



Llywodraeth Cymru
Welsh Government

OPEN CONSULTATION

Renting homes: bed and breakfast accommodation used for homelessness purposes

We want your views on amendments to Schedule 2 of the 2016 Act preventing bed and breakfast accommodation used for homelessness purposes being an occupation contract.

First published: 21 July 2023

Last updated: 21 July 2023

This document was downloaded from GOV.WALES and may not be the latest version.

Go to <https://www.gov.wales/renting-homes-bed-and-breakfast-accommodation-used-homelessness-purposes-html> for the latest version.

Get [information on copyright](#).

Contents

[Overview](#)

[How to respond](#)

[UK General Data Protection Regulation \(UK GDPR\)](#)

[What is this consultation about?](#)

[What is the current position?](#)

[Why are we proposing change?](#)

[What specific changes are we proposing?](#)

[Consultation questions](#)

This document was downloaded from GOV.WALES and may not be the latest version.

Go to <https://www.gov.wales/renting-homes-bed-and-breakfast-accommodation-used-homelessness-purposes-html> for the latest version.

Get [information on copyright](#).

Overview

The purpose of this consultation is to seek views on proposed amendments to Schedule 2 to the Renting Homes (Wales) Act 2016 ('the 2016 Act') to prevent bed and breakfast ('B&B') accommodation used for homelessness purposes being an occupation contract. This will apply where the accommodation (in Wales) is being provided by a private B&B provider, under arrangements made with a local housing authority, in pursuance of that local authority's "homelessness housing functions", as defined in paragraph 12(5) of Schedule 2 to the 2016 Act.

When the 2016 Act was passed, there was no expectation that a person who is homeless would be living in B&B accommodation long enough for an occupation contract to arise (the usual maximum period of occupation would have been between two and six weeks). Therefore, the 2016 Act did not exclude B&B accommodation from being subject to an occupation contract. However, the current shortage of temporary accommodation, combined with the number of people housed during the public health pandemic that would have been exempt from these statutory time limits, means such an exclusion is now required, due to B&B accommodation being used more extensively and for longer periods.

How to respond

Please respond by completing the [response form](#) and sending it to Rentinghomes@gov.wales

Or

Homelessness Policy Team
Housing Policy

This document was downloaded from GOV.WALES and may not be the latest version.

Go to <https://www.gov.wales/renting-homes-bed-and-breakfast-accommodation-used-homelessness-purposes-html> for the latest version.

Get [information on copyright](#).

Welsh Government
Cathays Park
Cardiff
CF10 3NQ

Further information and related documents

Large print, Braille and alternative language versions of this document are available on request.

Contact details

For further information:

Homelessness Policy Team
Housing Policy
Welsh Government
Cathays Park
Cardiff
CF10 3NQ

Email: Rentinghomes@gov.wales

UK General Data Protection Regulation (UK GDPR)

The Welsh Government will be data controller for any personal data you provide as part of your response to the consultation. Welsh Ministers have statutory powers they will rely on to process this personal data which will enable them to make informed decisions about how they exercise their public functions. Any response you send us will be seen in full by Welsh Government staff dealing

with the issues which this consultation is about or planning future consultations. Where the Welsh Government undertakes further analysis of consultation responses then this work may be commissioned to be carried out by an accredited third party (e.g. a research organisation or a consultancy company). Any such work will only be undertaken under contract. Welsh Government's standard terms and conditions for such contracts set out strict requirements for the processing and safekeeping of personal data.

In order to show that the consultation was carried out properly, the Welsh Government intends to publish a summary of the responses to this document. We may also publish responses in full. Normally, the name and address (or part of the address) of the person or organisation who sent the response are published with the response. If you do not want your name or address published, please tell us this in writing when you send your response. We will then redact them before publishing.

You should also be aware of our responsibilities under Freedom of Information legislation.

If your details are published as part of the consultation response then these published reports will be retained indefinitely. Any of your data held otherwise by Welsh Government will be kept for no more than three years.

Your rights

Under the data protection legislation, you have the right:

- to be informed of the personal data held about you and to access it
- to require us to rectify inaccuracies in that data
- to (in certain circumstances) object to or restrict processing
- for (in certain circumstances) your data to be 'erased'
- to (in certain circumstances) data portability
- to lodge a complaint with the Information Commissioner's Office (ICO) who

This document was downloaded from GOV.WALES and may not be the latest version.

Go to <https://www.gov.wales/renting-homes-bed-and-breakfast-accommodation-used-homelessness-purposes-html> for the latest version.

Get [information on copyright](#).

is our independent regulator for data protection.

For further details about the information the Welsh Government holds and its use, or if you want to exercise your rights under the UK GDPR, please see contact details below:

Data Protection Officer:

Welsh Government
Cathays Park
Cardiff
CF10 3NQ

e-mail: DataProtectionOfficer@gov.wales

The contact details for the Information Commissioner's Office are:

Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Tel: 01625 545 745 or
0303 123 1113

Website: <https://ico.org.uk/>

What is this consultation about?

The consultation is seeking views on preventing a licence granted for a homeless person or household to occupy privately provided B&B

This document was downloaded from GOV.WALES and may not be the latest version.

Go to <https://www.gov.wales/renting-homes-bed-and-breakfast-accommodation-used-homelessness-purposes-html> for the latest version.

