority had removed the means test but reinstated it due to over demand for the grant.
- Six local authorities still apply the means test entirely.

Alongside this announcement, Welsh Government increased the Enable grant by £400,000 to £4.4million. From our scoping exercise, it is clear that Welsh Government guidance on the

removal of the means test is not being followed in some areas, and where it is, capital funding and capacity issues are meaning there is a postcode lottery of accessibility for DFGs across Wales, despite good intentions.

Incorporating existing policy levers to maximise opportunity:

Wales already has some policy levers at its disposal to integrate the right to adequate housing. Incorporating this right into Welsh law is fundamental to creating a Wales that is meeting the seven goals of the Wellbeing of Future Generations Act (2015). This right addresses each of the seven goals, which are regarded as pillars for creating a Welsh society fit for now and the future.

The UN Covenant gives the definition of ‘adequate’ as ‘... *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.*’³ Whilst this inquiry is primarily focussed on the provision of adequate housing, there is the opportunity for us to consider the place of adequate housing in a wider context for Wales and create spaces that addresses all the above. For Care & Repair, there must be a clear definition of ‘adequate’ to be used and applied across sectors and legislation, to ensure that there is no miscommunication or misapplication of the wording to provide substandard or unsuitable housing.

The Office of the High Commissioner for Human Rights (OHCHR) has stated that ‘*Under international law, to be adequately housed means having secure tenure—not having to worry about being evicted or having your home or lands taken away. It means living somewhere that is in keeping with your culture, and having access to appropriate services, schools, and employment.*’⁴ This security of home, to be fully equitable, must be afforded to all housing and tenure types under the right to adequate housing. For older owner-occupiers, this means the right to stay in their home for as long as they choose and are empowered and supported to do so. This means they are not forced to move into another house, care homes or other accommodation against their will, and are protected should they refuse. This right would support many of the Principles in the United Nations Principles for Older Persons (1991) (UNPOP), including that ‘*older persons should be able to reside at home for as long as possible*’ and ‘*older persons should be able to live in environments that are safe and adaptable to personal preferences and changing capacities.*’⁵ We believe that by introducing this right into law, these beliefs from UNPOP will give further protection to older people living in their own homes, as currently this is not always seen as a positive or viable solution for our ageing population.

The right actively states that, for adequate housing to be met, it must at a minimum meet the following criteria (among others);

- Habitability: Housing is not adequate if it does not guarantee physical safety or provide adequate space, as well as protection against the cold, damp, heat, rain, wind, other threats to health and structural hazards.
- Accessibility: Housing is not adequate if the specific needs of disadvantaged and marginalized groups are not taken into account.
- Security of tenure: Housing is not adequate if its occupants do not have a degree of tenure security which guarantees legal protection against forced evictions, harassment and other threats.

For Care & Repair, 'adequate' means very similar things to what is described in the UN definition – that housing is warm, safe, accessible for those with additional needs, affordable and a place that someone feels comfortable growing older in. In 2018, it was predicted that there would be 39,113 people aged 90 or over living in Wales by 2033, rising to 55,987 by 2043⁶. In 2020, it was predicted that there would be 750,000 people over the age of 65 living in Wales by 2028⁷ – just five years away. This means that almost every fourth person in Wales will be over 65 by 2028. So, whilst we may currently have housing that is suitable for our younger generations, the adequacy of the Welsh housing stock and suitability of it for the needs of the changing population may be in question in a few decades' time.

2. Identify any challenges and barriers to taking this policy forward

Financial

The significant scale of the issue and time it would take to resolve a fundamentally Wales-wide issue would mean that funding would need to be allocated and committed beyond the scope of the sixth Senedd, as it is unlikely that change on a Wales-wide scale would be achieved in a single Senedd term. Committing such funding would mandate future Welsh Governments to invest in this policy for it to be successful. However, such commitments made by future iterations of Welsh Government would not be guaranteed unless the Bill becomes law.

