

The Right to Adequate Housing

July 2023



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The Right to Adequate Housing

July 2023



About the Committee

The Committee was established on 23 June 2021. Its remit can be found at:
www.senedd.wales/SeneddHousing

Current Committee membership:



**Committee Chair:
John Griffiths MS**
Welsh Labour



Luke Fletcher MS
Plaid Cymru



Jayne Bryant MS
Welsh Labour



Joel James MS
Welsh Conservatives



Sam Rowlands MS
Welsh Conservatives



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The following Member was also a member of the Committee during this inquiry.



Mabon ap Gwynfor MS
Plaid Cymru

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Chair's foreword

Ensuring that everyone in Wales has a safe place to call home is something we all aspire to. We know that not having this can have a detrimental impact on people's lives in many ways. As a Committee, we have identified the delivery and availability of appropriate housing as the over-arching priority for our housing-related work. Our work to date has demonstrated the need for greater progress if everyone in Wales is to have a secure, affordable and sustainable home. We will continue to focus on this priority as we explore aspects of the housing sector in greater detail in our future work.

Several countries have the right to adequate housing enshrined in law, and there have been calls for such a right to be incorporated into Welsh law. We know that the Welsh Government has committed to bringing forward a White Paper that will include proposals for a right to adequate housing, and that there will also be homelessness legislation introduced during this Senedd term. We welcome these commitments, and believe that by undertaking this short inquiry, we can highlight the important issues that require further consideration. There are many challenges to overcome before a right to adequate housing can be implemented effectively in Wales, we have outlined these in our report and where we believe work should begin now in order to realise the aspiration of safe, appropriate housing for everyone.

I would like to thank all those who have contributed to our work.

John Griffiths MS

Chair,
Local Government and Housing Committee

Recommendations

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- Recommendation 9.** The Welsh Government should, through its Green and White Paper consultation processes, explore how a two-staged approach of introducing the right to adequate housing into Welsh law could work in practice. The Welsh Government should consider the viability of indirect incorporation

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Introduction

1. At our meeting on 31 January 2023, we agreed the following terms of reference for a short inquiry focusing on the right to adequate housing:
 - Examine how incorporating the right to adequate housing into Welsh law would work in practice;
 - Identify any challenges and barriers to taking this policy forward;
 - Consider the impact a right to adequate housing would make across Welsh housing policy.

Evidence gathering

2. We gathered evidence in writing and by holding oral evidence sessions with stakeholders. A public **consultation** was launched on 2 February and closed on 3 March 2023. We received 16 responses to the consultation.
3. We heard oral evidence from stakeholders on 8 and 23 March and from Julie James MS, Minister for Climate Change, on 4 May.
4. We are grateful to everyone who took part in the inquiry. Details of all evidence gathered can be found in the Annex to this report.

1. Background

Following its Co-operation Agreement with Plaid Cymru, the **Programme for Government** commits the Welsh Government to publishing a White Paper that will include proposals for a right to adequate housing (RTAH). The Minister for Climate Change has subsequently indicated that the proposal for introducing a RTAH is to be taken forward in both Green and White Papers.

5. The UK has signed up to a number of United Nations (UN) treaties that include provisions relating to housing, in particular the **International Covenant on Economic, Social and Cultural Rights** (ICESCR); Article 11(1) of which provides a right to an adequate standard of living, and this includes adequate housing. As noted by the **UN Special Rapporteur on the Right to Adequate Housing**, this would include issues such as security of tenure, habitability and affordability.

6. The **Equality and Human Rights Commission** (EHRC) has described the RTAH as “one of the most well-recognised economic and social rights internationally.”

7. There are other UN treaties that address the needs of specific groups including disabled people’s rights, and children’s rights. These treaties also include provisions relating to the right to housing. The **EHRC has noted** that the UK Government is “bound by these human rights standards under international law.”

8. However, there is no specific right to adequate housing in UK domestic law. That means that individuals who feel their right to adequate housing may have been violated will not be able to take legal action against government (at any level) for breach of that right.

9. In 2019, Tai Pawb, Chartered Institute of Housing (CIH) Cymru and Shelter Cymru became ‘Back the Bill’ partners to better support the concept of incorporating the Right to Adequate Housing, as set out in ICESCR (“the Covenant”), into Welsh law. The Back the Bill partners, together with Professor Simon Hoffman, Professor of Law Swansea University, published a report, “**The**

Right to Adequate Housing in Wales: Feasibility Study, which outlined why and how the right could be fully incorporated into Welsh law based on ICESCR. This study outlines a roadmap with various options for incorporating human rights treaties into law, including direct, indirect and sectoral incorporation.

10. An international treaty can be directly incorporated into national law by putting it into domestic legislation. This has happened with the *Human Rights Act 1998*, which incorporates the European Convention on Human Rights into UK law.

11. In Wales, the *Rights of Children and Young Persons (Wales) Measure 2011* indirectly incorporates the UN Convention on the Rights of the Child into Welsh law. That legislation requires Welsh Ministers to have due regard to parts of the Convention, and accompanying protocols, when exercising their functions.

12. In December 2020, the Back the Bill partners produced a **draft Bill** “as a method of demonstrating what could be achieved in legislation”.¹ The draft Bill includes:

- requirements for relevant authorities (Welsh Ministers, local authorities and possibly others) to have due regard to the right to adequate housing when exercising housing functions;
- a requirement for Welsh Ministers to make a Housing Rights Scheme, setting out how they will discharge the *due regard* duty; and
- a requirement which would make it unlawful for relevant authorities to act in a manner which is incompatible with the right to adequate housing. A person affected by an unlawful act would be able to bring proceedings in a court or tribunal. The court or tribunal would have powers to order any relief or remedy within its powers, and to award damages.

13. ***The right to adequate housing in Wales: cost-benefit analysis***, was published by Alma Economics in September 2022. That report, commissioned by the Back the Bill campaign, says that over a period of 30 years there would be benefits to the public purse worth £11.5bn against overall costs of £5bn.

14. Alma Economics outlined the key costs of implementing a right to adequate housing as:

¹ Local Government and Housing Committee, **RHA.08. Back the Bill partners**

- Home building costs;
- Rental costs on renting new properties;
- Housing support costs
- Costs to improve existing housing stock, such as through adaptations or decarbonisation.²

15. Alma Economics also explained the main benefits:

“There’s a very strong evidence base behind an increase in well-being associated with an increase in housing adequacy, and, especially where you’re taking someone from a state of having no house—so, where you’re ending homelessness—there’s a very big increase in well-being. There are cost savings to local authorities from ending homelessness, and some reduced needs for social care. There are savings to NHS Wales.

