



Llywodraeth Cymru  
Welsh Government

**Homelessness and Social Housing Allocation  
(WALES) BILL**

Explanatory Memorandum  
incorporating the  
Regulatory Impact Assessment and Explanatory  
Notes

**May 2025**

## **Homelessness and Social Housing Allocation (Wales) Bill**

### **Explanatory Memorandum to the Homelessness and Social Housing Allocation (Wales) Bill**

This Explanatory Memorandum has been prepared by the Housing and Regeneration Group of the Welsh Government and is laid before Senedd Cymru.

#### **Member's Declaration**

In my view the provisions of the Homelessness and Social Housing Allocation (Wales) Bill, introduced by me on the 19<sup>th</sup> May 2025, would be within the legislative competence of Senedd Cymru.

#### **Jayne Bryant MS**

Cabinet Secretary for Housing and Local Government  
Member of the Senedd in charge of the Bill

May 19, 2025

## Contents page

|   |             |
|---|-------------|
| <b>Part 1 – EXPLANATORY MEMORANDUM</b>            | <b>Page</b> |
| 1. Description                                    | 3           |
| 2. Legislative Competence                         | 4           |
| 3. Purpose and intended effect of the legislation | 5           |
| 4. Consultation                                   | 37          |
| 5. Power to make subordinate legislation          | 63          |
| <b>PART 2 – REGULATORY IMPACT ASSESSMENT</b>      |             |
| 6. Regulatory Impact Assessment summary           | 76          |
| 7. Structure of RIA                               | 81          |
| 8. Options, Costs and benefits                    | 85          |
| 9. Affordability Assessment                       | 174         |
| 10. Competition Assessment                        | 177         |
| 11. Impact Assessments                            | 180         |
| 12. Post implementation review                    | 189         |
| <b>ANNEX 1 – Explanatory Notes</b>                | 191         |
| <b>ANNEX 2 – Index of Standing Orders</b>         | 221         |
| <b>ANNEX 3 – Table of Derivations</b>             | 226         |
| <b>ANNEX 4 – Schedule of Amendments</b>           | 232         |

## **PART 1 – EXPLANATORY MEMORANDUM**

### **Chapter 1: Description**

1. The Homelessness and Social Housing Allocation (Wales) Bill (“the Bill”) reforms existing homelessness and housing legislation in Wales by amending Part 2 of the Housing (Wales) Act 2014 (Homelessness) and Part 6 of the Housing Act 1996 (Allocation of housing accommodation) to enhance the prevention and relief of homelessness in Wales. The Bill will:
  - Expand access to homelessness services and provide additional support to those who need it most.
  - Widen responsibility to certain specified public authorities to identify individuals who are homeless or at risk of homelessness and respond effectively.
  - Prioritise allocation of social housing to those most in need.

## Chapter 2: Legislative Competence

1. Senedd Cymru ("the Senedd") has the legislative competence to make the provisions in the Homelessness and Social Housing Allocation (Wales) Bill ("the Bill") pursuant to Part 4 of the Government of Wales Act 2006 ("GoWA 2006") as amended by the Wales Act 2017<sup>1</sup>.

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<sup>1</sup> NB. sections 21 and 32 make provision to impose functions on "reserved authorities" within the meaning in Schedule 7B to GOWA 2006 (including certain Ministers of the Crown). Sections 21 and 32 also provide the Welsh Ministers with a power by subordinate legislation to impose those functions on other reserved authorities (including Ministers of the Crown) or to remove those functions from reserved authorities (including Ministers of the Crown) in future. Section 14(7) modifies the functions of reserved authorities. Section 22 modifies the functions of reserved authorities, including certain Ministers of the Crown. Therefore, in accordance with Schedule 7B to GOWA 2006, those provisions are within competence if the consent of the relevant Ministers of the Crown is provided (or they are consulted, as appropriate) in respect of them. Minister of the Crown consent (and consultation) has been sought but consent has not yet been received at the time of drafting this Explanatory Memorandum.

## **Chapter 3: Purpose and intended effect of the legislation**

### **Homelessness in Wales**

1. The legal framework for homelessness services and the allocation of social housing in Wales is established by the Housing (Wales) Act 2014 ("the 2014 Act"), the Housing Act 1996 ("the HA 1996") and the regulations made under these enactments. In the decade since the Welsh Government introduced the 2014 Act, the experience of and response to homelessness in Wales has irreversibly changed. The Coronavirus pandemic, humanitarian response to the war in Ukraine and the cost-of-living crisis have resulted in cumulative challenges to Welsh households and subsequently placed considerable pressures on homeless services across Wales.
2. Arguably, the most significant external factor has been the Covid-19 pandemic. In early 2020, as the potential seriousness of the pandemic became known, Welsh Government provided additional guidance and funding to local authorities to ensure everyone who presented to homelessness services without accommodation was provided with the accommodation and support they needed to stay safe. This became known as the 'no one left out' policy. If necessary, authorities were asked to procure Bed and Breakfast accommodation (along with other temporary accommodation sources, including hotels). Understandably, this resulted in an increase in people accommodated in such premises. This was necessary due to the lack of other available accommodation, to mitigate public health risks and support people who would previously have been street homeless or sofa surfing.
3. Between the start of the COVID-19 pandemic and the end of June 2023, over 38,600 people experiencing homelessness were supported with emergency temporary accommodation.
4. As the pandemic eased, the expectation was that there would be a corresponding decline in homelessness presentations. This has not been the case, not least due to other pressures on households arising from the cost-of-living crisis and the wider pressures on housing supply.
5. At the time of writing, there are 11,203 individuals housed in temporary accommodation in Wales, 2,679 of these are dependent children aged under 16. 30% of these individuals, of which 12% are dependent children under 16, are staying in bed and breakfast and hotels. An estimated 119 individuals are known to be sleeping rough throughout Wales. Repeat homelessness is a significant and worrying issue, with 14% of those individuals in temporary accommodation, having previously been placed into temporary accommodation within the last 12 months.
6. The current approach to homelessness service provision is therefore not sustainable and does not have a sufficiently preventative focus. Since the

commencement of the 2014 Act prevention rates have stagnated and dropped significantly in the last two years. Moreover, repeat homelessness is high and the system is very expensive to deliver. Long stays in temporary accommodation can result in negative impacts for individuals. In order to address this, alongside broader practice, policy changes and investment in housing supply, legislative reform is required to achieve systemic transformation to enable more effective homelessness prevention, provide a more effective individualised service to those who are homeless or at risk of homelessness in Wales and make better use of accommodation supply to those most in need.

## **Context**

7. As set out in section 4 (consultation), the introduction of the Bill comes following years of engagement and co-production with stakeholders. This was initiated by the work of the [Homelessness Action Group](#) and the publication of our strategy in 2019, informed by our response to a global pandemic and ongoing cost of living crisis and refined by an Expert Review Panel. The Bill is based on a strong evidential grounding and has been informed by stakeholder views at every stage.
8. The aims of the Bill build on the foundations set out in Part 2 of the 2014 Act, which was instrumental in establishing a homelessness system based on prevention, lowering emphasis on the concept of “testing” for service access, widening accommodation options and fostering cooperation between public services.
9. Although transformative at the time, the evaluation of the 2014 legislation highlighted persistent challenges in delivering key aims related to prevention and repeat homelessness.<sup>2</sup> The Homelessness Monitor for Wales (2021) also points out that since 2014, more people have sought help, but success rates for prevention and relief remain unchanged.<sup>3</sup>
10. The existing legislation is now dated and does not provide a sufficient response to the unprecedented increase in current demand and emerging pressures related to homelessness in Wales. The Bill aims to improve the homelessness system so that it can better respond to the pressures faced today, and provide a sustainable, person-centred system which is fit for future need.

## **General overview of the Homelessness and Social Housing Allocation (Wales) Bill**

11. This is an amending Bill. It sets out a range of amendments to the 2014 Act, the Housing Act 1996 (HA 1996) and, to a lesser extent, the Social Services and Well-being (Wales) Act 2014. It also introduces a range of

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<sup>2</sup> [Evaluation of Homelessness Legislation \(Part 2 of the Housing Act \(Wales\) 2014\): final report | GOV.WALES](#)

<sup>3</sup> Fitzpatrick, S., Pawson, H., Bramley, G., Young, G., Watts, B. & Wood, J. (2021) The Homelessness Monitor: Wales 2021. London: Crisis

new provisions to reform homelessness and social housing allocation systems within Wales. The Bill is in three parts; part 1 focusses on homelessness; part 2 focusses on social housing allocation and part 3 makes general provision including definitions of terms used in the Bill, provision introducing a schedule of minor and consequential amendments, provision of a power to make incidental, supplementary, consequential, transitional or saving provision in regulations and provision for the coming into force of provisions in the Bill.

12. The [White Paper on ending homelessness in Wales](#) set out the working principles upon which legislative reform around homelessness and social housing allocation was proposed. These remain core to the Bill which has been drafted to deliver a system based on the following:
  - Homelessness should be rare, brief and unrepeatable.
  - Homelessness services should be trauma informed and person-centred.
  - Those who are homeless should be able to obtain long term housing quickly, increase their own self-sufficiency, and stay housed (Rapid Rehousing).
  - Preventing homelessness is the responsibility of the Welsh public service.
13. Two main challenges of homelessness service provision are managing increasing demand at the front of the system and improving the flow of people through the system into suitable and sustainable accommodation. The first part of the Bill will re-focus homelessness service delivery on prevention, with a stronger emphasis on early identification and intervention. It will expand access to the homelessness system and target additional support to those who need it most. It will enable a person-centred approach that considers the root causes of homelessness and better addresses individual support needs and will widen responsibility for this across the Welsh public service. The second part of the Bill will enable increased flow through the homelessness system by targeting and utilising limited social housing to those most in need.
14. The Bill provides powers to make subordinate legislation in a number of areas. Subordinate legislation making powers are necessary in certain areas to provide a more flexible and nuanced approach that is sustainable. These subordinate legislation powers will, in the majority of instances, be subject to the affirmative procedure.



## **Purpose and intended effect of the provisions**

### **Part 1: Homelessness**

#### **Prevention**

##### *Meaning of “threatened with homelessness”*

15. The 2014 Act provides that a person is ‘threatened with homelessness’ if it is likely that the person will become homeless within 56 days. Section 66 of the 2014 Act sets out that a local housing authority must help to secure that suitable accommodation does not cease to be available for occupation by an applicant if the authority is satisfied that the applicant is threatened with homelessness, and eligible for help. Section 64 sets out examples of reasonable steps the local housing authority can take to help secure the availability of suitable accommodation and the Code of Guidance for Local Authorities on the Allocation of Accommodation and Homelessness (“the Code of Guidance”) provides more details and a list of minimum interventions each local authority should have in place (which is not a list of minimum interventions for each applicant).
16. The Bill amends the 2014 Act so that a person is threatened with homelessness if they have received written notice requiring them to give up occupation of their accommodation, an application has been made to the High Court or county court for possession of their accommodation or if it is likely that the person will become homeless within six months.
17. This amendment aims to increase the time period in which a local authority can work with an applicant to prevent homelessness occurring and provide clarity to local authorities and applicants that notices seeking possession are a threat of homelessness. This is necessary for several reasons.

#### **Increased demand**

18. The continued increased demand for homelessness services (described above) has resulted in unprecedented high caseloads for homelessness services, forcing authorities to work in a reactive, crisis response and reducing their capacity to undertake effective prevention focussed activity. Throughout the engagement and consultation period local authorities have requested more time (alongside additional resource) to undertake prevention work.

#### **Earlier intervention**

19. Culturally, local authorities suggest that public understanding of council provided homelessness services is that these services are for access at crisis point and, therefore, present late to services. This limits the prevention work local authorities can undertake. The intention (supported by broader communications efforts and the “ask and act” duty set out below), is that the expanded prevention period will encourage applicants to

present earlier, before their situation has escalated and become more complex. Local authorities will, therefore, stand a stronger chance of preventing homelessness.

### **Alignment with wider legislation**

20. While multiple factors lead to homelessness, the highest recorded reason for homelessness applications in Wales is the end of a tenancy or occupation contract.<sup>4</sup> Under the Renting Homes (Wales) Act 2016 ('the 2016 Act') a contract holder of a periodic standard contract may be issued a landlord's Notice Seeking Possession, on a "no fault ground", which gives a minimum of 6 months' notice prior to their occupation contract coming to an end.
21. The extended prevention period aligns homelessness legislation with the 2016 Act so that households served a notice seeking possession are able to present to the local authority as soon as they receive the notice. This will ensure local authorities have as long as possible to prevent homelessness, or, if this is not possible, identify alternative housing options with applicants, that do not result in homelessness.

#### *Help to prevent an applicant from becoming homeless*

22. As outlined above, the current pressures within the homelessness system have negatively impacted prevention activity, compounding supply issues and significantly limiting options for applicants. It is important that more effective prevention measures are taken to enable more people to remain in their homes.
23. As part of a broader aim to improve prevention, the Bill will remove section 65 of the 2014 Act and strengthen the wording in section 66 so that the local authority must help to secure that suitable accommodation does not cease to be available for occupation by the applicant, by taking reasonable steps likely to achieve that purpose. Combined with the extended prevention period, we aim to ensure that local authorities take more effective prevention activity, sooner.
24. The Welsh Government will maintain its current power to make an order under the 2014 Act to specify other circumstances in which it is considered reasonable or not reasonable to stay in accommodation. The ability for Welsh Ministers to specify additional circumstances provides flexibility to adapt to changing housing needs and conditions.

#### *Duty to assess and notice of outcome of assessment*

25. Section 62 of the 2014 Act requires a local housing authority to undertake an assessment of a person who has applied for assistance, who appears

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<sup>4</sup> [Households found to be eligible, homeless subject to duty to help to secure during the year. Main reason for loss of last settled home by type of household \(Section 73\)](#)

to the local housing authority to be homeless or threatened with homelessness, and whose circumstances have materially changed since any prior assessment. Section 62(5) and (6) set out what is to be included in the assessment and what the authority must do in carrying out the assessment, including seeking to identify the outcome the applicant wishes to achieve as a result of the authority's help.

26. The Bill amends section 62 of the 2014 Act to ensure that the assessment process becomes more person centred. It will require that the assessment includes the support an applicant may need to overcome any barrier they might face to living independently. Local housing authorities will also be required to seek the views of the applicant and make inquiries relevant to the assessment regarding the personal characteristics and circumstances of the applicant and any person with whom the applicant lives or might reasonably be expected to live.
27. Those with lived experience of homelessness have shared that they often feel unheard when explaining their circumstances or needs and can find the homelessness application process confusing. This confusion is intensified by a lack of ongoing communication with the local authority. Under-served communities describe additional barriers when seeking the resolution of homelessness.<sup>5</sup> Individuals who have experienced homelessness raise concerns that issues that are very important to them are not always considered through their engagement with homelessness teams.<sup>6</sup>
28. In response to this feedback, the Bill also amends section 62 to require that it must include an assessment of the support needed by the applicant to make communication with the applicant in the exercise of the authority's homelessness functions, accessible to the applicant. This amendment responds to the feedback of those with experience of homelessness who have expressed that the formal notification letters provided by local authorities are extremely difficult to understand. Research suggests this is a particular challenge in relation to neuro-diversity.<sup>7</sup>
29. We note that local authorities provide formal notification letters to ensure that they demonstrate compliance with the law and that without such letters, it is more difficult for them to effectively defend unjustified challenge. However, the amendment aims to ensure that, alongside these formal notifications, appropriate action is taken to explain the contents of these letters and the supporting process is accessible and understandable to the applicant.

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<sup>5</sup> [Experiences-of-homelessness-Final-Version-PDF.pdf](#)

<sup>6</sup> [Experts by Experience](#)

<sup>7</sup> [EYHC+-+Impossible+to+Navigate+\(Final+2024+Version\).pdf](#)

### *Prevention, support and accommodation plans*

30. The current Code of Guidance recommends the use of “Personal Housing Plans” when supporting an applicant to deliver reasonable steps that are to be taken by the applicant or local housing authority to achieve the applicant’s desired outcome. Several local housing authorities have adopted the use of such plans and evidence suggests these documents can enhance and improve a service user’s experience, where housing professionals have the capacity and capability to complete them properly and they align to an individualised assessment of a person’s needs.
31. The Bill will introduce a requirement on a local authority to prepare and maintain a Prevention, Support and Accommodation Plan (PSAP) for any applicant the authority considers it owes a homelessness duty. The name PSAP is a direct response to the feedback of local authorities who shared views during consultation that the name of the plan should reflect that it will go beyond housing and record a range of needs that will require a range of agencies to support.
32. The PSAP will be based on the section 62 assessment and record the outcomes an applicant wishes to achieve with the authority’s help and the agreed steps both the applicant and local housing authority will take in connection with the purpose of securing or retaining suitable accommodation. Where agreement cannot be reached on the steps in relation to the PSAP, the local housing authority must record why they could not agree, steps they consider it is reasonable for the applicant to take and steps the authority will take. The PSAP must record any steps of which it is aware that another public authority has agreed to take. The PSAP must also record the steps the authority will take to communicate with the applicant in a way that is accessible to them.
33. It is expected that the PSAP will be kept under ongoing review. This is important, given the needs or circumstances of an applicant and of their households may change with time, and to capture where recorded actions taken have been successful or unsuccessful. People experiencing homelessness often feel a lack of transparency within the homelessness system, which, for some, can result in anxiety and uncertainty. During our engagement work with those with lived experience of homelessness we heard from many people who described going for long periods of time without an update on their case. The Bill sets out the circumstances in which the PSAP must be reviewed, including where a period of 8 weeks has passed since completion of the first plan or last review of the PSAP, where the circumstances of the applicant or their household have changed affecting their accommodation or support needs, or their entitlement to homelessness assistance, or if the applicant, who was at risk of homelessness, becomes homeless.
34. A fundamental principle of the Bill is the creation of a person centred, trauma informed approach to homelessness in Wales. The PSAP will provide an important tool in converting this principle into practice. Policy

intention is for the PSAP to form the basis of individualised support that is holistic in its nature, recognising the causes and consequences of homelessness are varied and can be complex. The necessary support must be equally personalised, drawing in support from both homelessness services and wider organisations who are better suited to supporting a wider range of need.

*Individual right to request a review of decisions*

35. Applicants already have the right to request a review of certain decisions in their case within 21 days of being notified of that decision (or longer as the local housing authority may allow). The right to request a review does not extend to every decision but includes decisions taken in relation to whether homelessness duties are owed, eligibility for support, where duties have been ended, decisions to refer the applicant to another local authority under the local connection provisions and decisions as to whether accommodation provided (interim or settled accommodation) is suitable for the applicant. A right to request a review provides an efficient and simple process by which an applicant can challenge a decision made in their case. This right provides access to justice.
36. The Bill introduces new rights of review in relation to a decision not to carry out an assessment of a person's case, the assessment of need, the assessment of support required to retain their accommodation or to overcome any barrier to living independently and of a PSAP. The right to request a review of a PSAP, can be requested at any time during which the authority is required to maintain the plan. The intended effect is not for this review to be used to challenge local authorities who have not been able to fully meet an individual's accommodation preferences. The PSAP will not address issues with housing supply and applicants may not have full and free choice of the accommodation on offer, although any accommodation must be suitable. The review should mean that an applicant can request a review of their PSAP if they feel it is not an accurate summary of their needs or that the actions recorded to meet needs are not sufficient.
37. The Bill amends the existing right to request a review in relation to the suitability of accommodation. It does this by extending existing timescales so that an applicant can request a review of the suitability of their accommodation at any time either before accepting it or, where an offer has been accepted, at any time during which a duty in section 66, 68 or 75 of the 2014 Act applies, or within 6 months of the accommodation being made available to the applicant.
38. The Bill ensures greater rights for applicants to request reviews into key decisions and assessments that affect their homelessness application, the service they receive and ultimately the accommodation they are to occupy. This will provide greater transparency and accountability. In relation to accommodation suitability, the expanded time period for review may also

have a positive impact on repeat homelessness, supporting more applicants to access the right accommodation at the right time.

*Duty to secure accommodation to apply instead of duty to help to secure accommodation*

39. The Bill removes section 73 (the duty to help secure accommodation for homeless applicants) of the HWA 2014. The abolition of the priority need and intentionality tests in the Bill renders the duty unnecessary. The Bill substitutes a new section 75 of the HWA 2014 which sets out the range of circumstances in which a local housing authority must secure that suitable accommodation is available for the occupation of an applicant.
40. Feedback provided in the consultation and in evaluation of previous legislation suggests that perceptions of the current homelessness system are that it is unnecessarily bureaucratic and places emphasis on the technicality of the homelessness process, rather than the individual needs of the applicant. This change simplifies homelessness legislation whilst ensuring that interim accommodation is available to those who need it.

*Circumstances in which the duty to secure accommodation for applicants comes to an end*

41. Under existing legislation, the main homelessness duty can end where the applicant has been offered and accepts:
- suitable accommodation under Part 6 of the HA 1996 (social housing) or;
  - suitable private rented sector accommodation

The main homelessness duty can also currently end where the applicant has been offered and (having been informed of the possible consequences of refusal) refuses:

- suitable accommodation under Part 6 of the HA 1996 (social housing);
- suitable private rented sector accommodation; or
- suitable interim accommodation under section 75.

42. Duties can also be brought to an end in other circumstances including if an application is withdrawn, if an applicant becomes homeless intentionally from temporary accommodation or the applicant fails to co-operate with the local housing authority.
43. In order to lessen the pressure within the homelessness system it is necessary to reduce the time individuals face in temporary accommodation and increase flow out of the system. The Bill will assist local authorities to increase flow out of homelessness by providing them with a broader range of accommodation options by which they can discharge the main homelessness duty. The provision is deliberately wide to allow ongoing agreement with stakeholders on appropriate forms of accommodation. It is policy intention that return to previous or family

homes (if safe) or supported lodgings should be considered under this option.

44. The Bill aims to maximise the options available to local housing authorities to relieve homelessness in their local area. The Bill ensures that the accommodation is likely to be available to occupy for a period of 12 months, before the authority can end their duty to secure accommodation, to ensure the same security of tenure as with other housing options. The accommodation must be suitable for the applicants and their household. The proposed duty to keep in touch with certain applicants ensures that additional contact is made with individuals whose housing duty is discharged in this way, as an additional safeguard.
45. The Bill also sets out that for applicants serving custodial sentences, who enter custody with an open section 75 duty and have no reasonable prospect of release before the end of a six month period, the local housing authority may bring the section 75 duty to an end. Where an applicant has accommodation under threat, the ongoing prevention duty will continue to apply regardless of the length of the sentence. However, if the prevention duty ends because the accommodation cannot be saved while the person is in custody, the section 75 duty will not be owed if the person is likely to remain in custody for more than six months. This change to the final duty aims to provide applicants and local authorities with clarity over when duties should and should not apply and will mean that local authorities will not owe duties to individuals in custody when there is no reasonable prospect of undertaking any meaningful work.

*Interim duty to secure accommodation for homeless applicants*

46. The Bill amends the current section 68 duty to provide interim accommodation to take account of the removal of the section 73 duty and the abolition of priority need.
47. The Bill amends section 68 to set out the new circumstances in which interim accommodation must be secured. One of these is where the local housing authority believes that the applicant is homeless and eligible for help, but the authority has not yet confirmed these matters. The Bill also provides for the section 68 duty to be owed to those who do not have a local connection to any local authority area in Wales and the local authority either believes or is satisfied that the applicant is homeless and eligible for assistance.
48. Notwithstanding these changes, there will be no change to the service received by applicants, who will benefit from the section 68 duty, if necessary.

*Priority need, intentionality and local connection*

49. Under current legislation, access to statutory homelessness provision is determined in varying ways by the application of three concepts: priority

need, intentionality and local connection. Each of these concepts varies in its application and in its place within the homelessness assessment process.

*Abolition of differences in entitlement related to priority need*

50. Under the 2014 Act, certain groups are considered to have a priority need for accommodation and the main homelessness duty is only available to those who fall into one of these categories, provided other criteria are satisfied.
51. There is significant research available which points to problematic impacts associated with the priority need test and these were set out in some detail in the White Paper on ending homelessness in Wales. The available literature suggests that current application of the priority need test is viewed by many as “an injustice and immoral”.<sup>8</sup> Concerns around its use include that it is reportedly used informally to gatekeep non-priority need households from accessing assistance; that it includes a relatively high threshold for vulnerability; that it is implemented inconsistently (borne out by data which show no application of the test in some areas and stable use in others); the traumatic impacts on service users and its focus on process and determining entitlements, rather than the needs of the individual. Moreover, historically, the application of the priority need test in Wales has tended to have a discriminatory impact for single people, particularly men aged over 25 years.
52. The Welsh Government has sought to reduce emphasis on the priority need test for over a decade. The 2014 Act began to lessen its importance, introducing prevention and relief duties in order to reduce the number of individuals subject to the test. Since then, significant changes to practice related to the test have been made.
53. In 2020, external factors influenced a further move away from priority need. In response to the Covid 19 pandemic, the Welsh Government issued guidance and funding to local authorities to ensure everyone who presented to homelessness services without accommodation, were provided with the accommodation and support they needed to stay safe. In 2022, as part of transitional arrangements ahead of this Bill, [the Homelessness \(Priority Need and Intentionality\) \(Wales\) Regulations 2022](#) amended the 2014 Act to add an eleventh category of persons having priority need for accommodation for those who are ‘street homeless’. The effect of this change was to significantly limit the number of applicants who could be found to not be in priority need.
54. Many local authorities report they no longer apply the priority need test in practice. This is evidenced by Stats Wales data, showing the steep reduction in the test’s application since the start of the Covid-19

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<sup>8</sup> [Review of priority need in Wales: summary \[HTML\] | GOV.WALES](#)



pandemic.<sup>9</sup> Data for the last full year shows that 276 households were excluded from local authority assistance because they did not fall into one of the priority need categories, 255 of these households were single people.<sup>10</sup>

55. The Bill will, therefore, build on an established direction of travel and abolish the priority need test in Wales.
56. As a result of this change all people presenting who are at risk of or are directly experiencing homelessness, will be provided with support and (provided they are eligible) accommodation where necessary. It is policy intention that this grounds the homelessness system in Wales in an inclusion culture, rather than practice designed to exclude.
57. The Welsh Government does, however, recognise that local authorities cannot assist individuals experiencing homelessness without robust housing supply that meets a range of needs. This includes general needs accommodation but must also include supported, specialist forms of accommodation for those who need additional support. As such, and in line with the recommendation of the Expert Review Panel, the Bill will provide for the abolition of the priority need test to be commenced on a date appointed by the Welsh Ministers by order made by statutory instrument. The Welsh Government will continue to engage with stakeholders to determine the appropriate date, including any conditions to be met before the abolition of the priority need test can be commenced. The Regulatory Impact Assessment has estimated costs around this change occurring in 2030-2031.

*Abolition of differences in entitlement related to intentional homelessness*

58. In a similar approach taken to the priority need test, the 2014 Act attempted to shift emphasis around the intentionality test. The 2014 Act provided local authorities with the discretion to choose whether to apply the intentionality test to an individual and whether to exclude some categories of priority need from the intentionality test.
59. The cultural shift achieved by the 2014 Act towards prevention and relief of homelessness has meant the intentionality test has become of far less significance in the last decade. Evidence supports this, and the intentionality test is very rarely used in practice in Wales, with 90 findings of intentionality in 2023-24.<sup>11</sup> Although minimal in practical application, local authorities reference the intentionality test to encourage applicants to engage and to dissuade negative behaviours. We have no way of assessing how often the test is used in this way.

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<sup>9</sup> [Households for which assistance has been provided by outcome and household type \(gov.wales\)](https://gov.wales)

<sup>10</sup> [Households for which assistance has been provided by outcome and household type](https://gov.wales)

<sup>11</sup> [Households for which assistance has been provided by outcome and household type](https://gov.wales)

60. As outlined in detail in section 4 (consultation), the proposed abolition of the intentionality test was perceived to be the most contentious area of the White Paper on ending homelessness. Whilst most respondents supported the proposal, nineteen of the twenty local authorities who responded noted opposition to the abolition of the test.
61. A fundamental aim of the Bill is to create a trauma-informed, person-centred homelessness system in Wales. The intentionality test is seen as a barrier to this goal, as it does not fully consider the impact of trauma on behaviour and can foster a culture which categorises applicants as deserving or non-deserving of support. Some stakeholder feedback suggests the test is open to misuse, its application varies across Wales, and has a negative impact in relation to children, people with complex support needs and survivors of abuse. People who have been excluded from services following application of the intentionality test can be at risk of rough sleeping.
62. The Bill will abolish the intentionality test in Wales. In so doing, we take a major step towards a more inclusive homelessness system that will support trauma informed practice.
63. The abolition of the intentionality test will not come without challenge, and we recognise the concerns of local authorities. The Bill contains a range of additional provisions (including the deliberate manipulation test, the violent and threatening behaviour test and provision for non-response to repeated attempts to make contact), which aim to address the feedback raised.

#### *Referral of cases to another local housing authority*

64. The Bill will make a number of changes in relation to referrals of an applicant's case to another local authority in Wales or England. Such referrals will continue to be conditional on local connection (and that the conditions for referral are met). However, the requirements for the applicant to have a priority need and be unintentionally homeless have been removed. The definition of abuse has also been widened by the Bill, bringing it into line with the Domestic Abuse Act 2021 and explicitly including coercive control, economic and psychological abuse.
65. This responds to the proposed removal of the priority need and intentionality tests and creates parity with the referral mechanism in section 198 of the 1996 Housing Act (as amended by the Homelessness Reduction Act 2017) which allows for England to England referrals to take place without a requirement for priority need or intentionality.
66. The Bill also makes a minor, but potentially significant amendment to the existing law to allow those sentenced to custody to be subject to a local connection referral before or during the prevention (section 66) period. This seeks to end practice where a local connection referral is made in the days prior to release, rather than well in advance. Late referrals are often

unsettling and stressful for the applicant as well as avoidably disruptive for all services. A further amendment allows any homeless applicant to be referred prior to the section 75 duty being accepted. A person in custody can also be referred within 2 weeks of being notified the section 75 duty is owed. Earlier referrals support enhanced preventative practice and provide clarity around responsibility for addressing the needs of an individual in custody.

#### *Meaning of local connection*

67. The criteria for determining whether an applicant has a local connection with the area of a local housing authority will remain the same as is currently set out under section 81(2) of the 2014 Act. However, the Bill provides the Welsh Ministers with a new power to make regulations to specify the circumstances in which a person is to be treated as having met the local connection criteria under section 81(2) of the 2014 Act. The purpose of giving Welsh Ministers powers to specify the circumstances in which a person is to be treated as having met the local connection criteria under section 81(2) is to provide more certainty and clarity as to when someone has established a local connection. At the current time, the Code of Guidance for Local Authorities on the Allocation of Accommodation and Homelessness (2016) is used to deal with this.
68. The Bill will also require an applicant to have a local connection to a local authority in Wales in order to be entitled to the duty under section 75 of the 2014 Act. As set out in chapter 4, this is a different approach to that set out in the White Paper on ending homelessness in Wales. We have taken this approach to ensure Welsh local authorities are able to operate in a way which ensures the fair distribution of costs across Wales and manages finite resource within Wales.

#### *Exemption from referral to another local housing authority*

69. The Bill will retain an exemption from referral for those applicants that are at greater risk of abuse were they to return to the area where they have local connection. However, the definition of abuse has been amended so as to incorporate domestic abuse (as defined under section 1 of the Domestic Abuse Act 2021) and any other kind of abuse, for example, exploitation (within the meaning given by the Modern Slavery Act 2015), harassment and stalking (within the meaning of the Protection from Harassment Act 1997). Whilst the wording to describe the exemption has also changed, we do not consider it will have an effect on the scope of the exemption.
70. The Bill also prevents referral for an applicant in custody who has been notified that a duty is owed to them under section 66 or 75 and a period of two weeks has ended following notification that the duty is owed. For all applicants the Bill makes it clear that any applicant can only be subject to a referral under section 80 of the 2014 Act once during the same application.

The Bill will provide a regulation making power for Welsh Ministers to prescribe further categories of people who can be exempted from referral.

#### *Duties to applicants in referral cases*

71. No significant changes have been made to the responsibilities placed on local authorities who are referring applicants. However, the existing section 68 duty will ensure that everyone subject to a statutory referral will also be subject to a period of temporary accommodation while it is determined whether conditions for referral are met or not.

72. For those who may have a local connection to other parts of the UK where a statutory referral mechanism is not in place, the section 68 duty is blind to the possibility of referral of the applicant's case. Section 68(4) provides that "the duty under this section arises irrespective of any possibility of the referral of the applicant's case to another local housing authority".

#### *Cases referred from a local housing authority in England*

73. As the Bill will remove the priority need and intentionality tests from the Welsh system, a referral from England to Wales under the HA 1996 will also no longer reference these tests. As a result, there should be no discernible difference between cases referred to a Welsh local authority or an English local authority and where there is agreement that the conditions for referral are met, then the destination local authority will be expected to provide, where appropriate, one or more of the homelessness duties in the 2014 Act, as amended by the Bill.

#### *Notice to applicants in referral cases*

74. The Bill makes changes to the existing law which ensure the applicant is notified of the reasons why a referral has been initiated and to explain ongoing entitlements.

#### *Rights to request a review in referral cases*

75. The Bill makes some amendments to section 85 of the 2014 Act so that the review of whether or not the conditions for a local connection referral are met, is listed separately, rather than grouped with other provisions that could be subject to a review. There are no substantive changes to operation as a result of this amendment.

#### *Help to retain suitable accommodation secured in exercise of homelessness functions*

76. The Bill introduces a new duty to provide help to retain suitable accommodation that has been secured under homelessness functions. This new provision will support our aim to ensure that, if an individual does experience homelessness, this is never repeated. The provision has been

drafted in response to feedback from local authorities and housing associations which describes increasing levels of need amongst individuals experiencing homelessness and the challenges associated with meeting this need, which can impact allocations practice and the confidence and likelihood of housing associations to accept individuals as tenants. This duty will work in conjunction with section 95 of the 2014 Act (co-operation), as it will rely on a multi-agency response.

77. This is not a universal duty, it will apply to only those who have their homelessness duties ended, but who are considered to remain at risk unless they are provided with support to retain accommodation. The applicant can also choose not to have the authority's help to retain their accommodation.

*Duty to contact certain applicants after duty in section 75 comes to an end/Duty to keep in touch with certain applicants*

78. As set out above, the Bill will allow discharge of the main homelessness duty into more varied forms of suitable accommodation. For individuals who have taken up these offers of alternative accommodation, the Bill requires the local housing authority to take reasonable steps to contact them within seven months after the main homelessness duty has come to an end with a view to identifying whether they are at risk of homelessness and in need of support.

79. The duty has been drafted to provide an additional safeguard to those whose duty is ended via an accommodation option that is not a traditional form of social or private rented sector housing. It acknowledges that these options are likely to include shared living arrangements which merit an additional check in with the applicant. It is intended that these check ins will identify any problems early, enabling swift action to address them and reduce repeat homelessness.

*Further circumstances in which the duties to help applicants end*

80. Housing and homelessness duties may be brought to an end under existing legislation, through the unreasonable failure to co-operate test under Section 79(5) of the 2014 Act. This test is wide in its interpretation, and risks applicants being excluded from the system because of a lack of communication that was inaccessible to them, or simply because of the trauma they have experienced or the chaos their homelessness has caused. The Bill replaces section 79(5) with a narrowing of this test to provide for very specific behaviours as outlined below.

*Applicants who engage in violent or threatening behaviour*

81. There are unfortunately instances where applicants engage in threatening or violent behaviour towards local housing authority staff and other service providers. It is not acceptable for any professional to be subject to

behaviour that risks their personal and physical safety, when trying to undertake their functions.

82. The Bill will allow for duties owed to an applicant to be brought to an end, if that applicant has engaged in violent or threatening behaviour towards an individual carrying out functions under the 2014 Act or in the provision of accommodation or other services secured by carrying out homelessness functions under the 2014 Act. The Bill requires that duties can only be ended in such circumstances if there are no circumstances which would make it appropriate for any duty to continue to apply.

*Applicants who intentionally destroy or seriously damage property*

83. In instances where an applicant or a person who resides with them destroys or seriously damages the property or parts of the property that have been provided in connection with homelessness duties owed to the applicant under the HWA 2014, or the applicant or someone who resides with them incites or encourages another to damage the property, and they either intended to destroy or seriously damage the property, or were reckless as to whether it would be destroyed or seriously damaged the Bill provides that duties may be brought to an end. This is provided there is no reasonable excuse for the actions taken by the applicant or member of their household, and that there are no special circumstances that would require the continuation of the duties.

*Applicants who deliberately and unreasonably refuse to co-operate*

84. Section 79 of the 2014 Act sets out other circumstances in which the local housing authority's duties under sections 66, 68, 73 and 75 come to an end. Most of the provisions within section 79 set out fact-based reasons to end a duty relating to matters including eligibility, mistake and withdrawal of an application. However, section 79(5) provides that any duty owed to an applicant can end where the local housing authority is satisfied the applicant is "unreasonably failing to co-operate" with the local housing authority in the exercise of its functions. The application of this test requires a more subjective decision to be taken. The risk with any test of this kind is that it can be applied inconsistently and can have unintended consequences in excluding people from services.
85. As set out above, the Bill will make clear that serious property damage, violence or threatening behaviour towards individuals providing statutory homelessness assistance and accommodation is a circumstance in which a duty under section 66, 68, 75 or 76A can be brought to an end. With this red line clearly established, the Bill provides for these duties to be ended in circumstances where the local housing authority is satisfied that the applicant has failed to respond to repeated attempts by the local housing authority to contact the applicant in connection with their homelessness application. In these circumstances duties can be brought to an end where the local housing authority is not aware of any reason or special circumstances that would make it appropriate for the duty to continue to

apply. This safeguard is provided to support the appropriate application of the test and ensure that it cannot be applied where appropriate action has not been taken to meet an applicant's support needs.

86. The local housing authority will also be required to give a relevant warning notice to the applicant should they wish to apply this test and a reasonable period of time is given for the applicant to respond or make contact following the issuing of the warning notice.

*Duty of a public authority to ask and act*

87. The Bill is based on the principle that homelessness should be rare, brief and unrepeatable. In order to deliver this principle, the Bill must improve the homelessness system to ensure it is more effective at preventing homelessness. Effective prevention will rely on the earliest identification of homelessness.

88. The Welsh Government's 2019 Ending Homelessness Strategy set out the principle that preventing homelessness is the responsibility of the wider public service. The introduction of a duty to ask and act will strengthen the practice change required to deliver on this principle.

89. People who are homeless, or at risk of becoming so, will routinely encounter a range of public services as they seek to understand and manage their housing situation.<sup>12</sup> It is vital each of these services acts to prevent homelessness, either by itself or with partners to help a potential homeless applicant to access housing and homelessness support at an early stage. It is on this basis, and in recognition of the evidenced intersection between homelessness and other social justice issues, that we propose reforms which widen responsibility for identifying and preventing homelessness across the Welsh public service.

90. The Bill will introduce a new duty on specified public authorities in Wales to "ask and act". The duty will be owed where a "specified public authority" considers that a person to whom it exercises functions, is or may be homeless or at risk of homelessness. The specified public authority will be required to seek their consent to make a referral to the local housing authority on their behalf, where the referral is to a local housing authority in Wales it is to be treated as though it were an application for homelessness assistance, by the household.

91. In addition, the Bill requires a specified public authority to provide the person with information about help that may be available from other services, and to consider whether there are any other steps they could reasonably take to help the applicant to secure or retain their accommodation. The specified public authority is also required to consider whether the fact that it considers the person is or may be homeless or at

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<sup>12</sup> [Homelessness Action Group: report March 2020](#)

risk of homelessness affects how it exercises its function in relation to that person.

92. The aim of the “ask and act” duty is to identify individuals at risk of homelessness as early as possible and to ensure local authorities can assist them earlier, standing them a greater likelihood of preventing homelessness from occurring. The joint emphasis on acting as well as asking about homelessness is in place to assure local housing authorities that their partner agencies will also do what they can when referring an individual at risk, further strengthening the service on offer to that individual and increasing the likelihood of homelessness prevention.
93. It is proposed the “ask and act” duty will be supported through a learning and development offer to all specified public bodies, focussing on the risk indicators of homelessness and providing simple instructions relating to referral pathways. This implementation support activity will take place prior to commencement of the duty. We intend to develop practice guidance and training with all relevant stakeholders and work with local authorities to inform the basic principles of a referral process has begun.
94. The specified public authorities, to which the duties apply, are listed in the Bill. The Bill also provides a power for Welsh Ministers to add to or change this list over time and it is our expectation that the list will grow as we develop supporting policy further and are able to support additional public bodies to “ask and act” in relation to homelessness.

#### *Duty to refer persons in England to a local housing authority in Wales*

95. In England specified public authorities (such as prisons, probation, youth offender institutions, accident and emergency services) are subject to a “duty to refer” under the HA 1996 (as amended by the Homelessness Reduction Act 2017). This duty is similar to the new duty to “ask and act” outlined above. The duty to refer provides that certain public authorities must notify local authorities in England that a person who has engaged with them might be homeless or at risk of homelessness. The Bill will make amendments to the HA1996 so that those specified authorities will be required to also refer a person to Wales, if so requested.
96. The aim is that persons in England with a connection to Wales will also benefit from earlier identification of homelessness.

#### *Targeted prevention*

97. Evidence suggests certain groups are disproportionately impacted by homelessness and the White Paper on ending homelessness in Wales sets out a range of bespoke proposals which were designed to mitigate these impacts.
98. A particular group who are overrepresented in homelessness figures are those who are care leavers. According to Public Health Wales, more than



one in four of all young homeless people are estimated to have been in care, with 26% of care experienced individuals having slept on friends or family's sofas, and 14% having slept rough on the streets.<sup>13</sup>

99. The Bill contains a range of proposals which aim to ensure that no young person leaves care to homelessness.

*Duty to ensure young people leaving care have suitable accommodation*

100. There is already a breadth of legislation and guidance in place which seeks to ensure planning and arrangements for suitable accommodation for young people leaving care. However, as the White Paper highlighted (and ongoing engagement has confirmed), there is an implementation gap between legislation and practice, where it is still commonplace for a young person to be discharged from the care system directly to the homelessness system. There is also evidence that unsupported transitions from care directly cause homelessness for many young people. Some young people find it difficult to access help from their local authority and some describe levels of uncertainty and conflict between local housing and social services departments in relation to which part of the organisation will take lead responsibility for their case.
101. The Bill amends the Social Services and Well-being (Wales) Act 2014 to place new duties on the responsible local authority in relation to certain categories of young people. The duty requires the local authority to take reasonable steps to secure that suitable accommodation is available for occupation by a young person leaving care.
102. The duties are intended to operate alongside and not instead of existing duties set out in the Social Services and Well-being (Wales) Act 2014 and requires the authority to take reasonable steps to secure that suitable accommodation is available for occupation if the young person's well-being requires it. An initial duty is triggered when a person turns 18 and is owed until a person is 21 or, in relation to a category 3 young person, during a subsequent period when there is an existing duty towards the young person under the Social Services and Well-being (Wales) Act 2014. A further duty will respond to any additional homelessness risk emerging at the end of a period of education and when social services duties come to an end.
103. Our policy intention for this duty is to ensure that early preparation is made to plan for the transition from care into independent living and to ensure that no care leaver has to present as homeless to access suitable accommodation. The proposal is supported by provision in part 2 of the Bill, which creates a new category of reasonable preference for young

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<sup>13</sup> [ENGLISH-PHW-Preventing-homelessness-in-care-experienced-individuals.pdf](#)

people owed the new duty (described above); prioritising them for allocation of social housing.

104. The provision of good quality, suitable accommodation will maximise the chance of tenancy sustainment for a young person leaving care. The Welsh Government already has legislative powers under the Social Services and Well-being (Wales) Act 2014 to prescribe the conditions which render a property suitable in regulations. In recognition of the unique needs and challenges often experienced by young people leaving care, the Bill removes the existing regulation making powers under that Act. It instead provides specific regulation making powers for the Welsh Ministers to make provision about the meaning of suitable accommodation in relation to the accommodation to be secured for young people under this new duty. These regulation making powers will allow Welsh Ministers to set out requirements in relation to the suitability of the providers of the accommodation and conditions of occupation, alongside the standard and location of the accommodation to be secured. They may also require the personal circumstances of a young person and anyone they may be expected to reside with, to be taken into account.

*Protocol for handling cases involving care leavers*

105. The Bill will introduce a new statutory duty on a local authority to make arrangements which include a joint protocol between the officers of the authority who exercise its social services functions and those who exercise its functions as the local housing authority. Joint protocols will be required for handling cases involving 16 and 17-year-olds who are homeless or threatened with homelessness, the accommodation and support needs of care leavers, and the accommodation and support needs of care leavers and 16 and 17-year-olds leaving youth detention accommodation, prison, or approved premises.
106. The intended effect is for the joint protocols to set out clear, practical arrangements for providing services that are centred on young people and their families, preventing young people from being passed around the authority. An effective joint protocol will set out a mutually agreed vision, objectives, systems, and processes to ensure effective action to prevent youth homelessness. They will provide clarity over roles and responsibilities to young people and our aim is that they will enable integrated partnership working between the two parts of the local authority, focussing on earlier intervention and homelessness prevention.
107. It is expected that in most cases, the lead agency will be children's social services. However, the intended effect is that the joint protocols will enable partners to understand their roles and engage more effectively in joint working, leading to increased transparency and better outcomes for young people. This applies regardless of where a young person presents.

*Protocol for handling cases involving other persons in particular need of support*

108. Throughout the development of the Bill we have heard strong feedback that addressing the causes and consequences of homelessness requires the engagement of a number of organisations. This is particularly true for those who experience homelessness alongside broader support needs, such as poor mental health or substance misuse.
109. The Bill will require local housing authorities to make arrangements to promote cooperation between itself and certain other public authorities, voluntary organisations or other relevant bodies to assist in a range of functions related to homelessness prevention and broader support. These arrangements must include a protocol for handling cases involving persons who are or may become homeless and who may also be in particular need of other support or services. Including in particular support or services required with leaving prison or youth detention accommodation; leaving the regular armed forces; misusing drugs or other substances; or mental health. The arrangements must be made with a view to achieving (among other specified objectives) effective case co-ordination for certain individuals, with their partner agencies.
110. The Welsh Government does not intend to specify a model protocol of case coordination for homelessness, noting that several local authorities already utilise models that work for them, including complex needs case panels or multi-disciplinary teams. However, the intended effect of this new provision is for local authorities to utilise a local protocol that enables multi agency case coordination for those who experience homelessness alongside other support needs. We do not envisage this protocol being used for all homelessness applicants; its main purpose is to address the needs of those with multiple and complex needs. Practice guidance setting out the principles for development of these protocols, alongside information on thresholding and case management will be developed with stakeholders. The duty for a protocol for handling cases involving other persons in need of particular support will be supported by section 95 of the 2014 Act (as amended under the Bill) which will enable local authorities to call on a wider range of specified public bodies to assist them in meeting a range of objectives linked to homelessness.

*Improving support for applicants in the secure estate*

111. His Majesty's Prison and Probation Service (HMPPS) data suggests 14% of those leaving prison are homeless upon release, while statutory homelessness data indicates 11% of homelessness presentations are

from people leaving custody.<sup>14 15</sup> These figures are almost certainly under-representative.

112. Evidence suggests a reciprocal relationship between imprisonment and homelessness; each experience exacerbates the likelihood of the other and where wider complex needs are present, a cycle of repeated interactions with the justice system and entrenched homelessness can result. As the Equality Impact Assessment sets out this has a disproportionate impact on those who are Black, Asian or Minority Ethnic, who face higher rates of homelessness and are over-represented in the prison system.
113. Those entering and leaving the prison estate are highly vulnerable to homelessness, the Bill will introduce a range of measures designed to improve prevention and relief of homelessness for this group.

*Protection of property: prisoners*

114. During our engagement with people with lived experience of homelessness, we heard repeated examples of the loss of personal effects due to incarceration and loss of accommodation. In some cases individuals had lost irreplaceable personal effects, resulting in significant distress.
115. Access to vital personal information such as passports, driving licenses, etc, are crucial for successful resettlement following release from custody. As outlined above, there are also personal belongings which have profound sentimental value to an applicant and their loss can severely impact wellbeing and the likelihood of a successful transition into the community at the end of a sentence.
116. Section 93 of the 2014 Act places a responsibility on local authorities to take reasonable steps to prevent the loss or mitigate damage to the personal property of any applicant who is in receipt of the four main homelessness duties. The duty may continue once duties have come to an end.
117. As the Bill will change access to the homelessness duties for those in custody in order to provide clarity and a more focused service, there is the possibility that some people would not be eligible for access to the duty in section 75 but who may still require help and assistance to secure their personal belongings. This is because a local housing authority will not owe the main housing duty under section 75 if the authority is satisfied that there is no reasonable prospect of the applicant being released from detention before the end of a period of 6 months beginning with the day the application for help was made, or if a duty is owed to the applicant

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<sup>14</sup> Accommodation Following Release from Custody - GOV.UK ([www.gov.uk](http://www.gov.uk))

<sup>15</sup> Households found to be eligible, homeless subject to duty to help to secure during the year. Main reason for loss of last settled home by type of household (Section 73) ([gov.wales](http://gov.wales))

under section 66 at any time after that application was made, the day the duty under section 66 comes to an end.

118. The Bill will amend section 93 of the 2014 Act to include an additional category of person who would not be subject to a homeless duty, (as a result of the amendments set out above) but is still owed a duty to protect property. While this may appear to provide a service to additional people in custody, in reality it will maintain the level of the existing provision.

*Duty to provide information, advice and assistance: detained persons*

119. Section 60 of the 2014 Act places a duty on local authorities to secure the provision of a service to provide information and advice related to homelessness prevention or assistance in accessing homelessness to any person 'in its area'. The Bill will strengthen existing wording to make it clearer that this duty includes persons detained in the authority's area or who have a local connection with its area. In so doing, we aim to clarify that individuals who are imprisoned should also be able to access an information and advice service. The Bill will also clarify that the service is designed to meet the needs of people in prison, in addition to those people leaving prison.

*Definition of "abuse" and "domestic abuse"*

120. The experience of violence against women, domestic abuse and sexual violence is known to have a significant correlation with homelessness. Domestic abuse in particular is a significant cause of homelessness across the UK.<sup>16</sup> Evidence suggests local authorities have seen an increase in people presenting for homelessness assistance due to domestic abuse, over a number of years, and particularly during Covid-19 lockdown restrictions.<sup>17</sup>
121. At the current time, practice in Wales relies on a number of definitions of domestic abuse set out in the Violence Against Women, Domestic Abuse and Sexual Violence (Wales) Act 2015, the 2014 Act and the UK Government's Domestic Abuse Act 2021. The Bill will broaden the definition of domestic abuse, bringing it into line with the Domestic Abuse Act 2021. In so doing we seek to ensure that the definition used in homelessness practice explicitly includes controlling or coercive behaviour, economic and psychological abuse. In making reference to the Modern Slavery Act (2015) and the Protection from Harassment Act (1997) we seek to make clear that exploitation, stalking and harassment should be considered examples of abuse.

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<sup>16</sup> Fitzpatrick, S. et al (2022) The homelessness monitor: Great Britain 2022. Crisis: London.

<sup>17</sup> [The Shadow Pandemic: Violence against women during COVID-19 | UN Women – Headquarters](#)

*Duty to seek the views of homeless persons in exercise of homelessness functions*

122. The development of the Bill has been rooted in the lived experience of homelessness. The accounts of over 350 experts by experience have informed the Bill and this evidence has been crucial in constructing the package of proposals being put forward to the Senedd. The impact of this engagement and its corresponding contribution to the quality of the policy rationale, is undoubtedly a unique strength of this legislation. It is important, therefore that the Bill sustains this practice, ensuring that future policy and strategic development continues to be informed by the lived experience of homelessness.
123. The Bill requires that, in developing their local homelessness strategies and advice services, local authorities must consult persons, including those who are or who have been homeless or threatened with homelessness. The Bill also requires the Welsh Government to consult with people who have been homeless or threatened with homelessness when developing guidance for local authorities in relation to the exercise of their homelessness functions.

*Suitability of accommodation*

124. The 2014 Act requires local housing authorities to consider various legal standards when determining if accommodation is suitable for a person. These standards are included in primary and secondary legislation relating to housing conditions, overcrowding, and licensing of multiple occupancy houses, including consideration of whether the accommodation is affordable for the person in need. The Bill will expand this to require local housing authorities to also have regard to Part 4 of the Renting Homes (Wales) Act 2016 (condition of dwelling) when determining suitability.
125. Welsh Ministers set rules around suitability in the Homelessness (Suitability of Accommodation) (Wales) Order 2015, (“the Suitability Order”) which outlines the criteria to be used by local authorities when assessing if accommodation is suitable or not, these criteria include health, support needs, location and standards.
126. Those with lived experience of homelessness set out a range of concerns related to the suitability of accommodation on offer in Wales, including the presence of physical hazards, accessibility issues, overcrowding, and affordability issues, alongside a significant, general shortage in supply. It remains a commitment of the Welsh Government to address these concerns. Welsh Ministers retain existing powers to make amendments to the Suitability Order 2015, sufficient to address the issues outlined above. We intend to make amendments to the Suitability Order 2015 to improve the standards of accommodation provided under homelessness functions in due course.

### *Reports on use and condition of interim accommodation*

127. The Welsh Government aim to see increased standards across both temporary and settled homes. Based on challenges related to the pressure in the system and lack of choice, the implementation of desired standards for temporary accommodation will need to be incremental and aligned with the availability of increased supply.
128. There is a paucity of data related to temporary accommodation across Wales which undermines the ability of the Welsh Government and other stakeholders in assessing the stock and use of temporary accommodation, individual impacts of its use and any trends associated with the structure of populations accessing this accommodation. The Welsh Government can report the number of households in temporary accommodation, but lacks data on quality, facilities, duration of stay and demographics.
129. Broader work is underway to improve the data quality related to homelessness in Wales, including a move towards individual case level data. In addition, the Bill will require Welsh Ministers to publish and lay before the Senedd a report on the use and condition of temporary accommodation every five years. The purpose of the ongoing review is to understand and assess the use of and condition of temporary accommodation across Wales in order to support evidence-based improvements to temporary accommodation, that are aligned to increasing stock. The first report will be published by 31 December 2030.
130. The Bill will require local authorities to provide Welsh Ministers with the necessary information for the review and report. Local authorities have access to data on temporary accommodation in their area and on the standards of their own housing stock. If a local authority does not have this data, they will be able to request data from their relevant partners under section 95 of the 2014 Act.

### *Co-operation*

131. Section 95 of the 2014 Act sets out a duty on local authorities in Wales to make arrangements to promote co-operation between local housing authorities and social services. It must do this with a view to achieving a number of objectives in relation to its area: to prevent homelessness, to provide suitable accommodation for people who may become homeless; to provide satisfactory support for people who are or who may become homeless; and to discharge its functions under this Part effectively. An authority may also request the co-operation of persons listed in subsection (5).
132. The Bill will expand the duty to apply to a wider range of specified public bodies listed in section 95(5). The expanded duty will allow local authorities to request the cooperation of other specified public bodies to deliver its functions. The additional specified public bodies, like the existing ones listed in subsection 5, will be required to comply with a

request unless it is incompatible with their own duties or otherwise has an adverse effect on the exercise of their own functions. This expanded duty will be crucial in supporting case coordination arrangements and in seeking relevant support to help a person retain their accommodation. It will ensure a range of bodies cooperate more consistently to prevent or alleviate homelessness.

133. The Bill provides Welsh Ministers with the power to add to, remove or amend the list of specified public bodies.

*Co-operation between certain social landlords and local housing authorities: providing accommodation*

134. Housing associations are not-for-profit organisations, whose core purpose includes providing affordable housing for those who need it. The procedures local authorities and housing associations follow to determine who receives access to this housing and in what order, is described as “allocations”. An individual or household can apply for social housing through the local allocation scheme or ‘waiting list’.<sup>18</sup>
135. Given the shortage of supply of good quality affordable housing, it is vital that we make best use of the existing stock and use the allocation of social housing as a lever to address the most acute housing need and end homelessness. This is particularly important as Wales transitions towards Rapid Rehousing.<sup>19</sup>
136. To support the development of this Bill, two pieces of research were commissioned to examine allocations practice in Wales. The first was a [small scale piece of work](#), co-commissioned by Community Housing Cymru, the Welsh Local Government Association and the Welsh Government to support the work of the Expert Review Panel. The second was a [comprehensive piece of qualitative research](#) across local authorities, housing associations and key stakeholder organisations, undertaken by ALMA economics.
137. This research indicates that levels of allocations to households owed a homelessness duty vary significantly across Wales.<sup>20 21</sup> The evidence commissioned in the development of the White Paper on ending homelessness highlighted allocations to those owed a homelessness duty across the five research areas varied between 23-60%. Further research shows an average of 23.4% of housing stock in local authority areas where the local housing authority did not hold any stock was allocated to

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<sup>18</sup> [FINAL Full Report - Allocations ERP - June 2023](#)

<sup>19</sup> Rapid Rehousing, an internationally recognised approach, aims to reduce the use of temporary accommodation to the absolute minimum and improve access to settled housing as rapidly as possible. This will help avoid the destabilising and marginalising effects of prolonged homelessness or prolonged stays in emergency or temporary settings. Further information is available here: [Rapid Rehousing: guidance \[HTML\] | GOV.WALES](#)

<sup>20</sup> [FINAL Full Report - Allocations ERP - June 2023](#);

<sup>21</sup> [Exploring the allocation of social housing in Wales](#)



those owed a final housing duty (s.75 duty) as opposed to an average allocation rate of 31.9% to those owed a final duty in areas where the local housing authority held stock, indicating that local housing authorities in Wales allocate more accommodation to those owed a housing duty. The disparity is even larger when trying to prevent homelessness, where in areas where local housing authorities hold stock, they allocate double the amount of accommodation to those owed a section 66 duty (12.6% of allocations made in stock holding authorities as opposed to 6.1% in non-stock holding authority areas).<sup>22</sup>

138. In addition to these datasets, the Homelessness Monitor 2021 suggests that the annual flow of lettings has a bigger impact on ending homelessness than new provision of homes. As such, evidence suggests, there is a need for an increase in the allocation rates of social housing to those owed a homelessness duty, to meet our policy intention to prevent homelessness and reduce reliance on temporary accommodation.
139. The Bill will enable local authorities to request registered social landlords and private registered providers of social housing (“social landlords”) make an offer of suitable accommodation in their area for a specific applicant owed the final homelessness duty. The social landlord must, within a reasonable period, comply with this request unless there they have good reason for not doing so. In addition, the Bill requires a social landlord to comply with reasonable requests for information in relation to accommodation held by the social landlord made in connection with the exercise of the local authority’s functions under this duty. The intended effect of this provision is to maximise the use of social housing to relieve homelessness and to strengthen co-operation between local housing authorities and registered social landlords in meeting housing need. In areas where allocation rates to households experiencing homelessness are lower, it provides local authorities with additional means to access accommodation for homelessness applicants. The Bill provides Welsh Ministers with power to issue guidance on what constitutes a reasonable period for compliance; a good reason for a social landlord’s non-compliance; and what is a reasonable request for information. Social landlords must have regard to any such guidance that is issued. This power is supported by the new requirements for Common Housing Registers and the additional new duty to help a person retain suitable accommodation. It is intended that this duty will improve confidence and capacity amongst social landlords to house homeless households with identified support needs.
140. The Bill allows local authorities to refer to Welsh Ministers matters of dispute between a social landlord and a local authority where a social landlord does not comply with a request within a reasonable period, whether the social landlord has good reason for not complying with a request and if the social landlord does not respond to a request within a reasonable period. On referral of a dispute, Welsh Ministers will consider

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<sup>22</sup> [Exploring the allocation of social housing in Wales](#)

various representations and may issue a direction, if necessary. A social landlord must comply with this direction which is enforceable by mandatory order.

#### *Viewing accommodation*

141. The 2014 Act allows an authority to end its duty to an applicant if they, following receipt of a written notification of the possible consequences of a refusal, refuse an offer of suitable accommodation.
142. The Bill will require that an authority must take 'reasonable steps' to provide the applicant with an opportunity to view the accommodation being offered, whether that is in person or via a third party, before a duty can be ended, following a refusal of a suitable offer of accommodation.
143. This new provision seeks to ensure that any individual who is incapacitated and unable to view accommodation in person is able to see the property on offer. This will offer particular value to those in hospital or prison.

## **Part 2: Social Housing Allocation**

144. The Housing Act 1996 sets out the procedures for the allocation of social housing, and the role of local housing authorities and other social housing providers, including registered social landlords. This legislation was developed at a time when housing supply was more readily available, demand for housing and homelessness services were less, and when local housing authorities held the majority of social housing stock across Wales. Since its introduction, the housing sector has changed radically, with a significant majority of housing stock transferred to registered social landlords, with half of all local authorities now holding no stock.
145. Part 2 of the Bill, focuses on strengthening and clarifying the role of allocations in alleviating homelessness, providing an explicit focus on those in most urgent housing need, and those most vulnerable to housing insecurity. The purpose of this is to ensure the limited supply of available accommodation is directed towards those most in need, to create transparency in the system, alignment of priorities and strengthen partnership working between housing providers.

### **Purpose and intended effect of the provisions**

#### *Allocation of housing accommodation under Part 6 of the Housing Act 1996*

146. Anyone can apply for social housing in Wales, it is available to those in housing need and those who are not, provided they are eligible.
147. Due to the short and medium-term pressures related to homelessness and housing supply, people with no housing need applying for social

housing will wait many years for accommodation and in some cases, will never receive an allocation. Local authorities report a significant volume of their waiting lists consist of people in no housing need.

148. For some authorities, these inflated waiting list figures can be problematic. They do not represent the true housing need in an area, resource is required to manage the list, and the high numbers of people waiting can make prioritisation and management very challenging.
149. The Bill provides local housing authorities with the discretion to decide what classes of person are or are not qualifying persons for social housing in their area, provided they are not ineligible for allocation. The intention of this proposal is to increase accessibility to housing for those most in need, to ensure data related to homelessness and housing need across Wales is clear and to ensure those who are not in need but are on the waiting list are given strong advice about their probable access to social housing.
150. Local authorities are required to give reasonable preference to certain categories of persons when allocating housing. Persons owed reasonable preference must be treated as qualifying persons, unless they are ineligible or disqualified. Welsh Ministers will have a new regulation making power to prescribe classes of persons who are or who are not to be treated as qualifying persons, and to set criteria that local housing authorities may not use in determining classes of persons who are not qualifying persons. The new regulation making power is to provide flexibility for instance, in response to changes in housing demand.

*No preference for persons who try to manipulate the housing system*

151. During the engagement to develop the White Paper on ending homelessness in Wales and the subsequent consultation, we heard concerns that should the homelessness system be seen as the only route to social housing, an unintended consequence of the reforms could be that we inadvertently create a perverse incentive which drives people into homelessness to access social housing. This risks diversion of services and resources away from those most in need and adds pressure to an already oversubscribed system.
152. To address this concern, the Bill will introduce a 'deliberate manipulation' test. This test will be limited to those who have engaged in 'deliberate manipulation' of the homelessness system in order to gain advantage when applying for social housing.
153. The test will not affect access to housing (homelessness) assistance; it will mean the applicant will not be given preference for an allocation of social housing.
154. Any decision and resulting action to reduce an individual's priority within the allocation system would be subject to a review, as are other

decisions taken surrounding the allocation of housing accommodation as set out in section 167(4A) (d) of the Housing Act 1996.

#### *Care leavers: reasonable preference*

155. Leaving the care system is associated with higher risk of becoming homeless.
156. During the consultation and broader engagement, we heard that, despite the efforts of many local authorities across Wales, limited pathway planning is taking place and many young people leaving care are homeless on their 18th birthday. Some young people leaving care are being accommodated in temporary accommodation for extended periods of time, which can have a detrimental impact on their wellbeing. In some cases, this temporary accommodation is unsuitable and includes Bed and Breakfasts and hotels.
157. The homelessness system should not be used as the default route from care to independent living. The Bill will create a sixth category of 'reasonable preference' for those to whom local authorities owe duties under section 108A of the Social Services and Well-being (Wales) Act 2014, to take reasonable steps to secure accommodation is available for their occupation, ensuring local housing authorities must award prioritisation to this group for social housing. This will facilitate the work of local authorities in the exercise of the new section 108A duties, in that it gives prioritisation in the allocation of social housing to those owed those duties.
158. The creation of the new 'reasonable preference' group responds to the heightened risk of housing security and homelessness that young people leaving care, owed the section 108A duty are subject to. It aligns with the additional duty placed on local authorities under section 23 of the Bill. Together, these provisions are intended to prevent those care leavers from experiencing homelessness.

#### *Housing Registers*

159. The majority of local housing authorities operate a Common Housing Register (CHR) in partnership with registered social landlords for the purpose of allocating social housing in their local areas. A CHR provides a single point of registration and provides greater transparency and understanding to an applicant of where they are on the housing waiting list. A single housing register between all social landlords in an area helps to ensure all providers are operating to aligned priorities.
160. The Code of Guidance recommends the implementation of CHRs but it is not currently a requirement that a local housing authority must operate one. Whilst 19 of the 22 local authorities do, there remains an inconsistent approach to the registration process for people accessing social housing across Wales. The Bill sets out a requirement for local housing authorities

in Wales to establish and maintain a CHR for people who apply to their authority area for housing accommodation and who are both eligible and a qualifying person (or is applying jointly with a person who is a qualifying person).

161. The Bill also sets out an additional regulation making power for Welsh Ministers to make further operational provisions in connection with the CHR, including the information that must be held and the process for amending and removing applicants.
162. In order to ensure the CHR operates as a single register of all qualifying applicants, the Bill sets out that social landlords, including RSLs and registered providers of social housing can only offer their accommodation to persons on the CHR, meaning that to access any social housing stock an applicant must register on the CHR. The policy intention of this proposal is to establish a consistent, understandable approach and drive improved efficiency in allocations procedure.

#### *Accessible Housing Registers*

163. Accessible Housing Registers (AHRs) play an important role in setting out the availability of accessible or adapted properties in an area. This supports such properties being allocated to disabled individuals best matched to the accommodation. Whilst many local authorities operate a process which facilitates some matching of accessible properties to applicants, disabled people have raised concerns about the effectiveness and efficiency of these processes.
164. The Bill requires local housing authorities in Wales to establish and maintain a register of housing accommodation in their area that has features which may assist a disabled person. This provision will support local housing authorities to ensure that accommodation is best matched to those with an accessibility need, supporting the sustainment of tenancies in the most suitable accommodation. A regulation making power is provided in the Bill to allow Welsh Ministers the opportunity to make further provisions in relation to how properties are added and removed from the list, and the information the AHR must hold.

## Chapter 4: Consultation

1. The Homelessness and Social Housing Allocation (Wales) Bill is grounded in a decade of evaluation and engagement with stakeholders across Wales. It builds on work undertaken in 2018 by the University of Salford and Wrexham Glyndŵr University, Professor Pete Mackie's 2019 review of priority need and the reports of the Homelessness Action Group which were published in 2019/2020.
2. The development, engagement and consultation on the Bill has taken place over a number of years; creating a strong and credible evidence base. A significant level of engagement took place prior to the publication of a formal written consultation on the White Paper and, as such, this section outlines our pre-consultation activity, consultation activity and the engagement which has taken place since the closure of the formal consultation period.

### **Pre-consultation engagement – the Expert Review Panel and related activity**

3. The Bill was preceded by a White Paper on ending homelessness in Wales. This White Paper was developed over a period of one year in parallel with the work of an Expert Review Panel.
4. In August 2022, as part of the Welsh Government's action plan to end homelessness, the (then) Minister for Climate Change convened an Expert Review Panel to consider how legislative change could help to end homelessness in Wales. Professor Suzanne Fitzpatrick (Professor of Housing and Social Policy and Director of the Institute of Social Policy, Housing, Equalities Research (i-Sphere) at Heriot-Watt University) was asked to Chair the panel, the membership of which included local authority homelessness services, third sector, housing associations, equalities experts, academics and a KC.
5. The panel undertook a series of [themed reviews](#) between August 2022 and August 2023, combining an assessment of relevant literature with practice-based feedback and legal expertise. Crucially, the work of the Expert Review Panel was grounded in [evidence relating to the lived experience of homelessness](#), shared by over 350 people with experience of homelessness in Wales, including those living in temporary accommodation, young people, care leavers, survivors of abuse and people in prison.
6. To ensure the voices and experiences of people with one or more protected characteristics informed the work, the Welsh Government commissioned Tai Pawb to capture the [experiences of homelessness of people with protected characteristics](#), including asylum seekers, refugees, disabled people, Black, Asian and Minority Ethnic people, Gypsies and

Travellers, older people and LGBTQ+ people. We are grateful to Cymorth Cymru, Tai Pawb and other expert partners for this work.

7. The Expert Review Panel made their recommendations independent of Government but worked closely with officials in the Welsh Government to enable parallel development of the White Paper on ending homelessness in Wales, alongside the Panel's own report. This approach was necessary in order to ensure a Bill could be introduced within the current Senedd term. This parallel work involved iterative consideration of emerging recommendations, additional testing of proposals across the Welsh Government, with other partners and stakeholders across Wales, along with extensive impact assessments.
8. The parallel work enabled an agile, proactive approach to the policy rationale for this Bill, providing equal value to the panel and to the policy development process of the Welsh Government. This value is demonstrated through the following examples.
9. Given their crucial role in delivering any future legislation, it was important to engage local authorities in Wales early in the work of the panel. Whilst it was not possible to include each of the 22 authorities in panel meetings, the Welsh Government were able to convene a corresponding "local authority reference group", during which we tested emerging recommendations of the Expert Review Panel with local authority colleagues and provided this feedback to the panel for further consideration in their final report.
10. Early on in their work, the Expert Review Panel identified an evidential gap in relation to social housing allocation. The parallel working arrangements enabled the Welsh Government to respond quickly to this gap to co-commission (with Community Housing Cymru and the Welsh Local Government Association (WLGA)) some [small-scale research](#) to help meet that gap and ensure a stronger evidential basis for the panel's consideration. The Welsh Government has subsequently strengthened that evidence base further through the procurement and publication of a [further study](#) by Alma economics on the allocation of social housing in Wales.
11. The parallel approach to policy development and the effective working relationship established with the Expert Review Panel enabled a robust approach to the development of the White Paper and this Bill. It is unique in the strength and depth of its evidence base, grounded in long term stakeholder engagement, co-production and, most importantly, the lived experience of homelessness.

## **Formal consultation: White Paper on Ending Homelessness in Wales**

12. The White Paper on ending homelessness in Wales was published on 10 October 2023 for a fourteen-week consultation, which ended on 16 January 2024. To ensure the consultation was as accessible as possible, it was published alongside an “easy read” version, a children and young person’s version and a British Sign Language (BSL) film. Technical briefings were provided to local authority leadership and housing associations.
13. During the consultation period, over 100 hours of stakeholder engagement took place in every part of Wales. Engagement was undertaken with local authorities, registered social landlords, public service staff, third sector organisations and people with lived experience of homelessness, including those with protected characteristics. The engagement activity included (but was not limited to):
  - Detailed face to face sessions with every local authority homelessness and housing advice team in Wales.
  - [Focus groups](#) with sanctuary seekers in Wales run by the Welsh Refugee Council.
  - Face to face roadshow events in South, North and Mid Wales.
  - Online, open stakeholder engagement events themed around the following: the core reforms, social care, health, criminal justice and access to housing (each event attracted between 100 and 250 attendees).
  - Three bespoke events for all registered social landlords in Wales.
  - A [survey](#) of social housing tenants in partnership with TPAS, engaging 662 social housing tenants from all 22 local authority areas.
  - Direct engagement with children and young people facilitated by End Youth Homelessness Cymru.
  - A series of presentations and contributions to conferences, events and stakeholder meetings.
14. One hundred and forty written responses were submitted to the Welsh Government, providing a wealth of well-considered, high-quality evidence from a wide range of stakeholders. These responses were provided in the format of consultation response forms, letters and Young People’s consultation response forms as well as responses to easy read and BSL versions of the consultation document. The full set of responses is available to view here: [White Paper on ending homelessness in Wales | GOV.WALES](#)
15. Miller Research were commissioned to analyse responses to the consultation and published [a report](#) on 23 April 2024.



