

The Guarantee for Housing Association Residents

www.cymru.gov.uk











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THE GUARANTEE FOR HOUSING ASSOCIATION RESIDENTS

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ABOUT THE GUARANTEE

Who is this Guarantee for?

This Guarantee applies to you if you are a tenant, leaseholder, shared owner or licensee of a housing association that is registered with the Welsh Assembly Government ("the Assembly") and your home has been provided with the aid of public funding. The term "resident" used for the purposes of this Guarantee, means any of the above.

If you live in other types of housing and have a housing association as a landlord or managing agent, it may also apply to you.

You should read the Guarantee all the way through and if you are not clear whether some parts apply to you, ask your housing association to explain it.



What is the Guarantee about?

There are over 100 registered housing associations in Wales, which between them manage over 122,000 homes. The Welsh Assembly Government acts as the regulator, and has issued a 'Regulatory Code' which all registered housing associations must comply with. Copies of this code are available on the Assembly's housing website at www.housing.wales.gov.uk.

In keeping with its role as regulator of housing associations, the Assembly has produced this Guarantee. Its purpose is to advise you about:

- What your landlord must do to comply with the Regulatory Code.
- Any additional standards that are considered to be good practice which your landlord should normally comply with.



Some housing associations may offer more than this Guarantee says they should, but none of them should offer less.

The Assembly will do what is reasonable to provide this information in alternative formats on request, including audio tape, large print and translations. If we encounter difficulties in meeting your request, we will discuss the best solution with you.

How do you know what to expect from your landlord?



All Housing Associations are required to meet the Welsh Assembly Government's Performance Standards and adopt best practice in all aspects of their activities.

Your legal rights are contained in your tenancy agreement, lease, licence or other written agreement that you sign when you move in. Various Acts of Parliament also support your legal rights. If you are unsure about your rights, ask your housing association for help or seek advice from a solicitor or advice centre.

Your rights may vary depending on whether you are a tenant, licensee or leaseholder, and upon the type of agreement you have. It is important to remember that you have responsibilities as a tenant, licensee or leaseholder. Your rights may be affected if these responsibilities are not met.

You will also find information about your rights and responsibilities in the agreement you sign when you move in, such as your tenancy agreement, licence or lease. Your landlord must give you a copy. You should also be given a handbook or some form of written information about your landlord and its policies and practices.

Some tenants may have a 'right to buy' or a 'right to acquire' their home. Your landlord must inform you whether you can do this.

What is the Guarantee?

The Guarantee is important.

You can use the Guarantee to find out what you can expect and to check that you are getting the service that you should be getting from your housing association.

It also tells you what to do if you think your housing association is not honouring the Guarantee.

THE WAY THINGS ARE RUN

Each housing association is run by a governing body known as a Board or Committee which makes sure that the association abides by the law and meets the Welsh Assembly Government's expectations as set out in the Regulatory Code for Housing Associations Registered in Wales. It makes the key decisions about the policies that the housing association must work to.

All housing associations must make sure they are financially sound.

Continuous improvement

Housing associations must aim to deliver continuous improvement and value for money in their services. This means that all services must be reviewed on a regular basis and must take into account the needs and wishes of residents.

Your housing association must give you information about how it is performing and the results of any inspections carried out by the Assembly. Each year, you should be informed about the outcomes of reviews and about which services will be reviewed during the year ahead.

Equal opportunities and Diversity policies

Housing associations must show a commitment to equal opportunities in all that they do and they must work to eliminate discrimination. They must be fair in their dealings with people, communities and organisations and take a fair approach to the rights and responsibilities of individuals. They must have a policy for promoting good relations between people of different racial groups and take into account the diverse nature of their culture and backgrounds.

Housing associations must have an equal opportunities and diversity policy that covers all aspects of equality and includes race, religion, gender, marital status, sexual orientation, disability and age. They must set targets and carry out monitoring, to make sure that they meet the needs of the community and that all groups are fairly represented throughout the association.

You can expect to be treated fairly and without discrimination, and all services should be accessible to all residents. However, if you think you have been discriminated against, you have the right to complain to the County Court. You should seek advice from a solicitor or your local advice centre.

If you need care or support services to help you live in your home, you should be given appropriate help to find out about available services. This may be provided by the housing association, or by another agency, for example Social Services or a specialist support provider.