Care & Repair's *The State of Older People's Housing* report highlighted the increasing pressure our service is coming under due to rising costs. Within this report, one of the challenges identified was the impact of cost increases on this work. Our Technical Officers report that;

"The general price of doing a bathroom adaptation, where we would take out everything in the bathroom and replace everything with either a low-level shower or a wet room, was around about the £5,000 mark - that was our in-house team that was doing that, which is really quite competitive. Because the cost of things has gone up, we're now looking at £6,000 / £6,500 average." - Technical Officer, South Wales

“At start the cost of everything has gone up because material prices have skyrocketed. Steel price for grab rails is up 50%.” Caseworker, South East Wales

“I mean, three or four years ago a sheet of plaster board was probably about £6 or £7, it’s now about £18 or £19 a sheet, and I know 12 months ago we couldn’t get hold of plaster board at all.” Senior Technical Officer, North Wales

“I’ve got contractors now that are providing quotes and saying that they are valid for seven days, whereas I used to have contractors saying they are valid for six months, because the contractors just can’t hold the prices. And that creates all sorts of problems.” Senior Technical Officer, North Wales

These price increases are unsustainable both for organisations like Care & Repair, as well as older homeowners themselves. Currently the cost of adaptations needed to make homes physically accessible are becoming financially unviable. With many older people in receipt of a Basic State Pension entitling them to the basic rate of less than £8,000 per year, it is clear to see why intervention from Care & Repair is needed. We anticipate this to increase as the cost-of-living crisis deepens and our ageing population means we have more people becoming eligible for support.

Likewise, in June 2019, Public Health Wales published *‘Making a Difference Housing and Health: A Case for Investment’*⁸. This report states that poor quality housing is costing the Welsh NHS upwards of £95 million every single year in treatment costs for falls, cardiovascular conditions or respiratory infections caused by substandard housing. The report also states that action to mitigate poor housing could provide a return on investment within six years, if actioned soon.

Skills gap

A shortage of technical tradespeople in Wales means the competition and cost for works is higher than before the pandemic and increasing cost of living. This results in longer waits for work. Older people waiting for assistance are living in unsafe and cold conditions for longer than before.

Competition creates a challenging environment for organisations like Care & Repair to work in, as private work funded by individuals provides a faster, more lucrative source of income for contractors and is not subject to the level of safeguarding and quality checks that contractors employed by Care & Repair face.

“[a shortage of apprentices] has been an ongoing thing... since I can remember from the 80s even. I mean, there’s been various schemes in the building industry, apprenticeship schemes and this and that, but it all depends on the contractors who are willing to take these people on

and if you get smaller outfits and they're just too busy to be bothered with apprentices.” Care & Repair Technical Officer, North Wales

To address the growing skills gap facing vital industries, Welsh Government should focus on reskilling and upskilling the existing workforce. Maintaining the workforce from an intergenerational perspective will mean that vital knowledge and experience is able to be passed on to the future workforce. This will enable current tradespeople to receive training and skill strengthening in new areas such as decarbonisation and retrofitting, and for their existing skills to aid in training new apprentices in their field. This should be alongside the promotion and incentivisation of the Welsh Government’s Young Person’s Guarantee that has currently enabled more than 11,000 young people into work. There needs to be further work in incentivising young people into the construction and trade labour industries to fill the gaps that will otherwise be left from an ageing workforce and increased number of retirements.

Housing availability

Earlier this year, Welsh Government introduced a National Empty Homes Grant scheme, with the aim of bringing over 2,000 long-term empty properties back into use to house the Welsh community. The £50 million scheme announced by the Minister for Climate Change in January 2023 will provide financial support to current or prospective owners of empty properties to remove significant hazards from their properties to make them safe to live in and to improve energy efficiency. We believe that this will begin to create affordable housing at an acceptable quality for a wider proportion of the population. However, these grants do not apply to those homes that are currently being lived in, no matter how poor the quality of that home is. This means there could be situations where - when comparing two homes in the same state of disrepair but one is occupied and one is empty - the one with no occupants is eligible for the grant, but the one with occupants is not. This is not providing adequate and equitable support for those that already own and live in their own home. Care & Repair is calling for the introduction of a safety net housing repair grant, targeted at the lowest income older people living in the poorest-quality homes. This would have similar requirements as the Empty Homes Grant Scheme, only our proposed grant would be accessible for those that currently live in their own home, to address housing disrepair, and preventing further deterioration.

Retrofitting and repairing existing housing stock

For this Bill to be successful, there must be enough funds to retrofit and tackle disrepair in homes that currently would be deemed ‘inadequate’. Care & Repair staff have the unique privilege of being in the homes of older people every day, undertaking approximately 15,000 home visits and *Healthy Homes Assessments* every year. Our casework and surveying staff witness first-hand the extreme levels of disrepair that so many older people are living in right now. If homes are deemed uninhabitable and inadequate by the new Bill, Care & Repair would

need assurances that there are sufficient funds available to bring these homes up to standard whilst allowing the occupier to remain in their own home. Care & Repair would be willing partners of Welsh Government to work to ensure this is done, targeting people on low incomes who genuinely cannot afford to do anything themselves.