There are savings to the criminal justice system. There is additional economic activity, in that improved housing adequacy is associated with improved labour market outcomes—so, reduced absenteeism, higher rates of labour market engagement—and this will, over time, translate into higher wages, which is part of higher productivity. And there is the value of new housing created. Home building turns up as both a cost and a benefit in that it’s costly to build houses, but they are an asset, rather than, for example, where you’ve got a payment that’s a benefit that’s then spent and there’s no asset created. So, they enter on both sides.”³

16. We heard from Alma Economics that its modelling “sees benefits significantly outweighing the costs”, they added:

“Each £1 of spending to provide adequate housing generates benefits of £2.30.”⁴

² Local Government and Housing Committee, Record of Proceedings, 8 March 2023, paragraph 144

³ Local Government and Housing Committee, Record of Proceedings, 8 March 2023, paragraphs 145 - 146

⁴ Local Government and Housing Committee, Record of Proceedings, 8 March 2023, paragraph 147

17. Tai Pawb described the concept of the right to adequate housing as enshrining “the right to access adequate sustainable housing, a home for everyone that is safe, secure and suitable for their needs.”⁵

18. Shelter Cymru told us:

“Legislating for a right to adequate housing would develop the pace that we need and it would overturn the long legacy that we’ve had of underinvestment that has left people in the position that they find themselves now, unable to afford a good home.”⁶

19. The WLGA voiced its support, but raised the question of how it would be defined. They referred to the wider benefits of adequate housing of people’s outcomes:

“we’re used to seeing that good housing or bad housing is a determinant of good or bad outcomes for people. So, for me, the right to adequate housing isn’t just an end in itself but is a method of producing good or better outcomes for everyone. And that can be about health, it can be about children’s educational opportunities, the opportunity to take up additional skills and employment, and a whole range of outcomes.”⁷

20. Community Housing Cymru (CHC) also supported the principle of a right to adequate housing, referring to it as a “catalyst to addressing some of the fundamental challenges we face in Wales” with it acting as a “golden thread” running through relevant policy areas including health, social care, regeneration and planning.⁸

21. Cymorth Cymru noted that it “strongly support[s] the right to adequate housing for all”, and stated:

⁵ Local Government and Housing Committee, Record of Proceedings, 8 March 2023, paragraph 5

⁶ Local Government and Housing Committee, Record of Proceedings, 8 March 2023, paragraph 16

⁷ Local Government and Housing Committee, Record of Proceedings, 23 March 2023, paragraph 194

⁸ Local Government and Housing Committee, Record of Proceedings, 23 March 2023, paragraph 198

“Incorporating the right into Welsh law would produce multiple benefits both immediately and over time for individuals, families and the communities they live in.”⁹

22. We discussed with stakeholders the cost of inadequate housing to the Welsh Government, Care and Repair Cymru told us:

“I think the reality is we don’t know the cost of inadequate housing, because quite a lot of the repercussions and ramifications of inadequate housing are hidden until someone reaches that crisis point where they interact, for example, with the NHS. And in that context, yes, we can quantify it. I know Public Health Wales have published some research saying that the cost of cold homes is around £95 million per year to the Welsh NHS. [] That predates the cost-of-living crisis. That predates the fact that we’ve just had a winter where, in our client group, anyway, from our casework experience, we’re seeing people who haven’t put their heating on for six months, and then the health ramifications of that.

The BRE Trust have also done some work around the costs of improving the housing stock in Wales. The upfront would be recouped over six years in savings to the NHS.”¹⁰

23. Care and Repair Cymru added that a right to adequate housing offers “the opportunity to move away from crisis management and start looking at preventative approaches to health” which could be quantified:

“we know that, for every £1 spent on housing adaptations, we save the Welsh NHS around £7.50.”¹¹

24. They went on to say:

“By having a right to adequate housing, you are providing that strategic overarching framework, but also, you can’t regress on rights. Once you’ve got the right, the right is there, which means

⁹ Local Government and Housing Committee, [RHA 11, Cymorth Cymru](#).

¹⁰ Local Government and Housing Committee, Record of Proceedings, 23 March 2023, paragraphs 250 - 251

¹¹ Local Government and Housing Committee, Record of Proceedings, 23 March 2023, paragraph 251

that it would withstand different parliamentary cycles, budget cycles, and so forth."¹²

25. Professor Simon Hoffman told us there are:

*"quite significant impacts that might be anticipated, both for individuals, and for policy process, if Wales wants to incorporate the right to adequate housing."*¹³

26. The Minister told us that she and her Cabinet colleagues are:

*"fully supportive of the general principle that everyone should be able to access adequate housing."*¹⁴

27. The Minister added:

*"I think that it's a fundamental human right that you are adequately housed, and that it's the mark of a civilised society that we can adequately house our citizens. I don't think there's much disagreement with that. The issue we're dealing with is the route to get there, and then that's why I've just talked about the route for a Green Paper, White Paper, Bill."*¹⁵

28. The Minister went on to explain her view that changes are needed to enable a right to adequate housing to be enforceable:

*"we want to put a practical set of steps in place that get us to this goal, which is adequate housing for everyone. It's a very straightforward goal, isn't it—adequate housing for everyone? It's a right. You have a right to it. But at the moment, we wouldn't be able to implement that right. We can't give everyone at the moment adequate housing. That's the horrible truth of it, and we need to get our system to change itself around so that we can do that. That will take a little more time."*¹⁶

¹² Local Government and Housing Committee, Record of Proceedings, 23 March 2023, paragraph 281

¹³ Local Government and Housing Committee, Record of Proceedings, 23 March 2023, paragraph 395

¹⁴ Local Government and Housing Committee, Record of Proceedings, 4 May 2023, paragraph 14

¹⁵ Local Government and Housing Committee, Record of Proceedings, 4 May 2023, paragraph 19

¹⁶ Local Government and Housing Committee, Record of Proceedings, 4 May 2023, paragraph 36

Our view

29. We note that the evidence presented to us by stakeholders was broadly in favour of there being a legal right to adequate housing in Wales, and we agree in principle that incorporating a right could play an important role in addressing housing needs in Wales and bring wider well-being benefits. We understand the detrimental impact inadequate housing can have on people's health, education attainment and general well-being. We believe these matters should be fully considered and assessed.

30. We note the Minister's position that system changes are needed before the right to adequate housing could be implemented effectively in Wales. However, we recognise that enshrining the right in law now would place a legal duty on the Welsh Government and housing providers to implement policies to achieve the delivery of a secure home for everyone. We remain at a very early stage in the process of considering the proposals and there are many issues which require further consideration regarding incorporation. In this report we explore some of the issues which we believe require further consideration by the Welsh Government.

31. We welcome the launch of the Welsh Government's Green Paper Call for Evidence on Housing Adequacy and Fair Rents and the Minister's commitment to bringing forward a White Paper during this Senedd term. We recommend that, as part of its Green Paper process, the Welsh Government should take account of the evidence presented to us.

Recommendation 1. The Welsh Government should, as part of its Green Paper Consultation process, take account of the oral and written evidence presented to us in response to our inquiry on the Right to Adequate Housing.

Recommendation 2. The Welsh Government should give full consideration to the issues identified in this report as part of its Green and White Paper processes.

2. Welsh Government Green and White Papers

The Minister for Climate Change confirmed that the Welsh Government would publish a White Paper in relation to the right to adequate housing, fair rents and affordable housing in summer 2024.