## **Consultation response summary**

16. Generally, respondents welcomed the ambition of the White Paper and agreed the proposals, if implemented appropriately, would improve the prevention and relief of homelessness in Wales. Responses reflected a widespread, shared commitment to working with Welsh Government to further develop the proposals. This sentiment, however, was underpinned with requests for caution, particularly from local authority and registered social landlord respondents.
17. In most cases, responses that expressed support for the proposals were heavily caveated by the required scale of resource as well as widespread cultural change, which stakeholders perceived to be necessary in order to achieve the shared vision of the White Paper. Concerns stemmed largely from the perceived initial increase in demand for support across services, triggered through the proposed public service duties.
18. There was a majority agreement on the following proposals:
  - increasing the prevention period from 56 days to 6 months;
  - the introduction of Personal Housing Plans (although some reservations on the name of these documents was noted);
  - to abolish the priority need and intentionality tests (although some specific professions raised concerns which are noted below);
  - the proposed amendments to the local connection test (although, again, some specific professions noted concerns);
  - introducing new duties to identify, refer and act, and extending the existing duty to co-operate (applied to a specified set of bodies) to prevent homelessness;
  - a multi-agency approach to address the complex causes and effects of homelessness.
19. Overall, the responses indicated that the proposed core reforms to the homelessness system would result in a fairer, more consistent, and inclusive approach to homelessness relief and prevention. However, many consultation responses highlighted the scale of need across Wales and the scale of resource required by services in order to meet these needs.
20. Some respondents emphasised that the proposals would have different consequences across different areas, owing to practical factors such as population size and needs, and the availability of local housing supply.
21. Additional evidence highlighted the experiences of those who are disproportionately impacted by homelessness. Third sector respondents, in particular, provided evidence to support the consideration of additional

groups (across the White Paper proposals) who are disproportionately impacted and in need of additional targeted prevention activity.

22. A number of concerns were raised on several specific policy areas. Officials have considered this feedback carefully, using the consultation evidence to reflect on policy intention and potential alternative approaches. These are set out below, alongside a summary of changes made in response to these concerns.

## **Prevention**

23. The Personal Housing Plans (PHPs) referred to in the White Paper are now to be known as Prevention, Support and Accommodation Plans (PSAPs). This is in response to feedback from local authorities who shared concerns that the original title did not demonstrate the breadth of the causes of and consequences of homelessness and would not foster the joint work required to make the delivery of these plans successful.

## **The tests**

24. The proposed changes to the tests were supported by the majority of consultation responses. However, local authorities (in particular) expressed concern surrounding the proposals to abolish the priority need and intentionality tests and raised some reservations around the proposed amendments to the application of local connection. They noted a perceived gap between the ambition of an inclusive support system, and the realities of current housing pressures.
25. Most local authorities have demonstrated a reduction in use of the priority need test over the past few years, however, the proposal to remove the test concerned some local authorities who fear that services (already running at or above their capacity) will be overwhelmed. Homelessness services have yet to stabilise since the pandemic and there remains an overdependence on temporary accommodation, too much of which is unsuitable in terms of quality and duration of stay. Monthly data has yet to show a plateau, or consistent reduction in applications for homelessness assistance.
26. Several respondents stressed that a lead-in time would be required before the abolition of the priority need test, allowing for appropriate resourcing, training and guidance to support implementation. Those who were opposed to this change raised concerns that the abolition of priority need would leave homelessness services without a way to prioritise those who are most vulnerable: “if everyone is a priority, no one is a priority”. This notion was of particular concern to respondents representing the views of young people and care leavers.

27. While the majority of respondents agreed with the proposal to abolish the intentionality test, all but one of the local authority respondents opposed the proposal. Many of those who disagreed raised concerns around the potential risk of an increase in cases of rent arrears and perceived unacceptable behaviour. Local authority staff also highlighted a need to incentivise personal responsibility amongst applicants and their informal use of the intentionality test as a persuasive tool to manage the conduct of their service users.
28. There was a mixed response to the proposal to retain the concept of local connection but create groups of people who will be exempt from a referral. Broadly, responses welcomed improved consideration of the variety of reasons that affect the appropriateness of someone returning to their home authority, although the significant value some stakeholders place on local connection as an important resource management tool was also noted. Amongst local authority respondents, a majority were opposed to the proposal, whilst all registered social landlord respondents agreed with the proposal. Third sector respondents were fairly evenly split between those who agreed with the proposal and those who disagreed with it.
29. Some respondents were concerned that any list of exemptions would be challenging to manage. However, others felt that the proposed list of exemptions to a local connection referral under Section 80 did not go far enough and expressed disappointment at the exclusion of refugees and former asylum seekers who have been granted leave to remain in the country. Respondents also suggested the following additions to the proposed list of exemptions:
- LGBTQ+ people
  - Asylum seekers, refugees and those with No Recourse to Public Funds
  - All young people
  - Those with adverse childhood experiences (ACEs)
  - Those requiring access to specialist health services (for example a dialysis or cancer patient)
  - Those who would benefit from placement in a shared language or shared faith community, including those from Welsh speaking communities.

### ***Changes made as a result of this feedback***

#### **Priority need**

30. Since the adoption of the no-one left out approach in 2020 and subsequent introduction of an 11<sup>th</sup> category of priority need for those who are 'street homeless', the use and impact of priority need has significantly reduced. The last full year of data shows that 14 of the 22 Welsh local

authorities no longer apply the priority need test.<sup>23 24</sup> Data shows use of the test registering in only 8 authorities; with over half of all priority need exclusions taking place in 2 of these authorities.

31. It remains our intention to abolish the priority need test. However, as per the Expert Review Panel recommendation and the White Paper proposal, we recognise a lead in time for this abolition is necessary. As such, this provision (alongside others in the Bill) will be commenced on a date appointed by the Welsh Ministers by order made by statutory instrument. This will allow ongoing implementation planning with local authorities and provide flexibility for all stakeholders in determining the right time and conditions for the priority need test to be ended in Wales.

## **Intentionality**

32. The proposed abolition of the intentionality test drew the highest levels of opposition during the consultation. In response to this, further detailed engagement was held with local authorities to understand the behaviours they currently use the intentionality test to respond to - whether that be to end duties, or to persuade applicants to stop behaviour and to engage with services.

33. The engagement showed local authorities use the intentionality test (most often) to address the following scenarios:

- abuse of the system to gain access to social housing (e.g. colluding with landlords to ask or pay for notice to be served);
- violence and abuse towards staff and landlords;
- intentional damage to property;
- behaviour arising from unmet support needs/complex needs;
- wilful and persistent non-payment of rent.

34. The Bill includes a number of aspects which seek to ensure that local authorities retain appropriate tools to address these scenarios. In developing these provisions, the Welsh Government has sought to balance penalising measures, with person centred and trauma informed practice, and to mitigate as far as possible, risk of rough sleeping.

35. The Bill introduces a “deliberate manipulation” test to disincentivise wrongful use of the homelessness system to gain access to social housing (as recommended by the Expert Review Panel). It is our policy intention that this will cover circumstances in which a person deliberately fails to pay rent (they have the means to but choose not to) to enable them to be

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<sup>23</sup> [Households for which assistance has been provided by outcome and household type](#)

<sup>24</sup> Or applied the test in so few cases that it has not been recorded in the data (likely to be less than 3 cases per authority and 9 individuals in total.)

eligible for help under homelessness functions. These individuals will be deprioritised for social housing allocation but will not be excluded from the homelessness system.

36. The Bill amends the unreasonable failure to cooperate test so that its overall scope is narrower. However, it specifies that local authorities can end duties when:
- a) The applicant has engaged in violent or threatening behaviour towards any individual carrying out homeless functions or provision of accommodation.
  - b) There is serious damage or destruction of property consisting of or provided for use in connection with functions within the Bill.
  - c) The applicant has failed to respond to repeated attempts by the local authority to contact them in connection with their homelessness application.
37. It is our view that behaviour arising from unmet support needs or complex needs, should never be a reason to end a duty or deprioritise a household for social housing allocation. The Bill will bring forward a range of new duties to improve support for these individuals, including local case coordination measures and a duty to help retain suitable accommodation secured in the exercise of homelessness functions.
38. Given the presence of these new provisions, which we consider address the scenarios identified by local authorities, the Bill provides for the abolition of the intentionality test. As with priority need, this provision will be commenced on a date appointed by the Welsh Ministers by order made by statutory instrument. This will allow ongoing implementation planning with local authorities and provide flexibility for all stakeholders in determining the right time and conditions for the intentionality test to be ended in Wales.

### **Local connection**

39. The Bill introduces a local connection test to determine entitlement to the section 75 (main homelessness) duty. This is a departure from the White Paper which set out a policy intention to attenuate application of the test in Wales. However, during development of the Bill, which has included ongoing engagement with stakeholders, it has become clear that a local connection test is necessary to ensure the overall delivery of our policy intentions and a progressive Welsh homelessness system. Welsh local authorities must be able to make best use of local and national resource for those most in need in Wales.
40. The Bill will not, therefore introduce any new exemptions to the local connection test, although the existing exemption around abuse remains (to note: the language within the Bill has changed).

41. The Bill provides Welsh Ministers with regulation making powers to allow for the possibility of future changes to the local connection test. These would be subject to the affirmative procedure and will require public consultation. The purpose of this power to set out a clear definition of local connection in law. It is currently set out in guidance.

### **The public service duties**

42. The proposed new duties to identify, refer and act and the proposed extended duty to co-operate were well received by respondents. Some concerns were raised in relation to the potential increase in demand on public services.
43. The proposed set of bodies (to which these duties should apply) was, viewed as a minimum standard by many. There were strong calls to expand the list and subsequently, to expand the expectation for more services and stakeholders to play an important role in homelessness prevention. There was consensus that social services departments, health boards and registered social landlords are in the best position to support early referral. Some respondents suggested the addition of the Private Rental Sector, education, probation and youth justice services, and wider third sector bodies.

### ***Changes made as a result of this feedback***

44. The Bill refers to the public service duties as a duty to “ask and act”. Through this shorthand title we aim to describe the intended impact of the duties succinctly. In doing so we borrow a title used to describe very similar practice related to targeted identification of violence against women, domestic abuse and sexual violence (VAWDASV) in Wales. We will reflect on the title throughout scrutiny. We see benefits in sharing the title as many of the specified public bodies named in the Bill are familiar with practice of this kind and learning can be taken from roll out of “ask and act” for VAWDASV.
45. Significant cross and inter-Governmental work has taken place to create a comprehensive list of specified public bodies subject to the duties to ask and act. We are grateful to the range of bodies for their commitment to the aims of the Bill and their engagement during the development process. It has not been possible to add all suggested bodies to the list, for a range of reasons.
46. In relation to the request related to private landlords; we do not consider it appropriate to apply the duties to this cohort. The duties are aimed at public services, not individuals or organisations outside of the public sector. The Welsh Government prescribed landlord’s notice of termination

(Form RHW1698) already signposts the contract-holder to seek support from relevant third sector agencies and to contact the local housing authority should they identify a contract holder is at risk of homelessness. The Rent Smart Wales licensing training, as well as the statutory Code of Practice for landlords and letting agents, provide that the landlord should, (following service of a notice to end the occupation contract), as best practice, provide details of relevant third sector agencies to contract-holders who do not have accommodation to move into, or are struggling to find alternative accommodation. The Housing Loss Prevention Advice Service also provides government funded legal advice to someone from the point they receive a possession notice or similar. The Welsh Government has issued guidance to contract-holders on the possession process.

47. As part of the Bill drafting process, Welsh Government officials have undertaken small scale direct engagement with schools and worked with education unions to assess what role, if any, schools should play in relation to “ask and act”.
48. Section 175 of the Education Act 2002 provides that local authorities must make arrangements to ensure their education functions are exercised with a view to safeguarding and promoting the welfare of children (i.e. persons under 18 years of age). Similarly governing bodies must make arrangements to ensure that their functions relating to the conduct of the school, or institution, are exercised with a view to safeguarding and promoting the welfare of children who are pupils at the school, or who are receiving education or training at the institution. All the bodies concerned must have regard to any guidance issued by the Welsh Ministers in deciding what arrangements they must make to comply with their duty. The effect of the duty to “have regard” to the guidance is that if the bodies concerned depart from the statutory guidance without justification, they may be acting unlawfully, and risk being challenged by way of judicial review.
49. We are of the view that the duty to “*promote the welfare of children*” would cover making arrangements in relation to children at risk of homelessness and that additional material could be added in to guidance issued to local authorities under section 175 to help schools identify and refer pupils at risk of homelessness. We have therefore not included schools on the list of specified public bodies and will work with schools, unions and cross-Government colleagues to use existing powers to meet our policy aims, including work as part of the forthcoming review of the “Keeping Learners Safe” guidance.
50. The duty to “ask and act” will also not apply to further and higher education institutions at initial commencement. Officials continue to work together to

address a number of outstanding issues relating to the role this sector might play in the duties in the future.

51. Section 94B(2) and (3) of the Housing (Wales) Act 2014 (as inserted by section 21(2) of the Bill) provides that Welsh Ministers may, by regulations amend the list, and it is our working expectation that the list will expand over time.

### **Amending the Renting Homes (Wales) Act 2016 to allow 16 and 17 year olds to be able to hold occupation contracts**

52. The White Paper proposed to explore further, through the consultation exercise, whether the Renting Homes (Wales) Act 2016 should be amended to allow 16 and 17 year olds to be occupation contract-holders, and, in so doing, broaden the accommodation options available to this group. Whilst the White Paper did not set this out as a legislative proposal, the majority of respondents agreed that the Renting Homes (Wales) Act 2016 should be amended to allow 16 and 17 year olds to be able to be occupation contract holders. However, a broad range of detailed comments expressed caution in relation to this proposal. Children's organisations highlighted particular concerns around safeguarding and the measures that would be taken to support implementation of this change, citing evidence that children and young people also share concerns about the potential consequences for them and their peers.

### ***Changes made as a result of this feedback***

53. Welsh Government is not therefore taking forward proposals related to occupation contracts for 16 and 17 years olds through this Bill.

### **Suitability**

54. Local authorities, registered social landlords and third sector organisations were mostly in agreement with proposals around improving suitability of accommodation. However, many expressed concerns about the practicality and feasibility of achieving these standards in the short term due to limited housing stock, high demand and budget constraints. Stakeholders also emphasised the need for clear guidance around implementation and the importance of considering the needs and circumstances of vulnerable groups in the guidance.
55. Feedback on the range of suitability focussed proposals varied depending on perceived deliverability and ambition.
56. Many respondents felt that the proposed changes to standards of accommodation could be, and in the vast majority of cases were, being met. There was wide ranging agreement that accommodation (both



temporary and settled accommodation) with category 1 hazards should never be deemed suitable, and that utilisation of shared sleeping spaces for applicants in temporary accommodation should not happen.

57. The White Paper also set out longer-term proposals for improvements in the standards of suitability of accommodation. Many of these were supported in principle but were deemed undeliverable, due to shortage of accommodation supply.

***Changes made as a result of this feedback***

58. Section 59 of the Housing (Wales) Act 2014 provides a power allowing Welsh Ministers to determine what ‘is or is not to be regarded’ as suitable accommodation for applicants. This power therefore already allows amendments to be made to the Homelessness (Suitability of Accommodation) (Wales) Order 2015 (“The Suitability Order 2015”), to make changes to suitability requirements. This will be informed by the temporary accommodation reviews required by this Bill and done in discussion with stakeholders to determine the right time and conditions for the Suitability Order 2015 to be amended.
59. The Bill will however require local housing authorities to have regard to Part 4 of the Renting Homes (Wales) Act 2016 (condition of dwelling) when determining suitability.
60. Continued engagement with local authorities will inform the timing of the commencement of these secondary legislative changes.
61. In recognition that many of the White Paper aims around suitability will take time to deliver and require ongoing review, the Bill will impose a duty on Welsh Ministers to undertake a regular review of the condition and use of temporary accommodation across Wales.
62. The frequency of reporting will be on a 5-year cycle, with the first report to be laid before the Senedd and published by 31<sup>st</sup> December 2030. This is a longer frequency than the three-year period originally proposed by the Expert Review Panel. However, it aligns to the frequency of other housing related data collection and reporting undertaken in Wales, including development of local authority local housing market assessments (LHMAs). The review will be used to inform ongoing policy and legislative work which will aim to improve standards of temporary accommodation over time.

**A right to request a review of the suitability of accommodation at any time during an applicant's occupation of the accommodation (which should be available beyond 21 days)**

63. The White Paper identified a range of decisions within the homelessness system, whether already in existence or as a result of the wider proposals of reform, that affect an applicant's outcome and their experience of housing services. In their review, the Expert Review Panel identified areas where key decisions taken by a local housing authority were not supported by a right to review or an adequate right to review by the applicant. The suitability of accommodation was one such area and the White Paper proposed that the suitability of accommodation should be a decision for which the applicant should have a right to request a review at any time during their occupation (a significant extension to the current 21 day limit).
64. Consultation responses widely agreed that applicants should be able to request a review of the suitability of placements in temporary accommodation for the duration of their occupation. However, significant concern was raised regarding an open-ended right to request a review of the suitability of settled accommodation, which was deemed unmanageable and over-burdensome by respondents.

***Changes made as a result of this feedback***

65. An open-ended review period will not be brought forward. However, the current review period of 21 days is also deemed to be too restrictive. The Welsh Government therefore proposes that the right to request a review of the suitability of accommodation should be available at any time either before accepting it or, where an offer has been accepted, at any time during which a duty in section 66, 68 or 75 of the 2014 Act applies, or within 6 months of the accommodation being made available to the applicant. This time period should provide sufficient time for an applicant to identify any unsuitable characteristics associated with the property that were not clear upon the initial viewing.

**Care leavers and young people**

66. The White Paper contained a range of proposals which sought to strengthen the prevention of homelessness amongst children and young people. It proposed a strengthening of existing corporate parenting responsibilities to ensure individuals aged 16 and 17 years who are homeless or at risk of homelessness do not fall between services, that no 16 or 17 year old should be accommodated in unsupported temporary accommodation, and for those leaving social care or the youth justice system, to prohibit use of the homelessness system as a route out of care or youth justice. It also proposed to provide 'additional preference' to care experienced people who are homeless and those fleeing abuse.

## **Prohibition of use of the homelessness system as a route out of care or youth justice**

67. Consultation respondents expressed support for clarifying legislation to expressly prohibit the use of the homelessness system as a route out of care or youth justice. They emphasised the importance of planning and making accommodation arrangements in advance for those leaving care, ensuring a smooth transition and preventing homelessness. Respondents emphasised the need for better engagement with housing and social services to ensure effective delivery of the proposals. Respondents also expressed concerns about securing the necessary funding and resources to implement the proposed changes effectively. They highlighted the need for significant additional resources to increase accommodation capacity and support services for young people.

### ***Changes made as a result of this feedback***

68. The unintended consequences of prohibiting use of the homelessness system for care leavers would be to remove a safety net which should always be available for emergency situations, however rare such situations should be. Instead, we have focussed on ensuring use of the homelessness system is never a default approach within pathway planning for looked after children.

69. The Bill therefore places new requirements on social services authorities to strengthen and support a proactive approach to transition from care to long term housing from social services, which should result in no need for the homelessness system to be used.

70. Under the Bill, joint protocols will be required between social services and housing options teams in local authorities to enable more effective integrated support for care leavers, 16 and 17-year-olds and children or care leavers leaving youth detention, prison or approved premises. By working together, these agencies can avoid duplication of efforts and ensure that support is comprehensive and well-coordinated.

71. The Bill also places new duties on local authorities under the Social Services and Well-being (Wales) Act 2014 to take reasonable steps to secure that suitable accommodation is available for occupation by a young person leaving care who would be subject to those new duties.

**No 16 or 17 year old should be accommodated in unsupported temporary accommodation/ that the use of unsuitable temporary accommodation, including bed and breakfasts, should not be used for people aged 25 and under, for any period of time**

72. Most registered social landlords and third sector respondents, who commented on the proposal in relation to 16 and 17 year olds, agreed with it. Local authority respondents were fairly evenly split between those who were unsure, those who agreed and those who disagreed with the proposal. Respondents who supported the proposal referenced the need to focus on trauma, well-being and the safety of young people. Responses to the proposal in relation to under 25-year-olds strongly indicated an inability to implement, given the current supply issues and the lack of available good standard temporary accommodation. Concerns were also raised that age alone is not an appropriate criterion to determine vulnerability, risk or capacity to live without support and that those under 25 were not a homogeneous group with a cohesive range of needs and experiences.
73. Many respondents highlighted the negative impact of unsupported temporary accommodation on the mental health and well-being of young people. They emphasised that homelessness itself is a traumatic experience and stressed the importance of providing appropriate support to address physical and mental health needs, substance misuse issues, and criminal justice needs. Respondents also raised concerns about the safety and security of young people in temporary accommodation.
74. However, several respondents expressed concerns about the availability and quality of support services for young people experiencing homelessness. They argued there is a lack of good quality, trauma-informed support that is accessible 24/7. They also highlighted the increasing support needs of young people and the pressure it puts on existing supported accommodation capacity. Respondents who opposed the proposal did so due to resource constraints, restrictions on choice, the need for flexibility due to exceptional cases and the rationale that the proposal is based on assumptions around vulnerability.
75. Some respondents argued that shared accommodation can be beneficial for reducing social isolation, sharing expenses, and providing mutual support. They also highlighted that self-contained accommodation may not be affordable for young people due to limitations in the benefit system. Concerns were raised about the potential negative consequences of forcing young people accustomed to self-contained accommodation into shared environments. Additionally, there was a call for individualised assessments of need rather than a one-size-fits-all approach based solely on age. Respondents argued that there should be room for exceptional

cases where alternative accommodation may be necessary in emergencies, even if only for a brief period.

***Changes made as a result of this feedback***

76. Given the strong implementation concerns associated with the proposal that unsuitable temporary accommodation, including bed and breakfasts, should not be used for people aged 25 and under, this proposal has not been taken forward in the Bill.

77. However, Bed and Breakfasts, hotels and other adult focussed accommodation are not an appropriate setting for children to live. The Housing (Wales) Act 2014 provides powers for Welsh Ministers to specify in secondary legislation the circumstances in which accommodation is or is not to be regarded as suitable and matters that must be taken into account or disregarded, when considering whether accommodation is suitable. We intend to amend the Suitability Order 2015 to ensure that unsupported accommodation is not suitable for young people aged 16-17, but will work with local authorities in relation to the timing of this change, in recognition of the supply issues which will inhibit implementation.

**Providing ‘additional preference’ to care experienced people who are homeless and those fleeing abuse**

78. Care experienced individuals are a group that disproportionately experience homelessness compared to the general population. The White Paper proposal intended to prioritise this group for social housing to alleviate homelessness and to increase the affordable housing options available to them. The proposal was generally supported in the consultation, with many local authorities already offering some additional preference when working to accommodate homeless applicants who are care experienced.

79. However, there were concerns raised by many who felt that there was no clear definition of who would be considered to be ‘care experienced’. Several respondents also preferred an approach to offer “reasonable preference” to care leavers, regardless of whether they are homeless. Ongoing engagement on this proposal with a variety of stakeholders has garnered strong support for this proposal.

***Changes made as a result of this feedback***

80. The term ‘care experienced’ has no legal definition and applying a definition in this Bill is beyond its scope. The Bill has been drafted to apply prioritisation to people for whom responsible local authorities have duties under section 108A of the Social Services and Well-being (Wales) Act

2014 (as inserted by section 23 of the Bill) to take reasonable steps to secure suitable accommodation is available for their occupation.

81. The Bill will require local authorities, when framing their allocation schemes, to award reasonable preference to this group, regardless of whether they are experiencing homelessness. Awarding reasonable preference will ensure wider housing options and solutions are provided for this group and is complementary to the other areas of the Bill intended to ensure care leavers do not have to enter the homelessness system at the point they transition from care.
82. A separate category of preference has not been implemented for those fleeing abuse, as this group is already prioritised for social housing as they fall within two of the existing reasonable preference categories: welfare grounds and where a failure to move would cause hardship to themselves or others.

### **Providing 'additional preference' to people experiencing homelessness.**

83. People who experience or who are at risk of homelessness and are owed a homelessness duty under the 2014 Act, are identified as a group of people in housing need and are required under the HA 1996 to be awarded 'reasonable preference' for the purpose of allocating social housing. The HA 1996 requires that the allocation of social housing must be framed around those categories of person who have a reasonable preference. The White Paper proposed that for those applicants owed a homelessness duty, they should also be awarded 'additional preference' in recognition of their urgent housing need and to increase the prioritisation for social housing they are awarded.
84. However, there were concerns raised by local housing authorities that this may result in homeless applicants being prioritised over other applicants who may not be experiencing homelessness, but are in urgent housing need. Further, a majority of consultation respondents raised concerns that the increase of prioritisation and preference awarded to households owed a homelessness duty, would further emphasise and exacerbate the risk of people viewing homelessness as the sole route into social housing, and potentially engaging in activity to put their tenancies at risk in order to receive this prioritisation.

### ***Changes made as a result of this feedback***

85. There is wide recognition and research to evidence that the allocation of social housing to households experiencing or at risk of homelessness varies across local housing authorities in Wales and that there is a need for the allocation of social housing to undertake a greater role in alleviating

homelessness. However, we are not of the view that legislative change around the preference awarded to homeless households will support this policy intention.

86. Instead, non-legislative steps will be taken to work with local housing authorities to increase and support efforts to move applicants experiencing homelessness out of temporary accommodation into suitable settled homes more quickly. Building on the development of local authority Rapid Rehousing Transition Plans, the Welsh Government will challenge over-reliance on temporary accommodation and work with local authorities to address the findings of research into social housing allocations and increase allocations to homeless households. Where homeless applicants continue to be overlooked or are not considered for the allocation of social housing, the Bill provides local housing authorities with a power to require RSLs to provide accommodation for an applicant owed a homelessness duty under the HWA 2014.

**Require the use of Common Housing Registers (CHRs), Accessible Housing Registers (AHRs) and common allocations policies across all local authorities in Wales**

87. As the majority of local authorities and registered social landlords already operate common housing registers (CHR), consultation responses were predominantly supportive of these proposals. There was widespread agreement that CHRs would likely lead to improved data sharing and aligned priorities for delivery partners, whilst providing a more easily accessible and transparent service for social housing applicants. However, some stakeholders strongly emphasised the high resource requirements to create a CHR, including the development of IT infrastructure.

***Changes made as a result of this feedback***

88. The Bill will require that local housing authorities must have CHRs and AHRs in their areas. Common allocation policies will not be required, following additional conversations with the Expert Review Panel and given the individual and varied nature of how these policies operate. The Welsh Government will continue to work with local authorities and housing providers to determine the design requirements and key functions of both CHRs, AHRs and common allocation policies, drawing on best practice, in order to support authorities in their implementation. Strengthened guidance in relation to the implementation of common allocation policies will be developed, in line with the recommendation of the Expert Review Panel.

## **Hospital discharge**

89. The White Paper proposed a requirement for discharge assessments to include consideration of a patient's housing needs and a joint duty for health and the local housing authority to work together to prevent homelessness at the point of hospital discharge.
90. Consultation activity (particularly direct local authority engagement and the online health event) strongly suggests that homelessness occurring following discharge from hospital is a significant issue. Several individuals who shared their lived experience of homelessness as part of the pre-consultation engagement also shared shocking experiences of rough sleeping following a stay in hospital.
91. However, it is also clear following ongoing, direct engagement with the NHS that an unintended consequence of the White Paper proposal for a joint duty for health and the local housing authority to work together to prevent homelessness at the point of hospital discharge, would be to delay discharge of individuals who are clinically optimised. Concerns were also raised in the consultation that the proposal to assist individuals at risk of homelessness upon discharge from hospitals may impose an administrative burden on healthcare facilities that is unmanageable.

## ***Changes made as a result of this feedback***

92. In response to this feedback, the Bill does not include duties in regard to hospital discharge. However, work is ongoing to build on our existing strategic commitment to ensure no one is discharged from hospital into homelessness and the Welsh Government is working with the NHS in Wales to develop joint guidance for both hospitals and local housing authorities on hospital discharge and homelessness.

## **Individuals entering and leaving custody, at risk of homelessness**

93. The White Paper outlined a number of proposals to target prevention activity at particular groups most at risk of homelessness, including a series of proposals related to improving housing outcomes for individuals in custody.
94. Feedback received during the consultation and other engagement activity strongly supported the concept of a targeted prevention approach to this group. However, many stakeholders shared significant concerns in relation to availability of appropriate housing supply and the structural and systemic challenges faced within the prison system, particularly access to individuals and the stigma associated with time in prison. There was broad agreement that strong multi-agency partnership approaches are pivotal in preventing homelessness amongst those leaving prison and that such



partnerships offer important opportunities to end entrenched and repeat rough sleeping and to reduce re-offending.

### ***Changes made as a result of this feedback***

95. The first three proposals within the White Paper in regard to individuals leaving custody, aimed to provide delivery partners and individuals in custody clarity over entitlement and duties. Both when these were owed and to emphasise the importance of the earliest possible assessment of need.
96. The White Paper proposed that when an individual is first sentenced to imprisonment, an assessment should be made at reception stage (the point the person first enters prison) of whether they are likely to lose any accommodation while serving their sentence and, if so, whether they are also likely to lose their possessions and whether they are likely to be released, and homeless within six months.
97. It went on to propose that someone held in custody should not be homeless despite not having access to accommodation in the community and that those in custody (be it on remand, recall or sentence) do not meet the criteria for homelessness unless one of the three following conditions are met:
- they are already under an existing duty under the Housing (Wales) Act 2014;
  - where existing accommodation is at risk as per the existing (or amended) definition; and/or
  - six (or fewer) months prior to release.
98. Each of the proposals was received positively in both the consultation and broader engagement activity and are being taken forward. However, the Bill does not include a stand-alone reception assessment duty as we intend for this to be captured under our “ask and act” provisions.

### **Early release**

99. The White Paper also proposed that in order to achieve an early release, the prisoner should be deemed to be homeless at the early release date where criminal justice services are discussing the potential for release, either on parole or bail.

### ***Changes made as a result of this feedback***

100. Following consultation, Welsh Government do not consider it appropriate to legislate in order to deliver our policy intention. Our wider proposals to strengthen earlier intervention and prevention should ensure

early access to services and any preparation that can be made for early release (noting recent changes in this policy area and the limits experienced by all stakeholders when undertaking planning). The Bill does, however, include provisions to clarify the duties owed to those in custody.

### **Material change of circumstances**

101. The White Paper proposed the insertion of a specific provision to ensure that any length of detention in custody would be considered a material change of circumstance and therefore ensure the applicant would be entitled to a section 62 assessment.

### ***Changes made as a result of this feedback***

102. Any time in custody should already be considered a material change of circumstances, and we intend to strengthen guidance to ensure this is made clear. This will be in addition to amendments (set out above) to the review process regarding a decision not to offer an applicant an assessment of housing need. In our view this is a more appropriate way forward that does not create unintended consequences to the assessment process under section 62 of the Housing (Wales) Act 2014.

### **Advice services**

103. The White Paper proposed that information and advice services should be available to people in custody and delivered by the 'host' local authority. Third sector respondents were very supportive of the proposal, while the local authority response was mixed (despite its close symmetry with the current position in law as part of the 2014 Act). Those authorities who would be tasked with providing the service were concerned about the practicalities, such as recruitment and access, whilst other authorities raised concerns as to their ongoing involvement.

### ***Changes made as a result of this feedback***

104. The Bill includes a minor amendment to section 60 of the 2014 Act (which requires the local authority to arrange the provision of advice and assistance) to emphasise that there is a requirement to provide advice services to people in custody. The Welsh Government will work with local authorities to determine the best way for this advice to be provided.

### **Ending and continuation of duties for individuals in custody**

105. The White Paper proposed to make clear those who are recalled or sentenced to custody while in receipt of an existing duty must not have their duty automatically ended. The intention of this proposal was to

ensure that duties are not ended and support is continued as people move in and out of the prison system (sometimes for very short periods of time).

### ***Changes made as a result of this feedback***

106. This proposal is addressed by the new eligibility criteria linked to the main housing duty under section 75 of the 2014 Act, for individuals in prison. For prisoners serving custodial sentences, the section 75 duty does not apply if there is no reasonable prospect of release within six months. If the applicant is a prisoner or residing in approved premises, the duty to secure accommodation applies once they are released or no longer required to stay in the approved premises. Local authorities will be able to end the section 75 duty where the time in custody is likely to be longer than six months. The prevention duty under section 66 will continue regardless of the length of the detention.

### **Accommodation available on release from custody**

107. The White Paper proposed, where possible, consideration be given to whether accommodation could be offered to a person in prison under the prevention duty, with a view to it being available on release, either under an occupation contract or on a more informal basis (accommodation with family or friends).

### ***Changes made as a result of this feedback***

108. This proposal is addressed by the new eligibility criteria linked to the prevention duty for individuals in prison. If a duty is owed, it must be continued. Local authorities can end a duty if the time in custody is expected to exceed six months, but only if there is no accommodation in the community to be preserved.

### **Refusal of accommodation offers under the prevention duty while in custody**

109. The White Paper also proposed the main housing duty should apply if the prevention duty comes to an end and the applicant is due to be homeless on release, even if the applicant has refused accommodation offered under the prevention duty.

### ***Changes made as a result of this feedback***

110. Following consultation and further stakeholder engagement, Welsh Government does not consider further legislative provisions beyond those already being brought forward are required to meet policy intention. The main challenges associated with facilitating early release are practical and include accommodation availability and efficient data sharing. We are of

the view that these issues are better addressed through practice guidance than legislation.

### **Regulatory Standards that apply to registered social landlords**

111. The White Paper considered whether changes should be made to the regulatory standards that apply to registered social landlords.
112. Feedback related to greater regulation in relation to homelessness was varied. Some respondents expressed concern that more regulation would create an adversarial relationship between registered social landlords and local authorities, when the overarching aim of the wider proposals is to require improved and greater partnership working. In addition, concerns were raised that having a means to enforce a lack of delivery did not address the reason for lack of delivery, which in many cases, will be due to the lack of available accommodation.

### ***Changes made as a result of this feedback***

113. Given the feedback received, and the breadth of existing legislation and regulation already in place, the Bill does not bring forward any additional regulation making powers for registered social landlords, which are outside of the scope of this legislation.

### **Post-consultation engagement**

114. Following the closure of the formal consultation process and the publication of the analysis of responses, the Welsh Government has continued to engage with stakeholders on policy design and rationale, alongside implementation planning. This engagement has continued throughout the development of the Bill.

### **Expert Review Panel**

115. The Expert Review Panel was reconvened on 26 February 2024 to provide further input on their recommendations, consider alternative approaches where necessary and identify additional actions required to respond to consultation feedback.

### **Cost Benefit Analysis**

116. The Welsh Government worked with Alma Economics to produce a cost benefit analysis to inform the Regulatory Impact Assessment. As part of this work costings analysis survey was shared with stakeholders.

117. Welsh Government officials have met with professionals across the wider public sector to develop the legislation and consider the broader practical and implementation requirements. This work has considered the proposed new duties to ask and act and the proposals related to targeted prevention of homelessness.

### **Local Housing Authorities**

118. Welsh Government officials have regular meetings with local housing authority teams. These meetings have been used to provide updates, develop the Regulatory Impact Assessment, test policy development and to inform commencement planning.

### **Registered Social Landlords**

119. We have worked with registered social landlords to develop proposed changes to allocations policies, common housing registers and broader support for individuals with multiple and complex support needs.

### **Social Services engagement**

120. We have undertaken ongoing engagement with the All Wales Heads of Children's Services who have assigned the Bill a lead professional. We continue to work with our lead and the overall group to update them on Bill development and test and develop the proposals relevant to the social work profession. We have worked with "critical friend" practitioners from several authorities to understand the practical impact of these proposals.

### **Youth Justice Board engagement**

121. We have engaged with the Youth Justice Board in Wales, undertaking detailed policy development with them to align the Bill with the "child first" approach and youth justice blueprints.

### **Welsh NHS**

122. We have engaged with senior leads for the 'Six Goals for Urgent & Emergency Care' within the NHS Executive and continue to work with them to develop our statutory guidance around hospital discharge and homelessness, which includes the application of proposals to "ask and act". This work is aligned closely to the principles of 'Home First: The Discharge to Recover then Assess (D2RA)' model. The National Strategic Health Inclusion Group (which includes leads from Public Health Wales, primary care and every Local Health Board in Wales) are advising on the policy development related to "ask and act" within health and we have worked with "critical friend" practitioners from several Local Health Boards and national charities to understand the practical impact of these

proposals and learn from best practice. This includes a duty to refer currently being piloted at Cardiff and the Vale University Health Board.

## **Education**

123. We have undertaken detailed and ongoing engagement with the education unions in Wales via the Welsh Government Policy Development & Implementation Working Group. We have also undertaken small scale direct engagement with schools across Wales in order to consider how “ask and act” might work in schools.

## **HMPPS**

124. Ongoing engagement has taken place with HMPPS and prison hosting local authorities to refine proposals around the criminal justice system and prison leavers who are at risk of homelessness.
125. A Post Custody Accommodation Working Group is in place to further explore the proposed changes in this area. Within a detailed work programme, a working group is undertaking a detailed review of the existing ‘National Pathway for Homelessness Services to Children, Young People and Adults in the Secure Estate’.
126. Although non-devolved, engagement has also commenced with stakeholders to explore how the current Multi Agency Public Protection Arrangements (MAPPA) system. This is designed to ensure an efficient multi-disciplinary approach is taken to those due to leave custody who are subject to MAPPA.

## **Third sector**

127. We have provided regular updates on the Bill at a range of conferences targeting housing civil society, including those run by Cymorth Cymru, the Chartered Institute of Housing and Shelter Cymru. We have engaged with a range of third sector organisations representing groups disproportionately impacted by homelessness including children, care leavers and people leaving the armed forces.

## **Reserved authorities**

128. The Welsh Government has undertaken engagement with the relevant UK Government departments in control of the reserved bodies relevant to the Minister of the Crown Consents process.

### **Reasons for not consulting on a draft Bill**

129. The provisions included in the Bill mostly align with the proposals set out in the White Paper which was the subject of consultation as outlined above. Given the breadth and depth of engagement in respect of the proposals over a prolonged period, it was not considered necessary to consult on a draft Bill. Following consideration of the consultation responses and the results of engagement sessions there have been some changes to the original proposals. These are outlined above.

## Chapter 5. Power to make subordinate legislation

**Table 5.1: Summary of powers to make subordinate legislation in the provisions of the Homelessness and Social Housing Allocation (Wales) Bill**

| Section          | Power/<br>function<br>conferred<br>on | Form        | Appropriateness of delegated power  | Procedure   | Reason for procedure  |
|------------------|---------------------------------------|-------------|---|-------------|---|
| 6(3) and<br>6(4) | Welsh<br>Ministers                    | Regulations | <p>Section 6(3) inserts a revised section 75 into the 2014 Act. This revised section includes the addition of a local connection test to entitlement the section 75 duty, so that only those with a local connection to Wales will be eligible for the main housing duty in section 75 unless any of the circumstances in 75(5) apply.</p> <p>Currently under section 75(5)(a) provides the local connection test does not apply if the person is at risk of abuse.</p> <p>Section 75(5)(b) imposes a power on Welsh Ministers to prescribe other categories of persons to whom this test does not apply,</p> <p>Section 6(4) amends section 142 (orders and regulations) of the HWA 2014 to provide a regulation making power under section 75(5)(b), which is subject to the affirmative procedure.</p> | Affirmative | The powers enables Welsh Ministers to adjust entitlement under section 75. Therefore, the affirmative procedure is appropriate to ensure decisions receive proper scrutiny. |



| Section       | Power/<br>function<br>conferred<br>on | Form        | Appropriateness of delegated power   | Procedure   | Reason for procedure   |
|---------------|---------------------------------------|-------------|--|-------------|--|
|               |                                       |             | The Regulation power is appropriate to set out a clearer definition of local connection, which is currently set out in guidance.   |             |  |
| 11(3) and (7) | Welsh Ministers                       | Regulations | <p>Section 11(3) inserts a revised section 80(2) and new section 80(2A) in the 2014 Act which includes the provision for local connection referrals before either a section 66 or 75 duty is accepted (section 66 is only in the context of someone in custody).</p> <p>In both cases a referral can only be made if the conditions are met that are set out in subsection 80(3). Section 80(2)(b) and 80(2A) (b) provides the Welsh Ministers with powers to prescribe other circumstances when the conditions for a referral are met.</p> <p>Section 11(7) amends section 142 (orders and regulations) of the HWA 2014 to provide that these regulation making powers under section 80(2)(b) and 80(2A)(b) are subject to the affirmative procedure.</p> | Affirmative | Linked to the previous power, the power enables Welsh Ministers to specify the prescribed circumstances where a local connection referral could be made. |

| Section            | Power/<br>function<br>conferred<br>on | Form        | Appropriateness of delegated power   | Procedure   | Reason for procedure  |
|--------------------|---------------------------------------|-------------|--|-------------|---|
| 12(2)              | Welsh<br>Ministers                    | Regulations | Section 81(4) of the HWA 2014 contains an existing power to specify by order in relation to two of the four local connection conditions contained at section 81(2) - specific circumstances in which (a) a person is not to be treated as employed in an area, or (b) residence in an area is not to be treated as of a person's own choice. Section 12(2) of the Bill amends section 81(4) to ensure that each of the local connection conditions are now subject to a power to make regulations.   | Affirmative | The powers enables amendments to be made to all of the conditions for local connection and integrates the existing regulation making powers already contained at section 81(4).                                 |
| 13(2) and<br>13(3) | Welsh<br>Ministers                    | Regulation  | <p>Section 13(2) of the Bill inserts a new section 81A in the HWA 2014. This new section makes provisions about applicants who are exempt from referral under section 80 (the local connection test). Section 81A(2)(b) provides the Welsh Minister with a power to prescribe other categories of persons who are exempt from referral.</p> <p>Section 13(3) amends section 142 (orders and regulations) of the HWA 2014 to provide that this regulation making power under section 81A(2)(b) is subject to the affirmative procedure.</p> | Affirmative | The power enables amendments to be made to categories which are exempt from local connection referrals. Flexibility is required to allow these categories in the future, based on changing policy view or need. |

| Section         | Power/<br>function<br>conferred<br>on | Form        | Appropriateness of delegated power  | Procedure   | Reason for procedure   |
|-----------------|---------------------------------------|-------------|---|-------------|--|
|                 |                                       |             | The Regulation power is appropriate as flexibility is necessary to add other categories of persons who are exempt from referral.  |             |  |
| 21(2) and 21(4) | Welsh Ministers                       | Regulations | <p>Section 21 of the Bill inserts new sections 94A and 94B into the HWA 2014. Section 94A sets out a new duty to ask and act and section 94B(2)–(4) provide a power for the Welsh Ministers to omit or add a reference to person, or a description of a person and to change a reference to a person or a description of a person subject to the new duty to ask and act.</p> <p>The regulations may include provision that would require the consent of the appropriate Minister under paragraph 8(1)(a) or (c), 10 or 11 of Schedule 7B to the Government of Wales Act 2006 (c. 32) if the provision were included in an Act of Senedd Cymru; (b) may include provision that would require consultation of the appropriate Minister under paragraph 11(2) of Schedule 7B to the Government of Wales Act 2006 if the provision were included in an Act of Senedd Cymru.” “ask and act”.</p> <p>The bodies to which the duty applies are listed in the Bill, and a power is sought to update this list in the future as required via secondary legislation.</p> | Affirmative | The power is to add to or remove a provision within primary legislation. Affirmative procedure is therefore considered to offer the appropriate level of scrutiny. |

| Section | Power/<br>function<br>conferred<br>on | Form        | Appropriateness of delegated power  | Procedure | Reason for procedure |
|---------|---------------------------------------|-------------|---|-----------|----------------------|
|         |                                       |             | <p>This is considered suitable for regulations as flexibility is required. The list of those persons may need amending (to add or omit a specified person, or change a description of a person) in the future to accommodate new or different persons. This is to ensure the list remains current and relevant to the organisations who are in a position to prevent homelessness from across the public sector.</p> <p>Section 21(4) amends section 142 (orders and regulations) of the 2014 Act to provide that this regulation making power under section 94 (B)(2)-(3) is subject to the affirmative procedure.</p> |           |                      |
| 23(4)   | Welsh Ministers                       | Regulations | <p>Section 23(4) of the Bill amends the Social Services and Well-being (Wales) Act 2014 (“the SSWB 2014”) to substitute the existing power in section 109(3) with a new power in section 109A to make regulations about the meaning of “suitable accommodation” for young persons.</p> <p>The existing power provides that regulations may make provision about the meaning of “suitable accommodation” and in particular about the suitability of landlords or other providers of accommodation. As amended, regulations may make provision by reference to</p>  | Negative  |                      |

| Section          | Power/<br>function<br>conferred<br>on | Form        | Appropriateness of delegated power  | Procedure   | Reason for procedure   |
|------------------|---------------------------------------|-------------|---|-------------|--|
|                  |                                       |             | <p>(a) any matter connected to the accommodation, including (among other things)</p> <p>(i) the suitability of providers of accommodation;</p> <p>(ii) the conditions of occupation;</p> <p>(iii) the nature or standard of accommodation;</p> <p>(iv) the location of accommodation;</p> <p>(b) the personal characteristics or circumstances of a young person to whom section 108A or 109 applies or any person with whom they may live with.</p> <p>This is necessary to ensure accommodation is suitable to the needs of this group and allows flexibility for Welsh Ministers to respond to issues relating to accommodation supply or providers quickly, ensuring young people are not placed in unsuitable accommodation.</p> |             |  |
| 32 (2) and 32(3) | Welsh Ministers                       | Regulations | Section 32(2) of the Bill substitutes section 95(5)–(8) of the HWA 2014. Section 95 concerns the duty to co-operate. Subsections 95(6)–(7) provide a power for the Welsh Ministers to make regulations to omit or add a reference to a person, or a description of a person; to change a reference to a person or a description of a person. The regulations may include provision that would   | Affirmative | The power is to add to or remove a provision within primary legislation. Affirmative procedure is therefore considered to offer the appropriate level of scrutiny. |

| Section | Power/<br>function<br>conferred<br>on | Form | Appropriateness of delegated power   | Procedure | Reason for procedure |
|---------|---------------------------------------|------|--|-----------|----------------------|
|         |                                       |      | <p>require the consent of the appropriate Minister under paragraph 8(1)(a) or (c), 10 or 11 of Schedule 7B to the Government of Wales Act 2006 (c. 32) if the provision were included in an Act of Senedd Cymru; (or may include provision that would require consultation of the appropriate Minister under paragraph 11(2) of Schedule 7B to the Government of Wales Act 2006 if the provision were included in an Act of Senedd Cymru.</p> <p>The Bill inserts section 95(1C) - (1E) which introduces a further duty on local housing authorities to promote co-operation between itself and such persons mentioned in subsection (1D) that exercise functions in the authority's area with a view to achieving the objectives in (1C) including ensuring effective case co-ordination by those persons (in (1D)) regarding those who are or may become homeless and who may also be in particular need of other support. Under this provision the persons with whom the local housing authority must promote co-operation include those listed in subsection 95(5) - the list which can be amended by the regulation making power in subsection (6)-(7).</p> |           |                      |

| Section | Power/<br>function<br>conferred<br>on | Form        | Appropriateness of delegated power   | Procedure | Reason for procedure |
|---------|---------------------------------------|-------------|--|-----------|----------------------|
|         |                                       |             | <p>The bodies to which the duty applies are listed in the Bill, and a power is sought to update this list in the future. This is considered suitable for regulations as flexibility is required to ensure the list can be amended to reflect growing policy intention and engage relevant organisations in the prevention of homelessness.</p> <p>Section 32(3) amends section 142 (orders and regulations) of the 2014 Act to provide that this regulation making power under section 95 (6)-(7) is subject to the affirmative procedure.</p>   |           |                      |
| 35(4)   | Welsh Ministers                       | Regulations | <p>Section 35(4) of the Bill inserts new subsections (6A)–(6C) into section 160A of the Housing Act 1996. Section 160A relates to eligibility for allocation of social housing. New subsections 160A (6A)–(6B) provides the local housing authorities with discretion to set their own rules about who qualifies for allocation of social housing. The discretion conferred on the local housing authority around setting the classes of persons who are and are not qualifying will be constrained by the provisions of the Act. The discretion could also be constrained by provision made in Regulations.</p> | Negative  |                      |

| Section | Power/<br>function<br>conferred<br>on | Form        | Appropriateness of delegated power   | Procedure | Reason for procedure |
|---------|---------------------------------------|-------------|--|-----------|----------------------|
|         |                                       |             | <p>Subsection (6C) provides a power to make regulations to:</p> <p>(a) prescribe classes of persons who are, or are not, to be treated as qualifying persons by local housing authorities in Wales, and</p> <p>(b) prescribe criteria that may not be used by local housing authorities in Wales in deciding what classes of persons are not qualifying persons.</p> <p>This is considered suitable for regulations as flexibility is required as the categories of persons who are, or are not, to be considered qualifying persons by local housing authorities in Wales, or the criteria that may not be used by these authorities, may need to be amended to respond to future changes and evolving housing needs.</p> |           |                      |
| 38      | Welsh Ministers                       | Regulations | <p>Section 38 amends section 160A of the HA1996, to insert Section 160D which provides a power to make provision for and in connection with common housing registers. The regulations may, in particular, make provision:—</p> <p>(a) about amending and removing entries in the register in respect of a person;</p> <p>(b) about giving notice (for example, giving notice if a person is included in the register or if an entry</p>  | Negative  |                      |



| Section | Power/<br>function<br>conferred<br>on | Form | Appropriateness of delegated power  | Procedure | Reason for procedure |
|---------|---------------------------------------|------|---|-----------|----------------------|
|         |                                       |      | <p>in the register in respect of a person is amended or removed);</p> <p>(c) about the information that may or must be included on the register;</p> <p>(d) requiring or authorising the disclosure of information contained on the register to a person or description of person specified in the regulations;</p> <p>(e) conferring functions on local housing authorities in Wales.</p> <p>Section 38 amends section 160A of the HA1996, to insert Section 160E which provides a power to make provision for and in connection with a register required to be established and maintained under the section of Accessible Housing Registers. The regulations may, in particular, make provision:—</p> <p>(a) about amending and removing an entry in the register in respect of housing accommodation;</p> <p>(b) about giving notice (for example, giving notice to persons specified in the regulations if accommodation is included on the register or if an entry in respect of the accommodation is amended or removed);</p> |           |                      |

| Section | Power/<br>function<br>conferred<br>on | Form        | Appropriateness of delegated power   | Procedure  | Reason for procedure  |
|---------|---------------------------------------|-------------|--|--|---|
|         |                                       |             | (c) about the information that may or must be included on the register;<br>(d) requiring or authorising the disclosure of information contained on the register to a person or description of person specified in the regulations;<br>(e) conferring functions on local housing authorities in Wales   |  |   |
| 41      | Welsh Ministers                       | Regulations | Section 41(1) provides a power to make regulations to make:<br>(a) make provision that is incidental or supplementary to, or consequential on, any provision of this Bill<br>(b) make transitional or saving provision in connection with any provision of the Bill.<br>Section 41 provides a power to make consequential amendments to, and modifications, repeals and revocations of, an enactment including provisions in this Act. | Negative unless making changes to primary legislation in which case, affirmative | Negative procedure is appropriate for those regulations which make technical provisions.<br><br>Affirmative procedure is appropriate where regulations amend primary legislation. |
| 42      | Welsh Ministers                       | Order       | Suitable for delegated powers because this provision enables the Welsh Ministers to provide for commencement of the Bill.  | No procedure   | These orders relate to commencement of the provisions of the Bill and are technical in nature.  |

**Table 5.2: Summary powers to issue guidance in the Provisions of the Homelessness and Social Housing Allocation (Wales) Bill**

| Section | Power/function conferred on | Form     | Appropriateness of delegated power  | Procedure    | Reason for procedure  |
|---------|-----------------------------|----------|---|--------------|---|
| 21(3)   | Welsh Ministers             | Guidance | Section 21(3) amends section 98 of the HWA 2014 (Guidance) to provide that a specified public authority listed in new section 94(B) must consider the guidance issued by the Welsh Ministers when performing its duties under section 94A (Duty of a public authority to ask and act).  | No procedure | Guidance is considered appropriate as it is intended to facilitate the application and implementation of primary legislation.<br><br>Guidance will be issued by the Welsh Ministers and is not subject to a Senedd procedure. |
| 33      | Welsh Ministers             | Guidance | Section 33 inserts a new section 96A into the HWA 2014 which provides that a social landlord must comply with a request from a local authority to provide accommodation for a homeless applicant owed the main duty under section 75, within a reasonable period, unless there is a good reason for not complying. Further they must comply with a reasonable request for information relating to the local authority's functions under section.<br><br>Subsection 96A(6) provides a power for Welsh Ministers to issue guidance for social landlords on what constitutes a good reason | No procedure | Guidance is considered appropriate as it is intended to facilitate the application and implementation of primary legislation.<br>Guidance will be issued by the Welsh Ministers and is not subject to a Senedd procedure.     |

| Section | Power/function conferred on | Form       | Appropriateness of delegated power  | Procedure    | Reason for procedure   |
|---------|-----------------------------|------------|---|--------------|--|
|         |                             |            | for not complying, a reasonable period of time to comply and a reasonable request from a local authority to provide information.  |              |  |
| 33      | Welsh Ministers             | Directions | Section 33 inserts new sections 96A and 96B into the HWA 2014. Section 96B(5) provides a power for Welsh Ministers to direct social landlords to comply with a request by the local housing authority made under section 96A (see above) within such period as may be specified in the direction. | No procedure | The substance of the power to issue a direction is set out on the face of the Bill and is limited in scope and as such, to apply a Senedd procedure is not considered appropriate. |
| 31      | Welsh Ministers             | Publish    | Section 31 provides the Welsh Ministers must publish and lay before Senedd Cymru a report on use and condition of interim accommodation. The first report under this section must be laid, and published, before 31 December 2030 and thereafter every 5 years.                                   | No procedure | Published criteria will be technical in nature and largely deal with process and as such, to apply a Senedd procedure is not considered appropriate.                               |

## PART 2 – REGULATORY IMPACT ASSESSMENT

### Chapter 6: Regulatory Impact Assessment (“RIA”) Summary

1. A Regulatory Impact Assessment (“RIA”) has been completed for the Bill and it follows below.
2. There are no specific provisions in the Bill which charge expenditure on the Welsh Consolidated Fund.
3. The following table presents a summary of the costs and benefits for the Bill as a whole. The table has been designed to present the information required under Standing Order 26.6 (viii) and (ix).

| Homelessness and Social Housing Allocation (Wales) Bill  |   |  |
|--|---|--|
| <b>Preferred option:</b><br><br>Introduce the Homelessness and Social Housing Allocation (Wales) Bill.<br><br>The Bill will amend Part 2 of the Housing (Wales) Act 2014, Part 6 of the Housing Act 1996 and Part 6 of the Social Services and Well-being (Wales) Act 2014. It focuses on expanding access to homelessness services and providing additional support to those in need. The Bill widens the responsibility of specified public authorities in Wales to identify and assist individuals at risk of homelessness. Additionally, the Bill prioritises the allocation of social housing to those more in need, enhancing prevention and relief efforts for homelessness in Wales. |   |  |
| <b>Stage:</b> Introduction   | <b>Appraisal period:</b> 2026-7 - 2035-6                            | <b>Price base year:</b> 2023-4             |
| <b>Total Cost</b><br>Total: £325.8m<br>Present value: £246.5m  | <b>Total Benefits</b><br>Total: £1,195.3m<br>Present value: £949.2m | <b>Net Present Value (NPV):</b><br>£702.7m |

#### Administrative cost

**Costs:**

The administrative costs for implementing the Bill are estimated to total £325.8m. Of this total, £15.3m are transitional costs which are split £0.4m for Welsh Government, £2.4m for local authorities and £12.5m for the wider public sector and registered social landlords (RSLs). The transitional cost to wider public bodies and RSLs is an opportunity cost and reflects the training requirement associated with the 'ask and act' provisions. In this context, 'wider public bodies' includes HM Prison and Probation Service (HMPPS), health boards, Ministry of Defence (MoD) and the Department for Work and Pensions (DWP), amongst others.

The majority of the recurrent costs are expected to fall to local authorities (£302.4m), with the remainder split between Welsh Government (£1.5m) and wider public bodies/RSLs (£6.6m).

|  |                   |               |            |
|--|-------------------|---------------|------------|
| Transitional: £15.3m   | Recurrent: £310.6 | Total: £325.8 | PV: £246.5 |
| <b>Cost-savings:</b> The benefits section below sets out the potential financial benefits (avoided costs) if the provisions in the Bill result in a ten-percentage point improvement in recent homelessness prevention and relief rates. |                   |               |            |
| Transitional: £-   | Recurrent: £-     | Total: £-     | PV: £-     |
| <b>Net administrative cost: £325.8m</b>  |                   |               |            |

### Compliance costs

All identified costs have been included in the administrative costs section above.

|                  |               |           |        |
|------------------|---------------|-----------|--------|
| Transitional: £- | Recurrent: £- | Total: £- | PV: £- |
|------------------|---------------|-----------|--------|

### Other costs

No other costs have been identified.

|                  |               |           |        |
|------------------|---------------|-----------|--------|
| Transitional: £- | Recurrent: £- | Total: £- | PV: £- |
|------------------|---------------|-----------|--------|

### Unquantified costs and disbenefits

We have not been able to adequately consider the counterfactual of homelessness – i.e. what would the outcomes be for a homeless person if they were not homeless. For example, impacts on employment outcomes, universal credit and taxation would require significant data on both homelessness and non-homelessness outcomes for the modelled cost of homelessness to be incremental to homelessness itself.

## Benefits

After an initial transition period, the provisions in the Bill are expected to result in financial benefits to public bodies in Wales due to an improvement in the rates of homelessness prevention and relief. While there is some uncertainty around how much the provisions in the Bill will increase these rates, the central estimate in the modelling is for a ten-percentage point improvement on each rate. Such an improvement would require return of the prevention rate to close to the pre-Covid 19 pandemic levels. It is therefore considered realistic and achievable. On this basis, the estimated financial benefits to local authorities, the wider public sector and RSLs are estimated to total £475m, £167m and £3.7m respectively.

In addition to the financial benefits, the modelling also estimated £549.6m in social benefits due to the anticipated improvement in the prevention and relief rates. These benefits are expected to accrue to the individual/household in the form of health benefits (£432.9m) and earnings benefits (£116.7m).

**Total: £1,195.3m**

**PV: £949.2m**

## Key evidence, assumptions and uncertainties



This RIA is based, in part, on the work of Alma Economics, who were commissioned by the Welsh Government in April 2024 to:

- understand the extent of the costs and benefits of the proposed legislative changes outlined in the White Paper on Ending Homelessness in Wales;
- obtain up-to-date estimates of costs, benefits, and parameters;
- capture estimates on all impacted stakeholders, including the Welsh Government, local authorities and wider public services.

The ALMA economics analysis is based on authoritative research and primary data, including engagement with local authorities, registered social landlords (RSLs), and the wider public sector in Wales.

The RIA endeavours to make use of this independent analysis and wherever possible, this evidence underpins the estimates of the costs and benefits of the Bill. Where such evidence is not available, the available data has been combined with practice-based feedback and professional judgement to form assumptions around the implementation and impacts of the proposed legislation.

It must be noted that due to time constraints, the ALMA analysis was conducted in parallel with the development of the Bill and ongoing stakeholder engagement. The ALMA work provides estimates related to groups of the preceding White Paper proposals. It does not cost each individual proposal and in some cases alternative approaches have been taken to the proposals set out in the ALMA analysis. For this reason, costs set out in the ALMA analysis will not always be the same as the costs and benefits outlined in the RIA.

### **Caveats**

We have worked to collate the best available evidence in relation to homelessness in Wales but, for several reasons, it has been necessary to make simplifications and key assumptions for some proposals within the Bill.

#### *Data availability*

There are data gaps relating to the progression of people through the homelessness system. Our analysis has relied heavily on data on homelessness statutory outcomes; however this data is outcomes based and does not provide individual level detail. Given that data on outcomes is a flow variable rather than a stock variable, it cannot be fully determined whether there are people who are experiencing homeless but are not recorded as having an outcome. As a result, the analysis does not consider any case backlogs.

Further, data on temporary accommodation does not map to the statutory outcomes data which limits our ability to model the relationship between temporary accommodation and each of the homelessness statutory duties.

#### *Rough sleeping*

A lack of quality data has also presented challenges to adequately capture rough sleeper costs. We have therefore assumed that rough sleeping costs are fixed in the short to medium term and have not considered any change to these figures as a result of the reforms.

#### *Future demand*

The ALMA analysis captures the state of homelessness at a point in time using data from recent years where possible. All projections therefore illustrate outcomes if this state of the world continued, without change. This analysis does not seek to make predictions on the drivers and outcomes of homelessness, and how this will affect the composition of costs.

## Chapter 7: Structure of RIA

1. This section sets out the Regulatory Impact Assessment of the Homelessness and Social Housing Allocation (Wales) Bill.
2. First, the assessment will first set out the overall costs and benefits of the Bill in its entirety, alongside a value for money assessment of the reforms. The RIA assesses the costs and benefits of the proposed reforms. In order to assess value for money, we have set these costs within the overall forecast total cost of a reformed homelessness system.
3. Second, the assessment will take each part of the Bill in turn; part 1 will focus on homelessness and part 2 will focus on social housing allocation. The RIA does not include assessment in relation to part 3 of the Bill, given that it contains provision related to interpretation of terms used in the Bill, minor and consequential amendments, powers to make consequential and transitional provision, coming into force provision and the short title of the Bill.
4. Each part will include an options appraisal (business as usual compared to the Bill) of each proposal and their associated costs and benefits. Significant engagement has taken place over the past decade to assess what changes are required to the homelessness system in Wales to meet our policy aims and how these changes should be made. This engagement has taken place with a wide range of stakeholders and has resulted in a range of different areas of work, including the Homelessness Action Plan, the work of the Ending Homelessness National Advisory Board, increases to the Homelessness Support Grant and other funding offers. During the early development of the Bill we considered carefully where legislative reform was necessary, highlighting in the White Paper our views on where other levers were more appropriate. Given this long history of broader engagement and development, the RIA therefore focusses only on BAU and legislative reform.
5. The Bill contains a range of provisions which are finely calibrated to deliver broad policy aims. The RIA groups some provisions as it will be their combined delivery, which delivers the policy intention. This reflects the interdependence between provisions and avoids double counting.
6. The RIA assumes a ten-year implementation period for the proposed reforms and takes account of costs and benefits across this period. It must be noted that implementation planning for the Bill suggests that it should be commenced incrementally. This will allow the prioritisation of provisions aimed at increasing prevention and flow out of the system (to relieve the pressure the system is currently experiencing) before enacting other reforms which may make new demands on the system, such as the changes proposed to the priority need and intentionality tests. It is expected that initial implementation of some of the reforms will begin in 2027-28, with a strong focus on increasing prevention. Throughout the RIA, we indicate the estimated year in which each proposal could be enacted.

7. This RIA is based, in part, on the work of Alma Economics, who were commissioned by the Welsh Government in April 2024 to:
  - understand the extent of the costs and benefits of the proposed legislative changes outlined in the White Paper on Ending Homelessness in Wales;
  - obtain up-to-date estimates of costs, benefits, and parameters;
  - capture estimates on all impacted stakeholders, including the Welsh Government, local authorities and wider public services.
8. The ALMA economics analysis is based on authoritative research and primary data, including engagement with local authorities, registered social landlords (RSLs), and the wider public sector in Wales.
9. The RIA endeavours to make use of this independent analysis and wherever possible, this evidence underpins the estimates of the costs and benefits of the Bill. Where such evidence is not available, the available data has been combined with practice-based feedback and professional judgement to form assumptions around the implementation and impacts of the proposed legislation.
10. It must be noted that due to time constraints, the ALMA analysis was conducted in parallel with the development of the Bill and ongoing stakeholder engagement. The ALMA work provides estimates related to groups of the preceding White Paper proposals. It does not cost each individual proposal and in some cases alternative approaches have been taken to the proposals set out in the ALMA analysis. For this reason, costs set out in the ALMA analysis will not always be the same as the costs and benefits outlined in the RIA.
11. The ALMA analysis also updates the costs associated with the Bill, based on assumptions within their stock and flow model relating to increases in caseload.

## **Methodology**

12. The following sections of the RIA will set out our overall cost benefit analysis and analysis for each provision or groups of provisions, in the order they are set out in the Bill. For each provision we will set out the evidence on which we have made our estimates, and any assumptions made to reach these estimates. To do this, we have utilised the work undertaken by ALMA Economics, noting the limitations set out above.
13. To avoid repeated references, we set out below the overall approach to methodology taken to establish baseline costs for delivering the homelessness system currently and for establishing the costs and benefits of the proposed legislative reform.
14. All calculated costs have been rounded to the nearest £100 (unless otherwise stated), some of the totals in tables may not sum due to this rounding. A discount rate of 1.5% has been applied to health benefits. The standard 3.5% discount rate has been applied to all other costs and benefits. This is in line with the methodology set out in HM Treasury's Green Book.

15. In order to assess the current cost of homelessness and use this to inform the impacts of the Bill, Alma Economics devised a stock and flow model to outline the business-as-usual (BAU) scenario. In this context, the BAU scenario demonstrates the state of homelessness in Wales, and how this is projected to change over time assuming no change to policy or legislation. Key outputs from the stock and flow model include projected volumes of homelessness, which have been used to inform other components of the model.
16. To develop the BAU scenario, Alma Economics engaged in a costing exercise involving:
  - A review of existing homelessness data.
  - Stakeholder interviews.
  - Scoping interviews with four Welsh urban, rural and valley populations.
  - A costing survey for all local authorities.
  - A costing template for Welsh RSLs.
17. The costing survey and templates gathered data on annual costs relating to vulnerable groups, temporary accommodation, short-term supported accommodation, rough sleeping, social housing, administration and delivery, social housing demand and associated costs.
18. Alma Economics used the survey data to develop annual average unit costs relating to gross temporary accommodation unit costs, support accommodation, social housing and labour costs.
19. To assess the impact and cost of the legislative changes, we have identified broad quantifiable impacts that would affect improvement assumptions. It is not possible to predict the exact improvements in homelessness prevention and relief prompted by the Bill and the period of time over which these improvements will take effect. Therefore, as set out below, we have taken a scenario-based approach to assess the improvements in the prevention and relief rates of homelessness necessary to achieve financial cost savings that offset the implementation costs. We have set out a minimum implementation scenario at the beginning of chapter 8.

## **Caveats**

20. We have worked to collate the best available evidence in relation to homelessness in Wales but, for several reasons, it has been necessary to make simplifications and key assumptions for some proposals within the Bill.

## ***Data availability***

21. There are data gaps relating to the progression of people through the homelessness system. Our analysis has relied heavily on data on homelessness statutory outcomes; however this data is outcomes based and does not provide individual level detail. Given that data on outcomes is a flow variable rather than a stock variable, it cannot be fully determined whether there are people who are

experiencing homeless but are not recorded as having an outcome. As a result, the analysis does not consider any case backlogs.

22. Further, data on temporary accommodation does not map to the statutory outcomes data which limits our ability to model the relationship between temporary accommodation and each of the homelessness statutory duties.

### *Rough sleeping*

23. A lack of quality data has also presented challenges to adequately capture rough sleeper costs. We have therefore assumed that rough sleeping costs are fixed in the short to medium term and have not considered any change to these figures as a result of the reforms.

### *Future demand*

24. The ALMA analysis captures the state of homelessness at a point in time using data from recent years where possible. All projections therefore illustrate outcomes if this state of the world continued, without change. This analysis does not seek to make predictions on the drivers and outcomes of homelessness, and how this will affect the composition of costs.
25. This analysis acknowledges limitations with being able to adequately consider the counterfactual of homelessness due to a lack of evidence – i.e. what would the outcomes be for a homeless person if they were not homeless. For example, impacts on employment outcomes, universal credit and taxation would require significant data on both homelessness and non-homelessness outcomes for the modelled cost of homelessness to be incremental to homelessness itself.
26. Acknowledging the paucity of data and issues with quality, we have sought to use the best possible evidence to assess the costs and benefits associated with the Bill and these are outlined below.

## Chapter 8: Options, Costs and Benefits

### Setting the context

1. Before setting out the individual costs and benefits associated with the Bill provisions, it is first necessary to set out the scale of homelessness within Wales and the context in which homelessness services are currently being delivered. This is outlined in detail in chapter 3 and summarised below.
2. The experience of and response to homelessness in Wales has irreversibly changed over the last decade, in large part due to the response to the Covid-19 pandemic. The introduction of the 'no-one left out' approach to homelessness at the start of the pandemic ensured anyone without a place to live was accommodated, in order to mitigate public health risks and keep people safe. This response exposed the true scale of homelessness in Wales and the number of people experiencing hidden forms of homelessness. Between the beginning of the COVID-19 pandemic (March 2020) and the end of June 2023, over 38,600 people were supported by local authorities with emergency temporary accommodation in Wales.
3. Whilst the impact of the response to Covid 19 has long term implications, the Welsh Government has been clear that, having exposed the homelessness need in Wales and taken such significant steps with local authorities to address this need, we cannot return to a time where homelessness is tolerated. Recognising the increased demand on housing and homelessness services since 2020, we have also made significant investments in these services. We have provided additional funding annually to support local authorities with the statutory homelessness response, providing additional funding towards temporary accommodation, increased prevention and strategic co-ordination. In 2025/26, this funding, totalling £21.32m, was moved into the Revenue Support Grant (RSG) in recognition of it supporting the statutory homelessness response. We have also invested in the Housing Support Grant, our main homelessness prevention grant, providing an additional £13m in 2024/25 and an additional £21m in 2025/26. This investment provides strong foundations to support the preventative focus of the legislative reform.
4. As outlined in our Ending Homelessness Action Plan, legislative reform is one of many elements required to achieve our long-term ambition of ending homelessness in Wales. We recognise it will take time to progress key dependencies which also need to be in place alongside legislative reform, including the re-development of systems and most crucially significantly increased housing supply. This is why, alongside legislative reform and investment in homelessness prevention, we continue to make record investment in social housing, with £1.4bn already invested this Senedd term, and £411m allocated in 2025/26. Whilst this RIA does not capture costs outside of the legislative reform, we recognise that continued significant investment in housing supply will be required to deliver the outcomes sought from the reforms.
5. Legislative reform is therefore only one part of our approach to addressing homelessness in Wales. It is necessary to achieve systemic transformation that

enables more effective homelessness prevention, provides a more effective individualised service to those who are homeless or at risk of homelessness in Wales and makes better use of accommodation supply to those most in need.

