

Response to Housing Bill (Wales): Communities, Equality and Local Government Committee consultation, January 2014

Introduction

NUS Wales is a confederation of students' unions representing more than 300,000 students in the nation. As the only representative voice for students in Wales, NUS Wales represents students from all affiliated students' unions in both HE and FE sectors, this includes 9 HE institutions and all Welsh FE Colleges.

NUS Wales exists to promote, defend and extend the rights of students and develop and champion strong students' unions. We fight barriers to education; empower students to shape both a quality learning experience and the world around them; as well as supporting influential, democratic and well-resourced students' unions.

As well as campaigning on behalf of our members, NUS Wales provides a range of training to students' unions including training for full-time officers, part-time officers and staff. We provide support to students' unions to ensure they are able to engage positively with the latest policy developments that affect them.

General principles of the Bill

NUS Wales greatly appreciates the involvement we have had in the development of the Housing (Wales) Bill. Housing is a key issue for students, the lack of decent housing not only negatively impacts on the ability to successfully study, but also on students' health and quality of life. On 3rd November 2011, NUS Wales launched the Housing Survey¹. The first of its kind in Wales, we asked students about their experiences of living in the private rented sector.

The results outlined just how frequently students experience poor quality housing. 40.8% of students felt rushed or pressured to sign their contracts, and only 29.8% of students across Wales would recommend their letting agent. Less than half (48.4%) would recommend their landlord, and just 55.4% of all respondents would recommend their accommodation. There are a vast array of types of tenancy and huge discrepancies in their terms, often opening students up to unfair terms and poor standards of service from their landlord. A selection of housing case studies can be found in Appendix A.

This Bill is particularly timely given the ongoing growth of the private rented sector, where many students and increasingly other groups now reside. Giving local authorities more powers of enforcement is greatly needed as student tenants, indeed all tenants, deserve greater protection and we welcome the Government's intentions to provide such protection

We therefore applaud the Government's plans to change the legal framework for renting a home, encouraging better housing stock, ensuring greater protection for tenants and holding landlords to account for poor quality housing. This is a complex area of legislation and it is significantly overdue some considered attention.

¹ NUS Wales 'NUS Wales Housing Survey 2011' (2012). 1215 students responded to the survey.

Compulsory registration and licensing

NUS Wales firmly welcomes compulsory registration and licensing scheme for all private rent sector landlords and letting and management agents. It offers much needed protection to the tenant, whilst being proportional in terms of cost and burden to the landlord.

The provision of public information about landlords will empower the potential tenant to make informed choices, and encourage landlords to ensure their housing stock is of a decent standard.

Ensuring those wishing to be licensed receive accredited training is simply common sense, and is to the benefit of all involved – the landlord and the tenant.

We firmly welcome that this approach will have national consistency and involve collaboration from all Councils; this is only right and proper. Individuals should not be disadvantaged simply due to the geography of where they chose to reside within Wales.

We appreciate that there may be resistance from some landlords about this scheme. We would suggest that this scheme poses no significant or disproportionate burden or threat to any respectful landlord. Indeed we predict that this scheme could aid landlords, both in terms of the reputation of the private rental sector, as well as competing for tenants against disreputable agents.

Barriers and unintended consequences

Our key concern is that the Scheme may not be resourced or implemented effectively. We need to learn from Scotland, whose landlord register was not as effective as it could have been. There was feedback from several councils about a lack of capacity within teams to apply the “Fit and Proper Person” test in any meaningful way².

The Welsh Government needs to consider what the cost will be to implement the scheme thoroughly and whether current budgets allow effective implementation – this includes both the set up costs, as well as handling the inevitable complaints and appeals.

It is essential that the Scheme is widely known and understood. Three years on from the introduction of the register in Scotland, only three out of ten tenants when asked by Shelter Scotland knew about the scheme. Even those who had heard of the scheme did not know whether their landlords were registered³.

We would welcome a Wales-wide publicity campaign at the introduction of the Welsh scheme and would be keen to be involved in the design and implementation for the student audience.

It is important that the costs letting/management agents and landlords have for training and registration are not disproportionately high, we would not want them to get passed on to the tenant. For the private rented sector to grow as an affordable and desirable tenure in Wales, rents and fees for tenants must not rise.