32. The Minister told us that, prior to publishing a White Paper, the Welsh Government will publish a Green Paper before summer recess 2023 “as part of developing the evidence base to understand the potential impacts and consequences” of proposals for a right to adequate housing.¹⁷ The Green Paper was published on 6 June 2023. The Minister also told us that the Welsh Government has established a stakeholder advisory group, including representation from organisations that represent tenants, landlords and local government.¹⁸

33. RTPI Cymru noted the role of the planning system in delivering a right to adequate housing:

“To achieve ambitious national housing targets, planners need to identify where housing, including affordable housing, is needed, enforce quality standards, ensure good access to amenities, support community cohesion, and coordinate developer contributions.”¹⁹

34. Aberystwyth Town Council referred to the need to:

“Measure the true need for accommodation in every area at a community level, including the precise types of accommodation required, and use this to revise local development plans”²⁰

35. Cymdeithas yr Iaith also noted the importance of planning to facilitate homes, and suggested:

¹⁷ Local Government and Housing Committee, Record of Proceedings, 4 May 2023, paragraph 8

¹⁸ Local Government and Housing Committee, Record of Proceedings, 4 May 2023, paragraph 9

¹⁹ Local Government and Housing Committee, [RHA.04. RTPI Cymru](#)

²⁰ Local Government and Housing Committee, [RHA.05. Aberystwyth Town Council](#)

“Local Authorities should co-produce a regular Community Assessment in all areas of the county, with communities as equal partners.

Such an assessment would be a means of planning appropriate housing solutions for all communities, identifying local opportunities to meet the need and then presenting the case for investing public funds.”²¹

36. We heard from the Minister that legislation alone is not sufficient to delivering adequate housing:

“legislation isn’t a panacea here. It doesn’t in and of itself deliver adequate housing for everyone. We have to have a series of strategies, policies and programmes that deliver the housing, which then allows everyone to have that adequate housing.”²²

Defining adequate housing

37. We heard of the importance of being able to define adequate housing. Stakeholders referred to the seven conditions set out by the UN Committee on Economic, Social and Cultural Rights that must be attained for the full realisation of the right to adequate housing. Tai Pawb told us:

“The right to housing frameworks and guidance provided by the UN, as well as the legislation, defines elements of what ‘adequate housing’ means. It defines ‘adequate housing’ as housing that is affordable, accessible, habitable, secure, with good access to infrastructure and local resources.”²³

38. The draft Bill produced by the Back the Bill campaign proposes that ‘adequate housing’ means:

“In this Act the ‘right to adequate housing’ means the right to adequate housing guaranteed by Article 11 of the United Nations Covenant on Economic, Social and Cultural Rights (the ‘Covenant’), as set out in Schedule 1 of this Act.”

²¹ Local Government and Housing Committee, [RHA 06. Cymdeithas yr Iaith](#)

²² Local Government and Housing Committee, Record of Proceedings, 4 May 2023, paragraph 17

²³ Local Government and Housing Committee, Record of Proceedings, 8 March 2023, paragraph 5

39. The WLGA told us there needs to be a consensus and understanding amongst stakeholders about what we mean by adequate housing. They commented that the seven conditions provide:

“a good framework for at least the start of a discussion about what a definition of ‘adequate housing’ might actually look like.”²⁴

40. Dr Jessie Hohmann, an internationally recognised expert on the right to housing in international law at the University of Technology Sydney, told us:

“the right for me is contained, really, in a really simple phrase, which is the right to a place to live in peace, dignity and security, and that’s right at the outset of the interpretation of the right by the United Nations Committee on Economic, Social and Cultural Rights. So, in the covenant, it’s the right to adequate housing as an element of the right to an adequate standard of living, but the content of that is the right to a place to live in peace, dignity and security, and I really think that’s the heart of the right. I think that’s the most important aspect of the right to capture if you’re seeking to bring home a right to housing, because I think that’s what, really, people think of when they think of the right to housing.

Where I think it gets complicated is because then the committee on economic, social and cultural rights has said, ‘How can we possibly capture what adequate housing means around the whole world? We can capture that by spelling out these seven elements: if we can say that housing is that we have security of tenure, habitability, accessibility, location, affordability, cultural adequacy, if you put all these things together, no matter where you are and no matter what housing system you have, no matter what the form of housing in your culture is, you will get adequate housing, and adequate housing as the standard.’”²⁵

41. Dr Hohmann also referred to article 31 of the **European Social Charter (Revised)**:

²⁴ Local Government and Housing Committee, Record of Proceedings, 23 March 2023, paragraph 200

²⁵ Local Government and Housing Committee, Record of Proceedings, 23 March 2023, paragraphs 307 - 308

“In article 31, the state is required to promote access to housing that’s of an acceptable standard, prevent homelessness through a reduction over time, with the ultimate aim being its elimination, and then the third part of article 31 is concerned with affordability for those without adequate resources. So, instead of breaking the right to housing down into seven elements, it goes straight to promoting access to housing that’s of an acceptable standard, prevention of homelessness, reduction towards elimination, and then affordability for those without adequate resources. And I actually think that gets very little attention, but is, really, a framing of the right that’s really useful if you’re thinking about how would we translate this obligation into our national law. So, I think that is worth the committee thinking about as well.”²⁶

42. Dr Hohmann provided a copy of her article, ***A Right to Housing for the Victorian Charter of Human Rights and Responsibilities? Assessing Potential Models under the International Covenant on Economic, Social and Cultural Rights; the European Social Charter; and the South African Constitution***, which analysis three examples of a right to housing.

43. Professor Simon Hoffman told us that, whilst it is for Wales “to determine what constitutes adequacy in relation to housing in Wales”, the right to adequate housing is based in international law, therefore the determination for Wales should be framed within guidance “emerging from international human rights mechanisms, including the Committee on Economic, Social and Cultural Rights”.²⁷

44. Professor Hoffman went on to say that:

“although adequacy is a flexible concept, it comes with an assumption of minimum thresholds, which are non-negotiables, if you like, in order to preserve human dignity. Examples in the context of housing might include that housing should be available on a non-discriminatory basis; that housing

²⁶ Local Government and Housing Committee, Record of Proceedings, 23 March 2023, paragraph 313

²⁷ Local Government and Housing Committee, Record of Proceedings, 23 March 2023, paragraph 379

policy should prioritise those in greatest housing need; and finally that every effort should be made to end homelessness.”²⁸

45. The Minister acknowledged the importance of defining adequate housing:

“If we’re going to enforce something in legislation, it has to be certain; we have to understand what is that duty when you place it on a local authority and what constitutes an ‘adequate’ house for the local authority to deliver.”²⁹

Current legislative framework

46. We discussed with stakeholders whether the current legislative framework in Wales is sufficient to meeting housing needs. Cymorth Cymru noted that the “basic principles” of adequate housing are not being met for many people in Wales:

“Housing affordability is currently a major challenge, with too many people on social housing waiting lists, facing unaffordable private rented sector rents and inadequate Local Housing Allowance rates. People are living in sub-standard homes, including settled housing with damp and other defects, and temporary accommodation with little privacy and no access to cooking or laundry facilities. People are also placed in temporary accommodation or feel forced to accept settled housing in unsuitable locations, where access to support networks, schools and other services are limited or costly to access. People with protected characteristics face unacceptable barriers to securing a home that meets their needs, and the housing system can be incredibly difficult to navigate for people already marginalised by society.”³⁰

47. Shelter Cymru told us:

“what we’re doing now isn’t working. So, that’s really clear. So, we could carry on as we are, and what we can do is expect to

²⁸ Local Government and Housing Committee, Record of Proceedings, 23 March 2023, paragraph 381

²⁹ Local Government and Housing Committee, Record of Proceedings, 4 May 2023, paragraph 59

³⁰ Local Government and Housing Committee, [RHA 11, Cymorth Cymru](#)

have the same results. So, I think that reframing of housing as a human right is a really fundamental change.”³¹

48. CIH Cymru added that the current framework does not provide a means of redress for people living in inadequate homes:

“the Welsh Government has the vast majority of the competencies within the devolved settlement to address housing issues and address the housing crisis, but the individual currently, any of us around this table, has no individual power to go to get legal, and, you know, a justice outcome in terms of test of adequacy.”³²

49. Crisis noted that incorporating the right to adequate housing into domestic law “would offer further mechanisms to achieve the goals of the current policy direction”, adding:

“...the recently implemented Renting Homes Act makes significant strides to increase legal security of tenure, which is a key aspect of the right to adequate housing.

