

RHA 11

Ymgynghoriad ar yr hawl i dai ddigonol
Consultation on the right to adequate housing
Ymateb gan: Cymorth Cymru
Response from: Cymorth Cymru



The right to adequate housing

Local Government and Housing Committee Inquiry

A response from Cymorth Cymru

5th March 2023

About Cymorth Cymru:

Cymorth Cymru is the representative body for providers of homelessness, housing and support services in Wales. We act as the voice of the sector, influencing the development and implementation of policy, legislation and practice that affects our members and the people they support.

Our members provide a wide range of services that support people to overcome tough times, rebuild their confidence and live independently in their own homes. This includes people experiencing or at risk of homelessness, young people and care leavers, older people, people fleeing violence against women, domestic abuse or sexual violence, people living with a learning disability, people experiencing mental health problems, people with substance misuse issues and many more.

We want to be part of a social movement that ends homelessness and creates a Wales where everyone can live safely and independently in their own homes and thrive in their communities. We are committed to working with people who use services, our members and partners to effect change. We believe that together, we can have a greater impact on people's lives.

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1. Introduction

- 1.1 We strongly support the right to adequate housing as set out by Tai Pawb, Shelter Cymru and CIH Cymru, and based on evidence from Alma Economics.
- 1.2 As the representative body for providers of homelessness and housing support services in Wales, our response is heavily shaped by the experiences of people using these services, as well as the challenges faced by the sector over the last few years.
- 1.3 The response to homelessness during the pandemic was excellent, with the Welsh Government providing additional funding and setting out a clear policy of ‘everyone in’, and local authorities working closely with housing and support providers to secure emergency accommodation, provide invaluable support and keep people safe.
- 1.4 However, we are currently experiencing a perfect storm resulting from the lack of social house building over the past few decades, high private rents, inadequate welfare provision, considerable stress on the workforce, and a cost-of-living crisis that is likely to push more people closer to homelessness. These challenges are significant. However, a lesson we have learned from the pandemic, and our collective response to it, is not to shy away from difficult problems. By working together and taking decisive action, we can tackle challenges, remove barriers and find solutions.
- 1.5 The UN Committee has identified several aspects of the right to adequate housing which ought to be addressed by law and policy. These are:
 - Legal security of tenure
 - Affordability
 - Habitability
 - Availability of services, materials, facilities, and infrastructure
 - Accessibility
 - Location
 - Cultural adequacy
- 1.6 Through our work with support providers and people with lived experience of homelessness, we are acutely aware that these basic principles are not being met for many people in Wales. Housing affordability is currently a major challenge, with too many people on social housing waiting lists, facing unaffordable private rented sector rents and inadequate Local Housing Allowance rates. People are living in sub-standard homes, including settled housing with damp and other defects, and temporary accommodation with little privacy and no access to cooking or laundry facilities. People are also placed in temporary accommodation or feel forced to accept settled housing in unsuitable locations, where access to support networks, schools and other services are limited or costly to access. People with protected characteristics face unacceptable barriers to securing a home that meets their needs, and the housing system can be incredibly difficult to navigate for people already marginalised by society.
- 1.7 It is clear to us that a Right to Adequate Housing would benefit many of the people our members support and would build on much of the good work that has already taken place in Wales to establish policies and legislation to prevent homelessness, improve standards, and provide greater security of tenure. It aligns with the aims of the Ending Homelessness Action Plan¹ and has an important part to play in ending homelessness in Wales by helping to make homelessness rare, brief and non-repeated. The recent implementation of the Renting Homes (Wales) Act 2016 and the commitment to support Rapid Rehousing² further add strength to the argument for embedding a Right to Adequate Housing in law.