GETTING RE-HOUSED



If you are a tenant, there are a number of ways you can be assisted to move to a different property.

You can exchange homes with another tenant, providing you obtain your landlord's agreement, or you can be transferred to a property that has become vacant.

If you live in supported housing, you should be offered help to move-on to non-supported housing, if and when this is appropriate.

Applying

You should be offered help to fill in forms if you need it. Housing associations should make sure that the forms and information are understood by everyone. If you have difficulty with the forms, or need them in another language, you can ask the association for help.

If you are accepted for re-housing, you must be given the opportunity to express preferences about the location and/or type of accommodation you would like to live in. You should also be offered a choice of suitable properties, if the association can do so.

You must give accurate information on your application form. If you deliberately give false information, the housing association can take Court action against you and could evict you from your new home.

You should be given information about the rights and responsibilities that you would be signing up to and any leaflets or information about the new agreement you will be asked to sign. Read these carefully and consider if you want to take on this commitment. If you are not sure, you can seek advice from a solicitor or your local advice centre.

If you want to move to a leasehold or shared-ownership property you should be given information about your financial rights and responsibilities, and what the lease or agreement would bind you to. Consider carefully whether you want to make this commitment. Seek advice from a solicitor or your local advice centre if you are not sure.

MOVING IN

Occupancy agreements

You must be given a written copy of the agreement you have signed. Housing associations offer different types of agreement. They must offer you an agreement that fits with the type of housing being offered and with your re-housing needs.

The type of agreement, and what it means for you, should be explained to you before you sign.

This agreement is a legally binding contract between you and your landlord. It must clearly set out:

- your rights and responsibilities;
- your landlord's rights and responsibilities; and
- the rent, service charges and any other charges you may pay, including the way they will be reviewed.

Your landlord must ensure that your tenancy agreement does not contain any unfair terms. If you think any part of your agreement is unfair, you should seek advice from your local housing advice centre, from the Citizens Advice Bureau, or from Shelter Cymru (see page 16 for contact details). If you want



to complain about unfair terms, you can contact your local authority's trading standards department, or the Office of Fair Trading (see page 19 for contact details).

Support to help you live in your home

If you need support to help you live in your home, your landlord should help you to access appropriate services. These may be provided by the landlord or by other agencies or organisations. You should be given information at the start of your tenancy about the standard of service you can expect, the cost, and any help that may be available towards the cost.

If you live in supported housing your landlord or support provider should tell you about the support you will get, and any other arrangements you should know about, such as house rules.

If you share facilities such as kitchens or lounges with other people, you must be told when these are open for your use.

LIVING IN YOUR HOME

Being secure in your home



Generally, you have the right to stay in your home, whatever type of agreement you have, for however long the agreement allows, as long as you keep to the conditions set out in your agreement.

In the event of your death, it may be possible for your tenancy to be passed on to someone else who has been living with you as your partner or spouse. Ask your housing association whether this applies to your tenancy. Your housing association should also let you know its policy on giving joint tenancies.

Your landlord can ask you to leave before the end of the agreement only under certain circumstances. You must

be given written notice and your landlord will have to apply to the Courts to evict you, unless you are occupying under a licence agreement that is excluded from the requirement to obtain a court order.

If you no longer use the property as your main home, you may lose your security and your landlord may apply to the Court to evict you. Your agreement will set out the circumstances in which your tenancy may come to an end.

Except in the above circumstances, you can only be asked to leave your home if you have broken any of the conditions set out in your agreement, such as not paying the rent or service charges, knowingly making a false statement or breaking any of the other conditions.

Your landlord can only take action to evict you from your home as a last resort, when there is no reasonable alternative. You are entitled to know what your landlord's policies are and how eviction is dealt with.

If you also receive support and care and your landlord takes action to evict you, you must be offered advice and assistance. Your landlord should inform the agencies and organisations that provide the care about the action that is being taken.

Introductory Tenancies

Some housing associations operate 'Introductory Tenancies'. These feature a twelve-month trial period at the start of the tenancy. If an introductory tenant breaks their agreement because of their behaviour, or some other matter such as failure to pay rent, the landlord can end the tenancy at the end of the trial period. The association must go to Court for permission, but is not obliged to prove that its request is reasonable, which it would normally have do for a normal Assured Tenancy.