Incorporation of the right to adequate housing will complement this direction of travel and bring new dimensions of accountability to ensure the intentions of the current work are met.

We consider that incorporation of the right to adequate housing within legislation will also assist with securing greater consideration of housing and homelessness matters at a cross-policy level, resulting in action from public bodies beyond housing and homelessness teams.”³³

50. Cymorth Cymru felt that the right to adequate housing “aligns with the aims of the Ending Homelessness Action Plan and has an important part to play in ending homelessness in Wales”. They also noted:

“The recent implementation of the Renting Homes (Wales) Act 2016 and the commitment to support Rapid Rehousing further

³¹ Local Government and Housing Committee, Record of Proceedings, 8 March 2023, paragraph 116

³² Local Government and Housing Committee, Record of Proceedings, 8 March 2023, paragraph 118

³³ Local Government and Housing Committee, [RHA 10 Crisis](#)

add strength to the argument for embedding a Right to Adequate Housing in law.”³⁴

51. Alma Economics told us that, in their view:

“the current policy trajectory does not put Wales on a path to ending homelessness. [] Similarly, on housing adequacy relating to an ageing population, our view is that Wales is not on track to achieve that under current policy.”³⁵

52. The Minister explained the limitations of existing Welsh legislation and the Welsh Government’s plan to legislate for homelessness:

“...the way that the housing and homelessness legislation is set up isn’t adequate to provide a service to everyone who’s homeless in Wales and it certainly doesn’t get them into rapid rehousing, which is where we’d like to be.

we will be bringing forward homelessness legislation that radically transforms the current legislative piece for homelessness. ...The sticking plaster is that we’ve basically added everybody into the priority need category, so everybody’s in priority need. But what we actually need to do is get rid of priority need. That’s nonsense if you’re giving everyone a service. What we need to have is legislation on homelessness that makes it clear and obvious that every single person in Wales is entitled to a service from a housing department and what that service should be.”³⁶

Engagement

53. Stakeholders emphasised the importance of engagement on what a right to adequate housing means. The WLGA told us:

“I think that the first thing that we collectively have to do is to engage more with stakeholders. I think that the conversations that have been taking place to date have been fairly limited in relation to the right to adequate housing. If I can reflect from a

³⁴ Local Government and Housing Committee, [RHA 11, Cymorth Cymru](#)

³⁵ Local Government and Housing Committee, Record of Proceedings, 8 March 2023, paragraph 190

³⁶ Local Government and Housing Committee, Record of Proceedings, 4 May 2023, paragraphs 73 - 74

*local government perspective, those conversations haven't been widespread and haven't been at great depth. I think there's a lot to be done to develop a consensus, to develop a common understanding, to bust some myths about what the right to adequate housing may or may not be, and to get people onto a level playing field where they can start to work together to develop a plan for how to identify what the right to adequate housing might look like and how best to take that forward. I think until you get stakeholders at that equal starting point, by and large, then that's going to be difficult."*³⁷

54. They went on to suggest that engagement may be even more challenging in terms of the private sector:

*"If we think about the supply issues and the condition issues in relation to the public sector, social housing sector stock, then I think, as some colleagues have already alluded to, the challenges are more significant, both in terms of quality but also in terms of supply, with the private rented stock, and I think it's more difficult to have those conversations with thousands of individual landlords than it is with some large public sector organisations or quasi-public sector organisations in the form of housing associations."*³⁸

55. Care and Repair Cymru also emphasised the need to engage with the housing sector, specifically those who are most affected by poor housing:

*"...this right talks about targeting vulnerable groups, and Care and Repair's client base is essential in that. We help older people but also four out of five of our clients identify as being disabled. So, having conversations with those people who are living in homes that are already not meeting their needs and then what they need in order to be supported to live safely and independently at home I think is integral."*³⁹

³⁷ Local Government and Housing Committee, Record of Proceedings, 23 March 2023, paragraph 257

³⁸ Local Government and Housing Committee, Record of Proceedings, 23 March 2023, paragraph 258

³⁹ Local Government and Housing Committee, Record of Proceedings, 23 March 2023, paragraph 204

Our view

56. We note that a key element of delivering a right to adequate housing is ensuring that the right type of accommodation is available in the right locations. There are numerous types and sizes of accommodation, and the availability of a mix of accommodation is crucial to ensure that people's varied needs can be met. Engaging with different groups is therefore crucial to understanding the types of accommodation that are needed and where they are needed in order to ensure the correct delivery. We welcome the establishment of the stakeholder advisory group and the Minister's commitment to working collaboratively with groups who are likely to be impacted. In doing so we believe that the Welsh Government should ensure that as many voices as possible are heard.

57. We are keen to ensure that the voices of disabled people are heard and can feed into the Welsh Government's evidence gathering process. The shortage of accessible housing is a concern to us and it is crucial that this shortage is addressed urgently and future needs are taken into account now. We know that people are living longer in Wales, therefore there must be sufficient accessible accommodation available to enable people to continue living in their own homes for as long as is appropriate. It is crucial that disability groups and older peoples' representatives are represented on the Welsh Government's stakeholder advisory group.

Recommendation 3. The Welsh Government should ensure that disability groups and older peoples' representatives are represented on the Welsh Government's stakeholder advisory group.

58. We note that, despite various housing related legislation having been enacted in Wales over recent years, stakeholders were clear that the existing framework does not meet demand. We note that the Minister described the current legislative framework as a "sticking plaster" to enable people to get the services they need. We believe that further evaluation should be undertaken of the impact of existing law and whether the laws are being enforced effectively and people's rights are being claimed.

Recommendation 4. The Welsh Government should undertake or commission further evaluation on the impact of existing housing law and whether the laws are being enforced effectively and people's rights are being claimed.

59. We note that being able to define a right to adequate housing will be crucial if it is to be implemented in Wales. We acknowledge that several stakeholders referred to the [**UN Special Rapporteur on the Right to Adequate Housing**](#), which

notes that a right to adequate housing includes issues such as security of tenure, habitability and affordability. We are aware that the draft Bill proposed by the Back the Bill campaign refers to the right to adequate housing guaranteed by Article 11 of the United Nations Covenant on Economic, Social and Cultural Rights. Whilst we do not feel able, at this stage, to offer a view on how a right to adequate housing should be defined, we believe that further consideration of this is required, in particular how affordability is defined in a Welsh context. We acknowledge that, through its Green Paper Consultation, the Welsh Government is seeking views on the factors of adequacy identified by the UN and whether these are something to aspire to achieving in Wales. We also acknowledge that the Welsh Government is seeking views on defining local incomes and measuring affordability. We welcome this approach and refer the Welsh Government to the evidence we have received on this.

