

Petition P-06-1272 – Ban the use of ‘no pet clauses’ in tenancy agreements in Wales

Response from petitioner, Sam Swash, to Minister for Climate Change’s letter to Jack Sargeant MS, Chair of the Petitions Committee 06.09.22

Dear Petitions Committee,

Thank you for giving me the opportunity to respond to the letter from Julie James MS, Minister for Climate Change.

Summary

Unfortunately, the Minister continues to display a level of intransigence and unawareness as to the realities of no pet clauses in Wales that is incomprehensible.

The Minister’s letter makes two points that can be summarised as follows:

- That the legislation requires terms within contracts to be reasonable, and that this applies to pets in rented properties, and
- That the Minister and the Welsh Government more broadly considers that it is reasonable to allow pets in rented accommodation as set out in the guidance

The Minister also sets out options for tenants who wish to challenge a refusal to allow a pet.

However, the letter utterly disregards the failure of the present measures which it references. If they worked, this petition would not have been presented to the Senedd. The largest cause of homelessness is the ending of a private sector tenancy. When a private sector tenancy ends for a tenant with a pet, it is, at present, nigh on impossible for them to find alternative accommodation in the private rented sector. Since this petition has gone live, I have been contacted by signatories living in Wales who are contemplating moving to England, such are the difficulties they face in trying to rent a home with a pet in Wales.

The Consumer Rights Act 2015 that the Minister references can only be relied upon by those who have already taken out a contract, which the Minister acknowledges by referring to “contract-holder[s]” in her reply. The reality of the situation is, as soon as a prospective tenant tells a letting agent or a landlord that they have a pet, they are immediately dismissed. Providing ‘advice’ on how to ‘challenge a contract term that unfairly disallows pets’ is of no use to people who are immediately deemed unworthy of a tenancy and are therefore never in a position to view, negotiate or sign a ‘contract’ in the first place. Similarly, allowing “contract holders” the right to “request a pet” is only useful for those people who are already tenants in a property. It does absolutely nothing for people looking to rent with a pet - the people being roundly dismissed before even viewing a property on the basis of their pet ownership.

The Minister implicitly acknowledges these issues in the final paragraph of her letter in which she says: *“I also want to see an end to property adverts which specify no pets as a blanket term. Advertising legislation remains a reserved function. The UK Government have announced their plans to legislate to allow tenants more rights in terms of being able to keep pets in a rental property. I would, of course, welcome a UK Government decision to legislate to ban property adverts which specify no pets as a rule across the UK.”*

The inadequacy of this section is hard to overstate, for two reasons:

- A ban on advertising no pet clauses, which the Minister says she wants, would be a default side effect of banning the clauses. The UK Government has not acted to ban adverts in Wales stating that a tenancy deposit will not be protected in an assured shorthold tenancy, and yet such adverts do not exist because the Welsh Government have banned such an action. If the Welsh Government had chosen not to require deposit protection, but to instead ask the UK Government to ban adverts saying a deposit would not be protected, then Welsh tenants would still be waiting for their deposits to be protected
- A ban on advertising no pet clauses would not ban the clauses themselves, only their advertisement. If the UK Government does bring forward a ban, as the Minister says she hopes, this will not increase at all the number of properties available for tenants with pets. All it will do is require them to spend even more time sending out requests and enquiries to landlords who would not let them a property anyway. A ban on advertising clauses that remain legal to include in a contract would be actively counter-productive to the rights of tenants with pets

Banning no pet clauses in Wales has cross-party support in the Senedd and, as evidenced by the number of signatories to the petition, has popular support across Wales. Fundamentally, this issue comes down to whether the Welsh Government believes tenants deserve the same rights and dignities as home-owners, or whether they should continue to live as second-class citizens with punitive restrictions imposed upon them at the sole benefit of a small private landlord class.

Conclusion

In essence, the vast majority of the response provided is predicated on the Minister’s assumption that contracts have been shown to a prospective tenant. Above, I have outlined why such a position fundamentally misunderstands the reality of the situation.

While the Minister has declined to ban no pet clauses as the petition asks, and has not committed to producing any new statutory guidance, she has generously agreed to move some existing guidance from one part of the Welsh Government’s website to another. This moving some existing non-statutory guidance from one part of the Welsh Government’s website to another is a major step forward for tenants’ rights in Wales, and will surely be celebrated as one of the great successes of this Senedd term.

When this petition was created, thousands of tenants were faced with constant rejection by prospective landlords who include blanket no pet clauses in tenancies. However, we are certain that the moment that some existing non-statutory guidance is moved from one part of the Welsh Government's website to another, landlords across Wales will drop their no pet clauses en masse. In some parts of Wales, 63% of landlords ban pets¹. However, once landlords hear that the Minister has made moving some non-statutory guidance from one part of the Welsh Government's website to another a priority for her officials, we fully expect this figure to drop to 0%. After all, we are certain that most landlords were banning pets explicitly because they had very strong feelings about the layout of non-statutory guidance on the Welsh Government's website.

We know that by taking such bold and decisive action to move some existing non-statutory guidance from one part of the Welsh Government's website to another, the Minister will incur the angry wrath of powerful vested interests who much preferred the non-statutory guidance be kept in its present location on the website. However, we would urge the Minister to stand strong against such criticism. Given the ambitious nature of the proposals to move some existing non-statutory guidance from one part of the Welsh Government's website to another, we anticipate that this issue will become one of the most discussed topics in Welsh politics. It is likely that those in the anti-move-some-non-statutory-guidance-from-one-part-of-the-Welsh-Government's-website-to-another lobby will throw around accusations that the decision to move the guidance is an act of 'Stalinism' or 'Maoism'. However, we would point out that whilst Stalin and Mao were both undeniably significant historical figures, nothing they achieved comes close to the scale of moving some existing non-statutory guidance from one part of the Welsh Government's website to another.

We wonder if the Petitions Committee would be willing to give the petitioners some guidance; is it possible or appropriate to append a suggestion to this petition that the day that some existing non-statutory guidance is moved from one part of the Welsh Government's website to another could be commemorated as an annual public holiday in Wales, or would it be better to start a new petition to mark this day forevermore? We feel very strongly that the outpouring of gratitude from tenants across Wales at the Ministers' decision to move some non-statutory guidance from one part of the Welsh Government's website to another will require such an action.

¹ <https://www.housebeautiful.com/uk/lifestyle/property/a27184065/landlords-letting-agents-renting-pets-allowed>