After the trial period, the association must issue the tenant with a normal Assured Tenancy, unless it has already begun court action for possession. Introductory tenants have the right to ask their landlord for a review of any decision to seek possession. All introductory tenants must be given full information about their rights at the start of their tenancies.

Noise, nuisance and anti-social behaviour

Your landlord must put strategies, policies and procedures in place to tackle nuisance, harassment and anti-social behaviour. Tenancy agreements should have conditions in them about these issues and this will apply not only to you but also to other people living with you, and people visiting.

If you suffer from nuisance, harassment or anti-social behaviour, you can ask your landlord for help and advice.

Managing your home

Your landlord must have policies in place for all other aspects of managing your home, including:

- the keeping of pets;
- what happens to your tenancy if your relationship breaks down;
- circumstances in which you may be asked to move;
- how supported housing projects will be managed.

PAYING FOR YOUR HOME

Rent

Housing associations must set rents which are as low as possible, whilst remaining financially sound and providing a good standard of service to tenants. The Welsh Assembly Government monitors each housing association's rents to ensure this occurs.

There are different rules about how often your rent can be changed and how much notice you must be given of this. Your agreement should tell you which rules apply to you, or you can ask your landlord. If you have transferred from a local authority to a housing association and were given a rent guarantee, your landlord must honour the rent guarantee.

Rent is normally payable in advance, but you should not be asked to pay more than one month's rent in advance.

Your landlord must give you information about:

- the way your rent is set;
- the levels of rents across all of its homes and across the local area; and
- how good your landlord is at collecting the rent.

You must be informed in writing, and in advance about any changes in your rent. You should be given at least 28 days notice of any increase.

Service charges

You may be asked to pay other charges as well as, or instead of rent, such as for the upkeep of communal areas. These are called service charges. These services may be provided by your landlord or other agencies and organisations.

If you are a leaseholder or shared owner, your lease will tell you what you must pay towards these services. They may include a reserve or 'sinking fund' for major repairs and maintenance.

Any sinking fund contributions must be held in trust by the association and the money used only for the purpose specified in your lease.

Your landlord must give you information about the type of charges you must pay, what costs you pay for and how they are set. You can inspect the accounts that this information is based on, but you may be charged for a copy of these. You should be consulted regularly about the quality and value for money of the services you receive.

You must be given written notice of any changes and increases to your service charge. Check your

agreement or ask your landlord for the rules that apply to you.



In some cases, you may have the right to appoint an independent surveyor to inspect documents and premises. You can ask your housing association whether you have the right to do this.

If you are having difficulty paying your rent or service charges you must be given information and assistance to find out about benefits that may help you.

What if you don't agree with the rent and other charges?

Your landlord must tell you about the rights you have to appeal about your rent and service charges; this will usually be given to you when you are told about the increase. The rights you have will depend on the type of agreement you have signed. You should look at your agreement and ask your landlord for information about your rights. You can also ask your local housing advice centre or Citizens Advice Bureau, or a solicitor.



If you are a tenant and want to appeal about the rent, you may have the right to go to an independent body known as the Residential Property Tribunal which will look at how your rent is set, whether it has been set properly and consider if it is fair. It will apply different rules depending on the type of tenancy you have. Your landlord must abide by what the committee says, but this may mean that your rent could go up as well as down.

A similar right of appeal exists for some service charges. Ask your landlord for details or check with an advice centre.

If you are a leaseholder and you believe your housing association is charging for a service that it is not entitled to charge for, or that the level of charge is unreasonable, or the service has not been provided to a reasonable standard, then you may ask a Leaseholder Valuation Tribunal to decide what the level of charge should be.

REPAIRS AND IMPROVEMENTS

Tenants

Your landlord must make sure your home is in good condition and is safe and secure. The Welsh Assembly Government expects your landlord to keep your home in a condition that is better than the minimum standards set by law. Your home must be wind and weather tight, have adequate heating and modern facilities. Your landlord must have policies for maintaining your home and making sure it is working towards meeting the Assembly's standards. You can ask to see copies of these policies.

You will have some responsibility for keeping your home in good condition; your agreement and handbook will tell you what you are responsible for. If you are not sure, ask your landlord.