## The cost of homelessness in Wales

6. Over the past five years, levels of homelessness across the United Kingdom have risen significantly, this rise can be attributed to the response to the Covid 19 pandemic, war in Europe and the worsening cost of living crisis. At the time of writing, there are 11,203 individuals living in temporary accommodation in Wales, 2,679 of these are dependent children aged under 16. 30% of these individuals, of which 12% are dependent children under 16, are staying in bed and breakfast and hotels. There have been 16,572 placements into temporary accommodation in the last 12 months. Repeat placements are common; 14% of placements into temporary accommodation in January 2025 were of individuals who had previously been placed into temporary accommodation within the last 12 months. An estimated 119 individuals are known to be sleeping rough throughout Wales.<sup>25</sup>
7. Additional data sources indicate that in the last full year for which we have data (2023-24), **8,772** households in Wales were assessed as “threatened with homelessness” and over **13,500** households were homeless.<sup>26</sup> Over the same period of time, there were approximately **18,000 occurrences of individuals placed into temporary accommodation** (it is possible for an individual to be temporarily accommodated on more than one occasion during a period).<sup>27</sup>
8. In 2023-24<sup>28</sup>, Homelessness cost the Welsh public service approximately £275m, an average cost of **£20,000 per household** experiencing homelessness. Almost half of this cost related to temporary accommodation. There are also costs to the wider public sector, as people experiencing homelessness are more likely to interact with the health, social care and criminal justice system than those that are not homeless. Alma Economics analysis estimate that the incremental **cost of homelessness to wider public services is £64m, or £4,700 per household** experiencing homelessness.<sup>29</sup>
9. Homelessness also has an adverse impact on individuals. It has long term negative impacts on health and wellbeing, as well as earning potential due to a lack of housing stability. Alma Economics analysis estimates that the impact of becoming homeless on health outcomes is equivalent to a monetary value of £12,200 per person, while the loss of earnings could be around £3,300. This implies a large personal cost of being homelessness to individuals, equivalent to over £200m per year across the homelessness population. The total societal cost of homelessness in 2023-24 was estimated to be approximately £485m.

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<sup>25</sup> as at 31<sup>st</sup> January 2025.

<sup>26</sup> <https://statswales.gov.wales/v/RWWV>

<sup>27</sup> [Occurrences of people placed into temporary accommodation during the period by reason for homelessness and period](#)

<sup>28</sup> The last full year for which we have data

<sup>29</sup> ALMA Economics

10. Based on current trends, without further action, homelessness is estimated to rise by an average rate of over 3% per year, with associated cost increases. Over a ten-year period, the public sector cost of homelessness is expected to increase by 17% from £275m in 2023-24 to £383m in real terms by 2033-34.
11. The homelessness situation in Wales is not sustainable; it is crisis focussed and relies heavily on the long-term use of temporary accommodation. The impacts of this response will have negative impacts for individuals, and these are likely to be linked to the high levels of repeat homelessness shown in the data. These impacts have far-reaching consequences for the public service in Wales and place significant costs on public bodies. Evidence suggests individuals experiencing homelessness have a disproportionately high need for healthcare services. Data also shows care experienced young people are significantly overrepresented in homelessness services and there is evidence of a link between not being in education, employment or training (NEET) and youth homelessness. As such, as well as the negative impacts on the individual, homelessness in Wales places a significant financial and societal burden on the Government, local authorities, and the public sector.
12. The homelessness system cannot continue to function as it is, to respond to the changing demand and to create a homelessness service that is sustainable, we must make significant reforms. The Bill sets out our proposed reforms. As set out in chapter 3, the Bill seeks to address two main challenges of homelessness service provision: managing increasing demand at the front of the system through earlier identification and prevention of homelessness and improving the flow of people out of the system into suitable and sustainable accommodation.
13. The RIA shows the Bill will require initial investment to make the necessary shift in focus, support implementation and respond to immediate increased need. However, over time the focus on prevention and flow through the system will enable re-distribution of resource, resulting in higher levels of prevention, more efficient relief of homelessness, alongside reduced reliance on temporary accommodation.

### **Overall costs of the Homelessness and Social Housing Allocation (Wales) Bill**

14. We have assumed a ten-year implementation period for the Bill, noting the significant dependencies for successful enactment relating to housing supply and in preparing local authorities for the changes. The Bill will be commenced via Order and it is our intention to take a phased approach to commencement. An initial preparatory period of at least 12 months will be necessary before any part of the Bill can come into force. Thereafter we intend to enact elements of the Bill which will mitigate the systemic pressures linked to homelessness presentations and to increase flow out of the system first. We envisage that enactment of “ask and act” will come later, following a period of training and development with the wider public service. Lastly, we will enact the proposal to abolish the priority need and intentionality tests. This is likely to take place in 2030-2031 at the earliest.



15. The implementation of the proposed reform is expected to cost £247m in present value terms over a ten-year period (up to 2035-36). If the reforms achieve improved prevention and relief outcomes, as is intended, these costs will be outweighed by a (present value) financial benefit of £481m. On this basis, the reforms will generate net financial benefits of £235m over ten years, meaning that every £1 invested in the homelessness reforms will generate £2 of benefits. If the non-financial health and earning benefits experienced by individuals are also included, then £703m of net societal benefits will be achieved, meaning that for every £1 spent, the reforms will generate almost £4 of benefits.

*Table 1: Benefit Cost Ratio of the Homelessness and Social Housing Allocation (Wales) Bill*

|                        | <b>Present value (£m)</b> |
|------------------------|---------------------------|
| Financial benefits     | £481                      |
| Implementation costs   | £247                      |
| <b>NPV – Financial</b> | <b>£235</b>               |
| <b>BCR – Financial</b> | <b>2.0</b>                |
| Non-financial benefits | £468                      |
| <b>NPV – Societal</b>  | <b>£703</b>               |
| <b>BCR – Societal</b>  | <b>3.9</b>                |

16. We expect initial one-off and transitional implementation costs of approximately £15.3m to fall between 2026-2027 and 2028-2029. These relate to development and delivery of training across the wider public service, development of guidance and investment in transitional support to local authorities.
17. In addition, there will be recurring implementation costs, which will occur every year from 2027-28 and thereafter, reflecting increased requirements on homelessness services due to the reforms. The recurrent costs increase throughout the appraisal period due to the phased implementation of the reforms and an assumed annual growth in caseloads (as reflected in Alma's 'stock and flow' model). In 2027-28, the ongoing cost is estimated to be £22.9m, rising to £41.7m in 2035-36.
18. These implementation costs will shift the main focus of the homelessness system away from crisis support to meet acute need to an enhanced focus on prevention, increasing access to homelessness assistance and helping people stay in their homes.
19. The success of the reforms will rely on increasing the rate of prevention of homelessness to reduce the number of people entering into the homelessness system and therefore all associated homelessness costs. This includes avoiding costs relating to temporary accommodation provision, case management by local authorities, as well as avoiding wellbeing and employment impacts on the individual from experiencing homelessness.

Table 2: Implementation costs of the Bill over ten year period.

|   | 2026-27      | 2027-28       | 2028-29      | 2029-30       | 2030-31       | 2031-32       | 2032-33       | 2033-34       | 2034-35       | 2035-36       |
|---|--------------|---------------|--------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|
| Implementation costs - one-off (£m)             | £2.5         | £12.7         | £0.1         | £0.0          | £0.0          | £0.0          | £0.0          | £0.0          | £0.0          | £0.0          |
| Implementation costs - recurring (£m)           | £0.0         | £22.9         | £27.5        | £28.3         | £35.7         | £36.9         | £38.0         | £39.2         | £40.4         | £41.7         |
|   |              |               |              |               |               |               |               |               |               |               |
| Financial benefits – LA                         | £0           | £17           | £35          | £55           | £57           | £58           | £60           | £62           | £64           | £66           |
| Financial benefits - Wider PS                   | £0           | £6            | £12          | £19           | £20           | £21           | £21           | £22           | £23           | £23           |
| Financial benefits – Registered Social Landlord | £0           | £0            | £0           | £0            | £0            | £0            | £0            | £0            | £1            | £1            |
|   |              |               |              |               |               |               |               |               |               |               |
| Health benefits – individuals                   | £0           | £16           | £32          | £50           | £52           | £53           | £55           | £57           | £58           | £60           |
| Earnings benefits – individuals                 | £0           | £4            | £9           | £13           | £14           | £14           | £15           | £15           | £16           | £16           |
|   |              |               |              |               |               |               |               |               |               |               |
| <b>Net savings from reform (£m)</b>             | <b>-£2.5</b> | <b>-£12.5</b> | <b>£20.4</b> | <b>£46.2</b>  | <b>£41.2</b>  | <b>£42.5</b>  | <b>£43.9</b>  | <b>£45.4</b>  | <b>£46.8</b>  | <b>£48.4</b>  |
| <b>Net societal impacts</b>                     | <b>-£2.5</b> | <b>£7.4</b>   | <b>£61.3</b> | <b>£109.6</b> | <b>£106.6</b> | <b>£110.0</b> | <b>£113.6</b> | <b>£117.3</b> | <b>£121.1</b> | <b>£125.0</b> |

20. There will be some cases where it is not possible to prevent homelessness. Should an individual become homeless, the reforms are expected to increase the speed by which they are rehoused into settled accommodation and are relieved from homelessness.
21. In order to assess the costs of the legislation and the likelihood of longer-term costs savings we have adopted a scenario-based approach to identify at what level the rates of prevention and relief of homelessness must be improved to generate financial cost savings that result in break-even of the implementation costs and net financial benefit.

#### **“The core scenario”**

22. Based on the last two full years of data, the current homelessness prevention rate is 58% and the current homelessness relief rate is 59%. We have used these figures as our baseline from which the reforms must show improvements.
23. The following core scenario is used to demonstrate how the reforms can deliver value for money (i.e. net benefit) by delivering achievable improvements in prevention and relief outcomes. If the reforms are able to achieve the following improvements, the reforms will develop net financial benefits in the long run:

**The share of people prevented from becoming homeless is increased from 58% to 68% (+10%) as a result of the reforms.**

**The share of homeless people successfully relieved from homelessness is increased from 59% to 69% (+10%) as a result of the reforms.**

24. The reforms are expected to **cost £247 million** in present value terms up to 2035-36. If they achieve the improved prevention and relief outcomes of the core scenario, implementation costs will be outweighed by the financial benefits, which are projected to have a present **value of £481 million**.
25. Overall, this suggests that the reforms will generate approximate **net financial benefits of £235m**. The resulting benefit-cost ratio means that for **every £1 invested** in the homelessness reforms we will generate **£2 worth of benefits**.
26. Based on this scenario, the number of households experiencing homelessness in Wales in 2031-32, when the full benefits of the reforms are expected to be realised, is expected to fall from approximately 18,000 to 14,000. This reduction is largely explained by the improvement in the rate of prevention of homelessness, which essentially reduces those who are unsuccessfully prevented from homelessness by over a quarter. Improved homelessness relief also contributes to this reduction in caseload by moving people into settled accommodation faster, however this impact is smaller given relief activities would not affect how many people present as homeless to begin with.

27. This scenario translates into a 22% reduction in the cost of homelessness by 2031-32, excluding implementation costs, as shown in the table below. The majority of the financial benefits relate to a reduction in the cost of temporary accommodation which accounts for a substantial share of the cost of homelessness. The improved prevention activities will reduce the number of people entering into homelessness and therefore eliminating any need they may have for temporary accommodation. While improved relief activities will reduce the amount of time an individual may spend in temporary accommodation, it may not completely avoid the need for that accommodation.
28. While the reforms are expected to reduce expenditure on settled accommodation, this has a smaller cost impact than homelessness prevention. While the reforms will move people out of temporary accommodation faster through improved relief activities, households experiencing homelessness will still require settled accommodation. The reduced expenditure on temporary accommodation is largely being driven by improved prevention, as those additionally prevented from being homeless due to the reforms will not require accommodation under homelessness duties.
29. The table below sets out the estimated financial benefits of the proposed reforms in relation to both the housing sector and key parts of the public services which are impacted by the causes and consequences of homelessness.

*Table 3: Gross financial benefits in 2031-32 based on the core scenario (£m)*

| Cost area                               | Cost of homelessness in 2031-32, £m |                          | Gross benefits £m | % change   |
|---|-------------------------------------|--------------------------|-------------------|------------|
|   | BAU: without reform                 | To-be: following reforms |                   |            |
| Local authority homelessness services   | £53                                 | £45                      | £8                | 15%        |
| Temporary Accommodation                 | £170                                | £123                     | £47               | 28%        |
| Settled Accommodation - Local authority | £46                                 | £43                      | £3                | 7%         |
| Settled Accommodation – RSL             | £7                                  | £6                       | £0                | 7%         |
| Criminal Justice                        | £41                                 | £31                      | £10               | 24%        |
| NHS Health                              | £25                                 | £19                      | £6                | 24%        |
| Mental Health                           | £12                                 | £9                       | £3                | 24%        |
| Substance misuse                        | £8                                  | £6                       | £2                | 24%        |
| <b>Total public sector cost</b>         | <b>£361</b>                         | <b>£281</b>              | <b>£79</b>        | <b>22%</b> |

30. Given that individuals experiencing homelessness are more likely to experience worse health outcomes than those who are not homeless, there are also wider societal benefits if homelessness prevention and relief is improved. Based on the core scenario, the ALMA economics analysis estimates that the reforms will result in approximately 700 years of additional healthy life (0.16 years per person), equivalent to £53m in monetary terms. There are also expected to be £14m of additional earnings through the increased provision of stable accommodation.

## **What if the core scenario is not achieved?**

31. It is realistic to expect challenges in implementation which may result in changes to when and how the reforms take effect and we have considered the impact this may have on our estimated cost savings.
32. A key dependency of successful implementation will be the impacts of the reforms on increased homelessness prevention. Preventing people entering into homelessness avoids several costs entirely, resulting in significant costs savings. Increased efficiency in the relief of homelessness does limit some of the costs of homelessness but there will be a cost, given the accommodation and service need it implies.
33. Our analysis suggests that the reforms can achieve financial break-even and value for money based on a 6.1% improvement in the prevention rate and a 0% improvement in relief. When we include the societal benefits, the necessary increase in the prevention rate drops to 3.2%. It is important to note that prior to the onset of the Covid 19 pandemic, the prevention rate sat at an average of 67% (average taken between 2017/2018 and 2019/2020). This indicates that the required improvement necessary for the costs of these reforms to break even, is low and extremely achievable. Not even requiring a return to pre-pandemic prevention levels to achieve value for money.
34. It should be noted that a key limitation of this analysis is that the impact of spending less time being homeless and residing in temporary accommodation could not be modelled in relation to individual outcomes or wider public service impacts. The analysis currently assumes that a person experiencing homelessness would still experience the same detriment in terms of health and earnings outcomes, and interaction with the wider public sector, regardless of time spent in homelessness. Therefore, the results are likely to underestimate the impact of faster relief of homelessness, particularly in relation to the well understood negative impacts of long stays in temporary accommodation.

Table 4: Value for money of different prevention and relief outcomes

| Scenario - % improvement in parameters compared to BAU due to reforms  | Benefit cost ratio  | Benefit cost ratio  |
|--|---------------------|---------------------|
|  | (financial)         | (societal)          |
| <b>Business as Usual</b><br>Prevention rate = +0%<br>Relief rate = +0% | 0.0                 | 0.0                 |
| <b>Core</b><br>Prevention rate = +10%<br>Relief rate = +10%            | 2.0                 | 3.9                 |
| Prevention rate = +1%<br>Relief rate = +0%                             | -0.1                | 0.1                 |
| Prevention rate = +5%<br>Relief rate = +0%                             | 0.8                 | 1.7                 |
| Prevention rate = +6.1%<br>Relief rate = +0%                           | 1.0<br>(break even) | 2.2                 |
| Prevention rate = +3.2%<br>Relief rate = +0%                           | 0.4                 | 1.0<br>(break even) |
| Prevention rate = +0%<br>Relief rate = +5%                             | -0.2                | -0.2                |
| Prevention rate = +0%<br>Relief rate = +15%                            | -0.1                | -0.1                |

## Options

35. The following sections set out in detail how the costs associated with the individual provisions (or groups of provisions) in the Bill have been calculated. These calculations are based on the latest available information. It should be noted that the costs in the following sections do not include the annual caseload growth assumptions developed in Alma's 'stock and flow' model.
36. Two sets of summary tables have been included in Annex A, these show implementation costs across the appraisal period both excluding and then including the annual caseload growth assumption. This demonstrates how the implementation costs in the following section align with the 'headline' costs presented in the section above.

## Part 1: Homelessness

37. This section outlines the policy options for the proposed changes made in Part 1 of the Bill.
38. Throughout this document, a business as usual scenario is provided as a baseline for comparison with the potential benefits of strengthening the current legislative framework.

## **Section 1: Meaning of “threatened with homelessness”**

*A person is threatened with homelessness if it is likely that the person will become homeless within six months, or they have received written notice requiring them to give up occupation of their accommodation or an application has been made to the High Court or the County Court for an order for possession of the person’s accommodation by another person.*

### **Business as usual**

#### **Description**

39. Currently, local housing authorities must take reasonable steps to prevent homelessness for any eligible applicant who is at risk of homelessness within 56-days. Pressures in the system mean local housing authorities are often unable to undertake the prevention work they would like, due to high caseloads and late presentations.
40. The past five years of data suggests a general decrease in the percentage of households successfully prevented from homelessness (2019-20 to 2023-24), with the % for 2022-23, and 2023-24 remaining similar (59% and 58% respectively).<sup>30</sup>

*Table 5: Five year homelessness prevention rates in Wales*

| <b>Year of reporting</b> | <b>Percentage of households successfully prevented from homelessness</b> |
|--------------------------|--|
| 2019-2020                | 67%  |
| 2020-2021                | 65%  |
| 2021-2022                | 67%  |
| 2022 – 2023              | 59%  |
| 2023 – 2024              | 58%  |

### **Costs**

41. Data provided by local authorities in Wales suggests each applicant eligible for assistance under the current homelessness prevention duty (section 66 of the HWA 2014) costs £1,320.<sup>31</sup> This increases to £1,716 when staff on-costs are included. In 2023-24, 8,772 households presented for prevention assistance, at an estimated cost of £15,052,800
42. As outlined above there has been a general decline in the percentage of households successfully prevented from experiencing homelessness and statutory data collection for 2023-24 suggests that in at least 25% of cases, prevention of homelessness, for at least 6 months was unsuccessful. In these cases, the applying households became statutorily homeless. Such households

<sup>30</sup> [Prevention of Homelessness by Area and Measure \(Section 66\)](#)

<sup>31</sup> Local authority survey data analysis (2024).

may be owed a relief duty and incur the higher levels of costs associated with homelessness relief.<sup>32</sup>

43. Noting the ongoing costs, there would be no additional cost to local housing authorities under this option which would mean someone will continue to be considered to be threatened with homelessness if that homelessness is likely to occur within 56 days and would be entitled to assistance to prevent that homelessness from occurring. However, it is very likely that the wider costs of homelessness and the pressure on services would increase.

### ***Benefits***

44. There are no additional benefits associated with this option. It does not address any of the deficiencies which have been identified in relation to the current legislative framework. Presentations to homelessness services will continue to rise and prevention activity will be limited by the constrained time period and other challenges.

### ***Summary***

45. Option 1 keeps the status quo. However, this preserves the current unsatisfactory situation whereby local housing authorities are unable to undertake the prevention work they would like to, owing to the fact that the 56-day period is insufficient for effective homelessness prevention work to take place.

## **The preferred approach**

### ***Description***

46. The Bill will amend the definition of “threatened with homelessness” if it is likely that a person will become homeless within six months. The proposed revised meaning of “threatened with homelessness” will provide local housing authorities with more time to prevent homelessness. In combination with other proposals within the Bill on prevention (see sections 2,3, 4 and 21) the aim of this proposal is to create the conditions for improved and more effective homelessness prevention and increase the overall rate of prevention.

### ***Costs***

47. The proposed change to the meaning of “threatened with homelessness”, alongside other prevention measures (see sections 2,3, 4 and 21) will ensure the homelessness system in Wales places much stronger emphasis on earlier prevention of homelessness. This emphasis will increase the overall rate of prevention required to achieve the net financial benefits offered through the core scenario.

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<sup>32</sup> [Homelessness: April 2023 to March 2024 \[HTML\] | GOV.WALES](#); [Households for which assistance has been provided by outcome and household type](#); [Prevention of Homelessness by Area and Measure \(Section 66\)](#)



48. To achieve this long-term benefit, initial investment will be required to ensure local authorities are able to re-focus services on prevention, take effective measures to keep people in their homes and meet additional demand posed by earlier presentations for assistance.
49. In order to estimate the costs of this proposal we have first estimated the costs to provide a service to a household receiving assistance under the prevention duty (section 66 HWA 2014). We have used data submitted by 21 of the 22 local authorities to inform this estimate. This data suggests an estimated cost for prevention at £1,320 per case (£1,716 when staff on-costs are included). In 2023-24, 8,772 households presented for prevention assistance, at an estimated cost of £15,052,800.
50. Using this as our baseline cost, we have considered a range of potential increases to the current level of presentations for prevention assistance, which will arise as result of the revised meaning of “threatened with homelessness”.

*Table 6: Range of potential increases in presentations for people “threatened with homelessness”*

| <b>Additional households provided with assistance</b> |                   |                               |                     |
|---|-------------------|-------------------------------|---------------------|
| <b>Current number of presentations</b>                | <b>8,772</b>      |                               |                     |
| Possible % increase                                   | 5% increase (low) | <b>15% increase (central)</b> | 30% increase (high) |
| Possible case number increase                         | 439               | <b>1,316</b>                  | 2,632               |
| Forecast total volume of prevention cases             | 9,211             | <b>10,088</b>                 | 11,404              |
| Forecast costs for additional caseload                | £753,300          | <b>£2,258,100</b>             | £4,516,500          |
| Forecast total costs for prevention cases             | £15,806,100       | <b>£17,311,000</b>            | £19,569,300         |

51. Taking the central estimate as the basis for the assessment, we estimate the total additional, recurring caseload cost per year, resulting from the change to the meaning of “threatened with homelessness” to be £2,258,100 based on a 15%<sup>33</sup> increase in caseload (approx. 1,316 additional presentations) across Wales. Given our policy intention to reduce pressure on the system by more effectively preventing homelessness, we envisage that this provision of the Bill will be one of the first provisions to be enacted. We plan for the provision to come into force in 2027 – 2028 so the cost is expected to commence in that year and recur annually.

## **Benefits**

52. Earlier intervention and homelessness prevention is often cheaper than interventions made at the point of crisis and the cost-benefit analysis undertaken

<sup>33</sup> Welsh Government (2023), Ending Homelessness, Draft RIA.

to inform this Bill is clear that prevention of homelessness is far more cost effective than the relief of homelessness.<sup>34</sup>

53. This option will provide more time to enable preventative action to be taken sooner and, when combined with other prevention measures and resulting practice of the proposed “ask and act” duty, will mean that potential indicators of homelessness will be identified earlier, leading to increased opportunities to prevent homelessness from occurring. Moreover, there will be a benefit for the wider public service which will avoid costs associated with the health and social justice impacts of homelessness.
54. Although additional time to prevent homelessness must be supplemented with additional resource and stronger action likely to prevent homelessness, without the additional time, local authorities’ prevention activity will continue to be confined and too closely associated with crisis response. In the face of increasing homelessness in Wales, this is an unsustainable position.

### **Summary**

55. The proposed change to the meaning of “threatened with homelessness” will mean that local housing authorities will intervene earlier to prevent homelessness.
56. Whilst the impact of these proposed changes will lead to increased caseloads and costs in the short term, they offer longer term savings for local housing authorities due to the cost effectiveness of prevention when compared to the relief (under the current interim and main duties) of homelessness.

### **Section 2: Help to prevent an applicant from becoming homeless**

*The authority must help to secure that suitable accommodation does not cease to be available for occupation by an eligible applicant who is threatened with homelessness by taking reasonable steps likely to achieve that purpose.*

### **Section 3: Duty to assess and notice of outcome of assessment**

*The assessment of need must include the assistance an applicant needs to overcome any barrier in living independently and the support needed by the applicant to make communication with the applicant accessible. The local housing authority must seek the views of the applicant and have regard to those views and make inquiries relevant to the assessment regarding the personal characteristics and circumstances of the applicant and any person with whom the applicant lives or might reasonably be expected to live.*

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<sup>34</sup> [HRA new burdens assessment pro forma.pdf](#)

## **Section 4: Prevention, support and accommodation plans**

*If a local housing authority considers that it owes a homelessness duty to an applicant, the authority must prepare and maintain a prevention, support and accommodation plan (“PSAP”) for the applicant. The PSAP must include any steps the authority is to take to communicate with the applicant in a way that is accessible to the applicant.*

### **Business as usual**

#### **Description**

57. Current legislation requires local authorities to take reasonable steps to help to secure that suitable accommodation is available, or does not cease to be available, for occupation by an applicant. In doing so, they are required to have regard (amongst other things) to the need to make the best use of the authority’s resources.
58. There is no legal duty on local housing authorities to put in place Personal Housing Plans (as they are currently called) for applicants seeking homelessness assistance, and therefore no further requirements are made on the content of such plans. However, current Welsh Government guidance promotes their use and several local housing authorities use them. A draft Personal Housing Plan template is also included in the Code of Guidance for Local Authorities on the Allocation of Accommodation and Homelessness.
59. The Code of Guidance also requires, as best practice, information provided to applicants to be clearly written and easy to understand. However, during engagement with people with lived experience of homelessness many individuals suggested that the process of applying for assistance is complex and unclear and that the way decisions are communicated is inaccessible, especially in letters using legalistic language and terminology.
60. For local housing authorities, it can be challenging to communicate regularly and accessibly with applicants, particularly given the demand on housing services and the capacity of the workforce. Engagement indicates local housing authorities would welcome a simpler, less bureaucratic process for communicating with applicants.

#### **Costs**

61. Costs associated with current prevention practice are included in the costs set out for section 1 above.
62. Local authorities’ main source of revenue funding to meet its current statutory homelessness responsibilities is provided through Welsh Government’s core funding to local authorities through Aggregate External Finance, which comprises Revenue Support Grant (RSG) and Non Domestic Rates (NDR) funding. This funding is un-hypothecated, meaning that it is for local authorities to determine the allocation of funding for all its services based on local needs

and priorities. The core funding settlement was £5.72bn in 2024-25 and will be £6.14bn in 2025-26.

63. Welsh Government provides additional grant funding to local authorities through the Housing Support Grant (HSG) to support the prevention of homelessness. The HSG does not fund the statutory duty on local authorities to prevent homelessness. Instead, HSG funded services augment, complement and support statutory services to ensure that the overall offer authorities provide helps people into the right homes with the right support to succeed. HSG services therefore assist people with a range of needs to live independently and sustain tenancies, thus avoiding homelessness and reducing pressures on other public services. HSG services also provide wrap-around support to those who are experiencing homelessness, to support people out of homelessness, including individuals with significant complex needs. The HSG budget was £182m in 2024-25 and is £204.3m in 2025-26.
64. Welsh Government has also provided additional grant funding to local authorities since 2022-23 to support them with their statutory responsibilities in respect of the prevention of homelessness. This funding was in recognition of the additional demands in the system post pandemic. In 2024-25, this funding was £5m. From 2025-26, this funding (remaining at £5m) was transferred to the Revenue Support Grant to continue to support local authorities' statutory homelessness duties.
65. Under section 62 of the Housing (Wales) Act 2014 local authorities are already required to carry out an assessment of a person's case if they have applied for assistance, it appears they may be homeless or threatened with homelessness and there has been a material change in circumstances since any previous assessment. As set out above existing Welsh Government guidance promotes the use of Personal Housing Plans and a number of Welsh local housing authorities provide them to applicants, although they are not offered universally.
66. Local housing authorities, through custom and practice, will have developed methods of communicating with applicants. We understand that there is variation in the quality of those communication methods, some requiring more refinement than others. The Welsh Government lacks reliable information on the frequency that a local housing authority will review and, where necessary, amend its communication materials and how they respond to individual applicant needs relating to literacy, language and accessibility.
67. Noting ongoing costs, there would be no additional costs associated with this option.

### **Benefits**

68. There are no benefits to taking no further action as the deficiencies identified in current legislation would continue to exist.

## **Summary**

69. Local authorities will continue with an assessment process required under section 62 of the HWA 2014 and some will maintain elective use of Personal Housing Plans. Good practice around communication with applicants will be set out in Guidance.

## **The preferred approach**

### **Description**

70. The Bill will strengthen the language associated with reasonable steps so that the authority must help to secure that suitable accommodation does not cease to be available for occupation by the applicant by taking reasonable steps likely to achieve that purpose. It will also strengthen the content of the section 62 assessment, ensuring it is individualised and require a local authority to provide anyone owed a homelessness duty with a PSAP. The PSAP will be based on the section 62 needs assessment, record the outcomes an applicant wishes to achieve and the steps both the applicant and local housing authority will take to achieve those outcomes.
71. In making this proposal we hope to facilitate person centred service provision which is tailored to an individual's needs, and which leads to activity which stands the best possible chance of preventing a person becoming homeless.
72. We intend to develop a template PSAP, alongside other case management tools with local housing authorities and those with lived experience of homelessness. Costs associated with this are included under the section on associated implementation costs.

### **Costs**

73. As set out above all local authorities already undertake assessments with individuals applying for homelessness assistance although this information is not published as part of the statutory homelessness data collection. Several voluntarily use Personal Housing Plans with the clients, although we do not have data on this.
74. Some existing costs can therefore be assumed based on current practice. However, we have brought together cost estimates for these sections of the Bill, assuming that they will place greater demands on a local housing authorities.
75. We have used the number of households receiving a section 66, section 73 and a section 75 outcome for 2023-24 as an estimate for how many applicants will require a PSAP under the proposal.<sup>35</sup> This estimate will include some double counting due to the nature of the data collection (households can have more than one outcome within a year). The sum of the number of households under each duty is 28,446.

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<sup>35</sup> [Statutory Homelessness data collection 2023-24](#)

76. We have reviewed evidence from England in order to estimate costs associated with the development of a PSAP. The UK Government set out a two-hour time estimate for the completion of a Personal Housing Plan (as they are referred in England) within an assessment of the Homelessness Reduction Act 2017.<sup>36</sup>
77. To underpin the policy intention that services to applicants be person centred and, therefore, individualised, we have assumed a greater time requirement for the completion of Prevention, Support and Accommodation Plans (PSAPs) in Wales. We have estimated the number of hours required to undertake an assessment of need, complete a PSAP and to undertake relevant actions as 4 hours per applicant. This time commitment recognises that PSAPs will need to be revisited periodically, at least every 8 weeks. The unit costs are based on average salaries (plus on-costs) for local authority homelessness staff and multiplies the estimated time allowance by the staff cost per hour. PSAPs will be required for all people owed a homelessness duty.
78. We estimate the total cost per year of providing a PSAP for each applicant to be £3,061,600. This cost will be borne by local authorities, the cost is expected to commence in 2027-2028 and recur annually.

*Table 7: Recurring costs for local housing authorities in producing PSAPs and reviewing them with applicants*

| <b>Cost area</b>  | <b>Cost estimate</b>  |
|---|---|
| Estimated number of applicants requiring a PSAP   | 28,446 (total outcomes s.66,73 and 75)  |
| Estimated number of hours per applicant to undertake an assessment of need, a PSAP and to undertake reasonable steps. | 4   |
| Average salary for prevention staff   | £36,429 (£47,357 including on-costs)  |
| Total additional FTE required for prevention caseload across Wales  | 64.7 (the sum of staff time required to complete a PSAP (approx. 4 hours) with each applicant (at any duty) |
| <b>Total cost per year for local housing authorities</b>  | <b>£3,061,600</b>   |

79. As noted above, several authorities do use Personal Housing Plans within their current work. However, noting that the introduction of the new PSAP underpins service provision that is trauma informed and person centred we have also considered additional training and support for local housing authorities in developing these plans with applicants in a way which is trauma informed and person centred.
80. To assess this transitional cost, we have assumed that we will utilise existing training materials on trauma informed practice and psychologically informed

<sup>36</sup> [HRA new burdens assessment pro forma.pdf](#)

environments and add content specific to the development of a PSAP. Based on the cost of developing a similar training package in the past, we estimate the cost of developing the training to be approximately £66,700, which will fall to the Welsh Government. There will be an additional opportunity cost which will fall to local housing authorities for the completion of the training. These costs are expected to be incurred in 2026-2027.

*Table 8: Opportunity costs for training on PSAPs*

| <b>Cost area</b>  | <b>Cost estimate</b> |
|---|----------------------|
| Estimated number of staff needed in homeless teams across Wales | 400                  |
| Hourly rate   | £21                  |
| Time required for training                                      | 2                    |
| <b>Total opportunity cost for training on PSAP</b>              | <b>£16,800</b>       |

81. As part of the PSAP a local housing authority will need to record any steps the authority is to take to communicate with the applicant in the exercise of its functions, in a way that is accessible to the applicant. This will be led by the needs of the applicant, but we have also estimated the costs of developing accessible communication materials to support this.
82. To develop this estimate, we have assumed 25 days of staff time across a range of roles within local authorities, at a cost of approximately £5,760 per local authority.
  - 10 days of Homelessness/housing staff
  - 5 days of broader policy expertise
  - 5 days of systems/administrative support
  - 5 days of translation support
83. In total we estimate a total, recurring cost of £126,800 to begin in 2027-2028. This will involve creating local materials to make information and advice accessible and providing services to meet any specific individualised needs.
84. In order to ensure that the local authority is able to offer help to secure that suitable accommodation does not cease to be available for occupation by the applicant by taking reasonable steps likely to achieve that purpose, we envisage that additional preventative spend will be necessary. For the purposes of this assessment, we have assumed additional preventative spend of £5m per annum, from 2027-2028. This represents a doubling of current spend on statutory homelessness prevention or a 2.5% uplift to the current value of the Housing Support Grant. The cost is not necessarily attributable to the Housing Support Grant which augments and provides broader support for non-statutory prevention functions.

*Table 9: Total forecast costs, PSAPs, reasonable steps and communication*

| <b>Cost area</b>                                      | <b>Cost estimate</b> | <b>One off/recurring</b> | <b>Cost falling to:</b> |
|---|----------------------|--------------------------|-------------------------|
| Development of PSAP with applicant                    | £3,061,600           | Recurring                | Local authorities       |
| Communication   | £126,800             | Recurring                | Local authorities       |
| Preventative spend - reasonable steps                 | £5,000,000           | Recurring                | Local authorities       |
| <b>Total recurrent costs</b>                          | <b>£8,188,400</b>    |                          |                         |
| Training development costs                            | £66,700              | One off                  | Welsh Government        |
| Opportunity costs for PSAP training (local authority) | £16,800              | One off                  | Local authorities       |
| <b>Total one-off costs</b>                            | <b>£83,500</b>       |                          |                         |

### **Benefits**

85. Benefits are likely to result from the more person-centred nature of the service delivered via a PSAP and actions taken to help to secure that suitable accommodation does not cease to be available for occupation. We envisage this will result in a stronger understanding of individual need and more individualised and preventative actions which address these needs, relying on multi agency support where necessary (opportunity costs around multi agency support are covered under section 25).

### **Summary**

86. The Bill will place stronger emphasis on prevention, which must include addressing the causes and consequences of homelessness. The proposal to require a PSAP for everyone owed a duty will mean that support needs will be identified earlier and steps will be taken to meet these needs, ensuring that an individual moves through the homelessness system with requisite support, enabling them to sustain their place in settled accommodation.

87. Communication will be more accessible and transparent.



## **Section 5: Reviews - Right to request a review**

### **Section 17: Right to request a review in referral cases**

#### **Business as usual**

##### ***Description (section 5)***

88. Section 85 of the 2014 Act provides the current facility for an applicant to request a review of a number of key homelessness assessments and decisions.

These are:

- eligibility,
  - entitlement to a duty under sections 66, 68, 73 or 75,
  - a decision on ending a duty under section 66, 68, 73 or 75,
  - whether the conditions for a local connection referral are met or not.
  - whether or not 'reasonable steps' have taken place (section 73 only); and
  - suitability of the accommodation offered (regardless of whether it has been accepted or not).
89. The procedure for undertaking a review is outlined in both section 86 of the 2014 Act and in more detail in the Homelessness (Review Procedure) (Wales) Regulations 2015. These outline the timelines for appointing reviewing officers, seeking additional information from applicants and the timescales for making decisions.
90. Most reviews are undertaken by different officers from within the same team, but in small examples the reviews are undertaken by an independent team. Where a review is requested in relation to a local connection referral, then both local authorities must agree on a reviewing officer, or the Welsh Local Government Association will be involved in making an appointment.
91. An authority has the power to provide accommodation during the review period, but it is at the discretion of the authority.
92. Regardless of the outcome, the reasons for the decision on review must be communicated to the applicant and where it has been decided that the original decision was incorrect then the appropriate duty is commenced. In relation to the section 73 duty, the 56 days start on the date of the notification letter that the review was successful.
93. Any review should be submitted no more than 21 days after the date of the original notification of the decision subject to the review. A local authority has the ability to provide an extension to this time limit if they agree.

94. Sections 88 and 89 provide additional provisions for applicants wishing to appeal a decision to the county court on a point of law which may result in the confirming, quashing or varying of the original decision and may result in a demand that accommodation is provided during the appeal process.

### ***Description (Section 17)***

95. The review process for referral cases differs from a review into any other decision in that it may involve more than one local authority and may involve the appointment of a jointly agreed officer to undertake the review. If both authorities are unable to agree, then the Welsh Local Government Association must appoint an officer based on the 'panel' list as stipulated in paragraph 3 of the schedule to the Homelessness (Decisions on Referrals) Order 1998.
96. The Homelessness (Review Procedure) (Wales) Regulations 2015 outline the timelines for appointing reviewing officers, seeking additional information from applicants and the timescales for making decisions.
97. An authority has the power to provide accommodation during the review period, but it is at the discretion of the authority.
98. Any review must be submitted no more than 21 days after the date of the original notification of the decision which is subject to a review. A local authority has the ability to provide an extension to this time limit if they agree.

### ***Costs***

99. National data is not available on the number of reviews requested in Wales, nor the outcomes of these reviews.

### ***Benefits***

100. The provision is intended to give applicants a right of appeal where they do not agree with accuracy, fairness or appropriateness of the decisions taken in their case. The review process also allows local authorities to learn and adapt their practice as an organisation, potentially including additional training requirements, to ensure numbers of successful reviews are kept to a minimum.

### ***Summary***

101. Local authorities will continue to review decisions made to determine eligibility as well as commencing and/or ending any of the key homelessness duties (66, 68, 73 and 75) and the suitability of accommodation offered.

## The preferred approach

### *Description*

102. Section 5 and 17 of the Bill amend section 85 of the HWA 2014 to provide additional rights to request a review in relation to the following decisions:
- a decision of the local housing authority not to carry out an assessment under section 62;
  - an assessment by a local housing authority of the housing needs of the applicant and any person with whom the applicant lives or might reasonably be expected to live;
  - an assessment by a local housing authority of the support needed for the applicant and any person with whom the applicant lives or might reasonably be expected to live to retain accommodation which is or may become available; to overcome any barrier in living independently;
  - of a prevention, support and accommodation plan at any time during which the authority is required to maintain the plan;
  - of the suitability of accommodation offered to the applicant in, or in connection with, the discharge of any duty under this Chapter:
    - at any time before the offer is accepted by the applicant and while the offer remains open;
    - following acceptance of an offer, at any time when a section 66, 68 or 75 duty applies to the applicant, or before the end of a period of 24 weeks beginning with the first day on which the accommodation is available for occupation by the applicant;
  - A decision of a local housing authority under section 80 to notify another local authority in Wales or England of its opinion that the conditions for referral are met in respect of the applicant;
  - A decision under section 80(5) that the conditions for referral of a case are met.
103. A review must be carried out by a person of appropriate seniority who was not involved in assessment, decision or plan and applicants retain a right of appeal to county court on point of law.
104. We have assumed that in creating additional rights to request a review, we will increase the number of requests for reviews made to local authorities. To estimate the impact of this we have assumed that 25% of applicants subject to a homelessness duty may request a review. There is no robust data upon which we can scale estimates for increased requests for reviews. However, as the Bill provides increased opportunities to request a review and it will be possible for applicants to request more than one review during their service experience, we have chosen to use a relatively high estimate of 25% as a basis for potential cost. The reason for this potential over-estimate is to minimise risk of under-costing the reforms.

105. Such reviews would be undertaken by a senior officer and may take half a day to complete. Based on these assumptions we estimate the potential recurring cost of this proposal at £997,000 which will commence in 2027-2028.

*Table 10: Estimated costs associated with increased rights to request a review*

|  |                 |
|--|-----------------|
| Households identified as threatened with homelessness.                                   | 8,772           |
| Households who are homeless and were owed a Section 73 duty to help secure accommodation | 13,539          |
| <b>Total</b>   | <b>22,311</b>   |
| Proportion of applicants estimated to request 1 review                                   | 25%             |
| Estimated number of reviews  | 5,578           |
| Estimated time for review  | 3.5 hours       |
| Cost per review  | £178.75         |
| <b>Total estimated costs for reviews</b>   | <b>£997,000</b> |

### **Benefits**

106. A right to request a review will provide an efficient and simple process by which an applicant can challenge a decision made in their case.

### **Summary**

107. Applicants will have additional rights to request a review in relation to a range of assessments, decisions or plans taken in relation to their case. This will provide an efficient and simple process by which an applicant can challenge a decision made in their case.

### **Section 6: Duty to secure accommodation for eligible homeless persons with a local connection to Wales**

108. This section removes section 73 (the duty to help secure accommodation for homeless applicants) of the Housing Act (Wales) (2014). The abolition of the priority need and intentionality tests in the Bill renders the duty unnecessary. We do not envisage any additional costs associated with the proposal and some small savings associated with reduced bureaucracy.

109. This section also introduces a new section 75 into the Housing (Wales) Act 2014 which includes a local connection test to determine entitlement for a section 75 duty. More detail is provided on this provision under paragraph 148 – 165.

### **Section 7: Circumstances in which the duty to secure accommodation for applicants comes to an end.**

*This section provides local authorities with additional ways in which they can discharge their duties into accommodation likely to be available for 12 months which is suitable for applicants and their household. These additional options are supported by:*

### **Section 19: Duty to contact certain applicants after duty in section 75 comes to an end**

*The local housing authority must take reasonable steps to contact an applicant who was owed a duty under section 75 and that duty came to an end in the circumstances described in section 7 with a view to identifying whether the applicant is or may be homeless or threatened with homelessness or is at risk of becoming homeless or threatened with homelessness. The “relevant period” is the period of 2 months after the end of the period of 5 months that begins on the day that the applicant is notified in accordance with section 84 that the duty under section 75 has come to an end.*

## **Business as usual**

### ***Description***

110. At the current time, the main homelessness duty can only end positively where the applicant has been offered, accepts or refuses:

- suitable accommodation under Part 6 of the Housing Act 1996 (social housing) or;
- suitable private rented sector accommodation or;
- refuses all offers of suitable accommodation.

111. Duties can also be ended in other circumstances, including if an application is withdrawn, if an applicant becomes homeless intentionally from temporary accommodation or the applicant fails to co-operate with the local housing authority.

112. No further flexibility is provided for the discharge of homelessness duties.

## **Costs**

113. The limited ways in which homelessness duties can be discharged (compounded by limited housing supply) adds to a pressure point in the homelessness system, related to move on of people through the system. This

means that applicants require longer stays in temporary accommodation as they await relief of their homelessness. The costs of this are borne by local authorities, alongside significant negative costs for individuals.

114. In 2023-2024, 18,000 individuals were supported with temporary accommodation by local authorities, at a cost of approximately £10k per household experiencing homelessness. Some of these placements were repeat placements.

### ***Benefits***

115. There are limited benefits to the status quo, which relies on the Private Rented Sector and social housing to relieve homelessness.

### ***Summary***

116. The limited ways in which homelessness duties can be discharged adds to a pressure point in the homelessness system, related to move on of people through the system

### **The preferred approach**

#### ***Description***

117. In order to lessen the pressure within the homelessness system it is necessary to reduce the time individuals face in temporary accommodation and increase flow out of the system. The Bill will assist local authorities to increase flow out of homelessness by providing them with a broader range of accommodation options by which they can discharge the main homelessness duty.

#### ***Costs***

118. We estimate that this proposal will result in avoided costs resulting from stays in temporary accommodation that will be shortened by increased move on into a greater range of accommodation options. The alternative accommodation options are to be determined but may include family re-unification (where appropriate and safe), returns to previous accommodation (for example where a survivor of abuse can return to their previous accommodation after it has been target hardened) or use of supported lodgings.
119. Some additional costs will be incurred by local authorities in operating the duty to contact certain applicants. However, the duty will require only limited time to deliver, we approximate an average of 30 minutes per applicant.
120. To estimate these costs, we have taken a very broad assumption that the additional discharge options are most likely to be used by single, younger people. This will not universally be the case, but this group of applicants are often challenged by the affordability of accommodation and may benefit most

from accommodation which may be offered under the additional discharge options, such as supported lodgings.

*Table 11: Cost estimates for those using alternative accommodation discharge options*

| <b>Cost area</b>   | <b>Cost estimate</b> |
|--|----------------------|
| Possible number of applicants who may utilise additional discharge options (18-24 year olds* seeking assistance) | 2,523                |
| Time required to keep in touch   | 30 mins              |
| Cost per case  | £14.3                |
| <b>Cost estimate</b>   | <b>£36,100</b>       |

\*Households with the lead applicant aged between 18-24 found to be homeless subject to a duty to help secure (Section 73)

121. This is a recurring cost which will commence in 2027-2028.

### **Benefits**

122. This proposal will provide additional ways to increase flow out of the homelessness system into settled accommodation, suitable to individual need. We envisage that the accompanying duty to keep in touch will have additional preventative benefits in identifying emerging risk early and providing previous applicants with appropriate advice and information.

### **Summary**

123. The Bill will assist local authorities to increase flow out of homelessness by providing them with a broader range of accommodation options by which they can discharge the main homelessness duty. This will therefore assist in achieving improved homelessness relief rates. The duty to keep in touch will have additional preventative benefits in identifying emerging risk early and providing previous applicants with appropriate advice and information to avoid repeat homelessness.

## **Section 8: Interim duty to secure accommodation for homeless applicants**

### **Business as usual**

#### ***Description***

124. Where a local authority has ‘reason to believe’ that an applicant is eligible, homeless and falls within a priority need category, section 68 of the 2014 Act places a duty on a local authority to provide suitable accommodation (on an interim basis) while investigations continue into an applicant’s entitlement to other duties.
125. The duty is intended to operate alongside the section 73 duty which lasts for a maximum of 56 days. If the applicant is subject to section 75, that duty is switched on, even though the individual may remain in the same form of accommodation for both duties.
126. Where someone is not entitled to the section 73 or 75 duties, the applicant is given reasonable time to find alternative accommodation.

#### ***Costs***

127. The Welsh Government does not collect costs data relating to use of temporary accommodation under section 68, 73 or 75.

#### ***Benefits***

128. Temporary accommodation is provided, where necessary, whilst formal assessment takes place.

#### ***Summary***

129. Local authorities provide suitable accommodation on an interim basis.

### **The preferred approach**

#### ***Description***

130. This approach will make changes to the way in which section 68 works which are based on the removal of the section 73 duty and the introduction of a local connection test to entitlement in section 75.
131. As a result of the removal of section 73, it is anticipated that the section 68 duty will be significantly shortened in length to cover only the time taken to undertake an assessment of an applicant’s entitlement to the section 75 duty.
132. To take account of the introduction of the local connection test for section 75, the Bill includes an additional provision to ensure those who will not be entitled to section 75 will be entitled to reasonable time to find alternative accommodation.



## **Costs**

133. The costs specifically for the section 68 duty are anticipated to be reduced as a result of the anticipated shortened period of the application of the duty and resulting reduced provision of any temporary accommodation. The inclusion of a provision to provide reasonable time to find alternative accommodation for those who will not be subject to the section 75 duty based on local connection is a duplication of the existing provision and as such is not expected to expand entitlement beyond the current system.

134. No additional costs are therefore anticipated with this approach.

## **Benefits**

135. The approach is neutral in terms of benefits. Applicants will be assessed for a section 75 duty earlier and the section 68 duty will only cover the assessment period. However, this will have little impact on overall length of time in temporary accommodation.

## **Summary**

136. Consequential amendments to section 68 and 69 to take account of changes to entitlement to the section 75 duty and the removal of the section 73 duty.

## **Section 9: Abolition of differences in entitlement related to priority need**

*This section will abolish the priority need test in Wales.*

## **Section 10: Abolition of differences in entitlement related to intentional homelessness**

*This section will abolish the intentionality test in Wales.*

## **Business as usual**

### ***Description***

137. The priority need test is used to determine whether certain groups of people are considered to fall into a 'priority need' group, creating entitlement to homelessness assistance. The intentionality test may be used by local housing authorities to determine whether an applicant is intentionally homeless and is applied at the assessment of the section 75 duty only. Both tests determine entitlement for homelessness duties. Where an applicant is found to have no priority need or to be intentionally homeless, their duty can be ended, excluding them from the homelessness system.

138. The Homelessness (Priority Need and Intentionality) (Wales) Regulations 2022 amended section 70 of the HWA 2014 and the Homelessness (Intentionality) (Specified Categories) (Wales) Regulations 2015, extending the application of both tests to people who are street homeless and those they might reasonably be expected to reside with. This change had the effect of continuing the no-one left out policy approach introduced at the start of the pandemic, ensuring assistance is provided to the vast majority of applicants.
139. The last full year of data shows that 14 of the 22 Welsh local authorities no longer apply the priority need test.<sup>37 38</sup> Data shows use of the test registering in only 8 authorities, with over half of all priority need exclusions taking place in 2 of these authorities. Data for the last full year shows that 276 households were excluded from local authority assistance because they did not fall into one of the priorities need categories, 255 of these households were single people.
140. There is evidence of significant variation in the interpretation and use of the intentionality test across Wales.<sup>39</sup> The last full year of data shows that the intentionality test has not been applied in 11 of the 22 Welsh local authorities and that almost half of all uses of the test have taken place in 3 authorities.

## **Costs**

141. Costs for local housing authorities relate to the provision of both temporary and settled accommodation for those in priority need and not intentionally homeless. In 2023-24, Homelessness cost the Welsh public service approximately £275m, an average cost of **£20,000 per household** experiencing homelessness.<sup>40</sup>

## **Benefit**

142. Homelessness is forecast to rise in Wales and local housing authorities should expect an increase in presentations as a result. However, preserving the status quo in relation to retaining the priority need and intentionality tests in law, will mean that those who do not currently fall into a priority need group or who have made themselves intentionally homeless will not be entitled to homelessness duties and will not place additional costs on local authorities. However, these individuals will continue to experience homelessness and incur the personal costs associated with it and will likely continue to place disproportionate demands on wider public services. They are also likely to re-present at later stages for assistance and may have additional support needs at this point.

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<sup>37</sup> [Households for which assistance has been provided by outcome and household type](#)

<sup>38</sup> Or applied the test in so few cases that it has not been recorded in the data (likely to be less than 3 cases per authority and 9 individuals in total.)

<sup>39</sup> Fitzpatrick, S., Pawson, H., Bramley, G., Young, G., Watts, B. & Wood, J. (2021) The Homelessness Monitor: Wales 2021. London: Crisis; StatsWales: [Households for which assistance has been provided by outcome and household type](#) Accessed 19/05/23.

<sup>40</sup> The last full year for which we have data

## **Summary**

143. The priority need and intentionality tests would remain in use, excluding some people from homelessness duties. Inconsistent application of the tests will remain, individuals will incur the personal impacts of homelessness, and the public service will continue to experience the demand these impacts bring.

## **The preferred approach**

### **Description**

144. The Bill proposes that both the priority need and intentionality tests are abolished.
145. The abolition of the priority need and intentionality tests will provide consistency with the key principles behind the proposed reforms and ensure the homelessness system in Wales is accessible to all.
146. These changes mean that any applicant who is eligible and 'homeless' will be owed a full duty by the local housing authority as long as they also have a local connection. This will include meeting any needs in relation to interim accommodation and no longer tolerating homelessness for some people.

### **Costs**

147. In estimating the cost of this reform, it is assumed that those applicants who would previously have been excluded from services through application of the tests would now be entitled to assistance. Consequently, it is likely that this will contribute to an increase in the cost of delivering homelessness services (in terms of caseload management and accommodation provision).
148. Local authorities have raised concerns about the impact of the removal of these tests. Although the data doesn't indicate significant additional demand on the homelessness system, we acknowledge that the system is under strain and any additional demand raises concerns in relation to quality of service, costs and availability of accommodation. It is therefore policy intention to commence the abolition of the priority need and intentionality tests towards the end of the implementation period. The aim of this is to lower the pressure at the front of the system (by preventing more homelessness), reduce reliance on temporary accommodation and increase flow out of the system (into settled accommodation) before the additional demand associated with removal of the tests is met.
149. To estimate a cost for the abolition of the two tests we have made a likely over-assumption that all households currently excluded from homelessness assistance would enter either temporary accommodation or supported accommodation. We have taken the assumption that three quarters of these households will require temporary accommodation, with the remaining quarter utilising supported accommodation. We estimate a cost based on this to be £5,390,800 commencing in 2030-2031. We have also assumed this as a

recurring cost, although, given our focus on prevention, we do not expect this number to remain constant.

*Table 12: Estimated costs of abolition of the priority need and intentionality tests*

| <b>Key parameters</b>   |   |
|---|---|
| Additional number of homeless households entitled to assistance per year due to abolition | 366 <sup>41</sup> (this number is based on the annual number of eligible, homeless people who are not in priority need during 2023-2024 and those who are eligible, homeless and in a priority need but intentionally so during 2023-2024.) |
| Assumption of general needs TA use  | 75% @ £15,075 <sup>42</sup>   |
| Assumption supported accommodation  | 25% @ £12,540 <sup>43</sup>   |
| <b>Total recurring cost for local housing authorities</b>                                 | <b>£5,390, 800</b>  |

150. It is possible that those applicants who fail the tests under the current regime may re-present as homeless at a later date, at a point of greater crisis. It is therefore likely that helping them earlier may mitigate such escalation and minimise the longer-term impacts and costs of homelessness. However, due to a lack of evidence on the extent to which those who fail the tests re-enter the system, these impacts could not be modelled.

151. We should also note the considerable savings that are expected to flow from reduced use of acute homelessness support and reduced use of wider services (physical and mental health, substance misuse, and criminal justice) by both rough sleepers and other homeless households.

## **Benefits**

152. This option builds upon practice adopted at the beginning of the pandemic in April 2020 to ensure everyone who presented to homelessness services without accommodation, was provided with the accommodation and support they needed to stay safe. Further to the changes already made to Regulations in 2022, which opened up the priority need categories to the majority of those presenting, this ensures anyone presenting with a local connection is able to access homelessness services. This further sustains and formalises the no-one left out approach, securing the established practice already underway in most local authorities in Wales.

## **Summary**

153. Abolition of the priority need and intentionality tests will mean that any applicant who is eligible and homeless will be owed a full homelessness duty.

<sup>41</sup> StatsWales data on homelessness outcomes by statutory duty – eligible, homeless but not in priority need (2023-24); and Eligible, homeless and in a priority need but intentionally so (2023-24)

<sup>42</sup> Analysis using Alma cost collections with Local Authorities on homelessness services, conducted in 2024.

<sup>43</sup> Analysis using Alma cost collections with Local Authorities on homelessness services, conducted in 2024.

## **Section 6: Duty to secure accommodation for eligible homeless persons with a local connection to Wales**

## **Section 11: Referral of cases to another local housing authority**

## **Section 12: Meaning of local connection**

## **Section 13: Exemption from referral to another local housing authority**

## **Section 14: Duties to applicants in referral cases**

## **Section 15: Cases referred from a local housing authority**

## **Section 16: Notice to applicants in referral cases**

### **Business as usual**

#### ***Description***

154. The 2014 Act does not include local connection as a mandatory legal test for any of the three key homelessness duties. However, the discretionary ability for an authority to refer an applicant's case to another local authority area in England or Wales (under a set of conditions (listed below) which was part of the 1996 Housing Act) is retained.

155. The conditions for referral are set out in section 80 of the 2014 Act:

- No local connection to the area they have presented.
- A local connection to another area in England or Wales.
- No risk of abuse on return to the area where they have a local connection.
- Priority Need
- Unintentionally homeless

156. There are also restrictions on when a referral to another authority can be made. It cannot be made before or during the section 66 prevention stage. Nor can it be made following the opening of the section 73 relief duty. This has two impacts. Firstly, that the referral can only be made between the ending of the section 66 duty and the commencement of the section 73 duty, and, if a referral is not made in this time frame, then the local authority will have no option but to accept a duty at section 75 if the applicant is also within a Priority Need category and unintentionally homeless.

157. It should also be noted that if an applicant does have a local connection elsewhere, but is not priority need or unintentionally homeless, a referral cannot be made and the applicant would be entitled to the section 73 duty. This would

result in an inability to be referred, and support being ended at the conclusion of the section 73 duty and they would not be entitled to the section 75 duty based on their priority need and/or unintentionally homeless status.

158. This has resulted in a conflicting legal and operational context whereby local connection is not a mandatory legal test, but also a significant element of the assessment process.

### ***Cost***

159. The principal aim of the discretionary local connection test is to ensure that no local housing authority bears disproportionate costs in relation to supporting and accommodating people in their area and that local resources are targeted at meeting the needs of local people.

160. The Welsh Government does not collect data on discretionary use of local connection referrals. In its current form, local connection is considered by local housing authorities as vital in prioritising homelessness services to the needs of existing residents of an area.

### ***Benefits***

161. Local housing authorities regard the local connection test as a crucial case management tool which helps them to manage demand in their areas at a time of significant resource pressures. There would be no additional costs for local housing authorities arising from this option.

### ***Summary***

162. Local connection is a discretionary power to make a referral to another local authority, in relation to a limited number of applicants.

### ***The preferred approach***

#### ***Description***

163. The Bill amends the local connection referral mechanism to remove the requirement that an applicant be priority need and unintentionally homeless to qualify for a referral.

164. This mirrors the approach taken in England for a referral between English local authorities and will potentially increase the volume of applicants who can be referred to another local authority area in either England or Wales. The other remaining conditions, including risk of abuse, are retained.

165. Secondly, the Bill introduces a new section 75 into the 2014 Act which includes a local connection test to determine entitlement for a section 75 duty. A Welsh local authority will no longer have to accept a duty to secure accommodation for those with no local connection in Wales.

166. The Bill will allow a local connection referral to take place for an individual in custody, prior to the section 66 stage. This is to ensure that someone due to leave custody is not subject to a referral process in the days immediately preceding their release, when it is important for all parties to have a clear plan in place well ahead of release.
167. The definition of local connection will remain mostly unchanged, however the current reference to 'special circumstances' is amended and a regulation making power will allow Welsh Ministers to define each of the conditions for local connection.
168. In addition, applicants who are at risk of abuse will be exempt from the local connection test to determine entitlement for a section 75 duty and will continue to be exempt from the local connection test that determines whether their case can be referred to another local authority. The definition of abuse, including domestic abuse, will be updated to take account of recent legislation.

### **Costs**

169. We expect these proposals to be cost neutral. There may be an increase in volume of referrals, both formal and informal. However, as Welsh local authorities will no longer have to accept a duty to secure accommodation for those with no local connection in Wales, we anticipate the costs of any increased referrals to be offset by a reduction in accommodation costs. On this basis, our best estimate of the cost is £0.

### **Benefits**

170. Reform provides a strengthened local connection test to ensure local authorities can focus resources on preventing and relieving homelessness within their local area.

### **Summary**

171. A local connection test will determine entitlement for a section 75 duty. A Welsh local authority will no longer have to accept a duty to secure accommodation for those with no local connection in Wales.

## **Section 18: Help to retain suitable accommodation secured in exercise of homelessness functions**

*This section introduces a new duty to provide help to retain suitable accommodation that has been secured under homelessness functions.*

### **Business as usual**

#### **Description**

172. Many people who experience homelessness have previously had a home and repeat homelessness is common.<sup>44</sup> Stakeholders are clear that homelessness risk can be very high at the beginning of a new occupation contract, particularly for applicants with complex or multiple support needs or other vulnerabilities. One of the reasons this risk is increased is because support services tend to step away from supporting homeless individuals when their accommodation need is met, even when broader support needs are unmet. Practice based feedback suggests that risk can become evident quickly and without sustained support, individuals are at increased risk of repeat homelessness. The latest monthly management homelessness data suggests that 17% of placements into temporary accommodation are for individuals who have previously been placed into temporary accommodation within the last 12 months.<sup>45</sup>

173. The Welsh Government provides grant funding to local authorities through the Housing Support Grant (HSG). The HSG does not fund the statutory duty on local authorities to prevent homelessness (which is funded through the local authorities' Revenue Support Grant). Instead, HSG funded services augment, complement and support statutory services to ensure that the overall offer authorities provide helps people into the right homes with the right support to succeed.

174. HSG funded services include assisting people with a range of support needs to live independently, sustain their existing tenancies and prevent homelessness. Welsh Government guidance and other literature outline examples which a local housing authority should consider when fulfilling its prevention duty, linked to occupation contract sustainment.<sup>46 47</sup>

#### **Costs**

175. Funding is provided to local authorities through the HSG to assist individuals who are at risk of experiencing homelessness and who have housing support needs. This support includes debt advice, employment and tenancy management. Activities in connection with tenancy sustainment - through 'floating support' staffing costs - are estimated to represent c.35% of authorities' use of HSG funding. The total HSG budget was £182.4m in 2024-25; of this,

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<sup>44</sup> [Homelessness accommodation provision and rough sleeping: December 2024 \[HTML\] | GOV.WALES](#)

<sup>45</sup> [Homelessness accommodation provision and rough sleeping: December 2024 \[HTML\] | GOV.WALES](#)

<sup>46</sup> [for Local Authorities on the Allocation of Accommodation and Homelessness](#)

<sup>47</sup> [Working together to end homelessness from social housing](#)



estimated planned spending on ‘floating support’ services to prevent homelessness is £63m. The HSG budget is £204.3m in 2025-26.

176. Since 2022-23, the Welsh Government has also provided additional grant funding to local authorities through Discretionary Homelessness Prevention funding. This bolsters local authority’s own funding to provide immediate support to prevent and relieve homelessness for both those in receipt of benefits and those at risk on low incomes but not in receipt of benefits. In 2024-25 this grant funding was £5m. From 2025-26, this funding has been transferred to the Revenue Support Grant to continue to support local authorities’ statutory homelessness duties.

### ***Benefits***

177. Local housing authorities would continue to use HSG funding to provide broad support to individuals seeking assistance for homelessness prevention, some of which will include tenancy sustainment work. There would be no additional formal costs to local authorities, although the noted risk around repeat homelessness would not be addressed with associated likely cost implications, although we do not have detailed evidence on which to model this risk.

### ***Summary***

178. By maintaining the status quo, local housing authorities would continue to use the HSG to meet local need, choosing to fund tenancy sustainment services, should this be necessary in their area.

## **The preferred approach**

### ***Description***

179. Ensuring that effective support is in place to support new tenants as they take on occupation contracts is a key component in strengthening prevention work and reducing repeat homelessness.
180. The Bill contains a new duty to provide help to retain suitable accommodation that has been secured under homelessness functions by helping to secure that the applicant’s accommodation does not cease to be available for occupation by the applicant, by taking reasonable steps likely to achieve that purpose. The proposed duty would not be applied universally but would be confined to those whom the local housing authority identifies as requiring support to retain their accommodation, following discharge of the main homelessness duty. Where necessary, a local housing authority would be able to use the expanded duty to cooperate (section 32) to request support from other public authorities and other local authority functions to provide the necessary support.
181. This will support provision of integrated services to assist with the retention of occupation contracts, including the provision of all forms of support. The end point of the duty would be set at 12 months, or when the applicant becomes

homeless, or should the local authority be satisfied that the applicant is no longer at risk of homelessness, or where the applicant has requested that the local housing authority does not provide the assistance.

## **Costs**

182. The last full year of data suggests that 3,357 households found to be threatened with homelessness were so due to the loss of rented or tied accommodation. This will include a range of experiences, including no fault evictions, so must not be assumed to relate just to people who have been unable to sustain a tenancy due to lack of support.

183. To understand better what proportion of households seeking support due to loss of accommodation would require additional tenancy support, we have analysed detailed data provided by three local authorities to identify a ratio of the number of households threatened with homelessness to demand for tenancy support. This indicated an average ratio of 0.18. Applying this ratio to the number of households found to be threatened with homelessness due to the loss of rented or tied accommodation, suggests a proxy demand for tenancy support in Wales of 19,075 households. We have assumed that 10% of this proxy would require additional support under the proposed duty and, taking the average annual tenancy support cost per tenant (£4,092) provided by local authorities, suggest a recurring total cost estimate of £7,805,100 for this proposal which will begin in 2027-2028.

*Table 13: Estimated cost for duty to retain suitable accommodation secured in exercise of homelessness functions.*

| <b>Cost area</b>   | <b>Cost estimate</b> |
|--|----------------------|
| Proxy demand for tenancy support in Wales                          | 19,075               |
| Percentage of this group requiring support under the Bill proposal | 10%                  |
| Average annual tenancy support cost per tenant                     | £4,092               |
| Recurring total cost estimate of for this proposal.                | £7,805,100           |

184. Investing in improved support around tenancy sustainment supports our core scenario and will prompt cost savings related to increased homelessness prevention particularly in relation to repeat homelessness.

## **Benefits**

185. Maintaining housing security is vital for the well-being of households. The effects of housing insecurity are wide ranging with negative individual, community and economic impacts.

## **Summary**

186. In addition to contributing to the wellbeing of individuals and households, the strengthening of prevention work and the provision of integrated services to prevent homelessness, in particular repeat homelessness, can potentially provide significant cost reductions in the delivery of homelessness services in Wales.

### **Section 20: Further circumstances in which the duties to help applicants end**

*New circumstances in which duties to applicants can be brought to an end, in certain circumstances, where the applicants engaged in violence or threatening behaviour, caused serious damage or did not response to repeated attempts by the local housing authority to contact them.*

## **Business as usual**

### **Description**

187. Section 79 of the HWA 2014 sets out the circumstances in which local housing authority's duties under sections 66, 68, 73 and 75 can come to an end. Sub-section (5) sets out that any duty owed to an applicant can be ended if the applicant is "unreasonably failing to co-operate" with the local housing authority in the exercise of its functions.

### **Costs**

188. Statutory data shows the instances in respect of assistance provided under sections 66, 73 and 75 where a household has not co-operated with a local housing authority or has been discharged through loss of contact.<sup>48</sup>
189. It is difficult to quantify the costs of providing a service to applicants where that service is not brought to a positive conclusion. In some respects, we could estimate avoided costs where stays in temporary accommodation are brought to an end earlier, but it is also likely that individuals discharged for non-cooperation or loss of contact will continue to experience homelessness and may re-enter the system at a later date, having experienced ongoing negative impacts associated with homelessness. This may be particularly true for applicants experiencing homelessness alongside other support needs, who may access services in chaotic and sporadic ways.

### **Benefits**

190. The current system provides local authorities with recourse to end duties in the stated circumstances. This may involve short term avoided costs but also have longer term implications relating to additional presentations.

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<sup>48</sup> [Households for which assistance has been provided by outcome and household type](#)

## **Summary**

191. The test provides clarity in law in relation to when a duty is discharged but may not work well for applicants with complex and high support needs who may not engage with services in an orderly manner.

## **The preferred approach**

### **Description**

192. A person experiencing homelessness or threatened with homelessness may display behaviours and engage with services in a chaotic and unpredictable way, including disengaging for periods of time. This may not mean they do not require assistance, and it is important that all attempts are made to re-engage vulnerable applicants and that duties are not ended prematurely.
193. It is also important that staff working in local housing authorities are protected from behaviour that is violent or threatening and that finite sources of accommodation are maintained and safe for all occupants. This is particularly important in congregate temporary accommodation.
194. We therefore propose an amendment to section 79 of the HWA 2014 to introduce new circumstances in which duties to applicants can be ended. These circumstances will include violence, threatening behaviour and causing serious damage to accommodation.
195. We also propose to replace the existing unreasonable failure to co-operate test with a set of narrower circumstances to end duties which covers examples of non-response from applicants following repeated attempts by the local housing authority to contact them, where no further special circumstances are known.
196. In cases of non-contact, the local housing authority will be required to provide a warning notice to alert the applicant of their intention to end the duty.

### **Costs**

197. As the Bill narrows the 'unreasonable failure to co-operate test' it is rational to assume a reduction in the number of people who are discharged for non-cooperation. This will result in greater costs in the short term, given more people will now be eligible for support. However, it is expected to result in longer term benefits as offering earlier remediation will avoid further risk of escalation which can be more costly to resolve at a later date. Costs related to a reduction in applicants discharged from the system for "other reasons" have been assessed as part of the core scenario.
198. There are also additional costs associated with the requirement for a warning notice to be provided to applicants who are not responding to repeated attempts to contact applicants. To estimate these costs, we have taken the current number of applicants discharged due to lack of contact (2,436) and assumed

thirty minutes of a housing officers time will be required to prepare and send the warning notice. On this basis we estimate the additional cost associated with warning letters as £34,800. This is a recurring cost which will begin in 2027-2028.

*Table 14: Estimated costs for warning notices*

| <b>Cost area</b>   | <b>Cost estimate</b>  |
|--|-----------------------|
| Current number of applicants discharged due to lack of contact | 2,436                 |
| Time required to provide warning notice                        | 30 mins per applicant |
| <b>Total cost</b>  | <b>£34,800</b>        |

### **Benefits**

199. We consider that the narrowing of the unreasonable failure to co-operate test will assist in delivering trauma informed support, whilst establishing clear boundaries around expectations for acceptable behaviour and staff safety.

### **Summary**

200. The provision will contribute to a homelessness system which is more person-centred and trauma-informed.

## **Section 21: Duty of a public authority to “ask and act”**

*Creating shared responsibility for the identification and prevention of homelessness across the Welsh public service.*

### **Business as usual**

#### **Description**

201. People who are homeless, or at risk of becoming so, will routinely encounter a range of public services as they seek to understand and manage their housing situation.<sup>49</sup> It is vital each of these services acts to prevent homelessness, either by itself or with partners to help a potential homeless applicant to access housing and homelessness support at an early stage.
202. At the current time informal arrangements are in place to facilitate referrals from wider services to local housing authorities, however there is no requirement for these services to refer individuals for assistance and the source, scale and rate of referrals into local housing authorities is not currently recorded.

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<sup>49</sup> [Homelessness Action Group: report March 2020](#)

## **Costs**

203. It is not possible to provide a cost estimate of current practice, given that we do not have national data on the source of referrals into local housing authorities. However, modelling work undertaken to inform this assessment, demonstrates the considerable costs incurred by the wider Welsh public service through the higher rates of interaction of people experiencing homelessness with the health, social care and criminal justice systems than people who are not homeless. It is estimated that the incremental cost of homelessness is £64m to wider public services per year or £4,700 per homeless case.

## **Benefits**

204. There are no benefits to maintaining the status quo. The existing legislative framework does not require the identification and referral of individuals at risk of homelessness, who as a result may present later to local housing authorities. Later presentations will make it more challenging for services to prevent their homelessness.

## **Summary**

205. The current working arrangements across the Welsh public service need to be strengthened. The successful identification and then referral of a person or household at risk of homelessness can mean that a crisis is prevented, alongside avoidance of the personal, societal and economic harms caused by homelessness.

## **The preferred approach**

### **Description**

206. The Bill will introduce a new duty on specified public authorities in Wales to “ask and act”. The duty will be owed where a “specified public authority” considers that a person to whom they exercise functions may be homeless or at risk of homelessness. The specified public authority will be required to seek their consent to make a referral to the local housing authority on their behalf. In Wales, this referral will be treated as though it were an application for homelessness assistance, by the household. In addition, the Bill requires a specified public authority to provide the person with information about help that may be available from other services, and to consider whether there are any other steps it could reasonably take in the exercise of its functions to help the person secure or retain suitable accommodation. They must also consider whether the individual’s risk or experience of homelessness affects the exercise of its functions in relation to the person.

207. The aim of the “ask and act” duty is to identify individuals at risk of homelessness as early as possible and to ensure local authorities are able to assist them earlier, standing them a greater likelihood of preventing homelessness from occurring. The joint emphasis on acting as well as asking about homelessness is in place to assure local housing authorities that their

partner agencies will also do what they can when referring an individual at risk. This will further strengthen the service on offer to that individual and increase the likelihood of successfully preventing homelessness.

208. The Welsh Government will publish guidance to the Welsh public service (separate to the overarching Code of Guidance on the Bill) on how to implement the new duties and will roll-out a national learning and development offer to prepare the Welsh public service for carrying out the new duties.

