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Housing (Wales) Act 2014 Part 2 (homelessness)

As it would be amended by the
Homelessness and Social Housing
Allocation (Wales) Bill

Purpose of this document

The Homelessness and Social Housing Allocation (Wales) Bill (“[the Bill](#)”) was published by the Welsh Government on 19 May 2025. Over 100 amendments are proposed to the safety net for homeless persons which is contained in Part 2 of the Housing (Wales) Act 2014 (“the 2014 Act”).

This guide shows how Part 2 of the 2014 Act will be amended if the Bill is implemented in full.

Chapter 1 of Part 2 of the 2014 Act sets out the duty on local housing authorities to carry out a strategic review of homelessness, and implement a strategy every four years.

Chapter 2 contains the rules governing the safety net for homeless persons in Wales, which is administered by local housing authorities.

Version

This version assumes that the Bill will be enacted as it was introduced. Please note that the Bill may be amended during its [passage](#) through the Senedd (Welsh Parliament).

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Key to text:

Black text = currently in force and not amended by the Bill.

~~Strike through black text~~ and **red text** = amendments proposed by the Homelessness and Social Housing Allocation (Wales) Bill, as introduced.

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¹⁴ Clause 18(2) of the Homelessness and Social Housing Allocation (Wales) Bill, as introduced.

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¹⁸ Clause 10(2)(b) of the Homelessness and Social Housing Allocation (Wales) Bill, as introduced.

¹⁹ Clause 13(2) of the Homelessness and Social Housing Allocation (Wales) Bill, as introduced.

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PART 2

HOMELESSNESS

CHAPTER 1

HOMELESSNESS REVIEWS AND STRATEGIES

50 Duty to carry out a homelessness review and formulate a homelessness strategy

- (1) A local housing authority must (periodically, as required by this section)—
 - (a) carry out a homelessness review for its area, and
 - (b) formulate and adopt a homelessness strategy based on the results of that review.
- (2) The authority must adopt a homelessness strategy in 2018 and a new homelessness strategy in every fourth year after 2018.
- (3) The Welsh Ministers may amend subsection (2) by order.
- (4) A council of a county or county borough in Wales must take its homelessness strategy into account in the exercise of its functions (including functions other than its function as local housing authority).
- (5) Nothing in subsection (4) affects any duty or requirement arising apart from this section.
- (6) In this Chapter “homeless” has the meaning given by section 55 and “homelessness” is to be interpreted accordingly.

51 Homelessness reviews

- (1) A homelessness review under section 50 must include a review of—
 - (a) the levels, and likely future levels, of homelessness in the local housing authority’s area;
 - (b) the activities which are carried out in the local housing authority’s area for the achievement of the following objectives (or which contribute to their achievement)—
 - (i) the prevention of homelessness;
 - (ii) that suitable accommodation is or will be available for people who are or may become homeless;
 - (iii) that satisfactory support is available for people who are or may become homeless;



- (c) the resources available to the authority (including the resources available in exercise of functions other than its functions as local housing authority), other public authorities, voluntary organisations and other persons for such activities.
- (2) After completing a homelessness review, a local housing authority must publish the results of the review by—
 - (a) making the results of the review available on its website (if it has one);
 - (b) making a copy of the results of the review 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 those results to any member of the public who asks for one.

52 Homelessness strategies

- (1) A homelessness strategy under section 50 is a strategy for achieving the following objectives in the local housing authority's area—
 - (a) the prevention of homelessness;
 - (b) that suitable accommodation is and will be available for people who are or may become homeless;
 - (c) that satisfactory support is available for people who are or may become homeless.
- (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).
- (3) A homelessness strategy may also include provision relating to specific action which the authority expects to be taken—
 - (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
 - (b) by any voluntary organisation or other person whose activities are capable of contributing to the achievement of any of those objectives.
- (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.
- (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).
- (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 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**²⁸ 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.

²⁸ Clause 29(2) of the Homelessness and Social Housing Allocation (Wales) Bill, as introduced.