Get [information on copyright](#).

accommodation from being an occupation contract. This will apply where the accommodation is being provided by a private B&B provider, under arrangements made with a local housing authority, in pursuance of that local authority meeting its "homelessness housing functions" as defined in paragraph 12(5) of Schedule 2 to the 2016 Act.

What is the current position?

The 2016 Act has fundamentally changed rental arrangements in Wales, in particular through providing increased security of tenure under 'occupation contracts' and by ensuring landlords must issue every contract-holder with a written statement of the terms of their occupation contract. Landlords have 14 days to provide the written statement following occupation of the dwelling.

Generally, local authorities and registered social landlords, classed as 'community landlords' under the 2016 Act, are required to issue secure contracts. For private landlords (anyone who is not a community landlord) the standard contract is the default arrangement, which can be periodic or fixed term. Periodic standard contracts can be ended on a 'no-fault' basis by issuing a six-month possession notice. However, special arrangements apply in relation to accommodation provided in pursuance of a local authority meeting its homelessness housing duties, which include a two-month notice period for a no-fault possession. Further special arrangements are set out in **Part 4 of Schedule 2 to the 2016 Act** and their relevance to B&B accommodation is summarised below.

In pursuance of a local authority meeting its homelessness housing functions, accommodation may be provided under a tenancy or licence made with a landlord that is not the local authority, which may include a registered social landlord (RSL) or a private landlord. Accommodation provided in such circumstances, including B&B accommodation, will become subject to an

This document was downloaded from GOV.WALES and may not be the latest version.

Go to <https://www.gov.wales/renting-homes-bed-and-breakfast-accommodation-used-homelessness-purposes-html> for the latest version.

Get [information on copyright](#).

occupation contract 12 months after the day on which a person was notified of the outcome of the authority's homelessness assessment under section 62 of the Housing (Wales) Act 2014 (or the authority's decision under section 80(5) of that Act).

Currently, over 10,000 people are living in temporary accommodation in Wales, with the use of B&Bs as a form of temporary accommodation varying across different parts of Wales.

Why are we proposing change?

As a result of the continuation of the 'no one left out' approach adopted at the beginning of the pandemic, the number of people in temporary accommodation continues to be significantly higher in Wales than before the pandemic. In order to meet the increased demand, local authorities are having to use privately owned B&B accommodation to meet the immediate needs of homeless people, due to demand on their own resources and that of the third sector. In a very small number of cases service users have remained in B&B accommodation for sustained periods.

While local authorities continue to develop additional housing supply, they will continue to need access to B&B provision in order to meet their homelessness housing duties.

The Welsh Government recognises that B&B providers have always provided accommodation for use by local authorities in meeting their homelessness duties when, due to a crisis or emergency they have not been able to access more suitable temporary accommodation. This arrangement is based on the understanding B&B providers would retain the ability to manage their accommodation flexibly according to the needs of their business. Failing to exclude B&B accommodation from being subject to an occupation contract could

This document was downloaded from GOV.WALES and may not be the latest version.

Go to <https://www.gov.wales/renting-homes-bed-and-breakfast-accommodation-used-homelessness-purposes-html> for the latest version.

Get [information on copyright](#).

create a situation where a B&B provider agrees to accommodate a household in the short term, but due to the timeline of that particular case, an occupation contract could arise. It is understood that such an impact on the operating model of a B&B as a private business could result in an increased reluctance to provide temporary accommodation for use by local authorities.

What specific changes are we proposing?

We are proposing to make amendments to Schedule 2 to the 2016 Act. The effect of this amendment would be to exclude B&B accommodation, provided by a private provider under arrangements made with a local housing authority in pursuance of meeting that authority's homelessness housing duties, from becoming an occupation contract.

In view of the specialised nature of the issue to which the consultation relates, and it affecting a relatively small number of stakeholders, the consultation period is 8 weeks.

Consultation questions

Question 1: Do you agree with the policy of excluding B&B accommodation provided to meet homelessness housing duties from being an occupation contract? Yes/No/Don't know

Question 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? Yes/No/Don't know

Question 3: Does the proposal mitigate the risk of a reduction in the availability

This document was downloaded from GOV.WALES and may not be the latest version.

Go to <https://www.gov.wales/renting-homes-bed-and-breakfast-accommodation-used-homelessness-purposes-html> for the latest version.

Get [information on copyright](#).

of B&B provision as temporary accommodation, due to it otherwise becoming subject to an occupation contract? Yes /No/ Don't know

Question 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? Yes/No.

Question 5: If yes, please identify these risks and possible mitigations.

Question 6: Do you consider there to be any wider potential risks or adverse effects of the proposal? Yes/No/Don't know

Please provide details for your answer.

Question 7: We would like to know your views on the effects that the proposal would have on the Welsh language, specifically on opportunities for people to use Welsh and on treating the Welsh language no less favourably than English. What effects do you think there would be? How could positive effects be increased, or negative effects be mitigated?

Question 8: Please also explain how you believe the proposal could be formulated or changed so as to have positive effects or increased positive effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language, and no adverse effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language.

Question 9: We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them.

This document may not be fully accessible.

For more information refer to our [accessibility statement](#).

This document was downloaded from GOV.WALES and may not be the latest version.

Go to <https://www.gov.wales/renting-homes-bed-and-breakfast-accommodation-used-homelessness-purposes-html> for the latest version.

Get [information on copyright](#).