

## **HSHAWB 40 Tim Cymorth Lleiafrifoedd Ethnig ac Ieuenciad | Cymru Ethnic Minorities and Youth Support Team**

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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: Tim Cymorth Lleiafrifoedd Ethnig ac Ieuenciad Cymru | Evidence from: Ethnic Minorities and Youth Support Team

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#### **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?**

(We would be grateful if you could keep your answer to around 500 words).

EYST welcomes the general principles of the Homelessness and Social Housing Allocation (Wales) Bill and recognises the need for legislative reform to respond to the growing housing emergency. From our work with ethnic minority communities in Wales, we see first-hand how impact of homelessness, housing insecurity and structural barriers within housing systems hits these communities harder. This Bill presents a fundamental opportunity to embed anti-racist and equitable principles within statutory housing law.

We are in support of the policy's intention to make homelessness rare, brief and unrepeatable. However, we are also concerned that the bill does not tackle racial inequality explicitly as it could unintentionally make existing problems even worse. The law needs to do more than just generally include everyone. It must make sure that all groups protected by law, especially those based on race and ethnicity, are genuinely considered when housing services are designed, delivered, and checked. This is especially vital given the overrepresentation of Black, Asian, and ethnic minority people in hidden homelessness and poor private rented housing.

The new bill/law also has to address the needs of people with no recourse to public funds (NRPF), many of whom are from racially minoritised backgrounds. Exclusion from housing support based on immigration status remains a major driver of homelessness for this group and must be tackled within the Bill's scope.

Overall, we believe this legislation is timely and important, but it must be complemented by a racial equity lens and include clear responsibilities to track, report on and address inequalities.

**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?**

(We would be grateful if you could keep your answer to around 500 words).

EYST generally supports the proposed changes in Part 1 of the Bill, especially the move towards preventing homelessness and using a trauma-informed approach. This focus on understanding people's experiences and getting ahead of problems is really positive. However, our main concern is whether these new rules are truly strong enough to tackle the racial inequalities we see in homelessness outcomes.

The Bill wanting to prevent homelessness for more people, including those who are at risk of losing their home in 56 days is welcome. This is a vital step. Yet, we know that people from ethnic minority communities often face discrimination, language barriers, and a fear of statutory services meaning they are less likely to seek support till they reach crisis point. To truly make this work, there is a need to ensure that proactive outreach and culturally appropriate engagement is incorporated into how these changes are implemented.

The sections about creating personalised housing plans and co-production are a positive step in the right direction. But the success of these plans will depend on staff training and anti-racist practices. Housing officers need to be fully equipped to understand the specific barriers that minority communities face, including experiences of racism, xenophobia, and a historic lack of trust in public services. This includes providing funding for interpreters, translated materials, and strong partnerships with trusted community organisations.

Most importantly, without specific ways to track racial inequalities and take action to tackle it when they occur, these new rules risk not achieving their intended positive impact for everyone. The Bill must clearly require local authorities to

collect and publish data broken down by ethnicity and to act decisively when they see these disparities continue.

**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?**

(We would be grateful if you could keep your answer to around 500 words).

From EYST's perspective and taking into consideration the experiences of the communities we work with, there is a concern that we are concerned that unless the provisions in Part 2 are underpinned by stronger anti-discrimination safeguards, they may not achieve the intended outcomes for minority ethnic communities.

Section 35 suggests that local authorities should create and publish an allocation scheme and check it regularly. While this is good, it is essential that equality considerations are at the very heart of these schemes. Our experience with clients shows that current housing allocation systems sometimes unfairly disadvantage ethnic minority applicants which happens in different ways like through indirect discrimination in "local area connection" rules, language barriers that make the application process confusing, or unclear systems for how people are grouped and prioritised.

It is recommended that Equality Impact Assessments are carried out to show how fairness is promoted for all protected groups, including racial and ethnic minorities. Also data must be disaggregated by ethnicity and other protected characteristics in order to track equity as without the right dataset, it will be tricky to understand if allocation policies are making worse or reducing inequality,

In addition, there is currently no mention of community voice or working together when these allocation schemes are being developed. EYST believes that local authorities should be required to engage directly with ethnic minority communities and grassroots organisations when they are designing and reviewing housing allocation policies. This is the only way to ensure these policies are truly fair, effective, and culturally competent for everyone they serve.

## **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?**

(We would be grateful if you could keep your answer to around 500 words).

Part 3 of the bill's aim to simplify and clarify social housing law is great as clearer rules can make for fairer practices, but there is a concern these provisions may not go far enough to tackle the systemic racial inequalities in accessing social housing across Wales.

Sections 39 and 40 define who can get housing. These definitions are vital and must avoid excluding vulnerable groups, especially migrants and people with uncertain immigration status, many of whom are from ethnic minority backgrounds. While defining eligibility in regulations allows flexibility, without clear safeguards, it could lead to unfair practices by local authorities.

There is a concern about Schedule 1, which excludes people with 'no recourse to public funds' (NRPF). This disproportionately affects Black and minority ethnic people, leaving them homeless or in exploitative situations. The Bill misses a huge opportunity to push for long-term reform here. At minimum, the Welsh Government should advocate for changes to UK-wide rules and offer interim support for those excluded.

Sections 41 and 42 cover how priority for housing is decided: there is a concern that neutral policies, like local area connection rules or residency tests, can indirectly discriminate against refugees, migrants, and Gypsy, Roma, and Traveller communities.

The Bill should require mandatory Equality Impact Assessments for all priority rules, showing how they prevent unfair impacts.

A major gap remains: no clear requirement for councils to monitor housing allocation outcomes by ethnicity. For the Bill to achieve fairness, it must legally require authorities to: collect and publish data by ethnicity and other protected characteristics; identify existing inequalities and take action where disadvantages persist.