209. It is proposed the duty to “ask and act” will apply to the following specified public authorities:

- a social services authority;
- a Local Health Board, but only in relation to individuals to whom it provides or arranges health care services that are not primary care services;
- the Welsh Ambulance Service University National Health Service Trust;
- a registered social landlord;
- a new town corporation for an area in Wales;
- a private registered provider of social housing that provides housing in Wales;
- a housing action trust for an area in Wales;
- the governor of a prison in Wales;
- the director of a contracted out prison in Wales;
- the governor of a young offender institution in Wales;
- the governor of a secure training centre in Wales;
- the director of a contracted out secure training centre in Wales;
- the principal of a secure college in Wales;
- a youth offending team for an area in Wales established under section 39(1) of the Crime and Disorder Act 1998 (c. 37);
- the manager of a secure children’s home in Wales;
- a provider of probation services in Wales;
- an officer employed by the Secretary of State at an office in Wales known as a Jobcentre Plus office;
- the Secretary of State for Defence, but only in relation to members of the regular armed forces.

210. Welsh Ministers may, by regulations, omit or add a reference to person, or a description of a person.

## **Costs**

211. “Ask and act” in relation to homelessness is an entirely new area of homelessness policy. Its introduction and rollout will lead to additional direct and opportunity costs for the Welsh Government, local authorities and the wider public service. Estimates for these costs are taken in turn below:

### *The Welsh Government*

212. There will be a direct cost to the Welsh Government in relation to developing training materials and guidance to support the rollout of “ask and act”. The guidance costs for this proposal are set out in the section on associated implementation costs and we have estimated the cost of producing the training offer at £66,860. This is a one-off cost which will be incurred in 2027-2028.

#### *Costs to the specified public bodies*

213. There will be a significant opportunity cost associated with accessing training and guidance to support “ask and act” practice. To estimate this cost, we have used a range of data sources to estimate the average hourly cost of workers within each specified public authority.<sup>50</sup> We have assumed a 2-hour time requirement to complete training on “ask and act” and used this assumption to estimate an opportunity cost per specified public body. This is set out below. In total we estimate £12,398,500 of opportunity costs associated with training on “ask and act” which will take effect in 2028-2029.

*Table 15: Estimated opportunity costs for specified public authorities to access training on “ask and act”*

| <b>Specified public body</b> | <b>Estimated number of staff requiring training</b> | <b>Estimated average hourly costs</b> | <b>Training time requirement (hours)</b> | <b>Training time opportunity cost per professional</b> | <b>Opportunity training cost per specified public body</b> |
|------------------------------|---|---------------------------------------|--|--|--|
| Social Services              | 9,456   | £28.93                                | 2  | £57.85   | £547,000   |
| Health                       | 70,924  | £32.89                                | 2  | £65.78   | £4,665,400   |
| WAST                         | 3050  | £32.89                                | 2  | £65.78   | £200,600   |
| RSL                          | 99,000  | £27.94                                | 2  | £55.87   | £5,531,500   |
| HMPPS (inc youth justice)    | 22,000  | £29.38                                | 2  | £58.76   | £1,292,700   |
| Job centre                   | 753   | £23.40                                | 2  | £46.8  | £35,200  |
| MOD                          | 3,230   | £19.5                                 | 2  | £39.00   | £126,000   |
| <b>Total</b>                 | <b>208,413</b>                                      |                                       |  |  | <b>£12,398,500</b>   |

214. There will also be opportunity costs associated with the time taken to identify a person at risk of homelessness and refer them to a local authority. We have assumed there are no additional opportunity costs associated with “acting” as any actions taken would be within the expected functions of the specified public body. In order to estimate costs associated with referrals, we have looked at data relating to the duty to refer which has operated in England for several years. We have taken an average of referrals made by bodies subject to the duty to refer over the last five years and adjusted these figures to form estimates of how many referrals the specified public bodies in Wales are likely to make. Where

<sup>50</sup> [Earnings and hours worked, region by occupation by four-digit SOC: ASHE Table 15 - Office for National Statistics; Social care workforce report 2023](#); ALMA economics technical report



bodies to be made subject to the “ask and act” duty in Wales are not subject to the duty to refer, we have used an average of overall referrals to form our assumptions. It should be noted that it has taken some time to establish practice in England and referral rates do fluctuate. We estimate a total opportunity cost for referrals made under “ask and act” of **£32,100** per year, these are recurring costs which will take effect from 2028-2029.

*Table 16: Sources of referrals to local authorities under the duty to refer in England*

| Referrals under the Duty to Refer <sup>2</sup> | Households assessed as a result of a referral by a public body under the Duty to Refer |                     |                            |                                  |   |                               |                |                       |                            |
|--|--|---------------------|----------------------------|----------------------------------|---|-------------------------------|----------------|-----------------------|----------------------------|
|  | Adult Secure Estate (prison)   | Youth Secure Estate | National Probation Service | Community Rehabilitation Company | Hospital A&E, Urgent Treatment Centres or in-patient care | Mental Health in-patient care | Jobcentre Plus | Adult Social Services | Children's Social Services |
| Average over 5 years                           | 1,742  | 38                  | 7,744                      | 380                              | 2,778   | 1,090                         | 2,200          | 2,312                 | 3,012                      |

*Table 17: Estimated opportunity costs for “ask and act” in Wales*

| Specified public authority  | Likely level of referrals within Wales under “ask and act | Estimated time required to make referral; | Hourly rate | Cost per referral | Total cost for estimated number of referral per year |
|---|---|---|-------------|-------------------|--|
| Adult Secure Estate (prison)  | 124   | 30 mins                                   | £29.38      | £14.69            | £1,800   |
| Youth Justice   | 3   | 30 mins                                   | £29.38      | £14.69            | £44  |
| National Probation Service  | 580   | 30 mins                                   | £29.38      | £14.69            | £8,500   |
| LHB   | 276   | 30 mins                                   | £32.89      | £16.45            | £4,500   |
| Jobcentre Plus  | 157   | 30 mins                                   | £23.40      | £11.70            | £1,800   |
| Social services   | 380   | 30 mins                                   | £28.93      | £14.46            | £5,500   |
| Secretary of State for defence in relation to members of the armed forces | 2   | 30 mins                                   | 19.5        | £9.75             | £20  |
| WAST  | 217   | 30 mins                                   | £32.89      | £16.45            | £3,600   |
| RSL   | 217   | 30 mins                                   | £27.94      | £13.97            | £3,000   |
| <b>Total opportunity cost for “ask and act”</b>                           | <b>1,956</b>  |   |             |                   | <b>£32,100</b>                                       |

### *Costs for local authorities*

215. The aim of “ask and act” is to ensure individuals at risk of homelessness are referred at the earliest opportunity. The implementation of “ask and act” should result in additional referrals to local authorities but it not possible to model how many would be completely “new” to local authorities and how many would have come to the local authority’s attention, but at a later stage. To provide an estimate of cost of “ask and act” to local authorities we have taken the total estimated referrals per year from relevant public authorities (1,956) and applied the costs for homelessness prevention work.

*Table 18: Cost estimates for additional referrals due to “ask and act”*

| <b>Total estimated referrals per year from relevant public authorities</b> | <b>Cost per prevention case</b> | <b>Total cost for all referrals</b> |
|--|---------------------------------|-------------------------------------|
| 1,956  | £1,716                          | £3,356,500                          |

216. These are recurring costs, which would take effect from 2028-2029.

### ***Benefits***

217. The duty to “ask and act” will be a crucial preventative element of the proposed reforms. Early identification of people at risk of homelessness will allow appropriate interventions to be made to prevent homelessness occurring or should it happen, ensure those impacts are brief and unrepeatable. Earlier referral will therefore assist in achieving improved prevention rates.

### ***Summary***

218. The combination of a strengthened preventative approach, relying on earlier identification of homelessness will result in significant cost savings for public services.

## **Section 23: Duty to ensure young people leaving care have suitable accommodation**

### **Business as usual**

#### ***Description***

219. There is a breadth of legislation (mainly set out in the Social Services and Wellbeing Act (2014)) and guidance in place which seeks to ensure that young people leaving care are provided with a range of support as they transition to independent living. However, care leavers are disproportionately represented

within homelessness data and there is evidence that unsupported transitions from care directly cause homelessness for many young people.

### **Costs**

220. Local authorities are funded to deliver their social services functions via the RSG. This funding is un-hypothecated, meaning that it is for local authorities to determine the allocation of funding for all its services based on local needs and priorities. The core funding settlement was £5.72bn in 2024-25 and will be £6.14bn in 2025-26.

### **Benefits**

221. There would be no benefits as the deficiencies associated with implementation of the current law, will continue to exist.

### **Summary**

222. Social Services and Well-being (Wales) Act 2014 sets out a range of duties related to 6 categories of care leavers. Despite this, homelessness amongst young people leaving care remains a serious concern.

### **Preferred approach**

#### ***Description***

223. The Bill will amend the Social Services and Well-being (Wales) Act 2014 to place new duties on the responsible local authority to take reasonable steps to secure suitable accommodation is available for occupation in relation to certain categories of young people leaving care.

### **Costs**

224. Our best estimate of costs for this provision is £0. These duties will strengthen requirements on local authorities to take reasonable steps to secure that suitable accommodation is available for occupation if the young person's well-being requires it. Much of the work that will constitute reasonable steps are actions that we would expect to be taken under existing legislation and guidance, but which do not always appear to be taken in practice. They are also actions which will be more likely to be successful when section 37 of the Bill is enacted which amends the Part 6 of the Housing Act 1996 (allocation of social housing) to ensure that those young people leaving care owed the new duties are afforded reasonable preference in housing allocation schemes to facilitate the fulfilment of those new duties.

## **Benefits**

225. Early preparation will be in place to plan for the transition from care into independent living and to ensure that no care leaver has to present as homeless to access suitable accommodation. The proposal is supported by provision in part 2 of the Bill, which creates a new category of reasonable preference for young people leaving care; prioritising them for allocation of social housing.

## **Summary**

226. The provision of good quality, suitable accommodation will maximise the chance of tenancy sustainment for a young person leaving care.

## **Section 24: Protocol for handling cases involving care leavers etc**

### **Business as usual**

#### **Description**

227. In 2023-2024, 6,015 households with young people (aged 18-24) as the lead applicant presented to their local housing authority for homelessness assistance.<sup>51</sup>

228. The Part 6 Code of Practice (Looked After and Accommodated Children) published under the Social Services and Wellbeing Act (2014) sets out that social services and housing departments of a local authority should have joint protocols for the assessment and meeting of care leavers' accommodation needs, which should also address the strategic planning of appropriate housing options. The guidance is clear these protocols must also address the needs of 16- and 17-year-olds who fall outside of the care system but whose needs have been assessed under Part 3 of the Act and whose well-being is likely to be seriously prejudiced if it does not provide the child with accommodation.

### **Costs**

229. There would be no additional cost to local housing authorities or social services under this option. Guidance would remain in place to promote cooperation between social services and local housing authorities.

### **Benefits**

230. There would be no benefits as the deficiencies identified in current legislation would continue to exist.

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<sup>51</sup> This figure relates to total outcomes of a household; it is possible for up to 3 different outcomes to be recorded for each individual household.

## Summary

231. Guidance under both the HWA 2014 and the Code for Part 6 of the Social Services and Well-being (Wales) Act 2014 outline the need for a local authority to ensure it has a coordinated response to young people who are homeless or threatened with homelessness. Despite this, homelessness amongst children and young people remains a serious concern.

## The preferred approach

### Description

232. The Bill will introduce a new statutory duty on a local authority to establish joint protocols between the officers of the authority who exercise its social services functions and those who exercise its functions as the local housing authority. Joint protocols will be required for handling cases involving 16 and 17-year-olds who are homeless or threatened with homelessness, the accommodation and support needs of care leavers, and 16 and 17-year-olds leaving youth detention.

### Costs

233. Given the existing guidance requirement, it is our expectation that most local authorities will already have protocols in place. However, for the purposes of this assessment we have estimated an additional cost for developing or reviewing a joint protocol. To estimate this cost, we have made an assumption relating to the number of days required to develop the joint protocol between organisations and multiplied this by the wage rate per hour. The information is shown the table below.

*Table 19: Developing a joint protocol*

|  | <b>Local housing authority</b> | <b>Social Services</b> |
|--|--------------------------------|------------------------|
| Number of days to required to develop joint protocol, per organisation | 10                             | 10                     |
| Average daily rate in Wales (including on-cost)                        | £215.25                        | £231.44                |
| Total cost of developing joint protocol per local authority            | £2,153                         | £2,314                 |
| Total cost of developing joint protocol                                | £47,400                        | £50,900                |
|  | <b>£98,300</b>                 |                        |

234. This is a one-off cost, beginning in 2027-2028. The requirement for a protocol will not result in an additional overall caseload. It is expected that both services would already be providing a service to these clients.

### ***Benefits***

235. The joint protocol between social services and housing teams will lead to more effective integrated support for care leavers, 16 and 17-year-olds and children leaving youth detention. By working together with clear protocols, these agencies can avoid duplication of efforts and ensure that support is comprehensive and well-coordinated.

### ***Summary***

236. Where joint responsibilities for young people are understood and agreed at a strategic level, we avoid tussle and disagreement in individual cases which is damaging for young people and delays meeting their care, support and accommodation needs.

## **Section 25: Protocol for handling cases involving persons in particular need of support**

### **Business as usual**

#### ***Description***

237. People who are homeless or who are at risk of homelessness can have varying support needs. For some, these needs will be high and complex. These individuals require comprehensive multidisciplinary services in order to meet these needs, prevent homelessness and sustain housing security. Many areas have taken steps to bring a range of statutory and voluntary services together in order to co-ordinate their response to such individuals, but practice is inconsistent across Wales.

#### ***Costs***

238. The Welsh Government does not collect data on the support needs identified amongst those experiencing homelessness, or the scale and range of these needs in relation to particular individuals. Practice based feedback is clear that as a share of people who are homeless, they represent a minority, but they require disproportionate levels of resource during service provision.

#### ***Benefits***

239. In order to address the wide range of causes and consequences of homelessness, multi-agency approaches are necessary. There are no benefits to maintaining the status quo.

## **Summary**

240. Individuals experiencing homelessness alongside other support needs require a coordinated service from a range of organisations. Many areas have taken steps to bring a range of statutory and voluntary services together in order to co-ordinate their response to such individuals, but practice is inconsistent across Wales.

## **The preferred approach**

### **Description**

241. The Bill requires a local authority to make arrangements to promote co-operation between itself and other public authorities, voluntary organisations and other persons to achieve:

- the prevention of homelessness,
- that suitable accommodation is available for persons who are or may become homeless,
- that satisfactory support is available for persons who are or may become homeless,
- the effective discharge of its homelessness functions.

242. It also requires effective case coordination with the described organisations. It is our intention that this will lead to the implementation of a statutory case coordination approach. These arrangements must include a protocol for handling cases involving persons who are or may become homeless. This would be for people in particular need of support, those with multiple complex support needs and experiencing or at risk of homelessness within a local authority. This would be underpinned by written protocols that consider the requirements of groups with particular support needs.

### **Costs**

243. Many local authorities undertake some form of case coordination, this ranges from coordination managed between individual practitioners, panels, forums and meetings through to co-located, multi-disciplinary teams. The range of multi-engagement varies widely. We anticipate additional costs for some local authorities as they set up, formalise or expand these arrangements.

244. The legislation does not prescribe a specific model for case coordination, local authorities will have the flexibility to develop and implement their own models. In order to estimate costs, we have utilised data from Cardiff City Council and Rhondda Cynon Taf County Borough Council, who run sophisticated multi-disciplinary team approaches. It will not necessarily be the case that the Bill leads to the set-up of multi-disciplinary teams across Wales. These are recognised best practice, but local authorities retain flexibility to develop models to suit local geography and demography.

245. To support the set up of case coordination functions in each local authority we have assumed three days of work for a coordinator per week, in each of the local authorities at a recurring cost of approximately £675,800, beginning in 2027-2028.

*Table 20: Case coordination*

|  |          |
|--|----------|
| .6 FTE prevention coordinator staff cost | £30,718  |
| National costs                           | £675,800 |

246. It is not anticipated that there will be additional direct costs to the wider public sector (e.g. additional nurses), given that complex cases will be identified under BAU, but may be treated more effectively following the reforms. Although support for people with complex housing needs will be more significant and require a wider range of partners, the better alignment of services should in the longer-term result in better outcomes and reduce pressures on wider services.

247. There will be opportunity costs related to participation in case coordination models, met by the wider public service. These will be recurring and will begin in 2027-2028. It should be noted, however, that in many cases organisations requested to participate in case coordination will already be working with the client and that organisation also stands to benefit from the impact of effective support on the individual. The cost per local authority area is estimated to £31,800, with the total for Wales approximately £699,500 per annum.

*Table 21: Opportunity costs for case coordination per local authority area*

| Specified public authority  | Estimated time participating in case coordination/undertaking actions per week | Over year | Hourly rate | Annual opportunity costs for case coordination |
|---|--|-----------|-------------|--|
| Adult Secure Estate (prison)  | 3  | 144       | £29.38      | £4,200   |
| Youth Justice   | 3  | 144       | £29.38      | £4,200   |
| National Probation Service  | 3  | 144       | £29.38      | £4,200   |
| LHB   | 3  | 144       | £32.89      | £4,700   |
| Jobcentre Plus  | 3  | 144       | £23.4       | £3,400   |
| Social services   | 3  | 144       | £28.93      | £4,200   |
| Secretary of State for defence in relation to members of the armed forces | 3  | 144       | £19.50      | £2,800   |
| RSL   | 3  | 144       | £27.94      | £4,000   |
| <b>Total per LA</b>   |  |           |             | <b>£31,800</b>                                 |
| <b>Total opportunity cost for case coordination (Wales)</b>               |  |           |             | <b>£699,500</b>                                |



## ***Benefits***

248. Coordinated, multi-agency case management will provide integrated support for those experiencing homelessness alongside other support needs, reduce duplication across services and improve partnership working.

## ***Summary***

249. The causes and consequences of homelessness can be complex and a proportion of applicants will have a range of high support needs which require a co-ordinated response from a range of agencies. The better coordination of services will bring about multiple benefits, such as better outcomes for individuals; the eventual reduction of pressures on wider public services; and the eventual longer-term reduction of costs for public services.

## **Section 26: Protection of property: prisoners**

### **Business as usual**

#### ***Description***

250. A local authority must take reasonable steps to prevent the loss or mitigate damage of personal property of any applicant in receipt of four homelessness duties; the prevention duty (section 66), the interim duty to secure accommodation (section 68), the duty to secure accommodation (section 75) and the duty to an applicant whose case is considered for referral or referred (section 82). The authority continues to be subject to this duty even if those duties come to an end.
251. In many cases, this will result in a local authority placing into storage belongings of those being supported by a duty. In other cases it may result in an authority liaising with family members to take possession for the duration of a sentence.

#### ***Costs***

252. The costs of storing the belongings of people subject to a duty can be considerable and will grow as stays in temporary accommodation are prolonged. We do not collect data on these costs, but they will vary depending on the circumstances of the individual or household.

## ***Benefits***

253. This provision is designed so that the key belongings of an applicant will be protected and stored in order to allow an easier and smoother resettlement following release from custody. However, there is no expectation for an authority

to store someone's entire possessions. The intention is to safeguard irreplaceable property such as family photographs and key documents.

### **Summary**

254. Local authorities would continue to take reasonable steps to prevent the loss or mitigate damage of personal property to any applicant owed the relevant duty.

### **The preferred approach**

#### **Description**

255. The Bill will amend section 93 of the HWA 2014 to include an additional category of person who would not be subject to main homeless duty in section 75 of the HWA 2014, ( as a result of the amendments in the Bill) but is still owed a duty to protect property. While this may appear to provide a service to additional people in custody, in reality it will maintain the level of the existing provision.

#### **Costs**

256. There may be an additional cost associated with the widening of the duty, however, due to the small cohort of people involved and the intention of the policy to safeguard irreplaceable property, we expect this to be minimal. Our best estimate of this cost is therefore £0.

#### **Benefits**

257. This will safeguard the irreplaceable property of those owed a duty while in custody, therefore ensuring equal treatment to other homeless applicants owed duties.

### **Summary**

258. The Bill will amend section 93 of the HWA 2014 to include those who are without accommodation while in custody.

## **Section 27: Duty to provide information, advice and assistance: detained persons**

### **Business as usual**

#### **Description**

259. Section 60(1) of the 2014 Act provides that 'a local housing authority must secure the provision, without charge, of a service providing people in its area, or people who have a local connection with its area' with advice to prevent or relieve homelessness or assist to access help homelessness help.

260. Section 60(4) provides further detail by placing a requirement on each local authority to 'ensure that the service is designed to meet the needs of groups at particular risk of homelessness' which includes (a) people leaving prison or youth detention accommodation.

261. While these services are functioning well for those who present from the community, services do not work as well for people who are in prison in a local area.

### **Costs**

262. Local authorities incur costs associated with supporting individuals due to leave custody as part of their wider duties. There are currently no direct advice services in place.

263. The Welsh Government funds a Prison Link Cymru North project which works with a number of prisons in North Wales and the North of England in order to provide advice and support to individuals due to leave prison, who are likely to be homeless. There is currently no project running in South Wales.

264. In addition, Welsh Government also jointly funds with His Majesty's Prison and Probation Service (HMPPS), six Accommodation Pathway Co-ordinators. They work within HMPPS and their role is to provide bespoke advice to front line probation officers in order to overcome any homelessness related issues. These roles do not, however, work routinely from inside prisons.

### **Benefits**

265. The provision of the section 60 advice service is intended to ensure there is a general advice service that provides information and advice to anyone upon request, regardless of homelessness, immigration status or local connection.

### **Summary**

266. The provision of an information and advice service to anyone who seeks advice and information regardless of status.

### **The preferred approach**

#### **Description**

267. The Bill makes clear that section 60 of the HWA 2014 requires a local authority to ensure its homelessness advice services applies to persons detained under the authority of an enactment who are in its area or have a local connection with its area. This aims to ensure that individuals in prison have access to homelessness advice and support in order to aid prevention efforts and mitigate the negative impacts homelessness can have on the mental health and wellbeing of people in prison. This section applies to prisons and does not include Youth Secure Custody settings. Furthermore, the Bill will also make it

clear that advice services should be designed to meet the needs of persons in prison or youth detention settings as well as those leaving these facilities.

### **Costs**

268. Costs of this proposal will fall on those local authorities which host a prison. These areas are Wrexham, Swansea, Cardiff, Bridgend, Monmouthshire.
269. Each local authority in question has an existing presence in each prison as a result of assessment and care duties associated with the Social Services and Wellbeing (Wales) Act 2014. There may be opportunities to align and expand these services to ensure sufficient homelessness advice is in place. This will differ depending on the size of the establishment and the history of homelessness from within the establishment.
270. As this is a clarification of the existing law, no additional costs are anticipated.

### **Benefits**

271. People in prison will have access to homelessness advice services, in the same way that they have access to health care and employment support. This will aid prevention efforts and provide benefits to individuals in the form of reduced mental health impacts and improved wellbeing.

### **Summary**

272. Clarification that the provision of an information and advice service to anyone who seeks advice and information regardless of status includes those held in the adult secure estate and that advice services should be designed to meet the needs of persons in prison or youth detention setting as well as those leaving these facilities.

## **Section 28: Definition of “abuse”**

### **Description**

273. The Bill amends the definition of abuse as set out in section 58 of the HWA 2014. This brings the Bill up to date with wider definitions of domestic abuse, particularly the Domestic Abuse Act (2021) and its inclusion of coercive control. It includes other kinds of abuse which give rise to harm, including modern slavery and stalking and harassment.

### **Costs**

274. We do not envisage additional costs as a result of this proposal which seeks to align definitions with the Bill with wider legislation.

### ***Benefits***

275. The amendments will lead to a clearer understanding of how “abuse”, including “domestic abuse” are defined.

### ***Summary***

276. The Bill will broaden the definition of domestic abuse and abuse which will align with other definitions of abuse.

## **Section 29: Duty to seek views of homeless persons in exercise of homelessness functions**

### **Business as usual**

#### ***Description***

277. The current Code of Guidance makes several references to the value in engaging with partners including organisations representing people with various protected characteristics and marginalised groups for the purposes of delivering several aspects of the current legislation and broader policy. However, there is no requirement in place to engage with individuals who have experienced homelessness for these purposes.

#### ***Costs***

278. There are no costs associated with current practice

### ***Benefits***

279. There are no benefits to maintaining the status quo and the voices of those with lived experience may not inform development of policy and practice.

### ***Summary***

280. There is no requirement currently in place for local authorities to engage with individuals with lived experience of homelessness in the exercise of homelessness functions.

### **The preferred approach**

#### ***Description***

281. The Bill will amend section 52 of the 2014 Act so that local authorities must also consult with persons in the authority’s area who are, or who have been, homeless or threatened with homelessness before they adopt or modify their homelessness strategy. The Bill will also amend section 60(4) so that an authority must work with persons in the authority’s area who are, or who have

been, homeless or threatened with homelessness to ensure their services are designed to meet the needs of groups at particular risk of homelessness.

282. The Bill will also amend section 98 of the Act so that, before giving, revising or withdrawing guidance, the Welsh Ministers must consult such public or local authorities, voluntary organisations, persons who are, or who have been homeless or threatened with homeless in Wales or other persons as they consider appropriate.

283. The aim of these amendments is to ensure that those most affected by homelessness with expertise gained through lived experience are engaged in informing strategy and service delivery aimed at homelessness. This builds on the exemplar practice undertaken to develop the Bill, which is based on the views of over 350 people with lived experience of homelessness and reflects the significant value such engagement meant to the policy development process.

### **Costs**

284. We have estimated the costs of this proposal using examples of equivalent resourcing for focussed research projects to understand the lived experiences of homeless people. It is assumed that each local authority would need to undertake a scaled down version of similar engagement during development of their local strategy (which is required every four years).

285. We estimate the annual recurring costs of this work as approximately £133,900 to be borne by local authorities (although the work will not need to take place every year), to commence in 2027-2028.

286. We estimate an initial cost to the Welsh Government of approximately £36,500 in order to ensure experts by experience are engaged in the development of guidance issued to support the Bill. We envisage this cost being incurred in 2026-2027.

Table 22: Engaging those with lived experience

|   |                |                       |                   |
|---|----------------|-----------------------|-------------------|
| Number of interviews with individuals with lived experience   | 50             |                       |                   |
| Number of sector professionals engaged  | 50             |                       |                   |
|   |                |                       |                   |
|   | <b>Days</b>    | <b>Daily cost (£)</b> | <b>Total cost</b> |
| <b>One off costs for WG</b>   | 1              | 473                   | 473               |
| Preparation of research materials   | 3              | 473                   | 1,420             |
| Recruitment of those with lived experience  | 10             | 473                   | 4,733             |
| Interviews with individuals with lived experience (assuming 0.5 days per interview)                     | 25             | 473                   | 11,832            |
| Focus groups with sector professionals (assuming 5 people per focus group and 1.5 days per focus group) | 15             | 473                   | 7,099             |
| Analysis of data from interviews and focus groups   | 15             | 473                   | 7,099             |
| Forming recommendations to incorporate views  | 5              | 473                   | 2,366             |
| Incentives for those with lived experience (£30 per session)  |                |                       | 1,500             |
| <b>Total one-off cost (WG)</b>  |                |                       | <b>36,500</b>     |
|   |                |                       |                   |
| <b>Total recurring cost to LAs</b>  |                |                       |                   |
| Scale of ambition of LA approach compared to WG   | 50%            |                       |                   |
| Number of years approach is spread over (i.e. length of project)  | 3              |                       |                   |
| Number of LAs   | 22             |                       |                   |
| <b>Total recurring cost to LAs</b>  | <b>133,900</b> |                       |                   |

### Benefits

287. The voices of people with lived experience of homelessness will be central to the development of national guidance and local strategy.

### Summary

288. The Bill will amend the HWA 2014 to require engagement with people with lived experience of homelessness during the development of national guidance and local strategy.

## **Section 31: Reports on use and condition of interim accommodation**

### **Business as usual**

#### ***Description***

289. Data in relation to the types of temporary accommodation in use across Wales is limited and there is no data to describe the demography of individuals staying in that temporary accommodation. It is not therefore possible to identify trends or issues related to its use.

#### ***Costs***

290. There are no costs associated with the current limited data.

#### ***Benefits***

291. There are no benefits associated with the current limited data. Lack of data means it is not possible to identify trends or issues related to use of temporary accommodation in Wales.

#### ***Summary***

292. Lack of data means it is not possible to identify trends or issues related to use of temporary accommodation in Wales.

### **The preferred approach**

#### ***Description***

293. The Bill will make a requirement on Welsh Ministers to publish and lay before the Senedd Cymru a report on the use and condition of interim accommodation, working with local authorities to develop the report (who will be required to supply the Welsh Ministers with such information that they require). It is policy intention that the report is used to guide ongoing improvements to the quality and range of temporary accommodation.

#### ***Costs***

294. We have estimated the recurring costs of producing this report using similar research projects undertaken in the past. These costs will recur in 2028-2029 and in 2034-2035. The total cost over the ten-year appraisal period is estimated to be £87,500 for Welsh Government and approximately £27,000 for local authorities.



*Table 23: A report on the use and condition of interim accommodation in Wales*

| <b>Main costs</b>  | <b>Body</b>              | <b>Cost estimate</b>   |
|--|--------------------------|--|
| Scoping, data collection and field work                          | Welsh Government         | <b>£50,000</b> (first report)<br><br><b>£30,000</b> (second report - assuming scope and research modelling re-produced)    |
| Report development, oversight and clearance                      | Welsh Government         | <b>£7,500</b>  |
| Local authority time to gather and supply data -                 | Local authorities        | 3 days per LA:<br><br>3x22= 66<br><br>Assumed day rate: £157.50<br><br>66 days @ £204.75 =<br>£13,514 X2<br><b>£27,000</b> |
| <b>Total recurring cost within 10 year implementation period</b> | <b>Welsh Government</b>  | <b>87,500</b>  |
|  | <b>Local authorities</b> | <b>27,000</b>  |

### **Benefits**

295. Evidence relating to stock and occupation of temporary accommodation will be better understood and long-term improvement efforts will be evidence based.

### **Summary**

296. A report on the use and condition of interim accommodation will be published by the Welsh Government every five years.

## **Section 32: Cooperation**

### **Business as usual**

#### ***Description***

297. A duty to cooperate is set out in section 95 of the HWA 2014. Section 95 sets out the aspects of co-operation to be promoted between officers of a local authority who carry out housing and social services functions which enable it to:

- Prevent homelessness;
- Provide suitable accommodation to a person who is or may be homeless;
- Provide satisfactory support to a person who is or may be homeless; and
- Enable the discharge of a local housing authority's homelessness functions effectively.

298. Co-operation can also be requested with other listed bodies (listed in section 95(5)) in order to discharge those functions unless that request is incompatible or has an adverse effect on the listed bodies' own functions.

299. Practice-based feedback suggests this duty is rarely used. Local authorities and Registered Social Landlords have stated that their partners, when faced with competing priorities, will withdraw or provide only limited assistance to people experiencing or recovering from homelessness.

#### **Cost**

300. We do not collect data on use of section 95 of the HWA 2014 and are unable to model cost estimates around current use.

#### **Benefit**

301. The current identified limitations would remain in a status quo scenario.

#### **Summary**

302. The current legislation promotes cooperation between the housing and social services functions of local authorities, RSLs and other listed bodies.

### **The preferred approach**

#### ***Description***

303. The Bill amends section 95 of the HWA 2014 so that it applies to an expanded group of specified public authorities. A local housing authority will be able to request cooperation with these bodies in order to discharge their functions unless that request is incompatible or has an adverse effect on the listed bodies' own functions.

## **Cost**

304. The amendment should not increase caseload, in that it will not result in more people becoming entitled for services. However, it will result in additional opportunity costs to the public services who will be asked to cooperate to assist an individual. These costs have been assumed in the opportunity costs set out under section 25 (see page 30, paragraph 131) in relation to case coordination. In many cases we expect these agencies to already be offering a service, or for the applicant to be eligible for these services.

## **Benefits**

305. Local housing authorities require the support of the wider public service in order to prevent and relieve homelessness. The expanded duty to cooperate will enable local housing authorities to request that help and the specified public authorities will be required to offer that help unless the request is incompatible or has an adverse effect on the listed bodies' own functions.

## **Summary**

306. Local housing authorities and specified public authorities named in the Bill will be required to cooperate in order to prevent and relieve an applicants' homelessness.

## **Section 33: Co-operation between certain social landlords and local housing authorities providing accommodation**

*A local housing authority may request a social landlord to make an applicant an offer of suitable accommodation in its area. The social landlord must comply with this request unless they have good reasons for not doing so.*

## **Business as usual**

### ***Description***

307. As of 31<sup>st</sup> March 2022, only 11 local authorities in Wales hold their own housing stock, totalling 87,927 units, compared to 149,468 units held by RSLs. This demonstrates a distinct shift in ownership of social housing stock over the past four decades, with RSLs the far more prominent asset holder.
308. Social landlords in Wales are currently subject to section 170 of the Housing Act 1996. This requires a private registered provider of social housing or a RSL to co-operate at the request of the local housing authority to such an extent as is reasonable in offering an allocation of housing accommodation to people with priority under the authorities' allocation scheme.

309. Contractual partnership agreements are in place between many social landlords and local housing authorities, and these may extend to how they allocate accommodation to specific individuals, through nomination agreements. However, social landlords retain high levels of flexibility around their own allocation schemes and there is no direct requirement for social landlords to comply with any request made of them relating to an individual or household in housing need, and the social landlord may refuse, ‘overlook’ or ‘skip’ applicants. Local housing authorities have little scope to query or challenge these decisions, dependent on the partnership contracts they have in place.
310. The evidence commissioned in the development of the White Paper highlighted allocations to those owed a homelessness duty varied across the five research areas between 23% and 60%. Further research undertaken in 2024 showed an average of 23.4% of housing stock in local authority areas where the local housing authority did not hold any stock was allocated to those owed a final housing duty (s.75 duty). The research showed an average allocation rate of 31.9% to those owed a final duty in areas where the local housing authority held stock. The research therefore indicates that local housing authorities in Wales allocate more accommodation to those owed a housing duty. The disparity is even larger when trying to prevent homelessness, where in areas where local housing authorities hold stock, they allocate double the amount of accommodation to those owed a section 66 duty (12.6% of allocations made in stock holding authorities as opposed to 6.1% in non stock holding authority areas).<sup>52</sup>

## **Costs**

311. Retaining the status quo does not result in additional costs for social landlords. Data provided by RSLs in Wales suggests that the average Management and Maintenance Costs (M&MC) per unit in 2023 was £3,896.<sup>53</sup> This cost is an average cost per unit of accommodation and must be met regardless of whether the prospective tenant is experiencing homelessness or not.
312. There are individual costs incurred by the status quo, particularly in relation to the negative impacts faced by individuals experiencing extended durations in temporary accommodation. This option also poses significant and rising costs for local housing authorities, required to fund expensive temporary accommodation settings if they are unable to move people on to permanent housing.

## **Benefits**

313. RSLs value their autonomy in relation to allocations, particularly in building balanced communities and meeting broader housing needs. There are no additional benefits associated with this option. It does not address any of the

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<sup>52</sup> [Exploring the allocation of social housing in Wales](#)

<sup>53</sup> Analysis provided by the Welsh Government - CHC global accounts analysis June 2023 – available in CBA

deficiencies which have been identified in relation to the current legislative framework.

## **Summary**

314. Social landlords retain high levels of flexibility around their own allocation schemes and rates of allocations to homeless households are low in some areas.

## **The preferred approach**

### **Description**

315. The Bill will enable local housing authorities to be able to require RSLs and private registered providers of social housing ("PRPSH") to provide accommodation for applicants owed a homelessness duty in Wales, unless there is good reason not to.
316. The intention behind this proposal is to maximise use of social housing as a solution to homelessness and provide local housing authorities with the ability to require an RSL and PRPSH to help alleviate someone's homelessness.
317. Where local housing authorities and RSLs and PRPSH are in dispute over such requests, the Welsh Ministers will provide a dispute resolution mechanism, taking account of the factors and evidence provided, and making an ultimate decision that must be complied with.

### **Costs**

318. We do not envisage this proposal to change the average Management and Maintenance Costs (M&MC) per unit of accommodation, stock numbers or increase the costs RSLs face as a result of managing stock.
319. The proposal should result in an increase in allocations of social housing to homeless households in Wales, as a proportion of the finite supply of stock.
320. There is no additional cost of accommodating a homeless applicant over a non-homeless applicant, unless they have specific or unique support needs. Costs associated with assisting those who need additional support are covered in relation to section 18 on the duty to help a person retain their accommodation.
321. Should disputes arise between local authorities and RSLs and PRPSH, the case can be referred by the local authority to Welsh Ministers for dispute resolution.
322. It is estimated that Ministers will be called upon in a very small number of cases. For the purposes of this assessment, we have estimated disputes arising in 1% of homelessness allocations

323. The cost of dispute resolution will be borne by the Welsh Government, at an estimated average cost of approximately £2,800 per case. This case is based on the following assumptions:

*Table 24: Welsh Government costs for dispute resolution*

| WG - costs and time spent (days) | Initial case consideration | Meeting with parties | Additional information gathering | Advice | Briefing | Communicate decision & follow-up | Total days  | Total cost    |
|----------------------------------|----------------------------|----------------------|----------------------------------|--------|----------|----------------------------------|-------------|---------------|
| SEO                              | 0.5                        | 1                    | 1                                | 0.5    | 0.25     | 0.5                              | <b>3.75</b> | £1,200        |
| G7                               | -                          | 1                    | 0.50                             | 0.25   | 0.25     | 0.25                             | <b>2.25</b> | £1,000        |
| DD                               | -                          | -                    | -                                | 0.25   | 0.25     | -                                | <b>0.50</b> | £300          |
| Legal                            | -                          | -                    | -                                | 1      | -        | -                                | <b>1.00</b> | £300          |
| <b>Total</b>                     |                            |                      |                                  |        |          |                                  |             | <b>£2,800</b> |

324. This means that given the current number of presentations (6135 subject to the s.75 duty) in 2022-23<sup>54</sup>, this may mean that dispute resolution is required for approximately 61 cases. This poses a cost of £170,600 to the Welsh Government. This will be a recurring cost, beginning in 2027-2028. We would expect use of dispute resolution to reduce over time.

*Table 25: Cost estimate of dispute resolution to the Welsh Government*

| Cost area   | Cost estimate           |
|---|-------------------------|
| Homeless presentations  | 6,135 (subject to s.75) |
| Estimated percentage of cases where dispute resolution required           | 1%                      |
| Estimated number of dispute resolution cases                              | 61                      |
| Cost of dispute resolution to the Welsh Government (per case)             | £2,800                  |
| <b>Total estimated cost of dispute resolution to the Welsh Government</b> | <b>£170,600</b>         |

## **Benefits**

325. This option will increase the allocation of social housing to those experiencing or at risk of homelessness in Wales, which brings with it significant benefits. This will have the potential to reduce time spent in temporary accommodation and the risk of the negative impacts these settings may have on the applicant. This would benefit their mental and physical health and allow them to engage in education and employment opportunities that comes from having a settled home. It would also reduce temporary accommodation costs for local authorities.

<sup>54</sup> [Homelessness: April 2022 to March 2023 | GOV.WALES](#)

## **Summary**

326. It is in the interest of all social landlords to make use of their accommodation by allocating it to prospective occupation contract holders. Applicants experiencing homelessness do not cost more to accommodate than those who are not owed a housing duty, as housing needs are specific and unique to the individual. There are significant benefits associated with the proposed option to introduce this power in reducing time spent in temporary accommodation and preventing homelessness.

## **Section 34: Viewing accommodation**

*If a local housing authority secures an offer of accommodation for an applicant must take reasonable steps to provide the applicant with an opportunity to view the accommodation.*

## **Business as usual**

### **Description**

327. Currently the 2014 Act allows for a local authority to end its duty to a homeless applicant even if that applicant remains homeless or threatened with homelessness, if they refuse an offer of suitable accommodation after first being notified in writing of the possibility of the duty ending, should they refuse an offer.
328. There is no legal requirement that the accommodation being offered must be seen in person before a duty is ended following a refusal of offer and each of the three key homelessness duties (section 66, 73 and 75) can be ended in this way.
329. The offer of viewings is common in most cases and the law makes it impossible for someone to have their duty ended without warning. However, some people with lived experience of homelessness have shared experience of offers of accommodation being made on a “take it or leave it” basis without the offer of a viewing being made.
330. The statutory data (below) suggests that duties are ended in such a way for a relatively small number of applicants (426 in the 2023-24 financial year). This represents just over 1% of all outcomes based on a total of 34,203 outcomes in the whole of the 2023-24 financial year. It is not known how many of the 426 had their duty ended without having the opportunity to view the accommodation offered.

*Table 26: Ending of duties due to refusing offers of accommodation/refusal of assistance – 2023-24 (stats Wales)*

|  |            |
|--|------------|
| <b>Section 66</b>  |            |
| Assistance refused   | 87         |
| <b>Section 73</b>  |            |
| Assistance refused   | 84         |
| <b>Section 75</b>  |            |
| Refusal of an offer of accommodation through the allocation scheme (Part VI 1996 HA) | 180        |
| Refusal of an offer of suitable accommodation in the Private Rented Sector           | 15         |
| Refusal of an offer of suitable interim accommodation under section 75               | 60         |
| <b>Total</b>   | <b>426</b> |

### **Costs**

331. Costs in relation to the current provision are not captured. There will be many who in the process of being offered accommodation will view in person, while others will be content with photographs based on an understanding of the local area.

### **Benefits**

332. There are no additional benefits to the status quo.

### **Summary**

333. Currently the 2014 Act allows for a local authority to end its duty to a homeless applicant even if that applicant remains homeless or threatened with homelessness, if they refuse an offer of suitable accommodation after first being notified in writing of the possibility of the duty ending, should they refuse an offer.

334. There is no legal requirement that the accommodation being offered must be seen in person before a duty is ended following a refusal of offer and each of the three key homelessness duties (section 66, 73 and 75) can be ended in this way.

### **The preferred approach**

#### **Description**

335. The Bill will require that where a local housing authority secures an offer of accommodation for an applicant with a view to bringing the authority's duty under section 66 or 75 to an end, it must take reasonable steps to provide the applicant with an opportunity to view the accommodation (whether in person or otherwise).



## **Costs**

336. It is anticipated that the number of applicants impacted by this proposal will be very small and as a result, the cost implication will be limited. It has not been possible to monetise this cost and the cost is therefore unknown. It is common practice to conduct viewings ahead of discharge of duties and this amendment will ensure that in those cases of an individual in hospital or prison, it will be necessary to arrange viewings by proxy or to provide photographs and videos of a property.

## **Benefits**

337. This amendment will ensure that all applicants have the opportunity to view prospective accommodation in advance of discharge of their duty, to consider whether the accommodation is suitable for them. This will have particular benefits for those who are in hospital or prison prior to discharge of their duty, who may have been unable to view accommodation.

## **Summary**

338. Local authorities must take reasonable steps to provide the applicant with an opportunity to view accommodation. There will be minimal costs associated with this and the proposal will have particular benefits for people in hospital or prison.

## **Part 2: Social Housing Allocation**

339. This section outlines the policy options for the proposed changes made in part 2 of the) Bill.

### **Section 35: Allocation of housing accommodation under Part 6 of the Housing Act 1996 – qualifying persons**

*A local housing authority may determine what classes of persons are, or are not, qualifying persons for social housing, and who may be made an allocation of social housing in their area.*

*A person who has been considered guilty of unacceptable behaviour serious enough to make them unsuitable as a tenant and for whom the likelihood of that behaviour reoccurring at the time of the application, shall be disqualified for the allocation of social housing.*

## **Business as usual**

### ***Description***

340. Any eligible person can apply for social housing. Evidence suggests that a significant proportion of people who apply for social housing are able to meet their own accommodation needs and are in secure suitable accommodation.
341. Currently applicants may only be treated as ineligible for an allocation of social housing if they have been found guilty of unacceptable behaviour serious enough to make them unsuitable to be a tenant. and at the time of the application they are still considered unsuitable by reason of that behaviour. This behaviour is limited to serious anti-social behaviour that would result in a notice of eviction being served and for whom they assess there is a risk of the behaviour occurring at the time of the application.

### ***Costs***

342. The available data indicates that the number of people on social housing waiting lists across Wales has grown considerably over recent years. Demand exceeds supply and applicants spend longer waiting for social housing. In comparison to this, we know the people being housed from the waiting list is decreasing. As social housing allocation schemes held by local housing authorities must be framed around housing need in their area, people not in housing need are likely to be on the housing list for a considerable amount of time and may never be allocated social housing.
343. There are costs associated with maintaining and managing a list, and the larger the register, the more costly it is to manage. Annual reviews and checks of applicants to ensure their details and circumstances are accurate and up to date, can be resource intensive for local authorities, and will be higher, the larger the number of applicants.

### ***Benefits***

344. There are no additional benefits associated with this option.

### ***Summary***

345. This would retain the status quo and does not provide any additional costs or benefits with its continued application.

## **The preferred approach**

### ***Description***

346. The Bill will provide a power for local housing authorities to determine the eligibility criteria for social housing in their local area, (provided they are a qualifying person) subject to specified parameters and conditions. These may

include the recognition of those who are awarded reasonable preference to be deemed as in housing need, and to any qualifying criteria as specified in regulations by the Welsh Ministers. This will allow local housing authorities greater flexibility to meet their local housing need, and to address the most urgent housing need.

347. The Bill will also ensure that when assessing unacceptable behaviour, greater consideration is made of the risk of that behaviour occurring at the time of application. This is intended to ensure that current, as well as historical behaviour influences the assessment and that where a person has taken steps to change their behaviour, their past history does not continue to impact their housing stability.

### **Costs**

348. Should a local housing authority make use of this power there may be some small initial costs associated with this proposal. These would relate to determining the eligibility criteria and applying it to both the applicants already on the housing list and in the assessment of those who apply to be on the housing register in the future. However, local authorities should be maintaining their housing register regularly already.
349. There will be opportunities to combine costs with other ongoing activity, including annual housing register reviews, a redesign of the allocation scheme or the introduction of Common Housing Registers or Accessible Housing Registers. As such, our best estimate of the additional cost is £0.

### **Benefits**

350. This option will enable local authorities to have better understanding of housing need in their area and greater flexibility in responding to that housing need. This could potentially result in sizable reductions in the housing waiting lists they have to manage, reducing staff time and costs associated with waiting list management. The extent of these benefits will vary across local housing authorities depending on whether they choose to introduce the discretionary power and the exact qualifying criteria they choose to introduce. They may decide to retain the status quo.
351. As a discretionary power, local housing authorities could strengthen or relax their eligibility criteria as the housing market and economy changes over time. An authority may, for example choose to apply stricter eligibility criteria to determine qualifying persons for social housing when demand for social housing exceeds the supply, and then relax the criteria when there is less of a demand surplus.
352. This option also enables clearer communication and management of expectation for people who are not in housing need but remain on the housing list for extended periods of time, and who are unlikely to ever be allocated social housing.

353. In relation to unacceptable behaviour, local housing authorities will be required to assess both previous behaviour and the likelihood of the behaviour occurring again at the time of application. This means steps taken by the applicant to make positive change will have a stronger emphasis in the assessment.

### **Summary**

354. Local authorities will have increased powers to manage social housing to the meet local need.

### **Section 36: No preference for persons who try to manipulate the housing system**

*A local housing authority may choose to remove any preference for social housing that would otherwise be awarded an applicant if they have been found to try to manipulate the housing system in order to gain priority access to social housing.*

### **Business as usual**

#### **Description**

355. Currently local housing authorities must frame the prioritisation of social housing around five reasonable preference groups, including those experiencing or at risk of homelessness. There is concern that the system creates a perverse incentive and can be manipulated in order to gain access to social housing. Under the current system, local housing authorities may use the intentionality test to manage such scenarios (see section 10 of the Bill above), which will be abolished by the Bill.

#### **Costs**

356. In the limited instances where households manipulate the housing system to gain priority for social housing, this creates additional financial cost and staff resource to provide the applicant with a homeless service. The intentionality test may be used by some local authorities to address this issue, however, this would exclude the household from the homelessness system at significant personal cost.

#### **Benefits**

357. There are no additional benefits associated with this option.

### **Summary**

358. This option retains the status quo. However, given the removal of the intentionality test within the Bill, this status quo will not adequately disincentivise or address manipulation of the housing system in Wales.

## **The preferred approach**

### ***Description***

359. The Bill will enable local housing authorities to remove any preference for social housing that would otherwise be awarded to an applicant if they have been found to have tried to manipulate the housing system in order to become entitled to homelessness help or gain priority access to social housing. This option is intended to disincentivise manipulation of the housing system and to protect the prioritisation of social housing for those who are genuinely homeless and in urgent housing need.
360. The deliberate manipulation test will be applied by the local housing authority at the allocation stage and will be subject to a right to request a review. Those who are deprioritised for social housing, will remain open to any homelessness duty, accommodation, advice and support.

### ***Costs***

361. If, through application of the deliberate manipulation test, an applicant is deprioritised for social housing, this may result in an extended and prolonged stay in temporary accommodation. This could result in significant costs to the local housing authority. The costs incurred by this option are covered in cost estimates associated with the abolition of the priority need and intentionality tests (see section 9 and 10).

### ***Benefits***

362. The intention behind the deliberate manipulation test is to disincentivise deliberate manipulation to gain prioritisation for social housing and to provide local housing authorities with a response to such behaviour.

### ***Summary***

363. The proposal aims to mitigate perverse incentives in the system in a manner which does not exclude people in need from the housing and homelessness system in Wales.

## **Section 37: Care leavers: reasonable preference**

*Reasonable preference must be given to care leavers who are entitled to support in accordance with sections 105 to 115 of the Social Services and Well-being (Wales) Act 2014, when allocating housing accommodation.*

### **Business as usual**

#### ***Description***

364. Currently local housing authorities must frame the prioritisation of social housing around five reasonable preference groups. These groups are identified as being in urgent housing need and should be prioritised for social housing.
365. There is nothing in current legislation requiring local housing authorities to take account of care experience when considering the allocation of social housing. Care leavers, who need affordable social housing options are therefore at risk of waiting for prolonged periods for an allocation of suitable social housing. This is especially heightened given the current demand for social housing.

#### ***Costs***

366. There are no additional costs with this option. However, it does continue the likelihood and continued practice of care leavers experiencing homelessness at disproportionate rates and the significant personal costs for this.

#### ***Benefits***

367. There are no additional benefits associated with this option. It does not address any of the deficiencies which have been identified in relation to the current legislative framework. It could also work to prevent or limit the success of other provisions provided for in the Bill which seek to reduce the risk of homelessness for care leavers in Wales.

#### ***Summary***

368. This retains the status quo, and whilst posing no additional costs for local authorities as a result, it does however ensure continued operational practice which leaves care leavers at risk.

### **The preferred approach**

#### ***Description***

369. This option provides care leavers who are owed duties under new section 108A of the Social Services Well-being (Wales) Act 2014 (inserted by the Bill) with reasonable preference in allocation schemes, and as a result, prioritisation for social housing. This does not require care leavers to be experiencing homelessness but instead ensures affordable housing options are available to

care leavers owed those duties to facilitate the work of local authorities in the exercise of those functions.

370. Care leavers are at a disproportionate risk of experiencing homelessness, with significant deficits in their support networks. They are unlikely to have familial support networks to rely on and often leave the care system directly into homelessness. The wider provisions of the Bill are aimed at addressing this issue and to prevent people leaving care into homelessness in Wales.

### **Costs**

371. No additional cost has been identified; this proposal is about prioritisation of existing resource. There is no change to the registration process or operational approach to allocations, but instead amends the preference awarded to care leavers and increases their prioritisation for social housing.

372. This option may provide cost savings to local housing authorities through reducing the number of care leavers who experience homelessness in Wales. Care leavers, who are at greater risk of experiencing homelessness, will be assisted in applying for affordable housing options at an earlier stage, and their prioritisation and reasonable preference awarded in the allocation scheme will increase the likelihood that they will have suitable affordable settled accommodation available once they leave care. This will prevent them entering the homelessness system. It has not been possible to quantify this cost-saving.

### **Benefits**

373. The benefits for care leavers who will be prevented from entering homelessness will be substantial, as they will have priority for access to long term stable accommodation and should not enter the homelessness system at all. As a result, they will not spend extended periods of time in temporary accommodation and be subjected to the negative impacts associated with such settings. Through moving directly to settled accommodation once their care has ended, they will benefit from the sense of belonging and community inclusion having a settled home provides, having positive impacts on their educational and employment opportunities, and increasing their access to other key services, including health services. This provides care leavers, who are a group disproportionately at risk of and impacted by homelessness with a greater opportunity for successful independent and healthy living.

### **Summary**

374. The provision aims to mitigate the disproportionate risk of homelessness that certain care leavers face. The provision of reasonable preference for care leavers owed the duties in section 108A of the Social Services Well-being (Wales) Act 2014 in the allocation of social housing aligns with other proposals targeted at preventing homelessness for this group and has a direct impact in prioritising them for settled affordable accommodation. In addition it is ancillary to the duties in 108A themselves, in that it facilitates the fulfilment of the duties by local authorities.

## **Section 38: Common Housing Register**

*The Housing Act 1996 is amended to require that local housing authorities must establish and maintain a common housing register of which all qualifying persons who are eligible for social housing must be registered in order to be awarded an allocation of housing.*

*The local housing authority must provide and maintain a register of properties with accessible or adapted characteristics within their local area, for the purpose of matching and then allocating these properties to applicants who are registered for social housing and have accessible requirements.*

### **Business as Usual**

#### ***Description***

375. The Code of Guidance supports and recommends the use of Common Housing Registers (CHRs), but there is no legal requirement for local housing authorities to operate them. Currently, 19 of the 22 local authorities across Wales operate a Common Housing Register (CHR), providing a single point of registration for applicants and a single list of applicants registered for social housing in the local area. However, due to the lack of regulated specification, they will differ in approach and format. For at least three authorities across Wales, applicants who want to apply for housing will be required to register on multiple lists to access all stock or run the risk of not being considered for all available housing stock in a local area. This is confusing for applicants and results in a lack of transparency and trust in the system.
376. Currently each housing provider in an area can allocate their social housing stock to anyone, regardless of whether they are on the local housing authorities housing waiting list, and regardless of their eligibility. Equally, this allows housing providers to 'overlook' or 'skip' applicants on local housing authority lists should they choose to.
377. Most local housing authorities have mechanisms in place to identify and list properties that are accessible or adapted. However, this is not required, resulting in differing approaches across Wales, and a lack of transparency in the accessible stock of an authority and how it is matched to the needs of the applicants in their area. This approach can and has resulted in expensive adaptations being removed once accommodation becomes empty, despite local housing authorities facing significant demand for accessible type properties. This can result in people in need of such accommodation facing longer waits, or local housing authorities having to re-install adaptations in properties.

#### **Costs**

378. Maintaining the status quo in respect of CHRs would not provide additional costs for local housing authorities or registered social landlords as there would be no change to the process they currently operate.



379. Existing practice in respect of accessible housing registers results in accommodation not being matched correctly to applicants who have a specific need for that type of property. This comes at great cost to the applicant, who may be kept in temporary accommodation for longer duration, or in inaccessible settled accommodation not suited to their needs, resulting in their homelessness.
380. This ineffective matching of applicants to suitable adapted accommodation is costly to local housing authorities as it keeps people in need of suitable accommodation on their social housing waiting lists for longer and can lead to duplication in relation to property adaptation.

### ***Benefits***

381. Maintaining the current approach would not provide any additional benefits for housing providers or applicants.

### ***Summary***

382. The current system creates a lack of understanding and transparency around social housing applications and a loss of opportunities between housing providers to coordinate and align accommodation demand in the authority area.

### **The preferred approach**

#### ***Description***

383. The Bill proposes a requirement on local housing authorities that they must establish and maintain a CHR for eligible and qualifying people. All housing providers, including the local housing authority, RSLs and Registered Providers of Social Housing must only allocate their housing stock to the applicants on the CHR. The Bill also provides the Welsh Ministers with powers to make regulations around the operation of the register in terms of the information it is to hold, and how people are added or removed from the CHR.
384. The Bill also requires that local housing authorities hold and maintain a register of accessible or adapted housing accommodation within their area, regardless of housing provider. This list of properties is intended to facilitate better management and allocation of accommodation with accessibility characteristics to those most in need of them. The Welsh Ministers are proposed to have regulation making powers with regards to the operational elements of the registration of the properties, including the details and information to be captured in the register and the process for how properties are to be registered or removed.

#### ***Costs***

385. Using data provided by local authorities and Registered Social Landlords we estimate the costs of setting up a Common Housing Register as £10,500 per register. Only three authorities do not yet have a register in place, we therefore

estimate costs for these three authorities as £31,500. This is a one-off cost and is likely to apply in 2027-2028 at the earliest. We consider additional ongoing review of CHRS as £0. Local authorities will already have an ongoing reviewing role of housing waiting lists, in whatever form they are currently held.

*Table 27: Costs for setting up a Common Housing Register*

| <b>Housing register - set up costs (one off)</b>                                  |                                    |
|---|------------------------------------|
| Item  | Estimated cost per local authority |
| IT and equipment  | £2,000.00                          |
| Staffing time   | £6,500.00                          |
| Training  | £2,000.00                          |
| <b>Total cost across LA - one off</b>   | <b>£10,500</b>                     |
| <b>Cost for 3 local authorities who do not yet have a Common Housing Register</b> | <b>£31,500</b>                     |

### **Benefits**

386. Having a single register of people for the purpose of social housing allocation has been shown to be associated with improved cooperation between housing provider partners, and for improved and shared understanding and assessment of housing need at a strategic level. They provide improved joint working and support the development of more strategically planned and integrated lettings schemes, property development plans and homelessness strategies in areas. This allows targeted provision where there is housing need, including through improving the understanding of the level of demand in an authority as a result of applicants experiencing or at risk of homelessness. In addition, a centralised shared register that all social landlords allocate accommodation from, can work to reduce voids or the duration of voids for landlords, providing accommodation to those in need more quickly, whilst ensuring rental income for landlords.

387. The proposed requirement for CHRs, will also provide benefits for applicants, through increasing accessibility to all social housing stock of an area to applicants as a result of a single application point. Greater transparency of the system will also afford applicants a greater understanding of where they are on the waiting list and allow their expectations of accommodation provision to be managed. This is a welcome benefit for those navigating the complexities of housing and homelessness systems.

388. The requirement for accessible housing registers to be held by local housing authorities provides benefits in the form of improved and more efficient allocation of accommodation with accessibility characteristics to those who are in most need. This is significant as it avoids expensive removal and refitting of expensive adaptations, whilst also allowing specific accommodation types to be allocated more quickly, reducing extended voids whilst work is undertaken, and other associated costs the local housing authority may be required to provide for whilst they keep people in accommodation not suited to their needs. The

requirement for an AHR, also affords local housing authorities a greater understanding of the stock type they hold. This can be used to evidence and inform their build plans and property development plans, to identify gaps in provision and where there is a need for specific house types to be developed.

389. For disabled people applying for social housing, the AHR will facilitate a quicker and accurate allocation of accommodation, best suited to meet their needs and to allow them to live independently sooner, providing beneficial outcomes for their physical health and mental wellbeing, and an improved sense of belonging in their local community.

### ***Summary***

390. The Bill will require local housing authorities to hold both a CHR and an AHR for their areas.

### **Associated implementation costs**

#### **Practice Guidance and templates**

##### ***Description***

391. The Welsh Government will withdraw the existing Code of Guidance and re-issue new guidance to support the Bill. We will consult with stakeholders on the most useful structure for this guidance and engage people with lived experience of homelessness.

##### ***Costs***

392. The costs for engaging people with lived experience of homelessness are outlined in relation to section 29.
393. The table below illustrates the possible funding requirements for producing guidance for local housing authorities and the wider public service. The total cost across the public sector to develop the guidance is estimated to be £104,200. This cost will be incurred in 2026-2027 and is a one off cost.

Table 28: Developing the Code of Guidance

| Staff costs                | Daily cost<br>(220 working days) | Days required | Total (£)                    |  |                |
|----------------------------|----------------------------------|---------------|------------------------------|--|----------------|
|                            | (£)                              |               |                              |  |                |
| SEO                        | £324                             | 120           | 38,900                       |  |                |
| Grade 7                    | £422                             | 20            | 8,400                        |  |                |
| Lawyer (Grade 7)           | £422                             | 10            | 4,200                        |  |                |
| Translation (HEO)          | £259                             | 30            | 7,800                        |  |                |
|                            |                                  | <b>Total</b>  | <b>59,300</b>                |  |                |
|                            |                                  |               |                              |  |                |
| Local authority engagement |                                  |               | 12,800                       |  |                |
|                            | £193                             | 66            |                              |  |                |
|                            |                                  | <b>Total</b>  | <b>12,800</b>                |  |                |
| Health                     | 180                              | 21            | 3,800                        |  |                |
| Social services            | 165                              | 66            | 10,900                       |  |                |
| RSL                        | 162                              | 108           | 17,500                       |  |                |
|                            |                                  | <b>Total</b>  | <b>32,200</b>                |  |                |
|                            |                                  |               |                              |  |                |
|                            |                                  |               | <b>Total guidance costs:</b> |  | <b>104,200</b> |

### Benefits

394. A new Code of Guidance will be co-produced with relevant stakeholders to ensure its structure and content support effective implementation of the Bill and supports delivery of the policy intention.

### Summary

395. A new Code of Guidance will be co-produced with relevant stakeholders to support implementation of the Bill.

## Training for delivery partners on the Bill

### Description

396. It will be necessary to provide training to local housing authorities to support implementation of the Bill.

### Costs

397. There will be a direct cost to the Welsh Government in the development and roll out of the training. This will be a one off cost of approximately £33,900 and will be incurred in 2026-2027.

*Table 29: Direct costs to the Welsh Government to train local housing authorities on the Bill*

| Cost area         | Time required  | Day rate | Total cost     |
|-------------------|----------------|----------|----------------|
| Training design   | 10 days SEO    | £324     | £3,200         |
|                   | 5 days Grade 7 | £422     | £2,100         |
| Training delivery | 88 days 2xSEO  | £324     | £28,500        |
| <b>Total</b>      |                |          | <b>£33,900</b> |

398. The opportunity cost associated with the time spent by local authority staff undertaking the training is estimated to be £132,000. This is a one-off cost that will be incurred in 2026-27.

*Table 30: Estimated opportunity costs to train local housing authorities in the Bill*

| Local authority housing staff | Time required for training | Day rate | Total opportunity cost |
|-------------------------------|----------------------------|----------|------------------------|
| 400                           | 2 days                     | £165     | <b>£132,000</b>        |

### Transitional costs

399. It is recognised there will be pre-implementation activities to plan for the changes and requirements brought by the reforms to local authorities. While the exact amount of planning for each local authority will differ and is uncertain, a broad staff FTE requirement assumption has been used across all local authorities to capture this cost. This will be a one-off cost and will be incurred in 2026-2027.

*Table 31: Transitional support to local authorities*

|   |                           |
|---|---------------------------|
| Number of staff FTE required to support with planning and implementation activities prior to implementation | 2 FTE per local authority |
| <b>Total cost</b>   | <b>£2,152,600</b>         |

## Annex A – additional tables

### Summary of implementation costs, £ (without caseload growth adjustments)

|  | Body | 2026-27 | 2027-28   | 2028-29   | 2029-30   | 2030-31   | 2031-32   | 2032-33   | 2033-34   | 2034-35   | 2035-36   |
|--|------|---------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|
| Meaning of homelessness and threatened with homelessness                                     | LA   | -       | 2,258,100 | 2,258,100 | 2,258,100 | 2,258,100 | 2,258,100 | 2,258,100 | 2,258,100 | 2,258,100 | 2,258,100 |
| Securing or helping secure accommodation ; Strengthening steps taken to prevent homelessness | LA   | -       | 3,061,600 | 3,061,600 | 3,061,600 | 3,061,600 | 3,061,600 | 3,061,600 | 3,061,600 | 3,061,600 | 3,061,600 |
| Communication between the LHA and applicant  | LA   | -       | 126,800   | 126,800   | 126,800   | 126,800   | 126,800   | 126,800   | 126,800   | 126,800   | 126,800   |
| Additional prevention spend (reasonable steps)   | LA   | -       | 5,000,000 | 5,000,000 | 5,000,000 | 5,000,000 | 5,000,000 | 5,000,000 | 5,000,000 | 5,000,000 | 5,000,000 |
| Securing or helping secure accommodation ; Strengthening steps taken to                      | LA   | -       | 16,800    | -         | -         | -         | -         | -         | -         | -         | -         |

|  |               |   |            |           |           |           |           |           |           |           |           |
|--|---------------|---|------------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|
| prevent homelessness   |               |   |            |           |           |           |           |           |           |           |           |
| Securing or helping secure accommodation ; Strengthening steps taken to prevent homelessness | WG            |   | 66,700     |           |           |           |           |           |           |           |           |
| Right to request a review  | LA            | - | 997,000    | 997,000   | 997,000   | 997,000   | 997,000   | 997,000   | 997,000   | 997,000   | 997,000   |
| Keeping in touch duty  | LA            | - | 36,100     | 36,100    | 36,100    | 36,100    | 36,100    | 36,100    | 36,100    | 36,100    | 36,100    |
| Abolishing priority need; Abolishing intentionality  | LA            | - | -          | -         | -         | 5,390,800 | 5,390,800 | 5,390,800 | 5,390,800 | 5,390,800 | 5,390,800 |
| Support to retain an existing occupation contract  | LA            | - | 7,805,100  | 7,805,100 | 7,805,100 | 7,805,100 | 7,805,100 | 7,805,100 | 7,805,100 | 7,805,100 | 7,805,100 |
| Unreasonable failure to cooperate  | LA            | - | -          | -         | -         | 34,800    | 34,800    | 34,800    | 34,800    | 34,800    | 34,800    |
| A duty to identify and refer on relevant bodies.   | WG            | - | 66,700     | -         | -         | -         | -         | -         | -         | -         | -         |
|  | Wider PS/RS L | - | 12,398,500 | -         | -         | -         | -         | -         | -         | -         | -         |

|   |               |        |         |           |           |           |           |           |           |           |           |
|---|---------------|--------|---------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|
|   | Wider PS/RS L | -      | -       | 32,100    | 32,100    | 32,100    | 32,100    | 32,100    | 32,100    | 32,100    | 32,100    |
|   | LA            | -      | -       | 3,356,500 | 3,356,500 | 3,356,500 | 3,356,500 | 3,356,500 | 3,356,500 | 3,356,500 | 3,356,500 |
| Children and young people and care experienced young people | LA            | -      | 47,400  | -         | -         | -         | -         | -         | -         | -         | -         |
|   | Wider PS/RS L | -      | 50,900  | -         | -         | -         | -         | -         | -         | -         | -         |
| Statutory case coordination                                 | LA            | -      | 675,800 | 675,800   | 675,800   | 675,800   | 675,800   | 675,800   | 675,800   | 675,800   | 675,800   |
|   | Wider PS/RS L | -      | 699,500 | 699,500   | 699,500   | 699,500   | 699,500   | 699,500   | 699,500   | 699,500   | 699,500   |
| Taking into account views of those with lived experience    | WG            | 36,500 | -       | -         | -         | -         | -         | -         | -         | -         | -         |
|   | LA            | -      | 133,900 | 133,900   | 133,900   | 133,900   | 133,900   | 133,900   | 133,900   | 133,900   | 133,900   |
| Review of temporary accommodation                           | WG            | -      | -       | 87,500    | -         | -         | -         | -         | -         | -         | -         |
|   | LA            | -      | -       | 27,000    | -         | -         | -         | -         | -         | -         | -         |
| Provisions for process to appoint an arbitrator             | WG            | -      | 170,600 | 170,600   | 170,600   | 170,600   | 170,600   | 170,600   | 170,600   | 170,600   | 170,600   |
| Allocation of social housing                                | LA            | -      | 31,500  | -         | -         | -         | -         | -         | -         | -         | -         |
|   | WG            | 93,200 | -       | -         | -         | -         | -         | -         | -         | -         | -         |



|                                     |               |           |            |            |            |            |            |            |            |            |            |
|-------------------------------------|---------------|-----------|------------|------------|------------|------------|------------|------------|------------|------------|------------|
| Code of guidance and training costs | Wider PS/RS L | 32,200    | -          | -          | -          | -          | -          | -          | -          | -          | -          |
|                                     | LA            | 144,800   | -          | -          | -          | -          | -          | -          | -          | -          | -          |
| Transitional costs                  | LA            | 2,152,600 | -          | -          | -          | -          | -          | -          | -          | -          | -          |
| Total                               |               | 2,459,300 | 33,643,000 | 24,467,600 | 24,353,100 | 29,778,700 | 29,778,700 | 29,778,700 | 29,778,700 | 29,778,700 | 29,778,700 |

### Summary of implementation costs, £ (including caseload growth adjustments)

|  | Body | 2026-27 | 2027-28   | 2028-29   | 2029-30   | 2030-31   | 2031-32   | 2032-33   | 2033-34   | 2034-35   | 2035-36   |
|--|------|---------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|
| Meaning of homelessness and threatened with homelessness                                       | LA   | -       | 2,482,200 | 2,561,800 | 2,643,900 | 2,728,600 | 2,816,100 | 2,906,300 | 2,999,500 | 3,095,600 | 3,194,800 |
| Securing or helping secure accommodation;<br>Strengthening steps taken to prevent homelessness | LA   | -       | 3,365,600 | 3,473,400 | 3,584,700 | 3,699,600 | 3,818,200 | 3,940,600 | 4,066,900 | 4,197,200 | 4,331,700 |
| Communication between the LHA and applicant  | LA   | -       | 126,800   | 126,800   | 126,800   | 126,800   | 126,800   | 126,800   | 126,800   | 126,800   | 126,800   |
| Additional prevention spend (reasonable steps)   | LA   | -       | 5,496,300 | 5,672,500 | 5,854,300 | 6,041,900 | 6,235,500 | 6,435,400 | 6,641,600 | 6,854,500 | 7,074,200 |
| Securing or helping secure accommodation;<br>Strengthening steps taken to prevent homelessness | LA   | -       | 16,800    | -         | -         | -         | -         | -         | -         | -         | -         |

|   |               |   |            |           |           |           |           |            |            |            |            |
|---|---------------|---|------------|-----------|-----------|-----------|-----------|------------|------------|------------|------------|
| Securing or helping secure accommodation; Strengthening steps taken to prevent homelessness | WG            |   | 66,700     |           |           |           |           |            |            |            |            |
| Right to request a review   | LA            | - | 1,096,000  | 1,131,100 | 1,167,400 | 1,204,800 | 1,243,400 | 1,283,200  | 1,324,400  | 1,366,800  | 1,410,600  |
| Keeping in touch duty   | LA            | - | 39,700     | 40,900    | 42,200    | 43,600    | 45,000    | 46,400     | 47,900     | 49,500     | 51,000     |
| Abolishing priority need; Abolishing intentionality   | LA            | - | -          | -         | -         | 6,514,200 | 6,723,000 | 6,938,400  | 7,160,800  | 7,390,300  | 7,627,200  |
| Support to retain an existing occupation contract   | LA            | - | 8,579,900  | 8,854,900 | 9,138,700 | 9,431,600 | 9,733,900 | 10,045,800 | 10,367,800 | 10,700,100 | 11,043,000 |
| Unreasonable failure to cooperate   | LA            | - | -          | -         | -         | 42,100    | 43,400    | 44,800     | 46,300     | 47,800     | 49,300     |
| A duty to identify and refer on relevant bodies.  | WG            | - | 66,700     | -         | -         | -         | -         | -          | -          | -          | -          |
|   | Wider PS/RS L | - | 12,398,500 | -         | -         | -         | -         | -          | -          | -          | -          |
|   | Wider PS/RS L | - | -          | 36,400    | 37,500    | 38,700    | 40,000    | 41,300     | 42,600     | 44,000     | 45,400     |

|   |               |        |         |           |           |           |           |           |           |           |           |
|---|---------------|--------|---------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|
|   | LA            | -      | -       | 3,807,900 | 3,930,000 | 4,055,900 | 4,185,900 | 4,320,100 | 4,458,500 | 4,601,400 | 4,748,900 |
| Children and young people and care experienced young people | LA            | -      | 47,400  | -         | -         | -         | -         | -         | -         | -         | -         |
|   | Wider PS/RS L | -      | 50,900  | -         | -         | -         | -         | -         | -         | -         | -         |
| Statutory case coordination                                 | LA            | -      | 742,900 | 766,700   | 791,300   | 816,600   | 842,800   | 869,800   | 897,700   | 926,400   | 956,100   |
|   | Wider PS/RS L | -      | 699,500 | 699,500   | 699,500   | 699,500   | 699,500   | 699,500   | 699,500   | 699,500   | 699,500   |
| Taking into account views of those with lived experience    | WG            | 36,500 | -       | -         | -         | -         | -         | -         | -         | -         | -         |
|   | LA            | -      | 133,900 | 133,900   | 133,900   | 133,900   | 133,900   | 133,900   | 133,900   | 133,900   | 133,900   |
| Review of temporary accommodation                           | WG            | -      | -       | 87,500    | -         | -         | -         | -         | -         | -         | -         |
|   | LA            | -      | -       | 27,000    | -         | -         | -         | -         | -         | -         | -         |
| Provisions for process to appoint an arbitrator             | WG            | -      | 170,600 | 170,600   | 170,600   | 170,600   | 170,600   | 170,600   | 170,600   | 170,600   | 170,600   |
| Allocation of social housing                                | LA            | -      | 31,500  | -         | -         | -         | -         | -         | -         | -         | -         |
| Code of guidance and training costs                         | WG            | 93,200 | -       | -         | -         | -         | -         | -         | -         | -         | -         |
|   | Wider PS/RS L | 32,200 | -       | -         | -         | -         | -         | -         | -         | -         | -         |

|                    |    |           |            |            |            |            |            |            |            |             |            |
|--------------------|----|-----------|------------|------------|------------|------------|------------|------------|------------|-------------|------------|
|                    | LA | 144,800   | -          | -          | -          | -          | -          | -          | -          | -           | -          |
| Transitional costs | LA | 2,152,600 | -          | -          | -          | -          | -          | -          | -          | -           | -          |
| Total              |    | 2,459,300 | 35,611,700 | 27,590,900 | 28,320,700 | 35,748,400 | 36,857,900 | 38,002,900 | 39,184,700 | 40,404,300  | 41,663,100 |
| <b>TOTAL</b>       |    |           |            |            |            |            |            |            |            | 325,844,100 |            |

### Summary table – high level cost summary of the Bill, £ (including caseload growth adjustments)

| Cost type                    | Organisation | 2026-27 | 2027-28           | 2028-29           | 2029-30           | 2030-31           | 2031-32           | 2032-33           | 2033-34           | 2034-35           | 2035-36             |
|------------------------------|--------------|---------|-------------------|-------------------|-------------------|-------------------|-------------------|-------------------|-------------------|-------------------|---------------------|
| Recurring                    | WG           | -       | 170,600           | 170,600           | 170,600           | 170,600           | 170,600           | 170,600           | 170,600           | 170,600           | 170,600             |
| Recurring                    | LA           | -       | 22,063,200        | 26,569,900        | 27,413,100        | 34,839,600        | 35,947,800        | 37,091,600        | 38,272,000        | 39,490,300        | 40,747,600          |
| Recurring                    | Wider PS/RSL | -       | 699,500           | 735,800           | 737,000           | 738,200           | 739,500           | 740,700           | 742,100           | 743,400           | 744,800             |
| <b>Total</b>                 |              | -       | <b>22,933,300</b> | <b>27,476,400</b> | <b>28,320,700</b> | <b>35,748,400</b> | <b>36,857,900</b> | <b>38,002,900</b> | <b>39,184,700</b> | <b>40,404,300</b> | <b>41,663,100</b>   |
| <b>Total recurring costs</b> |              |         |                   |                   |                   |                   |                   |                   |                   |                   | <b>£310,591,900</b> |

|                            |              |                  |                   |                |           |           |           |           |           |           |                    |
|----------------------------|--------------|------------------|-------------------|----------------|-----------|-----------|-----------|-----------|-----------|-----------|--------------------|
| One-off                    | WG           | 129,700          | 133,400           | 87,500         | £0        | £0        | £0        | £0        | £0        | £0        | £0                 |
| One-off                    | LA           | 2,297,400        | 95,700            | 27,000         | £0        | £0        | £0        | £0        | £0        | £0        | £0                 |
| One-off                    | Wider PS/RSL | 32,200           | 12,449,400        | -              | £0        | £0        | £0        | £0        | £0        | £0        | £0                 |
| <b>Total</b>               |              | <b>2,459,300</b> | <b>12,678,500</b> | <b>114,500</b> | <b>£0</b> | <b>£0</b> | <b>£0</b> | <b>£0</b> | <b>£0</b> | <b>£0</b> | <b>£0</b>          |
| <b>Total one-off costs</b> |              |                  |                   |                |           |           |           |           |           |           | <b>£15,252,200</b> |

## 9. Affordability Assessment

### Approach

- 1 While the regulatory impact assessment assesses social value and includes any cultural, social and environmental impacts alongside economic costs and benefits, an affordability assessment is a purely financial assessment. As such, only cash costs and cash-releasing benefits are included. Any environmental, social, cultural and wider economic costs and benefits identified in the Bill regulatory impact assessment have been removed from this affordability assessment.
- 2 The affordability assessment considers the same time period as the regulatory impact assessment, 2026-27 to 2035-36.
- 3 The regulatory impact assessment identified a number of opportunity costs associated with the time spent by existing members of staff on activities related to the implementation of the Bill. Since these opportunity costs do not represent an additional financial outlay to the organisations concerned, they have not been included in this affordability assessment.
- 4 The cash costs and cash-releasing benefits in this assessment have been adjusted to reflect anticipated inflation during the appraisal period. This adjustment has been made on the basis of the GDP deflator projections included in the Office for Budget Responsibility (OBR) Economic and Fiscal Outlook<sup>55</sup> which was published in March 2025. The OBR's projections extended only to 2029-30 but GDP deflator forecast had settled at 1.9% towards the end of the forecast period and so this figure has been used for the remainder of the appraisal period. The Welsh Government will continue to monitor the impact of inflation on the financial costs of the Bill.
- 5 Unless otherwise stated, all costs have been rounded to the nearest £1,000. Some of the totals in tables may not sum due to this rounding.
- 6 The financial benefits of the Bill to local authorities have also been assessed and included to provide an indication of the likely net financial impact of the Bill.

