

About Crisis

Crisis is the national charity for people facing homelessness across Wales, Scotland and England. We know that homelessness is not inevitable, and we know that together, we can end it.

Our South Wales Skylight provides direct one-to-one support to people who are at risk of or experiencing homelessness in Swansea, Neath or Port Talbot. We help our members find safe and affordable homes as well as support with accessing benefits, healthcare services and employment opportunities. We also offer a range of learning, social and wellbeing opportunities.

Our Best Practice team works with local authorities, third sector partners, businesses and other organisations on a range of homelessness projects across Wales and Great Britain to identify, test and promote ways of ending homelessness.

Our Wales Policy team works closely with Members of the Senedd from all parties, contributes to working groups and advisory groups, responds to consultations and calls for evidence, and connects with policy teams in other organisations in Wales. In 2022-23, Crisis was proud to be invited to convene the [Expert Review Panel](#), looking at how legislative change can help to end homelessness in Wales.

About this response

This response has been written by the Crisis Wales Policy team. It focusses on the general principles, potential barriers to implementation, and possible unintended consequences of the Bill.

Given that the consultation period has fallen at a particularly busy time for the housing and homelessness policy sector, we would like to note that we have kept our response brief on this occasion but would welcome the opportunity to contribute to further scrutiny of the Bill in the future.

Crisis response

Introduction

We are pleased that the Welsh Government is introducing this Bill to improve the safety of homes across Wales.

A safe and settled home is the foundation on which people can build a decent life and meet their true potential. Having a decent home is vital for good health and wellbeing and makes it easier for people to succeed at work and in education, to maintain relationships with family and friends and to contribute to their community. Making sure

that everyone has a safe and affordable home benefits us all. For these reasons, we support the ambition of the Bill to secure safer homes across housing tenures in Wales.

However, we do urge that the Welsh Government takes action to address potential unintended consequences that could increase the risk of homelessness for people in Wales. To mitigate these concerns, our key recommendations are to:

- **Prevent increased costs for tenants:** Implement measures to prevent landlords from passing compliance costs to tenants through rent and service charge increases, especially for those on lower incomes.
- **Ensure new resident responsibilities do not hold unnecessarily adverse effects:** Breaches of duties should be handled in a trauma-informed manner and sanctions for non-compliance by residents should be appropriately balanced, so as not hinder future access to tenancies.
- **Protect tenants affected by prohibition notices:** Establish clear protocols for supporting tenants who are displaced due to prohibition notices to prevent them being forced into homelessness and ensure that landlords on such properties are supported to swiftly address the safety of the building and make it habitable.
- **Prevent reduction in housing supply:** Develop robust communication and support strategies for landlords to help them adhere to this new law and create safe homes, preventing the introduction of further regulation being the cause of landlords selling properties.
- **Strengthen enforcement capacity:** Allocate additional resources to local authorities to ensure effective enforcement of new regulations.

General principles of the Bill

Crisis is supportive of the Bill's principles and its core objective of ensuring buildings are safe for residents; however, we would recommend amendments in the following areas:

- **Resident engagement:** We welcome the introduction of new mechanisms for residents to engage with building safety matters. However, we share the concerns raised by the Committee in the recent evidence session about the need for sufficiently robust and formalised mechanisms for resident engagement.
- **Accountability for residents:** We understand the need to hold residents accountable for not creating a significant fire safety risk (or a structural safety risk in category 1 and 2 buildings) and not damaging or interfering with fire safety equipment or measures, amongst the other proposed duties. However, we are concerned that there will be varying levels of understanding of these duties. Therefore, it will be vital to ensure that information about the relevant new accountabilities and guidance on avoiding fire safety risks is communicated to residents of all three categories of buildings in a way that is inclusive of their communication needs. This will be crucial to compliance. We would suggest that Rent Smart Wales provides templates for such communication.

- **Consequences of non-compliance for residents:** We are supportive of the fact that a resident's breach of the proposed duties for residents should first be handled in an informal manner by an accountable person, and would urge that guidance is provided to accountable persons to ensure that this is executed in a trauma-informed and supportive way.

It will be imperative that any sanctions for breach of these duties are fair and proportionate. We are aware of a person who was evicted from temporary accommodation, without warning, solely for lighting an incense stick. We would like to ensure that such disproportionate and extreme consequences do not become the norm in response to breaches of this legislation. This will be key to maintaining tenants' rights to security of tenure, which will help to prevent homelessness. It will be important to carefully consider guidance and monitoring in this regard.

