

RH 03

Y Pwyllgor Cymunedau, Cydraddoldeb a Llywodraeth Leol/
Communities, Equality and Local Government Committee
Bil Rhentu Cartrefi (Cymru)/Renting Homes (Wales) Bill
Ymateb gan:Anabledd Cymru
Response from: Disability Wales

Disability Wales (DW) is an independent, not for profit organisation established in 1972. We are a membership organisation of disability groups and allies from across Wales.

5 As the national association of disabled people's organisations, Disability Wales strives to achieve equality, rights and independence for all disabled people, regardless of physical, sensory or neurological impairment, learning difficulty or mental health condition. We recognise that many disabled people have different identities and can face multiple-discrimination.

10 The Social Model of Disability is at the core of our value base, recognising that people are disabled more by poor design, inaccessible services and other people's attitudes than by their impairment. We are recognised as the lead organisation in Wales in promoting the understanding, adoption and implementation of the Social Model of disability.

15 **Q1.** We can only comment on issues in the Rented Homes (Wales) Bill (RHB) that could affect disabled people (and of course others from protected characteristic groups). However, all parts of the RHB have potential to impact on disabled people, particularly Part 8, Supported Standard Contracts – including mobility and temporary exclusion and Part 10, Miscellaneous (in regards to consultations) specifically.

20 Other key parts include: Provision of written contracts (in accessible formats), repairs and maintenance (disabled people have it in black and white what to do if a problem arises within the property), prohibited conduct (appropriate or inappropriate behaviour) and succession rights and transfers (carers are included with the new legislation).

25 Having a duty to provide a written statement of contract could aid disabled people, particularly if contractual information is to be made available in accessible formats. This would ensure disabled 'contract holders' have full

access to information enabling them to make informed choices as to where they wish to live. This links to the Framework for Action on Independent Living. Disabled people have the right to choose where they live, therefore barriers to participation should be eradicated. Having a clear written statement of contract available produced in accessible formats would aid disabled people's understanding of their rights and responsibilities and perhaps would help prevent unscrupulous landlords from taking advantage.

Having clarity and consistency in regards to repairs and maintenance across all housing providers would assist disabled people in understanding their rights and responsibilities when the property is in need of repair.

Understanding what constitutes prohibited conduct could aid disabled 'contract holders' to spot potential untrustworthy or unsavoury behaviour from their landlord or their neighbours. Also this would raise awareness of potential abuse, by carers or so called 'mates' the 'contract holder' invites into their home. Caution must be used however, especially if a person's disability affects their behaviour in relation to their tenancy or how their behaviour, due to their impairment, could affect their neighbours. Disabled people who have Autism or Tourette's, for example, may display signs of prohibited behaviours either inside or outside the home. These prohibited behaviours could be as a result of their impairment rather than the disabled person intentionally engaging in threatening behaviour.

Succession rights and transfers, with the 'reserve successor' including voluntary carers who have resided at the property for 12 months for the first time is positive. Some disabled people have carers who could find themselves out of a home if anything happens to them, this could increase their stress if undergoing an already stressful time such as illness or relocation. The new proposed ease of transfer may assist decreasing bedroom tax penalisation if there are a satisfactory number of smaller properties to downsize into. Also a disabled 'contract holder' may wish to move into a more accessible property which better meet's their access requirements. The RHB could create a smoother transfer process, bringing greater clarity to the new arrangements for secure contractual exchange, ensuring clarity.

The supported housing chapter establishing a legal framework recognising specific needs of supported housing is again positive. Some disabled people do live in supported housing therefore the bill would enhance their rights and would further enable them to live independently in the community.

65 Rented homes, from all housing providers could equally form part of Local Authority accessible housing registers, especially if more private landlords were encouraged to participate and place their properties on the register. Work is to be done to convince private landlords to allow their properties to be adapted for disabled 'contract holders' but this is something that could be
70 developed nationally and at local level.

With regards to consultations (part of the miscellaneous section); consultation and engagement events must be made accessible to all, including disabled people across the disability spectrum. Information provided should be made available in accessible formats from EasyRead, Braille, large-print, pictorial
75 information and plain English (language) usage for example. Jargon should be avoided wherever possible. Venues should be accessible and communication support for those who require British Sign Language Interpreters, Palantypists, Note-taker, Lip-speaker or Personal Assistants should be provided. Provision of access should be based on requirements
80 and not on costs. Costs occurred by arrangement of communication support and to create accessible formats should be factored in at the initial stages.