¹ Welsh Government, [Ending Homelessness Action Plan](#) (2021)

² Welsh Government, [Rapid Rehousing guidance](#), (2022)

2. Examine how incorporating the right to adequate housing into Welsh law would work in practice

Progressive realisation

- 2.1 The Alma Economics report '*The right to adequate housing in Wales: the evidence base*³, recognises that the right to adequate housing (RTAH) cannot be achieved overnight. It argues the case for 'progressive realisation', which is defined as:
- “the idea that governments should make continual progress toward the full realisation of a human right, taking deliberate steps both immediately and in future.”*
- 2.2 The report states that Finland started its journey to progressive realisation 21 years ago and expect to end homelessness by 2027. However, it is important to note that Wales will not be starting from scratch. We already have the Housing (Wales) Act 2014 and the Renting Homes (Wales) Act 2016, as well as policy commitments such as the 20,000 social homes target, the Ending Homelessness Action Plan and the Welsh Housing Quality Standard.
- 2.3 However, implementation will be extremely challenging and it will be important for the Welsh Government to set out a clear pathway towards achieving a RTAH, defining the timescale, as well as the legislative and policy steps it will take in the short, medium and long term.

Key actions

- 2.4 We believe that the Welsh Government would need to take action on the following issues in order to deliver a RTAH:
- 2.5 **Increasing social housing supply:** The Welsh Government needs to deliver its commitment to build 20,000 social homes by the end of this Senedd term and continue to deliver the necessary social housing supply in subsequent Senedd terms. Capital investment for social housing needs to be prioritised by the Welsh Government, as well as policy join up across the housing directorate.
- 2.6 **Bringing empty properties back into use:** The Welsh Government should continue to provide capital funding to enable landlords and local authorities to bring empty properties back into use, by providing funding for refurbishment or change of use, purchasing empty properties and enabling social landlords to bring long term voids back into use. The Welsh Government and local authorities should continue to set higher council tax premiums for long term empty homes, encouraging landlords to bring them back into use.
- 2.7 **Action on second homes:** The Welsh Government should continue to develop policies to reduce the impact of second homes on local communities, to ensure that people are not priced out of purchasing or renting properties in their local community, as well as reducing the impact of second homes on Welsh Language communities.
- 2.8 **Improving access to the private rented sector:** The Welsh Government should continue working with private landlords to improve access to the private rented sector, through schemes such as the private rented sector leasing scheme. The Welsh Government should also consider whether there are additional steps that can be taken to increase affordability and access, through rent control and financial support for bonds and upfront rent for people who do not have the resources to provide these.
- 2.9 **Improving standards:** The Welsh Government should continue to set out expected standards for social housing and private rented sector properties, reviewing fitness for human habitation legislation and Welsh Housing Quality Standards to ensure alignment with the RTAH.

³ Alma Economics, [The right to adequate housing in Wales: the evidence base](#) (2021)

- 2.10 **Social housing allocations:** The Welsh Government should work with local authorities and housing associations to ensure that allocations policies and practice align with a RTAH, support its implementation and do not disadvantage any particular groups of people from having a RTAH.
- 2.11 **Reducing evictions:** The Welsh Government should continue to consider how policies and/or legislation can be used to further increase security of tenure for renters and reduce the number of evictions in Wales.
- 2.12 **Housing-related support:** We know that simply putting a roof over someone's head will not necessarily prevent them from becoming homeless. Housing related support, funded by the Housing Support Grant, is absolutely critical to ensuring that people avoid homelessness or can successfully exit homelessness. Ensuring that people have access to the support they need will be a critical part of ensuring people are able to have and maintain the RTAH.

Governance and accountability

- 2.13 The report by Alma Economics also highlights the need for appropriate governance and accountability mechanisms to be in place, in order to ensure the successful implementation of the RTAH. The likelihood that this will take a number of Senedd terms to achieve, as well as requiring action locally and nationally, means that governance and accountability will be vital. The Welsh Government and local authorities will have an important part to play ensuring that policy and practice are applied consistently across Wales and that there is a continued focus on progression on the RTAH over time.

Funding

- 2.14 We would welcome a commitment to long term capital and revenue funding to enable the RTAH to be realised. As outlined above, this should include capital funding for social house building, bringing empty properties back into use and other solutions to increase housing stock. It should also include revenue funding to support local authorities to have the capacity they need to deliver a RTAH and funding for the Housing Support Grant to ensure that people have the support they need to access and maintain a home.