CHAPTER 2

HELP FOR PEOPLE WHO ARE HOMELESS OR THREATENED WITH HOMELESSNESS

Introduction

53 Overview of this Chapter

- (1) This Chapter confers duties on local housing authorities to help people who are homeless or threatened with homelessness and makes connected provision.
- (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).
- (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.
- (4) Section 61 introduces Schedule 2 which makes provision about eligibility for help under this Chapter.
- (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.
- (6) Section 63 provides for notice to be given to applicants about the outcome of the assessment.
- (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.²⁹
- (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; ~~and section 65 explains what “help to secure” means.~~³⁰
- (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—
 - (a) a duty to help to prevent applicants who are threatened with homelessness from becoming homeless (section 66);

²⁹ Schedule 1, para 3(2)(a) of the Homelessness and Social Housing Allocation (Wales) Bill, as introduced.

³⁰ Schedule 1, para 3(2)(b) of the Homelessness and Social Housing Allocation (Wales) Bill, as introduced.



- (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),~~³¹
- (c) ~~a duty to help to secure that suitable accommodation is available for occupation by homeless applicants (section 73),~~³²
- (d) a duty to secure accommodation ~~for applicants in priority need when the duty in section 73 comes to an end~~³³ (section 75).
- (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.~~³⁴
- (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.
- (11) Sections 85 to 89 provide for reviews and appeals.
- (12) Sections 90 to 99 make supplementary and general provision.

Key terms

54 Application of key terms

Sections 55 to 59 apply for the purposes of this Part.

55 Meaning of homeless and threatened homelessness

- (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—
 - (a) is entitled to occupy by virtue of an interest in it or by virtue of an order of a court,
 - (b) has an express or implied licence to occupy, or
 - (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.
- (2) A person is also homeless if the person has accommodation but—

³¹ Schedule 1, para 3(2)(c)(i) of the Homelessness and Social Housing Allocation (Wales) Bill, as introduced.

³² Schedule 1, para 3(2)(c)(ii) of the Homelessness and Social Housing Allocation (Wales) Bill, as introduced.

³³ Schedule 1, para 3(2)(c)(iii) of the Homelessness and Social Housing Allocation (Wales) Bill, as introduced.

³⁴ Schedule 1, para 3(2)(d) of the Homelessness and Social Housing Allocation (Wales) Bill, as introduced.



- (a) cannot secure entry to it, or
 - (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.
- (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.
- (4) A person is threatened with homelessness if ~~it is likely that the person will become homeless within 56 days—~~.
- (a) the person has received written notice requiring the person to give up occupation of the person's accommodation,
 - (b) 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
 - (c) it is likely that the person will become homeless within 6 months (whether paragraph (a) or (b) applies or not).³⁵
- (5) 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—
- (a) whether the notice is otherwise valid, and
 - (b) the merits of any potential claim for possession of the accommodation by the person who gave the notice.³⁶
- 56 Meaning of accommodation available for occupation and member of household³⁷**
- (1) Accommodation may only be regarded as available for a person's occupation if it is available for occupation by that person ~~together with—~~
- (a) ~~any other person who normally resides with that person as a member of his or her family, or~~
 - (b) ~~any other person who might reasonably be expected to reside with that person.~~ together with any other members of the person's household.³⁸
- (1A) A reference in this Chapter to a member of a person's household is a reference to—

³⁵ Clause 1(2) of the Homelessness and Social Housing Allocation (Wales) Bill, as introduced.

³⁶ Clause 1(3) of the Homelessness and Social Housing Allocation (Wales) Bill, as introduced.

³⁷ Schedule 1, para 3(3)(c) of the Homelessness and Social Housing Allocation (Wales) Bill, as introduced.

³⁸ Schedule 1, para 3(3)(a) of the Homelessness and Social Housing Allocation (Wales) Bill, as introduced.



- (a) a person who normally resides with that person as a member of that person's family, or
- (b) any other person who might reasonably be expected to reside with that person.³⁹

- (2) A reference in this Chapter to securing that accommodation is available for a person's occupation is to be interpreted accordingly.

57 Whether it is reasonable to continue to occupy accommodation

- (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.
- ~~(2) In this section "member of a person's household" means—~~
 - ~~(a) a person who normally resides with him or her as member of his or her family, or~~
 - ~~(b) any other person who might reasonably be expected to reside with that person.⁴⁰~~
- (3) In determining whether it would be, or would have been, reasonable for a person to continue to occupy accommodation, a local housing authority—
 - (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;
 - (b) must have regard to whether or not the accommodation is affordable for that person.
- (4) The Welsh Minister may be order specify—
 - (a) other circumstances in which it is to be regarded as reasonable or not reasonable for a person to continue to occupy accommodation, and
 - (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.

