



Llywodraeth Cymru  
Welsh Government

GUIDANCE

# Supported accommodation: exceptional approach to extending the relevant period for a tenancy or licence

Guidance for landlords of supported accommodation to extend the relevant period (the licence agreement) before the licence becomes an occupation contract.

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# Introduction

1. The primary aim of the Renting Homes (Wales) Act 2016 ('the 2016 Act') is to give more protections to tenants and licensees and to make clearer their rights and responsibilities, so that people can have the greatest possible security of tenure. Further information, including a range of guidance material, can be found on the [Renting Homes website](#).

2. The guidance document [Landlords: housing law is changing \(Renting Homes\)](#) sets out the role of Supported Accommodation. Accommodation is classed as Supported Accommodation if:

- it is provided by a community landlord or a registered charity,
- the landlord or charity (or a person acting on behalf of the landlord or charity) provides support services to a person entitled to occupy the accommodation, and
- there is a connection between provision of the accommodation and provision of the support services.

3. The [guidance](#) states that a landlord of Supported Accommodation (the "support provider") does not have to issue an occupation contract for the first six months of occupancy. This is known as the 'relevant period'. After six months, the tenancy or licence will automatically become an occupation contract. The default position for community landlords is that a secure contract will be issued. However, a notice may be issued - under section 13 of the Act - to state that the contract will, instead, be a **supported standard contract**. [Form RHW1](#) must be issued for this purpose. However, landlords do not have to follow this procedure if they are content for a secure contract to be issued. The supported standard contract will operate in a similar way to the standard contract. However, it may include terms in the contract relating to:

- the ability to relocate the contract-holder within the building; and

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- the ability for the landlord to temporarily exclude the contract-holder from the dwelling for up to 48 hours, a maximum of three times in six months (see [Supported accommodation: temporary exclusion guidance](#)).

## Extending the relevant period for licence agreements

4. The landlord may, on more than one occasion, extend the 'relevant period' by giving the tenant or licensee a notice of extension, the process for which is set out in [Part 5 of Schedule 2](#) to the 2016 Act (see paragraph 15). The relevant period may not be extended by more than three months on any separate occasion, and the notice of extension must be given to the tenant/licensee at least four weeks before the date that the relevant period would end.

5. While paragraph 15 of Schedule 2 states there can be more than one extension, repeated extensions may be deemed unreasonable and subject to legal challenge – the tenant/licensee may apply to the county court to review a landlord's decision to extend the relevant period (see paragraph 16 of Schedule 2). The Welsh Government would not expect support providers to make regular use of the power to extend an individual's licence agreement, **therefore extending the 'relevant period' would be considered 'exceptional' and not the 'default' position and we would expect it to be done in discussion with the licensee.** However, we recognise that there is a current shortage of settled housing for individuals to move into upon exiting supported accommodation.

6. The 2016 Act does not define the specific circumstances in which licences may be extended. However, paragraph 15(8) of Schedule 2 does include reference to a support provider taking into consideration ("may take into account") the conduct of the tenant/licensee and the conduct of anyone else that appears to the landlord to be living at the dwelling as reasons for seeking to extend the relevant period (only).

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7. As set out in paragraph 15 of Schedule 2:

- Before giving a notice of extension, the landlord must:
  - consult the tenant/licensee, and
  - get the consent of the local housing authority (if the landlord is not a local housing authority)
- The notice of extension must be given to the licensee at least four weeks before the licence would otherwise become an occupation contract. This notice is not prescribed by Welsh Government.
- The notice of extension must:
  1. state that the landlord has decided to extend the relevant period,
  2. set out the reasons for extending the relevant period,
  3. if the landlord is not a local housing authority, state that the local housing authority in whose area the accommodation is provided has consented to the extension, and
  4. specify the date on which the relevant period will come to an end.
- The notice of extension must also inform the tenant/licensee that they have a right to apply for a review in the county court under paragraph 16, and of the time by which the application must be made, which is usually 14 days from the day on which the landlord gives the tenant/licensee a notice of extension.
- People under 18 years of age cannot be contract holders, so individuals aged 16 and 17 will remain on a licence until their 18<sup>th</sup> birthday.

## **Circumstances to consider extending the relevant period for licence agreements**

8. As set out above, the primary aim of the 2016 Act is to give more protection to tenants and licensees and make clearer their rights and responsibilities, so that people can have the greatest possible security of tenure. This aim is aligned with Welsh Government's policy principle to adopt a person-centred approach to

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support individuals who may be experiencing, or at risk of experiencing, homelessness.

9. There may, however, be circumstances where a support provider may consider extending an individual's tenancy or licence agreement.

10. As set out in paragraph 6 above, the 2016 Act makes provision for a landlord or support provider to take into account the conduct of the tenant/licensee, and the conduct of anyone who appears to the landlord to live at the dwelling, as reasons for seeking to extend an individual's licence agreement. However, concern about a person's conduct does not automatically provide justification for a licence agreement to be extended. A person-centred and trauma-informed approach should always be adopted to support the licensee to overcome challenges in their life, with the aim of them being able to manage an occupation contract after the initial six-month period. A decision to extend a licence agreement due to a person's conduct should only be agreed in exceptional circumstances where the person's conduct may pose a risk to other tenants or staff. **In these cases, a person-centred and trauma informed approach should continue to be adopted and the tenant/licensee involved in the discussion on extension.**

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.

Please note this is not intended to be a prescriptive or exhaustive list. Throughout, any consideration should be on a case-by-case basis, where **all services place the individual at the centre ('person-centred' approach) and work together in a trauma informed way, fully involving the person concerned**, as set out in Welsh Government's [Ending Homelessness Action Plan](#) core policy principles and underpinning [Strategy for Ending Homelessness](#).

12. If an individual's move on into settled accommodation is delayed due to a lack of suitable settled housing in the social or private rented sectors, this particular housing need should be reflected in the local authorities' Rapid Rehousing Transition Planning. Delays to move on are potentially damaging for contract-holders/licensees and restricts support access for other individuals or households experiencing homelessness.

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