Working with the housing sector

- 2.15 We believe the research already undertaken by Alma Economics on behalf of Tai Pawb, Shelter Cymru and CHI Cymru provides an incredibly strong basis for developing the legislation to introduce the RTAH. Welsh Government officials are already working closely with these organisations, and this should continue throughout any legislative process. It will also be important for the Welsh Government to work in partnership with local authorities and the rest of the housing sector to fully understand the challenges and enablers for implementing the RTAH.

Alignment with other policy and legislative change

- 2.16 The RTAH should complement other national policies, such as the transition to Rapid-Rehousing in Wales and the review of legislation to better prevent and respond to homelessness. Championing a right to adequate housing should build on the work currently being undertaken by the Expert Review Panel⁴ to review existing legislation and provide recommendations for the Minister for Climate Change. The panel, chaired by Professor Suzanne Fitzpatrick, are considering evidence from stakeholders and people with lived experience of homelessness, which is providing valuable insight into people's experiences of the housing and homelessness systems.

⁴ Welsh Government, [Expert Review Panel](#), 2022

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

- 3.1 There are a number of challenges to taking the policy forward, including a lack of social house building over the past few decades, high private rents, inadequate welfare provision (particularly Local Housing Allowance rates), and a cost-of-living crisis that is likely to push more people closer to homelessness.

Cost of implementation

- 3.2 In order to achieve the RTAH, the Welsh Government will need to commit to upfront investment before it starts to see a return on its investment. The Welsh Government's limited borrowing powers means that Ministers will be restricted by the block grant they receive and the spending decisions of the UK Government. The cost-benefit analysis by Alma Economics suggested that it will cost £5 billion for the RTAH to be progressively realised. However, it is expected to generate £11.5 billion in economic and social benefits over a 30-year period, with benefits starting to outweigh the costs after 5 years. This equates to a cost benefit of £2.30 for every £1 spent on providing adequate housing.

Social housing supply

- 3.3 To achieve the RTAH, there needs to be significant, continued investment in social house building in Wales, as this remains the key medium to long-term solution to the current housing crisis. It requires the Welsh Government to continue to commit significant capital investment to enable local authorities and housing associations to build at least 20,000 social homes during this Senedd term and to continue to build during subsequent terms. In addition to increasing social housing stock generally across Wales, steps must be taken to ensure that the right homes are built in the right places to meet the housing needs of the local population. This requires a good understanding of the people who need social housing, their household sizes, where they want to live, and what support and services they need access to. This is important to support tenancy sustainment and prevent homelessness.

Short term solutions

- 3.4 Social house building takes time, and is currently being hindered by increased costs and shortages of labour and materials. This requires the Welsh Government and local authorities to find other ways to increase supply as we wait for the necessary quantity of social homes to be constructed. In our view, this requires a combination of solutions, as each on their own will not meet the current housing needs. As outlined above, this should include reducing barriers to the private rented sector, bringing empty homes back into use, and utilising council tax to tackle empty homes and second homes.

Access to the private rented sector

- 3.5 The lack of social housing means that huge numbers of people are forced to look for housing in the private rented sector, which has been getting increasingly expensive and becoming inaccessible for many people. This is a challenge for people who are in well paid employment, never mind people who are trying to exit homelessness or deal with other crises. Due to the cost-of-living crisis, increases in mortgage rates has resulted in landlords selling up or increasing rents, creating greater pressure in tenant.
- 3.6 Access to the private rented sector is a particular concern for people in receipt of housing benefit. People receiving benefits are often turned away by private landlords, who can pick and choose a tenant from large numbers of applicants. People exiting homelessness or fleeing abuse also struggle to find the resources for a bond or rent upfront, and for a guarantor, which can also prevent them from accessing the private rented sector.

“There is not enough social housing to meet needs and private landlords will not accept you if you are young and on benefits.” Expert by Experience

- 3.7 **Good practice examples:** Existing practice which has enabled landlords in the private rented sector to meet adequacy standards is the use of the Welsh Government Private Rented Sector Leasing Scheme and Cardiff Council's own Private Rented Sector Scheme. By offering both schemes to landlords simultaneously, both schemes have allowed landlords in the private rented sector to meet standards, including support to register with Rent Smart Wales, and offering grants to support landlords in upgrading homes to meet fitness for human habitation requirements. From the point view of Cardiff Council, close collaboration between the PRS and Homelessness Prevention has also been a key element of good practice which has resulted in efforts to reduce homelessness when a PRS landlord decides to sell-up, as well as an increasingly proactive from landlords in their approach to upkeep of properties and help for tenants. Previously, it was often seen as default for tenants to contact the council for help regarding living conditions or risk of eviction. However, due to efforts through the PRS schemes to build better relationships with landlords, the council has seen an increase in landlords seeking help on behalf of tenants.