If you are a tenant, your landlord must keep the structure of your home in good repair and make sure that it is well maintained. You are responsible for making good any damage that you cause. You will also have some other responsibilities, for example to decorate the interior of your home. Your tenancy agreement and handbook should tell you what you must do and what your landlord is responsible for.

If your home has been transferred from a local authority, you may have been given promises about how your new landlord will do all the repairs and improvements that are needed across all the homes. Your copy of the formal offer document (you would have been given this before the homes were transferred) will give you details, or you can ask your landlord.

Your landlord must have a system in place for dealing with repairs, which meets residents' needs and satisfaction. It should have target deadlines for responding to emergency repairs, urgent repairs and routine repairs. You should be given information about how to request repairs, details of the completion deadlines and details of how well the targets are being met.

Reporting repairs

You should report the need for repairs without delay and you must allow reasonable access for your landlord to inspect and carry out repairs, in particular to carry out annual safety checks and servicing of gas installations and heating appliances. Your landlord may operate an appointment system to carry out repairs. Ask for details.

Major works

Information should be given to you about any long-term plans for major maintenance work or improvements, such as window replacement, re-roofing or external decoration. You should be consulted about the work and whether the improvements will mean that you have to pay more rent or service charges. You must be told how it will affect you before the work begins.



Carrying out your own improvements

You may be able to make certain improvements to your home yourself, such as a new bathroom or kitchen. Your tenancy agreement, lease or handbook will tell you what you can do and what you must do before starting any works. You should get permission from your landlord first, but this cannot be refused without good reason. Different rules apply to some tenants, such as those in specialised accommodation who receive support and care. Ask your landlord for more information.

Claiming compensation

You may be entitled to compensation if your landlord fails to carry out a reported repair within its target deadline, particularly if the repair affects your health, safety or security. Your landlord may set a maximum cost for such a repair before compensation becomes applicable under this policy. Ask your landlord for details or contact your local Citizen's Advice Bureau.

If you are a tenant and you have to leave your home temporarily for repairs or improvements to be carried out, you should be offered temporary alternative accommodation and may also be able to claim a disturbance allowance.

If you have to move out permanently, you may have the right to a home loss payment.

If you are a tenant and have carried out your own improvements, provided that you had written permission before you made them and they meet the housing association's standards, you may be able to claim compensation for the work you have done when you give up the tenancy.

Your landlord must give you information about what you can claim and how.

Leaseholders and shared owners

If you are a leaseholder or shared owner, both the housing association's responsibilities and yours will be set out in your lease, and you should be given a handbook for guidance.

If you live in a house, it is normally your responsibility to keep your entire home in good condition. The landlord may be responsible only for the repair of defects in the original structure of the home.

If you live in a flat, your landlord will normally maintain the outside, the shared areas and the structure, whilst you must maintain the inside of your home in good condition. You will be charged your share of the cost of the repairs carried out by the landlord.

Major works for leaseholders and shared-owners

Leaseholders have legal rights to be consulted about major works, which they will have to pay for through service charges. You must be given information and asked for your views about any long-term plans for major maintenance work, such as re-roofing, window replacements or external redecoration. You should be given at least one month to comment on the plans and the estimated costs, and in some cases you may be allowed to propose contractors for the tender list. Ask your landlord if this applies to you. In some circumstances, your landlord may be able to reduce service charges for works that have been funded in certain ways. You may also have the right to a loan to help you pay your contribution relating to the cost of any major repairs. You can ask your landlord for advice on this.

If improvements are proposed which mean that you will have to pay more, you must be told how much. In certain circumstances, you may be able to challenge these charges at a Leasehold Valuation Tribunal.

INFORMATION

Information provided by your landlord



Housing associations must provide good quality services for residents, and must offer high standards of customer care. They are also expected to be open, honest and transparent in the way they operate.

This means that they should give you information about the way they do things and the policies they apply. You may be given this in a handbook or in leaflets written by your housing association. You can ask for copies if you do not already have them.

Housing associations must be accountable to their residents; so at least once a year you should expect to be given information about your landlord's activities,

what plans it has for the future, and how well it is performing against its targets.

You should find this information in annual reports, performance and inspection reports, newsletters and promotional material.

All information should be in clear language and easy to read. It should be provided in different ways to make sure it is meaningful and can be understood by all residents.