### Welsh Government

- 7 The majority of the costs identified in the regulatory impact assessment as falling to Welsh Government are considered to be opportunity costs associated with existing staff time. As such, those costs are excluded from this assessment. The exceptions relate to the cost for dispute resolution relating to section 33 *co-operation between certain social landlords and local housing authorities: providing accommodation*, the cost of commissioning a regular review into temporary accommodation and the costs of taking account of the views of those with lived experience of homelessness. Table 1 presents the direct financial cost to Welsh Government from the proposals in the Bill.

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<sup>55</sup>[CP 1289 – Office for Budget Responsibility – Economic and fiscal outlook – March 2025](#)

*Table 1 - Estimated Welsh Government costs (£000)*

|                                     | 2026-27   | 2027-28    | 2028-29    | 2029-30    | 2030-31    | 2031-32    | 2032-33    | 2033-34    | 2034-35    | 2035-36    | Total        |
|-------------------------------------|-----------|------------|------------|------------|------------|------------|------------|------------|------------|------------|--------------|
| Total Costs                         | 37        | 171        | 258        | 171        | 171        | 171        | 171        | 171        | 171        | 171        | 1,663        |
| <b>Total Adjusted for Inflation</b> | <b>40</b> | <b>189</b> | <b>291</b> | <b>196</b> | <b>199</b> | <b>203</b> | <b>207</b> | <b>211</b> | <b>215</b> | <b>219</b> | <b>1,970</b> |

8 This cost will be met from existing Welsh Government budgets.

### Local Authorities

9 The direct impact of a number of the provisions in the Bill is expected to be an increase in the caseload of local authority homelessness teams. In particular, amending the definition of “threatened with homelessness”, extending the rights of reviews and strengthening the prevention duty and enhancing work around tenancy sustainment are expected to result in a need for increased staff resources across local authorities. Table 2 shows the estimated financial cost of the Bill to local authorities over the appraisal period.

*Table 2 - Estimated Local Authority costs (£000)*

|                                     | 2026-27      | 2027-28       | 2028-29       | 2029-30       | 2030-31       | 2031-32       | 2032-33       | 2033-34       | 2034-35       | 2035-36       | Total          |
|-------------------------------------|--------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|---------------|----------------|
| <b>Total Implementation Costs</b>   | 2,153        | 22,202        | 26,597        | 27,413        | 34,840        | 35,948        | 37,092        | 38,272        | 39,490        | 40,748        | <b>304,755</b> |
| <b>Total Adjusted for Inflation</b> | <b>2,332</b> | <b>24,528</b> | <b>29,941</b> | <b>31,446</b> | <b>40,725</b> | <b>42,819</b> | <b>45,021</b> | <b>47,336</b> | <b>49,771</b> | <b>52,331</b> | <b>366,250</b> |

- 10 However, our expectation is that the preventative nature of the provisions in the Bill will enable local authorities to realise financial benefits (avoided costs relative to the counterfactual) in the medium to long-term. These financial benefits reflect both a reduction in administrative costs and reduced expenditure on temporary accommodation.
- 11 The modelling presented in the RIA shows the financial benefit to local authorities from a ten percentage point improvement in recent prevention and relief rates. Such an improvement is considered realistic and achievable. These financial benefits are presented in Table 3.
- 12 As can be seen from tables 2 and 3, the financial benefits from the policy proposals are expected to outweigh the implementation costs from 2028-29 onwards.



*Table 3 - Estimated financial benefits to Local Authorities (£000)*

|                                     | 2026-27 | 2027-28 | 2028-29 | 2029-30 | 2030-31 | 2031-32 | 2032-33 | 2033-34 | 2034-35 | 2035-36 | Total   |
|-------------------------------------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|
| <b>Financial Benefits</b>           | -       | 17,058  | 35,303  | 54,815  | 56,572  | 58,385  | 60,256  | 62,187  | 64,180  | 66,237  | 474,995 |
| <b>Total Adjusted for Inflation</b> | -       | 18,845  | 39,742  | 62,880  | 66,129  | 69,545  | 73,137  | 76,915  | 80,889  | 85,067  | 573,150 |

- 13 The Welsh Government intends to provide funding to support local authorities during the initial years of the implementation period. Beyond this point, the financial benefits generated by local authorities are expected to more than offset the costs associated with the legislation.

### **Other Welsh Public Bodies**

- 14 All costs associated with other Welsh public bodies are expected to be opportunity costs and do not represent an additional financial outlay.

## Chapter 10: The Competition Filter Test

1. A Competition Filter Assessment has been undertaken to assess the potential impact associated with the proposals in the Bill. This policy is not expected to have a detrimental effect on levels of competition in Wales or the competitiveness of Welsh firms. The results of a filter test (consisting of nine yes/no questions) which support this conclusion are below:

| Question  | Answer: Yes or No  |
|---|--|
| <b>Q1:</b> In the market(s) affected by the new regulation, does any firm have more than 10% market share?                      | Yes  |
| <b>Q2:</b> In the market(s) affected by the new regulation, does any firm have more than 20% market share?                      | No   |
| <b>Q3:</b> In the market(s) affected by the new regulation, do the largest three firms together have at least 50% market share? | No   |
| <b>Q4:</b> Would the costs of the regulation affect some firms substantially more than others?                                  | <p>No. In respect of Registered Social Landlords (RSLs) and, private registered providers of social housing (PRPSH) some are small while others are large housing providers. Whilst the Bill provides that the duty to establish and maintain a Common Housing Register (CHR) and Accessible Housing Register (AHR) is owed by the local housing authority so costs will fall primarily on them, inevitably RLSs and PRPSH will also incur costs in relation to this provision, although this will be a cost alternative to that which they currently face holding their own registers. Any costs are expected to be broadly proportionate to the size of the business. Whilst the implementation of CHRs and AHRs will incur some costs, the effect of implementing CHRs would be to create a level-playing field among RSLs, and PRPSHs particularly given that CHRs are in operation in all but three local authority areas in Wales.</p> <p>We do not envisage the provisions around the suitability of accommodation in the Bill to affect some more than others, as there is already in existence a range of legislation relating to the suitability of accommodation as set out below, which applies broadly.</p> |

| Question   | Answer: Yes or No |
|--|-------------------|
| <b>Q5:</b> Is the regulation likely to affect the market structure, changing the number or size of firms?                                | No                |
| <b>Q6:</b> Would the regulation lead to higher set-up costs for new or potential suppliers that existing suppliers do not have to meet?  | No                |
| <b>Q7:</b> Would the regulation lead to higher ongoing costs for new or potential suppliers that existing suppliers do not have to meet? | No                |
| <b>Q8:</b> Is the sector characterised by rapid technological change?  | No                |
| <b>Q9:</b> Would the regulation restrict the ability of suppliers to choose the price, quality, range or location of their products?     | No                |

### **Conclusion from results of the competition filter test Common Housing Registers (CHRs)**

2. 19 of the 22 local authorities in Wales currently operate a CHR, which is used as a single register of applicants for social housing for an entire area. These registers vary in their format and application across Wales. The Bill includes a duty on local housing authorities to establish and maintain CHRs. RSLs and PRPSHs may only make an offer of accommodation to a person registered on the common housing register for that area.
3. Practice related to the maintenance of CHRS varies across Wales. Local Housing Authorities and RSL partners will have different agreements in place relating to accessibility and access permissions. In turn this will impact the resource requirement of various partners in maintaining and accessing the register. IT maintenance and capability costs relating to the register also vary

For the three authorities that do not yet have a register in place, we estimate set up costs to be a total of £31,500.

### **Improvement of suitability of accommodation**

4. The 2014 Act requires local housing authorities to consider various legal standards when determining if accommodation is suitable for a person. These standards are included in primary and secondary legislation relating to housing conditions, overcrowding, and licensing of multiple occupancy houses, including consideration of whether the accommodation is affordable for the person in need. The Bill will expand this to require local housing authorities to also have regard to Part 4 of the Renting Homes (Wales) Act 2016 (condition of dwelling) when determining suitability. The provisions of Part 4 already apply to secure contracts, periodic standard contracts and fixed term standard contracts made for a period of less than seven years, so would already apply to local authority, RSL and PRPSH landlords and most private sector landlords.
5. In addition, there is already in existence a range of legislation around the suitability of accommodation. The Housing Act 2004 requires local housing authorities to take appropriate enforcement action in relation to the confirmed presence of category 1 hazards (such as asbestos, damp and mould, and carbon monoxide). The Housing Act 1995 requires local housing authorities to take enforcement action in response to overcrowding. Therefore, local housing authorities, RSLs and PRPSH are already required to provide good standard accommodation and to address category 1 hazards where they arise and to take account of statutory housing size requirements to avoid overcrowding.
6. It is intended that further future amendments will be made to improve the suitability of standards of accommodation provided under homelessness functions so the effect on competition will be kept under review.
7. There is no risk of a detrimental effect on competition as a result of provisions in the Bill.

## **Chapter 11: Integrated Impact Assessment**

1. A full Integrated Impact Assessment (IIA) has been undertaken, which covers all provisions in the Bill. A summary of the impacts undertaken is outlined below and the full integrated impact assessment will be published on the Welsh Government website.
2. Specific assessments were undertaken to understand the impact of the Bill on the following areas:
  - Children's rights
  - Equality
  - Rural Proofing
  - Welsh Language
  - Socio-economic Duty
  - Justice
  - Biodiversity
  - Data Protection
3. After consideration it was decided that the following would not require full impact assessments:
  - Health
  - Climate change
  - Natural Resources Priorities
  - Strategic Environmental Assessment
  - Habitat Regulations Assessment
  - Environmental Impact Assessment

### **Summary of the Integrated Impact Assessment**

#### **What is the Bill doing and how does that align with the Programme for Government?**

4. The Programme for Government 2021 – 2026 includes a commitment to reform housing law and implement the Homelessness Action Group's recommendation to fundamentally reform homelessness services to focus on prevention and rapid rehousing.
5. The introduction of the Homelessness and Social Housing Allocation (Wales) Bill comes following years of engagement with stakeholders. This was initiated by the work of the Homelessness Action Group and the publication of our strategy in 2019, informed by our response to a global pandemic and ongoing cost of living crisis and refined by an independent Expert Review Panel. The Bill is based on a strong evidential grounding and has been informed by stakeholder views at every stage.

6. The aims of the Homelessness and Social Housing Allocation (Wales) Bill builds on the foundations set out in Part 2 of the Housing (Wales) Act (2014), which was instrumental in establishing a homelessness system based on prevention, lowering emphasis on the concept of “testing” for service access, widening accommodation options and fostering cooperation between public services.
7. Although transformative at the time, the evaluation of the 2014 legislation highlighted persistent challenges in delivering key aims related to prevention and repeat homelessness and the current legislation does not provide a sufficient response to the unprecedented increase in demand and emerging pressures related to homelessness in Wales.<sup>56</sup> The Homelessness and Social Housing Allocation (Wales) Bill aims to make improvements to the homelessness system so that it can better respond to the pressures faced today, and provide a sustainable, person-centred system, fit for future need.

### **How does it fit with the wellbeing goals?**

8. Homelessness is a substantial social injustice which brings significant negative impacts to communities and to individuals. These negative impacts are far reaching and encompass significant economic costs and losses, alongside individual impacts relating to (amongst others) health, education, social services, social justice and criminal justice. There are therefore strong economic and ethical arguments to support the introduction of the Bill which is an important tool in meeting the interconnected wellbeing goals, ensuring a better quality of life for current and future generations in Wales.

**A Prosperous Wales:** By preventing homelessness and providing stable accommodation, individuals will be more able to make positive contributions to the economy through employment and spending, fostering economic growth and reducing poverty.

**A Resilient Wales:** The causes and consequences of homelessness can be complicated, and homelessness has a negative impact on health and wellbeing. Preventing homelessness and providing stable accommodation allows individuals to better cope with and adapt to challenges, contributing to a more resilient society. The Bill is underpinned by person centred practice which is key in responding to adverse impacts of trauma.

**A Healthier Wales:** Homelessness has stark negative impacts on health and longevity. People experiencing homelessness have a greatly reduced life expectancy and are more likely to experience multiple health conditions. Preventing homelessness reduces health inequalities and improves overall well-being.

**A More Equal Wales:** Addressing homelessness promotes social justice and equality, ensuring that everyone has access to basic needs and opportunities.

The Bill will require homelessness support that is individualised and better responds to personal needs, including those associated with the experience of one or more protected characteristics.

**A Wales of Cohesive Communities:** The Bill places an enhanced focus on ensuring accommodation provided to individuals is suitable to lower the risk of repeat homelessness and foster community ties and social cohesion. Well managed allocation of social housing creates balanced and more supportive communities.

**A Wales of Vibrant Culture and Thriving Welsh Language:** Secure housing enables individuals to participate more fully in cultural activities and community life, preserving and promoting Welsh culture and language. It is important that everyone in a community, whatever their language, has access to essential services and resources, including housing, whilst also promoting the Welsh language.

**A Globally Responsible Wales:** By addressing homelessness, Wales demonstrates a commitment to human rights and social justice, contributing to global efforts to reduce poverty and inequality.

### **Collaboration and involvement – who has been involved in helping identify impacts?**

9. Section 4 sets out the range of engagement undertaken to help identify impacts.

### **Specific impact assessments have been undertaken on the following topics: Children's rights**

10. We have undertaken direct engagement with children, young people and organisations who represent their interests in order to develop the Bill. Moreover, we have commissioned a specific research project to address significant evidence gaps which exist in relation to children experiencing homelessness.
11. Evidence suggests that young people experiencing homelessness will often experience it alongside a range of other complex issues, including the experience of abuse and neglect, issues within education and substance misuse.<sup>57</sup> Child homelessness often extends from trauma including conflict in the home, housing insecurity, substance misuse, family deaths, financial pressures and the experience of Adverse Childhood Experiences (ACEs). These factors can all influence a turbulent home environment and increase the risk of homelessness for families, with children becoming further impacted both in terms of future housing insecurity and trauma experienced in early childhood.<sup>58</sup> The

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<sup>57</sup> Llamau, [Study of the Experiences of Young Homeless People](#), 2015.

<sup>58</sup> Embleton, L., Lee, H., Gunn, J., Ayuku, D. and Braitstein, P. 2016. Causes of child and youth homelessness in developed and developing countries: A systematic review and meta-analysis. JAMA paediatrics

earlier a person experiences homelessness, the greater the likelihood that they will experience repeat homelessness.<sup>59</sup>

12. Building on our broader policy work to prevent youth homelessness, the Bill provides opportunity to address a number of areas where children have highlighted dissatisfactory experiences. The Bill will not be able to address all of the challenges highlighted but will strengthen practice in several key areas.
13. The focus on increased prevention activity and the creation of a homelessness system that is trauma-informed and person centred has been welcomed by expert stakeholders, who are of the view that it will benefit children and young people, marginalised communities and vulnerable individuals. The approach within the Bill to target prevention at particular groups including young people leaving care is also well supported, as is improving preparation for transition from care to independent living.
14. Supporting the wider public service to identify and refer people at risk of homelessness is well aligned to a long-held policy principle held across wider stakeholders that homelessness is not just a housing issue, but an issue which requires a public service response.

## **Equality**

15. Homelessness is a complex issue with a range of causes and consequences. Those who experience homelessness are not a homogenous group and their backgrounds and experiences will vary. However, we know that the risk of homelessness can be exacerbated by broader external factors, particularly poverty and that it disproportionately impacts some groups.
16. The proposals set out in the Homelessness and Social Housing Allocation (Wales) Bill will promote equality through improving access to housing services, targeting work at those disproportionately experiencing homelessness, improving accessibility and working to mitigate discrimination on any grounds.
17. Throughout the development of the Bill we have used the evidence gathered through ongoing engagement work and intensive stakeholder engagement to develop, refine and reflect on the proposed legislation, to ensure our policy aims benefit anyone at risk of or experiencing homelessness in Wales and to assess and mitigate for any unintended consequences.
18. We have considered evidence which suggests there are specific intersections for homelessness with protected characteristics and considered these within the drafting of our proposals. We have also placed particular emphasis on individuals experiencing vulnerabilities linked to unmet support needs.

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<sup>59</sup> Crisis' 2014 report, *'Nations apart? Experiences of single homelessness people across Great Britain'*



## **Rural Proofing**

19. There is a paucity of data relating to homelessness in rural areas, with much of the available literature in need of update. However, evidence suggests some specific challenges faced in rural areas which exacerbate homelessness service provision. Several responses to the consultation also highlighted issues related to rurality.
20. Urban areas tend to have higher absolute numbers of homeless individuals due to their larger population, however rural areas are also seeing significant increases in homelessness. Some commentary suggests that homelessness in rural areas is less visible, and the geographic and infrastructural characteristics of these areas pose challenges in responding to this increase. Rural areas tend to have fewer services available to support homeless individuals and these services can be challenging to access due to limited public transportation options.<sup>60</sup>
21. The Rural Impact Assessment identifies three main themes relating to the impact of the Homelessness and Social Housing Allocation (Wales) Bill for rural communities: supply and demand; lack of choice and local connection.

## **Welsh Language**

22. Homelessness can have a range of negative and traumatic impacts on an individual. These impacts can have broader community, cultural and linguistic implications, particularly for Welsh speaking communities. Homelessness can lead to displacement, which can disrupt communities where Welsh is predominantly spoken. This displacement can reduce the use of Welsh in daily interactions and weaken community bonds that support the language.
23. The Bill will contribute to the wider Welsh Government aim of facilitating and promoting the use of the Welsh language. Several key provisions provide expanded opportunities for public authorities to provide services through the medium of Welsh. Similarly, these provisions provide enhanced opportunities for applicants within the homelessness system to engage with public authorities through the medium of Welsh. Such provisions will help to further embed and mainstream the Welsh language in the delivery of homelessness services. However, concerns were raised about potential negative effects on Welsh-speaking communities including local connection and accessible communication, which are considered further in the Welsh Language Impact Assessment.

## **Socio Economic Duty**

24. Research published in 2021 suggests that in the decade since the Welsh Government last legislated in relation to homelessness, the gap between

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<sup>60</sup> [Rural Homelessness Report - 09.06.doc](#)

employment rates in Wales and the rest of the UK have narrowed. However, living standards have been squeezed by weak wage growth, welfare reforms and the growth of lower paid and non-standard forms of work. The decade also saw the downward trend in poverty stall and in-work poverty grow.<sup>61</sup>

25. Despite research showing that housing conditions have improved over the last decade, there are still several issues related to housing which disproportionately affect those experiencing social or economic disadvantage.
26. Poverty and economic instability make it difficult for individuals to afford basic necessities like housing and increase risk of homelessness. People living in poverty struggle to access affordable accommodation; the property market can be inaccessible to many due to rising housing costs, and high rents mean that many people in Wales are spending large proportions of their income on housing.
27. Systemic inequities including discrimination based on race, gender, and other protected characteristics can limit access to education, employment, and housing, perpetuating cycles of poverty and homelessness. The International Journal for Equity in Health identified in their review of social conditions affecting homelessness, that people experiencing social disadvantage in their youth, further impacted their life chances and that these conditions were responsible for reduced life opportunities available to them, causing their homelessness.<sup>62</sup> According to Welsh Government research, half of the Black, Asian and Minority Ethnic population in Wales live in rented properties compared to under a third of the White population. Deprived areas in Wales also tend to have more overcrowding, further contributing to socio-economic disadvantage and poorer well-being outcomes.<sup>63</sup>
28. As the 2021 Homelessness Monitor summarises: *“the individual vulnerabilities, support needs and ‘risk taking’ behaviours implicated in some people’s homelessness are themselves often, though not always, rooted in the pressures associated with poverty and other forms of structural disadvantage. At the same time, the ‘anchor’ of social relationships which can act as a primary ‘buffer’ to homelessness, can be put under considerable strain by stressful financial circumstances. Thus, deteriorating economic conditions in Wales could also be expected to generate more ‘individual’ and ‘interpersonal’ vulnerabilities to homelessness over time”*.<sup>64</sup>
29. Poverty is therefore a fundamental pillar which shapes homelessness risk across the UK; the socio-economic profile of Wales will impact likelihood of

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<sup>61</sup> [the-homelessness-monitor-wales-2021.pdf](#)

<sup>62</sup> [Social conditions of becoming homelessness: qualitative analysis of life stories of homeless peoples | International Journal for Equity in Health | Full Text](#)

<sup>63</sup> [A review of evidence on socio-economic disadvantage and inequalities of outcome \(summary\) \[HTML\] | GOV.WALES](#)

<sup>64</sup> *ibid*

homelessness, as will the individual experience of poverty. System improvements which support the aim to end homelessness in Wales will bring long-term economic benefits and social improvements.

## **Justice**

30. The Bill amends the Housing (Wales) Act 2014, the Housing Act 1996 and the Social Services Well-being (Wales) Act 2014 to improve the homelessness system in Wales, emphasising earlier intervention and prevention. It introduces new duties for local authorities, accompanied with increased rights for applicants to request reviews, which may increase decisions subject to county court reviews.
31. We have considered the impacts of the Bill on the Justice system. The Welsh Government has completed a Justice System Impact Identification Form, which identified a low potential impact on the justice system. This will inform and facilitate the Welsh Government's engagement with the Ministry of Justice on consideration of any ongoing impact of the Bills proposals on the justice system.
32. The Bill will not introduce any additional criminal offences nor will it bring forward any penalties, or sanctions regime(s). The only enforcement mechanism introduced by the Bill is a Direction making power for Welsh Ministers (following a referral to them by the local housing authority) to compel social landlords to comply with a request made to them by the local authority to provide accommodation to a household who are owed the main housing duty. The Direction is enforceable by way of mandatory order using existing court procedures.
33. The impact has been assessed as low because existing appeal rights will be amended to cover these decisions, requiring no new court procedures. New rights for applicants to request reviews on various issues and extended time periods for accommodation suitability reviews may increase internal reviews and county court cases, but the overall court impact is expected to be limited. In addition, the new direction making power will use existing court procedures.
34. The Welsh Government has also considered the potential impact on the justice system due to an increased likelihood of Judicial Reviews, which assess the lawfulness of public body decisions. Data on homelessness Judicial Reviews is not routinely collected, but Shelter Cymru data suggests there have been very few such cases in Wales, with others resolved before issue. Proposed changes to reduce the likelihood of reviews include removing section 73 of the Housing (Wales) Act 2014 and eliminating the priority need and intentionality tests, requiring applicants to only demonstrate eligibility in terms of immigration status and homelessness.

35. The Welsh Government recognises that the number of internal reviews related to the suitability of accommodation undertaken by the local authority is unlikely to decrease in the short term due to the current strain on housing stock following the pandemic and cost of living crisis, combined with the extended time periods for submitting a request for a review on suitability as provided for in the Bill. This could potentially increase the volume of cases in the county court, however these will be limited to appeals on a point of law, and are therefore expected to be low in volume. Also, with efforts to make service delivery more person-centred, and the abolition of priority need and intentionality decisions (which previously formed a significant proportion of reviews), the Welsh Government believes the legislation is more likely to reduce the number of reviews and potential county court appeals rather than increase them.

## **Biodiversity**

36. There is a paucity of information in relation to the relationship between homelessness and biodiversity, noting the broader impacts related to housing development and habitat loss and the role biodiversity conservation can play in poverty reduction, more generally.
37. The Bill will place a duty on local housing authorities to have regard to Part 4 of the Renting Homes (Wales) Act 2016 (condition of dwelling) when determining the suitability of accommodation for a person. This provision will potentially embed biodiversity considerations into local housing authorities' exercise of homelessness functions. In relation to the structure and exterior of buildings, a range of issues which can impact adversely upon biodiversity can potentially arise, such as the presence of asbestos, biocides or lead in the environment.
38. With the strengthened right to request a review of interim or settled accommodation, an applicant can raise issues relating to the structure or exterior of accommodation. As set out above, there are several issues relating to the structure or exterior of buildings which can potentially have an adverse impact upon biodiversity, such as the presence of harmful fibrous minerals or chemical substances in the environment.
39. In future, Welsh Ministers' reports on the use and condition of temporary accommodation can potentially cover biodiversity considerations, particularly in those instances where toxic fibrous minerals; toxic chemical elements or substances are present in the environment owing to the disrepair or damage to the structure or exterior of buildings.

## **Data protection**

40. Several of the Bill's provisions will involve sharing personal data between local authorities, RSLs, and specified bodies. Existing legislative and non-legislative provisions already require data sharing to promote cooperation within and outside local authorities. The legislative proposals will not specify the details of

data collection or processing by local authorities, but data provision will be required for homelessness assessments and support.

41. A Data Protection Impact Assessment (DPIA) is in place to detail the impact of the Bill on personal information processing. Welsh Government officials have closely engaged with the Information Commissioner's Office (ICO) during the drafting process.

## Health

42. Housing can have a significant impact on an individual's health and wellbeing. Public Health Wales' research has found that the physical and mental health of those with lived experience of homelessness is generally poor, with nearly a third having existing long-term health conditions prior to being flagged in healthcare data as homeless.<sup>65</sup> Those experiencing homelessness are more likely to have a higher risk of physical and chronic mental health problems and engage in 'health harming' behaviours.<sup>66</sup> They are more also likely to die from cancer and suicide, have higher rates of alcohol and substance misuse, and respiratory disease.
43. The reforms will facilitate service delivery that is trauma informed and grounded in the understanding that trauma exposure can impact an individual's mental and physical health and wellbeing.
44. The reforms may also have a positive financial impact on the National Health Service; poor quality housing in Wales costs the NHS more than £95m per year in first year treatment costs (relating to illness and accidents caused by issues such as poor heating and dangerous stairs) alone.<sup>67</sup> Price Waterhouse Coopers (PWC) estimate that for every £1 invested in solutions to move people directly out of homelessness, £2.80 will be generated in benefits.
45. However, it is important to note the current pressures on the NHS in terms of capacity and staff retention. There is a possibility that reforms will create the negative impact of an increased strain on health services and resources during the transitional period due to an increased number of referrals from housing and other sectors. These are explored further in our Health Impact Screening assessment.

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<sup>65</sup> [phw.nhs.wales/publications/publications1/health-of-individuals-with-lived-experience-of-homelessness-in-wales-during-the-covid-19-pandemic-report/](https://phw.nhs.wales/publications/publications1/health-of-individuals-with-lived-experience-of-homelessness-in-wales-during-the-covid-19-pandemic-report/)

<sup>66</sup> [phw.nhs.wales/news/winter-health-how-we-can-all-make-a-difference/report/](https://phw.nhs.wales/news/winter-health-how-we-can-all-make-a-difference/report/)

<sup>67</sup> Making a Difference – Housing and Health: A Case for Investment (2019)

## Chapter 12: Post-implementation Review

1. The Bill forms part of a strategic approach to transformation of the entire homelessness system in Wales and is based on extensive research conducted over the Fifth Senedd Term (and prior), drawing on specialist input from homelessness experts and consultation with relevant stakeholders including local housing authorities, Registered Social Landlords and relevant public services to fully explore the impacts of the different policy options.
2. This work will form the basis of ongoing engagement as the reforms are implemented, with continuous assessment of how the legislation has taken effect and delivered the policy intent.
3. It is proposed that the effect of the Bill will be measured in a number of ways. Methods will include research and evaluation with stakeholders as well as the collection of data.

### Evaluation

4. We will commission an independent evaluation of the impact of the Bill, which will align to commencement and our plan for phased implementation. This evaluation will assess, amongst other things, how the legislation has taken effect and delivered policy intention.

### Homelessness data

5. The Welsh Government collects data from local authorities to monitor the extent of homelessness in Wales, through a monthly data collection: *Homelessness accommodation provision and rough sleeping* and a bi-annual *Statutory Homelessness* data collection. The Welsh Government's long-term strategy for homelessness data in Wales is to replace these aggregate data collections with an individual-level data collection. Colleagues within the Knowledge and Analytical services division have started work alongside Administrative Data Research (ADR) Wales on the individualised case level data project.
6. Capturing data through existing and new data collections will be key in measuring the effectiveness of the implemented reforms.
7. Exact timelines for the roll out of the individual-level data project are to be confirmed but expected to align with the changes in legislation. When the individual-level system is finalised, this will enable more timely data on an individual's journey through the homelessness system and in turn assist with monitoring and evaluating the impact of the reforms, including particular focus on the rates of the prevention and relief of homelessness.
8. Until this project has been completed, and as the Bill is refined, amendments to existing data collections will be considered to align with the legislation and new duties.

## **Ending Homelessness Action Plan and Outcomes Framework**

9. Alongside the planned independent evaluation of the impact of the Bill, we will also consider the extent to which the Bill's implementation assists in achieving the relevant actions set out in the Ending Homelessness Action Plan. The Action Plan sets the strategic direction for the work of the Welsh Government and its partners to end homelessness in Wales and includes the Ending Homelessness Outcomes Framework (EHOF). The EHOF provides oversight of work to prevent and end homelessness by identifying long-term outcomes and illustrating progress towards achieving those outcomes over time. The Bill is a key lever in delivering strategic outcomes 1,2,3,5 and 6 of the EHOF.<sup>68</sup>

## **Reviewing use of temporary accommodation**

10. The Bill contains a requirement to regularly review the condition and use of temporary accommodation. These reviews will reflect changes in the social housing market and will inform ongoing reform and legislative change in relation to the suitability, standards and types of accommodation to be used to provide temporary accommodation settings. Individualised case level data will enhance current systems enabling a more effective review of temporary accommodation usage and suitability in addition to providing greater scope to analyse demographic data.

## **Engagement with people with lived experience of homelessness**

11. The phased approach by which the Homelessness and Social Housing Allocation (Wales) Bill will be commenced will provide an ongoing opportunity to continue engagement with delivery partners to consider implementation within the context of housing supply and local housing authority capacity. The proposed duty to require the Welsh Government to seek the views of people who have experienced or who have been threatened with homelessness when developing the supporting guidance, will inform the implementation of this work.

## **Housing supply**

12. Ending homelessness is dependent on the success of work which sits outside of the scope of the Bill but complements the Bill's provisions.
13. Two particular existing work streams are vital for ending homelessness, namely Rapid Rehousing and Housing First, both of which are dependent on the supply of suitable accommodation. As such, the Welsh Government will align implementation of the Bill with the ongoing commitment to increase housing supply.

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<sup>68</sup> The 6 outcomes are 1) Rare 2) Brief, 3) Unrepeated, 4) Workforce: 5) Public Service response and 6) Person-centred approach

## **Annex 1**

### **Explanatory Notes**

#### **HOMELESSNESS AND SOCIAL HOUSING ALLOCATION (WALES) BILL**

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#### **EXPLANATORY NOTES**

### **INTRODUCTION**

1. These Explanatory Notes are for the Homelessness and Social Housing Allocation (Wales) Bill which was introduced into Senedd Cymru on 19 May 2025.
2. They have been prepared by the Welsh Government's Housing and Regeneration Group in order to assist the reader of the Bill and to help inform debate on it. They do not form part of the Bill and have not been endorsed by Senedd Cymru.
3. The Explanatory Notes should be read in conjunction with the Bill but are not part of it. They are not meant to be a comprehensive description of the Bill.

### **POLICY BACKGROUND**

4. The Housing (Wales) Act 2014 ("the 2014 Act") and the Housing Act 1996 ("the 1996 Act") establish the framework for homelessness services and social housing allocation in Wales. Over the past decade, the response to homelessness has evolved significantly due to the pandemic, the war in Ukraine, and the cost-of-living crisis, which have increased pressures on these services. Legislative reform is needed to improve prevention, provide individualised services, and make better use of housing supply.
5. Developed through extensive stakeholder engagement, this Bill aims to amend existing laws and introduce new provisions to better address homelessness and social housing allocation. It emphasises prevention, early intervention, and a person-centred approach, expanding responsibility across the Welsh public service with the goal of making homelessness rare, brief, and unrepeated.
6. This Bill has been formulated following a consultation on proposed changes to primary and secondary legislation on homelessness and social housing allocation policy, which ran between October 2023 and January 2024. The consultation documents, responses, and a summary of responses, have been published on the Welsh Government's website: [White Paper on ending homelessness in Wales | GOV.WALES](#).



## **STRUCTURE OF THE BILL**

7. The Bill is comprised of 43 sections (within three Parts) and one Schedule. The first Part relates to homelessness, the second Part relates to social housing allocation and the third Part contains general provisions. The Schedule includes minor and consequential amendments.

## **COMMENTS ON SECTIONS**

### **PART 1 HOMELESSNESS**

#### **Section 1: Meaning of “threatened with homelessness”**

8. Section 55(4) of the Housing (Wales) Act 2014 (“the 2014 Act”) provides that a person is considered to be “threatened with homelessness” if it is likely the person will become homeless within 56 days.
9. This section amends section 55(4) to establish three circumstances in which a person is considered to be “threatened with homelessness”. Firstly, where the person has been issued with a written notice requiring them to give up their accommodation, secondly, where an application has been made to the courts for an order for possession for their accommodation, or thirdly, if it is likely the person will become homeless within six months.
10. This section also inserts a new subsection 55(5) that clarifies that subsection (4)(a) applies specifically to notices requiring someone to vacate accommodation issued from someone who seems to have the right to give it, regardless of whether the notice is valid or the merits of any potential possession claim.

#### **Section 2: Help to prevent an applicant from becoming homeless**

11. Section 65 of the 2014 Act sets out what a local housing authority must do when they are required to “help to secure” that suitable accommodation is available, or does not cease to be available, for an applicant. The authority must take reasonable steps to help and can take into account the need to make the best use of the authority’s resources. It is not required to provide accommodation.
12. Section 66 currently requires local housing authorities to help prevent applicants from becoming homeless by helping to ensure that suitable accommodation remains available. Specifically, if an applicant is threatened with homelessness and is eligible for help, the local housing authority must take steps to help ensure that suitable accommodation does not cease to be available for the applicant. This duty does not affect the right of the authority to secure vacant possession of any accommodation.
13. This section removes section 65 of the 2014 Act and inserts new provisions into section 66. Under section 66 (as amended), where a local housing authority is satisfied that an applicant is at risk of becoming homeless and is eligible for help, the authority must take reasonable steps that are likely to ensure that suitable accommodation remains available for the applicant. New section 66(1B) clarifies

that this does not mean the authority has to offer accommodation under Part 6 of the Housing Act 1996 or otherwise.

### **Section 3: Duty to assess and notice of outcome of assessment**

14. This section amends sections 62 and 63 of the 2014 Act.
15. Section 62 of the 2014 Act imposes a duty on local housing authorities to assess an applicant's case if they apply for accommodation or help in retaining or obtaining accommodation and appear to be homeless or threatened with homelessness. The purpose of the assessment is to determine whether the applicant is eligible for help under Part 2 of the 2014 Act. If a person is eligible for help the local housing authority must make an assessment of a number of other matters.
16. Subsection 62(3) defines an applicant as someone to whom the duty to assess is owed. No assessment is required if a local housing authority has previously assessed that person, and the local housing authority to which the application has been made is satisfied that their circumstances have not changed since that assessment was carried out and there is no new information that materially affects the assessment. The duty is owed to a person who applies to a local housing authority for accommodation or for help in keeping or finding accommodation and it appears to the authority that the person may be homeless or threatened with homelessness. This section amends the definition of an applicant for the purposes of sections 85, 86 and 88 (that relate to reviews of decisions and subsequent appeal to the county court) to, include a person who has applied to a local housing authority for accommodation or help in retaining or obtaining accommodation, but the authority has decided not to carry out an assessment of the person's case. This amendment relates to the extension of the right of review of a decision of the local housing authority not to carry out an assessment under section 62.
17. If an applicant is eligible for help, the local authority's assessment must include an assessment of the matters listed in sections 62(5) and (6). This section amends section 62(5) to require a local housing authority to assess two new things. Firstly, the support an applicant (or a person living with them) may need to overcome any barriers to living independently. Secondly, the support an applicant may need to ensure the authority's communication with them in relation to their homelessness functions is accessible to the applicant.
18. This section also amends section 62(6). As amended it requires a local housing authority to seek the views of the applicant (and consider their opinion) on the matters to be assessed under paragraphs (a) to (ca) of subsection (5) and requires a local housing authority to make relevant inquiries about the applicant's personal characteristics and circumstances, as well as those of any member of the applicant's household.
19. Section 62(7) is amended so that a local authority may no longer assess the matters in subsection (6) before it has concluded the applicant is eligible for help under Chapter 2 of the 2014 Act.
20. Section 62(9), which required a local housing authority to review its assessment in two specific circumstances is removed. Subsection (10) is also removed as it relates to reviews under subsection (9). Subsection (11) is also removed as it relates to subsections (9) and (10).

21. This section also amends section 63(1) of the 2014 Act, which required the local housing authority to notify the applicant of the outcome of its assessment and decisions (or any review of its assessment). This section inserts new subsection (A1) which applies where a local housing authority decides not to assess the case of a person who has applied under section 62. In these circumstances the local housing authority must notify the person and explain the reasons for its decision.
22. Where an assessment has been carried out, as amended the notice must include the outcome of the assessment of whether an applicant is eligible for help under Chapter 2 and its assessment of the specific matters required by section 62(5) (as amended). It also amends section 63(4) to require the local housing authority to notify the applicant of their right to request a review where the local housing authority decides not to carry out an assessment of the person's case under section 62.

#### **Section 4: Prevention, support and accommodation plans**

23. This section inserts new sections 63A and 63B into the 2014 Act. If it appears to a local authority that a person may be homeless or threatened with homelessness, and eligible for assistance, the local housing authority is required to carry out an assessment of the person's case (see section 62 of the 2014 Act). That assessment must look at various matters, including the circumstances that caused the person's homelessness or threatened homelessness, their housing needs and the support they need to be able to retain suitable accommodation.
24. Where a local housing authority considers it owes a duty to an applicant under the provisions of Chapter 2 of the 2014 Act, new section 63A requires the authority to document its assessment under section 62, and other matters, in a written plan (a prevention, support and accommodation plan). That prevention, support and accommodation plan can be one document or several, and it can be updated as needed.
25. When making the plan, the local housing authority must have regard to its assessment of the person's case under section 62, and when reviewing the plan, the authority must review its assessment under section 62. The plan must record the authority's assessment of the person's housing and support needs, and those of any member of the applicant's household. It must also record the local housing authority's assessment of the support needed by the applicant to make communication with the applicant accessible. The plan must also include the person's views on those matters and how the authority will communicate with the person in an accessible way, if those needs are identified at assessment.
26. The authority must try to identify what the person wants to achieve with the authority's help and record these goals in the plan. When preparing and reviewing the plan the authority must have regard to whether its exercise of any functions in Chapter 2 of the 2014 Act could help achieve those goals.
27. Following the assessment, the local housing authority must work with the person to agree the actions to be taken by both parties to ensure the person has and is able to retain suitable accommodation.
28. If actions are agreed by both parties, then the local housing authority must record the actions in writing. If the parties cannot agree, the local housing authority must put in writing why they could not agree, what steps they think the person should take and what steps the local authority will take in exercise of its functions (including the social service functions). The local housing authority must also

record any steps other public authorities have agreed to take for the person. The local housing authority must keep the appropriateness of any agreement reached or, in the absence of agreement, the steps it considers should be taken by it and the person, under review for so long as it owes (or may owe) a duty to the applicant under the provisions of Chapter 2.

29. The local housing authority must give the person a copy of the plan, including all documents that form part of it and must inform them of their right to request a review of the plan and the timescales (see section 85 of the 2014 Act).
30. If the local housing authority considers the agreement reached or, the absence of agreement, the steps identified to be taken, are no longer appropriate, for example due to new circumstances arising, they must notify the applicant in writing and try again to agree steps to be taken, record those and any other steps and notify the person as before. Any notification or copies of documents must be made available to the person to collect if they haven't received them directly.
31. Where a local housing authority is required to have in place a prevention, support and accommodation plan in respect of a person under new section 63A, new section 63B requires them to review their assessment of that person under section 62 and the associated plan in three circumstances. Firstly, if there has been no review within 8 weeks; secondly, if there are changes in the applicant's or their household's situation affecting their accommodation or support needs or their entitlement to help under Chapter 2; or thirdly, if a duty under section 66 or 76A has ended or is likely to end due to homelessness.

## **Section 5: Right to request a review**

32. This section amends sections 84, 85, 86 and 88 of the 2014 Act.
33. Section 84(1) requires a local housing authority to notify an applicant of specified matters if it concludes that certain duties to the applicant have come to an end.
34. Section 5(2) inserts new subsection (1A) into section 84 to require a local housing authority to notify an applicant of their right to request a review of the suitability of accommodation offered to them under Chapter 2, whether they accepted the offer or not.
35. Section 5(3) amends section 85 of the 2014 Act, which gives applicants the right to request a review of decisions made under Chapter 2 of the 2014 Act in relation to their case. Section 5(3)(a) expands the list of matters which may be reviewed in relation to new duties in the Bill. In addition to their existing review rights, a person has new rights to request a review when a local housing authority:
  - a. decides not to carry out an assessment of a person's case under section 62;
  - b. assesses their housing needs and the needs of their household;
  - c. assesses their and their households support needs to keep their accommodation and to overcome any barrier to live independently;
  - d. makes a prevention, support and accommodation plan;
  - e. decides that a duty is not owed to the applicant under section 76A (duty to provide help to retain suitable accommodation) or that this duty comes to an end.
36. Section 85(5) of the 2014 Act states that a person must generally request a review within 21 days of being notified of the decision. However, new section

85(4A) (inserted by section 5(3)(b)) allows a person to request a review of the prevention, support, and accommodation plan at any time while it is maintained.

37. New section 85(4B) (inserted by section 5(3)(b)) extends the time a person can request a review of the suitability of accommodation offered under Chapter 2. It allows a person to request a review at any time either before accepting it or, where an offer has been accepted, at any time during which a duty in section 66, 68 or 75 of the 2014 Act applies, or within 6 months of the accommodation being made available to the applicant. For reviews not covered by these new sections, the request must be made within 21 days of being notified, unless more time is allowed.
38. Section 5(4) amends section 86 of the 2014 Act, which enables the Welsh Ministers to make regulations about the procedure on review under section 85 of the 2014 Act. Section 5(4) extends section 86(2) so that any such regulations may require a review under section 85 to be carried out by someone of appropriate seniority who was not involved in the assessment, decision or plan under review. This reflects the expanded list of matters which may be reviewed under section 85, as amended.
39. Section 5(5) amends section 88 of the 2014 Act, which enables applicants who have requested a review under section 85 of the 2014 Act to appeal to a county court in certain circumstances. The amendments made by section 5(5) reflect the expanded list of matters which can be reviewed under section 85.

## **Section 6: Duty to secure accommodation for eligible homeless persons with a local connection to Wales**

40. This section removes sections 73 and 74 and replaces section 75 of the 2014 Act.
41. Section 73 of the 2014 Act required local housing authorities to help secure suitable accommodation for homeless applicants who are eligible for assistance. This means the authority must take reasonable steps to ensure that suitable accommodation is available, or does not cease to be available, for the applicant (see section 65 of the 2014 Act). Section 74 of the 2014 Act sets out when this duty ends. Section 6(2) removes sections 73 and 74 from the 2014 Act. Instead, under the amendments made by the Bill, where an applicant is eligible for help and threatened with homelessness, they will be owed the duty to help to secure that suitable accommodation does not cease to be available (see section 66 of the 2014 Act, as amended), and an applicant who is eligible for help, is homeless or threatened with homelessness and has a local connection to a local housing authority in Wales will be owed the duty to secure settled accommodation (see section 75 of the 2014 Act, as substituted).
42. Section 6(3) replaces section 75 of the 2014 Act in its entirety. As amended, section 75 imposes a duty on local housing authorities to ensure that suitable accommodation is available for applicants who are homeless or at risk of becoming homeless, provided they are eligible for assistance. This duty applies if the applicant is either currently homeless or has suitable interim accommodation during a period of homelessness or threat of homelessness.
43. New section 75(3) defines interim accommodation as accommodation secured under section 68, or which is intended, or available, to be occupied until the application process under Chapter 2 of the 2014 Act is concluded or for a period of less than 12 months or the person providing the accommodation intends for it

to be available to the applicant either: until the application for help is concluded, or a period of less than 12 months.

44. New section 75(4) and (7) provide exceptions to the duty in new section 75. This duty does not apply if, with the exception of certain categories (see section 75(5) and (6)), the applicant (or any member of the applicant's household) has no local connection to any local housing authority in Wales (new section 75(4) of the 2014 Act).
45. New section 75(5) and (6) of the 2014 Act ensures that the duty will still apply to those at risk of abuse and any other category of person that may be prescribed in regulations (see section 75(5)(b)).
46. For prisoners serving custodial sentences, the duty does not apply if there is no reasonable prospect of release within six months (see new section 75(7) of the 2014 Act). If the applicant is a prisoner or residing in approved premises, the duty to secure accommodation applies once they are released or no longer required to stay in the approved premises (see new section 75(8) and (9)).

## **Section 7: Circumstances in which the duty to secure accommodation for applicants comes to an end**

47. This section amends section 76 of the 2014 Act which sets out the circumstances in which the duty under section 75 of that Act ends.
48. Section 7(3) inserts new circumstances when the duty under section 75 comes to an end. Under new subsection (7A) the duty in section 75 will end where a local housing authority is satisfied that the applicant is no longer homeless; that suitable accommodation is available and likely to be available for occupation by the applicant for a period of at least 12 months; and the applicant has been informed in writing of the potential consequences of agreeing to ending duty under section 75, has agreed that the duty should end.
49. New subsection (7B) clarifies the 12-month period mentioned in subsection (7A) starts on the day the notice, as per section 84, is sent or made available for collection, indicating that the authority no longer considers itself bound by the duty in section 75. However, if the applicant is a prisoner or residing in approved premises, under new subsection (7C) the 12-month period begins on the day the applicant is released from detention or no longer required to reside in approved premises.
50. Under new subsection (7D) the duty in section 75 will end where an applicant is a prisoner serving a custodial sentence and the local housing authority is satisfied that there is no reasonable prospect of the applicant being released from detention before the end of a period of 6 months beginning with the day the application for help was made, or if a duty is owed to the applicant under section 66 at any time after that application was made, the day the duty under section 66 comes to an end.
51. Under new subsection (7E) the duty in section 75 ends in accordance with this section or section 79, even if the applicant requests a review under section 85 of the decision that led to the duty ending.
52. New subsection (7F) gives the local housing authority the power to secure suitable accommodation for the applicant pending a decision on a review.

## **Section 8: Interim duty to secure accommodation for homeless applicants**

53. This section amends sections 68 and 69 of the 2014 Act.

54. Section 68 currently provides that where it appears to a local housing authority that an applicant may be homeless, eligible for help, and has a priority need for accommodation, the authority must secure that suitable interim accommodation is available to the applicant while it investigates and decides the applicant's case. Similarly, an authority is required by this section to secure suitable accommodation in respect of an applicant that a) the authority thinks has a priority need for accommodation (or an applicant whose case has been referred to a Welsh local housing authority by an English local housing authority under section 198(1) of the Housing Act 1996); and b) to whom the duty in section 73 (the duty to help secure accommodation for homeless applicants who are eligible for help) applies.

55. As priority need is being abolished subsection 68(2) is being substituted and a new subsection (2A) is inserted which set out the new circumstances when interim accommodation must be secured. As amended subsection (2) applies if the authority believes the applicant is homeless and eligible for help but has not yet confirmed these matters. Subsection (2A) applies if the authority is satisfied that the applicant has no local connection to any local housing authority in Wales and either subsection (2) applies, or the authority is satisfied the applicant is homeless and eligible for help.

56. This section also makes a number of amendments to section 69 of the 2014 Act which sets out the new circumstances in which the duty in section 68 ends and is based on changes to other elements of the legislation, the abolishing of the section 73 duty and the abolition of the intentionally homeless test.

57. Section 69(2) confirms that the section 68 duty comes to end where an assessment determines that the applicant is not owed a duty under 73. Section 69(3) also confirms that the section 68 duty comes to end at the end of the section 73 duty and where the section 75 duty is not owed. Both sections are to be removed as section 73 duty is being omitted from the 2014 Act.

58. This section also inserts new subsection (1A) to (1C) in section 69. New subsection (1A) allows for the ending of the section 68 duty once the assessment is concluded on whether the section 75 is or is not owed, if the authority has decided that no duty is owed under section 75, for reasons other than those in section 75(4) (that the applicant (or any member of the applicant's household) has no local connection to any local housing authority in Wales and the exceptions to section 75(4) do not apply). In order for the duty in section 68 to end the applicant must have been informed of the authority's decision.

59. New subsection (1B) allows for the ending of the section 68 duty for those the local housing authority has decided no duty is owed under section 75 on the basis that section 75(4) applies, and the applicant must have been informed of the authority's decision. In addition, the authority has to be satisfied that the accommodation secured under section 68 has been available long enough to give the applicant the opportunity to find suitable accommodation. New subsection (1C) provides the period mentioned in subsection (1B) starts on the day the applicant is notified that section 75 does not apply.

60. This section also removes, sections 69(5) and (6), which provides an applicant due to have their duty ended, is entitled to 'reasonable opportunity of securing accommodation for his or her occupation', as similar provision is now within the new subsection 69(1B).
61. Section 69(4) and (8) are both removed as they relate to the ending of the duty based on an applicant being assessed as intentionally homeless from either in relation to the entitlement to the section 75 duty or from suitable interim accommodation itself. These sections are no longer required as the intentionality homeless test is abolished.

## **Section 9: Abolition of differences in entitlement related to priority need**

62. This section removes sections 70, 71 and 72 abolishing the priority need test.
63. Section 70 of the 2014 Act sets out several categories of individuals who are currently considered to have a priority need for accommodation for the purposes of Chapter 2 of the 2014 Act. Section 71 defines what is meant by "vulnerable" where that term is used in section 70 to describe the categories of people in paragraphs (c) and (j) of section 70.
64. Section 9 removes sections 70 and 71 from the 2014 Act to remove the system of affording priority to specified groups. Section 9 also removes section 72 of the 2014 Act which currently provides the Welsh Ministers with a power to amend or repeal provisions about priority need.

## **Section 10: Abolition of differences in entitlement related to intentional homelessness**

65. This section removes sections 77 and 78 from the 2014 Act, abolishing the intentionally homeless test.
66. Section 77 of the 2014 Act sets out the circumstances in which a person is considered to be "intentionally homeless" for the purposes of Chapter 2 of the 2014 Act. Subsections (2), (3) and (4) describe when an applicant is considered intentionally homeless and is therefore not owed the duty to secure accommodation under section 75(2). In some circumstances; for example, if the household contains children or young persons, the applicant may be owed the duty in section 75(3).
67. Section 78 provides a local housing authority may have regard to whether a person has become homeless intentionally for the purposes of sections 68 and 75 only if it has decided to do so and follows the procedure for notification of the decision required by this section. Welsh Ministers are required to specify, by regulations, the categories of applicants for whom local authorities could consider whether they became homeless intentionally. For sections 68 and 75, a local housing authority must consider whether an applicant has become homeless intentionally if the applicant is in a category specified in the authority's published notice.

## **Section 11: Referral of cases to another local housing authority**

68. Section 80 of the 2014 Act currently provides a local housing authority with a power to refer an applicant to another local housing authority in Wales or England if they owe the applicant the duty under section 73 of the 2014 Act, that applicant has a priority need for accommodation, is not intentionally homeless, does not



have a local connection to the authority applied to and has a local connection to another local housing authority in Wales or England.

69. This section amends section 80 of the 2014 Act by removing the requirements for the applicant to have a priority need and be unintentionally homeless in order for a referral to take place. It also removes the requirement for the local housing authority to owe the applicant the duty under section 73 of the 2014 Act in order for a referral to take place. These amendments are in consequence of the removal of the section 73 duty and the removal of the priority need and intentionality tests by the Bill.
70. As a result, subsection (1) of section 80 has been removed and subsection (2) substituted with a new subsection (2), (2A) and (2B) to ensure only those applicants who would otherwise be subject to the section 75 duty and in the case of people in custody, potentially during section 66, will be potentially subject to a referral.
71. The substituted subsection (2), new subsections (2A) and (2B) and amended subsection (3) of section 80 of the 2014 Act provide further information on the key conditions of a local connection referral, including when it should take place, who may be subject to referral and exemptions from referral. Subsections (2) and (2A) also contain a regulation making power to prescribe other circumstances in which the conditions for referral are met.
72. New subsection (2B) makes it clear that the referral can only take place before a duty under section 75 has been accepted, with the exception of those in custody. This relates to new section 81A(3) of the 2014 Act (as inserted by section 13) and the ability for an authority to make a referral of a person in custody up to two weeks after being notified that a duty is owed under section 66 or 75 of the 2014 Act.
73. Subsection (4) of section 80 of the 2014 Act has been removed, and subsection (3) has been amended in order to clarify the conditions for referral. As amended, the conditions for referral in subsection (3) will be subject to those who are exempt from a referral (see new section 81A of the 2014 Act as inserted by section 13).
74. This section also amends section 142 to ensure that regulations made under section 80 of the 2014 Act (as amended) may not be made unless a draft of the instrument has been laid before and approved by resolution of the Senedd.

## **Section 12: Meaning of local connection**

75. This section makes amendments to sections 81 and 142 of the 2014 Act.
76. Section 81(2) of the 2014 Act provides that a person has a local connection with the area of a local housing authority in Wales or England if they are normally resident there, and residence is or was of the person's own choice; the person is employed there; because of family associations, or because of special circumstances. This local connection criteria is to be applied by a local housing authority under section 80 for determining whether an applicant can be referred to another authority in Wales or England. This local connection criteria will also now apply to cover the local connection test which forms part of the section 75 entitlement assessment.
77. Section 81(4) of the 2014 Act currently provides the Welsh Ministers with an order making power to specify circumstances in which a person is not to be treated as

employed in an area or residence is not to be treated as of a person's own choice. Section 12 of the Bill replaces section 81(4) of the 2014 Act with a new power which enables the Welsh Ministers to make regulations to specify the circumstances in which a person is to be treated as having met the local connection criteria under section 81(2) of the 2014 Act.

78. This section also makes amendments to section 142(3)(b)(ii) (Orders and regulations) to provide that regulations made under section 81(4) of the 2014 Act (as amended) may not be made unless a draft of the instrument has been laid before and approved by resolution of the Senedd.

### **Section 13: Exemption from referral to another local housing authority**

79. This section adds a new section 81A to the 2014 Act which sets out applicants who are exempt from referral under section 80 of the 2014 Act.
80. Section 81A(2)(a) provides that if an applicant or any member of their household is at greater risk of suffering abuse should they be referred back to an authority area where they have a local connection then they are exempt from referral. Section 81A(2)(b) provides the Welsh Ministers with a regulation making power to prescribe further categories of people who can be exempted from referral.
81. Section 81A(3) also prevents a referral for an applicant in custody who has been notified under section 63 that a duty is owed to them under section 66 or 75 of the 2014 Act and a period of two weeks has ended following that notification. Sitting alongside section 80(2B), this limits an authority's ability to refer someone in custody to no more than two weeks after making an initial decision on entitlement to a duty.
82. Section 81A(4) makes it clear that any applicant can only be subject to a referral under section 80 of the 2014 Act once during the same application.
83. This section also amends section 142(3)(b)(ii) of the 2014 Act to ensure that regulations made under section 81A(2)(b) of the 2014 Act may not be made unless a draft of the instrument has been laid before and approved by resolution of the Senedd.

### **Section 14: Duties to applicants in referral cases**

84. This section makes a number of amendments to section 82 of the 2014 Act, which sets out the duties owed by a local housing authority in referral cases.
85. This section also amends section 201A of the Housing Act 1996 which applies following a referral of an applicant to a local housing authority in England.
86. Subsection (1) of section 82 is replaced with new subsections (1) to (1D). New subsection (1) sets out the circumstances in which the duties under new subsections (1A) and (1B) apply. The circumstances are where a local housing authority ("authority A") has notified another local housing authority ("authority B") of its opinion that the conditions for referral of an applicant's case under section 80 are met, and the applicant has been notified in accordance with section 84(1B) that authority B has been notified of authority A's opinion.
87. New subsection (1A) applies whether authority B is in Wales or England and provides that where authority A has notified authority B of its opinion under section

80(2A) that the conditions for referral of an applicant's case are met, authority's A homelessness duties under sections 68 and 75 of the 2014 Act, end. However, authority A must secure that suitable accommodation is available for occupation by the applicant until the applicant is notified of the decision whether the conditions for referral of the case are met.

88. New subsection (1B) applies where authority B is in Wales. It provides that where (following notification under either section 80(2) or (2A)) both authority A and B have agreed that the conditions for referral of the applicant's case are met, the applicant is to be treated as having made an application to authority B and authority A's homelessness duties in relation to the applicant are to end from the date notice is given to the applicant under section 84(1B). Subsection (1B) also ensures that, where authority A has decided that the applicant is eligible for help, homeless or threatened with homelessness, the applicant is to be treated as such by authority B unless that authority comes to a different conclusion in accordance with subsection (1C).
89. Subsection (1B) also requires authority A to provide authority B with copies of any notifications or documents given to the applicant under section 63 or 63A.
90. New subsection (1C) enables authority B to come to a different conclusion for the purposes of subsection (1B) if that authority is satisfied the applicant's circumstances have changed, or further information has come to light since the decision made by authority A, which justifies authority B reaching a different conclusion.
91. New subsection (1D) provides that where authority B is in England and both authority A and B have agreed that the conditions for referral of the applicant's case are met, section 201A of the Housing Act 1996 applies.
92. New section 82(3) of the 2014 Act (as substituted by section 14(3)) sets out which duties authority A will owe to an applicant if it is decided that the conditions for referral of the case are not met.
93. Section 14(4) removes existing section 82(4). Section 14(5) amends section 82(5) to provide that the duties owed by a local housing authority will cease as provided for in new subsections (1A) and (1B) even if the applicant requests a review of the relevant decision.
94. Section 14(6) amends section 82(6) of the 2014 Act so that a local housing authority may secure suitable accommodation is available for an applicant pending a review if the authority had been required to do so under the 2014 Act prior to the referral being made.
95. Section 14(7) makes amendments to section 201A of the Housing Act 1996, which relates to referrals from a local housing authority in Wales to a local housing authority in England under section 80 of the 2014 Act.
96. New subsection (2) of section 201A provides that, if the conditions for referral are met, the referred person is to be treated as having made an application of the kind referred to in section 183(1) of the Housing Act 1996 to the receiving local housing authority in England on the date notice is given to the applicant that the conditions for referral are met. From that same date, duties owed by the notifying local housing authority in Wales end.
97. New subsections (2) and (3) also require the notifying local authority in Wales to provide copies of notifications and documents given to an applicant under section

63 or 63A of the 2014 Act, and ensure that, where the notifying authority in Wales has made a decision about an applicant being eligible, homeless or threatened with homelessness, the local housing authority in England should generally treat the applicant as such. As with referrals within Wales (see section 82 of the 2014 Act as amended), the receiving local housing authority in England may reach a different conclusion on those matters if that authority is satisfied the applicant's circumstances have changed, or further information has come to light since the decision made by the referring authority, which justifies a different decision. In addition, new subsection (3)(b) of section 201A enables a local housing authority in England to reach a different decision about those matters where there is a difference in the effect of the relevant legislation applying under the 2014 Act and the Housing Act 1996 which materially affects that decision.

## **Section 15: Cases referred from a local housing authority in England**

98. This section amends section 83(2) of the 2014, which relates to duties that a Welsh local authority will be obliged to accept for an applicant who is subject to a referral from an authority in England under section 198(1) of the Housing Act 1996.
99. The amendments remove references to priority need which is no longer a condition for referral and also places a requirement on the receiving authority to accept a section 75 duty, replacing the previous obligation to accept a section 73 duty. This latter amendment takes account of the removal of section 73 from the 2014 Act.

## **Section 16: Notice to applicants in referral cases**

100. This section amends sections 82 and 84 of the 2014 Act.
101. Section 84(1) requires local authorities to notify applicants when its duty to an applicant under section 66, 68, 73 or 75 of the 2014 Act has come to an end. This includes where the authority has referred the applicant's case to another authority or decided that the conditions for referral are met. Section 84(1) also sets out the information required in the notification to the applicant.
102. This section amends section 84(1) so that a local authority is required to notify an applicant that its duty to an applicant under section 66, 68, 75 or 76A of the 2014 Act has come to an end. This is to reflect the removal of the section 73 duty and the insertion of the new section 76A duty by the Bill.
103. This section also further amends section 84(1) by removing the requirement for the local authority to notify that these duties have come to an end where the authority has referred the applicant's case to another authority or decided that the conditions for referral are met.
104. This section inserts new subsections (1B) to (1D) into section 84 of the 2014 Act.
105. Subsection (1B) provides that where a local housing authority ("authority A") notifies another local housing authority ("authority B") that in its opinion the conditions for a referral are met under section 80 it must also notify the applicant that it has done so.

106. Subsection (1C) provides that authority A must also notify the applicant under section 80(5) as to whether the conditions for referral of an applicant's case are met.
107. Subsection (1D) sets out information that now must be provided to the applicant within notifications given under subsection (1B).
108. As a result of the amendments to section 84, this section makes further amendments to section 82, which set out the duty in relation to applicants who are subject to a referral, which are now no longer required. This includes the deletion of section 82(2) which outlines what is required by way of notification, and section 82(7) which specifies the requirements whereby an applicant is unable to receive the notification in person.

### **Section 17: Right to request a review in referral cases**

109. Section 85 of the 2014 Act outlines the decisions of local housing authorities which an applicant has the right to request a review.
110. This section amends section 85 of the 2014 Act so that the review of whether or not the conditions for a local connection referral are met, is listed separately rather than grouped with other provisions that could be subject to a review.

### **Section 18: Help to retain suitable accommodation secured in exercise of homelessness functions**

111. This section amends the 2014 Act to insert new sections 76A and 76B. It also makes amendments to sections 79, 84 and 85 of the 2014 Act.
112. Subsection (2) inserts new sections 76A and 76B. New section 76A imposes a duty on local housing authorities to provide help to retain suitable accommodation. Subsection 76A(1) provides that this duty applies to individuals who are not currently homeless or at risk of homelessness but have suitable accommodation that was secured or retained with the help of the local housing authority under functions under Chapter 2 of the 2014 Act. The duty is owed to these individuals who are considered at risk of becoming homeless or threatened with homelessness unless they receive further assistance. In these circumstances subsection 76A(2) provides the local housing authority is required to take reasonable steps to ensure that the applicant's accommodation remains available for them to occupy.
113. New section 76B sets out the circumstances in which the duty in new section 76A comes to an end. The duty under section 76A ends in the following circumstances, provided the applicant has been properly notified in accordance with section 84 of the 2014 Act:
- a. where the authority is satisfied that the applicant has become homeless;
  - b. where the authority is satisfied that the applicant is no longer at risk of becoming homeless or threatened with homelessness unless help is provided;
  - c. where the applicant occupies accommodation provided or arranged by the local housing authority and a period of 12 months has passed since the accommodation became available, or the applicant was notified that the duty under section 76A is owed;
  - d. where the applicant occupies accommodation secured by the local housing authority, but not provided by them, and a period of 12 months

has passed since the applicant was notified that the duty under section 66 has ended or the applicant was notified that the duty under section 76A is owed;

- e. where the applicant has requested that the local housing authority does not provide the assistance;
- f. in accordance with the further circumstances in section 79.

114. Subsection (3) amends section 79(1) of the 2014 Act so that the circumstances set out in section 79 will apply to end the duty in new section 76A.

115. Subsection (4) amends section 84(1) so that the notice requirements in section 84 will apply when the duty in new section 76A ends.

116. Subsection (5) amends section 85(1) so that applicants have a right to request a review of decisions by a local housing authority that the duty in new section 76A is not owed or has come to an end.

## **Section 19: Duty to contact certain applicants after duty in section 75 comes to an end**

117. This section inserts new section 76C into the 2014 Act. Section 76C imposes a duty on a local housing authority to keep in touch with certain applicants during a specified period after the duty under section 75 has been discharged in a particular circumstance.

118. New subsection 76C(1) provides the duty will apply to an applicant who was owed a duty under section 75, which ended in circumstances as described in section 76(7A) and they do not fall within subsection (2). Under new section 76(7A) the local housing authority can end the duty under section 75 if the applicant is no longer homeless and suitable accommodation (excluding offers of social housing allocation or private rented sector offers) is likely to be available for at least 12 months. The applicant must have been given notice in writing of the possible consequences of agreeing to the duty in section 75 coming to an end, must agree to the duty in section 75 coming to an end.

119. Under new subsection 76C(2) the duty is not owed if, at the beginning of the “relevant period”, the local housing authority owes the applicant a duty under new section 76A, or the local housing authority is required to carry out an assessment under section 62 for the applicant at any time during the relevant period, or has already done so before the relevant period begins.

120. New subsection 76C(3) provides where the duty applies, a local housing authority must take reasonable steps to contact an applicant, regardless of whether they have been accommodated within their area or not, within a relevant period in order to identify whether an applicant is at risk of becoming homeless or threatened with homelessness or is or may be homeless or threatened with homelessness.

121. New subsection 76C(4) provides where a local housing authority considers the applicant is or may be homeless or threatened with homelessness (or at risk of becoming either), it must give the applicant such information and advice as it considers appropriate.

122. New subsection 76C(5) prescribes that the “relevant period” for these purposes is a period of 2 months after the end of the period of 5 months that begins on the day that the applicant is notified that the section 75 duty that was owed them was brought to an end.