Local Housing Allowance

- 3.8 When considering the private rented sector, it is impossible to ignore one of the major barriers to people accessing an affordable home: the failure of the UK Government to keep Local Housing Allowance (LHA) rates at an appropriate level to reflect the cost of housing in Wales. Research by the Bevan Foundation⁵, published in June 2022, showed that only 24 properties advertised across Wales were available at LHA rates, which equates to just 1.4%. Fifteen local authorities did not have a single property available at LHA rate. It is essential that the UK Government takes action to resolve this issue, or we will continue to see thousands of people unable to find a home in the private rented sector.

Improving quality and standards

- 3.9 In order to meet the 'adequate' element of the legislation there must be significant action to improve the quality and standards of housing in Wales. We have heard from a number of people with lived experience of homelessness who feel that many of their experiences fall short of the standards needed to ensure they are in a safe, habitable home. We have also heard of instances where contract-holders are living in poor standard accommodation, where damp is prevalent and with heating becoming increasingly expensive this also poses serious health risks, particularly to children or people with long term health conditions.
- 3.10 One person described the housing they were offered after being homeless:
- "There were holes in the floor, not safe, not appropriate and not in the right location. They said it wasn't fit for purpose, so why were they letting it out? You lose trust in the system."*
Expert by Experience
- 3.11 While the Renting Homes (Wales) Act 2016 sets out fitness for human habitation requirements, and social housing is expected to meet the Welsh Housing Quality Standards, it is clear that too many people are still living in poor quality housing. More effective regulation, enforcement and promotion of tenant rights would help to address this issue, but it is likely that financial support will need to play a role too.
- 3.12 Consideration should be given to how private landlords can be supported to improve the quality of their properties, as is done through the leasing scheme. Despite the offer of grants through schemes such as those offered by Cardiff Council, it is often financially or physically impossible for some landlords to meet standards due to the age of the building.
- 3.13 Social landlords are already facing significant challenges in meeting EPC targets under the decarbonisation agenda. They will need significant financial support from the Welsh

⁵ Bevan Foundation, [Wales' Housing Crisis: an update on the private rental market in Wales](#), 2022

Government to achieve the ambitions set out by Ministers. However, improving the EPC ratings of homes in Wales will also bring benefits to tenants by improving the quality of the home and improving affordability by reducing utility bills.

Capacity and join up in local government

- 3.14 The system is currently facing extreme pressures, as illustrated by the number of people in temporary accommodation. Local authorities are dealing with crises while also being asked to think strategically about the transformation of homelessness services. In order to deliver the RTAH, local authorities will need to be resourced to coordinate and deliver the necessary action locally to increase social housing, improve access to the private rented sector and to support higher standards. There also needs to be excellent join-up between strategic capital and homelessness teams to ensure that people experiencing homelessness have access to the homes they need, in the right places, with the right support.

Political leadership

- 3.15 The delivery of a RTAH will need strong political leadership both nationally and locally. The Welsh Government will need to support this politically both this Senedd term and in the future, allocating the necessary funding and putting the appropriate policies in place to enable the RTAH to become a reality. Locally, politicians will need to support the continued building of social homes and take decisions on policies such as council tax for empty homes or second homes.

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

- 4.1 The research conducted by Alma Economics provides detailed analysis of the potential impact of the RTAH on many aspects of people's lives and public services. We do not plan to repeat these in our evidence, but will emphasise similar points based on our conversations with housing support providers and people with experience of homelessness.
- 4.2 Through our work connecting with people with lived experience of homelessness, we are confident that the RTAH would have a positive impact on people and communities across Wales. We strongly believe that the RTAH would help to prevent homelessness, improve people's physical and mental health, improve educational outcomes, and eventually provide economic gains.

