

## **THE REPRESENTATIVE BODY OF THE CHURCH IN WALES**

### **GUIDANCE ON THE HOUSING AND HOSTING OF REFUGEES**

#### **Introduction**

The war in Ukraine has brought into sharp focus the urgent plight of refugees. This note sets out considerations for the use of church property to house refugees generally but also looks at the specific case of Ukraine in the light of the UK Government's Homes for Ukraine scheme.

#### **General Position**

The Representative Body is, in principle, supportive of arrangements to consider the use of any RB property which could be suitable for use by refugees in need.

Property is held on trust by the Representative Body to be used for the purposes of the Church in Wales. As trustee, the Representative Body has a duty to ensure these important assets are protected so that they are available to best serve the needs of the Church.

In considering how we might be able to provide assistance during the refugee emergency, the RB, through its Property Committee, will consider a number of issues:

- Vacant church property is often vacant because it is unsuitable for habitation and is pending sale – these properties would be unsuitable for refugees too. Legal provisions over suitability of accommodation apply to housing refugees as for anyone else. It is vital that refugees, despite their circumstances are provided with decent places to stay.
- Occupation of property is subject to extensive legal provisions and this applies to refugees. Appropriate occupation agreements should be put in place but in the case of refugees this may be more complicated. It is generally preferred that vacant property is let to appropriate agencies who would then manage the occupation by refugees.
- There may be planning implications in trying to house people in property that is not residential (such as halls and churches) other than for very short-term emergencies
- It is not simply a matter of housing people – providing for their other needs is all part of the process of settling refugees – so alongside a vacant property must be the network and links with agencies to provide support
- Providing space is likely to be a long-term commitment – if the space is likely to be needed in the foreseeable future then we should think very carefully about entering into a commitment. The Committee does not want to see refugees having to vacate property shortly after occupying it.
- Parishes should be encouraged to think about financial giving to relevant appeals and agencies as well as how they will support refugees within their parish life more generally
- Financial arrangements for occupation will be considered on a case-by-case basis but the Committee is clear that helping people in this kind of need is a fundamental Christian duty and thus is part of the mission and ministry of the Church.

Ministry/Mission areas or Dioceses who think they may have suitable, vacant property should let the RB know so that the information can be collated and coordinated.

## **Clergy Housing and the Homes for Ukraine Scheme**

Clergy can register for the Homes for Ukraine Scheme and share their home with a refugee family fleeing Ukraine.

[Homes for Ukraine – Homes for Ukraine – Local Sponsorship Scheme for Ukraine \(campaign.gov.uk\)](https://www.campaign.gov.uk/homes-for-ukraine-local-sponsorship-scheme)

The details of the Homes for Ukraine Scheme are emerging but it is clear that both refugee and host family will be vetted, and the suitability of homes inspected via the local authority. It is assumed that some form of contract will be issued by Government setting out rights and responsibilities between the parties.

Clergy should consider this scheme very carefully. If circumstances change and you want to ask the person to leave, this could be pastorally difficult and newsworthy.

The RB recommends that clergy wishing to host Ukrainian refugees, only do so through the Homes for Ukraine scheme. It is also worth considering linking with organisations which are sponsoring refugees such as Local Authorities and some charities.

### **Legal Situation**

In law, the precise status of an occupant generally depends on whether they are given exclusive possession of a part of the property.

#### No Exclusive Possession

An occupant would not be granted exclusive possession where they are sharing either kitchen or bathroom facilities with others. We would assume this to be the case with hosting under the Homes for Ukraine scheme. In this case, the arrangement can be undertaken by way of a simple lodger's agreement between cleric and occupant (potentially part of the Homes for Ukraine scheme).

By taking in the refugee, the cleric becomes their landlord and is responsible for the arrangements with the individuals concerned. This includes an understanding that the cleric would be responsible for any legal proceedings if things went wrong and the occupants needed removing (though whether the Homes for Ukraine scheme will assist in this is yet unclear).

It also means that the cleric is responsible for requirements relating to the home becoming an HMO ('House in Multiple Occupation'). There are two sets of requirements which will be at play here – the day-to-day requirements (for all houses) and the licensing requirements (for certain types of house).

*HMO: Day-to-day requirements*

A useful leaflet outlining these requirements is here:

[The Management of Houses in Multiple Occupation \(Wales\) Regulations 2006  
\(wrexham.gov.uk\)](http://wrexham.gov.uk)

You should discuss these requirements as they impact on the property with your Parsonage Board Inspector but generally parsonage houses will meet the standards required.

*HMO: Licensing requirements*

If the property is 3 or more storeys and has more than 5 occupants in total (in two or more family units), then an HMO Licence will be required wherever the property is in Wales. This will not apply in most cases involving refugees, but some local authorities have tighter HMO Licensing restrictions (for example, two districts in Cardiff require all homes in multiple occupation to be licensed).

It would be for the cleric to establish whether a licence were needed to host a refugee family and obtain a licence if one is required at law. Failing to have a licence if needed is a criminal offence.

Unfortunately, clerics cannot be classed as ‘owner-occupiers’ in law – if they were then hosting one refugee family would likely fall outside HMO regulations and matters would be considerably more straightforward. We are attempting to seek clarity from Welsh Government as to whether there is any flexibility in the legal interpretation.

With Exclusive Possession

If people occupy part of a house exclusively (they have exclusive use of a defined part of the house including their own kitchen and bathroom), the legal position is more difficult.

The Constitution states that a clergy occupier ‘shall not let or part with the possession of the Parsonage; and he or she shall not let or part with the possession of any part of it, except with the consent in writing of the Representative Body.’ If a refugee family is to have exclusive possession of any part of the property, then the Constitution makes clear that this would require RB consent. Whilst we would look at this on a case-by-case basis, it is unlikely that we would be in favour of doing so (but please see the rest of this note regarding other possibilities). This would likely entail the issuing of a tenancy to the occupants, which likely means that they would have security of tenure for at least 12 months – which could survive the departure of the ‘hosting’ cleric if they were to move to a new role or retire.

**Thank You Payment**

The Government is offering an optional ‘thank you’ payment of £350 per month to host households. Clergy can accept this payment as they will have to meet the majority of additional costs from the hosting arrangement. Clergy should be aware that any additional wear and tear or damage to the property as a result of hosting a refugee family will be the cleric’s responsibility to make good and, thus, it may be prudent to keep back some of the payment for this eventuality.

As the Homes for Ukraine Scheme makes clear, no rent should be charged for the hosting arrangement.

### **Use of Vacant Houses**

It is possible to consider making vacant houses available to house refugees. Such arrangements need to be agreed by the relevant trustees e.g Parsonage Boards, MACs and Representative Body.

As stated in the general section above, occupation of property is subject to extensive legal provisions and this applies to refugees. Appropriate occupation agreements should be put in place but in the case of refugees this may be more complicated. It is generally preferred that vacant property is let to appropriate agencies who would then manage the occupation by refugees.

The Representative Body will need to agree the occupation contract that is appropriate including the financial arrangements in each case including Council Tax and service charges etc.

**RBCW**  
**17<sup>th</sup> March 2022**