



Ein cyf/Our ref: LF/LG/0475/15

Christine Chapman AM
Chair, Communities, Equalities & Local Government Committee

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Dear Christine,

During the Communities, Equality and Local Government Committee meeting of the 22 April, I agreed to provide you with further information on two points. Firstly, clarification on the differences between the definitions of carer within the Renting Homes (Wales) Bill and the Social Services and Well-being Act 2014 and secondly, evidence relating to the number of retaliatory eviction claims in Wales.

The definition of carer under the Renting Homes (Wales) Bill differs from that provided under the Social Services and Well-being Act 2014 out of a necessity. In terms of succession under the Bill, there is provision for both priority successors and reserve successors. Priority successors are spouses or civil partners of the contract holder, or persons living as such. People qualify as reserve successors, either by virtue of being a family member (section 76) or as a result of meeting the carer condition (section 77). Therefore, any person who happens to care for the contract-holder, but who is a family member, will qualify as a successor in any event (either as a priority or reserve successor). The purpose of the definition of carer in section 77 is to extend the right to succeed to a wider category of people who are carers, but who are not family members of the contract-holder.

This should be contrasted with the position in the Social Services and Well-being (Wales) Act 2014. Under that Act, 'carer' is defined as any person who provides or intends to provide care for an adult or disabled child. That Act makes provision requiring assessment of carers' needs in order to determine what services and support a carer may need. This will apply both to family members who are carers and other people who may be caring for a person but not related to that person. The Social Services and Well-being Act does not draw a distinction between family members and other carers, unlike the Bill, it simply focuses on those who are providing care, whatever their relationship with the cared for person.

Under the Renting Homes Bill, there must be a connection between the carer and either the contract-holder, or a member of the contract-holder's family living at the time with the contract-holder, because the Bill confers rights to succeed to the occupation contract formerly held by the contract holder. In addition, given section 77 of the Bill applies other to people who are not related to the contract-holder, it is important not to discount those who care on a voluntary basis, as is the case in the definition in the Social Services and Well-being Act.

Whilst accepting the benefits of ensuring consistent definitions within Welsh legislation, we consider that in this context, there is a clear need for separate definitions.

With regard to the provision of numbers of retaliatory eviction claims in Wales it is difficult, as I said in Committee on the 22 April, to provide such numbers.

There is little doubt the majority of landlords are responsible and maintain their properties in line with their obligations. This means any instances of retaliatory eviction happen in a minority of tenancies where landlords do not take their obligations as seriously.

Shelter has produced a number of reports in recent years evidencing and highlighting the practice of retaliatory eviction. 'Making Rights Real' addresses directly retaliatory eviction in Wales. Presently, it is standard practice for Shelter Cymru to advise their clients they may be making themselves vulnerable to a retaliatory eviction if they choose to challenge their landlord to address disrepair, either through the local authority or through a civil claim.

Providing this advice to tenants may reduce the instances or likelihood of a retaliatory eviction but does not address any underlying disrepair issues for a tenant. Shelter Cymru within their 2014 report 'Fit to Rent' stated the following:

- *More than one in 10 tenants said that in the last year they had not complained about conditions or challenged a rent increase because of fear of eviction. This was higher among households with dependent children, households receiving housing benefits, and households who were in financial difficulties and constantly struggling to pay the rent.*
- *Two per cent – equivalent to nearly 9,000 tenants – said they had actually been evicted or served notice in the last year because they complained to the council or asked for a problem to be dealt with that was not their responsibility.*
- *In total, four per cent said they had either been threatened with eviction, or actually evicted in retaliation for raising problems. We estimate that more than 17,800 tenants were victims of retaliatory acts that were either threatened or actually carried out in the last year.*

Furthermore, during the Parliamentary debates on retaliatory eviction legislation last year the Minister for Housing, Brandon Lewis, in a Written Answer dated 11 November 2014, confirmed there were no official statistics on retaliatory eviction. Shelter estimated that 213,000 private renters in England were evicted or served with an eviction notice on a retaliatory basis.

Therefore, it remains difficult to provide exact figures for retaliatory eviction. No possession hearings or court data acknowledge the existence of this practice. Notwithstanding the absence of such figures, I wish to emphasise, as I stated at Committee, one instance of retaliatory eviction is one too many.

Yours sincerely,

A handwritten signature in black ink that reads "Lesley Griffiths". The signature is written in a cursive style with a large, sweeping flourish at the end of the name.

Lesley Griffiths AC / AM

Y Gweinidog Cymunedau a Threchu Tlodi
Minister for Communities and Tackling Poverty