Preventing homelessness

- 4.3 Ensuring the right to adequate, affordable housing would help to end homelessness in Wales, by making it rare, brief and non-repeated. By addressing affordability, standards and the right access to support and other services, it would prevent people from losing their home. By removing barriers to housing, such as affordability, it would enable people who do become homeless to move as quickly as possible from homelessness and into a settled home. By ensuring people have access to the right home in the right place, it would give people the best chance of maintaining their tenancy and prevent repeat homelessness.

Improving health and wellbeing

- 4.4 The RTAH could have an extremely positive impact on both physical health and mental health of people and communities, also benefiting public services through the reducing pressure on the NHS.
- 4.5 As highlighted above, we have spoken to many people about their experiences of poor-quality housing and the impact this has on their physical health. Research by Community

Housing Cymru and Public Health Wales⁶ estimated that poor quality housing in Wales cost the NHS more than £95m per year in first year treatment costs and the cost to Welsh society was over £1bn.

4.6 The report also states that:

- Improving heating and ventilation in Welsh homes led to 17% of children with severe asthma being classified as having moderate asthma compared to 3% in the control group, costing £12,300 per child, or £1,718 per child treated.
- Welsh residents aged 60 years and over benefiting from upgraded council houses (receiving a range of housing improvements) were found to have 39% fewer hospital admissions for cardiorespiratory conditions and injuries compared to those living in homes that were not upgraded.

4.7 We believe the right to adequate housing would provide greater security and stability for people, and support positive wellbeing and mental health outcomes.

“I get that there are only a limited number of houses, and I understand that not everyone can be given a house immediately. I know that some people have greater need than others which I think influences the decision on who is a priority. I just think if there were more affordable flats (private or social) there would be less issues all round. I lost my job because of stress and depression after getting kicked out. I never had mental health problems before this. I can't even think about getting another job because I'm worried about where I'm going to be in a months' time.” (Expert by Experience)

4.8 Homelessness is extremely traumatic for many people, and this can lead to worsening mental health or substance use issues. The RTAH could prevent these unnecessary traumas for people and improve their mental health and wellbeing.

Preventing engagement with the criminal justice system

4.9 Similarly, access to adequate housing can, in some instances, prevent interaction with the criminal justice system lessening the burden on the system and ensuring people do not become caught up in the cycle of crime and homelessness that can occur.

4.10 Evidence from various pieces of research and freedom of information requests show that people who are released from prison without a home are more likely to re-offend than those who move into a settled home. As a result, the RTAH, if implemented to benefit all parts of the population, including prison leavers, could help to reduce re-offending.

Reducing inequalities

4.11 The realisation of the right to adequate housing can go some way to alleviate the disproportionate impact of homelessness on the most vulnerable in society and those most effected by poverty, including but not limited to single parents, young people, care leavers and people with mental health issues or disabled people.

4.12 As highlighted by the Alma Economics report, meeting adequacy requirements on criteria such as access and affordability would also end or reduce discrimination towards minorities, disabled people and people on benefits⁷, a group in which women and disabled people are over-represented. According to the ‘Can I get Home?’ report by Shelter Cymru⁸, claiming benefits poses a significant barrier to accessing the private rented sector with around 51% of landlords saying they ask prospective tenants if they’re claiming benefits, and 37% saying they do not, or would prefer not to, let to those on benefits.

⁶ CHC and PHW, [Making a Difference Housing and Health: A Case for Investment](#) (2019)

⁷ Alma Economics, [The right to adequate housing in Wales: cost-benefit analysis](#) (2022) p.8

⁸ Shelter Cymru, [Can I Get A Home? Barriers To Getting A Private Rented Home In Wales](#) (2022)