Recommendation 5. The Welsh Government should, through its Green and White Papers, gather views and give detailed consideration to how adequate housing should be defined, particularly in a Welsh context. This should include consideration of the definition provided in the draft Bill proposed by the Back the Bill campaign.

60. We refer the Welsh Government to our reports on **homelessness** and on our scrutiny of the **draft budget 2023-24**, particularly our comments on the Local Housing Allowance (“LHA”), as we believe that the impact of the LHA should be considered as part of its evidence gathering. We acknowledge that LHA is not devolved, but it has consistently been raised with us by stakeholders. We welcome the focus in the Green Paper on seeking views and evidence on how to achieve fairer rents in the private rented sector.

3. Strategic focus on housing

We heard that being able to deliver a right to adequate housing will require investment and a commitment across the Welsh Government to making housing a priority area.

61. Professor Simon Hoffman outlined the challenges to meeting the objectives of the right to adequate housing in Wales, including:

“persistent homelessness, lack of affordable housing and lack of accessible housing.”⁴⁰

62. Cymorth Cymru noted the areas it believed the Welsh Government would need to take action on in order to deliver a right to adequate housing:

- Increasing social housing supply;
- Bringing empty properties back into use;
- Continue to take action on second homes;
- Improving access to the private rented sector;
- Improving standards for social housing and private rented sector properties;
- Ensure social housing allocations align with a right to adequate housing;
- Reducing evictions;
- Ensure people have access to housing-related support.⁴¹

63. The WLGA told us that “clear political and financial commitments will be required” to deliver a right, adding:

“it’s not just about politicians and Welsh Government delivering on that clarity and leadership, but also through organisations

⁴⁰ Local Government and Housing Committee, Record of Proceedings, 23 March 2023, paragraph 439

⁴¹ Local Government and Housing Committee, [RHA 11. Cymorth Cymru](https://www.rhainllyd.com/cymorth-cymru)

like local authorities, and housing providers are happy to give advice—a whole range of stakeholders across public services and other services—in order to have that understanding and then to play their part in delivering those rights.”⁴²

64. CHC emphasised the need for a “long-term vision and plan” to ensure adequate resources are available for all those involved in delivering a right. They told us:

“The law won’t be able to be delivered unless the resources are there to do so.”⁴³

65. We heard from Alma Economics that if a right is to be introduced, it needs commitment and to be done “properly”. They stated:

“the biggest case against doing it is introducing the law but without the political will there behind it. If there was an attempt to introduce it but not really comply with it, or not really put resource behind it, then it adds less.”⁴⁴

66. Professor Hoffman explained that a progressive realisation approach may be needed as there may not be “sufficient resources to fulfil the whole of our ambition in Wales when it comes to adequacy”. He told us that under progressive realisation, duty bearers would be required to:

“give consideration to what steps they want to take and what resources they have available to allocate and they want to allocate in order to make progress towards meeting the ambitions of Wales in terms of its overall housing policy.”⁴⁵

67. In relation to progressive realisation, Cymorth Cymru emphasised:

“it will be important for the Welsh Government to set out a clear pathway towards achieving a RTAH, defining the timescale, as

⁴² Local Government and Housing Committee, Record of Proceedings, 23 March 2023, paragraph 201

⁴³ Local Government and Housing Committee, Record of Proceedings, 23 March 2023, paragraph 260

⁴⁴ Local Government and Housing Committee, Record of Proceedings, 8 March 2023, paragraph 152

⁴⁵ Local Government and Housing Committee, Record of Proceedings, 23 March 2023, paragraph 441

well as the legislative and policy steps it will take in the short, medium and long term."⁴⁶

68. The Minister acknowledged that, despite eventual savings, "the investment upfront" is needed, however:

*"the budgets are very constrained at the moment, so, trying to get there across a number of years has been our approach to putting that investment in place; we just don't have the funding upfront to do that. So, we can do it over a number of years."*⁴⁷

Housing supply

69. CIH Cymru told us that increasing housing supply is "fundamental to achieving the right to adequate housing", adding:

*"it's not just about the numbers; it's about building the right types of homes in the right places."*⁴⁸

70. They emphasised the importance of:

*"understanding the skills and workforce capacity in delivering that, understanding the supply chain capacity in delivering that, because one of the biggest barriers to house building at the moment is the inflationary pressures we're experiencing and the impacts those are having on building and supply chains."*⁴⁹

71. In acknowledging work already underway by the Welsh Government, CHC referred to the importance of:

*"increasing the data and understanding with regard to barriers to increasing housing supply, and capacity issues across the system in terms of where the pinch-points are and mapping that across Wales, and having a look at things like land availability—all the building blocks that go into being able to build affordable homes."*⁵⁰

⁴⁶ Local Government and Housing Committee, [RHA.II.Cymorth.Cymru](#)

⁴⁷ Local Government and Housing Committee, Record of Proceedings, 4 May 2023, paragraph 39

⁴⁸ Local Government and Housing Committee, Record of Proceedings, 8 March 2023, paragraph 62

⁴⁹ Local Government and Housing Committee, Record of Proceedings, 8 March 2023, paragraph 65

⁵⁰ Local Government and Housing Committee, Record of Proceedings, 23 March 2023, paragraph 299

72. Tai Pawb told us of a specific shortage of accessible accommodation;

“A few years ago, the Equality and Human Rights Commission conducted their own inquiry into disability and housing, and they called what they were experiencing a ‘hidden housing crisis’. There is a chronic shortage of accessible housing in Wales. The allocation of the housing that we’ve got is ineffective more often than not.”⁵¹

73. Care and Repair Cymru also voiced concern at the lack of accessible housing, noting that:

“only one out of 22 Local Authorities in Wales has an accessible housing building target. []By 2035, 58% of people over 65 are predicted to have a mobility impairment. Without forward planning and investment based on population need, the Welsh housing stock will be increasingly unfit for purpose for an ageing population with increasingly complex needs.”

74. They called for:

“a specific requirement on all Local Authorities to commit to creating an accessible housing building target.”⁵²

75. The Minister acknowledged the importance of increasing housing supply if delivering a right to adequate housing can be achieved:

“we can’t do this without supply—that’s the bottom line. We have to build the housing, or have access to the housing that is the adequate housing we’re talking about. So, we need to accelerate that supply.”⁵³

Well-being of Future Generations (Wales) Act 2015

76. Stakeholders told us that implementing a right to adequate housing in Wales would align with the requirements of the Well-being of Future Generations Act. Evidence from the Future Generations Commissioner stated:

“Accessing adequate housing is about more than avoiding homelessness. It is about having a community, access to

⁵¹ Local Government and Housing Committee, Record of Proceedings, 8 March 2023, paragraph 88

⁵² Local Government and Housing Committee, [RHA 01. Care and Repair Cymru](#)

⁵³ Local Government and Housing Committee, Record of Proceedings, 4 May 2023, paragraph 39

services and the prospect of creating a decent future life for us and our families where we can maximise our health opportunities and express our cultural identity.”