EYST is also concerned that the Bill does not go far enough in recognising the importance of meaningful community engagement. Allocation policies should not be developed solely by statutory bodies but should be co-produced with

those affected, especially people from underrepresented ethnic groups. This would support greater trust and transparency in a system where many ethnic minority applicants currently feel alienated or discriminated against.

Overall, all reforms proposed in Part 3 are important but the Bill needs to be much stronger. It should embed racial equity, prevent practices that exclude and ensure accountability for fairer housing outcomes for everyone in Wales.

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

(We would be grateful if you could keep your answer to around 500 words).

From the perspective of EYST's Race and Housing Project, potential barriers to implementation identified are:

1. Institutional racism and bias in housing practice: The Bill should include a statutory requirement for housing authorities to provide mandatory anti-racism and cultural competency training
2. Language and accessibility barriers: Implementation guidance must include expectations around language support (e.g. interpreters, translated materials) and inclusive communication strategies tailored to diverse communities.
3. Trust and fear of statutory services: The Bill should mandate the use of community-based organisations and peer supporters in delivering housing advice and support especially for marginalised groups.
4. Data collection and monitoring gaps: The Bill should introduce a requirement for all local authorities to monitor, analyse, and publish data on homelessness presentations, housing allocations, and outcomes by ethnicity, and to act on identified inequalities.
5. Funding - resource constraints and capacity: The Welsh Government must commit to ring-fenced funding and capacity-building for local authorities, with targeted support for inclusive practice and partnership with equality organisations.

## **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)?**

(We would be grateful if you could keep your answer to around 500 words).

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EYST understands that giving Welsh Ministers power to make secondary legislation is important for adapting housing policy to changing times. However, for us and from a race equality perspective, these powers must be used with transparency, accountability, and a clear commitment to eliminating racial inequalities in housing and homelessness.

#### A few Concerns and Recommendations

1. Lack of clarity on equality implications: there is a risk that new regulations could unintentionally worsen inequalities e.g. if eligibility rules are tightened thereby disproportionately affecting racially minoritised or migrant communities.

It is recommended that all secondary legislation under this Bill should require a mandatory Equality Impact Assessment (EqIA) and public consultation, especially if it affects eligibility or access to social housing.

2. Transparency and Co-production: while some regulations will be scrutinised by the Senedd, this may not be enough for true fair policy-making.

It is recommended that Welsh Ministers should be required to consult with equality bodies and affected communities before making or changing regulations. Any changes to access or allocation criteria (e.g., local connection, NRPF exceptions) should involve co-production with organisations representing racially minoritised groups.

3. Opportunity to embed Anti-Racism: The Bill does not yet fully align with the Anti-Racist Wales Action Plan. These regulation making powers are an opportunity to strengthen this commitment by requiring Ministers to apply a racial equity lens to all new secondary legislation.

It is recommended that all regulations made under this Bill should align with the Anti-Racist Wales Action Plan principles and explicitly consider their impact on racially minoritised groups.

In summary, while these delegated powers are fine in principle, they must operate within a strong framework of equality safeguards, inclusive consultation, and transparent monitoring otherwise, the Bill risks missing its chance to advance both housing justice and racial justice in Wales.

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

(We would be grateful if you could keep your answer to around 500 words).

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This Bill genuinely aims to create a fairer housing system for all but EYST is concerned that without additional safeguards, it could unintentionally harm certain groups, especially ethnic minority communities, migrants, and other vulnerable people.

- Reinforcement of existing racial inequalities: systemic inequalities can continue or even increase. The Bill needs legal duties for collecting and reporting ethnicity-specific data and for acting on identified inequalities.
- Unintended exclusion as a result of immigration control which could make homelessness services become more exclusionary and push vulnerable migrants into destitution. It is recommended that the Bill should include provisions for non-statutory or humanitarian support for those with NRPF, and a clear way for councils to offer case-by-case help.
- Digital exclusion and language barrier as some people are unable to use digital platforms or communicate in English/Welsh and could face further exclusion and delayed support. It will be great if the Bill puts in a requirement for councils to provide accessible, face-to-face options, interpretation services, and outreach through trusted community organisations.
- Overreliance on Local Authority discretion which can result in unequal experiences and outcomes across Wales due to inconsistent local practices. The Bill should ensure national standards and accountability frameworks are in place to drive consistency and fairness.

## **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?**

(We would be grateful if you could keep your answer to around 500 words).

It appears the current assessment underestimates the true investment needed to achieve fair outcomes for ethnic minority communities in Wales.

The Bill's financial plan does not fully account for the cost of culturally competent, anti-racism services. There's no specific funding for vital elements like translation, anti-racism training, co-production with communities, or race-disaggregated data systems.

Without these, new duties may not deliver desired outcomes for ethnic minority people already facing housing barriers. It may be worth considering a revision of

the financial assessment to include ring-fenced funding for equality and inclusion measures, aligning with the Anti-Racist Wales Action Plan.

The memorandum also underestimates pressures on local authorities, especially in diverse, high-demand areas. Councils are already stretched; the new prevention and reporting duties will require significant extra staffing and training and without adequate funding, they might leave high-need, often racially minoritised, households behind. Increasing funding for long-term capacity building, prioritising councils with high housing need and diversity could help mitigate this.

The plan also omits costs for partnering with trusted equalities organisations which are vital for reaching marginalised groups.

The Bill's financial planning needs a significant rethink as without targeted investment, there is a risk of not only leaving minoritised groups behind, but also failing the Bill's overall aims.

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

(We would be grateful if you could keep your answer to around 500 words).

Communities;Economy;Equality and Human Rights;Health and Care Services;Housing;International