

# Renting homes: Bed and breakfast accommodation used for homelessness purposes Welsh Government consultation

## A response from Cymorth Cymru

15th September 2023

### About Cymorth Cymru:

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**Cymorth Cymru is the representative body for providers of homelessness, housing and support services in Wales. We act as the voice of the sector, influencing the development and implementation of policy, legislation and practice that affects our members and the people they support.**

Our members provide a wide range of services that support people to overcome tough times, rebuild their confidence and live independently in their own homes. This includes people experiencing or at risk of homelessness, young people and care leavers, older people, people fleeing violence against women, domestic abuse or sexual violence, people living with a learning disability, people experiencing mental health problems, people with substance misuse issues and many more.

We want to be part of a social movement that ends homelessness and creates a Wales where everyone can live safely and independently in their own homes and thrive in their communities. We are committed to working with people who use services, our members and partners to effect change. We believe that together, we can have a greater impact on people's lives.

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## **1. Do you agree with the policy of excluding B&B accommodation provided to meet homelessness housing duties from being an occupation contract?**

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- 1.1 Yes.
- 1.2 It would not be appropriate for people in B&B type accommodation to have an occupation contract. This type of temporary accommodation should only ever be used as a short-term solution where local authorities are unable to secure or provide more suitable temporary accommodation. We have concerns about its use as temporary accommodation for more than a few days, therefore it would be entirely unsuitable as a settled home and the use of an occupation contract.
- 1.3 When the Renting Homes (Wales) Act 2016 was written, it was not envisaged that people would be staying in B&B type accommodation for longer than twelve months. As such, we did not expect the twelve-month deadline to affect people or accommodation providers. However, the impact of COVID-19 means that people have been in this kind of accommodation for far too long.
- 1.4 We recognise the risk that B&B providers could refuse to allow their premises to be used as temporary accommodation if this amendment is not taken forward. With significant pressures on temporary accommodation spaces and the lack of affordable settled accommodation, we are deeply concerned that this could result in hundreds, if not thousands of people being thrown out of B&B type accommodation and onto the streets.

## **2. Do you think that B&B accommodation providers are likely to stop providing temporary accommodation to those who are homeless, if the accommodation is subject to an occupation contract?**

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- 2.1 While we do not liaise directly with providers of B&B type accommodation, we fully understand the rationale behind them being unwilling to provide temporary accommodation if it is likely that people will gain occupation contracts and protections such as the six-month no-fault eviction notice period.
- 2.2 We are, however, aware of the acute concerns expressed by our local authority colleagues and we take these extremely seriously. It is our view that the Welsh Government must act to protect against these risks.

## **3. Does the proposal mitigate the risk of a reduction in the availability of B&B provision as temporary accommodation, due to it otherwise becoming subject to an occupation contract?**

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- 3.1 Yes, we believe that it will.
- 3.2 However, it is important to recognise other factors that impact on the availability of this type of temporary accommodation. We have heard accounts, directly from people in temporary accommodation and support providers, where people in B&Bs or hotels have been asked to leave the accommodation due to increased demand from tourists.
- 3.3 On some occasions this has been prompted by high-profile music and sporting events taking place, where tens of thousands of people are expected to attend and accommodation providers believe they can make more money from tourists. It is unacceptable that B&Bs and hotels, who receive large sums of money from local authorities to provide temporary accommodation, are able to evict people who have nowhere else to go, especially as many people in this circumstance will be vulnerable.

#### **4. Do you consider there to be any additional risks to homeless households directly, or on the wider approach to homelessness prevention as a result of these proposals?**

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4.1 Yes.

#### **5. If yes, please identify these risks and possible mitigations.**

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5.1 We are concerned that this could signal that it is acceptable for people to be in this type temporary accommodation for long periods of time.

5.2 B&Bs and hotels can have shared bathrooms, and are unlikely to have cooking or laundry facilities, something that has been repeatedly raised as a concern by people with experience of homelessness. The lack of cooking facilities means they are having to eat very poor quality food or spend more money on takeaways. The lack of laundry facilities and private bathroom facilities prevent people from living with dignity. As such, it is really important that people are not accommodated in B&Bs or hotels for more than a very short period of time, particularly when they have dependent children.

5.3 We note that the Minister has recently confirmed that she will not seek to amend the Homelessness (Suitability of Accommodation) (Wales) Order 2015. However, local authorities are facing huge pressures to meet these standards.

5.4 We know that local authorities are keen for people to be placed in better quality temporary accommodation or moved much more quickly into settled homes, but the lack of affordable housing supply is severely impeding this.

5.5 If the Welsh Government proceeds with this amendment, they must emphasise the importance of people not staying in this type of accommodation for long periods of time, and must re-state the commitment to moving people into settled homes as quickly as possible.