Where residents do face consequences for severe breaches under this legislation, we would urge that these consequences do not prevent or hinder them from accessing tenancies in the future. We know that some people are forced into homelessness and/or face difficulties ending their homelessness due to being excluded from social housing as a result of past actions. We suggest that the Welsh Government works closely with Registered Social Landlords to carefully consider risk management and ensure that local social housing policies do not create unnecessarily prohibitive barriers in this regard as the new legislation comes into force.

- **Lack of specific rights for disabled residents and those who may struggle to evacuate in a fire:** The Welsh Government's White Paper proposals suggested giving residents who cannot leave a building unaided the right to provide relevant details to an accountable person. The current Bill does not explicitly include this, although it does provide Welsh Ministers with powers to create additional regulations. We urge the Welsh Government to ensure this right is included either in the regulations or on the face of the Bill.

Barriers to the implementation of the Bill's provisions

We have concerns about the capacity of local authorities to enforce the new regulations effectively. Local authorities already have a number of enforcement powers relating to private rented sector habitation standards and the deployment of mandatory and discretionary licensing, but we know that they struggle to fulfil their role of enforcement due to a lack of capacity.¹ Without additional resources and capacity, we worry that the new duties may not be enforced.

Potential unintended consequences

Whilst we support the Bill's aims, we would also highlight the following potential unintended consequences that could negatively impact residents and contribute to homelessness:

¹ [ending-homelessness-in-wales-a-legislative-review.pdf](#)

- **Increased costs for tenants:** The Bill proposes to allow landlords to pass on the running/management costs of the new regime to the tenant through a “variable service charge”. However, as outlined in our response to the Welsh Government’s recent consultation on a new social rents and service charge standard, service charges are already unaffordable for many people, particularly those on the lowest incomes. We are concerned that further increases to service charges will exacerbate unaffordability and push more people into homelessness.

Further, whilst the Bill stipulates that certain “excluded costs” are not to be considered in determining the amount of service charge payable by a tenant, we would suggest that compliance with this would be difficult to monitor and regulate.

It will also be difficult to monitor whether landlords are raising rents, rather than service charges, to aid their compliance with this legislation. Private rental costs are already unaffordable for people on the lowest incomes, with only 1% of private rental properties in Wales affordable to people relying on Housing Benefit.² Further increases in rental costs would further exacerbate existing pressures and are likely to lead to increased homelessness rates.

We would urge the Welsh Government to consider how to prevent tenants absorbing any cost of compliance with this legislation, with particular consideration for tenants on the lowest incomes and at increased risk of homelessness.

- **Decreasing housing supply:** We note the Committee's concern that the new legislation could lead to a decrease in housing supply if private landlords choose to sell their properties rather than make the changes required for compliance with this Bill. Given that the current undersupply of affordable housing in Wales is already a contributor to homelessness, this is a key concern for Crisis.

We would urge the Welsh Government to ensure there is a package of support available to both private and social landlords to mitigate this potential problem. This package should include practical advice and financial support to help ensure compliance with the new law. We would suggest that such a package is co-produced with landlords to ensure its effectiveness and that a strategic communications strategy is used to so that all landlords are aware of the support available to them.

- **Prohibition notices leading to homelessness and/or empty homes:** The Bill provides that the fire safety authority may prohibit or restrict the use of an in-scope building if it considers that the use of the in-scope building involves, or is likely to involve, a fire safety risk that is so serious that use of the in-scope building should be prohibited or restricted, until such time that the risk is remedied. Whilst

² [Affordable homes for renters needing housing benefits – Crisis UK | Flourish](#)

we would be supportive of this on safety grounds, we worry that this could result in tenants being forced into homelessness whilst the risk is remedied. It will be important for the Welsh Government to consider what support would be available to tenants in such circumstances, and what support would be available to landlords to ensure the remedy is as swift as possible.

It will also be important to ensure that prohibition notices do not lead to buildings staying empty on a long-term basis, further depleting our already insufficient housing supply.

We note recently published statistics show social landlord housing sales increased by 99% between 2023-24 and 2024-25, resulting in the highest number of sales since 2018-19. One of the reasons for sale stated within these statistics is when housing is deemed “uneconomic to repair”³. We are worried that this legislation may push more properties into that category, resulting in further reduction of social housing supply.

Conclusion

Crisis is supportive of the Bill's principles and its core objective of ensuring buildings are safe for residents; however, we have made a number of suggestions for areas of consideration to ensure that the Bill achieves its intended aim rather than unintended consequences that may exacerbate homelessness in Wales.

Further information

Thank you for taking the time to consider this response. For further information, please contact Jasmine Harris, Senior Policy and Public Affairs Officer, Wales:

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³ [Social landlord housing sales: April 2024 to March 2025 \[HTML\] | GOV.WALES](#)