

Renting Homes (Wales) Bill

Summary of changes at Stage 2 November 2015

Introduction

This document sets out some of the key changes made to the *Renting Homes (Wales) Bill* (“the Bill”) during Stage 2 proceedings.

Background

The Renting Homes (Wales) Bill was introduced on 9 February 2015 by Lesley Griffiths AM, Minister for Communities and Tackling Poverty (“the Minister”).

The Bill reforms the law applying to rented homes in Wales. The Bill will replace the majority of existing types of tenancy and licence agreements with two new types of occupation contract.

The Business Committee remitted the Bill to the Communities, Equality and Local Government Committee (“the Committee”) for scrutiny.

On 27 January 2015 the Business Committee agreed the deadline for the Stage 1 Committee report as 26 June 2015. The Business Committee also agreed that Stage 2 proceedings should be completed by 9 October 2015, subject to the general principles of the Bill being agreed by the Assembly.

The Communities, Equality and Local Government Committee held a consultation on the general principles of the Bill, which closed on 27 March 2015. The Committee began taking oral evidence on 22 April 2015.

The Committee published its Stage 1 report in June 2015. The Constitutional and Legislative Affairs Committee also published its report on the Bill in the

same month. The Bill was approved at Stage 1 by the Assembly following a debate on its general principles in Plenary on 7 July 2015.

Stage 2 commenced on 8 Jul 2015 and the Committee met to consider and dispose of amendments on 30 September and 8 October 2015.

Further information about the Bill (as introduced) is available in a **Bill Summary** prepared by the Research Service

Amendments agreed at Stage 2

Please note that section numbers refer to the Bill as introduced. All amendments are from the government unless otherwise stated

Model contracts

- Amendment 47 (Jocelyn Davies AM) replaces the word “may” with “must” in subsection 1 of Section 29. The effect of this is that Welsh Ministers must now prescribe model written statements of contracts, rather than this being a discretionary power.

Landlord’s consent

- Amendment 19 reduces the period of time a landlord is given to consider whether to give their consent to a contract-holder from two months to one month. One example of where consent could be required is where a contract-holder wishes to add another person to the contract as a joint contract-holder. This affects Section 84.
- Amendment 20 covers situations where a landlord has refused consent or consented subject to conditions. A contract-holder may ask for the landlord’s reasons for either refusing consent or consenting subject to conditions. Amendment 20 reduces the time period during which the landlord must respond to the contract-holder from two months to one month. This affects Section 84.



Repairs and fitness for human habitation

- Amendment 21, in the words of the Minister, “broadens the scope of the regulations that can be made under Section 94”.

The amendment allows matters relating to repair (Section 92) to be taken into account when determining whether a dwelling is fit for human habitation. In addition, measures can be imposed through regulations to prevent a dwelling becoming unfit for human habitation. The Minister has indicated that there will be specific provision for periodic electrical installation inspections as well as requirements for smoke and carbon monoxide detectors in future regulations. The Minister indicated that she is content for regulations made under Section 94 to be subject to the affirmative procedure, and she will bring forward an amendment to that effect at Stage 3.

Amendment 128 (Peter Black AM) was **not agreed**. It would have required Welsh Ministers to issue regulations under Section 94(1), rather than giving them a power. However, the Minister said she was content with Peter Black’s proposal in principle, but believed the drafting of his proposed amendment may need to be altered. She committed to bringing forward revised wording at Stage 3.

- Amendment 65 amends Section 97 and ensures that a landlord’s duty to ensure the property is fit for human habitation at the start of the contract is not dependant on them having been made aware of any deficiencies by any other person. The Minister noted that “prior to occupation by a new contract holder, the landlord will have access to the dwelling and so can and should be expected to ensure it’s fit for habitation”.
- Amendment 24 amends Section 99 to clarify that a contract-holder may bring legal proceedings against their landlord in respect of any injury, loss or damage suffered as a consequence of the landlord not complying with either the repairing or fitness for human habitation obligations.

Variation of standard periodic contracts

- Amendments 26, 27 and 34 prevent a landlord from varying the terms of a standard periodic contract if they are in breach of the deposit or information requirements. They amend Sections 126 and 200. Since the notice of variation also acts as notice to terminate the contract (if the contract-holder does not agree to the variation) “unscrupulous” landlords, in the words of the Minister, could have exploited this loophole by proposing unreasonable variations in order to end the contract.

Six month moratorium

- Amendments 141 (Peter Black AM) and 166 (Jocelyn Davies AM) both related to the removal of the six month moratorium.

Amendment 141 was **not moved** following assurances from the Minister that she would bring forward an amendment with revised wording at Stage 3 that would maintain the moratorium. Amendment 166, which would have significantly increased contract-holders rights to remain in their home, was **not agreed**.

Recommendation 11 of the Stage 1 report was to maintain the moratorium.

Temporary exclusion from supported accommodation

- Amendment 29 inserts a new section, Section 146. This requires a landlord to have regard to any guidance issued by the Welsh Ministers before excluding a contract-holder from supported accommodation.

The Minister agreed to consider at Stage 3 whether a duty could be placed on the landlord to ensure that arrangements are made to accommodate the excluded person elsewhere.



Joint contracts

- Amendment 138 (Peter Black AM) was **not moved**. It would have required the Welsh Ministers to prescribe a minimum period of notice should a joint contract-holder wish to withdraw from the contract. However, the Minister agreed to give further consideration to this issue at Stage 3, “potentially bringing back an amendment”.

Regulations

- Amendment 159 (Peter Black AM) was approved and makes regulations containing fundamental provisions of contracts subject to the affirmative procedure. This affects Section 253.

Next steps

An amended version of the Bill has been prepared by clerks in the Policy and Legislation Committee Service and can be viewed [here](#).

Stage 3 commenced on 9 October 2015 (the day after Stage 2 proceedings were completed). Stage 3 consideration will take place in Plenary on 10 November 2015 to consider amendments to the Bill (as amended at Stage 2). The deadline for tabling amendments is Tuesday 3 November 2015.

Further information

For further information on the Bill please contact the lead responsible clerk, **Sarah Beasley**



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