5.6 The Welsh Government must also continue to do all it can to provide the appropriate financial and policy support to increase the supply of higher quality temporary accommodation and increase the amount of truly affordable settled homes for people to move into.

5.7 We warmly welcome the continuation of the Transitional Accommodation Capital Programme, the continued capital funding commitment to building more social homes, and efforts to make the private rented sector more accessible through the Private Sector Leasing Scheme. We also welcome the powers that the Welsh Government has give to local authorities to act on second homes, and hope that Ministers continue to evaluate the evidence and impact of interventions that will enable people in these areas to access affordable, settled homes.

5.8 However, this government, and its successor must continue to make social housing and ending homelessness a priority, ensuring that capital and revenue budgets support this aim.

#### **6. Additional comments: Conversion to supported standard contracts**

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6.1 A number of our members who provide supported accommodation remain concerned about the automatic conversion of licences to supported standard contracts. These concerns have predominantly, but not exclusively, been raised by providers of refuge.

6.2 We recognise that one of the intentions of the Renting Homes (Wales) Act 2016 was to provide greater security for all tenants, and that people in supported accommodation (who can be more vulnerable than the general population) also deserve enhanced security of tenure.

- 6.3 In supported accommodation, the conversion of licences to supported standard contracts takes place after six months. This was agreed to be an appropriate time limit that would distinguish between the expected stay in very short term supported accommodation such as refuges and hostels, compared to medium or longer term supported accommodation. It was agreed that the use of licences in the former was appropriate, but that people staying in supported accommodation for longer periods should have the greater protections offered by a supported standard contract, including a two month notice period.
- 6.4 However, the current housing market means that it has been very difficult for people in very short term supported accommodation to find affordable move-on accommodation in the social or private rented sector. People are therefore staying much longer than expected and often beyond six months. As a result, providers of short term supported accommodation are having to request extensions to licences much more than was anticipated or intended.
- 6.5 We worked closely with Welsh Government officials in the lead up to the implementation of the act to ensure that clear guidance was put in place to enable licences to be extended where people were in this type of short term supported accommodation.

*11. Beyond the consideration set out in legislation, from a policy perspective, it may be appropriate to consider extending an individual's licence agreement in other circumstances set out below:*

- *Where the supported accommodation is intended to be very short term (i.e. lasting less than 6 months), but there is a delay in finding appropriate move-on accommodation and the support provider wants to be able to move swiftly when the right settled home becomes available for the individual.*
- *The supported accommodation is a refuge for survivors of violence against women, domestic abuse or sexual violence, which is only supposed to be very short-term accommodation (i.e. lasting less than 6 months), and requires individuals to be moved into alternative accommodation very quickly for reasons of safety or into a more appropriate settled home when one is identified.*

- 6.6 One group of people that were unable to have their licences extended were people who had been in supported accommodation for more than six months on the 1<sup>st</sup> December 2022. This is something we raised with Welsh Government in advance of implementation but were unable to resolve.
- 6.7 However, people entering short term supported accommodation since this date should have been able to have their licence extended by the local authority if they fell into one of the groups identified in the guidance.
- 6.8 Having said this, we continue to receive some representations from members about this process, which seem to focus on two key issues.
- 6.9 The first issue is the administrative burden on services and staff, who would prefer to focus as much of their time and attention as possible on delivering support. They have told us that having to monitor whether someone has reached the four-month deadline for starting the process, follow the process required by the legislation, and submit the application for an extension, has caused an additional administrative burden on staff. They have also reported varying experiences in the response from local authorities.
- 6.10 The second issue has mainly been raised by providers of refuge, who have had reported that they have been unable to move people into alternative accommodation due to the person having an occupation contract and refusing to move. We have been told of instances where perpetrators have found the refuge address and have made threats to the woman and the accommodation, putting her, the other residents and staff at risk. This is not a situation that survivors, staff and projects should be facing.

- 6.11 Under the guidance issued by the Welsh Government, survivors in refuge should have had their licences extended, and staff should have been able to respond to these risks. However, it appears that some people in refuge have had their licences converted into occupation contracts, creating huge challenges for refuge providers when encountering situations such as the one outlined above.
- 6.12 We are asking the Welsh Government to continue to work with Cymorth Cymru, Welsh Women's Aid and local authorities to:
- Fully understand the extent of these risks being reported by refuge providers.
  - Understand why extensions of licences have not been granted in these circumstances.
  - Ensure that local authorities are able to grant extensions to licences in the case of refuges as quickly as possible.
  - Understand whether similar risks to safety are being faced by other providers of supported accommodation.
  - Consider changes to guidance or legislation to mitigate such risks posed to people in supported accommodation and staff.
  - Better understand the burden on providers of undertaking the process to request extensions to licences.
  - Work with providers and local authorities to ensure that the process for requesting extensions to licences happens as smoothly and efficiently as possible.