58 ~~Meaning of abuse and domestic abuse~~

- ~~(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.~~
- ~~(2) A person is associated with another person if—~~

³⁹ Schedule 1, para 3(3)(b) of the Homelessness and Social Housing Allocation (Wales) Bill, as introduced.

⁴⁰ Schedule 1, para 3(4) of the Homelessness and Social Housing Allocation (Wales) Bill, as introduced.



- ~~(a) they are or have been married to each other;~~
 - ~~(b) they are or have been civil partners of each other;~~
 - ~~(c) they live or have lived together in an enduring family relationship (whether they are of different sexes or the same sex);~~
 - ~~(d) they live or have lived in the same household;~~
 - ~~(e) they are relatives;~~
 - ~~(f) they have agreed to marry one another (whether or not that agreement has been terminated);~~
 - ~~(g) they have entered into a civil partnership agreement between them (whether or not that agreement has been terminated);~~
 - ~~(h) they have or have had an intimate personal relationship with each other which is or was of significant duration;~~
 - ~~(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.~~
- ~~(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.~~

~~“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).~~

58 Definition of abuse

In this Chapter, “abuse” means—

- (a) domestic abuse within the meaning given by section 1 of the Domestic Abuse Act 2021 (c.17), or
- (b) any other kind of abuse that, directly or indirectly, may give rise to a risk of harm, including (for example)—
 - (i) exploitation within the meaning of the Modern Slavery Act 2015 (c.30);
 - (ii) harassment or stalking within the meaning of those expressions in the Protection from Harassment Act 1997 (c.40).⁴¹

59 Suitability of accommodation

(1) 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**⁴² the following enactments—

- (a) Part 9 of the Housing Act 1985 (slum clearance);
- (b) Part 10 of the Housing Act 1985 (overcrowding);
- (c) Part 1 of the Housing Act 2004 (housing conditions);

⁴¹ Clause 28 of the Homelessness and Social Housing Allocation (Wales) Bill, as introduced.

⁴² Clause 30(a) of the Homelessness and Social Housing Allocation (Wales) Bill, as introduced.



- (d) Part 2 of the Housing Act 2004 (licensing of houses in multiple occupation);
 - (e) Part 3 of the Housing Act 2004 (selective licensing of other residential accommodation);
 - (f) Part 4 of the Housing Act 2004 (additional control provisions in relation to residential accommodation);
 - (g) Part 1 of this Act (regulation of private rented housing).
 - (h) **Part 4 of the Renting Homes (Wales) Act 2016 (condition of dwelling).**⁴³
- (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.
- (3) The Welsh Ministers may be order specify—
- (a) circumstances in which accommodation is or is not to be regarded as suitable for a person, and
 - (b) matters to be taken into account or disregarded in determining whether accommodation is suitable for a person.

Information, advice and assistance in accessing help

60 Duty to provide information, advice and assistance in accessing help

- (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 (**including, in particular, persons detained under the authority of an enactment who are in its area or have a local connection with its area**),⁴⁴ with—
- (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
 - (b) assistance in accessing help under this Chapter or any other help for people who are homeless or may become homeless.
- (2) In relation to subsection (1)(a), the service must include, in particular, the publication of information and advice on the following matters—
- (a) the system provided for by this Chapter and how the system operates in the authority's area;

⁴³ Clause 30(b) of the Homelessness and Social Housing Allocation (Wales) Bill, as introduced.

⁴⁴ Clause 27(a) of the Homelessness and Social Housing Allocation (Wales) Bill, as introduced.



- (b) whether any other help for people who are homeless or may become homeless (whether or not the person is threatened with homelessness within the meaning of this Chapter) is available in the authority's area;
 - (c) how to access the help that is available.
- (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.
- (4) The local housing authority must, in particular by working with other public authorities, voluntary organisations, **persons in the authority's area who are, or who have been, homeless or threatened with homelessness**⁴⁵ and other persons, ensure that the service is designed to meet the needs of groups at particular risk of homelessness, including in particular—
 - (a) people **in, or people**⁴⁶ 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.
- (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—
 - (a) references in this section to a local housing authority are to be read as references to the authorities acting jointly, and
 - (b) references in this section to a local housing authority's area are to be read as references to the combined area.
- (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.