Housing associations should offer information and services in English and Welsh. The level of this may vary from area to area, depending on how much Welsh is spoken locally. Housing associations should also be willing to offer translation or interpreting facilities to customers that speak other community languages, where they have difficulty in understanding the association's literature or in communicating with staff.

Getting more information

If you want information about your rights as a tenant, leaseholder or shared owner, what you can claim and how to exercise your rights, you should contact your landlord. The information may be in your tenancy or lease agreement, a handbook or in leaflets and material provided by your landlord. The rights that you have will depend on the type of agreement you have and what type of accommodation you live in.

Confidentiality and accessing information held about you

Information your landlord holds about you must be kept safe and secure. It must be kept up to date or deleted when no longer required.



If you wish to see information about your tenancy, you should ask your landlord. You may be asked to fill out a form and to pay a fee. Your landlord should tell you how you can see your personal information and must provide it in a way that is clear. Your landlord may not give you access to certain information, for example if it has been given in confidence by a third party.

If your landlord refuses to give information you have asked for, you can contact the Office of the Information Commissioner for advice. (See page 16 for contact details).

If you disagree with any of the information, you have the right to correct it or to record your disagreement.

Housing associations can only pass on information about you to other people or organisations if you have consented, or where the law permits them to do so.

Changing your rights

Some tenancy agreements can only be changed after consultation and with the agreement of the tenants involved.

For leaseholders and shared-owners, generally the terms of a lease can only be changed with your approval, although a Court can impose the changes if you cannot agree.

CONSULTATION AND INVOLVEMENT



Housing associations must make sure that services are shaped around customers' needs and must seek the views of their residents and respond to these views.

Your housing association must consult you if it is considering changes to the arrangements for providing a housing management and maintenance service to your home, including any change of status (for example, changing from a non-charitable to a charitable association) or any activity which results in a change of landlord.

All residents must be allowed to play a part in the decision-making, and opportunities must be given to play a part in how services are run and how standards are set.

Housing associations should offer a range of ways to be consulted and give feedback. Your association should make sure that you are given enough information about the issues that it is discussing in a way that is clear, easy to understand and accessible to all residents.

Housing associations should offer residents the chance to have a say and get involved in whatever way suits them best. Your landlord should give you information about how you can get involved, and what the association does with the feedback you give.

Housing associations should help and encourage tenants' and residents' organisations that represent them.

Participation Agreements

Your landlord should also seek to develop and make an agreement or 'compact' with residents about how you can get involved and be consulted, the way this will work and how the agreement will be monitored and reviewed to keep it up to date. You can ask your landlord for details.

You should be encouraged, supported and given advice to obtain the knowledge and skills to help you play an effective part in the running of your home and neighbourhood. Your landlord should give you information on how to apply for any grants available for this purpose.

Becoming a shareholder

Housing associations should have a policy about who can be a shareholding member of the association. If you wish to become a member, your application should be treated on its merits, within the terms of the membership policy.

MAKING A COMPLAINT

In the first place



If you are not satisfied with the way you have been treated or the service you have received, you can make a complaint to your landlord.

All housing associations must have an effective complaints and compensation policy.

You should be given information about how to complain, who to complain to and what is involved. This may be in your handbook or in a leaflet that you can obtain from your landlord.

The policy and procedure should be clear and easy to follow and should allow you to take your complaint to the people who manage your housing association, including the governing body.

Other things you can do

If you have been through all stages of your landlord's complaints procedure, and you are still not satisifed, you may complain about the standards of service and performance provided by the housing association to the Public Services Ombudsman for Wales.

You can get more information on your right to complain to the Public Services Ombudsman for Wales, from your landlord or your local advice centre, or you can contact the Public Services Ombudsman for Wales direct at:

Public Services Ombudsman for Wales 1 Ffordd yr Hen Gae Pencoed CF35 5LJ

Tel: 01656 641150 Fax: 01656 641199

e.mail: ask@ombudsman-wales.org.uk

You can also raise issues via your Councillor, Assembly Member (AM) or Member of Parliament (MP).

If your complaint is about racial, sexual or disability discrimination, you can also go to the Equality and Human Rights Commission (see page 16 for contact details).