77. The Commissioner welcomed the Welsh Government’s commitment to publishing a White Paper, and set out in his evidence “how the Well-being of Future Generations Act can be applied to realise this.”⁵⁴

78. Care and Repair Cymru stated that a right “aligns really well” with the Act, adding:

“Improving housing stock obviously links to healthier health outcomes for people, a more equal Wales in terms of improving accessibility of housing support, and that sort of thing. And if we continue to work in line with policies we’re already delivering, or implementing, like the optimised retrofit programme, for example, we will be improving the housing stock in a calm and friendly way as well that would result in a more resilient Wales.”⁵⁵

79. A similar view was expressed by Shelter Cymru:

“There are goals that the future generations commissioner has in terms of a prosperous Wales, a more equal Wales, a healthier Wales, a Wales of cohesive communities, Wales with a vibrant culture and thriving Welsh language. These are all things that sit very comfortably with the standards of adequacy that Alicja described earlier.”⁵⁶

80. According to Professor Hoffman:

“there is the potential to give form and substance to the well-being goals through pursuing the objectives of a right to adequate housing.”⁵⁷

⁵⁴ Local Government and Housing Committee, [RHA 16, Future Generations Commissioner for Wales](#)

⁵⁵ Local Government and Housing Committee, Record of Proceedings, 23 March 2023, paragraph 212

⁵⁶ Local Government and Housing Committee, Record of Proceedings, 8 March 2023, paragraph 98

⁵⁷ Local Government and Housing Committee, Record of Proceedings, 23 March 2023, paragraph 417

Our view

81. It is clear from the evidence presented to us, that, in order to be able to deliver a right to adequate housing, the Welsh Government will need to identify housing as one of its main areas for prioritisation. This will require a strategic focus on housing, sufficient resources and commitment from across all government departments, including an understanding of how better housing can bring benefits to other areas, such as better health and education outcomes.

82. We believe the greatest barrier to delivering a right to adequate housing is the shortage of high quality, affordable homes. Addressing housing supply is integral if the right to adequate housing is to become a reality. This must be addressed urgently in order to meet current and future demands. We note the Minister's acknowledgement of the need to increase housing supply, however we remain concerned that rising costs and issues relating to the supply chain and workforce will make the Welsh Government's aim of delivering 20,000 new affordable homes by the end of this Senedd term more challenging. We expressed our concern in our report on [second homes](#) and requested an update from the Welsh Government on how it intends to achieve this target. We echoed these concerns in our report on [homelessness](#) and in our report on the [draft budget 2023-24](#), we recommended that the Welsh Government should set out how it will reach its target and be transparent on its progress. And given the continued demand for affordable housing and the increasing number of people living in temporary accommodation, we are concerned that the target of 20,000 new homes is itself insufficient. We believe that the Welsh Government should set out its assessment of how the 20,000 new affordable homes it aims to create will contribute to meeting the overall housing need in Wales. This should include an assessment of how the types of homes being provided will address specific areas of need, such as one-bedroom properties.

Recommendation 6. The Welsh Government should set out its assessment of how the 20,000 new affordable homes it aims to create will contribute to meeting the overall housing need in Wales. This should include an assessment of how the types of homes being provided will address specific areas of need, such as one-bedroom properties.

83. We acknowledge the significant challenges currently faced by the housing sector, notably that demand for housing is much greater than the supply available, and the difficulties in increasing that supply due to rising costs. We believe that, if the Welsh Government has a long term aim to deliver a right to

adequate housing, there are actions it must take now in order to be able to address the difficulties and achieve this.

84. We are also concerned that targets on phosphates in rivers remains a significant barrier to building new homes. As we expressed in our recent report on [homelessness](#), there is an urgent need to overcome these barriers and find practical solutions. We acknowledge that the Welsh Government has attempted to address this by arranging summits to bring relevant parties together, however we remain frustrated that a practical solution has not yet been found. The Welsh Government should continue to work with all relevant parties to find a solution urgently, in order to avoid any further delay to affected developments.

Recommendation 7. The Welsh Government should, as a matter of urgency, work with relevant stakeholders to find a practical solution to delays caused to housing developments due to the targets on phosphates in rivers.

85. We realise that building new homes is not the only solution to increasing supply, bringing empty properties back into use also has a crucial role to play. As stated in our report on the [draft budget 2023-24](#), we are pleased to see the Welsh Government's commitment to bringing empty properties back into use. However, given the issues relating to the cost and availability of labour and materials, we are concerned about the Welsh Government's ability to maintain progress in this area. We will continue to monitor progress through our on-going work relating to housing, including specific work relating to empty properties.

86. It is important that the Welsh Government and the housing sector fully understand the housing needs of people in Wales, in order to ensure that housing solutions are suitable to meet these needs. Better data is needed on the types of homes needed now and in the future, we explore this in greater detail in chapter 5.

87. We believe there could be a role for housing enablers to play in understanding the needs of local communities. In our report on [second homes](#), we acknowledged the invaluable work of Rural Housing Enablers across Wales and noted that they are in a good position to understand the needs of the communities in which they operate. They can gather evidence and provide a valuable insight into how policies could impact their specific areas. We expressed our belief that it would be beneficial for Rural Housing Enablers to have a greater input when policies are being designed. Further, we believe there could be a similar role for housing enablers in urban areas, and would like the Welsh Government to explore this possibility.

Recommendation 8. The Welsh Government should explore whether there could be a role for housing enablers in urban areas in order to collect information to better understand the housing needs of those communities.

88. We note and agree with the views expressed by stakeholders that a right to adequate housing, and the necessary strategic focus on housing, would be in line with the Well-being of Future Generations Act.

4. Models of incorporation

We heard that a right to adequate housing could either be incorporated directly into Welsh law or indirectly by placing a ‘due regard’ duty on Welsh Ministers and some other public authorities.

89. Dr Koldo Casla, Director of the Human Rights Centre Clinic at the University of Essex, outlined what he believes are the main considerations around incorporating a right to adequate housing:

“The first question that the legislature, in my view, should address is one of the most important questions—it’s whether there should be a Welsh right to housing Act or whether this is an instrument of incorporation of international law. Both have pros and cons. The latter would be a Human Rights Act 1998 sort of approach where you incorporate the European Convention on Human Rights—in this case, perhaps the international covenant on economic, social and cultural rights, or article 11 specifically, which is the one on housing. Another approach would be the former, which is making this Welsh and making this a Welsh law that, in part, has due regard to international law, but is properly local, and this may be a more attractive solution.”⁵⁸

90. Dr Casla also told us that monitoring and standard of compliance are questions to be given further consideration.⁵⁹

91. The **draft Bill**, produced by the Back the Bill campaign, sets out an approach to incorporate the right to adequate housing into Welsh law using both direct and indirect incorporation. Tai Pawb told us:

“we looked at two simplistic but key ways of incorporating the right to housing []. One is direct, so it simply becomes part of the law, it’s literally translated into Welsh law, and the human

⁵⁸ Local Government and Housing Committee, Record of Proceedings, 23 March 2023, paragraph 402