Eligibility

61 Eligibility for help under this Chapter

Schedule 2 has effect for the purposes of determining whether an applicant is eligible for help under the following provisions of this Chapter.

⁴⁵ Clause 29(3) of the Homelessness and Social Housing Allocation (Wales) Bill, as introduced.

⁴⁶ Clause 27(b) of the Homelessness and Social Housing Allocation (Wales) Bill, as introduced.



*Applications for help and assessment***62 Duty to assess**

- (1) A local housing authority must carry out an assessment of a person's case if—
 - (a) the person has applied to a local housing authority for accommodation or help in retaining or obtaining accommodation,
 - (b) it appears to the authority that the person may be homeless or threatened with homelessness, and
 - (c) subsection (2) does not apply to the person.
- (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—
 - (a) the person's circumstances have not changed materially since that assessment was carried out, and
 - (b) there is no new information that materially affects that assessment.
- (3) In this Chapter, "applicant" means a person to whom the duty in subsection (1) applies **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.**⁴⁷
- (4) The authority must assess whether or not the applicant is eligible for help under this Chapter.
- (5) If the applicant is eligible for help under this Chapter, the assessment must include an assessment of—
 - (a) the circumstances that have caused the applicant to be homeless or threatened with homelessness;
 - (b) the housing needs of the applicant and any ~~person with whom the applicant lives or might reasonably be expected to live~~ **member of the applicant's household**;⁴⁸
 - (c) the support needed for the applicant and any ~~person with whom the applicant lives or might reasonably be expected to live~~ **member of the applicant's household**⁴⁹ ~~to retain accommodation which is or may become available;~~

⁴⁷ Clause 3(2)(a) of the Homelessness and Social Housing Allocation (Wales) Bill, as introduced.

⁴⁸ Schedule 1, para 3(5)(a) of the Homelessness and Social Housing Allocation (Wales) Bill, as introduced.

⁴⁹ Schedule 1, para 3(5)(b) of the Homelessness and Social Housing Allocation (Wales) Bill, as introduced.



- (i) to retain accommodation which is or may become available⁵⁰,
or
 - (ii) to overcome any barrier to living independently;⁵¹
- (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;⁵²
- (d) whether or not the authority has any duty to the applicant under the following provisions of this Chapter.
- (6) In carrying out an assessment, the local housing authority must—
 - ~~(a) seek to identify the outcome the applicant wishes to achieve from the authority's help, and~~
 - (a) 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;⁵³
 - ~~(b) assess whether the exercise of any function under this Chapter could contribute to the achievement of that outcome.~~
 - (b) make inquiries relevant to the assessment regarding the personal characteristics and circumstances of the applicant and any member of the applicant's household.⁵⁴
- (7) A local housing authority may carry out its assessment of the matters mentioned in ~~subsections (5) and (6)~~ subsection (5)⁵⁵ before it has concluded that the applicant is eligible for help under this Chapter.
- (8) A local housing authority must keep its assessment under review during the period in which the authority 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;~~

⁵⁰ Clause 3(2)(b)(i) of the Homelessness and Social Housing Allocation (Wales) Bill, as introduced.

⁵¹ Clause 3(2)(b)(ii) of the Homelessness and Social Housing Allocation (Wales) Bill, as introduced.

⁵² Clause 3(2)(c) of the Homelessness and Social Housing Allocation (Wales) Bill, as introduced.

⁵³ Clause 3(2)(d)(i) of the Homelessness and Social Housing Allocation (Wales) Bill, as introduced.

⁵⁴ Clause 3(2)(d)(ii) of the Homelessness and Social Housing Allocation (Wales) Bill, as introduced.

⁵⁵ Clause 3(2)(e) of the Homelessness and Social Housing Allocation (Wales) Bill, as introduced.



~~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).⁵⁶~~

63 Notice of the outcome of assessment and decisions⁵⁷

(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, the authority must notify the person and inform the person of the reasons for its decision.⁵⁸

(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)⁵⁹** and, in so 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.⁶⁰~~

⁵⁶ Clause 3(2)(f) of the Homelessness and Social Housing Allocation (Wales) Bill, as introduced.

⁵⁷ Clause 3(3)(a) of the Homelessness and Social Housing Allocation (Wales) Bill, as introduced.

⁵⁸ Clause 3(3)(b) of the Homelessness and Social Housing Allocation (Wales) Bill, as introduced.