## **Section 20: Further circumstances in which the duties to help applicants end**

61. This section amends section 79 of the 2014 Act. Section 79 sets out further circumstances under which a local housing authority’s duties under sections 66, 68, 75 and 76A (inserted by section 18) of the 2014 Act can end, in addition to the circumstances set out in existing subsections (2) to (4).
62. This section removes subsection (5) and creates a new subsection (5), (6) and (7) in which duties can be brought to an end.
63. New subsection (5) introduces an additional circumstance where these duties can end if the applicant engages in violent or threatening behaviour towards anyone undertaking homelessness functions or providing services connected to homeless functions or the provision of accommodation. This section provides that the duty can be brought to an end providing there are no special circumstances for which it may be appropriate for the relevant duty to continue to apply.
64. New subsection (6) introduces an additional circumstance where these duties in section 66, 68 or 75 can end relating to intentional or reckless damage to property secured in the exercise of functions under Part 2 of the 2014 Act. The duties can end if- the applicant, or a person who resides with the applicant, destroys or seriously damages the property or incites or encourages the damage or destruction of the property, and they either intended to destroy or seriously damage the property, or were reckless as to whether it would be destroyed or seriously damaged. A duty will only end in those circumstances where there is no reasonable excuse for the actions of the person who caused the damage or destruction and no special circumstances which would make it appropriate for the duty to continue to apply.
65. New subsection (7) provides that the local housing authority’s duties can end if the applicant has not responded to multiple attempts by the local housing authority to contact them regarding their application and the local housing authority is not aware of any special circumstances that would make it appropriate for the duty to continue to apply. However, the duties will only end if the authority has given a warning notice in writing to the applicant setting out the facts relating to the applicant’s failure to respond to the attempts at contact, that it plans to end duties by sending a section 84 notice and consequences in a notice being given (i.e. that duties could be ended). Before duties can end a reasonable period must have passed since the warning notice was given, with no contact from the applicant regarding the application.
66. This section also inserts new subsection (8) into section 79. New subsection (8) provides a “warning notice” must be given in writing and is considered given if it is made available at the authority’s office for a reasonable period for collection by or on behalf of the applicant.

## **Section 21: Duty of a public authority to ask and act**

67. This section inserts new section 94A (duty of a public authority to ask and act) and new section 94B (specified public authorities) into the 2014 Act.
68. New section 94A imposes a duty on specified public authorities (as defined in section 94B) where they consider that a person in Wales in relation to whom they exercise functions is or may be homeless or threatened with homelessness.
69. Where the duty applies, the authority must ask whether the person agrees to the authority notifying a local housing authority in England or Wales that the person is or may be homeless or threatened with homelessness, and how they can be contacted. The authority must also ask which local housing authority in England or Wales the person would like to be notified.
70. If the person agrees to the notification, the authority must notify the local housing authority identified by the person. If the person has agreed but has not identified a specific local housing authority, the authority must notify a local housing authority in England or Wales that it considers appropriate.
71. Where a notification is made to a local housing authority in Wales, the notification is to be treated as if it were an application by the person to the local housing authority under section 62(1)(a) of the 2014 Act. This means a notification under section 94A will trigger a local housing authority's duty to assess a person's case under section 62 as if the person had applied to the local housing authority for accommodation or help in retaining or obtaining accommodation.
72. New section 94A(5) sets out other actions which the authority must take. This includes providing information about sources of help and advice, considering (and taking) other action it could reasonably take to help a person keep or secure suitable accommodation, and considering whether the fact that it considers the person is or may be homeless, or at risk of homelessness, affects how it exercises its functions in relation to that person.
73. New section 94A(6) makes provision to ensure that the requirement under this duty to consider (and take) action to help a person keep or find suitable accommodation does not affect the right of a specified public authority to secure vacant possession of any accommodation.
74. New section 94A(7) provides that the duty to ask and act do not apply if the person has applied to a local housing authority in Wales under section 62(1)(a) of the 2014 Act, or a local housing authority in England under section 183 of the Housing Act 1996, for assistance and either the application is being considered or a duty applies under either of those Acts to secure accommodation or otherwise provide other forms of help.
75. New section 94B(1) sets out the "specified public authorities" to whom the new duty to ask and act will apply.
76. New section 94B(2) provides the Welsh Ministers with a regulation-making power to amend that list by removing or adding persons, or a description of persons, or changing a reference to a person or description of persons.
77. Those regulations may include provision which would require the consent of a UK Minister of the Crown under the Government of Wales Act 2006 if the provision was included in an Act of Senedd Cymru. They may also include a provision which would require consultation with a UK Minister of the Crown



under the Government of Wales Act 2006 if the provision was included in an Act of Senedd Cymru.

78. Section 21(3) amends section 98 of the 2014 Act to require specified public authorities, as listed in section 94B, to have regard to guidance issued by Welsh Ministers when they exercise their functions under the new duty to ask and act in section 94A.
79. The amendment made by section 21(4) to section 142(3)(b)(ii) of the 2014 Act ensures that any regulations made by the Welsh Ministers to modify the list of specified public authorities subject to the duty to ask and act are subject to the Senedd's draft affirmative procedure.

## **Section 22: Duty to refer persons in England to a local housing authority in Wales**

80. This section amends section 213B of the Housing Act 1996, which imposes a duty on specified public authorities in England to refer a person who is, or may be, homeless or threatened with homelessness to a local housing authority in England identified by that person (with their consent). As amended by section 22, the duty will require specified public authorities in England to refer a person to a local housing authority in Wales where the person specifies an authority in Wales and consents to being referred.

## **Section 23: Duty to ensure young people leaving care have suitable accommodation**

81. This section inserts new section 108A (Duty to ensure that suitable accommodation is available for care leavers) and new section 109A (Meaning of suitable accommodation) into the Social Services and Well-being (Wales) Act 2014.
82. New section 108A(2) imposes a duty on the responsible local authority for a young person, that where that young person's well-being requires it, they must take reasonable steps to ensure that suitable accommodation (as defined in regulations made under new section 109A) is available for occupation by the young person during the period of 3 years beginning with the day they reach the age of 18, and in relation to category 3 young persons, during a subsequent period when there is a duty towards the young person under section 110. This duty applies for the securing of accommodation for a category 1, 2, 5 or 6 young person, and the duty continues to apply for a category 1 or 2 young person after the person becomes a category 3 young person (where it is required for the young person's well-being).
83. New section 108A(4) imposes a duty on the responsible local authority, that where a young person's well-being requires it, they must take reasonable steps to secure that suitable accommodation is available for the young person to occupy during the period of 12 months beginning with: the day the authority's duty under section 110 ends to the category 3 young person; the day the authority's duty under section 112 ends to the category 4 young person; the day the support under section 114(3) or 114(5) in respect of further or higher education ends for a category 5 or former category 5 young person and, the day the support under section 115(4) or 115(6) in respect of their further or higher education ends for a category 6 or former category 6 young person .

84. The duty in section 108A(4) applies to a category 3 young person, a category 4 young person, a category 5 young person who is receiving full-time further or higher education and to whom the responsible authority may give support under section 114(3), a former category 5 young person who is receiving full-time further or higher education and to whom the responsible authority may give support under section 114(5), a category 6 young person who in category 6 by virtue of 104(3)(a) (looked after by a local authority in Wales) is receiving full-time further or higher education and to whom the responsible authority may give support to under section 115(4), and to a former category 6 young person who in category 6 by virtue of 104(3)(a) who is receiving full-time further or higher education and to whom the responsible authority may give support to under section 115(6). The duty continues to apply after the young person ceases to fall within any of these categories, but where the duty is still required for the young person's well-being.
85. New section 108A(5) requires that the accommodation may only be considered as available for the young person's occupation if it is available for occupation by that young person and anyone whom that young person may be reasonably expected to live with.
86. New section 108A(6) prescribes that in instances where a young person's pursuance of education or training is or has been interrupted, this should be disregarded for the purpose of securing accommodation under the new section 108A(4), provided that the responsible local authority is satisfied that the young person will resume the programme of training or education as soon as is reasonably practicable.
87. Section 109 of the Social Services and Well-being Act (Wales) 2014 is amended to remove subsection (3) which provides a regulation making power in relation to the meaning of suitable accommodation for category 2 young people. This is then substituted for new section 109A that provides for the meaning of suitable accommodation for all young persons to which a duty under sections 108A and 109 applies.
88. New section 109A, provides the Welsh Ministers with a regulation making power to make provision about the meaning of "suitable accommodation" in relation to these young person's provided for in sections 108A and 109.
89. New section 109A(2) prescribes that the regulations may make provision by reference to any matters connected to the accommodation, including (among other things) the suitability of the landlord or provider of accommodation; the conditions of the young person's occupation; the nature or standard of the accommodation; and the location of the accommodation. The regulations may also make provisions in reference to the personal characteristics or circumstances of the young person or any person with whom that young person may reasonably be expected to reside with.

## **Section 24: Protocol for handling cases involving care leavers etc.**

90. This section amends section 95 of the 2014 Act, which places a duty on local authorities to make arrangements to promote co-operation between social services authorities and local housing authorities for the purpose of achieving the objectives set out in section 95(1), including the prevention of homelessness.

91. One of the objectives is the effective discharge of the local authority's functions under Part 2 of the 2014 Act (see section 95(1)(d)). Section 23(2) inserts wording into section 95(1)(d) so that, in relation to people who are homeless or at risk of becoming homeless, it also includes the effective discharge of the authority's functions under the Social Services and Well-being (Wales) Act 2014.
92. Section 23(3) inserts new subsections (1A) and (1B) after section 95(1). New subsection (1A) requires that the arrangements the local authorities make must include a protocol for handling cases involving certain groups of people within its co-operation arrangements. That protocol must deal with handling cases involving people aged 16 or 17 who are homeless or threatened with homelessness; the accommodation and support needs of care leavers; and the accommodation and support needs of care leavers and people aged 16 or 17 leaving youth detention accommodation, prison or approved premises. New subsection (1B) defines "care leavers" for those purposes.

## **Section 25: Protocol for handling cases involving persons in particular need of support**

93. This section amends section 95 of the 2014 Act to insert new subsections (1C) to (1E).
94. New subsection (1C) requires a local housing authority in Wales to make arrangements to promote co-operation between itself and the bodies listed in subsection (1D) which exercise functions in its area as it considers appropriate. The aims of the arrangements must be; to prevent homelessness; that suitable accommodation is available to people who are, or may become, homeless; that support is available to people who are, or may become, homeless; that there is effective case-co-ordination by persons mentioned in subsection (1D) involving managing cases for those who are or may become homeless and who may also require additional support and the effective discharge of the authority's functions under Part 2 of the 2014 Act.
95. New subsection (1D) sets out the bodies ('persons') with whom the local housing authority is required to promote cooperation. This includes the bodies listed in section 95(5) (as amended by section 32) and any other public authorities and voluntary organisations whose functions or activities could contribute to achieving the aims of the arrangements.
96. New section 95(1E) requires those arrangements to include a protocol concerned with people who are, or may become, homeless and who also have support needs in addition to their housing needs, including in particular support or services required with: leaving prison or youth detention accommodation; leaving the regular armed forces of the Crown; misusing drugs or other substances; or mental health.

## **Section 26: Protection of property: prisoners**

97. Section 93 of the 2014 Act places a requirement on a local authority to take reasonable steps to prevent the loss or mitigate damage of personal property of any applicant in receipt of one or more of the section 66, 68, 75 or 82 duties if no suitable arrangements have been made or are being made to protect the property and it believes there is a danger that the property will be lost or

damaged by reason of the applicant's inability to protect it or deal with it. The authority continues to be subject to this duty even if the duties come to an end.

98. As a result of the amendments to the section 75 duty impacting individuals in custody, section 93 will be amended to include an additional provision to ensure that those who would otherwise have been homeless, but would now not be subject to a duty, will continue to be entitled to the section 93 duty while they are in custody.

### **Section 27: Duty to provide information, advice and assistance: detained persons**

99. This section amends section 60 of the 2014 Act.
100. Section 27(a) amends section 60(1) to clarify that the duty on a local housing authority to secure the provision of a service providing people with advice, information and assistance applies to people who are detained in the authority's area, or who have a local connection with the area (but are detained outside the area).
101. Section 27(b) amends section 60(4)(a) to ensure that the service referred to in section 60(1) is designed to meet the needs of people in prison, in addition to those people leaving prison.

### **Section 28: Definition of "abuse"**

102. This section substitutes section 58 of the 2014 Act, which defines "abuse" and "domestic abuse". Section 58 of the 2014 Act defines "abuse" as physical violence, threatening or intimidating behaviour and any other form of abuse which, directly or indirectly, may give rise to a risk of harm. If the victim is associated with the abuser, then 'abuse' becomes 'domestic abuse'.
103. As substituted, new section 58 provides a wider definition of "abuse" which includes "domestic abuse" (within the meaning given by section 1 of the Domestic Abuse Act 2021). The definition of "abuse" as amended includes any other kind of abuse that may give rise to the risk of harm, including "exploitation" within the meaning of the Modern Slavery Act 2015 and harassment or stalking within the meaning of those expressions in the Protection from Harassment Act 1997.

### **Section 29: Duty to seek the views of homeless persons in exercise of homelessness functions**

104. This section amends sections 52, 60 and 98 of the 2014 Act.
105. Local housing authorities are required by section 50 of the 2014 Act to develop and adopt a strategy to address homelessness. Section 52 of the 2014 Act makes provision about the objectives and content of those homelessness strategies and consultation requirements. Section 29(2) amends section 52(8) to include people in the authority's area who are, or have been, homeless or threatened with homelessness within the list of people and bodies that the local housing authority must consult with, as it considers appropriate, before adopting or changing its homelessness strategy.

106. Section 60 of the 2014 Act requires local housing authorities to arrange the provision of free information, advice, and assistance to people in their area or those who have a local connection with the area on matters linked to homelessness. In arranging the service, the local housing authorities must work with other public authorities, voluntary organisations and others to ensure that the service is designed to meet the needs of those who are at particular risk of homelessness. Section 29(3) amends section 60(4) so that local housing authorities must also work with people in the authority's area who are, or have been, homeless or threatened with homelessness for that purpose.
107. Section 98 of the 2014 Act relates to guidance given by the Welsh Ministers under Part 2 of the 2014 Act and requires local housing authorities to follow guidance from the Welsh Ministers on how they should carry out their functions related to homelessness. Section 29(4) inserts new section 98(5) which requires the Welsh Ministers to consult with such public or local authorities, voluntary organisations, and people in Wales who are, or have been, homeless or threatened with homelessness, as well as any other relevant persons, as they consider appropriate, before giving, changing or withdrawing guidance under this section.

### **Section 30: Suitability of accommodation**

108. This section amends section 59 of the 2014 Act, which requires a local housing authority to have regard to the legislation listed in subsection (1) when determining whether accommodation is suitable for a person. Section 30(b) amends the list in subsection (1) to include Part 4 of the Renting Homes (Wales) Act 2016 (Condition of dwelling).
109. Section 30(a) makes an additional, minor amendment to section 59 to put beyond doubt that the references to legislation in that section include any provision made in, under, or by virtue of the enactments listed in section 59(1).
110. As a result, a local housing authority must have regard to Part 4 of the Renting Homes (Wales) Act 2016, and any legislation made under or by virtue of it, when determining whether accommodation is suitable for a person under section 59.

### **Section 31: Reports on use and condition of interim accommodation**

111. This section inserts new section 97A (Reports on use and condition of interim accommodation) into the 2014 Act.
112. New section 97A(1) requires the Welsh Ministers to prepare a report on the use and condition of interim accommodation secured by local housing authorities in Wales under sections 68 and 75 of the 2014 Act. This report must be laid before Senedd Cymru and published by the Welsh Ministers.
113. Under new section 97A(2), local housing authorities must provide the Welsh Ministers with such information as they may require for the purposes of that report. For example, information about stock levels, placements within temporary accommodation, conditions of stock.
114. Under new section 97A(3) the first report must be laid and published on or before 31 December 2030. Thereafter, section 97A(4) requires the Welsh

Ministers to lay and publish a subsequent report every five years following the publication of the last report.

### **Section 32: Co-operation**

115. This section amends section 95 of the 2014 Act. Section 95 places a duty on local authorities to make arrangements to promote co-operation between social services authorities and local housing authorities for certain purposes, including preventing homelessness. If a local housing authority requests co-operation from any of the bodies listed in section 95(5) in the exercise of the authority's functions under Part 2 of the 2014 Act, that body has a duty to comply with the request unless doing so would have an adverse impact on the exercise of its functions or would be incompatible with its duties. Those bodies are also required to comply with requests by a local housing authority for information that it requires in its exercise of its functions in Part 2 of the 2014 Act.
116. Section 32(2) replaces subsections (5) to (8) of section 95 to expand the list of bodies that can be required to cooperate with, and provide information to, a local housing authority. The expanded list of bodies is set out in new subsection (5).
117. New subsection (6) provides the Welsh Ministers with a regulation-making power to amend that list of bodies by removing or adding persons, or a description of persons, or by changing a reference to a person or a description of a such persons.
118. Those regulations may include provision which would require the consent of a UK Minister of the Crown under the Government of Wales Act 2006 if the provision was included in an Act of Senedd Cymru. They may also include a provision which would require consultation with a UK Minister of the Crown under the Government of Wales Act 2006 if the provision was included in an Act of Senedd Cymru.
119. The amendment made by section 32(3) to section 142(3)(b)(ii) of the 2014 Act ensures that any regulations made by the Welsh Ministers to modify the list of bodies subject to these duties are subject to the Senedd's draft affirmative procedure.

### **Section 33: Co-operation between certain social landlords and local housing authorities**

120. This section inserts new sections 96A (Co-operation between social landlords and local housing authorities) and 96B (Directions to require compliance with requests under section 96A) in the 2014 Act.
121. New section 96A enables local housing authorities to request a "social landlord" which holds accommodation in the local authority's area for housing purposes, to make an offer of suitable accommodation to an applicant owed a section 75 duty. This will apply to social landlords which is defined in new section 96A(2) as registered social landlords and private registered providers of social housing (as defined in section 99 in the of the 2014 Act (as amended)).

122. New section 96A(3) requires local housing authorities, before making such a request, to consider the availability of suitable accommodation in their area that they hold (if any).
123. New section 96A(4) requires social landlords to comply with a request from a local housing authority within a reasonable period, unless the social landlord has a good reason for not complying.
124. New section 96A(5) places a duty on social landlords which provide accommodation in a local housing authority's area to comply with any reasonable request for information in relation to that accommodation that the local housing authority may make in connection with its functions under new section 96A.
125. New section 96A(6) enables the Welsh Ministers to give guidance on what constitutes a good reason for refusing a request, a reasonable period, or a reasonable request for the purposes of new section 96A. Social landlords must have regard to any such guidance that is given (see subsection (8)).
126. Under new section 96A(7), before giving any such guidance, the Welsh Ministers must consult such associations representing local authorities in Wales, associations representing social landlords, and other persons as they think appropriate.
127. New section 96B makes provision in relation to disputes between a social landlord and a local authority that relate to, when a social landlord does not comply with a request with a reasonable period, whether the social landlord has good reason for not complying with a local authority request and if the social landlord does not response to a request within a reasonable period made under the new section 96A.
128. New section 96B(5) confers a power on the Welsh Ministers to issue directions requiring a social landlord to comply with a request under section 96A in certain circumstances following a referral from a local housing authority.
129. Under new section 96B(1) to (3), a local housing authority can refer a matter to the Welsh Ministers where a social landlord has not complied with its request within a reasonable period and, having regard to any explanation provided, the local housing authority does not consider the social landlord has a good reason for failing to comply. A local housing authority can also refer a matter to the Welsh Ministers where a social landlord has not responded to a request within a reasonable period.
130. New section 96B(5) gives the Welsh Ministers a power to direct the social landlord to comply with the request if, after considering the referral and any representations made by the social landlord, the Welsh Ministers consider that the social landlord does not have a good reason for not complying with the request or did not respond to such a request. The Welsh Ministers' direction may also specify the time period within which the social landlord must comply with the request. New section 96B(6) requires a social landlord to comply with a direction given to it under subsection (5).
131. New section 96B(7) requires any such direction to be in writing and confers powers on the Welsh Ministers to vary or revoke a direction by later

direction. It further provides that a direction under subsection (5) is enforceable by mandatory order on application by, or on behalf of, the Welsh Ministers or the local housing authority that made the referral.

### **Section 34: Viewing accommodation**

132. Sections 67(4) and 76(3) of the 2014 Act allow a local authority to end a duty owed to an applicant when, following receipt of a written notification of the possible consequences of a refusal, they refuse an offer of suitable accommodation.
133. These two provisions will remain in place, but section 96C places an additional requirement on a local authority that they must take reasonable steps to provide the applicant with the opportunity to view the accommodation being offered, (either in person or by a third party on behalf of the applicant), before deciding whether to accept or decline the offer, before the local housing authority can end the duties under section 66 or 75.

## **PART 2 SOCIAL HOUSING ALLOCATION**

### **Section 35: Allocation of housing accommodation under Part 6 of the Housing Act 1996**

134. This section amends section 160A of the 1996 Act which requires a local housing authority to allocate accommodation only to eligible persons, as set out in that section.
135. Section 35(2) removes section 160A(1)(b) of the 1996 Act which prohibits a local housing authority allocating accommodation to a person that the local housing authority has decided should be treated as ineligible as a result of the applicant, or a member of their household, being considered guilty of unacceptable behaviour serious enough to make them unsuitable as a tenant and, at the time of application, they are still considered to be unsuitable as a tenant because of that behaviour.
136. Section 35(3) removes section 160A(2), which permits a local housing authority in Wales to allocate housing accommodation to anyone, other than those who were prohibited under section 160A(1).
137. Section 35(4) inserts new section 160A(6A) to (6C). New section 160A(6A) provides that, with the exception of those who are ineligible for accommodation under section 160A(1) (as amended), a person may be allocated housing accommodation by a local housing authority in Wales if the person is a “qualifying person” within the meaning of new section 160A(6B), or, if the person applies for accommodation jointly with one or more other persons, any is a “qualifying person”, and the applicant is not disqualified by virtue of a decision under section 160A(7) (guilty of unacceptable behaviour) (as amended by section 32(5)).
138. New section 160A(6B) enables local housing authorities to decide what classes of persons are, or are not, “qualifying persons”, subject to the restrictions on eligibility and qualification as provided for in subsections (3), (5),



(7) (as amended) and new (8A) as well as under any regulations made by the Welsh Ministers under new subsection (6C).

139. New section 160A(6C) (as also inserted by section 34(4)) confers a power on the Welsh Ministers to prescribe classes of persons who are, or are not, to be treated as “qualifying persons”. The Welsh Ministers may also prescribe criteria that cannot be used by local housing authorities in Wales in deciding what classes of persons are not “qualifying persons”.
140. Section 35(5) amends section 160A(7). Section 160A(7) enables a local housing authority in Wales to disqualify a person from allocation if they, or a member of their household, has been guilty of unacceptable behaviour serious enough to make them unsuitable to be a tenant, and, in the circumstances at the time the application is considered, that person is still considered to be unsuitable as a tenant by reason of that behaviour. The amendment provides that when deciding whether to disqualify a person from allocation by reason of unacceptable behaviour, the local housing authority must take into account, in particular, the likelihood of that behaviour reoccurring. This could include, for example, consideration of steps taken since the behaviour occurred that are such that the behaviour is considered unlikely to occur again or reduce the risk of the behaviour occurring again.
141. Section 35(6) inserts new section 160A(8A) which requires a person who is to be given reasonable preference under a local housing authority’s allocation scheme to be treated as a “qualifying person” for a housing allocation. This ensures that any person to whom reasonable preference should be given under an allocation scheme by virtue of section 167(2) of the 1996 Act is treated as a “qualifying person” for an allocation of housing accommodation under section 160A (as amended) unless the person is ineligible under subsection (3) or (5), or is treated as disqualified under subsection (7) (as amended) or is not treated as a qualifying person under any regulations made under subsection (6C).
142. Section 160A(9) of the 1996 Act provides that where a local housing authority decides an applicant is ineligible for an allocation of housing accommodation, or is to be treated as ineligible, they must be notified of the decision and the grounds for it. Section 35(7) amends subsection (9) so that an applicant must be notified if a local housing authority decides they are ineligible for allocation, they are neither a qualifying person nor a joint applicant of a person who is not a qualifying person, or they are disqualified under section 160A(7) (as amended). When notifying the applicant of such a decision, the local housing authority must also confirm the grounds for it.
143. Section 160A(11) of the 1996 Act is substituted by section 35(8) to enable a person who is disqualified by a local housing authority by reason of unacceptable behaviour under subsection (7) (as amended) to make a fresh application to the authority for an allocation of housing accommodation if they consider they should be treated as qualifying person or not disqualified.

### **Section 36: No preference for persons who try to manipulate the housing system**

144. This section amends section 167 of the 1996 Act which requires local housing authorities in Wales to have a scheme and a procedure for allocating housing accommodation, which they must comply with when they allocate housing. This section also inserts new section 167A.

145. Under section 167, a local housing authority's allocation scheme must ensure reasonable preference is given to the categories of people listed in section 167(2), subject to the limited exceptions referred to in subsections (2ZA) and (2B). Section 36(2) amends section 167(2B) of the 1996 Act, and inserts new subsection (2DA). The effect of those changes is that local housing authorities do not have to give preference to an applicant if the applicant is homeless or owed a duty under section 66 or 75 of the 2014 Act, and the local housing authority is satisfied the person is trying to manipulate the housing system (see new section 167A as inserted by section 36(3) of the Bill). Section 36(2) also amends section 167(4A)(b) to require a local housing authority's allocation scheme to ensure that, where a local authority decides that preference should not be given to an applicant for that reason, the applicant is notified in writing of the decision and grounds for it.
146. Section 36(3) inserts new section 167A (Meaning of trying to manipulate the housing system) into the 1996 Act. It sets out the circumstances in which a person is considered to be trying to manipulate the housing system for the purposes the allocation of accommodation under section 167(2DA) (as inserted by section 36(2)). Those circumstances are as follows.
147. If a person is homeless or owed duties under section 66 or 75 of the 2014 Act because they deliberately did, or failed to do, something, which resulted in them ceasing to occupy accommodation that was available to them and would have been reasonable for them to occupy, they will be considered to be deliberately manipulating the housing system if either of the following apply to them. Firstly, if the reason the person did (or did not do) that thing was to enable them to be entitled to help under Chapter 2 of the 2014 Act or to improve the likelihood of their being allocated accommodation under Part 6 of the 1996 Act. Or secondly, if before doing (or not doing) that thing, the person received information, advice or other support that was sufficient to enable them to continue occupying that accommodation.
148. However, where a person acted (or failed to act) in good faith in circumstances where they were unaware of a relevant fact, that act (or omission) will not be treated as deliberate.
149. If a person is homeless or owed duties under section 66 or 75 of the 2014 Act because they entered into an arrangement under which they were required to vacate accommodation that they could otherwise reasonably have continued to occupy, they will be considered to be deliberately manipulating the housing system if both of the following apply to them. Firstly, if the purpose of the arrangement was to enable them to be entitled to help under Chapter 2, Part 2 of the 2014 Act or to improve the likelihood of their being allocated accommodation under Part 6 of the 1996 Act. And, secondly, if there is no other good reason why the person became homeless.
150. However, where a person acted (or failed to act) in good faith in circumstances where they were unaware of a relevant fact, that act (or omission) will not be treated as deliberate.

### **Section 37: Preference for young people leaving care**

151. This section makes further amendments to section 167(2) of the 1996 Act which relates to a local authority's housing allocation scheme.

152. Section 37 amends section 167(2) to insert new paragraph (ba) to add a new group of people who must be given reasonable preference under a local housing authority's housing allocation scheme. That group is- people in relation to whom responsible local authorities are required to take reasonable steps to secure that suitable accommodation is available under new section 108A of the Social Services and Well-being (Wales) Act 2024 (which is inserted by section 23 of the Bill).

### **Section 38: Housing registers**

153. Section 38 inserts new sections 160B (Offers of housing accommodation held by registered social landlords and private registered providers of social housing: Wales), 160C (Common housing registers: Wales), 160D (Regulations about common housing registers) and new section 160E (Accessible housing registers) in the Housing Act 1996.
154. New section 160B of the Housing Act 1996 provides that registered social landlords and private registered providers of social housing may only make an offer of accommodation within a local housing authority area, to a person registered on the common housing register for that area. This does not otherwise effect who the registered social landlord or private registered provider of social housing may choose to offer housing accommodation to, provided the person is registered on the common housing register.
155. New section 160C places a duty on local housing authorities across Wales to establish and maintain a common housing register, which is a register of persons to whom housing accommodation in their area may be allocated or offered to. This single register must include all persons who apply to the local housing authority for accommodation, provided they are not ineligible for an allocation of accommodation by virtue of section 160A(3) and (5), they are a qualifying person for social housing (within the meaning of section 160A(6B) or falls within section 160A(6A)(a)(ii)), and they are not disqualified for an allocation of social housing by virtue of a decision under section 160A(7).
156. New section 160C(3) permits a local housing authority include a person on the common housing register who may not have registered if they are both eligible and a qualifying person.
157. New section 160D(1), provides the Welsh Ministers with a regulation making power, so that they may make provisions concerning common housing registers in Wales. New section 160D(2) provides that regulations may make provision in relation to how entries in the register in respect of a person may be amended or removed; how notice must be served to that person; the information that may be included on the register; requiring or authorising the disclosure of information on the register to a prescribed person and to allow the Welsh Ministers to confer functions on local housing authorities in Wales.
158. New subsection 160(D)(3) provides that the regulations under subsection (2) may not require or allow the disclosure or use of information that would contravene data protection legislation, as defined by the Data Protection Act 2018. However, the power in subsection (1) and any provisions made under it must be taken into account when determining if a disclosure would breach that law.

159. New Section 160E(1) places a duty on local housing authorities in Wales to establish and maintain an accessible housing register, which must include all housing accommodation in their area held by themselves, registered social landlords and private registered providers of social landlords, that has features which may assist a disabled person.
160. New section 160E(2) provides the Welsh Ministers with a power to make regulations in connection with such accessible housing registers. The regulations, may make provision in relation to how entries in the register in respect of a person may be amended or removed; how notice must be served to that person; the information that may be included on the register; requiring or authorising the disclosure of information on the register to a prescribed person and to allow the Welsh Ministers to confer functions on local housing authorities in Wales.
161. New subsection 160(E)(4) provides that the regulations under subsection (2) may not require or allow the disclosure or use of information that would contravene data protection legislation, as defined by the Data Protection Act 2018. However, the power in subsection (2) and any provisions made under it must be taken into account when determining if a disclosure would breach that law.
162. New section 160E(5) places a duty on registered social landlords and private registered providers of social housing which hold housing accommodation for housing purposes in the authority's area to comply with any reasonable request made to them by the local housing authority in connection with the exercise of the authority's functions in relation to accessible housing registers.

## **PART 3 GENERAL**

### **Section 39: Interpretation**

163. This section defines references to the Housing (Wales) Act 2014.

### **Section 40: Minor and consequential provision**

164. This section introduces Schedule 1, which makes minor changes to legislation and changes that are consequential on provisions of this Bill.

### **Section 41: Power to make consequential and transitional provision etc.**

165. This section confers a power on the Welsh Ministers to make regulations making incidental, supplementary, consequential, transitional or saving provisions in connection with provisions in the Bill.

### **Section 42: Coming into force**

166. This section sets out how the provisions in the Bill will come into force. Sections 39, 41, 42 and 43 will come into force on the day after the day this Bill receives Royal Assent. The other provisions come into force on a day (or days)

appointed by the Welsh Ministers. An order in this regard may make [transitional, transitory or saving] provision.

### **Section 43: Short title**

167. This section provides that the short title of this Act is the Homelessness and Social Housing Allocation (Wales) Act 2026 or Deddf Digartrefedd a Dyrannu Tai Cymdeithasol (Cymru) 2026.

## **SCHEDULE 1**

### **MINOR AND CONSEQUENTIAL PROVISION**

168. Paragraph 1 amends Part 6 of the 1996 Act (allocation of housing accommodation) so that the references to “Secretary of State” which, as a result of the Transfer of Functions Order 1999 and Schedule 11 to the Government of Wales Act 2006 are read as meaning the “Welsh Ministers”, are replaced with the “Welsh Ministers”.
169. Paragraph 1 also amends the regulation making power in section 172 of the 1996 Act to clarify that regulations made by the Welsh Ministers are made by the Senedd, and that regulations made by the Secretary of State are made by Parliament.
170. Paragraph 2 amends table 1 of Schedule 2 to the Social Services and Well-being (Wales) Act 2014 which contains a list of enactments in which the social services functions of local authorities are set out and described. The amendments in paragraph 2 are made in consequence of the insertion of sections 94A and 94B into the 2014 Act by section 21 to the extent that the duty to ask and act is imposed on social services authorities and to reflect the amendments to section 95.
171. Paragraphs 3 to 18 make a series of minor and other consequential amendments to the 2014 Act made mainly in consequence of the omission of sections 70, 73, 77 and 78.
172. Paragraph 19 makes a series of consequential amendments to section 99 of the 2014 Act which defines terms used within Part 2 of that Act or otherwise explains where definitions of terms may be found.

## Annex 2

### Index of Standing Order requirements

Table 1

| Standing order |   | Section  | pages/<br>paragraphs   |
|----------------|---|--|--|
| 26.6(i)        | Statement the provisions of the Bill would be within the legislative competence of the Senedd   | Member's declaration   | Page 1   |
| 26.6(ii)       | Set out the policy objectives of the Bill   | Part 1, Chapter 3 - Purpose and intended effect of the legislation | Pages 5 - 36   |
| 26.6(iii)      | Set out whether alternative ways of achieving the policy objectives were considered and, if so, why the approach taken in the Bill was adopted  | Part 2, Chapter 6, 7 and 8 – Regulatory Impact Assessment          | Pages 76- 173  |
| 26.6(iv)       | Set out the consultation, if any, which was undertaken on:<br>(a) the policy objectives of the Bill and the ways of meeting them;<br>(b) the detail of the Bill, and<br>(c) a draft Bill, either in full or in part (and if in part, which parts) | Part 1, Chapter 4 – Consultation                                   | Pages 37 - 62<br><br>Paragraphs 3 – 11 for a summary of the work of the Expert Review Panel.<br><br>Paragraphs 12 - 15 for a summary of the White Paper consultation<br><br>Paragraphs 16 – 22 for a summary of the White Paper consultation responses.<br><br>Paragraphs 23 – 113 for a |

| Standing order | Section | pages/<br>paragraphs   |
|----------------|---------|--|
|                |         | <p>summary of changes made as a result of consultation feedback.</p> <p>Paragraph 114 on Post-consultation engagement.</p> <p>Paragraph 115 on the Expert Review Panel post consultation engagement.</p> <p>Paragraphs 116 - 117 on the collaboration to produce the Cost-Benefit Analysis.</p> <p>Paragraph 118 on engagement with Local Housing Authorities.</p> <p>Paragraph 119 on engagement with Registered Social Landlords.</p> <p>Paragraph 120 on engagement with Social Services.</p> <p>Paragraph 121 on engagement with the Youth Justice Board.</p> <p>Paragraph 122 on engagement</p> |

| Standing order | Section  | pages/<br>paragraphs   |
|----------------|--|--|
|                |  | <p>with the Welsh NHS.</p> <p>Paragraph 123 on engagement with the Education Unions in Wales.</p> <p>Paragraph 124 - 126 on engagement with His Majesty's Prison and Probation Services (HMPPS).</p> <p>Paragraph 127 on engagement with the third sector.</p> <p>Paragraph 128 on engagement with reserved authorities.</p> |
| 26.6(v)        | Set out a summary of the outcome of that consultation, including how and why any draft Bill has been amended   | Part 1, Chapter 4 – Consultation   |
| 26.6(vi)       | If the Bill, or part of the Bill, was not previously published as a draft, state the reasons for that decision   | Part 1, Chapter 4 – Consultation   |
| 26.6(vii)      | Summarise objectively what each of the provisions of the Bill is intended to do (to the extent that it requires explanation or comment) and give other information necessary to explain the effect of the Bill | Annex 1 – Explanatory Notes  |
| 26.6(viii)     | Set out the best estimates of:   | Part 2, chapters 6 & 8 –   |
|                |  | Page 76 - 173  |



| Standing order |  | Section  | pages/<br>paragraphs  |
|----------------|--|--|---|
|                | <p>(a) the gross administrative, compliance and other costs to which the provisions of the Bill would give rise;</p> <p>(b) the administrative savings arising from the Bill;</p> <p>(c) net administrative costs of the Bill's provisions;</p> <p>(d) the timescales over which such costs and savings would be expected to arise; and</p> <p>(e) on whom the costs would fall</p>  | Regulatory Impact Assessment and Costs & Benefits          | <p>Regulatory Impact Assessment summary Chapter 8 - Options, including costs and benefits. Page 85</p> <p>Page 174 – 176 Chapter 9 Affordability Assessment</p> <p>Page 177 – 179 Chapter 10 Competition Assessment</p> |
| 26.6(ix)       | Any environmental and social benefits and dis-benefits arising from the Bill that cannot be quantified financially   | Part 2, Chapter 11 – Integrated Impact Assessment Summary  | Page 180 - 188  |
| 26.6(x)        | <p>Where the Bill contains any provision conferring power to make subordinate legislation, set out, in relation to each such provision:</p> <p>(a) the person upon whom, or the body upon which, the power is conferred and the form in which the power is to be exercised;</p> <p>(b) why it is considered appropriate to delegate the power; and</p> <p>(c) the Senedd procedure (if any) to which the subordinate legislation made or to be made in the</p> | Part 1, Chapter 5 - Power to make subordinate legislation. | Pages 63 - 75.  |

| Standing order | Section   | pages/<br>paragraphs  |
|----------------|---|---|
|                | exercise of the power is to be subject, and why it was considered appropriate to make it subject to that procedure (and not to make it subject to any other procedure);   |   |
| 26.6(xi)       | Where the Bill contains any provision charging expenditure on the Welsh Consolidated Fund, incorporate a report of the Auditor General setting out his or her views on whether the charge is appropriate  | The requirement of Standing Order 26.6(xi) does not apply to this Bill. |
| 26.6(xii)      | Set out the potential impact (if any) on the justice system in England and Wales of the provisions of the Bill (a “justice impact assessment”), in accordance with section 110A of the Act.   | Part 2, Chapter 11 – Integrated Impact Assessment.                      |
| 26.6B          | Where provisions of the Bill are derived from existing primary legislation, whether for the purposes of amendment or consolidation, the Explanatory Memorandum must be accompanied by a table of derivations that explain clearly how the Bill relates to the existing legal framework. | Annex 3 –Table of Derivations   |
| 26.6C          | Where the Bill proposes to significantly amend existing primary legislation, the Explanatory Memorandum must be accompanied by a schedule setting out the wording of existing legislation amended by the Bill, and setting out clearly how that wording is amended by the Bill.         | Annex 4 – Schedule of Amendments.                                       |

### ANNEX 3: Table of derivations

The following table is intended to provide information on the derivation of the provisions of the Homelessness and Social Housing Allocation (Wales) Bill (“the Bill”). The table does not provide definitive or exhaustive guidance and should be read in conjunction with the Bill and with the Explanatory Notes. While care has been taken to ensure that the document is as accurate as reasonably practicable, it does not purport to be, and should not be relied on as, authoritative.

#### KEY TO ABBREVIATIONS

|            |   |
|------------|---|
| HWA 2014   | Housing (Wales) Act 2014                |
| HA 1996    | Housing Act 1996                        |
| SSWBA 2014 | Social Services and Well-being Act 2014 |

| SECTION/<br>PARAGRAPH  | CORRESPONDING<br>REFERENCE IN EXISTING<br>LEGISLATION | SUBSTANTIVE CHANGE  |
|--|---|---|
| <b>Part 1: Homelessness</b><br><b>Help to prevent homelessness</b> |   |   |
| 1  | Section 55 of the HWA 2014.                           | Yes. Section 1 amends the definition of “threatened with homelessness” so that person is threatened with homelessness if they have received written notice requiring them to give up occupation of their accommodation, an application has been made to the High Court or county court for possession of their accommodation or if it is likely that the person will become homeless within six months. |
| 2  | Sections 65 and 66 of the HWA 2014.                   | Yes. Section omits section 65 of the HWA 2014 and inserts new provisions into section 66. Under section 66 (as amended), where a local housing authority is satisfied that an applicant is at risk of becoming homeless and is eligible for help, the authority must take reasonable steps that are likely to ensure that suitable accommodation remains available for the applicant.                   |

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| 3 | Sections 62 and 63 of the HWA 2014.   | Yes. Section 3 makes amendments to the duty to assess an applicant (which includes requiring the local authority to assess the support the applicant may need to overcome any barrier they might face to living independently, make inquiries regarding the personal characteristics and circumstances of the applicant and any person with whom the applicant lives or might reasonably be expected to live and in relation to communication to make sure it is accessible). Section 3 also amends the duty to notify the applicant of the outcome of assessment to include the additional matters that have to be assessed and where the local authority decides not to carry out an assessment. |
| 4 | New. Section 4 inserts new section 63A in the HWA 2014- Prevention, Support and Accommodation Plans | Yes. This introduces a new duty on local housing authorities to complete and keep under review Prevention, Support and Accommodation Plans.  |
| 5 | Sections 84,85, 86 and 88 of the HWA 2014.  | Yes. This section introduces new rights of review in relation to the assessment under section 62, assessment of need, the assessment of support required to retain accommodation or to overcome any difficulty in living independently and new rights of review in relation to the Prevention, Support and Accommodation Plan. It also extends the time period for rights of review in relation to the suitability of accommodation. Section 5 further amends section 88 to extend the right of appeal to reflect the expanded list of matters which can be reviewed under section 85.   |
| 6 | This section removes sections 73 and 74 and replaces section 75 of the HWA 2014.                    | Yes. Section 6 substitutes a new section 75 of the HWA 2014 which sets out the range of circumstances in which a local housing authority must secure that suitable accommodation is available for the occupation of an applicant. It provides exceptions to when the duty in section 75 does not apply i.e. where there is no local connection to Wales (unless the applicant is at risk of abuse), or where the applicant is a prisoner if there is no reasonable prospect of release within six months.  |
| 7 | Section 76 of the HWA 2014.   | Yes. Broadly, this section extends the circumstances by which local housing authorities can discharge the main homelessness duty.  |

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| 8     | Sections 68 and 69 of the HWA 2014.  | Yes. This section amends when the section 68 duty is owed to include those who have no local connection to Wales and amends section 69 which provides for when the section 68 duty comes to an end.   |
| 9     | Sections 70,71 and 72 of the HWA 2014 are omitted.   | Yes. Section 9 abolishes the priority need test.  |
| 10    | Sections 77 and 78 of the HWA 2014.  | Yes. Section 10 abolishes the intentionality test.  |
| 11-17 | Sections 80,81 inserts new section 81A,82,83,84 , 85 of the HWA 2014. It also amends section 201A of the Housing Act 1996 ( "the HA 1996") | Yes. These sections will amend the local connection test, including the definition of local connection, exemptions from referral and amends the duties owed on referral. It also makes amendments to rights of reviews in respect of local connection referrals.  |
| 18    | New. Section 18 inserts new section 76A in the HWA 2014- Help to retain suitable accommodation in exercise of homelessness functions.      | Yes. Section 18 introduces a new duty on local housing authorities to provide help for applicants (who the local housing authority consider is at risk of becoming homeless or threatened with homelessness unless help is provided) to retain suitable accommodation that has been secured under homelessness functions.   |
| 19    | New. Section 19 inserts new section 76C in the HWA 2014 – Duty to keep in touch with certain applicants.                                   | Yes. Section 19 introduces a new duty on local housing authorities to take reasonable steps to contact former applicants who have their duty ended in certain circumstances.  |
| 20    | Section 79 of the HWA 2014   | Yes. Section 20 amends section 79 to provide additional circumstances when homelessness duties can be ended; if an applicant engages in violent or threatening behaviour to anyone connected with delivering homelessness functions , seriously damages property or there is repeated non-contact.<br>Also, section 79 sets out further circumstances under which a local housing authority's duties under section 76A (inserted by section 18 of this Bill) can end. |

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| 21 | New sections 94A,94B,98   | Yes. This section introduces new duties on specified public bodies to “ask and act” where they consider a person to be homeless or at risk of homelessness.  |
| 22 | Section 213B HA 1996  | Yes. This section amends the Duty to Refer in England so that bodies in England subject to the duty can refer to a local authority in Wales as well as in England.   |
| 23 | Inserts new Section 108A and 109A in the SSWBA 2014- Duty to ensure young people leaving care have suitable accommodation | Yes. Section 23 introduces new duties on social services authorities to take reasonable steps to ensure that suitable accommodation is available for certain care leavers for certain periods.   |
| 24 | Section 95 of the HWA 2014.   | Yes. Section 24 introduces a new statutory duty on a local authority to establish joint protocols in relation to young persons and care leavers and young persons leaving youth detention accommodation, prison, or approved premises between the officers of the authority who exercise its social services functions and those who exercise its functions as the local housing authority.                            |
| 25 | Section 95 of the HWA 2014.   | Yes. Section 25 requires local housing authorities to make arrangements to promote cooperation between themselves and certain other public authorities, voluntary organisations or other relevant bodies to assist in a range of functions related to homelessness prevention and broader support. The arrangements must include protocols for certain vulnerable persons.   |
| 26 | Section 93 of the HWA 2014.   | NA.  |
| 27 | Section 60 of the HWA 2014.   | NA.  |
| 28 | Substitutes section 58 of the HWA 2014.   | Yes. This section provides a wider definition of abuse and domestic abuse so as to incorporate domestic abuse (as defined under section 1 of the Domestic Abuse Act 2021) and any other kind of abuse, for example, exploitation (within the meaning given by section 3 of the Modern Slavery Act 2015), harassment and stalking (within the meaning of those expressions in the Protection from Harassment Act 1997). |

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| 29 | Sections 52, 64 and 98 of the HWA 2014.  | Yes. Section 29 requires local housing authorities, in developing their local homelessness strategies and advice services, to consult persons who are or who have been homeless or threatened with homelessness. Section 29 also requires the Welsh Government to consult with people who have been homeless or threatened with homelessness when developing guidance for local authorities in relation to the exercise of their homelessness functions.          |
| 30 | Section 59 of the HWA 2014.  | Yes. A local housing authority must have regard to Part 4 of the Renting Homes (Wales) Act 2016 when determining the suitability of accommodation under the homelessness functions.   |
| 31 | New. Section 31 inserts new section 97A in the HWA 2014- Reports on use and condition of interim accommodation                         | Yes this requires Welsh Ministers to prepare a report on the use and condition of interim accommodation secured by local housing authorities.<br><br>This report must be laid before Senedd Cymru and published by the Welsh Ministers. The report must be laid before the 31 December 2030 and thereafter every 5 years.   |
| 32 | Section 95 of the HWA 2014.  | Yes. Section 32 will widen the duty to co-operate so that it applies to a wider range of specified public bodies listed in subsection 95(5) of the HWA 2014.  |
| 33 | New. Section 33 inserts new sections 96A and 96B in the HWA 2014- Co-operation between social landlords and local housing authorities. | Yes. Section 33 enables a local housing authority to request a social landlord to provide accommodation for a homeless applicant. Such a request must be complied with within a reasonable period. The social landlord can only refuse such a request if there is good reason not to comply. The section also introduces direction making powers on the Welsh Ministers to compel social landlords to comply and guidance making powers in relation to this duty. |
| 34 | New. Section 34 inserts new sections 96C HWA 2014- Viewing accommodation.  | Yes. This section provides that the local housing authority must take reasonable steps to provide the applicant with the opportunity to view accommodation before the applicant decides to accept or refuse the offer.  |

| <b>Part 2: Social Housing Allocation</b> |  |  |
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| 35                                       | Section 160A of the Housing Act 1996.  | Yes. Section 35 provides local housing authorities with the discretion to decide what classes of person are or are not eligible for social housing in their area, provided they are not within a group that are disqualified for allocation. This section also introduces a power for Welsh Ministers to prescribe classes of person who are to be treated as qualifying or non-qualifying persons.                          |
| 36                                       | Section 167 and new 167A of the Housing Act 1996.  | Yes. This section also introduces a deliberate manipulation test. This test will be limited to those who have engaged in 'deliberate manipulation' of the homelessness system to gain advantage when applying for social housing. In these circumstances the local authority will not be required to award the applicant reasonable preference.  |
| 37                                       | Section 167 of the Housing Act 1996.   | Yes. Section 37 applies to care leavers for whom local authorities have duties under new section 108A of the Social Services and Well-being (Wales) Act 2014 (which is a duty to take reasonable steps to secure accommodation for their occupation), ensuring local housing authorities must award prioritisation to this group for social housing.   |
| 38                                       | Housing Act 1996 amended through insertion, after section 160A, of sections 160B, 160C, 160D and 160E. | Yes. Section 38 provides a requirement that local housing authorities in Wales must establish and maintain a Common Housing Register and Accessible Housing Register for people who apply to their authority area for housing accommodation and who are both eligible and a qualifying person. This section also introduces powers for Welsh Ministers to make regulations in relation to make provision for both registers. |
| <b>Part 3: General</b>                   |  |  |
| Schedule 1, paragraph 1                  | Section 172 of the Housing Act 1996.   | Yes. The regulation-making power in section 172 is amended to reflect that regulations made by the Welsh Ministers are passed by the Senedd while regulations made by the Secretary of State are passed by the UK Parliament.  |



## Annex 4: Schedule of Amendments

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### Amendments to be made by the Homelessness and Social Housing Allocations (Wales) Bill

This document is intended to show how the provisions of the following legislation, as they applied in relation to Wales on 17 April 2025, would look once amended by the Homelessness and Social Housing Allocations (Wales) Bill (if enacted), as introduced on 19 May 2025.

#### Primary Legislation

- **Housing Act 1996**
- **Housing (Wales) Act 2014**
- **Social Services and Well-being (Wales) Act 2014**

Material to be deleted by the Homelessness and Social Housing Allocations (Wales) Bill is shown in strikethrough, e.g. ~~omitted material looks like this~~.

Material to be added by the Homelessness and Social Housing Allocations (Wales) Bill is underlined, e.g. added material looks like this.

References to the relevant amending provisions of the Bill are provided in the right hand column on each page.

Where relevant, related provisions from the Act, although not being amended, are included to aid understanding of the proposed amendments.

#### Warning

This text has been prepared by officials of the Department for Housing and Regeneration of the Welsh Government. Although efforts have been taken to ensure that it is accurate, it should not be relied on as a definitive text of the Act or the Bill. It has been produced solely to help people understand the effect of the Homelessness and Social Housing Allocations (Wales) Bill. It is not intended for use in any other context.

## Housing Act 1996

| Section  | Amended by                        |
|--|-----------------------------------|
| <p><b>160 Cases where provisions about allocation do not apply</b></p> <p>(1) The provisions of this Part about the allocation of housing accommodation do not apply in the following cases.</p> <p>(2) They do not apply where a secure tenancy—</p> <ul style="list-style-type: none"> <li>(a) vests under section 89 of the Housing Act 1985 (succession to periodic secure tenancy on death of tenant),</li> <li>(b) remains a secure tenancy by virtue of section 90 of that Act (devolution of term certain of secure tenancy on death of tenant),</li> <li>(c) is assigned under section 92 of that Act (assignment of secure tenancy by way of exchange),</li> <li>(d) is assigned to a person who would be qualified to succeed the secure tenant if the secure tenant died immediately before the assignment,</li> <li>[(da) is granted in response to a request under section 158 of the Localism Act 2011 (transfer of tenancy), or]</li> <li>(e) vests or is otherwise disposed of in pursuance of an order made under— <ul style="list-style-type: none"> <li>(i) section 24 of the Matrimonial Causes Act 1973 (property adjustment orders in connection with matrimonial proceedings),</li> <li>(ii) section 17(1) of the Matrimonial and Family Proceedings Act 1984 (property adjustment orders after overseas divorce, &amp;c), . . .</li> <li>(iii) paragraph 1 of Schedule 1 to the Children Act 1989 (orders for financial relief against parents)[, or</li> <li>(iv) Part 2 of Schedule 5, or paragraph 9(2) or (3) of Schedule 7, to the Civil Partnership Act 2004 (property adjustment orders in connection with civil partnership proceedings or after overseas dissolution of civil partnership, etc)].</li> </ul> </li> </ul> | <p>Schedule 1, paragraph 1(2)</p> |

(3) They do not apply where an introductory tenancy—

(a) becomes a secure tenancy on ceasing to be an introductory tenancy,

(b) vests under section 133(2) (succession to introductory tenancy on death of tenant),

(c) is assigned to a person who would be qualified to succeed the introductory tenant if the introductory tenant died immediately before the assignment, or

(d) vests or is otherwise disposed of in pursuance of an order made under—

(i) section 24 of the Matrimonial Causes Act 1973 (property adjustment orders in connection with matrimonial proceedings),

(ii) section 17(1) of the Matrimonial and Family Proceedings Act 1984 (property adjustment orders after overseas divorce, &c), . . .

(iii) paragraph 1 of Schedule 1 to the Children Act 1989 (orders for financial relief against parents)[, or

(iv) Part 2 of Schedule 5, or paragraph 9(2) or (3) of Schedule 7, to the Civil Partnership Act 2004 (property adjustment orders in connection with civil partnership proceedings or after overseas dissolution of civil partnership, etc)].

[(3A) They do not apply where—

(a) a person succeeds to a secure occupation contract under section 73 (succession on death), section 78 (more than one qualified successor), or section 80 (substitute succession on early termination) of the Renting Homes (Wales) Act 2016 (anaw 1),

(b) a secure contract is transferred to a potential successor under section 114 of that Act (transfer to potential successor),

(c) a secure contract is transferred to another secure contract-holder under section 118 of that Act (transfer to another secure contract-holder),

(d) a secure contract or a standard introductory contract vests or is otherwise disposed of in pursuance of an order under—

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| <p>(i) section 24 of the Matrimonial Causes Act 1973 (c 18) (property adjustment orders in connection with divorce proceedings, etc),</p> <p>(ii) section 17(1) of the Matrimonial and Family Proceedings Act 1984 (c 42) (orders for financial provision and property adjustment),</p> <p>(iii) paragraph 1 of Schedule 1 to the Children Act 1989 (c 41) (orders for financial relief against parents), or</p> <p>(iv) Part 2 of Schedule 5, or paragraph 9(2) or (3) of Schedule 7 to the Civil Partnership Act 2004 (c 33) (property adjustment orders in connection with civil partnership proceedings or overseas dissolution of civil partnership, etc), or</p> <p>(e) an introductory standard contract becomes—</p> <p>(i) a secure contract under section 16 of the Renting Homes (Wales) Act 2016 (anaw 1) (introductory standard contracts), or</p> <p>(ii) a prohibited conduct standard contract becomes a secure contract under section 117 of the Renting Homes (Wales) Act 2016 (conversion to secure contract).]</p> <p>(4) They do not apply:</p> <p>(a) <u>in relation to England</u>, in such other cases as the Secretary of State may prescribe by regulations.</p> <p>(b) <u>in relation to Wales, in such other cases as the Welsh Ministers may prescribed by regulations.</u></p> <p>(5) The regulations may be framed so as to make the exclusion of the provisions of this Part about the allocation of housing accommodation subject to such restrictions or conditions as may be specified.</p> <p>In particular, those provisions may be excluded—</p> <p>(a) in relation to specified descriptions of persons, or</p> <p>(b) in relation to housing accommodation of a specified description or a specified proportion of housing accommodation of any specified description.</p> |  |
| <p><b>160A Allocation only to eligible <u>and qualifying</u> persons: Wales</b></p> <p>(1) A local housing authority in Wales shall not allocate housing accommodation—</p>  | <p>Section 35 and Schedule 1, paragraph 1(3)</p> |

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| <p>(a) to a person from abroad who is ineligible for an allocation of housing accommodation by virtue of subsection (3) or (5); <u>or</u></p> <p><del>(b) to a person who the authority have decided is to be treated as ineligible for such an allocation by virtue of subsection (7); or</del></p> <p>(c) to two or more persons jointly if any of them is a person mentioned in paragraph (a) <del>or (b)</del>.</p> <p><del>(2) Except as provided by subsection (1), any person may be allocated housing accommodation by a local housing authority [F4 in Wales] (whether on his application or otherwise).</del></p> <p>(3) A person subject to immigration control within the meaning of the Asylum and Immigration Act 1996 (c. 49) is (subject to subsection (6)) ineligible for an allocation of housing accommodation by a local housing authority in Wales unless he is of a class prescribed by regulations made by the <del>Secretary of State</del> <u>Welsh Ministers</u>.</p> <p>(4) No person who is excluded from entitlement to universal credit or housing benefit by section 115 of the Immigration and Asylum Act 1999 (c. 33) (exclusion from benefits) shall be included in any class prescribed under subsection (3).</p> <p>(5) The <del>Secretary of State</del> <u>Welsh Ministers</u> may by regulations prescribe other classes of persons from abroad who are (subject to subsection (6)) ineligible for an allocation of housing accommodation, either in relation to local housing authorities in Wales generally or any particular local housing authority in Wales.</p> <p>(6) Nothing in subsection (3) or (5) affects the eligibility of a person who is already a contract-holder in relation to housing accommodation allocated to that person by a local housing authority in Wales.</p> <p><u>(6A) Except as provided by subsection (1), a person may be allocated housing accommodation by a local housing authority in Wales (whether on application by the person or otherwise) if—</u></p> <p><u>(a) the person—</u></p> <p><u>(i) is a qualifying person within the meaning of subsection (6B), or</u></p> <p><u>(ii) is one of two or more persons who apply for accommodation jointly, and one or more of the other persons is a qualifying person within the meaning of subsection (6B), and</u></p> |  |
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| <p><u>(b) the person is not disqualified by virtue of a decision under subsection (7).</u></p> <p><u>(6B) A local housing authority may decide what classes of persons are, or are not, qualifying persons, subject to—</u></p> <ul style="list-style-type: none"> <li><u>(a) subsections (3), (5), (7) and (8A), and</u></li> <li><u>(b) any regulations under subsection (6C).</u></li> </ul> <p><u>(6C) The Welsh Ministers may, by regulations—</u></p> <ul style="list-style-type: none"> <li><u>(a) prescribe classes of persons who are, or are not, to be treated as qualifying persons by local housing authorities in Wales, and</u></li> <li><u>(b) prescribe criteria that may not be used by local housing authorities in Wales in deciding what classes of persons are not qualifying persons.</u></li> </ul> <p>(7)A local housing authority in Wales may decide that an applicant is to be <del>treated as ineligible</del> <u>disqualified</u> for an allocation of housing accommodation by them if they are satisfied that—</p> <ul style="list-style-type: none"> <li>(a)he, or a member of his household, has been guilty of unacceptable behaviour serious enough to make him unsuitable to be a tenant of the authority; and</li> <li>(b)in the circumstances at the time his application is considered, <u>taking into account, in particular, the likelihood of that behaviour reoccurring</u>, he is unsuitable to be a tenant of the authority by reason of that behaviour.</li> </ul> <p>(8) The only behaviour which may be regarded by the authority as unacceptable for the purposes of subsection (7)(a) is behaviour of the person concerned which would (if that person were a contract-holder of the authority) breach section 55 of the Renting Homes (Wales) Act 2016 <u>(anaw 1)</u> (anti-social behaviour and other prohibited conduct). ..</p> <p><u>(8A) A person who is to be given reasonable preference under a local housing authority allocation scheme by virtue of section 167(2) must be treated as a qualifying person within the meaning of subsection (6B), subject to—</u></p> <ul style="list-style-type: none"> <li><u>(a) subsections (3), (5) and (7), and</u></li> <li><u>(b) any regulations under subsection (6C).</u></li> </ul> <p>(9) If a local housing authority in Wales decide that an applicant for housing accommodation—</p> <ul style="list-style-type: none"> <li>(a)is ineligible for an allocation by them by virtue of subsection (3) or (5); or</li> </ul> |  |
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| <p><del>(b) is to be treated as ineligible for such an allocation by virtue of subsection (7);</del></p> <p><del>(b) is neither</del></p> <p><del>_____ (i) a qualifying person, nor</del></p> <p><del>_____ (ii) within paragraph (ii) of subsection (6A)(a); or</del></p> <p><del>(c) is disqualified by virtue of a decision under subsection (7), they shall notify the applicant of their decision and the grounds for it.</del></p> <p>(10) That notice shall be given in writing and, if not received by the applicant, shall be treated as having been given if it is made available at the authority's office for a reasonable period for collection by him or on his behalf.</p> <p><del>(11) A person who is being treated by a local housing authority [F15in Wales] as ineligible by virtue of subsection (7) may (if he considers that he should no longer be treated as ineligible by the authority [F15in Wales]) make a fresh application to the authority [F15in Wales] for an allocation of housing accommodation by them.]</del></p> <p>(11) <u>A person whose application for housing accommodation is rejected by virtue of provision in or made under this section may make a fresh application to the authority for an allocation of housing accommodation by them.</u></p> |                   |
| <p><b><u>160B Offers of housing accommodation held by registered social landlords and private registered providers of social housing: Wales</u></b></p> <p><u>(1) Registered social landlords and private registered providers of social housing may only offer housing accommodation which they hold in a local housing authority's area in Wales to persons included on the common housing register for that area.</u></p> <p><u>(2) Subsection (1) does not otherwise affect the right of registered social landlords or private registered providers of social housing to choose who is offered housing accommodation which they hold in Wales.</u></p> <p><i><u>Housing registers</u></i></p> <p><b><u>160C Common housing registers: Wales</u></b></p> <p><u>(1) A local housing authority in Wales must establish and maintain a register of persons to whom housing accommodation in their area may be</u></p>  | <p>Section 38</p> |

allocated or offered in accordance with this Part (a “common housing register”).

(2) A local housing authority must include a person on the common housing register if—

(a) the person applies to the authority for housing accommodation, and

(b) the authority decides that the person—

(i) is not ineligible for an allocation of housing accommodation by virtue of section 160A(3) and (5),

(ii) is a qualifying person (within the meaning of section 160A(6B)) or falls within subsection (6A)(a)(ii) of that section, and

(iii) is not disqualified by virtue of a decision under section 160A(7).

(3) A local housing authority may include a person on the common housing register without an application if the authority decides that sub-paragraphs (i), (ii) and (iii) of paragraph (b) of subsection (2) apply to the person.

#### **160D Regulations about common housing registers**

(1) The Welsh Ministers may, by regulations, make provision for and in connection with common housing registers.

(2) The regulations may, in particular, make provision—

(a) about amending and removing entries in the register in respect of a person;

(b) about giving notice (for example, giving notice if a person is included in the register or if an entry in the register in respect of a person is amended or removed);

(c) about the information that may or must be included on the register;

(d) requiring or authorising the disclosure of information contained on the register to a person or description of person specified in the regulations;



(e) conferring functions on local housing authorities in Wales.

- (3) Regulations under subsection (1) may not require or authorise the disclosure or use of information which would contravene data protection legislation (within the meaning of the Data Protection Act 2018 (c. 12)); but the power in subsection (1) and provision made in exercise of it is to be taken into account in determining whether the disclosure would contravene that legislation.

### **160E Accessible housing register**

- (1) A local housing authority in Wales must establish and maintain a register of housing accommodation in their area that—

- (a) is held by them, by registered social landlords and by private registered providers of social housing, and
- (b) has features that may assist a disabled person.

- (2) The Welsh Ministers may, by regulations, make provision for and in connection with a register required to be established and maintained under this section.

- (3) The regulations may, in particular, make provision about—

- (a) about amending and removing an entry in the register in respect of housing accommodation;
- (b) about giving notice (for example, giving notice to persons specified in the regulations if accommodation is included on the register or if an entry in respect of the accommodation is amended or removed);
- (c) about the information that may or must be included on the register;
- (d) requiring or authorising the disclosure of information contained on the register to a person or description of person specified in the regulations;

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| <p>(e) <u>conferring functions on local housing authorities in Wales.</u></p> <p>(4) <u>Regulations under subsection (2) may not require or authorise the disclosure or use of information which would contravene the data protection legislation (within the meaning of the Data Protection Act 2014 (c. 12)); but the power in subsection (2) and provision made in exercise of it is to be taken into account in determining whether the disclosure would contravene that legislation.</u></p> <p>(5) <u>(5) A registered social landlord and a private registered provider of social housing which holds housing for housing purposes in the authority's area must comply with any reasonable request made to it by a local housing authority in connection with the exercise of the authority's functions under this section.</u></p>  |  |
| <p><b>167Allocation in accordance with allocation scheme : Wales</b></p> <p>(1) Every local housing authority in Wales shall have a scheme (their "allocation scheme") for determining priorities, and as to the procedure to be followed, in allocating housing accommodation.</p> <p>For this purpose "procedure" includes all aspects of the allocation process, including the persons or descriptions of persons by whom decisions are to be taken.</p> <p>(1A) The scheme shall include a statement of the authority's policy on offering people who are to be allocated housing accommodation—</p> <p style="padding-left: 40px;">(a)a choice of housing accommodation; or</p> <p style="padding-left: 40px;">(b)the opportunity to express preferences about the housing accommodation to be allocated to them.</p> <p>(2) As regards priorities, the scheme shall , subject to subsection (2ZA), be framed so as to secure that reasonable preference is given to—</p> <p style="padding-left: 40px;">(a)people who are homeless (within the meaning of Part 2 of the Housing (Wales) Act 2014);</p> <p style="padding-left: 40px;">(b)people who are owed any duty by a local housing authority under section 66, <del>73</del> or 75 of the Housing (Wales) Act 2014;</p> | <p>Sections 36(2), 37 and Schedule 1, paragraph 1(4)</p> |

(ba) people for whom responsible local authorities have duties under section 108A of the Social Services and Well-being (Wales) Act 2014 (anaw 4) to take reasonable steps to secure that suitable accommodation is available for their occupation.

(c) people occupying insanitary or overcrowded housing or otherwise living in unsatisfactory housing conditions;

(d) people who need to move on medical or welfare grounds (including grounds relating to a disability)]; and

(e) people who need to move to a particular locality in the district of the authority, where failure to meet that need would cause hardship (to themselves or to others).

The scheme may also be framed so as to give additional preference to particular descriptions of people within this subsection (being descriptions of people with urgent housing needs).

(2ZA) People are to be disregarded for the purposes of subsection (2) if they would not have fallen within paragraph (a) or (b) of that subsection without the local housing authority having had regard to a restricted person (within the meaning of Part 2 of the Housing (Wales) Act 2014).

(2A) The scheme may contain provision for determining priorities in allocating housing accommodation to people within subsection (2); and the factors which the scheme may allow to be taken into account include—

(a) the financial resources available to a person to meet his housing costs;

(b) any behaviour of a person (or of a member of his household) which affects his suitability to be a tenant;

(c) any local connection (within the meaning of section 81 of the Housing (Wales) Act 2014)] which exists between a person and the authority's district.

(2B) Nothing in subsection (2) requires the scheme to provide for any preference to be given to people the authority have decided are people to whom subsection (2C) or (2DA) applies.

(2C) This subsection applies to a person if the authority are satisfied that—

(a) he, or a member of his household, has been guilty of unacceptable behaviour serious enough to make him unsuitable to be a tenant of the authority; and

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| <p>(b)in the circumstances at the time his case is considered, he deserves by reason of that behaviour not to be treated as a member of a group of people who are to be given preference by virtue of subsection (2).</p> <p>(2D) Subsection (8) of section 160A applies for the purposes of subsection (2C)(a) above as it applies for the purposes of subsection (7)(a) of that section.</p> <p><u>(2DA) This section applies to a person if —</u></p> <p><u>(a) the person is within paragraph (a) or (b) of subsection (2), and</u></p> <p><u>(b) the local housing authority is satisfied that the person is trying to manipulate the housing system (see section 167A).</u></p> <p>(2E) Subject to subsection (2), the scheme may contain provision about the allocation of particular housing accommodation—</p> <p>(a)to a person who makes a specific application for that accommodation;</p> <p>(b)to persons of a particular description (whether or not they are within subsection (2)).]</p> <p>(3) The <del>Secretary of State</del> <u>Welsh Ministers</u> may by regulations—</p> <p>(a)specify further descriptions of people to whom preference is to be given as mentioned in subsection (2), or</p> <p>(b)amend or repeal any part of subsection (2).</p> <p>(4) The <del>Secretary of State</del> <u>Welsh Ministers</u> may by regulations specify factors which a local housing authority [n Wales] shall not take into account in allocating housing accommodation.</p> <p>(4A) The scheme shall be framed so as to secure that an applicant for an allocation of housing accommodation—</p> <p>(a)has the right to request such general information as will enable him to assess—</p> <p>(i)how his application is likely to be treated under the scheme (including in particular whether he is likely to be regarded as a member of a group of people who are to be given preference by virtue of subsection (2)); and</p> <p>(ii)whether housing accommodation appropriate to his needs is likely to be made</p> |  |
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| <p>available to him and, if so, how long it is likely to be before such accommodation becomes available for allocation to him;</p> <p>(b) is notified in writing of any decision that he is a person to whom subsection (2C) <u>or (2DA)</u> applies and the grounds for it;</p> <p>(c) has the right to request the authority to inform him of any decision about the facts of his case which is likely to be, or has been, taken into account in considering whether to allocate housing accommodation to him; and</p> <p>(d) has the right to request a review of a decision mentioned in paragraph (b) or (c), or in section 160A(9), and to be informed of the decision on the review and the grounds for it.</p> <p>(5) As regards the procedure to be followed, the scheme shall be framed in accordance with such principles as the <del>Secretary of State</del> <u>Welsh Ministers</u> may prescribe by regulations.</p> <p>(6) Subject to the above provisions, and to any regulations made under them, the authority may decide on what principles the scheme is to be framed.</p> <p>(7) Before adopting an allocation scheme, or making an alteration to their scheme reflecting a major change of policy, a local housing authority in Wales shall—</p> <p>(a) send a copy of the draft scheme, or proposed alteration, to every private registered provider of social housing and registered social landlord with which they have nomination arrangements (see section 159(4)), and</p> <p>(b) afford those persons a reasonable opportunity to comment on the proposals.</p> <p>(8) A local housing authority in Wales shall not allocate housing accommodation except in accordance with their allocation scheme</p> |                      |
| <p><b><u>167A Meaning of trying to manipulate the housing system</u></b></p> <p><u>(1) A person is trying to manipulate the housing system for the purposes of section 167(2DA) if subsection (2) or (4) applies.</u></p> <p><u>(2) This subsection applies if—</u></p> <p><u>(a) the person falls within paragraph (a) or (b) of section 167(2) because the person deliberately did or failed to do something in consequence of which the</u></p>   | <p>Section 36(3)</p> |

person ceases to occupy accommodation that was available for the person's occupation and which it would have been reasonable for the person to continue to occupy, and

(b) the person either—

(i) intended, by doing or failing to do that thing, to enable the person to become entitled to help under Chapter 2 of Part 2 of the Housing (Wales) Act 2014 ("the 2014 Act") or to improve the person's chance of being allocated accommodation under this Part, or

(ii) before doing or failing to do that thing, received information, advice or other support provided or otherwise secured by a public authority exercising functions in relation to the person that was adequate for the purpose of enabling the person to continue occupying the accommodation.

(3) For the purposes of subsection (2), an act or omission in good faith on the part of a person who was unaware of any relevant fact may not be treated as deliberate.

(4) This subsection applies if—

(a) the person falls within paragraph (a) or (b) of section 167(2) because the person entered into an arrangement under which the person was required to cease to occupy accommodation which it would have been reasonable for the person to continue to occupy,

(b) the purpose of the arrangement was to enable the person to become entitled to help under Chapter 2 of Part 2 of the 2014 Act or to improve the person's chance of being allocated accommodation under this Part, and

(c) there is no other good reason why the person became homeless for the purposes of the 2014 Act.