- 4.13 The RTAH could also improve access to appropriate housing for disabled people. Our frontline workers told us that families with disabled children are often faced with having to accept accommodation that does not keep their children safe or give them the dignity they deserve. The RTAH would strengthen their ability to challenge this and access appropriate accommodation that meets the needs of them and their children.
- 4.14 The RTAH could also address the pressures faced by families with children, as we have spoken to adults who have to share a single room with their children in temporary accommodation, and parents who have shared custody being unable to access accommodation with enough space for their child due to allocations policies or the bedroom tax. Clearly this creates a barrier to the right to family life set out in the UN charter.
- 4.15 The LGBTQ+ community, particularly LGBTQ+ youth, have been shown to be disproportionately at risk of being pushed into homelessness often due to a lack of support at home. Any right to adequate housing should consider this group as vulnerable and work to ensure that the specific needs of people are identified and supported and that they are not left feeling vulnerable or re-traumatised by their experiences of the system.
- 4.16 Refugees and migrant groups can also suffer from high rates of discrimination in accessing housing and support when at risk of homelessness, work to address the impact of this is ongoing but should be considered carefully under any proposed legislation. The rights of people with no recourse to public funds should also be considered, although immigration law sits with the UK Government, not the Welsh Government.

Reducing time in temporary accommodation

- 4.17 The Welsh Government's most recent data⁹ shows that in November 2022 there were over 9,000 people in temporary accommodation in Wales, the highest on record and 137 more than in October 2022.
- 4.18 The need to introduce RTAH is further evidenced by the difference in the number of people entering temporary accommodation and the number leaving temporary accommodation to be placed in suitable long-term accommodation. During November 2022, 1,555 people presenting as homeless were placed into temporary accommodation. However, only 697 people were moved out of temporary accommodation into suitable long-term accommodation, a fall by 96 on the previous month. This illustrates the huge shortage of affordable housing for people who are experiencing homelessness.
- 4.19 Our conversations with housing support services and people experiencing homelessness show that some people have been stuck in temporary accommodation for up to two years, desperate to move into a settled home but unable to find one that is affordable and meets their needs.
- 4.20 Increasing access to adequate housing would allow greater numbers of people to move out of temporary accommodation services into long-term suitable accommodation. In turn, this would relieve existing financial pressures on local authorities and third-party providers to run temporary accommodation services, and potentially allow money to be allocated elsewhere.

Enabling access to supported accommodation

- 4.21 The current lack of affordable move-on accommodation is also keeping people in supported accommodation for much longer than is necessary or helpful for people who are ready to move into their own home. While this type of accommodation can be incredibly helpful for people who have experienced homelessness and need a higher level of support, its aim is to develop people's confidence and independent living skills to that they can move on to settled housing when they are ready.

⁹ Welsh Government, [Homelessness accommodation and rough sleeping data](#) (November 2022)

- 4.22 Not being able to move on can be incredibly frustrating for people, who can then feel stuck in supported accommodation when they no longer want or need support. This also has a knock-on effect on other people's ability to access to supported accommodation, as they cannot move in until a room becomes available. This means that people could be left in unsuitable temporary accommodation when they need access to high quality supported accommodation. This could result in street homelessness, worse mental health and other challenges escalating unnecessarily while they are waiting.
- 4.23 This can be particularly problematic for people needing to access refuge, who need to access a place of safety, with Welsh Women's Aid reporting¹⁰ that 692 survivors were unable to be supported in refuge in 2020-21 due to capacity.

5. Conclusion

- 5.1 As Cymorth Cymru we strongly support the right to adequate housing for all. Incorporating the right into Welsh law would produce multiple benefits both immediately and over time for individuals, families and the communities they live in.
- 5.2 We accept that there are challenges to implementation, most notably cost, social housing stock and capacity, however we believe that the current housing system is not working for the people who need it the most.
- 5.3 The cost-benefit of the right to adequate housing provides significant savings over time particularly for the health system, educational outcomes and the mental wellbeing of those experiencing the system. Through our work we have identified the current issues with affordability and standards of accommodation across Wales, and would fully support the right to adequate housing to eliminate these issues and provide safe and secure housing that takes into account the needs of each individual.
- 5.4 We strongly believe that we cannot continue with the status quo and that to eliminate homelessness the right to adequate housing must be implemented carefully and with the funding needed to allow full progressive realisation for the benefit of all people in Wales.

¹⁰ Welsh Women's Aid, [State of the Sector 2021](#) (2021)