⁵⁹ Clause 3(3)(c) of the Homelessness and Social Housing Allocation (Wales) Bill, as introduced.

⁶⁰ Schedule 1, para 3(6)(a) of the Homelessness and Social Housing Allocation (Wales) Bill, as introduced.



- (4) A notice under subsection (A1),⁶¹ ~~(1) or (3)~~ or (1)⁶² must also—
 - (a) inform the applicant of his or her right to request a review of the **assessment or**⁶³ 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, and any dependents, without recourse to public funds.

63A Prevention, support and accommodation plans

- (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.
- (2) A plan comprises—
 - (a) the written records required by this section, and
 - (b) any written information or advice for an applicant that the local housing authority considers appropriate.
- (3) A plan may consist of one document or a collection of documents, any of which may be revised in accordance with this section.
- (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.
- (5) The local housing authority must record in writing—

⁶¹ Clause 3(3)(d)(i) of the Homelessness and Social Housing Allocation (Wales) Bill, as introduced.

⁶² Schedule 1, para 3(6)(b) of the Homelessness and Social Housing Allocation (Wales) Bill, as introduced.

⁶³ Clause 3(3)(d)(ii) of the Homelessness and Social Housing Allocation (Wales) Bill, as introduced.



- (a) the authority's assessment of the matters described in paragraphs (b), (c) and (ca) of section 62(5),
 - (b) any views of the applicant in relation to those matters, and
 - (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.
- (6) The local housing authority must—
 - (a) seek to identify the outcome the applicant wishes to achieve from the authority's help,
 - (b) record the outcome in writing, and
 - (c) in preparing and reviewing a plan, have regard to whether the exercise of any function under this Chapter could contribute to the achievement of the outcome.
- (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.
- (8) The local housing authority must try to agree with the applicant—
 - (a) any steps the applicant is to take, and
 - (b) the steps the authority is to take in the exercise of any of its functions (including the social services functions of the authority).
- (9) If the local housing authority and an applicant reach an agreement, the authority must record it in writing.
- (10) If the local housing authority and an applicant cannot reach an agreement, the authority must record in writing—
 - (a) why they could not agree,
 - (b) any steps the authority considers it would be reasonable for the applicant to take, and
 - (c) the steps the authority is to take in the exercise of any of its functions (including the social services functions of the authority).
- (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.
- (12) The local housing authority must —
 - (a) give a copy of any document comprising or forming part of a plan to the applicant;



- (b) notify the applicant in writing of—
 - (i) the right to request a review of the plan, and
 - (ii) the time within which such a request must be made (see section 85).
- (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 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

⁶⁴ Clause 4(2) of the Homelessness and Social Housing Allocation (Wales) Bill, as introduced.



*Duties to help applicants***64 How to secure or help to secure the availability of accommodation**

- (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—~~

- ~~(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;~~



- ~~(b) is not required to secure an offer of accommodation under Part 6 of the Housing Act 1996 (allocation of housing);~~
- ~~(c) is not required to otherwise provide accommodation.~~⁶⁵

66 Duty to help to prevent an applicant from becoming homeless

- ~~(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—~~

- ~~(a) threatened with homelessness, and~~
- ~~(b) eligible for help.~~

- (1) This section applies if a local housing authority is satisfied that an applicant is threatened with homelessness and eligible for help.
- (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.
- (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.⁶⁶
- (2) Subsection ~~(1)~~ (1A)⁶⁷ 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.

67 Circumstances in which the duty in section 66 ends

- (1) The duty to an applicant under section 66 comes to an end in any of the circumstances described in subsection (2), (3) or (4), if the applicant has been notified in accordance with section 84.
- (2) The circumstances are that the local 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—
 - (a) the applicant is no longer threatened with homelessness, and
 - (b) suitable accommodation is likely to be available for occupation by the applicant for a period of at least 6 months.
- (4) The circumstances are that—
 - (a) the applicant, having been notified in writing of the possible consequences of refusal or acceptance of the offer, refuses an offer of

⁶⁵ Clause 2(2) of the Homelessness and Social Housing Allocation (Wales) Bill, as introduced.

⁶⁶ Clause 2(3)(a) of the Homelessness and Social Housing Allocation (Wales) Bill, as introduced.