In addition to above, we welcome the references to the specific needs of victims of domestic abuse. We would encourage any solutions in terms of this to retain focus on the needs of the victims involved – for instance a mother and children may need to be rehomed due to domestic abuse, but housing shortages,

² Shelter Scotland, ‘Landlord registration in Scotland: three years on’ (Shelter, 2009) 14-15

³ Private Rented Sector Review, Scottish Government, 2009, taken from Shelter Scotland, ‘Landlord registration in Scotland: three years on’ (Shelter, 2009), 13.

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especially in rural areas may present challenges in terms of attending the same school; especially considering the sparse coverage of bus routes in some of these areas. We would also recommend that any strategies designed in this Bill have synergy with any other legislation regarding domestic violence currently being developed.



Appendix A: Student Housing Horror Stories

Below are a series of case studies about just a few housing situations from students in Wales*. As you can see poor housing can result in serious consequences, from ability to study effectively, to long term health conditions.

Housing horror story 1

A group of seven took a contract on a property for their second year of study. Soon after, due to the property being in such poor shape the Council declared it unsafe to live in and they temporarily had to move out. Renovations were booked in yet they were still expected to pay rent – they were given little choice, that or lose the house. However, it soon came to their attention that even though the property was declared unsafe, and even though they were still were paying rent on it – the landlord was leasing rooms out to other people.

Skip forward a month when the tenants were finally due to move back in. It was apparent that the renovations had not be completed and there was no working gas, electric or water. In addition, the sofas were covered in wet mould, when approached the landlord said all the students needed to do was turn the heating on to dry them out. But what heating? There was no gas or electric.

Later that month, the basement toilet became blocked. Plumbers took two weeks to be booked in to sort the problem. By that time sewage had started overflowing and leaking out of the toilet and the pipes, and had also started rising up in the bath through the plug hole. The plumbers said it was the worst thing they had ever seen and smelt in all five years of their plumbing employment. You could even smell the sewage from the pavement outside.

Unsurprisingly during this time, most of the students in the house came down with a nasty virus.

*Case studies have been anonymised to protect some tenants still living in their accommodation.

Things started looking up for the house mates until the spring. At that point the landlord attempted to collect rent owed by one tenant from the debit cards of all seven the tenants – without telling them. Luckily this only worked on three of the seven tenants.

Thankfully the students no longer live in this property, but they were so frustrated by their year in the house they made a music video about it – found [here](#).



Housing horror story 2

When the landlord first showed them around, he told them that upstairs was just storage space. It was only after they signed the contract did they realise this was untrue. Living upstairs was an unknown male who had access to the bathroom and kitchen.

Within a couple of weeks of moving in, the tenants noted fungus and mould growing in the kitchen, bathroom and one bedroom – there was little ventilation and windows had been nailed shut. The landlord fobbed them off by saying it was the previous tenants fault and did nothing to address the issue. He told them if they wanted it fixed they would have to pay for it. The damp in the walls was so bad that it affected one tenant's asthma and they had to have a dehumidifier on all of the time.

The landlord wouldn't allow them to put up posters - which would have been perfectly reasonable if he had made efforts to close up the holes in the walls. It was the student's attempts of having some privacy.

The landlord limited the hot water meaning not all the tenants could shower every day. He continually turned up without warning, wanting access to all rooms including bedrooms.

Lastly, without warning the landlord changed the lock on the front door and gave the new keys to the man living upstairs, who then left the property for several weeks without warning. Fortunately (if you can call it that), he accidentally left the door unlocked and all the keys in the hallway.



Housing horror story 3

On departing a property, a landlord carried out an inspection and said everything was fine and he saw no reason to withhold any of the deposit. He then disappeared and became uncontactable. It's only then that the tenant found out that the deposit was not held in a tenancy deposit protection scheme. The tenant cannot find the landlord nor get their money back.



Housing horror story 4

Tenants moved into a property and soon reported extensive mould being present. Workmen were sent to the flat and they advised fumigation. However, this work was never completed.

Since then, one of the tenants contracted thrombocytopenia, a lifelong condition resulting in low platelet counts, a condition associated with breathing in mould.

Housing Horror story 5

One student tenant asked the landlord to remove the mould growing in the property, the landlord replied that the issue was not a big enough to warrant attention. Yet, after a short time slimy black mould and water was dripping from the ceiling, and running down the walls; the tenants awoke one day to find their shoes and a teddy bear to be covered in mouldy slime. Around this time one tenant was experiencing various chest-related illnesses. The source of this was identified as the mould, yet the landlord insisted all the tenant needed to do was wipe it away. The student said: "I don't know my rights exactly as a tenant, but I know that I do not want to continue living in this room but I have nowhere else to go".