If retrofitting and repairing the existing stock is to become a part of the introduction of this Bill, capital and revenue funds would be needed to cover the inevitable increase in activities of organisations such as Care & Repair and capital works to retrofit homes to the required standard. Tai Pawb's 'The Right to Adequate Housing' feasibility report explicitly mentions accessibility:

'Adequate housing must be accessible to those entitled to it. Disadvantaged groups must be accorded full and sustainable access to adequate housing resources and should be ensured priority consideration in the housing sphere. Both housing law and policy should take fully into account the special housing needs of these groups.'

There must also be assurances that any retrofitting and repair work to bring homes up to an 'adequate' standard is not merely minimal, low-impact measures that will need constant, costly maintenance to keep homes 'adequate'. Any changes and repairs needed to homes should have a view of longevity and be taken on a whole-house approach. Otherwise, it may become more costly to maintain small, inefficient measures than to increase spending but undertake more robust and significant adaptations and maintenance, encapsulated by the Vimes 'Boots' theory⁹ which discusses the 'poverty premium' of paying for inexpensive but low-quality items multiple times, versus more expensive but longer-lasting products only once.

3. Consider the impact a right to adequate housing would make across Welsh housing policy

For Care & Repair, this would be the first step in realising equity between tenure types in terms of rights and legislation. Currently the housing policy landscape is unbalanced between the rights and protections between tenure types, resulting in inequity between people who hold different tenancies. This right would protect low-income older owner-occupiers, who are at disproportionate risk of home deterioration or injury due to disrepair. However, currently we do not have a clear picture of the state of housing across Wales between tenure types, due to the ceasing of comprehensive Welsh Housing Conditions Surveys. This means that, by introducing this right, there would be a necessity to reintroduce a similar analysis on the current housing stock quality, to understand the trajectory to ensuring adequate housing for all.

By establishing this right into law, it will also further exemplify the widely known links between housing and health. By ensuring that people in Wales have a right to adequate housing, they would also experience a range of benefits to health including a reduced number of falls risks, enabling homes that are energy efficient enough to be kept to a safe temperature so as to not

contract or exacerbate existing respiratory or cardiovascular illnesses, or simply removing hazards such as rising damp and mould growth. Swansea University's Medical School Data Science unit worked with us to undertake a 9-year longitudinal study on the impact of home adaptations in relation to Care & Repair's impact on falls prevention and hospital admissions. This research found that:

- There was a 13% reduction in risk of someone having a fall one year following a Care & Repair intervention, compared to citizens that had not had an intervention (therefore reducing hospitalisation and unscheduled care admissions)
- Post intervention, the Care & Repair client cohort didn't see fall risk increase annually as it did for the group that had not received a Care & Repair intervention.

These findings show that providing adequate housing and addressing the specific needs of its occupiers reduces the need for medical intervention, hospitalisation or at-home care. Therefore, we believe that providing adequate housing is a research and evidence supported, preventative strategy to addressing the health crisis. More needs to be done to ensure that housing keeps people out of hospital where possible - whatever this may look like.

Enacting this right into law will also aid in providing similarity between Welsh housing policy and international legislation. Housing is devolved in Wales, so Welsh Government has the power to fulfil this opportunity and embrace housing equality for all. There is an opportunity for Wales to lead the way in aligning Welsh housing policy and the UN, and fulfil duties promised in the *Strategy for an Ageing Society*.

By enshrining this right in Welsh law, it would work to supplement other areas of Welsh policy and legislation that currently exists. It would work in conjunction with *Wellbeing of Future Generations Act*, *Strategy for Older People in Wales 2013-2023*, and *Age Friendly Wales* among others.

These Acts and Strategies are cross-topical, and already encapsulate a range of themes and areas that affect the lives of people in Wales: NHS waiting times, benefit take up and income maximisation, fuel poverty and affordability, access to housing, transport options and more. With many of these areas intersecting with a right to adequate housing, implementing this right would allow for many of these to be linked further. This would create cohesion and consideration for housing to be a key part of creating a society that thrives for all in Wales, and decisions made to consider housing when proposing or implementing new legislation.