Q2. Potential barriers to the implementation of these provisions and whether the Bill takes account of them.

85 One potential major barrier is a lack of knowledge and understanding of disability issues, access barriers and the Social Model of Disability. It is likely that disabled people in the private rented sector encounter greater barriers than non-disabled people looking for a home in this sector.

90 Having a duty to provide a written statement of contract is positive, however, this could result in a potential barrier for some disabled people in understanding the terms and conditions, and their rights. That is if contract information is provided in inaccessible formats. Difficult to understand

contracts could put many disabled people at further disadvantage which could mean that potential disabled 'contract holders' would not be able to make
95 fully informed choices and therefore restrict their housing options.

Housing operatives not fully understanding disabled people's behaviour, such as those with Autism for example, could result in the disabled person being evicted due to a misunderstanding. Disability Equality Training is essential. Measured decision making and appropriate support should be the first option
100 considered before any decision on snap evictions. Appropriate training could assist housing providers to respond when disabled 'contract holders' behaviour causes concern.

The lack of availability of smaller properties required to avoid 'bedroom tax' (spare room subsidiary) often pushes disabled people further into poverty.
105 Lack of accessible properties could scupper the advantages of the new succession rights and transfers if the supply doesn't meet demand. It is worth noting that each Local Authority decides who is eligible for discretionary payments. Provision of these discretionary payments are limited and are only meant to be a short-term measure. The temporary payments do
110 not solve the long term problem of the affects of housing benefit cuts on disabled people.

Linked to the above, the inclusion of rented homes, especially privately rented accommodation on accessible housing registers should be seriously
115 considered, either as part of supported housing heading or as an independent paragraph within the Bill itself. Lack of accessible properties in the rented sector as a whole is a barrier because this limits disabled people's choice of accommodation and prevents 'fluidity' in the moving process. Disabled people's freedom of choice and movement is restricted by minimal availability
120 of accessible properties across all rented housing providers in Wales. Accessible housing registers that cover all rented sector properties (Local Authority, Social Housing and privately rented) could assist information sharing across Local Authority boundaries thus simplifying the moving process. The low number of accessible houses could still be an issue,

125 however, better coordination of information could assist both disabled people
looking for a home and rented accommodation providers.

If consultation and engagement events are held at short notice and at
inaccessible venues disabled people, potential 'contract holders', could be
excluded from participating and prevented from having their voice heard. To
130 ensure inclusion for all, it is necessary to plan head in order for events to
reach protected characteristic groups including disabled people across the
disability spectrum. Considerations of communication support too is a must
to ensure a fair representation of all those effected by rented housing sector
barriers. Examples of support include but are not limited to: PAs, British Sign
135 Language Interpreters or Lip speakers etc.

Q3. Whether there are any unintended consequences arising from the Bill.
Any legislation change related to the rented sector must not detriment current
disabled 'contract holders' and potential 'contract holders' in finding
properties that match their access requirements.

140

The dire need for more accessible housing and accessible housing registers
should be mentioned in the RHB. Plentiful accessible housing, communicated
in accessible formats and accessible housing registers to disabled people who
require such properties is vital. Many disabled people live in rented
145 accommodation rather than owner occupied residences, this is due to the
high instances of poverty amongst disabled people. The subject matters
absence could be seen as due to its unimportance.

The rented housing sector, if contractual information is not provided in
150 accessible formats from the outset, could unintentionally, breach the Equality
Act 2010 (through lack of reasonable adjustment provision). It is good
practice that information is available in accessible formats, at the very
minimum, upon request if not available nor provided automatically.

155 **Q4.** The financial implications of the Bill.

We cannot comment on the financial specifics of the RHB. However, with any

options considered and decisions made, disabled people's accessible housing requirements for those with impairments across the disability spectrum should not be overlooked. Financial constraints should not negatively impact disabled people's right to independent living. Encouragement of choice and control about disabled people's living accommodation type and locality should be a priority irrespective of any financial reduction measures which may be taken in the future.

165 **Q5.** Appropriateness of powers in the Bill for Welsh Ministers to make subordinate legislation.

Welsh Ministers should use their powers to enhance disabled people's right to independent living and support provision of accessible housing registers for all rented sector accommodation types. The Welsh Government Framework for Action on Independent Living highlights housing as one of its key priorities. The Welsh Government created and are in the process of implementing and refreshing the Framework for Action and therefore should support initiatives that enhance all key priorities, including housing, Priority 3: 'improved access to adapted and accessible housing' as set out in the document.