(5) For the purposes of this section—

(a) accommodation is available for occupation if it would be for the purposes of Chapter 2 of Part 2 of the 2014 Act (see section 56 of the 2014 Act);

(b) it is reasonable to continue to occupy accommodation if it would be for the purposes of Chapter 2 of Part 2 of the 2014 Act (see section 57 of the 2014 Act)."

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| <p><b><u>169 Guidance to authorities by the Secretary of State and the Welsh Ministers</u></b></p> <p>(1) In the exercise of their functions under this Part, local housing authorities <u>in England</u> shall have regard to such guidance as may from time to time be given by the Secretary of State.</p> <p><u>(1A) In the exercise of their functions under this Part, local housing authorities in Wales shall have regard to such guidance as may from time to time be given by the Welsh Ministers.</u></p> <p>(2) The Secretary of State <u>and the Welsh Ministers</u> may give guidance generally or to specified descriptions of authorities.</p> <p><b>170 Co-operation between certain social landlords and local housing authorities</b></p> <p>Where a local housing authority so request, a private registered provider of social housing or registered social landlord shall co-operate to such extent as is reasonable in the circumstances in offering accommodation to people with priority under the authority's allocation scheme.</p>   | <p>Schedule 1,<br/>paragraph 1(5)</p> |
| <p><b>172 Regulations</b></p> <p>(1) Regulations <u>made by the Secretary of State</u> under this Part shall be made by statutory instrument.</p> <p><u>(1A) Regulations made by the Welsh Ministers under this Part shall be made by Welsh statutory instrument.</u></p> <p>(2) No regulations shall be made under section 166A(7) or <del>167(3)</del> (regulations amending provisions about priorities in allocating housing accommodation <u>in England</u>) unless a draft of the regulations has been laid before and approved by a resolution of each House of Parliament.</p> <p><u>(2A) Regulations made under section 167(3) (regulations amending provisions about priorities in allocating housing accommodation in Wales) are subject to the Senedd approval procedure.</u></p> <p>(3) Any other regulations made by the Secretary of State under this Part shall be subject to annulment in pursuance of a resolution of either House of Parliament.</p> <p><u>(3A) Any other regulations made by the Welsh Ministers under this Part are subject to the Senedd annulment procedure.</u></p> <p>(4) Regulations under this Part may contain such incidental, supplementary and transitional provisions as appear to the Secretary of State <u>or the Welsh Ministers (as the case may be)</u> appropriate, and may make different provision for</p> | <p>Schedule 1,<br/>paragraph 1(6)</p> |

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| different cases including different provision for different areas   |                            |
| <p><b><u>174. Index of defined expressions: Part VI</u></b></p> <p>The following Table shows provisions defining or otherwise explaining expressions used in this Part (other than provisions defining or explaining an expression used in the same section—</p> <p>allocation (of housing) section 159(2)</p> <p>allocation scheme section 166A and 167</p> <p>assured tenancy section 230</p> <p><u>common housing register</u> section 160B</p> <p>contract-holder section 230]2</p> <p>district (of local housing authority) section 166(5)</p> <p>introductory standard contract section 230]2</p> <p>introductory tenancy and introductory tenant sections 230 and 124</p> <p>local housing authority section 230</p> <p>prohibited conduct standard contract section 230</p> <p>registered social landlord sections 230 and 2</p> <p>secure contract section 230</p> <p>secure tenancy and secure tenant section 230</p> | Schedule 1, paragraph 1(7) |



## **201A Cases referred from a local housing authority in Wales**

Section 14(7)

(1) This section applies where an application has been referred by a local housing authority in Wales to a local housing authority in England under section 80 of the Housing (Wales) Act 2014 ("the 2014 Act") (referral of case to another local housing authority).

~~(2) If it is decided that the conditions in that section for referral of the case are met, the notified authority are subject to the duty under section 193 of this Act in respect of the person whose case is referred (the main housing duty); for provision about cases where it is decided that the conditions for referral are not met, see section 82 of the Housing (Wales) Act 2014 (duties to applicant whose case is considered for referral or referred).~~

(2) If the conditions for the referral under section 80 of the 2014 Act are met—

(a) for the purposes of this Part, the person whose case is referred is to be treated as having made an application of the kind mentioned in section 183(1) to the notified authority on the date on which notice is given under section 84(1B) of the 2014 Act that the conditions of referral are met,

(b) from that date, the notifying authority owes no duties to the applicant under Chapter 2 of Part 2 of the 2014 Act,

(c) where the notifying authority have made a decision as to whether the applicant is eligible for assistance under Chapter 2 of Part 2 of the 2014 Act, homeless or threatened with homelessness for the purposes of that Act, the applicant is to be treated as eligible for assistance, homeless or threatened with homelessness for the purposes of this Part, unless the notified authority come to a different conclusion in accordance with subsection (3), and

(d) the notifying authority must give to the notified authority copies of any notifications or documents that the notifying authority have given to the applicant under section 63 (notice of the outcome of assessment) or 63A (prevention, support and accommodation plans) of the 2014 Act.

(3) For the purposes of subsection (2)(c), the notified authority may only come to a different conclusion if they are satisfied that—

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| <p><u>(a) the applicant's circumstances have changed, or further information has come to light, since the notifying authority made their decision and that change in circumstances, or further information, justifies the notified authority coming to a different decision to the notifying authority, or</u></p> <p><u>(b) there is a difference in effect between Chapter 2 of Part 2 of the 2014 Act and this Act regarding eligibility for assistance, the meaning of homelessness or the meaning of being threatened with homelessness that would materially affect a decision as to whether the applicant is eligible for assistance, homeless or threatened with homelessness for the purposes of this Part.</u></p> <p><del>(3)References in this Part to an applicant include a reference to a person to whom a duty is owed by virtue of subsection (2).]</del></p>  |                   |
| <p><b>213B Duty of public authority to refer cases in England to local housing authority</b></p> <p>(1)This section applies if a specified public authority considers that a person in England in relation to whom the authority exercises functions is or may be homeless or threatened with homelessness.</p> <p>(2)The specified public authority must ask the person to agree to the authority notifying a local housing authority in England <u>or Wales</u> of—</p> <p style="padding-left: 40px;">(a)the opinion mentioned in subsection (1), and</p> <p style="padding-left: 40px;">(b)how the person may be contacted by the local housing authority.</p> <p>(3)If the person—</p> <p style="padding-left: 40px;">(a)agrees to the specified public authority making the notification, and</p> <p style="padding-left: 40px;">(b)identifies a local housing authority in England <u>or Wales</u> to which the person would like the notification to be made,</p> <p>the specified public authority must notify that local housing authority of the matters mentioned in subsection (2)(a) and (b).</p> <p>(4) In this section “specified public authority” means a public authority specified, or of a description specified, in regulations made by the Secretary of State.</p> | <p>Section 22</p> |

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| (5) In subsection (4) “public authority” means a person (other than a local housing authority) who has functions of a public nature.] |  |
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## Housing (Wales) Act 2014

| Section   | Amended by           |
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| <p><b>52Homelessness strategies</b></p> <p>(1)A homelessness strategy under section 50 is a strategy for achieving the following objectives in the local housing authority's area—</p> <ul style="list-style-type: none"> <li>(a)the prevention of homelessness;</li> <li>(b)that suitable accommodation is and will be available for people who are or may become homeless;</li> <li>(c)that satisfactory support is available for people who are or may become homeless.</li> </ul> <p>(2)A homelessness strategy may specify more detailed objectives to be pursued, and action planned to be taken, in the exercise of any functions of the authority (including functions other than its functions as local housing authority).</p> <p>(3)A homelessness strategy may also include provision relating to specific action which the authority expects to be taken—</p> <ul style="list-style-type: none"> <li>(a)by any public authority with functions which are capable of contributing to the achievement of any of the objectives mentioned in subsection (1), or</li> <li>(b)by any voluntary organisation or other person whose activities are capable of contributing to the achievement of any of those objectives.</li> </ul> <p>(4) The inclusion in a homelessness strategy of any provision relating to action mentioned in subsection (3) requires the approval of the body or person concerned.</p> <p>(5) In formulating a homelessness strategy the authority must consider (among other things) the extent to which any of the objectives mentioned in subsection (1) can be achieved through action involving two or more of the bodies or other persons mentioned in subsections (2) and (3).</p> <p>(6)A homelessness strategy must include provision relating to action planned by the authority to be taken in the exercise of its functions, and specific action expected by the authority</p> | <p>Section 29(2)</p> |

to be taken by public authorities, voluntary organisations and other persons within subsection (3), in relation to those who may be in particular need of support if they are or may become homeless, including in particular—

(a) people leaving prison or youth detention accommodation,

(b) young people leaving care,

(c) people leaving the regular armed forces of the Crown,

(d) people leaving hospital after medical treatment for mental disorder as an inpatient, and

(e) people receiving mental health services in the community.

(7) A local housing authority must keep its homelessness strategy under review and may modify it.

(8) Before adopting or modifying a homelessness strategy a local housing authority must consult such public or local authorities, voluntary organisations, persons in the authority's area who are, or who have been, homeless or threatened with homelessness or other persons as it considers appropriate.

(9) After adopting or modifying a homelessness strategy, a local housing authority must publish the strategy by—

(a) making a copy of the strategy available on its website (if it has one);

(b) making a copy of the strategy available at its principal office for inspection at all reasonable hours, without charge, by members of the public;

(c) providing (on payment if required by the authority of a reasonable charge) a copy of the strategy to any member of the public who asks for one.

(10) If the authority modifies its homelessness strategy, it may publish the modifications or the strategy as modified (as it considers most appropriate).

(11) Where the authority decides to publish only the modifications, the references to the homelessness strategy in paragraphs (a) to (c) of subsection (9) are to be interpreted as references to the modifications.

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| <p><b>53 Overview of this Chapter</b></p> <p>(1) This Chapter confers duties on local housing authorities to help people who are homeless or threatened with homelessness and makes connected provision.</p> <p>(2) Sections 55 to 59 define and otherwise explain the meaning of some key terms (further provision about interpretation and an index of terms defined in this Chapter is at section 99).</p> <p>(3) Section 60 requires local housing authorities to secure the provision of a service providing people with information and advice connected with homelessness and assistance in accessing help under this Chapter.</p> <p>(4) Section 61 introduces Schedule 2 which makes provision about eligibility for help under this Chapter.</p> <p>(5) Section 62 places a duty on a local housing authority to assess the cases of people (“applicants”) who apply to the authority for accommodation, or help in retaining or obtaining accommodation, where they appear to the authority to be homeless or threatened with homelessness.</p> <p>(6) Section 63 provides for notice to be given to applicants about the outcome of the assessment.</p> <p><u>(6A) Section 63A requires local housing authorities to prepare and maintain a prevention, support and accommodation plan for applicants who are owed duties under this Chapter, and section 63B makes provision about reviewing such plans.</u></p> <p>(7) Section 64 gives examples of the kinds of ways in which the subsequent duties to secure or help to secure the availability of accommodation may be discharged and what may be done to discharge them;</p> <p>(8) Sections 66 to 79 set out the main duties on local housing authorities to help applicants, the circumstances in which those duties come to an end and connected provision; the main duties are—</p> <p style="padding-left: 40px;">(a) a duty to help to prevent applicants who are threatened with homelessness from becoming homeless (section 66);</p> | <p>Schedule 1,<br/>paragraph 3(2)</p> |
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| <p>(b) a duty to secure interim accommodation for applicants in priority need (section 68) (section 70 provides for who is to have priority need for accommodation for the purposes of the Chapter) (section 68);</p> <p>(d) a duty to secure accommodation for applicants in priority need when the duty in section 73 comes to an end (section 75).</p> <p><del>(9) Section 78 provides for the circumstances in which local housing authorities may have regard to whether an applicant became homeless intentionally when it is considering whether a duty to secure accommodation for applicants in priority need applies; section 77 provides for the meaning of intentionally homeless.</del></p> <p>(10) Sections 80 to 82 provide for local housing authorities to end their duties to applicants by referring their cases to other authorities in Wales or England, where the applicants have a local connection with the areas of those other authorities; section 81 defines the meaning of “local connection” for the purposes of this Chapter.</p> <p>(11) Sections 85 to 89 provide for reviews and appeals.</p> <p>(12) Sections 90 to 99 make supplementary and general provision.</p> |                  |
| <p><b>54. Application of key terms</b></p> <p>Sections 55 to 59 apply for the purposes of this Part.</p> <p><b>55 Meaning of homeless and threatened homelessness</b></p> <p>(1) A person is homeless if there is no accommodation available for the person's occupation, in the United Kingdom or elsewhere, which the person—</p> <p>(a) is entitled to occupy by virtue of an interest in it or by virtue of an order of a court,</p> <p>(b) has an express or implied licence to occupy, or</p> <p>(c) occupies as a residence by virtue of any enactment or rule of law giving the person the</p>  | <p>Section 1</p> |

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| <p>right to remain in occupation or restricting the right of another person to recover possession.</p> <p>(2) A person is also homeless if the person has accommodation but—</p> <p>(a) cannot secure entry to it, or</p> <p>(b) it consists of a moveable structure, vehicle or vessel designed or adapted for human habitation and there is no place where the person is entitled or permitted both to place it and to reside in it.</p> <p>(3) A person is not to be treated as having accommodation unless it is accommodation which it would be reasonable for the person to continue to occupy.</p> <p>(4) A person is threatened with homelessness if <del>it is likely that the person will become homeless within 56 days.</del></p> <p>(a) <u>the person has received written notice requiring the person to give up occupation of the person's accommodation,</u></p> <p>(b) <u>an application has been made to the High Court or the County Court for an order for possession of the person's accommodation by another person, or</u></p> <p>(c) <u>it is likely that the person will become homeless within 6 months (whether paragraph (a) or (b) applies or not).</u></p> <p>(5) <u>Subsection (4)(a) applies only to notice requiring a person to give up occupation of accommodation given by a person who appears entitled to give such notice in respect of the accommodation, regardless of—</u></p> <p>(a) <u>whether the notice is otherwise valid, and</u></p> <p>(b) <u>the merits of any potential claim for possession of the accommodation by the person who gave the notice.</u></p> |                                       |
| <p><b><u>56 Meaning of accommodation available for occupation and member of household</u></b></p> <p>(1) Accommodation may only be regarded as available for a person's occupation if it is available for occupation by that</p>   | <p>Schedule 1,<br/>paragraph 3(3)</p> |



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| <p>person together with any other <u>members of the person's household</u>.</p> <p><del>(a) person who normally resides with that person as a member of his or her family, or</del></p> <p><del>(b) any other person who might reasonably be expected to reside with that person.</del></p> <p><u>(1A) A reference in this Chapter to a member of a person's household is a reference to—</u></p> <p><u>(a) a person who normally resides with that person as a member of that person's family, or</u></p> <p><u>(b) any other person who might reasonably be expected to reside with that person.</u></p> <p>(2) A reference in this Chapter to securing that accommodation is available for a person's occupation is to be interpreted accordingly.</p>  |                                       |
| <p><b>57 Whether it is reasonable to continue to occupy accommodation</b></p> <p>(1) It is not reasonable for a person to continue to occupy accommodation if it is probable that it will lead to the person, or a member of the person's household, being subjected to abuse.</p> <p><del>(2) — In this section “member of a person's household” means—</del></p> <p><del>(a) — a person who normally resides with him or her as member of his or her family, or</del></p> <p><del>(b) — any other person who might reasonably be expected to reside with that person.</del></p> <p>(3) In determining whether it would be, or would have been, reasonable for a person to continue to occupy accommodation, a local housing authority—</p> <p>(a) may have regard to the general circumstances prevailing in relation to housing in the area of the local housing authority to whom the person has applied for help in securing accommodation;</p> | <p>Schedule 1,<br/>paragraph 3(4)</p> |

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| <p>(b) must have regard to whether or not the accommodation is affordable for that person.</p> <p>(4) The Welsh Ministers may by order specify—</p> <p>(a) other circumstances in which it is to be regarded as reasonable or not reasonable for a person to continue to occupy accommodation, and</p> <p>(b) other matters to be taken into account or disregarded in determining whether it would be, or would have been, reasonable for a person to continue to occupy accommodation.</p>   |                   |
| <p><b><del>58</del>Meaning of abuse and domestic abuse</b></p> <p><del>(1)“Abuse” means physical violence, threatening or intimidating behaviour and any other form of abuse which, directly or indirectly, may give rise to the risk of harm; and abuse is “domestic abuse” where the victim is associated with the abuser.</del></p> <p><del>(2)A person is associated with another person if—</del></p> <p><del>(a)they are or have been married to each other;</del></p> <p><del>(b)they are or have been civil partners of each other;</del></p> <p><del>(c)they live or have lived together in an enduring family relationship (whether they are of different sexes or the same sex);</del></p> <p><del>(d)they live or have lived in the same household;</del></p> <p><del>(e)they are relatives;</del></p> <p><del>(f)they have agreed to marry one another (whether or not that agreement has been terminated);</del></p> <p><del>(g)they have entered into a civil partnership agreement between them (whether or not that agreement has been terminated);</del></p> <p><del>(h)they have or have had an intimate personal relationship with each other which is or was of significant duration;</del></p> <p><del>(i)in relation to a child, each of them is a parent of the child or has, or has had, parental responsibility for the child.</del></p> | <p>Section 28</p> |

~~(3) If a child has been adopted or falls within subsection (4), two persons are also associated with each other for the purposes this Chapter if—~~

~~(a) one is a natural parent of the child or a parent of such a natural parent, and~~

~~(b) the other is—~~

~~(i) the child, or~~

~~(ii) a person who has become a parent of the child by virtue of an adoption order, who has applied for an adoption order or with whom the child has at any time been placed for adoption.~~

~~(4) A child falls within this section if—~~

~~(a) an adoption agency, within the meaning of section 2 of the Adoption and Children Act 2002, is authorised to place the child for adoption under section 19 of that Act (placing children with parental consent) or the child has become the subject of an order under section 21 of that Act (placement orders), or~~

~~(b) the child is freed for adoption by virtue of an order made—~~

~~(i) in England and Wales, under section 18 of the Adoption Act 1976,~~

~~(ii) in Northern Ireland, under Article 17(1) or 18(1) of the Adoption (Northern Ireland) Order 1987, or~~

~~(c) the child is the subject of a Scottish permanence order which includes granting authority to adopt.~~

~~(5) In this section—~~

- ~~• “adoption order” (“*gorchymyn mabwysiadu*”) means an adoption order within the meaning of section 72(1) of the Adoption Act 1976 or section 46(1) of the Adoption and Children Act 2002;~~
- ~~• “civil partnership agreement” (“*cytundeb partneriaeth sifil*”) has the meaning given by section 73 of the Civil Partnership Act 2004;~~
- ~~• “parental responsibility” (“*cyfrifoldeb rhiant*”) has the meaning given by section 3 of the Children Act 1989;~~

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| <p>• <del>“relative” (“perthynas”), in relation to a person, means that person’s parent, grandparent, child, grandchild, brother, half-brother, sister, half-sister, uncle, aunt, nephew, niece (including any person who is or has been in that relationship by virtue of a marriage or civil partnership or an enduring family relationship).</del></p> <p><b><u>58 Definition of abuse</u></b></p> <p><u>In this Chapter, “abuse” means—</u></p> <p>(a) <u>domestic abuse within the meaning given by section 1 of the Domestic Abuse Act 2021 (c. 17),</u><br/><u>or</u></p> <p>(b) <u>any other kind of abuse that, directly or indirectly, may give rise to a risk of harm, including (for example)—</u></p> <p style="padding-left: 40px;"><u>(i) exploitation within the meaning of the Modern Slavery Act 2015 (c. 30);</u></p> <p style="padding-left: 40px;"><u>(ii) harassment or stalking within the meaning of those expressions in the Protection from Harassment Act 1997 (c. 40).</u></p> |                   |
| <p><b><u>59 Suitability of accommodation</u></b></p> <p>(1) <u>In determining whether accommodation is suitable for a person, a local housing authority must have regard to provision made in, under or by virtue of the following enactments—</u></p> <p>(a) Part 9 of the Housing Act 1985 (slum clearance);</p> <p>(b) Part 10 of the Housing Act 1985 (overcrowding);</p> <p>(c) Part 1 of the Housing Act 2004 (housing conditions);</p> <p>(d) Part 2 of the Housing Act 2004 (licensing of houses in multiple occupation);</p> <p>(e) Part 3 of the Housing Act 2004 (selective licensing of other residential accommodation);</p> <p>(f) Part 4 of the Housing Act 2004 (additional control provisions in relation to residential accommodation);</p>  | <p>Section 30</p> |

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| <p>(g)Part 1 of this Act (regulation of private rented housing).</p> <p><u>(h) Part 4 of the Renting Homes (Wales) Act 2016 (condition of dwelling).</u></p> <p>(2) In determining whether accommodation is suitable for a person, a local housing authority must have regard to whether or not the accommodation is affordable for that person.</p> <p>(3) The Welsh Ministers may by order specify—</p> <ul style="list-style-type: none"> <li>(a)circumstances in which accommodation is or is not to be regarded as suitable for a person, and</li> <li>(b)matters to be taken into account or disregarded in determining whether accommodation is suitable for a person.</li> </ul>  |                              |
| <p><b>60 Duty to provide information, advice and assistance in accessing help</b></p> <p>(1)A local housing authority must secure the provision, without charge, of a service providing people in its area, or people who have a local connection with its area <u>(including, in particular, persons detained under the authority of an enactment who are in its area or have a local connection with its area)</u>, with —</p> <ul style="list-style-type: none"> <li>(a)information and advice relating to preventing homelessness, securing accommodation when homeless, accessing any other help available for people who are homeless or may become homeless, and</li> <li>(b)assistance in accessing help under this Chapter or any other help for people who are homeless or may become homeless.</li> </ul> <p>(2)In relation to subsection (1)(a), the service must include, in particular, the publication of information and advice on the following matters—</p> <ul style="list-style-type: none"> <li>(a)the system provided for by this Chapter and how the system operates in the authority's area;</li> <li>(b)whether any other help for people who are homeless or may become homeless (whether or not the person is threatened with homelessness within</li> </ul> | <p>Sections 27 and 29(3)</p> |

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| <p>the meaning of this Chapter) is available in the authority's area;</p> <p>(c)how to access the help that is available.</p> <p>(3) In relation to subsection (1)(b), the service must include, in particular, assistance in accessing help to prevent a person becoming homeless which is available whether or not the person is threatened with homelessness within the meaning of this Chapter.</p> <p>(4) The local housing authority must, in particular by working with other public authorities, voluntary organisations, <u>persons in the authority's area who are, or who have been, homeless or threatened with homelessness</u> and other persons, ensure that the service is designed to meet the needs of groups at particular risk of homelessness, including in particular—</p> <ul style="list-style-type: none"> <li>(a)people <u>in, or people</u> leaving prison or youth detention accommodation,</li> <li>(b)young people leaving care,</li> <li>(c)people leaving the regular armed forces of the Crown,</li> <li>(d)people leaving hospital after medical treatment for mental disorder as an inpatient, and</li> <li>(e)people receiving mental health services in the community.</li> </ul> <p>(5) Two or more local housing authorities may jointly secure the provision of a service under this section for their areas; and where they do so—</p> <ul style="list-style-type: none"> <li>(a)references in this section to a local housing authority are to be read as references to the authorities acting jointly, and</li> <li>(b)references in this section to a local housing authority's area are to be read as references to the combined area.</li> </ul> <p>6)The service required by this section may be integrated with the service required by section 17 of the Social Services and Well-being (Wales) Act 2014.</p> |  |
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| <p><b>61 Eligibility for help under this Chapter</b></p> <p>Schedule 2 has effect for the purposes of determining whether an applicant is eligible for help under the following provisions of this Chapter.</p> <p><b>62 Duty to assess</b></p> <p>(1) A local housing authority must carry out an assessment of a person's case if—</p> <ul style="list-style-type: none"> <li>(a) the person has applied to a local housing authority for accommodation or help in retaining or obtaining accommodation,</li> <li>(b) it appears to the authority that the person may be homeless or threatened with homelessness, and</li> <li>(c) subsection (2) does not apply to the person.</li> </ul> <p>(2) This subsection applies if the person has been assessed by a local housing authority under this section on a previous occasion and the authority is satisfied that—</p> <ul style="list-style-type: none"> <li>(a) the person's circumstances have not changed materially since that assessment was carried out, and</li> <li>(b) there is no new information that materially affects that assessment.</li> </ul> <p>(3) In this Chapter, “applicant” means a person to whom the duty in subsection (1) applies , <u>and, in sections 85, 86 and 88 only, includes a person who has applied to a local housing authority for accommodation or help in retaining or obtaining accommodation but the authority has decided not to carry out an assessment of the person’s case.</u></p> <p>(4) The authority must assess whether or not the applicant is eligible for help under this Chapter.</p> <p>(5) If the applicant is eligible for help under this Chapter, the assessment must include an assessment of—</p> <ul style="list-style-type: none"> <li>(a) the circumstances that have caused the applicant to be homeless or threatened with homelessness;</li> <li>(b) the housing needs of the applicant and any <u>member of the applicant’s household</u> <del>person</del></li> </ul> | <p>Section 3(2)</p> |
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| <p><del>with whom the applicant lives or might reasonably be expected to live;</del></p> <p>(c) the support needed for the applicant and any <u>member of the applicant's household person with whom the applicant lives or might reasonably be expected to live</u></p> <p style="padding-left: 40px;">(i) to retain accommodation which is or may become available, <u>or</u></p> <p style="padding-left: 40px;">(ii) <u>to overcome any barrier to living independently;</u></p> <p><u>(ca) the support needed by the applicant to make communication with the applicant in the exercise of functions under this Chapter accessible to the applicant;</u></p> <p>(d) whether or not the authority has any duty to the applicant under the following provisions of this Chapter.</p> <p>(6) In carrying out an assessment, the local housing authority must—</p> <p><del>(a) seek to identify the outcome the applicant wishes to achieve from the authority's help, and</del></p> <p style="padding-left: 40px;">(a) <u>seek the views of the applicant on the matters that it must assess under paragraphs (a) to (ca) of subsection (5) and have regard to those views;</u></p> <p style="padding-left: 40px;">(b) <del>assess whether the exercise of any function under this Chapter could contribute to the achievement of that outcome.</del></p> <p style="padding-left: 40px;">(b) <u>make inquiries relevant to the assessment regarding the personal characteristics and circumstances of the applicant and any member of the applicant's household.</u></p> <p>(7) A local housing authority may carry out its assessment of the matters mentioned in subsections <del>(5) and (6)</del> <u>subsection (5)</u> before it has concluded that the applicant is eligible for help under this Chapter.</p> <p>(8) A local housing authority must keep its assessment under review during the period in which the authority</p> |  |
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considers that it owes a duty to the applicant under the following provisions of this Chapter or that it may do so.

~~(9) — A local housing authority must review its assessment in the following two cases —~~

- ~~• Case 1 — where an applicant has been notified under section 63 that a duty is owed to the applicant under section 66 (duty to help to prevent an applicant from becoming homeless) and subsequently it appears to the authority that the duty under section 66 has or is likely to come to an end because the applicant is homeless;~~
- ~~• Case 2 — where an applicant has been notified under section 63 that a duty is owed to the applicant under section 73 (duty to help to secure accommodation for homeless applicants) and subsequently it appears to the authority that the duty in section 73 has or is likely to come to an end in circumstances where a duty may be owed to the applicant under section 75 (duty to secure accommodation for applicants in priority need when the duty in section 73 ends).~~

~~(10) The duty in subsection (5)(d) does not require a local housing authority to assess whether or not a duty would be owed to the applicant under section 75 unless and until it reviews its assessment in accordance with subsection (9) in the circumstances described in case 2 of that subsection; but it may do so before then.~~

~~(11) Subsections (9) and (10) do not affect the generality of subsection (8).~~

### **63 Notice of the outcome of assessment and decisions**

(A1) If a local housing authority decides not to carry out an assessment of the case of a person who has applied to the authority under section 62, it must notify the person and inform the person of the reasons for its decision.

(1) The local housing authority must notify the applicant of the outcome of its assessment (or any review of its assessment) in respect of the matters described in section 62(4) and in paragraphs (a) to (d) of section 62(5) and, in so

Section 3(3) and  
Schedule 1,  
paragraph 3(6)

far as any issue is decided against the applicant's interests, inform the applicant of the reasons for its decision.

(2) If the authority decides that a duty is owed to the applicant under section 75, but would not have done so without having had regard to a restricted person, the notice under subsection (1) must also—

- (a) inform the applicant that its decision was reached on that basis,
- (b) include the name of the restricted person,
- (c) explain why the person is a restricted person, and
- (d) explain the effect of section 76(5).

~~(3) If the authority has notified or intends to notify another local housing authority under section 80 (referral of cases), it must at the same time notify the applicant of that decision and inform him or her of the reasons for it.~~

(4) A notice under subsection (A1) or (1) must also—

- (a) inform the applicant of his or her right to request a review of the assessment or decision and of the time within which such a request must be made (see section 85), and
- (b) be given in writing and, if not received, is to be treated as having been given if it is made available at the authority's office for a reasonable period for collection by the applicant or on the applicant's behalf.

(5) In this Chapter, “a restricted person” means a person—

- (a) who is not eligible for help under this Chapter,
- (b) who is subject to immigration control within the meaning of the Asylum and Immigration Act 1996, and
- (c) who either—
  - (i) does not have leave to enter or remain in the United Kingdom, or
  - (ii) has leave to enter or remain in the United Kingdom subject to a condition to maintain and accommodate himself or herself,

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| and any dependants, without recourse to public funds.   |              |
| <p><b><u>63A Prevention, support and accommodation plans</u></b></p> <p><u>(1) If a local housing authority considers that it owes a duty to an applicant under the following provisions of this Chapter, the authority must prepare and maintain a prevention, support and accommodation plan (“a plan”) for the applicant.</u></p> <p><u>(2) A plan comprises—</u></p> <ul style="list-style-type: none"> <li><u>(a) the written records required by this section, and</u></li> <li><u>(b) any written information or advice for an applicant that the local housing authority considers appropriate.</u></li> </ul> <p><u>(3) A plan may consist of one document or a collection of documents, any of which may be revised in accordance with this section.</u></p> <p><u>(4) The local housing authority must have regard to its assessment under section 62 in relation to the applicant and any member of the applicant’s household when preparing and reviewing the plan.</u></p> <p><u>(5) The local housing authority must record in writing—</u></p> <ul style="list-style-type: none"> <li><u>(a) the authority’s assessment of the matters described in paragraphs (b), (c) and (ca) of section 62(5).</u></li> <li><u>(b) any views of the applicant in relation to those matters, and</u></li> <li><u>(c) any steps the authority is to take to communicate with the applicant in the exercise of its functions under this Chapter in a way that is accessible to the applicant.</u></li> </ul> <p><u>(6) The local housing authority must—</u></p> <ul style="list-style-type: none"> <li><u>(a) seek to identify the outcome the applicant wishes to achieve from the authority’s help,</u></li> <li><u>(b) record the outcome in writing, and</u></li> <li><u>(c) in preparing and reviewing a plan, have regard to whether the exercise of any function under this</u></li> </ul> | Section 4(2) |

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| <p><u>Chapter could contribute to the achievement of the outcome.</u></p> <p><u>(7) The references to steps to be taken in the following subsections are references to steps taken for or in connection with the purpose of securing that the applicant and any other member of the applicant's household have and are able to retain suitable accommodation.</u></p> <p><u>(8) The local housing authority must try to agree with the applicant—</u></p> <p style="padding-left: 40px;"><u>(a) any steps the applicant is to take, and</u></p> <p style="padding-left: 40px;"><u>(b) the steps the authority is to take in the exercise of any of its functions (including the social services functions of the authority).</u></p> <p><u>(9) If the local housing authority and an applicant reach an agreement, the authority must record it in writing.</u></p> <p><u>(10) If the local housing authority and an applicant cannot reach an agreement, the authority must record in writing—</u></p> <p style="padding-left: 40px;"><u>(a) why they could not agree,</u></p> <p style="padding-left: 40px;"><u>(b) any steps the authority considers it would be reasonable for the applicant to take, and</u></p> <p style="padding-left: 40px;"><u>(c) the steps the authority is to take in the exercise of any of its functions (including the social services functions of the authority).</u></p> <p><u>(11) The local housing authority must record in writing any other steps of which it is aware that another public authority has agreed to take in relation to the applicant.</u></p> <p><u>(12) The local housing authority must—</u></p> <p style="padding-left: 40px;"><u>(a) give a copy of any document comprising or forming part of a plan to the applicant;</u></p> <p style="padding-left: 40px;"><u>(c) notify the applicant in writing of—</u></p> <p style="padding-left: 80px;"><u>(i) the right to request a review of the plan, and</u></p> <p style="padding-left: 80px;"><u>(ii) the time within which such a request must be made (see section 85).</u></p> <p><u>(13) The local housing authority must keep under review the appropriateness of any agreement reached under subsection (8) or steps recorded under subsection (10)(b) or (c) during the period in which the authority considers that it</u></p> |  |
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owes a duty to the applicant under the following provisions of this Chapter or that it may do so.

(14) If the authority considers that any agreement reached under subsection (8) or any step recorded under subsection (10)(b) or (c) is no longer appropriate—

(a) the authority must notify the applicant, in writing, that it considers the agreement or step is no longer appropriate, and

(b) subsections (8) to (12) apply again.

(15) A notification under this section or a copy of any document comprising or forming part of a plan, if not received by the applicant, is to be treated as having been given to the applicant if it is made available at the authority's office for a reasonable period for collection by or on behalf of the applicant.

### **63B Duty to review assessments and plans in specific circumstances**

(1) If a local housing authority is under a duty to maintain a prevention, support and accommodation plan for an applicant, the authority must review its assessment under section 62 and the plan if any of the circumstances described in subsection (2) apply.

(2) The circumstances are that—

(a) a period of 8 weeks has passed without a review since completion of the first plan or the last review of the plan;

(b) the local housing authority has reason to believe that the circumstances of the applicant, or any member of the applicant's household, have changed in a way that may affect—

(i) accommodation needs,

(ii) support needed to help retain accommodation, or

(iii) entitlement to help under this Chapter;

(c) it appears to the local housing authority that a duty owed to the applicant under section 66 or 76A has or is likely to come to an end because the applicant is homeless.

**64 How to secure or help to secure the availability of accommodation**

Section 2(2) and (3)

(1) The following are examples of the ways in which a local housing authority may secure or help to secure that suitable accommodation is available, or does not cease to be available, for occupation by an applicant—

- (a) by arranging for a person other than the authority to provide something;
- (b) by itself providing something;
- (c) by providing something, or arranging for something to be provided, to a person other than the applicant.

(2) The following are examples of what may be provided or arranged to secure or help to secure that suitable accommodation is available, or does not cease to be available, for occupation by an applicant—

- (a) mediation;
- (b) payments by way of grant or loan;
- (c) guarantees that payments will be made;
- (d) support in managing debt, mortgage arrears or rent arrears;
- (e) security measures for applicants at risk of abuse;
- (f) advocacy or other representation;
- (g) accommodation;
- (h) information and advice;
- (i) other services, goods or facilities.

(3) The Welsh Ministers must give guidance to local housing authorities in relation to how they may secure or help to secure that suitable accommodation is available, or does not cease to be available, for occupation by an applicant.

**~~65 Meaning of help to secure~~**

~~Where a local housing authority is required by this Chapter to help to secure (rather than “to secure”) that suitable accommodation is available, or does not cease to be available, for occupation by an applicant, the authority—~~

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| <p><del>(a) — is required to take reasonable steps to help, having regard (among other things) to the need to make the best use of the authority's resources;</del></p> <p><del>(b) — is not required to secure an offer of accommodation under Part 6 of the Housing Act 1996 (allocation of housing);</del></p> <p><del>(c) — is not required to otherwise provide accommodation.</del></p> <p><b>66 Duty to help to prevent an applicant from becoming homeless</b></p> <p><del>(1) A local housing authority must help to secure that suitable accommodation does not cease to be available for occupation by an applicant if the authority is satisfied that the applicant is—</del></p> <p><del>(a) — threatened with homelessness, and</del></p> <p><del>(b) — eligible for help(a)threatened with homelessness, and</del></p> <p><del>(b) — eligible for help</del></p> <p><u>(1) This section applies if a local housing authority is satisfied that an applicant is threatened with homelessness and eligible for help.</u></p> <p><u>(1A) The authority must help to secure that suitable accommodation does not cease to be available for occupation by the applicant by taking reasonable steps likely to achieve that purpose.</u></p> <p><u>(1B) Subsection (1A) does not require the authority to secure an offer of accommodation under Part 6 of the Housing Act 1996 (c.52)(allocation of housing or otherwise provide accommodation).</u></p> <p>(2) Subsection <u>(1A)</u> does not affect any right of the authority, whether by virtue of a contract, enactment or rule of law, to secure vacant possession of any accommodation.</p> |                             |
| <p><b>67 Circumstances in which the duty in section 66 ends</b></p> <p>(1) The duty to an applicant under section 66 comes to an end in any of the circumstances described in subsection</p>   | <p>Section 8(2) and (3)</p> |

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| <p>(2), (3) or (4), if the applicant has been notified in accordance with section 84.</p> <p>(2) The circumstances are that the local authority is satisfied that the applicant has become homeless.</p> <p>(3) The circumstances are that the local housing authority is satisfied (whether as a result of the steps it has taken or not) that—</p> <p>(a) the applicant is no longer threatened with homelessness, and</p> <p>(b) suitable accommodation is likely to be available for occupation by the applicant for a period of at least 6 months.</p> <p>(4) The circumstances are that—</p> <p>(a) the applicant, having been notified in writing of the possible consequences of refusal or acceptance of the offer, refuses an offer of accommodation from any person which the authority is satisfied is suitable for the applicant, and</p> <p>(b) the authority is satisfied that the accommodation offered is likely to be available for occupation by the applicant for a period of at least 6 months.</p> <p>(5) The period of 6 months mentioned in subsections (3)(b) and (4)(b) begins on the day the notice under section 84 is sent or first made available for collection.</p> <p>(6) See section 79 for further circumstances in which the duty in section 66 comes to an end.</p> <p><b>68 Interim duty to secure accommodation for homeless applicants for homeless applicants in priority need</b></p> <p>(1) The local housing authority must secure that suitable interim accommodation is available for the occupation of an applicant to whom subsection (2) or <del>(3)</del> <u>(2A)</u> applies until the duty comes to an end in accordance with section 69.</p> <p>(2) <u>This subsection applies to an applicant if the authority has reason to believe the applicant is homeless and eligible for help but is not yet satisfied of those matters.</u></p> |  |
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~~(2) This subsection applies to an applicant who the authority has reason to believe may—~~

~~(a) be homeless,~~

~~(b) be eligible for help,~~

~~in circumstances where the authority is not yet satisfied that the applicant is homeless, eligible for help and in priority need for accommodation and eligible for help.~~

(2A) This subsection applies to an applicant where—

(a) the authority is satisfied that the applicant has no local connection to the area of any local housing authority in Wales, and

(b) either—

(i) subsection (2) applies to the applicant, or

(ii) the authority is satisfied that the applicant is homeless and eligible for help.

~~(3) This subsection applies to an applicant—~~

~~(a) who the authority has reason to believe or is satisfied has a priority need or whose case has been referred from a local housing authority in England under section 198(1) of the Housing Act 1996, and~~

~~(b) to whom the duty in section 73 (duty to help to end homelessness) applies.~~

(4) The duty under this section arises irrespective of any possibility of the referral of the applicant's case to another local housing authority (see sections 80 to 82).

## **69 Circumstances in which the duty in section 68 ends**

(1) The duty to an applicant under section 68 comes to an end in any of the circumstances described in subsection ~~(2), (3) (subject to subsection (4) and (5)), (7), (8) (1A), (1B), (7)~~ or (9) if the applicant has been notified in accordance with section 84.

(1A) The circumstances are that—

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| <p><u>(a) the local housing authority has decided that a duty is or is not owed to the applicant under section 75,</u></p> <p><u>(b) if the authority has decided that a duty under section 75 is not owed, it has not done so solely on the basis that section 75(4) applies, and</u></p> <p><u>(c) the applicant has been notified of the authority's decision.</u></p> <p><u>(1B) The circumstances are that—</u></p> <p><u>(a) the local housing authority has decided that no duty is owed to the applicant under section 75,</u></p> <p><u>(b) the authority has done so solely on the basis that section 75(4) applies,</u></p> <p><u>(c) the applicant has been notified of the authority's decision, and</u></p> <p><u>(d) the authority is satisfied that the accommodation it has secured under section 68 has been available to the applicant for a sufficient period to allow the applicant a reasonable opportunity of securing accommodation for occupation by the applicant and any member of the applicant's household.</u></p> <p><u>(1C) The period mentioned in subsection (1B) is a period beginning on the day on which the applicant is notified that section 75 does not apply.”;</u></p> <p><del>(2) The circumstances are that the local housing authority has decided that no duty is owed to the applicant under section 73 75 and the applicant is notified of that decision, and</del></p> <p><del>(3) In the case of an applicant to whom section 68(3) applies, the circumstances are that the local housing authority has—</del></p> <p><del>(a) —decided that the duty owed to the applicant under section 73 has come to an end and that a duty is or is not owed to the applicant under section 75, and</del></p> <p><del>(b) —notified the applicant of that decision; but this is subject to subsections (4) and (5).</del></p> |  |
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| <p><del>(4) Subsection (5) applies where a local housing authority has decided that no duty is owed to the applicant under section 75 on the basis that the authority—</del></p> <p><del>(a) — is satisfied that the applicant became homeless intentionally in the circumstances which gave rise to the application, or</del></p> <p><del>(b) — has previously secured an offer of accommodation of the kind described in section 75(3)(f).</del></p> <p><del>(5) The duty under section 68 does not come to an end in the circumstances described in subsection (3) until the authority is also satisfied that the accommodation it has secured under section 68 has been available to the applicant for a sufficient period, beginning on the day on which he or she is notified that section 75 does not apply, to allow the applicant a reasonable opportunity of securing accommodation for his or her occupation.</del></p> <p><del>(6) The period mentioned in subsection (5) is not sufficient for the purposes of that subsection if it ends on a day during the period of 56 days beginning with the day on which the applicant was notified that the duty in section 73 applied.</del></p> <p><del>(7) The circumstances are that the applicant, having been notified of the possible consequence of refusal, refuses an offer of accommodation secured under section 68 which the local housing authority is satisfied is suitable for the applicant.</del></p> <p><del>(8) The circumstances are that the local housing authority is satisfied that the applicant has become homeless intentionally from suitable interim accommodation made available for the applicant's occupation under section 68.</del></p> <p><del>(9) The circumstances are that the local housing authority is satisfied that the applicant voluntarily ceased to occupy as his or her only or principal home suitable interim accommodation made available for the applicant's occupation under section 68.</del></p> <p><del>(10) The duty comes to an end in accordance with this section or <u>section 79</u> even if the applicant requests a</del></p> |  |
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| <p>review of any decision that has led to the duty coming to an end (see section 85).</p> <p>(11) The authority may secure that suitable accommodation is available for the applicant's occupation pending a decision on a review.</p> <p>(12) See section 79 for further circumstances in which the duty in section 68 comes to an end.</p>   |                     |
| <p><del>70 — Priority need for accommodation</del></p> <p><del>(1) The following persons have a priority need for accommodation for the purposes of this Chapter —</del></p> <p><del>(a) — a pregnant woman or a person with whom she resides or might reasonably be expected to reside;</del></p> <p><del>(b) — a person with whom a dependent child resides or might reasonably be expected to reside;</del></p> <p><del>(c) — a person —</del></p> <p><del>(i) — who is vulnerable as a result of some special reason (for example: old age, physical or mental illness or physical or mental disability), or</del></p> <p><del>(ii) — with whom a person who falls within sub-paragraph (i) resides or might reasonably be expected to reside;</del></p> <p><del>(d) — a person —</del></p> <p><del>(i) — who is homeless or threatened with homelessness as a result of an emergency such as flood, fire or other disaster, or</del></p> <p><del>(ii) — with whom a person who falls within sub-paragraph (i) resides or might reasonably be expected to reside;</del></p> <p><del>(e) — a person —</del></p> <p><del>(i) — who is homeless as a result of being subject to domestic abuse, or</del></p> <p><del>(ii) — with whom a person who falls within sub-paragraph (i) resides (other than</del></p> | <p>Section 9(2)</p> |

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| <p>the abuser) or might reasonably be expected to reside;</p> <p>(f) — a person —</p> <p>(i) — who is aged 16 or 17 when the person applies to a local housing authority for accommodation or help in obtaining or retaining accommodation, or</p> <p>(ii) — with whom a person who falls within sub-paragraph (i) resides or might reasonably be expected to reside;</p> <p>(g) — a person —</p> <p>(i) — who has attained the age of 18, when the person applies to a local housing authority for accommodation or help in obtaining or retaining accommodation, but not the age of 21, who is at particular risk of sexual or financial exploitation, or</p> <p>(ii) — with whom a person who falls within sub-paragraph (i) resides (other than an exploiter or potential exploiter) or might reasonably be expected to reside;</p> <p>(h) — a person —</p> <p>(i) — who has attained the age of 18, when the person applies to a local housing authority for accommodation or help in obtaining or retaining accommodation, but not the age of 21, who was looked after, accommodated or fostered at any time while under the age of 18, or</p> <p>(ii) — with whom a person who falls within sub-paragraph (i) resides or might reasonably be expected to reside;</p> <p>(i) — a person —</p> <p>(i) — who has served in the regular armed forces of the Crown who has been homeless since leaving those forces, or</p> |  |
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| <p>(ii) — with whom a person who falls within sub-paragraph (i) resides or might reasonably be expected to reside;</p> <p>(j) — a person who has a local connection with the area of the local housing authority and who is vulnerable as a result of one of the following reasons —</p> <p>(i) — having served a custodial sentence within the meaning of section 76 of the Powers of Criminal Courts (Sentencing) Act 2000 <b>[F1</b> or section 222 of the Sentencing Code],</p> <p>(ii) — having been remanded in or committed to custody by an order of a court, or</p> <p>(iii) — having been remanded to youth detention accommodation under section 91(4) of the Legal Aid, Sentencing and Punishment of Offenders Act 2012,</p> <p><b>[F2</b>(k) a person —</p> <p>(i) — who is street homeless (within the meaning of section 71(2)), or</p> <p>(ii) — with whom a person who falls within sub-paragraph (i) might reasonably be expected to reside.]</p> <p>or a person with whom such a person resides or might reasonably be expected to reside.</p> <p>(2) In this Chapter —</p> <p>“looked after, accommodated or fostered” (“<i>yn derbyn gofal, yn cael ei llyta neu'n cael ei faethu</i>”) means —</p> <p>(a)</p> <p>looked after by a local authority (within the meaning of section 74 of the Social Services and Well-Being (Wales) Act 2014 or section 22 of the Children Act 1989),</p> <p>(b)</p> <p>accommodated by or on behalf of a voluntary organisation,</p> <p>(c)</p> <p>accommodated in a private children's home,</p> |  |
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| <p>(d)</p> <p><del>accommodated for a continuous period of at least three months—</del></p> <p>(i)</p> <p><del>by any Local Health Board or Special Health Authority,</del></p> <p>(ii)</p> <p><del>by or on behalf of <b>[F3]</b>an integrated care board] or <b>[F4]</b>NHS England],</del></p> <p>(iii)</p> <p><del>by or on behalf of a county or county borough council in Wales in the exercise of education functions,</del></p> <p>(iv)</p> <p><del>by or on behalf of a local authority in England in the exercise of education functions,</del></p> <p>(v)</p> <p><del>in any care home or independent hospital, or</del></p> <p>(vi)</p> <p><del>in any accommodation provided by or on behalf of an NHS Trust or by or on behalf of an NHS Foundation Trust, or</del></p> <p>(e)</p> <p><del>privately fostered (within the meaning of section 66 of the Children Act 1989).</del></p> <p>(3) — In subsection (2) —</p> <ul style="list-style-type: none"> <li>• <del>“care home” (“<i>cartref gofal</i>”) has the same meaning as in the Care Standards Act 2000;</del></li> <li>• <del><b>F5</b>...</del></li> <li>• <del>“education functions” (“<i>swyddogaethau addysg</i>”) has the meaning given by section 597(1) of the Education Act 1996;</del></li> <li>• <del>“independent hospital” (“<i>ysbyty annibynnol</i>”) —</del></li> </ul> <p>(a)</p> <p><del>in relation to Wales, has the meaning given by section 2 of the Care Standards Act 2000, and</del></p> <p>(b)</p> |  |
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~~in relation to England, means a hospital as defined by section 275 of the National Health Service Act 2006 that is not a health service hospital as defined by that section;~~

- ~~• **[F6**“integrated care board” (“bwrdd gofal integredig”) means a body established under section 14Z25 of the National Health Service Act 2006;]~~

- ~~• “local authority in England” (“awdurdod lleol yn Lloegr”) means—~~

(a)

~~a county council in England,~~

(b)

~~a district council for an area in England for which there is no county council,~~

(c)

~~a London borough council, or~~

(d)

~~the Common Council of the City of London;~~

- ~~• “Local Health Board” (“Bwrdd Iechyd Lleol”) means a Local Health Board established under section 11 of the National Health Service (Wales) Act 2006~~

~~71—Meaning of vulnerable in section 70~~

~~(1) A person is vulnerable as a result of a reason mentioned in paragraph (c) or (j) of section 70(1) if, having regard to all the circumstances of the person's case—~~

- ~~(a) the person would be less able to fend for himself or herself (as a result of that reason) if the person were to become street homeless than would an ordinary homeless person who becomes street homeless, and~~

- ~~(b) this would lead to the person suffering more harm than would be suffered by the ordinary homeless person;~~

~~this subsection applies regardless of whether or not the person whose case is being considered is, or is likely to become, street homeless.~~

~~(2) In subsection (1), “street homeless” (“digartref ac ar y stryd”), in relation to a person, means that the person has no~~



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| <p><del>accommodation available for the person's occupation in the United Kingdom or elsewhere, which the person—</del></p> <ul style="list-style-type: none"> <li><del>(a) is entitled to occupy by virtue of an interest in it or by virtue of an order of a court,</del></li> <li><del>(b) has an express or implied licence to occupy, or</del></li> <li><del>(c) occupies as a residence by virtue of any enactment or rule of law giving the person the right to remain in occupation or restricting the right of another person to recover possession;</del></li> </ul> <p><del>and sections 55 and 56 do not apply to this definition</del></p> <p><del>72—Power to amend or repeal provisions about priority need for accommodation</del></p> <p><del>(1) The Welsh Ministers may by order—</del></p> <ul style="list-style-type: none"> <li><del>(a) make provision for and in connection with removing any condition that a local housing authority must have reason to believe or be satisfied that an applicant is in priority need for accommodation before any power or duty to secure accommodation under this Chapter applies;</del></li> <li><del>(b) amend or omit the descriptions of persons as having a priority need for accommodation for the purposes of this Chapter;</del></li> <li><del>(c) specify further descriptions of persons as having a priority need for accommodation for the purposes of this Chapter.</del></li> </ul> <p><del>(2) An order under subsection (1) may amend or repeal any provision of this Part.</del></p> <p><del>(3) Before making an order under this section the Welsh Ministers must consult such associations representing councils of counties and county boroughs in Wales, and such other persons, as they consider appropriate.</del></p> |                     |
| <p><del>73—Duty to help to secure accommodation for homeless applicants</del></p>   | <p>Section 6(2)</p> |

~~(1) A local housing authority must help to secure that suitable accommodation is available for occupation by an applicant, if the authority is satisfied that the applicant is—~~

~~(a) —homeless, and~~

~~(b) —eligible for help.~~

~~(2) But the duty in subsection (1) does not apply if the authority refers the application to another local housing authority (see section 80)~~

~~74 —Circumstances in which the duty in section 73 ends~~

~~(1) The duty to an applicant under section 73 comes to an end in any of the circumstances described in subsections (2), (3), (4), or (5), if the applicant has been notified in accordance with section 84.~~

~~(2) —The circumstances are the end of a period of 56 days.~~

~~(3) The circumstances are that before the end of a period of 56 days the local housing authority is satisfied that reasonable steps have been taken to help to secure that suitable accommodation is available for occupation by the applicant.~~

~~(4) The circumstances are that the local housing authority is satisfied (whether as a result of the steps it has taken or not) that—~~

~~(a) —the applicant has suitable accommodation available for occupation, and~~

~~(b) —the accommodation is likely to be available for occupation by the applicant for a period of at least 6 months.~~

~~(5) —The circumstances are that—~~

~~(a) —the applicant, having been notified of the possible consequence of refusal or acceptance of the offer, refuses an offer of accommodation from any person which the authority is satisfied is suitable for the applicant, and~~

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| <p><del>(b) — the authority is satisfied that the accommodation offered is likely to be available for occupation by the applicant for a period of at least 6 months.</del></p> <p><del>(6) The period of 56 days mentioned in subsections (2) and (3) begins on the day the applicant is notified under section 63 and for this purpose the applicant is to be treated as notified on the day the notice is sent or first made available for collection.</del></p> <p><del>(7) The period of 6 months mentioned in subsection (4)(b) and (5)(b) begins on the day the notice under section 84 is sent or first made available for collection.</del></p> <p><del>(8) See section 79 for further circumstances in which the duty in section 73 comes to an end.</del></p>   |                     |
| <p><del>75 Duty to secure accommodation for applicants in priority need when the duty in section 73 ends</del></p> <p><del>(1) When the duty in section 73 ( duty to help to secure accommodation for homeless applicants) comes to an end in respect of an applicant in the circumstances mentioned in subsection (2) o r (3) of section 74, the local housing authority must secure that suitable accommodation is available for occupation by the applicant if subsection (2) or (3) (of this section) applies.</del></p> <p><del>(2) — This subsection applies where the local housing authority —</del></p> <p><del>(a) — is satisfied that the applicant —</del></p> <p><del>(i) — does not have suitable accommodation available for occupation, or</del></p> <p><del>(ii) — has suitable accommodation, but it is not likely that the accommodation will be available for occupation by the applicant for a period of at least 6 months starting on the day the applicant is notified in accordance with section 84 that section 73 does not apply,</del></p> | <p>Section 6(3)</p> |

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| <p>(b) — is satisfied that the applicant is eligible for help,</p> <p>(c) — is satisfied that the applicant has a priority need for accommodation, and</p> <p>(d) — if the authority is having regard to whether or not the applicant is homeless intentionally (see section 77), is not satisfied that the applicant became homeless intentionally in the circumstances which gave rise to the application;</p> <p>(3) This subsection applies where the local housing authority is having regard to whether or not the applicant is homeless intentionally and is satisfied that —</p> <p>(a) — the applicant became homeless intentionally in the circumstances which gave rise to the application,</p> <p>(b) — the applicant —</p> <p>(i) — does not have suitable accommodation available for occupation, or</p> <p>(ii) — has suitable accommodation, but it is not likely that the accommodation will be available for occupation by the applicant for a period of at least 6 months starting on the day on which the applicant is notified in accordance with section 84 that section 73 does not apply,</p> <p>(c) — the applicant is eligible for help,</p> <p>(d) — the applicant has a priority need for accommodation,</p> <p>(e) — the applicant is —</p> <p>(i) — a pregnant woman or a person with whom she resides or might reasonably be expected to reside,</p> <p>(ii) — a person with whom a dependent child resides or might reasonably be expected to reside,</p> <p>(iii) — a person who had not attained the age of 21 when the application for help was</p> |  |
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~~made or a person with whom such a person resides or might reasonably be expected to reside, or~~

~~(iv) a person who had attained the age of 21, but not the age of 25, when the application for help was made and who was looked after, accommodated or fostered at any time while under the age of 18, or a person with whom such a person resides or might reasonably be expected to reside, and~~

~~(f) the authority has not previously secured an offer of accommodation to the applicant under this section following a previous application for help under this Chapter, where that offer was made—~~

~~(i) at any time within the period of 5 years before the day on which the applicant was notified under section 63 that a duty was owed to him or her under this section, and~~

~~(ii) on the basis that the applicant fell within this subsection.~~

~~(3) For the purpose of subsections (2)(a)(ii) and (3)(b)(ii), the applicant is to be treated as notified on the day the notice is sent or first made available for collection.~~

### **75 Duty to secure accommodation for applicants**

(1) A local housing authority must secure that suitable accommodation is available for occupation by an applicant if—

(a) subsection (2) applies,

(b) subsections (4) does not apply, and

(c) subsection (7) does not apply.

(2) This subsection applies if the local housing authority is satisfied that —

(a) the applicant—

(i) is homeless, or

(ii) has suitable interim accommodation that was made available for occupation

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| <p><u>by the applicant (whether because of steps the authority has taken or not) at a time when the applicant was homeless or threatened with homelessness, and</u></p> <p>(b) <u>the applicant is eligible for help.</u></p> <p>(3) <u>For the purpose of subsection (2)(a)(ii), accommodation is interim if—</u></p> <p>(a) <u>it is secured under section 68,</u></p> <p><u>(b) the applicant intends, when beginning to occupy the accommodation, to occupy it—</u></p> <p><u>(i) until the application for help under this Chapter is concluded, or</u></p> <p><u>(ii) for a period of less than 12 months beginning with the first day the accommodation is available for occupation, or</u></p> <p><u>(c) the person making the accommodation available for occupation intends, when beginning to do so, that it is available for occupation by the applicant—</u></p> <p><u>(i) until the application for help under this Chapter is concluded, or</u></p> <p><u>(ii) for a period of less than 12 months beginning with the first day the accommodation is available for occupation.</u></p> <p>(4) <u>This subsection applies if the local housing authority is satisfied that—</u></p> <p>(a) <u>neither the applicant nor any member of the applicant's household has a local connection to the area of any local housing authority in Wales, and</u></p> <p><u>(b) none of the circumstances in subsection (5) apply.</u></p> <p>(5) <u>The circumstances are that the applicant or any member of the applicant's household with the applicant—</u></p> <p>(a) <u>is at risk of suffering abuse in an area outside Wales—</u></p> <p>(i) <u>to which the applicant or other member of the applicant's household has a local connection,</u></p> |  |
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| <p>(ii) <u>in which the applicant or other member of the applicant's household is living or was living, and</u></p> <p>(iii) <u>is in Wales in relevant circumstances, is living in the area outside Wales where there is a risk of abuse or is living in another area outside Wales for the purpose of seeking refuge from abuse, or</u></p> <p>(b) <u>falls within a prescribed category of person.</u></p> <p>(6) <u>In subsection (5)(a)(iii), the relevant circumstances are that immediately before coming to Wales the applicant or other member of the applicant's household was—</u></p> <p>(a) <u>living in the area outside Wales where there is a risk of abuse, or</u></p> <p>(b) <u>living in another area outside Wales for the purpose of seeking refuge from abuse.</u></p> <p>(7) <u>This subsection applies if—</u></p> <p>(a) <u>the applicant is a prisoner serving a custodial sentence, and</u></p> <p>(b) <u>the local housing authority is satisfied that there is no reasonable prospect of the applicant being released from detention before the end of a period of 6 months beginning with—</u></p> <p>(i) <u>the day the application for help under this Chapter is made, or</u></p> <p>(ii) <u>if a duty is owed to the applicant under section 66 at any time after the application is made, the day the duty under section 66 comes to an end.</u></p> <p><u>(8) Subsection (9) applies if the applicant is—</u></p> <p>(a) <u>a prisoner, or</u></p> <p>(b) <u>residing in approved premises..</u></p> <p><u>(9) The duty in subsection (1) is to be interpreted as a duty to secure that accommodation is available for occupation by the applicant when the applicant is released from detention or no longer required to reside in approved premises (as the case may be).</u></p> |  |
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| <p><b>76 Circumstances in which the duty in section 75 ends</b></p> <p>(1) The duty to an applicant under section 75(1) comes to an end in any of the circumstances described in subsections (2), (3), (6) <del>or (7), (7A) or (7D)</del> if the applicant has been notified in accordance with section 84.</p> <p>(2) The circumstances are that the applicant accepts—</p> <ul style="list-style-type: none"> <li>(a) an offer of suitable accommodation under Part 6 of the Housing Act 1996 (allocation of housing), ...</li> <li>(aa) an offer of suitable accommodation in Wales under a tenancy which is an occupation contract, or</li> <li>(b) an offer of suitable accommodation (in England) under an assured tenancy (including an assured shorthold tenancy)</li> </ul> <p>(3) The circumstances are that the applicant, having been given notice in writing of the possible consequence of refusal or acceptance of the offer, refuses—</p> <ul style="list-style-type: none"> <li>(a) an offer of suitable interim accommodation under section 75,</li> <li>(b) a private rented sector offer, or</li> <li>(c) an offer of accommodation under Part 6 of the Housing Act 1996,</li> </ul> <p>which the authority is satisfied is suitable for the applicant.</p> <p>(4) For the purposes of this section an offer is a private rented sector offer if—</p> <ul style="list-style-type: none"> <li>(a) it is an offer of— <ul style="list-style-type: none"> <li>(i) a tenancy which is an occupation contract made by a private landlord to the applicant in relation to accommodation in Wales which is available for the applicant's occupation, or</li> <li>(ii) <del>an assured shorthold tenancy</del> <u>assured tenancy (including an assured shorthold tenancy)</u> made by a private landlord to the applicant in relation to any</li> </ul> </li> </ul> | <p>Section 7(2) and (3) and Schedule 1, paragraph 3(7)</p> |
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| <p>accommodation in England which is available for the applicant's occupation,</p> <p>(b) it is made, with the approval of the authority, in pursuance of arrangements made by the authority with the landlord with a view to bringing the authority's duty under section 75 to an end, and</p> <p>(c) in relation to accommodation in England, the tenancy being offered is a fixed term tenancy for a period of at least 6 months.</p> <p>(5) In a restricted case, the local housing authority must, so far as reasonably practicable, bring its duty to an end by securing a private rented sector offer; for this purpose, a "restricted case" means a case where the local housing authority would not be satisfied as mentioned in section 75(1) without having regard to a restricted person (see section 63(5)).</p> <p><del>(6) The circumstances are that the local housing authority is satisfied that the applicant has become homeless intentionally from suitable interim accommodation made available for the applicant's occupation—</del></p> <p><del>(a) —under section 68 and which continues to be made available under section 75, or</del></p> <p><del>(b) —under section 75.</del></p> <p>(7) The circumstances are that the local housing authority is satisfied that the applicant has voluntarily ceased to occupy as his or her only or principal home, suitable interim accommodation made available for the applicant's occupation—</p> <p>(a) under section 68 and which continues to be made available under section 75, or</p> <p>(b) under section 75.</p> <p><u>(7A) The circumstances are that the local housing authority is satisfied (whether because of steps it has taken or not) that—</u></p> <p><u>(a) the applicant is no longer homeless,</u></p> <p><u>(b) suitable accommodation is available for occupation by the applicant otherwise than by virtue of an offer mentioned in subsection (2) or (3),</u></p> |  |
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(c) the accommodation is likely to be available for occupation by the applicant for a period of at least 12 months, and

(d) the applicant, having been given notice in writing of the possible consequence of agreeing to the duty in section 75 coming to an end, agrees to the duty in section 75 coming to an end.

(7B) The period of 12 months mentioned in subsection (7A) begins on the day notice in accordance with section 84 that the authority no longer regards itself as being subject to the duty in section 75 is sent or first made available for collection.

(7C) But where an applicant is a prisoner or residing in approved premises, the period of 12 months mentioned in subsection (7A) begins on the day the applicant is to be released from detention or is no longer required to reside in approved premises (as the case may be).

(7D) The circumstances are that—

(a) the applicant is a prisoner serving a custodial sentence, and

(b) the local housing authority is satisfied that there is no reasonable prospect of the applicant being released from detention before the end of a period of 6 months beginning with—

(i) the day the application for help under this Chapter is made, or

(ii) if a duty is owed to the applicant under section 66 at any time after the application is made, the day the duty under section 66 comes to an end.

(7E) The duty comes to an end in accordance with this section or section 79 even if the applicant requests a review of any decision that has led to the duty coming to an end (see section 85).

(7F) The authority may secure that suitable accommodation is available for the applicant's occupation pending a decision on a review.

(8) See section 79 for further circumstances in which the duty in section 75(1) comes to an end.

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| <p>(9) In this section—</p> <ul style="list-style-type: none"> <li>• “fixed term tenancy” (<i>“tenantiaeth cyfnod penodedig”</i>) in relation to accommodation in England has the meaning given in Part 1 of the Housing Act 1988 (c. 50);</li> <li>• “occupation contract” (<i>“contract meddiannaeth”</i>) has the same meaning as in the Renting Homes (Wales) Act 2016 (anaw 1) (see section 7 of that Act).</li> </ul>  |                      |
| <p><b><u>76A Duty to provide help to retain suitable accommodation</u></b></p> <p><u>(1) The duty in subsection (2) applies in relation to—</u></p> <p><u>(a) an applicant—</u></p> <p><u>(i) who is not homeless or threatened with homelessness,</u></p> <p><u>(ii) for whom suitable accommodation is available for occupation that was, to any extent, retained or secured by the exercise of functions under this Chapter by a local housing authority (whether through the provision of accommodation or other kinds of help), and</u></p> <p><u>(iii) who is considered by the local housing authority to be at risk of becoming homeless or threatened with homelessness unless further help is provided;</u></p> <p><u>(b) the local housing authority that exercises the functions described in paragraph (a)(ii) in relation to the applicant.</u></p> <p><u>(2) The local housing authority must help to secure that the applicant’s accommodation does not cease to be available for occupation by the applicant by taking reasonable steps likely to achieve that purpose.</u></p> | <p>Section 18(2)</p> |

**76B Circumstances in which the duty in section 76A comes to an end**

(1) The duty to an applicant under section 76A comes to an end in any of the circumstances described in subsection (2), (3), (4), (6) or (9) if the applicant has been notified in accordance with section 84.

(2) The circumstances are that the local housing authority is satisfied that the applicant has become homeless.

(3) The circumstances are that the local housing authority is satisfied (whether as a result of the steps it has taken or not) that applicant is no longer at risk of becoming homeless or threatened with homelessness unless help is provided.

(4) The circumstances are that—

(a) the applicant occupies accommodation provided or arranged in exercise of functions under this Chapter, and

(b) the period in subsection (5) beginning on the later date has ended.

(5) The periods are—

(a) the period of 12 months beginning on the day the accommodation became available for occupation by the applicant;

(b) the period of 12 months beginning on the day the applicant is notified under section 63 that a duty under section 76A is owed to the applicant.

(6) The circumstances are that—

(a) the applicant occupies accommodation that was secured in exercise of functions under this Chapter, but not provided or arranged in exercise of those functions, and

(b) the period in subsection (7) beginning on the later date has ended.