⁶⁷ Clause 2(3)(b) of the Homelessness and Social Housing Allocation (Wales) Bill, as introduced.



accommodation from any person which the authority is satisfied is suitable for the applicant, and

- (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.

(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.

(6) See section 79 for further circumstances in which the duty in section 66 comes to an end.

68 Interim duty to secure accommodation for homeless applicants in priority need⁶⁸

(1) The local housing authority must secure that suitable accommodation is available for the occupation of an applicant to whom subsection (2) or ~~(3)~~ (2A)⁶⁹ applies until the duty comes to an end in accordance with section 69.

~~(2) This subsection applies to an applicant who the authority has reason to believe may—~~

- ~~(a) be homeless,~~
- ~~(b) be eligible for help, and~~
- ~~(c) have a priority need for accommodation,~~

~~in circumstances where the authority is not yet satisfied that the applicant is homeless, eligible for help and in priority need for accommodation.~~

(2) 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.⁷⁰

(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.⁷¹

~~(3) This subsection applies to an applicant—~~

⁶⁸ Clause 8(2)(e) of the Homelessness and Social Housing Allocation (Wales) Bill, as introduced.

⁶⁹ Clause 8(2)(a) of the Homelessness and Social Housing Allocation (Wales) Bill, as introduced.

⁷⁰ Clause 8(2)(b) of the Homelessness and Social Housing Allocation (Wales) Bill, as introduced.

⁷¹ Clause 8(2)(c) of the Homelessness and Social Housing Allocation (Wales) Bill, as introduced.



- ~~(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.⁷²~~
- (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)⁷³ or (9) if the applicant has been notified in accordance with section 84.
- (1A) The circumstances are that—
 - (a) the local housing authority has decided that a duty is or is not owed to the applicant under section 75,
 - (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
 - (c) the applicant has been notified of the authority's decision.
- (1B) The circumstances are that—
 - (a) the local housing authority has decided that no duty is owed to the applicant under section 75,
 - (b) the authority has done so solely on the basis that section 75(4) applies,
 - (c) the applicant has been notified of the authority's decision, and
 - (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.
- (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.⁷⁴

⁷² Clause 8(2)(d) of the Homelessness and Social Housing Allocation (Wales) Bill, as introduced.

⁷³ Clause 8(3)(a) of the Homelessness and Social Housing Allocation (Wales) Bill, as introduced.

⁷⁴ Clause 8(3)(b) of the Homelessness and Social Housing Allocation (Wales) Bill, as introduced.



- (2) ~~The circumstances are that the local housing authority has decided that no duty is owed to the applicant under section 73 and the applicant is notified of that decision.~~
- (3) ~~In the case of an applicant to whom section 68(3) applies, the circumstances are that the local housing authority has—~~
- (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~~
- (b) ~~notified the applicant of that decision;~~
- ~~but this is subject to subsections (4) and (5).~~
- (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—~~
- (a) ~~is satisfied that the applicant became homeless intentionally in the circumstances which gave rise to the application, or~~
- (b) ~~has previously secured an offer of accommodation of the kind described in section 75(3)(f).~~
- (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.~~
- (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.~~⁷⁵
- (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.
- (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.~~⁷⁶
- (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

⁷⁵ Clause 8(3)(c) of the Homelessness and Social Housing Allocation (Wales) Bill, as introduced.

⁷⁶ Clause 8(3)(c) of the Homelessness and Social Housing Allocation (Wales) Bill, as introduced



suitable interim accommodation made available for the applicant's occupation under section 68.

- (10) The duty comes to an end in accordance with this section **or section 79**⁷⁷ even if the applicant requests a review of any decision that has led to the duty coming to an end (see section 85).
- (11) The authority may secure that suitable accommodation is available for the applicant's occupation pending a decision on a review.
- (12) See section 79 for further circumstances in which the duty in section 68 comes to an end.