⁵⁹ Local Government and Housing Committee, Record of Proceedings, 23 March 2023, paragraphs 402 - 404

right is binding on the Government, and individuals and institutions can seek redress. [] And then indirect, where the treaty that we're talking about in this case is given some legal effect, and so they're not totally binding on the Government, but the Government, local authorities or whatever other institutions we choose to include in the legislation have to take them into account when making decisions.”⁶⁰

92. Tai Pawb referred to what it believes to be the advantages and disadvantages of different models. In terms of indirect incorporation it explained:

“Indirect incorporation can be introduced through a due regard duty, and we're very familiar with that in Wales. It enables the Government to strike a balance, really, between competing policy priorities, taking account of the need, the resources and long-term planning. It is a proactive approach to policy implementation, and there are specific mechanisms to, perhaps, introduce a right to housing and pay that due regard.”⁶¹

93. According to Tai Pawb, the advantage of indirect incorporation is:

“...it enables you to try and get it right the first time, from the start, and be proactive about it and develop policy that would reduce the possibility of the breach of the right.”⁶²

94. However, it noted that enforcement of indirect incorporation is viewed to be “weak”:

“...because if a decision or a policy is challenged, you look at the process rather than the outcome under the process—so, has due regard been paid?”⁶³

95. Tai Pawb said that direct incorporation on the other hand is “stronger”:

“It asks Ministers, for example, not to act in a manner that is incompatible with the right to housing, and it does enable individuals and institutions to claim breach of the right to

⁶⁰ Local Government and Housing Committee, Record of Proceedings, 8 March 2023, paragraph 77

⁶¹ Local Government and Housing Committee, Record of Proceedings, 8 March 2023, paragraph 78

⁶² Local Government and Housing Committee, Record of Proceedings, 8 March 2023, paragraph 78

⁶³ Local Government and Housing Committee, Record of Proceedings, 8 March 2023, paragraph 78

housing. It is a much stronger enforcement mechanism because it looks at process and outcome of decisions.”⁶⁴

96. However, it noted that direct incorporation “is not focused on avoiding the violation of the right”. For that reason, Tai Pawb’s recommendation is to embed both models:

“...either at the same time or through a so-called sunrise clause on the compliance duties, so on the redress, which is something that Scotland is looking at, as we understand. So, allow time through the due regard duty to prepare, and then provide the right to seek justice.”⁶⁵

97. Professor Hoffman outlined the advantages and disadvantages of the ‘due regard’ model. He told us that this approach “tends to lead to increased awareness of the need to focus on human rights in policy development amongst officials and policy makers”. However, despite the increased accountability of this approach, there is “an accountability deficit” as:

“individuals are not able to bring a claim individually that their rights have been violated or not properly fulfilled.”⁶⁶

98. Although Professor Hoffman commented that moving from due regard to direct incorporation would bring “the opportunity to strengthen accountability”, he emphasised the importance of not losing the benefits of indirect incorporation. He suggested:

“we can be innovative with this by looking at how we can move to direct incorporation while retaining the benefits of indirect incorporation or due regard.”⁶⁷

99. Alma Economics shared its view on the effectiveness of models incorporated in other countries:

“Finland has achieved most so far, but the actual legislative right is not as strong as in some other countries. So, in their case, it’s political will that is leading to achievement, more so than the specific legal framework. So, in theory, you could have

⁶⁴ Local Government and Housing Committee, Record of Proceedings, 8 March 2023, paragraph 79

⁶⁵ Local Government and Housing Committee, Record of Proceedings, 8 March 2023, paragraph 79

⁶⁶ Local Government and Housing Committee, Record of Proceedings, 23 March 2023, paragraph 424

⁶⁷ Local Government and Housing Committee, Record of Proceedings, 23 March 2023, paragraph 425

a big change of direction in Finland and go backwards. And then, you've got a country like South Africa that's got a very strong legal right, but it hasn't achieved very much. You've got a country like Canada with interesting enforcement mechanisms.”⁶⁸

100. The told us that Wales could “cherry-pick and learn different aspects “and then tailor it to meet Welsh needs.⁶⁹

101. Just Fair noted:

“what incorporation looks like is very much a decision for the people of Wales, there is no ‘one size fits all’ model, but rather it can be tailored to your particular needs and parameters.”⁷⁰

102. This view was supported by Professor Hoffman.⁷¹ He added that, based on his recent research, there is:

“a preference in Wales amongst relevant stakeholders to move from the due regard model to the direct incorporation model.”⁷²

Our view

103. We note that witnesses referred to two different models of incorporating a right to adequate housing – direct incorporation into Welsh law or indirectly by placing a duty on Welsh Ministers and some other public authorities to have due regard to the right. We are concerned that a ‘due regard’ approach may not be sufficient to ensure a right is adhered to and therefore believe that, in principle, direct incorporation would be a more effective way to achieve this. However, we acknowledge that the housing sector in Wales is currently not in a position to be able to meet the obligations of direct incorporation and, therefore, the delivery of a right to adequate housing would need to be phased in over time. We also acknowledge that direct incorporation into Welsh law would require a careful analysis of any future Bill to ensure that all provisions were within the legislative competence of the Senedd.

⁶⁸ Local Government and Housing Committee, Record of Proceedings, 8 March 2023, paragraph 168

⁶⁹ Local Government and Housing Committee, Record of Proceedings, 8 March 2023, paragraph 168

⁷⁰ Local Government and Housing Committee, [RHA.03. Just Fair](#)

⁷¹ Local Government and Housing Committee, Record of Proceedings, 23 March 2023, paragraph 398

⁷² Local Government and Housing Committee, Record of Proceedings, 23 March 2023, paragraph 400

Recommendation 9. The Welsh Government should, through its Green and White Paper consultation processes, explore how a two-staged approach of introducing the right to adequate housing into Welsh law could work in practice. The Welsh Government should consider the viability of indirect incorporation followed by direct incorporation, which would give the time for appropriate systems to be put in to place whilst driving the process forward.

5. Data and further research

We heard from stakeholders that improved data and further research are fundamental to incorporating and delivering a right to adequate housing.

104. Care and Repair Cymru told us:

“currently we do not have a clear picture of the state of housing across Wales between tenure types, due to the ceasing of comprehensive Welsh Housing Conditions Surveys. This means that, by introducing this right, there would be a necessity to reintroduce a similar analysis on the current housing stock quality, to understand the trajectory to ensuring adequate housing for all.”⁷³

105. CIH Cymru emphasised that better data and a “more granular understanding” is needed on the standard or condition of housing stock, adding that it:

“supported the National Residential Landlords Association’s call for a deeper housing stock analysis.”⁷⁴

106. Propertymark also called for improved data gathering, commenting that:

“Data for the housing sector in Wales is weak especially for the private rented sector (PRS) in Wales. Policy is often based on anecdotal evidence and more needs to be done to understand if people are living in appropriate housing that meets their needs.”