(7) The periods are—

(a) the period of 12 months beginning on the day the applicant is notified under section 84 that the duty under section 66 has come to an end;

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| <p><u>(b) the period of 12 months beginning on the day the applicant is notified under section 63 that a duty under section 76A is owed to the applicant.</u></p> <p><u>(8) For the purpose of subsections (5) and (7) the applicant is to be treated as notified on the day the notice is sent or first made available for collection.</u></p> <p><u>(9) The circumstances are that the applicant has asked that help of the kind required by subsection (2) is not provided by the local housing authority.</u></p> <p><u>(10) See section 79 for further circumstances in which the duty in section 76A comes to an end.</u></p>  |                   |
| <p><b><u>76C Duty to keep in touch with certain applicants</u></b></p> <p><u>(1) The duty in subsection (3) applies in relation to—</u></p> <p style="padding-left: 40px;"><u>(a) an applicant who—</u></p> <p style="padding-left: 80px;"><u>(i) was owed a duty under section 75 and that duty came to an end in the circumstances described in section 76(7A), and</u></p> <p style="padding-left: 80px;"><u>(ii) is not within subsection (2);</u></p> <p style="padding-left: 40px;"><u>(b) the local housing authority that exercised the functions described in paragraph (a)(i) in relation to the applicant.</u></p> <p><u>(2) An applicant is within this subsection if the local housing authority -</u></p> <p style="padding-left: 40px;"><u>(a) at the beginning of the relevant period owes the applicant a duty under section 76A, or</u></p> <p style="padding-left: 40px;"><u>(b) at any time during the relevant period is required to carry out an assessment under section 62 in respect of the applicant or has carried out such an assessment before the beginning of the relevant period.</u></p> <p><u>(3) The local housing authority must take reasonable steps to contact the applicant (whether the person is within its area or not) within the relevant period with a view to identifying whether the applicant is or may be homeless or threatened with homelessness or is at risk of becoming homeless or threatened with homelessness.</u></p> | <p>Section 19</p> |

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| <p><u>(4) If the local housing authority considers that the applicant is or may be homeless or threatened with homelessness, or is at risk of becoming homeless or threatened with homelessness, the local housing authority must give the applicant such information and advice as it considers appropriate.</u></p> <p><u>(5) For the purpose of this section, the “relevant period” is the period of 2 months after the end of the period of 5 months that begins on the day that the applicant is notified in accordance with section 84 that the duty under section 75 has come to an end.</u></p>  |                      |
| <p><b>77 Meaning of intentionally homeless</b></p> <p><del>(1) A person is intentionally homeless for the purpose of this Chapter if subsection (2) or (4) apply.</del></p> <p><del>(2) This subsection applies if the person deliberately does or fails to do anything in consequence of which the person ceases to occupy accommodation which is available for the person's occupation and which it would have been reasonable for the person to continue to occupy.</del></p> <p><del>(3) For the purposes of subsection (2) an act or omission in good faith on the part of a person who was unaware of any relevant fact may not be treated as deliberate.</del></p> <p><del>(4) This subsection applies if —</del></p> <p style="padding-left: 40px;"><del>(a) the person enters into an arrangement under which the person is required to cease to occupy accommodation which it would have been reasonable for the person to continue to occupy, and</del></p> <p style="padding-left: 40px;"><del>(b) the purpose of the arrangement is to enable the person to become entitled to help under this Chapter,</del></p> <p><del>and there is no other good reason why the person is homeless.</del></p> <p>78 — Deciding to have regard to intentionality</p> | <p>Section 10(2)</p> |

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| <p><del>(1) — The Welsh Ministers must, by regulations, specify a category or categories of applicant for the purpose of this section.</del></p> <p><del>(2) — A local housing authority may not have regard to whether or not an applicant has become homeless intentionally for the purposes of sections 68 and 75 unless—</del></p> <p style="padding-left: 40px;"><del>(a) — the applicant falls within a category specified under subsection (1) in respect of which the authority has decided to have regard to whether or not applicants in that category have become homeless intentionally, and</del></p> <p style="padding-left: 40px;"><del>(b) — the authority has published a notice of its decision under paragraph (a) which specifies the category.</del></p> <p><del>(3) — Subsection (4) applies where a local housing authority has published a notice under subsection (2) unless the authority has—</del></p> <p style="padding-left: 40px;"><del>(a) — decided to stop having regard to whether or not applicants falling into the category specified in the notice have become homeless intentionally, and</del></p> <p style="padding-left: 40px;"><del>(b) — published a notice of its decision specifying the category.</del></p> <p><del>(4) — For the purposes of section 68 and 75, a local housing authority must have regard to whether or not an applicant has become homeless intentionally if the applicant falls within a category specified in the notice published by the authority under subsection (2).</del></p> |   |
| <p><b>79 Further circumstances in which the duties to help applicants end</b></p> <p>(1) The duties in sections 66, 68, <del>73</del> and <del>75</del>, <u>75</u> and <u>76A</u> come to an end in the circumstances described in subsection (2), (3), (4) <del>or (5)</del>, <u>(5)</u>, <u>(6)</u> or <u>(7)</u> if the applicant is notified in accordance with section 84.</p> <p>(2) The circumstances are that the local housing authority is no longer satisfied that the applicant is eligible for help.</p>  | <p>Sections 18(3) and 20(2) and (3)</p> |

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| <p>(3) The circumstances are that the local housing authority is satisfied that a mistake of fact led to the applicant being notified under section 63 that the duty was owed to the applicant.</p> <p>(4) The circumstances are that the local authority is satisfied that the applicant has withdrawn his or her application.</p> <p><u>(5) The circumstances are that the local housing authority is satisfied that—</u></p> <p><u>(a) the applicant engaged in violent or threatening behaviour towards an individual carrying out an activity connected with—</u></p> <p><u>(i) the exercise of functions under this Chapter,</u><br/><u>or</u></p> <p><u>(ii) the provision of accommodation or other services secured to any extent by the exercise of functions under this Chapter,</u></p> <p><u>(b) the behaviour occurred during the period in which an applicant's case is being considered and any duty under section 66, 68, 75 or 76A applies, and</u></p> <p><u>(c) there are no special circumstances that would make it appropriate for the relevant duty to continue to apply.</u></p> <p><u>(6) The circumstances are that the local housing authority is satisfied that—</u></p> <p><u>(a) property consisting of, or provided for use in connection with, accommodation secured to any extent by the exercise of functions under this Chapter has been destroyed or seriously damaged during the period in which an applicant's case is being considered and any duty under section 66, 68 or 75 applies,</u></p> <p><u>(b) the applicant, or a person who resides with the applicant, destroyed or seriously damaged the property or incited or encouraged its destruction or damage by another person,</u></p> <p><u>(c) the applicant or person who resides with the applicant intended the destruction or serious damage of the property or was reckless as to whether it would be destroyed or seriously damaged,</u></p> |  |
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| <p>(d) <u>there is no reasonable excuse for the actions of the applicant or person who resides with the applicant, and</u></p> <p>(e) <u>there are no special circumstances that would make it appropriate for the relevant duty to continue to apply.</u></p> <p><u>(7) The circumstances are that—</u></p> <p>(a) <u>the applicant has not responded to repeated attempts by the local housing authority to contact the applicant in connection with the application,</u></p> <p>(b) <u>the authority is not aware of any special circumstances that would make it appropriate for the relevant duty to continue to apply,</u></p> <p>(c) <u>the authority has given a warning notice to the applicant explaining—</u></p> <p style="padding-left: 40px;">(i) <u>that because of the facts described in paragraph (a), it intends to give notice to the applicant under section 84, and</u></p> <p style="padding-left: 40px;">(ii) <u>the consequences of a notice under section 84 being given to the applicant, and</u></p> <p>(d) <u>a reasonable period has elapsed since the warning notice was given without any contact from the applicant in connection with the application.</u></p> <p><u>(8) A warning notice under subsection (7) must be given in writing and, if not received by the applicant, is to be treated as having been given to the applicant if it is made available at the authority's office for a reasonable period for collection by or on behalf of the applicant.</u></p> |   |
| <p><b>Referral to another local housing authority</b></p> <p>80 Referral of case to another local housing authority</p> <p>(1) <del>Subsection (2) applies where—</del></p> <p style="padding-left: 40px;">(a) <del>a local housing authority considers that the conditions for referral to another local housing authority (whether in Wales or England) are met (see subsection (3)), and</del></p> <p style="padding-left: 40px;">(b) <del>the local housing authority would, if the case is not referred, be subject to the duty in section</del></p>  | <p>Section 11(2) - (6) and Schedule 1, paragraph 3(8)</p> |

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| <p><del>73 in respect of an applicant who is in priority need of accommodation and unintentionally homeless (duty to help to secure accommodation for homeless applicants).</del></p> <p><del>(2) — The local housing authority may notify the other authority of its opinion that the conditions for referral are met in respect of the applicant.</del></p> <p><u>(2) If a local housing authority considers—</u></p> <p><u>(a) it is or may be subject to the duty in section 66 (duty to help prevent an applicant from becoming homeless) in respect of an applicant who is a prisoner, and</u></p> <p><u>(b) that the conditions are met for referral of the applicant's case to another local housing authority (whether in Wales or England) under subsection (3), or in any prescribed circumstances,</u></p> <p><u>it may notify that authority of its opinion.</u></p> <p><u>(2A) If a local housing authority considers—</u></p> <p><u>(a) it is or may be subject to the duty in section 75 (duty to secure accommodation) in respect of an applicant or that it would be subject to the duty were it not for section 75(4), and</u></p> <p><u>(b) that the conditions are met for referral of the applicant's case to another local housing authority (whether in Wales or England) under subsection (3), or in any prescribed circumstances,</u></p> <p><u>it may notify that authority of its opinion.</u></p> <p><u>(2B) But a local housing authority may not notify under subsection (2A) after the applicant has been notified under section 63 that the authority owes a duty under section 75, unless the applicant is a prisoner.</u></p> <p><u>(2B) But a local housing authority may not notify under subsection (2A) after the applicant has been notified under section 63 that the authority owes a duty under section 75, unless the applicant is a prisoner.</u></p> <p>(3) The conditions for referral of the case to another local housing authority in-Wales are met if—</p> <p>(a) neither the applicant nor any <u>member of the applicant's household</u> <del>person who might</del></p> |  |
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| <p><del>reasonably be expected to reside with the applicant</del> has a local connection with the area of the authority to which the application was made,</p> <p>(b) the applicant or a <u>member of the applicant's household</u> <del>person who might reasonably be expected to reside with the applicant</del> has a local connection with the area of that other authority, and</p> <p>(c) neither the applicant nor any <u>member of the applicant's household</u> <del>will run the risk of domestic abuse in that other area</del> <u>is exempt from referral (see section 81A).</u></p> <p><del>(4) But the conditions for referral mentioned in subsection (3) are not met if—</del></p> <p><del>(a) the applicant or any person who might reasonably be expected to reside with the applicant has suffered abuse (other than domestic abuse) in the area of the other authority, and</del></p> <p><del>(b) it is probable that the return to that area of the victim will lead to further abuse of a similar kind against him or her.</del></p> <p>(5) The question of whether the conditions for referral of a case are <u>met</u> <del>satisfied</del> is to be decided—</p> <p>(a) by agreement between the notifying authority and the notified authority, or</p> <p>(b) in default of agreement, in accordance with such arrangements—</p> <p>(i) as the Welsh Ministers may direct by order, where both authorities are in Wales, or</p> <p>(ii) as the Welsh Ministers and the Secretary of State may jointly direct by order, where the notifying authority is in Wales and the notified authority is in England.</p> <p>(6) An order under subsection (5) may direct that the arrangements are to be—</p> |  |
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| <p>(a) those agreed by any relevant authorities or associations of relevant authorities, or</p> <p>(b) in default of such agreement, such arrangements as appear to the Welsh Ministers or, in the case of an order under subsection (5)(b)(ii), to the Welsh Ministers and the Secretary of State to be suitable, after consultation with such associations representing relevant authorities, and such other persons, as they think appropriate.</p> <p>(7) In subsection (6), “relevant authority” means a local housing authority or a social services authority; and it includes, in so far as that subsection applies to arrangements under subsection (5)(b)(ii), such authorities in Wales and England.</p> <p>(8) The Welsh Ministers may by order specify other circumstances in which the conditions are or are not met for referral of the case to another local housing authority.</p> |   |
| <p><b>81 Local connection</b></p> <p>(1) This section applies for the purposes of this Chapter.</p> <p>(2) A person has a local connection with the area of a local housing authority in Wales or England <u>or any other area</u> if the person has a connection with it—</p> <p>(a) because the person is, or in the past was, normally resident there, and that residence is or was of the person's own choice,</p> <p>(b) because the person is employed there,</p> <p>(c) because of family associations, or</p> <p>(d) because of special circumstances.</p> <p>(3) Residence in an area is not of a person's own choice if the person, or a person who might reasonably be expected to reside with that person, becomes resident there because the person is detained under the authority of an enactment.</p>   | <p>Section 12(2) and Schedule 1, paragraph 3(9)</p> |

~~(4) The Welsh Ministers may by order specify circumstances in which—~~

~~(a) a person is not to be treated as employed in an area, or~~

~~(b) residence in an area is not to be treated as of a person's own choice.~~

(4) The Welsh Ministers may by regulations specify circumstances—

(a) in which a person is or is not to be treated as normally resident in an area;

(b) in which residence in an area is or is not to be treated as of a person's own choice;

(c) in which a person is or is not to be treated as employed in an area;

(d) in which a person is or is not to be treated as having a family association with an area;

(e) that are or are not to be treated as special circumstances connecting a person to an area.

(5) A person has a local connection with the area of a local housing authority in Wales or England if the person was (at any time) provided with accommodation in that area under section 95 of the Immigration and Asylum Act 1999 (support for asylum seekers).

(6) But subsection (5) does not apply—

(a) to the provision of accommodation for a person in an area of a local housing authority if the person was subsequently provided with accommodation in the area of another local housing authority under section 95 of that Act, or

(b) to the provision of accommodation in an accommodation centre by virtue of section 22 of the Nationality, Immigration and Asylum Act

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| <p>2002 (use of accommodation centres for section 95 support).</p>  |  |
| <p><b><u>81A Applicants who are exempt from referral under section 80</u></b></p> <p><u>(1) A local housing authority may not refer a case to another local housing authority (whether in Wales or England) under section 80 if any of the circumstances described in subsections (2), (3) or (4) apply in relation to the applicant.</u></p> <p><u>(2) The circumstances are that the applicant or any member of the applicant's household—</u></p> <p style="padding-left: 40px;"><u>(a) is at a greater risk of suffering abuse in the area of the authority to which the referral would be made than in the area to which the application is made, or</u></p> <p style="padding-left: 40px;"><u>(b) falls within a prescribed category of person.</u></p> <p><u>(3) The circumstances are that the applicant is a prisoner who has been notified under section 63 that a duty is owed to the applicant under section 66 or 75 and a period of 2 weeks has ended, beginning with the day on which the notification was given.</u></p> <p><u>(4) The circumstances are that a referral has previously been made under section 80 in relation to the same application.</u></p> | <p>Section 13(2)</p>                       |
| <p><b>82 Duties to applicant whose case is considered for referral or referred</b></p> <p><del>(1) — Where a local housing authority notifies an applicant in accordance with section 84 that it intends to notify or has notified another local housing authority in Wales or England of its opinion that the conditions are met for the referral of the applicant's case to that other authority—</del></p> <p style="padding-left: 40px;"><del>(a) — it ceases to be subject to any duty under section 68 ( interim duty to secure accommodation for homeless applicants in priority need), and</del></p> <p style="padding-left: 40px;"><del>(b) — it is not subject to any duty under section 73 ( duty to help to secure accommodation for homeless applicants);</del></p>  | <p>Section 14(2)-(6) and section 16(2)</p> |

~~but it must secure that suitable accommodation is available for occupation by the applicant until the applicant is notified of the decision whether the conditions for referral of the case are met.~~

(1) Subsections (1A) and (1B) apply if—

(a) a local housing authority (“authority A”) intends to notify or has notified another local housing authority (“authority B”) of its opinion that the conditions for referral of an applicant’s case under section 80 are met, and

(b) the applicant has been notified in accordance with section 84 that that authority B has been notified of authority A’s opinion;

and subsection (1A) applies whether the notified authority is in Wales or England.

(1A) If authority A notifies authority B under section 80(2A)—

(a) authority A is not subject to the duty under section 68 (interim duty to secure accommodation) in relation to the applicant, and

(b) authority A is not subject to the duty under section 75 (duty to secure accommodation) in relation to the applicant;

but authority A must secure that suitable accommodation is available for accommodation by the applicant until the applicant is notified of the decision whether the conditions for referral of the case are met.

(1B) If authority A notifies authority B under section 80(2) or (2A) and it is decided in accordance with section 80(5) that the conditions for referral of the case are met—

(a) the applicant is to be treated, for the purposes of this Chapter, as having made an application to authority B on the date on which notice is given under section 84(1B),

(b) authority A owes no duties to the applicant under this Chapter from that date.

(c) where authority A has decided that the applicant is eligible for help, homeless or threatened with homelessness, the applicant is to be treated as such for the purposes of this Chapter unless authority B comes to a different conclusion in accordance with subsection (1C), and

(d) authority A must give to authority B copies of any notifications or documents that authority A has given to the applicant under section 63 (notice of the outcome of assessment) or 63A (prevention, support and accommodation plans).

(1C) For the purposes of subsection (1B), authority B may only come to a different conclusion if it is satisfied that—

(a) the applicant's circumstances have changed, or further information has come to light, since authority A made its decision, and

(b) the change in circumstances, or further information, justifies authority B coming to a different decision to authority A.

(1D) For provision about cases where authority A notifies authority B under section 80(2) or (2A), authority B is in England and it is decided in accordance with section 80(5) that the conditions for referral of the case are met, see section 201A of the Housing Act 1996 (c.52)(cases referred from a local housing authority in Wales).

~~(2) — When it has been decided whether the conditions for referral are met, the notifying authority must notify the applicant in accordance with section 84.~~

~~(3) — If it is decided that the conditions for referral are not met, the notifying authority is subject to the duty under section 73 (duty to help to secure accommodation for homeless applicants).~~

(3) If authority A notifies authority B under section 80(2A) and it is decided that the conditions for referral of the case are not met, authority A is subject to—

(a) the duty under section 68 in relation to the applicant, if the duty applies, and

(b) the duty under section 75 in relation to the applicant, if the duty applies.



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| <p>(4) <del>If it is decided that those conditions are met and the notified authority is an authority in Wales, the notified authority is subject to the duty under section 73 ( duty to help to secure accommodation for homeless applicants); for provision about cases where it is decided that those conditions are met and the notified authority is an authority in England, see section 201A of the Housing Act 1996 (cases referred from a local housing authority in Wales).</del></p> <p>(5) <del>The duty under subsection (1) ceases as provided in that subsection</del> <u>Duties come to an end as provided for in subsections (1A) and (1B)</u> even if the applicant requests a review of the authority's decision (see section 85).</p> <p>(6) The authority may secure that suitable accommodation is available for the applicant's occupation pending the decision on a review, <u>if the authority was required to do so before a duty ceased to have effect by virtue of this section.</u></p> <p><del>(7) If notice required to be given to an applicant under this section is not received by the applicant, it is to be treated as having been given if it is made available at the authority's office for a reasonable period for collection by the applicant or on the applicant's behalf.</del></p> |                   |
| <p><b>83 Cases referred from a local housing authority in England</b></p> <p>(1) This section applies where an application has been referred by a local housing authority in England to a local housing authority in Wales under section 198(1) of the Housing Act 1996 (referral of case to another local housing authority).</p> <p>(2) If it is decided that the conditions in that section for referral of the case are met the notified authority is subject to the following duties in respect of the person whose case is referred—</p> <p>(a) section 68 (interim duty to secure accommodation <del>for homeless applicants in priority need</del>);</p>  | <p>Section 15</p> |

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| <p>(b) <del>section 73 (duty to help to secure accommodation for homeless applicants);</del><br/><u>section 75 (duty to secure accommodation).</u></p> <p>for provision about cases where it is decided that the conditions for referral are not met, see section 200 of the Housing Act 1996 (duties to applicant whose case is considered for referral or referred).</p> <p>(3) Accordingly, references in this Chapter to an applicant include a reference to a person to whom the duties mentioned in subsection (2) are owed by virtue of this section.</p>  |                                       |
| <p><i>Right of review</i></p> <p><b>84 Notice that duties have ended <u>and of local connection referrals</u></b></p> <p>(1) Where a local housing authority concludes that its duty to an applicant under section 66, 68, <del>73 or 75</del> <u>75 or 76A</u> has come to an end (<del>including where the authority has referred the applicant's case to another authority or decided that the conditions for referral are met</del>), it must notify the applicant—</p> <p>(a) that it no longer regards itself as being subject to the relevant duty,</p> <p>(b) of the reasons why it considers that the duty has come to an end,</p> <p>(c) of the right to request a review, and</p> <p>(d) of the time within which such a request must be made.</p> <p><u>(1A) Where a local housing authority offers accommodation in the discharge of any duty under this Chapter, it must notify the applicant of the right to request a review of the suitability of the accommodation whether not the offer is accepted.</u></p> <p><u>(1B) Where a local housing authority (“authority A”) notifies another local housing authority (whether in Wales or England) (“authority B”) of its opinion that the conditions for referral of an applicant’s case under section 80 are met, it must at the same time notify the applicant that authority B has been notified of authority A’s opinion.</u></p> | <p>Section 5(2) and section 16(3)</p> |

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| <p>(1C) <u>Authority A must also notify the applicant of a decision under section 80(5) as to whether the conditions for referral of the applicant's case are met.</u></p> <p>(1D) <u>A notice given by a authority A to an applicant under subsection (1B) or (1C) must—</u></p> <ul style="list-style-type: none"> <li>(a) <u>set out the reasons for the opinion or decision,</u></li> <li>(b) <u>explain the effect on the applicant's entitlements under this Chapter of authority A notifying authority B or of the decision under section 80(5),</u></li> <li>(c) <u>inform the applicant of any right to request a review, and</u></li> <li>(d) <u>specify the time within which such a request must be made.</u></li> </ul> <p><del>(2) Where a notice under subsection (1) relates to the duty in section 73 coming to an end in the circumstances described in section 74(2) or (3), it must include notice of the steps taken by the local housing authority to help to secure that suitable accommodation would be available for occupation by the applicant.</del></p> <p>(3) Notice under this section must be in writing.</p> <p>(4) Where a notice is not received by an applicant, the applicant may be treated as having been notified under this section if the notice is made available at the authority's office for a reasonable period for collection by the applicant or on the applicant's behalf.</p> |  |
| <p><i>Right to review and appeal</i></p> <p><b>85 Right to request review</b></p> <p>(1) An applicant has the right to request a review of the following <del>decisions</del>—</p> <ul style="list-style-type: none"> <li>(a) a decision of a local housing authority as to the applicant's eligibility for help;</li> </ul>   | <p>Sections 5(3), 17(2), 18(5) and Schedule 1, paragraph 3(12)</p> |

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| <p><u>(aa) a decision of the local housing authority not to carry out an assessment of a person's case under section 62;</u></p> <p><u>(ab) an assessment by a local housing authority of the housing needs of the applicant and any member of the applicant's household;</u></p> <p><u>(ac) an assessment by a local housing authority of the support needed for the applicant and any member of the applicant's household—</u></p> <p style="padding-left: 40px;"><u>(i) to retain accommodation which is or may become available;</u></p> <p style="padding-left: 40px;"><u>(ii) to overcome any barrier to living independently;</u></p> <p><u>(ad) of a prevention, support and accommodation plan;</u></p> <p>(b) a decision of a local housing authority that a duty is not owed to the applicant under section 66, 68, <del>73</del>, or 75 (duties to applicants who are homeless or threatened with homelessness);</p> <p><u>(ba) a decision of a local housing authority that a duty is not owed to the applicant under section 76A (duty to provide help to retain suitable accommodation);</u></p> <p>(c) a decision of a local housing authority that a duty owed to the applicant under section 66, 68, <del>73</del>, or 75 has come to an end <del>(including where the authority has referred the applicant's case to another authority or decided that the conditions for referral are met).</del></p> <p><u>(d) a decision of a local housing authority that a duty owed to the applicant under section 76A has come to an end.</u></p> <p><u>(e) a decision of a local housing authority under section 80 to notify another local housing authority in Wales or England of its opinion that the conditions for referral are met in respect of the applicant;</u></p> <p><u>(f) a decision under section 80(5) that the conditions for referral of a case are met.</u></p> |  |
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| <p>(2) <del>Where the duty owed to an applicant under section 73 has come to an end in the circumstances described in section 74(2) or (3), an applicant has the right to request a review of whether or not reasonable steps were taken during the period in which the duty under section 73 was owed to help to secure that suitable accommodation would be available for his or her occupation.</del></p> <p>(3) An applicant who is offered accommodation in, or in connection with, the discharge of any duty under this Chapter may request a review of the suitability of the accommodation offered to the applicant (whether or not he or she has accepted the offer).</p> <p>(4) There is no right to request a review of the decision reached on an earlier review.</p> <p><u>(4A) A request for review of a prevention, support and accommodation plan may be made at any time during which the authority is required to maintain the plan.</u></p> <p><u>(4B) A request for review of the suitability of accommodation offered to the applicant in, or in connection with, the discharge of any duty under this Chapter may be made at any time—</u></p> <p style="padding-left: 40px;"><u>(a) before the offer is accepted by the applicant and while the offer remains open, and</u></p> <p style="padding-left: 40px;"><u>(b) if the applicant has accepted the offer—</u></p> <p style="padding-left: 80px;"><u>(i) at any time when a section 66, 68 or 75 duty applies to the applicant, or</u></p> <p style="padding-left: 80px;"><u>(ii) before the end of a period of 6 months beginning with the first day on which the accommodation is available for occupation by the applicant.</u></p> <p>(5) A request for review <u>to which neither subsection (4A) nor (4B) applies</u> must be made before the end of the period of 21 days (or such longer period as the authority may in writing allow) beginning with the day on which the applicant is notified of the authority's <u>assessment or</u> decision.</p> |  |
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| <p>(6) On a request being made to them, the authority or authorities concerned must review their <del>decision-</del><br/><u>assessment, decision or plan.</u></p>   |   |
| <p><b>86 Procedure on review</b></p> <p>(1) The Welsh Ministers may make provision by regulations as to the procedure to be followed in connection with a review under section 85.</p> <p>(2) Regulations under subsection (1) may, for example,—</p> <p class="margin-left: 40px;">(a) <del>require the decision on review to be made by a person of appropriate seniority who was not involved in the original decision,</del></p> <p class="margin-left: 40px;">(a) <u>require the review to be carried out by a person with the appropriate level of seniority who was not involved in the assessment, decision or plan under review,</u></p> <p class="margin-left: 40px;">(b) provide for the circumstances in which the applicant is entitled to an oral hearing, and whether and by whom the applicant may be represented at such a hearing, and</p> <p class="margin-left: 40px;">(c) provide for the period within which the review must be carried out and notice given of the decision.</p> <p>(3) The authority, or as the case may be either of the authorities, concerned must notify the applicant of the decision on the review.</p> <p>(4) The authority must also notify the applicant of the reasons for the decision, if the decision is—</p> <p class="margin-left: 40px;">(a) to confirm the original <del>decision</del> <u>assessment, decision or plan</u>; on any issue against the interests of the applicant, <del>or</del></p> <p class="margin-left: 40px;">(b) <del>to confirm that reasonable steps were taken.</del></p> <p>(5) In any case they must inform the applicant of his or her right to appeal to the county court on a point of law, and of the period within which such an appeal must be made (see section 88).</p> | <p>Section 5(4) and Schedule 1, paragraph 3(13)</p> |

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| <p>(6) Notice of the decision is not to be treated as given unless and until subsection (5), and where applicable subsection (4), is complied with.</p> <p>(7) Notice required to be given to a person under this section must be given in writing and, if not received by that person, is to be treated as having been given if it is made available at the authority's office for a reasonable period for collection by the person or on his or her behalf.</p>  |  |
| <p><b>87 — <del>Effect of a decision on review or appeal that reasonable steps were not taken</del></b></p> <p><del>(1) Subsection (2) applies where it is decided on review under section 85(2) or on an appeal of a decision under that section that reasonable steps were not taken.</del></p> <p><del>(2) The duty in section 73 applies to the applicant again, with the modification that the 56 day period mentioned in subsection (2) of section 74 is to be interpreted as starting on the day the authority notifies the applicant of its decision on review under section 85(2) or, on an appeal, on such date as the court may order.</del></p>  | <p>Schedule 1,<br/>paragraph 3(14)</p> |
| <p><b>88 Right of appeal to county court on point of law</b></p> <p>(1) An applicant who has requested a review under section 85 may appeal to the county court on any point of law arising from the decision <del>or, as the case may be, the original decision or a question as to whether reasonable steps were taken on review or, as the case may be, the original assessment, decision or plan</del> if the applicant—</p> <p>(a) is dissatisfied with the decision on the review,</p> <p>or</p> <p>(b) is not notified of the decision on the review within the time prescribed under section 86.</p> <p>(2) An appeal must be brought within 21 days of the applicant being notified of the decision or, as the case may be, of the date on which the applicant should have been notified of a decision on review.</p> | <p>Section 5(5)</p>                    |

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| <p>(3) The court may give permission for an appeal to be brought after the end of the period allowed by subsection (2), but only if it is satisfied—</p> <p>(a) where permission is sought before the end of that period, that there is a good reason for the applicant to be unable to bring the appeal in time, or</p> <p>(b) where permission is sought after that time, that there is a good reason for the applicant's failure to bring the appeal in time and for any delay in applying for permission.</p> <p>(4) On appeal the court may make such order confirming, quashing or varying the decision <u>on review or the original assessment, decision or plan</u> as it thinks fit.</p> <p>(5) Where the authority was under a duty under section 68, 75 or 82 to secure that suitable accommodation is available for the applicant's occupation, it may secure that suitable accommodation is so available—</p> <p>(a) during the period for appealing under this section <del>against the authority's decision</del>, and</p> <p>(b) if an appeal is brought, until the appeal (and any further appeal) is finally determined.</p> |  |
| <p><b>91 Out-of-area placement</b></p> <p>(1) A local housing authority must in discharging its functions under this Chapter secure or help to secure that suitable accommodation is available for the occupation of the applicant in its area, so far as is reasonably practicable.</p> <p>(2) If the authority secures that accommodation is available for the occupation of the applicant outside its area in Wales or England, it must give notice to the local housing authority (whether in Wales or England) in whose area the accommodation is situated.</p> <p>(3) The notice must state—</p> <p>(a) the name of the applicant,</p>   | <p>Schedule<br/>1, paragraph 3(15)</p> |



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| <p>(b)the number and description of other <u>members of the applicant's household</u> <del>persons who normally reside with the applicant as a member of his or her family or might reasonably be expected to reside with the applicant,</del></p> <p>(c)the address of the accommodation,</p> <p>(d)the date on which the accommodation was made available to the applicant, and</p> <p>(e)which function under this Chapter the authority was discharging in securing that the accommodation is available for the applicant's occupation.</p> <p>(4) The notice must be in writing, and must be given before the end of the period of 14 days beginning with the day on which the accommodation was made available to the applicant.</p>   |   |
| <p><b>93 Protection of property</b></p> <p>(1) Where a local housing authority has become subject to a duty in respect of an applicant as described in subsection (2), <u>or would have become subject to the duty in section 75 in respect of an applicant but for section 75(7) applying,</u> it must take reasonable steps to prevent the loss of the personal property of the applicant or prevent or mitigate damage to it if the authority has reason to believe that—</p> <p>(a) there is danger of loss of, or damage to, the property by reason of the applicant's inability to protect it or deal with it, and</p> <p>(b) no other suitable arrangements have been or are being made.</p> <p>(2) The duties in respect of an applicant are—</p> <ul style="list-style-type: none"> <li>• section 66 (duty to help to prevent an applicant from becoming homeless) <del>in the case of an applicant in priority need;</del></li> <li>• section 68 ( interim duty to secure accommodation <del>for homeless applicants in priority need</del>);</li> </ul> | <p>Section 26 and Schedule 1, paragraph 3(16)</p> |

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| <ul style="list-style-type: none"> <li>• section 75 (duty to secure accommodation <del>for applicants in priority need when the duty in section 73 ends</del>);</li> <li>• section 82 (duties to applicant whose case is considered for referral or referred) <del>in the case of an applicant in priority need</del>.</li> </ul> <p>(3) Where a local housing authority has become subject to the duty in subsection (1), it continues to be subject to that duty even if the duty in respect of the applicant as described in subsection (2) comes to an end.</p> <p>(4) The duty of a local housing authority under subsection (1) is subject to any conditions it considers appropriate in the particular case, which may include conditions as to—</p> <ul style="list-style-type: none"> <li>(a) the making and recovery by the authority of reasonable charges for the action taken, or</li> <li>(b) the disposal by the authority, in such circumstances as may be specified, of property in relation to which it has taken action.</li> </ul> <p>(5) A local housing authority may take any steps it considers reasonable for the purpose of protecting the personal property of an applicant who is eligible for help or prevent or mitigate damage to it if the authority has reason to believe that—</p> <ul style="list-style-type: none"> <li>(a) there is danger of loss of, or damage to, the property by reason of the applicant's inability to protect it or deal with it, and</li> <li>(b) no other suitable arrangements have been or are being made.</li> </ul> <p>(6) References in this section to personal property of the applicant include personal property of any member of the applicant's household <del>person who might reasonably be expected to reside with the applicant</del>.</p> |                                    |
| <p><b>94 Protection of property: supplementary provisions</b></p> <p>(1) The authority may for the purposes of section 93—</p>   | <p>Schedule 1, paragraph 3(17)</p> |

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| <p>(a)enter, at all reasonable times, any premises which are the usual place of residence of the applicant or which were the applicant's last usual place of residence, and</p> <p>(b)deal with any personal property of the applicant in any way which is reasonably necessary, in particular by storing it or arranging for its storage.</p> <p>(2) Where a local authority is proposing to exercise the power in subsection (1)(a), the officer it authorises to do so must, upon request, produce valid documentation setting out the authorisation to do so.</p> <p>(3) A person who, without reasonable excuse, obstructs the exercise of the power under subsection (1)(a) commits an offence and is liable on summary conviction to a fine not exceeding level 4 on the standard scale.</p> <p>(4) Where the applicant asks the authority to move his or her property to a particular location nominated by the applicant, the authority—</p> <p>(a)may, if it appears to it that the request is reasonable, discharge its responsibilities under section 93 by doing as the applicant asks, and</p> <p>(b)having done so, have no further duty or power to take action under that section in relation to that property.</p> <p>(5) If such a request is made, the authority must before complying with it inform the applicant of the consequence of it doing so.</p> <p>(6) If no such request is made (or, if made, is not acted upon) the authority cease to have any duty or power to take action under section 93 when, in its opinion, there is no longer any reason to believe that there is a danger of loss of or damage to a person's personal property by reason of his or her inability to protect it or deal with it.</p> <p>(7) But property stored by virtue of the authority having taken such action may be kept in store and any conditions</p> |  |
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| <p>upon which it was taken into store continue to have effect, with any necessary modifications.</p> <p>(8) Where the authority—</p> <p>(a) ceases to be subject to a duty to take action under section 93 in respect of an applicant's property, or</p> <p>(b) ceases to have power to take such action, having previously taken such action,</p> <p>it must notify the applicant of that fact and of the reason for it.</p> <p>(9) The notification must be given to the applicant—</p> <p>(a) by delivering it to the applicant, or</p> <p>(b) leaving it at, or sending it to, the applicant's last known address.</p> <p>(10) References in this section to personal property of the applicant include personal property of any <u>member of the applicant's household</u> <del>person who might reasonably be expected to reside with the applicant.</del></p>  |                      |
| <p><b><u>94A Duty of a public authority to ask and act</u></b></p> <p><u>(1) This section applies if a specified public authority (see section 94B) considers that a person in Wales in relation to whom the authority exercises functions is or may be homeless or threatened with homelessness, subject to subsection (7).</u></p> <p><u>(2) The specified public authority must ask the person—</u></p> <p><u>(a) to agree to the authority notifying a local housing authority in Wales or England of—</u></p> <p><u>(i) the opinion mentioned in subsection (1), and</u></p> <p><u>(ii) how the person may be contacted by the local housing authority;</u></p> <p><u>(b) to identify a local housing authority in Wales or England to which the person would like the notification to be made</u></p> <p><u>(3) If the person agrees to the specified public authority making the notification, the specified public authority must notify—</u></p> | <p>Section 21(2)</p> |

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| <p><u>(a) the local housing authority identified by the person, or</u></p> <p><u>(b) if the person has not identified an authority, the local housing authority in Wales or England that the specified public authority considers appropriate.</u></p> <p><u>(4) If the notification required by subsection (3) is made to a local housing authority in Wales, the notification is to be treated as if it were an application by the person to the local housing authority under section 62(1)(a).</u></p> <p><u>(5) The specified public authority must—</u></p> <p><u>(a) provide the person with information about help available from other public authorities (or any other person) for people who are homeless or who may become homeless;</u></p> <p><u>(b) consider whether there are any other steps it could reasonably take in the exercise of its functions to help the person secure or retain suitable accommodation and, if the authority considers there are any, it must take those steps;</u></p> <p><u>(c) consider whether the opinion mentioned in subsection (1) affects the exercise of its functions in relation to the person regarding any matter.</u></p> <p><u>(6) Subsection (5)(b) does not affect any right of the specified public authority, whether by virtue of a contract, enactment or rule of law, to secure vacant possession of any accommodation.</u></p> <p><u>(7) The duties in subsections (2) and (3) do not apply if the specified public authority is satisfied that—</u></p> <p><u>(a) an application to a local housing authority in Wales under section 62(1)(a) of this Act, or a local authority in England under section 183 of the Housing Act 1996 (c.52) (“the 1996 Act”), has been made in respect of the person, and</u></p> <p><u>(b) either—</u></p> <p><u>(i) the application is being considered, or</u></p> <p><u>(ii) a duty applies under this Act, or the 1996 Act, to secure accommodation or provide other help in respect of the application.</u></p> |  |
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#### **94B Specified public authorities**

(1) For the purposes of sections 94A, the “specified public authorities” are—

(a) a social services authority;

(b) a Local Health Board, but only in relation to individuals to whom it provides or arranges health care services that are not primary care services;

(c) the Welsh Ambulance Services University National Health Service Trust;

(d) a registered social landlord;

(e) a new town corporation for an area in Wales;

(f) a private registered provider of social housing that provides housing in Wales;

(g) a housing action trust for an area in Wales;

(h) the governor of a prison in Wales;

(i) the director of a contracted out prison in Wales;

(j) the governor of a young offender institution in Wales;

(k) the governor of a secure training centre in Wales;

(l) the director of a contracted out secure training centre in Wales;

(m) the principal of a secure college in Wales;

(n) a youth offending team established under section 39(1) of the Crime and Disorder Act 1998 (c. 37) for an area in Wales;

(o) the manager of a secure children’s home in Wales;

(p) a provider of probation services in Wales;

(q) an officer employed by the Secretary of State at an office in Wales known as a Jobcentre Plus office;

(r) the Secretary of State for Defence, but only in relation to members of the regular armed forces of the crown.

(2) The Welsh Ministers may, by regulations, amend subsection (1)-

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| <p><u>(a) to omit or add a person, or a description of a person;</u></p> <p><u>(b) to change a reference to a person or a description of a person.</u></p> <p><u>(3) The regulations—</u></p> <p><u>(a) may include provision that would require the consent of the appropriate Minister under paragraph 8(1)(a) or (c), 10 or 11 of Schedule 7B to the Government of Wales Act 2006 (c. 32) if the provision were included in an Act of Senedd Cymru;</u></p> <p><u>(b) may include provision that would require consultation of the appropriate Minister under paragraph 11(2) of Schedule 7B to the Government of Wales Act 2006 if the provision were included in an Act of Senedd Cymru.</u></p>  |  |
| <p><b>95 Co-operation</b></p> <p>(1) A council of a county or county borough in Wales must make arrangements to promote co-operation between the officers of the authority who exercise its social services functions and those who exercise its functions as the local housing authority with a view to achieving the following objectives in its area—</p> <p>(a) the prevention of homelessness,</p> <p>(b) that suitable accommodation is or will be available for people who are or may become homeless,</p> <p>(c) that satisfactory support is available for people who are or may become homeless, and</p> <p>(d) the effective discharge of its functions under this Part <u>and, in relation to persons who are homeless or at risk of becoming homeless, the Social Services and Well-being (Wales) Act 2014 (anaw 4).</u></p> <p><u>(1A) The arrangements under subsection (1) must include a protocol for handling cases involving—</u></p> <p><u>(a) persons aged 16 or 17 who are homeless or threatened with homelessness;</u></p> | <p>Sections 24(2) and (3), 25(2) and 32(2)</p> |

(b) the accommodation and support needs of care leavers;

(c) the accommodation and support needs of care leavers and persons aged 16 or 17 leaving youth detention accommodation, prison or approved premises.

(1B) In subsection (1A) “care leavers” -

(a) means persons falling within any of the categories of young person entitled to support under any of sections 105 to 115 of the Social Services and Well-being (Wales) Act 2014 (anaw 4) (“the 2014 Act”) (see section 104 of the 2014 Act) and,

(b) in paragraph (c), it includes persons who would be so entitled were it not for sections 185 and 186 of the 2014 Act.

(1C) A local housing authority in Wales must make arrangements to promote cooperation between itself and such persons mentioned in subsection (1D) that exercise functions in the authority’s area as it considers appropriate with a view to achieving the following objectives in its area—

(a) the prevention of homelessness,

(b) that suitable accommodation is available for persons who are or may become homeless,

(c) that satisfactory support is available for persons who are or may become homeless,

(d) effective case co-ordination by persons mentioned in subsection

(1D) regarding persons who are or may become homeless and who may also be in particular need of other support, and



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| <p><u>(e) effective discharge of its functions under this Part.</u></p> <p><u>(1D) The persons are—</u></p> <p>(a) <u>the persons mentioned in subsection (5);</u></p> <p>(b) <u>any other public authority with functions which are capable of contributing to the achievement of any of the objectives mentioned in subsection (1C);</u></p> <p>(c) <u>any voluntary organisation or other person whose activities are capable of contributing to the achievement of any of those objectives.</u></p> <p><u>(1E) The arrangements under subsection (1C) must include a protocol for handling cases involving persons who are or who may become homeless and who may also be in particular need of other support or services including in particular support or services required in connection with—</u></p> <p><u>—</u></p> <p>(a) <u>leaving prison or youth detention accommodation,</u></p> <p>(b) <u>leaving the regular armed forces of the Crown,</u></p> <p>(c) <u>misusing drugs and other substances;</u></p> <p>(d) <u>mental health.</u></p> <p>(2) If a local housing authority requests the co-operation of a person mentioned in subsection (5) in the exercise of its functions under this Part, the person must comply with the request unless the person considers that doing so would—</p> <p>(a) be incompatible with the person's own duties,</p> <p>or</p> <p>(b) otherwise have an adverse effect on the exercise of the person's functions.</p> <p>(3) If a local housing authority requests that a person mentioned in subsection (5) provides it with</p> |  |
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| <p>information it requires for the purpose of the exercise of any of its functions under this Part, the person must comply with the request unless the person considers that doing so would—</p> <p>(a) be incompatible with the person's own duties,</p> <p>or</p> <p>(b) otherwise have an adverse effect on the exercise of the person's functions.</p> <p>(4) A person who decides not to comply with a request under subsection (2) or (3) must give the local housing authority who made the request written reasons for the decision.</p> <p><del>(5) The persons (whether in Wales or England) are—</del></p> <p><del>(a) a local housing authority;</del></p> <p><del>(b) a social services authority;</del></p> <p><del>(c) a registered social landlord;</del></p> <p><del>(d) a new town corporation;</del></p> <p><del>(e) a private registered provider of social housing;</del></p> <p><del>(f) a housing action trust.</del></p> <p><del>(6) The Welsh Ministers may amend subsection (5) by order to omit or add a person, or a description of a person.</del></p> <p><del>(7) An order under subsection (6) may not add a Minister of the Crown.</del></p> <p><del>(8) In this section—</del></p> <ul style="list-style-type: none"> <li><del>• “housing action trust” (“ymddiriedolaeth gweithredu tai”) means a housing action trust established under Part 3 of the Housing Act 1988;</del></li> <li><del>• “new town corporation” (“corfforaeth tref newydd”) has the meaning given in Part 1 of the Housing Act 1985;</del></li> <li><del>• “private registered provider of social housing” (“darparwr tai cymdeithasol preifat cofrestredig”) has the meaning given by Part 2 of the Housing and Regeneration Act 2008;</del></li> <li><del>• “registered social landlord” (“landlord cymdeithasol cofrestredig”) has the meaning given by Part 1 of the Housing Act 1996.</del></li> </ul> |  |
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(5) The persons are—

(a) a local housing authority in Wales or England;

(b) a social services authority in Wales or England;

(c) a Local Health Board, but only in relation to individuals to whom it provides or arranges health care services that are not primary care services;

(d) a registered social landlord, whether in relation to housing provided in Wales or England;

(e) a new town corporation for an area in Wales or England;

(f) a private registered provider of social housing, whether in relation to housing provided in Wales or England;

(g) a housing action trust for an area in Wales or England;

(h) the governor of a prison in Wales or England;

(i) the director of a contracted-out prison in Wales or England;

(j) the governor of a young offender institution in Wales or England;

(k) the governor of a secure training centre in Wales or England;

(l) the director of a contracted out secure training centre in Wales or England;

(m) the principal of a secure college in Wales or England;

(n) the manager of a secure children's home in Wales or England;

(o) a youth offending team established under section 39(1) of the Crime and Disorder Act 1998 (c. 37) for an area in Wales or England;

(p) a provider of probation services in Wales or England;

(q) an officer employed by the Secretary of State at an office in Wales or England known as a Jobcentre Plus office;

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| <p><u>(r) the Secretary of State for Defence, but only in relation to members of the regular armed forces of the Crown.</u></p> <p><u>(6) The Welsh Ministers may, by regulations, amend subsection (5)-</u></p> <p><u>(a) to omit or add a reference to a person, or a description of a person;</u></p> <p><u>(b) to change a reference to a person or a description of a person.</u></p> <p><u>(7) The regulations—</u></p> <p><u>(a) may include provision that would require the consent of the appropriate Minister under paragraph 8(1)(a) or (c), 10 or 11 of Schedule 7B to the Government of Wales Act 2006 (c. 32) if the provision were included in an Act of Senedd Cymru;</u></p> <p><u>(b) may include provision that would require consultation of the appropriate Minister under paragraph 11(2) of Schedule 7B to the Government of Wales Act 2006 if the provision were included in an Act of Senedd Cymru.</u></p> |  |
| <p><b>96 Co-operation in certain cases involving children</b></p> <p>(1) This section applies where a local housing authority has reason to believe that <u>a member of an applicant's household is under the age of 18 and that the applicant</u> <del>an applicant with whom a person under the age of 18 normally resides, or might reasonably be expected to reside—</del></p> <p>(a) may be ineligible for help,</p> <p>(b) may be homeless and that a duty under section 68, 73 or 75 is not likely to apply to the applicant, or</p> <p>(c) may be threatened with homelessness and that a duty under section 66 is not likely to apply to the applicant.</p> <p>(2) A local housing authority must make arrangements for ensuring that—</p> <p>(a) the applicant is invited to consent to the referral to the social services department of the essential facts of his or her case, and</p>                                   | <p>Schedule 1,<br/>paragraph 3(18)</p> |

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| <p>(b)if the applicant has given that consent, the social services department is made aware of those facts and of the subsequent decision of the authority in respect of his or her case.</p> <p>(3) Nothing in subsection (2) affects any power apart from this section to disclose information relating to the applicant's case to the the social services department without the consent of the applicant.</p> <p>(4)A council of a county or county borough must make arrangements for ensuring that, where it makes a decision as local housing authority that an applicant is ineligible for help, <del>became homeless intentionally or became threatened with homelessness intentionally</del>, its housing department provides the social services department with such advice and assistance as the social services department may reasonably request.</p> <p>(5)In this section, in relation to the council of a county or county borough—</p> <ul style="list-style-type: none"> <li>• “the housing department” (“<i>yr adran da</i>”) means those persons responsible for the exercise of its functions as local housing authority;</li> <li>• “the social services department” (“<i>yr adran gwasanaethau cymdeithasol</i>”) means those persons responsible for the exercise of its social services functions under Part 3 of the Social Services and Well-Being (Wales) Act 2014.</li> </ul> |                           |
| <p><b><u>96A Co-operation between social landlords and local housing authorities</u></b></p> <p><u>(1) Where a local housing authority owes a duty to an applicant under section 75, it may request a social landlord that provides accommodation in its area to make the applicant an offer of suitable accommodation in its area.</u></p> <p><u>(2) For the purposes of this section and section 96B, “social landlord” means—</u></p> <p><u>(a) a registered social landlord, or</u></p> <p><u>(b) a private registered provider of social housing.</u></p> <p><u>(3) In deciding whether to make a request, the local housing authority must have regard to the availability of suitable accommodation in its area held by it.</u></p>   | <p>Sections 33 and 34</p> |

(4) Where a local housing authority makes a request under subsection (1), a social landlord must, within a reasonable period, comply with the request unless the landlord has good reasons for not doing so.

(5) A social landlord which provides accommodation in the area of a local housing authority must comply with any reasonable request for information in relation to that accommodation made to it by the authority in connection with the exercise of the authority's functions under this section.

(6) The Welsh Ministers may issue guidance as to what constitutes—

(a) a good reason for the purposes of subsection (4)

(b) a reasonable period for the purposes of subsection (4);

(c) a reasonable request for the purposes of subsection (5).

(7) Before giving any such guidance, the Welsh Ministers must consult—

(a) such associations representing local authorities in Wales,

(b) such associations representing social landlords,  
and

(c) such other persons,

as they think appropriate.

(8) A social landlord must have regard to guidance given under this section.

### **96B Directions to require compliance with requests under section 96A**

(1) Subsection (3) applies if—

(a) a social landlord does not comply within a reasonable period with a request made by a local housing authority under section 96A(1), and

(b) the local housing authority considers that, having regard to any explanation given to the authority by the social landlord, the social landlord does not have a good reason for not complying with the request.

(2) Subsection (3) also applies if the social landlord does not respond, within a reasonable period, to a request made by a local housing authority under section 96(A)(1).

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| <p><u>(3) The local housing authority may refer the matter to the Welsh Ministers.</u></p> <p><u>(4) After receiving a referral under subsection (3), the Welsh Ministers must notify the social landlord of—</u></p> <p style="padding-left: 40px;"><u>(a) the referral, and</u></p> <p style="padding-left: 40px;"><u>(b) the period for making representations to the Welsh Ministers on the referral.</u></p> <p><u>(5) If, after considering the referral and any representations made by the social landlord, the Welsh Ministers consider that the social landlord does not have a good reason for not complying with the request made by the local housing authority or did not respond to such a request, the Welsh Ministers may direct the social landlord to comply with the request made by the local housing authority within such period as may be specified in the direction.</u></p> <p><u>(6) A social landlord must comply with a direction given to it under subsection (5).</u></p> <p><u>(7) A direction under subsection (5)—</u></p> <p style="padding-left: 40px;"><u>(a) must be in writing;</u></p> <p style="padding-left: 40px;"><u>(b) may varied or revoked by a later direction;</u></p> <p style="padding-left: 40px;"><u>(c) is enforceable by mandatory order on application by, or on behalf of, the Welsh Ministers or the local housing authority that made the referral in respect of which the direction is made.</u></p> <p><b><u>96C Viewing accommodation</u></b></p> <p><u>If a local housing authority secures an offer of accommodation for an applicant with a view to bringing the authority's duty under section 66 or 75 to an end it must take reasonable steps to provide the applicant with an opportunity to view the accommodation (whether in person or otherwise) before the applicant decides whether to accept or refuse the offer.</u></p> |                   |
| <p><b><u>General</u></b></p> <p><b>97 False statements, withholding information and failure to disclose change of circumstances</b></p> <p>(1) It is an offence for a person, with intent to induce a local housing authority to believe in connection with the exercise of its functions under this Chapter that the person or another person is entitled to accommodation or assistance in</p>   | <p>Section 31</p> |

accordance with the provisions of this Chapter, or is entitled to accommodation or assistance of a particular description—

(a) knowingly or recklessly to make a statement which is false in a material particular, or

(b) knowingly to withhold information which the authority has reasonably required the person to give in connection with the exercise of those functions.

(2) If before an applicant receives notification of the local housing authority's decision on the application there is any change of facts material to the case, the applicant must notify the authority as soon as possible.

(3) The authority must explain to every applicant, in ordinary language, the duty imposed by subsection (2) and the effect of subsection (4).

(4) A person who fails to comply with subsection (2) after being given the explanation required by subsection (3) commits an offence.

(5) In proceedings against a person for an offence committed under subsection (4) it is a defence that the person had a reasonable excuse for failing to comply.

(6) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 4 on the standard scale.

#### **97A Reports on use and condition of interim accommodation**

(1) The Welsh Ministers must publish and lay before Senedd Cymru a report on the use and condition of interim accommodation that is secured under section 68 and section 75 by local housing authorities in Wales.

(2) For that purpose, local housing authorities in Wales must supply the Welsh Ministers with such information as they may require.

(3) The first report under this section must be laid, and published, on or before 31 December 2030.



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| <p><u>(4) A report must be laid, and published, at the end of each subsequent period of 5 years beginning with the date the first report was published.</u></p>   |                                    |
| <p><b>98 Guidance</b></p> <p>(1) In the exercise of its functions relating to homelessness, a council of a county or county borough must have regard to guidance given by the Welsh Ministers.</p> <p>(2) Subsection (1) applies in relation to functions under this Part and any other enactment.</p> <p><u>(2A) In the exercise of its functions under sections 94A, a specified public authority must have regard to guidance given by the Welsh Ministers.</u></p> <p>(3) The Welsh Ministers may—</p> <p>(a) give guidance either generally or to specified descriptions of authorities;</p> <p>(b) revise the guidance by giving further guidance under this Part;</p> <p>(c) withdraw the guidance by giving further guidance under this Part or by notice.</p> <p>(4) The Welsh Ministers must publish any guidance or notice under this Part.</p> <p><u>(5) Before giving, revising or withdrawing guidance under this section, the Welsh Ministers must consult such public or local authorities, voluntary organisations, persons who are, or who have been homeless or threatened with homelessness in Wales or other persons as they consider appropriate.</u></p> | <p>Sections 21(3) and 29(4)</p>    |
| <p><b>99 Interpretation of this Chapter and index of defined terms</b></p> <p><u>(1) In this Chapter—</u></p> <p>“abuse” (“<i>camdriniaeth</i>”) has the meaning given by section 58;</p>   | <p>Schedule 1, paragraph 3(19)</p> |

“accommodation available for occupation” (“*llety sydd ar gael i’w feddiannu*”) has the meaning given by section 56;

“applicant” (“*ceisydd*”) has the meaning given by section 62(3) and section 83(3);

“appropriate Minister” (“*Gweinidog priodol*”) has the meaning given by paragraph 8(5) of Schedule 7B to the Government of Wales Act 2006 (c. 32);”;

““approved premises” (“*mangre a gymeradwywyd*”) has the meaning given by section 13 of the Offender Management Act 2007 (c. 21);”;

~~“associated” (“*cysylltiedig*”), in relation to a person, has the meaning given by section 58;~~

“assured tenancy” (“*tenantiaeth sicr*”) and “assured shorthold tenancy” (“*tenantiaeth fyrddaliol sicr*”) have the meaning given by Part 1 of the Housing Act 1988;

““contracted out prison” (“*carchar ar gontract*”) has the meaning given by section 84(4) of the Criminal Justice Act 1991 (c. 53);

“contracted out secure training centre” (“*canolfan hyfforddi ddiogel ar gontract*”) has the meaning given by section 15 of the Criminal Justice and Public Order Act 1994 (c. 33);

~~“domestic abuse” (“*camdriniaeth ddomestig*”) has the meaning given by section 58;~~

“eligible for help” (“*yn gymwys i gael cymorth*”) means not excluded from help under this Chapter by Schedule 2;

“enactment” (“*deddfiad*”) means an enactment (whenever enacted or made) comprised in, or in an instrument made under—

(a) an Act of Parliament,

(b) a Measure or an Act of the National Assembly for Wales;

~~“help to secure” (“*cynorthwyo i sicrhau*”), in relation to securing that suitable accommodation is available, or does not cease to be available, for occupation, has the meaning given by section 65;~~

“help under this Chapter” (“*cynorth o dan y Bennod hon*”) means the benefit of any function under sections 66, 68, ~~73~~, or 75;

“homeless” (*“digartref”*) has the meaning given by section 55 and “homelessness” (*digartrefedd*) is to be interpreted accordingly;

“housing action trust” (*“ymddiriedolaeth gweithredu tai”*) means a housing action trust established under Part 3 of the Housing Act 1988 (c. 50);”;

~~“intentionally homeless” (*“digartref yn fwriadol”*) has the meaning given by section 77;~~

“local connection” (*“cysylltiad lleol”*) has the meaning given by section 81;

“Local Health Board” (*“Bwrdd Iechyd Lleol”*) means a Local Health Board established under section 11 of the National Health Service (Wales) Act 2006 (c. 42).”

“local housing authority” (*“awdurdod tai lleol”*) means—

(a) in relation to Wales, the council of a county or county borough, and

(b) in relation to England, a district council, a London borough council, the Common Council of the City of London or the Council of the Isles of Scilly,

but a reference to a “local housing authority” is to be interpreted as a reference to a local housing authority for an area in Wales only, unless this Chapter expressly provides otherwise;

“looked after, accommodated or fostered” (*“yn derbyn gofal, yn cael ei letya neu'n cael ei faethu”*) has the meaning given by section 70(2) means

(a) looked after by a local authority (within the meaning of section 74 of the Social Services and Well-Being (Wales) Act 2014 (anaw 4) or section 22 of the Children Act 1989 (c. 41)),

(b) accommodated by or on behalf of a voluntary organisation,

(c) accommodated in a private children's home,

(d) accommodated for a continuous period of at least three months—

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| <p>(i) <u>by any Local Health Board or Special Health Authority,</u></p> <p>(ii) <u>by or on behalf of an integrated care board or NHS England,</u></p> <p>(iii) <u>by or on behalf of a county or county borough council in Wales in the exercise of education functions,</u></p> <p>(iv) <u>by or on behalf of a local authority in England in the exercise of education functions,</u></p> <p>(v) <u>in any care home or independent hospital, or</u></p> <p>(vi) <u>in any accommodation provided by or on behalf of an NHS Trust or by or on behalf of an NHS Foundation Trust, or</u></p> <p>(e) <u>privately fostered (within the meaning of section 66 of the Children Act 1989 (c. 41)).</u></p> <p><u>““member of the applicant’s household” (“<i>aelod o aelwyd y ceisydd</i>”) (and any similar reference to member of a person’s household) is to be interpreted in accordance with section 56;”;</u></p> <p><u>““new town corporation” (“<i>corfforaeth tref newydd</i>”) has the meaning given by Part 1 of the Housing Act 1985 (c. 68);”;</u></p> <p><b>[F1]</b>“occupation contract” (“<i>contract meddiannaeth</i>”) has the same meaning as in the Renting Homes (Wales) Act 2016 (<b>anaw 1</b>) (see section 7 of that Act);</p> <p>“prescribed” (“<i>rhagnodedig</i>”) means prescribed in regulations made by the Welsh Ministers;</p> <p><u>“primary care services” (“<i>gwasanaethau gofal sylfaenol</i>”) means services provided under or by virtue of Parts 4 to 7 of the National Health Service (Wales) Act 2006 (c. 42);</u></p> |  |
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““prevention, support and accommodation plan” (“*cynllun atal, cefnogaeth a llety*”) means a plan required by section 63A;”

~~“priority need for accommodation” (“*angen blaenoriaethol am llety*”) has the meaning given by section 70;~~

“prison” (“*carcharor*”) has the same meaning as in the Prison Act 1952 (see section 53(1) of that Act)

prisoner” (“*carcharor*”) means a person who is—

- (a) serving a custodial sentence within the meaning of section 76 of the Powers of Criminal Courts (Sentencing) Act 2000 or section 222 of the Sentencing Code,
- (b) remanded in or committed to custody by an order of a court, or
- (c) remanded to youth detention accommodation under section 91(4) of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c.10);

“private landlord” (“*landlord preifat*”) means a landlord —

(a) of a dwelling in Wales, who is within section 10 of the Renting Homes (Wales) Act 2016 (anaw 1) (private landlords);

(b) of a dwelling in England, who is not within section 80(1) of the Housing Act 1985 (c. 68) (the landlord condition for secure tenancies);]

private registered provider of social housing” (“*darparwr tai cymdeithasol preifat cofrestredug*”) has the meaning given by Part 2 of the Housing and Regeneration Act 2008 (c. 17);”;

“reasonable to continue to occupy accommodation” (“*rhesymol parhau i feddiannu llety*”) has the meaning given by section 57;

“registered social landlord” (“*landlord cymdeithasol cofrestredig*”) has the meaning given by Part 1 of the Housing Act 1996 (c. 52);”;

“regular armed forces of the Crown” (“*lluoedd arfog rheolaidd y Goron*”) means the regular forces as defined by section 374 of the Armed Forces Act 2006;

“restricted person” (“*person cyfyngedig*”) has the meaning given by section 63(5);

“secure children’s home” (“cartref diogel i blant”) means—

(a) accommodation in Wales in respect of which a person is registered under Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016 (anaw 2) to provide a secure accommodation service within the meaning of Part 1 of that Act.

(b) accommodation which is provided in a children’s home in England, within the meaning of the Care Standards Act 2000 (c. 14)— (i) which provides accommodation for the purposes of restricting liberty, and (ii) in respect of which a person is registered under Part 2 of that Act;

“social services authority” (“awdurdod gwasanaethau cymdeithasol”) means—

(a) in relation to Wales, the council of a county or county borough council in the exercise of its social services functions, within the meaning of section 119 of the Social Services and Well-being (Wales) Act 2014, and

(b) in relation to England, a local authority for the purposes of the Local Authority Social Services Act 1970, as defined in section 1 of that Act,

but a reference to a “social services authority” is to be interpreted as a reference to a social services authority for an area in Wales only, unless this Chapter expressly provides otherwise;

“specified public authority” (“awdurdod cyhoeddus penodedig”) means the persons set out in section 94B(1);

“threatened with homelessness” (“o dan fygythiad o ddigartrefedd”) has the meaning given by section 55(4);

“voluntary organisation” (“corff gwirfoddol”) means a body (other than a public or local authority) whose activities are not carried on for profit.

“youth detention accommodation” (“llety cadw ieuenctid”) means—

(a) a secure children's home;

(b) a secure training centre;

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| <p>(c) a young offender institution;</p> <p>(d) accommodation provided, equipped and maintained by the Welsh Ministers under section 82(5) of the Children Act 1989 for the purpose of restricting the liberty of children;</p> <p>(e) accommodation, or accommodation of a description, for the time being specified <b>[F3]</b> by regulations under section 248(1)(f) of the Sentencing Code] (youth detention accommodation for the purposes of detention and training orders).</p>   |   |
| <p><b>Orders and regulations</b></p> <p>A power to make an order or regulations under this Act is to be exercised by statutory instrument.</p> <p>(2) A power to make an order or regulations under this Act includes power—</p> <p>(a) to make different provision for different cases or classes of case, different areas or different purposes;</p> <p>(b) to make different provision generally or subject to specified exemptions or exceptions or only in relation to specific cases or classes of case;</p> <p>(c) to make such incidental, supplementary, consequential, transitory, transitional or saving provision as the person making the order or regulations considers appropriate.</p> <p>A statutory instrument containing any of the following may not be made unless a draft of the instrument has been laid before, and approved by resolution of, the National Assembly for Wales—</p> <p>(a) in Part 1—</p> <p>(i) an order made under section 2(1)(c), 3, 5(f), 6(3), 7(4), 8(f), 10(4)(d), 12(3)(d), 14(3), 20(7) or 29(5);</p> <p>(ii) regulations made under section 19(2);</p> <p>(b) in Part 2—</p> | <p>Sections 6(4), 11(7), 12(3), 13(3), 21(4) and 32(3),</p> |

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| <p>(i) an order made under section 57(4), 59(3), 72, 80(5)(b)(i), 80(8) <del>or 81(4)</del>;</p> <p>(ii) regulations made under section <u>75(5)(b)</u>, 78(1), <u>80(2)(b)</u>, <u>80(2A)(b)</u>, <u>81(4)</u>, <u>81A(2)(b)</u> <del>or 86(1)</del>, <u>86(1)</u>, <u>94B(2)</u> or <u>95(6)</u>. and regulations made by the Welsh Ministers under paragraph 1 of Schedule 2;</p> <p>(c) in Part 3, an order made under section 101 or 109;</p> <p>(d) in this Part, regulations made under section 144 which amend or repeal any provision of an Act of Parliament or a Measure or Act of the National Assembly for Wales.</p> <p>Any other statutory instrument containing an order or regulations made by the Welsh Ministers under this Act other than an order made under section 40(7) is subject to annulment in pursuance of a resolution of the National Assembly for Wales.</p> <p>A statutory instrument containing an order made under section 80(5)(b)(ii) may not be made unless a draft of the instrument has been laid before, and approved by resolution of—</p> <p>(a) each House of Parliament, and</p> <p>(b) the National Assembly for Wales.</p> <p>A statutory instrument containing regulations made by the Secretary of State under paragraph 1 of Schedule 2 may not be made unless a draft of the instrument has been laid before, and approved by resolution of, each House of Parliament.</p> <p>This section does not apply to an order made under section 145 (commencement).</p> |                                    |
| <p>SCHEDULE 2 ELIGIBILITY FOR HELP UNDER CHAPTER 2 OF PART 2</p> <p>Persons not eligible for help</p>   | <p>Schedule 1, paragraph 3(20)</p> |



1(1)A person is not eligible for help under section 66, 68, ~~73~~ or 75 if he or she is a person from abroad who is ineligible for housing assistance.

(2)A person who is subject to immigration control within the meaning of the Asylum and Immigration Act 1996 is not eligible for housing assistance unless the person falls within a class of persons prescribed by regulations made by the Welsh Ministers or the Secretary of State.

(3)No person who is excluded from entitlement to universal credit or housing benefit by section 115 of the Immigration and Asylum Act 1999 (exclusion from benefits) may be included in any class prescribed under sub-paragraph (2).

(4)The Welsh Ministers or the Secretary of State may by regulations provide for other descriptions of persons who are to be treated for the purposes of Chapter 2 of Part 2 as persons from abroad who are ineligible for housing assistance.

(5)A person who is not eligible for housing assistance is to be disregarded in determining for the purposes of Chapter 2 of Part 2 whether a person falling within sub-paragraph (6)—

(a)is homeless or threatened with homelessness, ~~or~~

(b)~~has a priority need for accommodation.~~

(6)A person falls within this subsection if the person—

(a)falls within a class prescribed by regulations made under sub-paragraph (2), and

[\[F1\]](#)(b)is not a person who, immediately before IP completion day, was—

(i)a national of an EEA State or Switzerland, and

(ii)within a class prescribed by regulations made under sub-paragraph (2) which had effect at that time.]

Asylum-seekers and their dependants: transitional provision

2(1)Until the commencement of the repeal of section 186 of the Housing Act 1996 (asylum-seekers and their dependants), that section applies to Chapter 2 of Part 2 of this Act as it applies to Part 7 of that Act.

(2)For this purpose, in section 186 of the Housing Act 1996—

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| <p>(a)the reference to section 185 of that Act is to be interpreted as a reference to paragraph 1, and</p> <p>(b)the reference to “this Part” is to be interpreted as a reference to Chapter 2 of Part 2 of this Act and not Part 7 of that Act.</p> <p>Provision of information by Secretary of State</p> <p>3(1)The Secretary of State must, at the request of a local housing authority, provide the authority with such information as it may require—</p> <p>(a)as to whether a person is a person to whom section 115 of the Immigration and Asylum Act 1999 (exclusion from benefits) applies, and</p> <p>(b)to enable it to determine whether such a person is eligible for help under Chapter 2 of Part 2.</p> <p>(2)Where that information is given otherwise than in writing, the Secretary of State must confirm it in writing if a written request is made to the Secretary of State by the authority.</p> <p>(3)If it appears to the Secretary of State that any application, decision or other change of circumstances has affected the status of a person about whom information was previously provided to a local housing authority under this paragraph, the Secretary of State must inform the authority in writing of that fact, the reason for it and the date on which the previous information became inaccurate.</p> |  |
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## Social Services and Well-being (Wales) Act 2014

| Section  | Amended by           |
|--|----------------------|
| <p><b>108 Pathway assessments and plans: post-18 living arrangements</b></p> <p>(1) The responsible local authority for a category 1 young person who has been placed with a local authority foster parent must comply with subsection (2) when—</p> <p>(a) carrying out an assessment in relation to the young person under section 107(1),</p> <p>(b) preparing and maintaining a pathway plan for the young person under section 107(3), or</p> <p>(c) reviewing the young person's pathway plan under section 107(10).</p> <p>(2) The responsible local authority must ascertain whether the young person and his or her local authority foster parent wish to make a post-18 living arrangement.</p> <p>(3) A “post-18 living arrangement” is an arrangement under which—</p> <p>(a) a category 3 young person—</p> <ul style="list-style-type: none"> <li>(i) who is under the age of 21, and</li> <li>(ii) who was being looked after by a local authority when he or she reached the age of 18 and, immediately before ceasing to be looked after, was a category 1 young person, and</li> </ul> <p>(b) a person (a “former foster parent”) who was the young person's local authority foster parent immediately before he or she ceased to be looked after, continue to live together after the young person has ceased to be looked after.</p> <p>(4) Where the young person and his or her local authority foster parent wish to make a post-18 living arrangement, the responsible local authority must provide advice and other support in order to facilitate the arrangement.</p> | <p>Section 23(2)</p> |

(5) Subsection (4) does not apply if the responsible local authority considers that the making of a post-18 living arrangement between the young person and his or her local authority foster parent would not be consistent with the young person's well-being.

(6) Regulations may make provision about—

(a) the persons to whom information about post-18 living arrangements must be provided;

(b) the manner in which that information must be provided.

### **108A Duty to ensure that suitable accommodation is available for care leavers**

(1) The duty in subsection (2) applies to—

(a) a category 1 young person;

(b) a category 2 young person;

(c) a category 5 young person;

(d) a category 6 young person;

and, in the case of a category 1 or category 2 young person, the duty continues to apply to the young person (to the extent the duty requires) after the young person becomes a category 3 young person.

(2) If the young person's well-being requires it, the responsible local authority for the young person must take reasonable steps to secure that suitable accommodation is available for occupation by the young person —

(a) during the period of 3 years beginning with the day the young person attains the age of 18, and

(b) in relation to a category 3 young person, during a subsequent period when there is a duty towards the young person under section 110.

(3) The duty in subsection (4) applies to—

(a) a category 3 young person;

(b) a category 4 young person;

(c) a category 5 young person who is receiving full-time further or higher education and to whom the responsible authority may give support under section 114(3);;

(d) a former category 5 young person who is receiving full-time further or higher education and to

whom the responsible authority may give support under section 114(5);

(e) a category 6 young person by virtue of section 104(3)(a) who is receiving full-time further or higher education and to whom the responsible authority may give support under section 115(4);

(f) a former category 6 young person by virtue of section 104(3)(a) who is receiving full-time further or higher education and to whom the responsible authority may give support under section 115(6);

and the duty continues to apply to the young person (to the extent the duty requires) after the young person ceases to fall within any of paragraphs (a) to (f).

(4) If the young person's well-being requires it, the responsible local authority for the young person must take reasonable steps to secure that suitable accommodation is available for occupation by the young person during the period of 12 months beginning with—

(a) in relation to a category 3 young person, the day the authority's duty to the young person under section 110 ends;.

(b) in relation to a category 4 young person, the day the authority's duty to the young person under section 112 ends;.

(c) in relation to a category 5 young person, the day the further or higher education, in respect of which support under section 114(3) may have been given, ends;

(d) in relation to a former category 5 young person, the day the further or higher education, in respect of which support under section 114 (5) may have been given, ends;

(e) in relation to a category 6 young person, the day the further or higher education, in respect of which support under section 115(4) may have been given, ends;

(f) in relation to a former category 6 young person, the day the further or higher education, in respect of which support under section 115 (6) may have been given, ends.(5) Accommodation may only be regarded as available for a young person's occupation for the purpose of this section if it is available for occupation by that young person together with any other person who might reasonably be expected to reside with the young person.

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| <p><u>(6) Any interruption in a young person's pursuance of a programme of education or training is to be disregarded for the purpose of subsections (3) and (4) if the responsible local authority is satisfied that the young person will resume the programme as soon as is reasonably practicable."</u></p>  |                      |
| <p><b>109 Support for category 2 young people</b></p> <p>(1) The responsible local authority for a category 2 young person must safeguard and promote that person's well-being and, unless it is satisfied that the person's well-being does not require it, support the person by—</p> <ul style="list-style-type: none"> <li>(a) maintaining the person,</li> <li>(b) providing the person with, or maintaining the person in, suitable accommodation, and</li> <li>(c) providing support of such other descriptions as may be specified in regulations.</li> </ul> <p>(2) Support under subsection (1) may be in kind or in cash.</p> <p><del>(3) Regulations may make provision about the meaning of "suitable accommodation" and in particular about the suitability of landlords or other providers of accommodation.</del></p> <p>(4) Section 78(3) applies in relation to any decision by a local authority for the purposes of this section as it applies in relation to the decisions referred to in that section.</p> | <p>Section 23(3)</p> |
| <p><b><u>109A Meaning of suitable accommodation</u></b></p> <p><u>(1) Regulations may make provision about the meaning of "suitable accommodation" for the purposes of section 108A and 109.</u></p> <p><u>(2) Regulations under subsection (1) may make provision by reference to—</u></p> <ul style="list-style-type: none"> <li><u>(a) any matter connected to the accommodation, including (among other things)—</u> <ul style="list-style-type: none"> <li><u>(i) the suitability of providers of accommodation;</u></li> <li><u>(ii) the conditions of occupation;</u></li> <li><u>(iii) the nature or standard of accommodation;</u></li> <li><u>(iv) the location of accommodation;</u></li> </ul> </li> <li><u>(b) the personal characteristics or circumstances of a young person to whom section 108A or 109 applies</u></li> </ul>   | <p>Section 23(4)</p> |

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| <p><u>or any person with whom the young person might reasonably be expected to reside.</u></p>   |  |   |   |  |                                       |
| <p><b>In Schedule 2,—</b></p> <div data-bbox="207 443 930 784" data-label="Table"> <table> <tr> <td data-bbox="207 443 568 784"> <p>Housing (Wales) Act 2014<br/>Section 95(2), (3) and (4); but only where those functions apply by virtue of subsection (5)(b) of that section.</p> </td><td data-bbox="568 443 930 784"> <p>Co-operation and information sharing in relation to homeless persons and persons threatened with homelessness.</p> </td></tr> </table> </div> <div data-bbox="207 835 930 1415" data-label="Table"> <table> <tr> <td data-bbox="207 835 568 1415"> <p><u>TABLE 1 Housing (Wales) Act 2014</u><br/><u>Sections 94A, so far as it relates to the functions of a specified public authority by virtue of section 94B(1)(a);</u><br/><u>Section 95, so far as it relates to other social services functions.</u></p> </td><td data-bbox="568 835 930 1415"> <p><u>Duty to ask whether a person is homeless or threatened with homelessness and duty to act where a person is homeless or threatened with homelessness;</u><br/><u>Co-operation and information sharing in relation to homeless persons and persons threatened with homelessness.</u></p> </td></tr> </table> </div> | <p>Housing (Wales) Act 2014<br/>Section 95(2), (3) and (4); but only where those functions apply by virtue of subsection (5)(b) of that section.</p>   | <p>Co-operation and information sharing in relation to homeless persons and persons threatened with homelessness.</p> | <p><u>TABLE 1 Housing (Wales) Act 2014</u><br/><u>Sections 94A, so far as it relates to the functions of a specified public authority by virtue of section 94B(1)(a);</u><br/><u>Section 95, so far as it relates to other social services functions.</u></p> | <p><u>Duty to ask whether a person is homeless or threatened with homelessness and duty to act where a person is homeless or threatened with homelessness;</u><br/><u>Co-operation and information sharing in relation to homeless persons and persons threatened with homelessness.</u></p> | <p>Schedule 1,<br/>paragraph 2(2)</p> |
| <p>Housing (Wales) Act 2014<br/>Section 95(2), (3) and (4); but only where those functions apply by virtue of subsection (5)(b) of that section.</p>   | <p>Co-operation and information sharing in relation to homeless persons and persons threatened with homelessness.</p>  |   |   |  |                                       |
| <p><u>TABLE 1 Housing (Wales) Act 2014</u><br/><u>Sections 94A, so far as it relates to the functions of a specified public authority by virtue of section 94B(1)(a);</u><br/><u>Section 95, so far as it relates to other social services functions.</u></p>  | <p><u>Duty to ask whether a person is homeless or threatened with homelessness and duty to act where a person is homeless or threatened with homelessness;</u><br/><u>Co-operation and information sharing in relation to homeless persons and persons threatened with homelessness.</u></p> |   |   |  |                                       |