70 ~~Priority need for accommodation~~

- ~~(1) The following persons have a priority need for accommodation for the purposes of this Chapter—~~
 - ~~(a) a pregnant woman or a person with whom she resides or might reasonably be expected to reside;~~
 - ~~(b) a person with whom a dependent child resides or might reasonably be expected to reside;~~
 - ~~(c) a person—~~
 - ~~(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~~
 - ~~(ii) with whom a person who falls within sub-paragraph (i) resides or might reasonably be expected to reside;~~
 - ~~(d) a person—~~
 - ~~(i) who is homeless or threatened with homelessness as a result of an emergency such as flood, fire or other disaster, or~~
 - ~~(ii) with whom a person who falls within sub-paragraph (i) resides or might reasonably be expected to reside;~~
 - ~~(e) a person—~~
 - ~~(i) who is homeless as a result of being subject to domestic abuse, or~~
 - ~~(ii) with whom a person who falls within sub-paragraph (i) resides (other than the abuser) or might reasonably be expected to reside;~~
 - ~~(f) a person—~~

⁷⁷ Clause 8(3)(d) of the Homelessness and Social Housing Allocation (Wales) Bill, as introduced



- ~~(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~~
 - ~~(ii) with whom a person who falls within sub-paragraph (i) resides or might reasonably be expected to reside;~~
- ~~(g) a person—~~
 - ~~(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~~
 - ~~(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;~~
- ~~(h) a person—~~
 - ~~(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~~
 - ~~(ii) with whom a person who falls within sub-paragraph (i) resides or might reasonably be expected to reside;~~
- ~~(i) a person—~~
 - ~~(i) who has served in the regular armed forces of the Crown who has been homeless since leaving those forces, or~~
 - ~~(ii) with whom a person who falls within sub-paragraph (i) resides or might reasonably be expected to reside;~~
- ~~(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—~~
 - ~~(i) having served 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,~~
 - ~~(ii) having been remanded in or committed to custody by an order of a court, or~~
 - ~~(iii) having been remanded to youth detention accommodation under section 91(4) of the Legal Aid, Sentencing and Punishment of Offenders Act 2012,~~



~~or a person with whom such a person resides or might reasonably be expected to reside;~~

~~(k) a person—~~

~~(i) who is street homeless (within the meaning of section 71(2)), or~~

~~(ii) with whom a person who falls within sub-paragraph (i) might reasonably be expected to reside.~~

~~(2) In this Chapter—~~

~~“looked after, accommodated or fostered” (“yn derbyn gofal, yn cael ei letya neu’n cael ei faethu”) means—~~

~~(a) 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),~~

~~(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—~~

~~(i) by any Local Health Board or Special Health Authority,~~

~~(ii) by or on behalf of a clinical commissioning group or the National Health Service Commissioning Board,~~

~~(iii) by or on behalf of a county or county borough council in Wales in the exercise of education functions,~~

~~(iv) by or on behalf of a local authority in England in the exercise of education functions,~~

~~(v) in any care home or independent hospital, or~~

~~(vi) in any accommodation provided by or on behalf of an NHS Trust or by or on behalf of an NHS Foundation Trust, or~~

~~(e) privately fostered (within the meaning of section 66 of the Children Act 1989).~~

~~(3) In subsection (2)—~~

~~“care home” (“cartref gofal”)—~~

~~(a) has the same meaning as in the Care Standards Act 2000 in respect of a care home in England, and~~



- (b) ~~means a place in Wales at which a care home service within the meaning of Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016 (anaw 2) is provided;~~

~~“clinical commissioning group” (“grŵp comisiynu clinigol”) means a body established under section 14D of the National Health Service Act 2006;~~

~~“education functions” (“swyddogaethau addysg”) has the meaning given by section 597(1) of the Education Act 1996;~~

~~“independent hospital” (“ysbyty annibynnol”)—~~

- (a) ~~in relation to Wales, has the meaning given by section 2 of the Care Standards Act 2000, and~~
- (b) ~~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;~~

~~“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 2006.⁷⁸~~

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.~~

⁷⁸ Clause 9(2)(a) of the Homelessness and Social Housing Allocation (Wales) Bill, as introduced.



- (2) ~~In subsection (1), “street homeless” (“*digartref ac ar y stryd*”), in relation to a person, means that the person has no accommodation available for the person’s occupation in the United Kingdom or elsewhere, which the person—~~
- ~~(a) is entitled to occupy by virtue of an interest in it or by virtue of an order of a court,~~
 - ~~(b) has an express or implied licence to occupy, or~~
 - ~~(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;~~
- ~~and sections 55 and 56 do not apply to this definition.⁷⁹~~

72 Power to amend or repeal provisions about priority need for accommodation

- (1) ~~The Welsh Ministers may be order—~~
- ~~(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;~~
 - ~~(b) amend or omit the descriptions of persons as having a priority need for accommodation for the purposes of this Chapter;~~
 - ~~(c) specify further descriptions of persons as having a priority need for accommodation for the purposes of this Chapter.~~
- (2) ~~An order under subsection (1) may amend or repeal any provision of this Part.~~
- (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.⁸⁰~~

73 Duty to help to secure accommodation for homeless applicants

- (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.~~

⁷⁹ Clause 9(2)(b) of the Homelessness and Social Housing Allocation (Wales) Bill, as introduced.

