

ARTB 06

Bil Diddymu'r Hawl i Brynu a Hawliau Cysylltiedig (Cymru)

Abolition of the Right to Buy and Associated Rights (Wales) Bill

Ymateb gan: TPAS

Response from: TPAS

The National Assembly of Wales' Equality, Local Government and Communities Committee.

Abolition of the Right to Buy and Associated Rights (Wales) Bill

About Us:

TPAS Cymru works to improve the lives of social housing tenants in both housing and community matters, by promoting effective participation of tenants with their landlords and with other partners in issues that affect them. We have supported social housing tenants and landlords in Wales for over 25 years and have a strong track record in developing effective participation through training, support, practical projects and policy development.

This Response is based on:

- Our experience of working with tenants and tenants groups and listening to their views.
- Our observations and dialogue with our members and partners within the HA sector and Local Authorities.
- Our work to improve partnerships between tenants and residents and their Housing Association and Local Authority landlords and other partners.

TPAS Cymru will be holding a series of public engagement sessions in conjunction with the National Assembly's Outreach Team for social housing tenants from across Wales. These events will provide the committee with the views of a diverse range of tenants on the proposed law and the implications for them.

These regional events will be held across Wales as follows:

- Newcastle Emlyn - 16th May
- Cardiff - 17th May
- Colwyn Bay - 18th May

TPAS Cymru welcomes the opportunity to respond to the Equality, Local Government and Communities Committee Consultation on the Abolition of the Right to Buy and Associated Rights (Wales) Bill and we have responded to each of the terms of reference as set out in the consultation paper;

1. The general principles of the Abolition of the Right to Buy and Associated Rights (Wales) Bill and the need for legislation to deliver the stated policy intention

1.1 TPAS Cymru strongly supports the view that as a result of the current housing crisis social housing properties need to be protected. The removal of the RTB/ RTA process would, in some small way, help tackle the shortage of social housing in Wales. The Housing (Wales) Measure 2011, which allows for the suspension of the RTB by individual Local Authorities (subject to permission being granted) has the potential to cause inequality amongst tenants as their ability to access RTB/ RTA is determined by where they live. The abolition of the RTB/ RTA process for all tenants would remove the potential for such inequality.

2. The provisions of the Bill:

2.1 The restriction on exercising the right to buy and right to acquire (sections 2 to 5):

Whilst TPAS Cymru supports the Welsh Government's decision to abolish RTB/ RTA, TPAS Cymru does have some concerns about sections 2 to 5 of the Bill. TPAS Cymru is concerned that adopting two different approaches, one for those homes let for a period of less than six months, and one for those homes let for a period of more than six months, will cause unnecessary confusion for tenants and those working within Welsh housing. Adopting one approach for all properties would allow the Welsh Government to better communicate how the Bill will impact on tenants and landlords across Wales.

2.2 The abolition of the right to buy and the rights to acquire (section 6):

As stated TPAS Cymru supports the Welsh Government's decision to abolish the RTB/ RTA. TPAS Cymru therefore welcomes the provisions set out in section 6 of the Bill that would see RTB/ RTA abolished. TPAS Cymru further supports the Welsh Government's decision to delay the

implementation of section 6 for 12 month. This period of time will provide tenants with an opportunity to consider whether they wish to take advantage of the RTB/ RTA before its abolition. In addition to this TPAS Cymru welcomes the greater clarity offered by the Welsh Government in its draft “Information for Tenants” document as to what must be completed within the twelve month period if a tenant is to exercise their RTB/ RTA. We believe that the approach adopted is appropriate, however, we wish to emphasise the need for this to be communicated to tenants across Wales.

2.3 The removal of the power for Welsh Minister to make discount grants (section 7):

Whilst the removal of the power of Welsh Ministers to make discount grants is to be welcomed in principle, we are concerned that this provision could reduce the effectiveness of the Welsh Government’s decision to delay the implementation of section 6 for 12 months. TPAS Cymru welcomes the decision to delay the implementation of section 6 for 12 months as this provides tenants with a period of time to decide whether they wish to utilize the RTB/ RTA. It also provides tenants with adequate time to seek independent advice and to consider all the options available to them. Removing the ability of the Welsh Minister to make discount grants before that 12 months period comes to an end could lead to a spike in the number of tenants using the RTB earlier within that 12 month period. This would reduce the benefit of delaying the implementation of section 6.

2.4 The duty to provide tenants and prospective tenants with information (section 8):

TPAS Cymru welcomes the provisions contained within section 8 that requires that information is shared with tenants and prospective tenants. We believe, however, that it is important that consideration is given as to how this information is shared in a way that provides equal access to all tenants regardless of their literacy skills and their access to the internet. TPAS Cymru believes that all information provided by landlords should be easily and freely available for all tenants, and that landlords should utilize the tenant profiling data they hold as organisations. Through using this data, landlords should be able to ensure that they communicate these changes with their tenants in the most appropriate and fair manner.

3. Any potential barriers to the implementation of the Bill’s provisions and whether the Bill takes account of them

- 3.1 As noted, the provisions set out in section 7, the removal of the power for the Welsh Minister to make discount grants, does potentially undermine the decision to delay the implementation of section 6 for 12 months. It is important that further consideration is given to this.
- 3.2 We also believe that for the provisions contained within the Bill to be effectively implemented, that there is a need for the Welsh Government to ensure that staff at Local Authorities and housing associations across Wales are adequately trained. The Bill makes it clear that there will be a duty on every qualifying landlord to communicate the change within the two months of the Bill coming into force.
- 3.3 It is important to ensure, however, that landlord staff also have an appropriate understanding of the Act so that they can address any of their tenants' queries. In addition to this, we believe that staff should also be adequately trained with regards to where additional, independent advice can be sought so as to be able to signpost tenants accordingly. It is important that tenants have access to such independent advice if they are to make informed decisions over whether to exercise the RTB/RTA. We welcome the Welsh Government's attempts to provide such guidance in its draft "Information for Tenants" document.
- 3.4 A further consideration that TPAS Cymru believes is important is whether housing association and Local Authorities in Wales have an adequate number of staff to deal with any increase in applications under the RTB/RTA. If this is not the case, this could have an impact on the ability of tenants to purchase their homes before the twelve month period came to an end.

4. Whether there are any unintended consequences arising from the Bill?

- 4.1 We believe that it important that consideration is given as to how to ensure that no pressure is placed on tenants when they are choosing whether to exercise the RTB/ RTA. Given that there will now be a deadline for tenants to be able to purchase their homes under RTB/ RTA, tenants who are eager to buy their home in the long term may feel obliged to purchase their properties before they have adequate funds in place. It is important that information is shared with these tenants as to what other opportunities are available for them to buy a home, in particular opportunities presented by schemes such as the "help to

buy". Steps should be taken, however, to ensure that such advice is provided with the best interest of the tenant, not the landlord in mind, with tenants being given adequate time to seek external, independent advice, if they so desire.

5. The financial implication of the Bill

We have no comments to make as to the financial implications of the Bill.