

RH 25

Y Pwyllgor Cymunedau, Cydraddoldeb a Llywodraeth Leol/  
Communities, Equality and Local Government Committee  
Bil Rhentu Cartrefi (Cymru)/Renting Homes (Wales) Bill  
Ymateb gan: Cymdeithas Genedlaethol Landlordiaid  
Response from: National Landlords Association

## **About Us**

The National Landlords Association (NLA) exists to protect and promote the interests of private residential landlords.

With more than 23,000 individual landlords from around the United Kingdom and over 100 local authority associates, it provides a comprehensive range of benefits and services to its members and strives to raise standards in the private-rented sector.

The NLA seeks a fair legislative and regulatory environment for the private-rented sector (PRS) while aiming to ensure that landlords are aware of their statutory rights and responsibilities.

## **Summary**

- The Renting Homes (Wales) Bill is a significant piece of legislation which completely rewrites housing law in Wales.
- Following a long and at times complicated consultation process, we have been pleasantly surprised by the comprehensive nature of the Bill produced. The NLA are thus broadly supportive of the most of the aims of the Bill.
- We have some concerns regarding its implementation and subsequently would like to see several amendments made to it through its legislative progress, plus clarification on others, however that it is only to be expected on a Bill this size.
- Our response can therefore be classified as both cautiously supportive and where critical, only constructively so.
- This evidence does not attempt to give NLA view on the Bill line by line section by section. Instead it focuses on areas the organisation has strong views on and either warmly welcomes or has reservations on, is lobbying against or seeks clarity on.

## **Duty to provide a written statement of contract**

1. The NLA understand the reasoning Governments decision to legislate on contracts and cautiously support this attempt to make landlords and tenants legal relationship easier for both parties to understand at the outset.

2. The issuing of a written contract at the start of tenancy is best practice and something we recommend all our members do.
3. We welcome the added flexibility provided by the provision that a contract must be issued no later than two weeks from the date of occupation.
4. However when giving advice to members we will still advise they agree and issue a contract before or on the day a tenancy starts as best practice.
5. The key to this major change will be the transition and implementation as landlords move to this new system however we look forward to working with the Welsh Government to minimise disruption to landlords.

### **Six month moratorium**

6. The NLA warmly welcome the ending of the six-month moratorium in the Bill and the Welsh Governments recognition that landlords “generally want to keep their tenants for as long as possible, and want the security of income” they provide.
7. We agree with the governments assessment that there is nothing to suggest removing the moratorium will cause landlords to alter their letting practice” for the worse and can indeed cite an examples when this increased flexibility will help the PRS in Wales.
8. For example this change will also mean that landlords will be more amenable to renting to 16-17 years olds. These types of tenants are likely to be low paid with limited or no employment history making them ‘risky’ propositions for landlords. However with the added flexibility resulting from this change, landlords will be more likely to ‘give them a chance’ to prove themselves as long
9. In conclusion this change seems logical and an example of joined up and evidence-based thinking.

### **Fitness for human habitation**

10. This section is a significant change from those first consulted upon. Having said that however the NLA does not think this provision to be either unreasonable or overly burdensome to landlords.

### **Retaliatory Eviction**

11. Everyone deserves a decent home and no one will argue that tenants must feel able to raise issues with their landlords without the fear of losing their home. However we have yet to see any credible evidence of a problem significant to justify the need for additional legislation

12. We believe these changes represent a politically timed reaction to fear and anecdote, rather than a confirmation of commonplace poor practice within private housing.
13. The government has been distracted from the business of ensuring that existing legislation, intended to protect tenants and landlords from genuine criminals, is enforced properly.
14. At best this is will be a burdensome nuisance for the majority of good landlords. At worst it will further mask the actions of criminals who abuse their tenants, while regulators struggle to differentiate between those in genuine need and vexatious troublemakers.
15. The Government says that the majority of good landlords will have nothing to fear but the truth is it will give unscrupulous tenants and ambulance-chasing legal firms more power to resist genuine and necessary attempts on behalf of landlords to regain lawful possession on a property.
16. The NLA begrudgingly accept however that given that this argument has made and failed in Westminster, and so is unlikely to hold sway in Cardiff.

#### **Joint contracts**

17. Whilst we both understand and commend its intention, to make each tenant a joint contract holder is a significant change to housing law.
18. Our members may in time come to prefer this new arrangement however would prefer to have the choice rather than be forced to comply with the new arrangement.
19. This 'choice' would provide clarity as to who was responsible for paying the rent in the event of rent arrears in a household of 4 people for instance, (e.g. a landlord may have 3 paying tenants however one refuses / is unable to pay).
20. Just as this new approach to joint contracts is meant to bring flexibility we would like to see if the government could as flexible to the issue of rent arrears within such a contract.

#### **Abandonment**

21. The NLA welcomes the Welsh Government's recognition that abandonment is a major concern for landlords and their intention to clarify the procedure for landlords where they occur.

22. Greater clarity is needed as to what the government mean by “During the warning period the landlord must make such inquiries as are necessary to satisfy the landlord that the contract-holder has abandoned the dwelling.”<sup>1</sup>
23. However this Bill represents an opportunity to legislate for best practice, providing legal clarity for landlords, tenants and judges alike. This could then be a legislative template to governments across the UK to follow.

### **Miscellaneous**

24. Section 9 of the Explanatory Memorandum details plans for an evaluation project. It is important in any project to understand its objectives and targets and the measurements by which you are judging its success.
25. The NLA believe that the details of this evaluation should be finalised as soon as possible and consulted upon in parallel to the Bill’s progress through the Assembly and before it becomes an Act.
26. It is also important that this evaluation is carried out by a team or company independent of government and civil servants, and we welcome this undertaking in the document.

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<sup>1</sup> Part 9, Chapter 13 (4)