107. Propertymark supported calls for a Welsh Housing Survey to collect information such as:

“data on the proportion of private rented sector tenancies ended by the tenant, the levels of satisfaction among social

⁷³ Local Government and Housing Committee, [RHA 01. Care and Repair Cymru](#)

⁷⁴ Local Government and Housing Committee, Record of Proceedings, 8 March 2023, paragraph 129

renters, and the percentage of owner-occupied homes that are under-occupied.”⁷⁵

108. The Minister acknowledged the need for Welsh-specific data:

“The Green Paper is to call for evidence. We know that we don’t have enough Welsh-specific data on what we’re looking for, so we need to fill in those data gaps.”⁷⁶

109. The Minister also said that the consultation would be seeking views on how to collect the data that is needed.⁷⁷

Specific data

110. We heard of the need to collect more data on accessible housing, Tai Pawb told us:

“We’re nowhere near recognising, first of all, the requirements that we have in Wales, not to mention trying to implement policies to meet that gap. So, as an example, the Wales Audit Office figures, from their last adaptations inquiry, projected that between 2015 and 2035, the population of older people who have physical impairments will have increased by 50 per cent. Now that is a huge number and we are not planning for this. [] we do not know what the need is for accessible housing in Wales—we don’t have that data. So, we cannot plan for things like, for example, how many of those 20,000 homes built will be wheelchair accessible, and where they will be built and what sorts of adjustments people will need going forward.”⁷⁸

111. Care and Repair Cymru also highlighted the importance of making progress now in collecting data and understanding needs to ensure that a right to adequate housing is deliverable:

“I think in the meantime there is lots of work that can get started on some of the fundamentals that we need to know to realise a right to adequate housing. And that, I think, means ultimately understanding exactly what the current landscape

⁷⁵ Local Government and Housing Committee, [RHA 13, Propertymark](#)

⁷⁶ Local Government and Housing Committee, Record of Proceedings, 4 May 2023, paragraph 19

⁷⁷ Local Government and Housing Committee, Record of Proceedings, 4 May 2023, paragraph 88

⁷⁸ Local Government and Housing Committee, Record of Proceedings, 8 March 2023, paragraph 89

of housing is in Wales. [] So, I think having a housing condition survey that is not just about what the state of the housing stock is like but actually the people living in those homes as well and what their needs are.[]. But actually, understanding the needs of the people living in the housing stock and the state of the housing stock is really important to actually enact a right to adequate housing.”⁷⁹

112. CIH Cymru referred to the need for further data on rents in Wales:

“It’s becoming clear that the granular detail and historic data on rents and specific market areas is probably not where it needs to be for us to understand what decisions to take in that process.”⁸⁰

113. Professor Simon Hoffman outlined the areas where he believes further research is needed:

“I think for future research, there are two key areas for me. The first would be to think about what we in Wales determine [] are the standards that we want in terms of adequacy, because those standards will drive the need for data.

The other is more, I think, specific. It relates to something Koldo said earlier on about how you might go about resolving disputes and enforcing the right to adequate housing in Wales. On the one hand, you might seek to rely on courts and tribunals, but there are other approaches. There is the possibility of resolving disputes through alternative dispute resolution, including, for example, administrative processes, the work of the ombudsman, or the work of the Equality and Human Rights Commission in Wales, or even setting up and establishing a housing tribunal for Wales.”⁸¹

114. The Welsh Government acknowledged that “there are aspects of data which will need to be improved” in order to establish a baseline and monitor delivery and progress in demonstrating the realisation of a right to adequate housing. The

⁷⁹ Local Government and Housing Committee, Record of Proceedings, 23 March 2023, paragraph 203

⁸⁰ Local Government and Housing Committee, Record of Proceedings, 8 March 2023, paragraph 129

⁸¹ Local Government and Housing Committee, Record of Proceedings, 23 March 2023, paragraphs 454 - 455

Minister's paper noted that Alma Economics had been commissioned to analyse the current data relating to the rental market in Wales and that the review had identified gaps and limitations. The paper also noted that the Welsh Government is also considering the case for an annual national housing survey.⁸²

115. We heard from the Welsh Government official that the research demonstrated:

“that there's a real gap in evidence and data on the Welsh context in order to understand the Welsh context.”⁸³

Our view

116. We agree with stakeholders that better data is needed to better understand housing needs and deliver homes that meet those needs. High quality data on the existing housing stock in Wales is required, which should be accessible to housing providers and other agencies. We believe such data would enable understanding of housing needs and suitability.

117. We are particularly concerned by the lack of data on accessible housing stock, this information is vital as the number of people needing accessible homes is likely to continue to increase.

118. We note the Welsh Government's acknowledgement that better data is needed, and welcome the inclusion of questions relating to gathering data on the private rental market and rents in the Green Paper Consultation. Whilst we acknowledge the Welsh Government's commitment to considering the case for an annual housing survey, it is disappointing that there is no specific reference to this in the Green Paper Consultation. In analysing the responses it receives to the Green Paper Consultation, we believe that the Welsh Government should give further consideration to introducing an annual housing survey.

Recommendation 10. The Welsh Government should, in analysing the responses it receives to its Green Paper Consultation, give further consideration to the merits of introducing an annual housing survey.

⁸² Local Government and Housing Committee, 4 May 2023, [Paper 1](#)

⁸³ Local Government and Housing Committee, Record of Proceedings, 4 May 2023, paragraph 84

List of oral evidence sessions

The following witnesses provided oral evidence to the committee on the dates noted below. Transcripts of all oral evidence sessions can be viewed on the Committee's [website](#).

Date	Name and Organisation
8 March 2023	<p>Matthew Dicks, Director, CIH Cymru</p> <p>Ruth Power, Chief Executive Officer, Shelter Cymru</p> <p>Alicja Zalesinska, Chief Executive, Tai Pawb</p> <p>Lawrence Newland, Director, Alma Economics</p> <p>Maria Liapi, Senior Economist, Alma Economics</p>
23 March 2023	<p>Faye Patton, Policy & Project Manager, Care and Repair Cymru</p> <p>Laura Courtney, Head of Policy and External Affairs, Community Housing Cymru</p> <p>Jim McKirdle, Housing Policy Officer, Welsh Local Government Association</p> <p>Dr Jessie Hohmann, University of Technology Sydney</p> <p>Professor Simon Hoffman, Swansea University</p> <p>Dr Koldo Casla, University of Essex</p>
4 May 2023	<p>Julie James MS, Minister for Climate Change</p> <p>Sarah Rhodes, Interim Deputy Director Housing Policy, Welsh Government</p> <p>James Hooker, Head of Private Sector Housing Policy, Welsh Government</p>

List of written evidence

The following people and organisations provided written evidence to the Committee. All Consultation responses and additional written information can be viewed on the Committee's [website](#).

Reference	Organisation
RHA 01	Care and Repair Cymru
RHA 02	Professor Helen Carr; Professor Caroline Hunter; Dr Edward Kirton-Darling
RHA 03	Just Fair
RHA 04	Royal Town Planning Institute Cymru
RHA 05	Aberystwyth Town Council
RHA 06	Cymdeithas yr Iaith
RHA 07	Welsh Refugee Council
RHA 08	Tai Pawb, CIH Cymru and Shelter Cymru
RHA 09	Welsh Women's Aid
RHA 10	Crisis
RHA 11	Cymorth Cymru
RHA 12	Community Housing Cymru
RHA 13	Propertymark
RHA 14	Professor Simon Hoffman
RHA 15	Welsh Local Government Association
RHA 16	Future Generations Commissioner for Wales