USEFUL CONTACTS

Citizens Advice Cymru Citizens Advice Bureaux give free, confidential, impartial and independent advice on a wide range of subjects, including housing, legal and benefits matters. For information on how to contact your nearest CAB see yellow pages or telephone the address above.	Quebec House Castlebridge 5-19 Cowbridge Road East Cardiff CF11 9AB Tel: 08701 264028 Website: www.nacab.org.uk
Equality and Human Rights Commission	3rd Floor 3 Callaghan Square Cardiff CF10 5BT Tel: 0845 604 8810 Fax: 029 2044 7712 E.mail: wales@equalityhumanrights.com Website: www.equalityhumanrights.com
Disability Wales Disability Wales aims to empower disabled people and provides information on a wide variety of issues, from benefit payments to problems of building access.	Wernddu Court Caerphilly Business Park Van Road Caerphilly CF83 3ED Tel: 029 2088 7325 Website: www.dwac.demon.co.uk E-mail: info@dwac.demon.co.uk
Office of Fair Trading The Office of Fair Trading plays a leading role in promoting and protecting consumer interests throughout the UK, and in ensuring that businesses are fair and competitive.	Zone 1S/4 Fleetbank House 2-6 Salisbury Square London EC4Y 8JX Consumer Helpline: 08457 22 44 99 Website: www.oft.gov.uk E-mail: enquries@oft.gsi.gov.uk
Office of the Information Commissioner The Information Commissioner enforces and oversees the Data Protection Act 1998 and the Freedom of Information Act 2000. The Commissioner's duties include dealing with enquiries about the legislation and the promotion of good information handling.	Wycliffe House Water Lane Wilmslow Cheshire SK9 5AF Tel: 01625 545 745 Website: www.ico.gov.uk E-mail: mail@ico.gsi.gov.uk

Residential Property Tribunal

The Rent Assessment Panel for Wales can advise on how to make an application to a Rent Assessment Committee or a Leasehold Valuation Tribunal

1st Floor, West Wing Southgate House Wood Street Cardiff CF11 FW

Tel: 029 2023 1687

Website: www.housing.wales.gov.uk

Shelter Cymru

Shelter Cymru provides independent housing advice through locally based services throughout Wales, and through 'Shelterline', a 24 hour freephone housing helpline. 25 Walter Road Swansea SA1 5NN

Tel: 0845 075 5005

Shelterline: 0808 800 4444

Fax: 01792 460050

Website: www.sheltercymru.org.uk

Tai Pawb

Tai Pawb's mission is "To promote equality and social justice in housing in Wales". The organisation promotes the seven strands of equality in housing; Age, Disability, Gender, Race and Nationality, Religion or belief, Gender identity and Sexual orientation.

Tai Pawb's services include the organisation of Equality in Housing seminars and Equality in Practice meetings, training, project management support, good practice briefings and feedback on national and local housing strategies and plans. The organisation produces e-zines twice a year and organises an Annual Study Visit so that members can see good practice in action.

These services are made available to Tai Pawb's members (Registered Social Landlords, Local Authorities, Individuals, Third Sector organisations and Other Housing Interests) as an inherent part of their membership benefit. 8 Coopers Yard Ground Floor Centre Court Curran Road Cardiff CF10 5NB

Tel: 029 2053 7630 Fax: 029 2066 56987

Website: www.taipawb.ord E-mail: inflo@taipawb.orb

Tenant Participation Advisory Service Cymru

TPAS Cymru works with tenants and landlords. It helps tenants' associations to plan and implement tenant participation, and on how to develop effective and properly accountable tenants' association.

2nd Floor Transport House 1 Cathedral Road Cardiff CF11 9SD

Tel: 029 2023 7303 Fax: 029 2034 5597

Website: www.tpascymru.org.uk E-mail: enquiries@tpascymru.org.uk

Welsh Tenants Federation

The WTF is the national organisation for tenants and residents of Councils and housing associations. It represents tenants' views on policy matters to government, and supports individual Tenants and Residents Associations with advice and start-up grants.

Tel: 029 2023 7303

Website: www.tpascymru.org.uk E-mail: enquirie@tpascymru.org.uk

Milbourne Chambers Glebeland Street Merthyr Tydfil CF47 8AT

Tel: 01685 723922

Website: www.welshtenantsfed.org E-mail: enquiries@welshtenantsfed.org.uk

All address and contact information correct as at July 2010.