⁸⁰ Clause 9(2)(c) of the Homelessness and Social Housing Allocation (Wales) Bill, as introduced.



- (2) ~~But the duty in subsection (1) does not apply if the authority refers the application to another local housing authority (see section 80).~~⁸¹

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~~
- (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.~~
- (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.~~
- (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.~~
- (8) ~~See section 79 for further circumstances in which the duty in section 73 comes to an end.~~⁸²

⁸¹ Clause 6(2)(a) of the Homelessness and Social Housing Allocation (Wales) Bill, as introduced.

⁸² Clause 6(2)(b) of the Homelessness and Social Housing Allocation (Wales) Bill, as introduced.



75 ~~Duty to secure accommodation for applicants in priority need when the duty in section 73 ends~~

- ~~(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) or (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.~~
- ~~(2) This subsection applies where the local housing authority—~~
- ~~(a) is satisfied that the applicant—~~
- ~~(i) does not have suitable accommodation available for occupation, or~~
- ~~(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,~~
- ~~(b) is satisfied that the applicant is eligible for help,~~
- ~~(c) is satisfied that the applicant has a priority need for accommodation, and~~
- ~~(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;~~
- ~~(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—~~
- ~~(a) the applicant became homeless intentionally in the circumstances which gave rise to the application,~~
- ~~(b) the applicant—~~
- ~~(i) does not have suitable accommodation available for occupation, or~~
- ~~(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,~~
- ~~(c) the applicant is eligible for help,~~
- ~~(d) the applicant has a priority need for accommodation,~~



- ~~(e) the applicant is—~~
 - ~~(i) a pregnant woman or a person with whom she resides or might reasonably be expected to reside,~~
 - ~~(ii) a person with whom a dependent child resides or might reasonably be expected to reside,~~
 - ~~(iii) a person who had not attained the age of 21 when the application for help was 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.~~
- ~~(4) 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) subsection (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 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**



- (b) the applicant is eligible for help.
- (3) For the purpose of subsection (2)(a)(ii), accommodation is interim if—
 - (a) it is secured under section 68,
 - (b) the applicant intends, when beginning to occupy the accommodation, to occupy it—
 - (i) until the application for help under this Chapter is concluded, or
 - (ii) for a period of less than 12 months beginning with the first day the accommodation is available for occupation, or
 - (c) the person making the accommodation available for occupation intends, when beginning to do so, that it is available for occupation by the applicant—
 - (i) until the application for help under this Chapter is concluded, or
 - (ii) for a period of less than 12 months beginning with the first day the accommodation is available for occupation.
- (4) This subsection applies if the local housing authority is satisfied that—
 - (a) 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
 - (b) none of the circumstances in subsection (5) apply.
- (5) The circumstances are that the applicant or any member of the applicant's household—
 - (a) is at risk of suffering abuse in an area outside Wales—
 - (i) to which the applicant or other member of the applicant's household has a local connection,
 - (ii) in which the applicant or other member of the applicant's household is living or was living, and
 - (iii) 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
 - (b) falls within a prescribed category of person.
- (6) 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—



- (a) living in the area outside Wales where there is a risk of abuse, or
 - (b) living in another area outside Wales for the purpose of seeking refuge from abuse.
- (7) This subsection applies if —
- (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.
- (8) Subsection (9) applies if the applicant is—
- (a) a prisoner, or
 - (b) residing in approved premises.
- (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).⁸³

76 Circumstances in which the duty in section 75 ends

- (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) ~~or (7)~~, (7), (7A) or (7D),⁸⁴ if the applicant has been notified in accordance with section 84.
- (2) The circumstances are that the applicant accepts—
 - (a) an offer of suitable accommodation under Part 6 of the Housing Act 1996 (allocation of housing),
 - (aa) an offer of suitable accommodation in Wales under a tenancy which is an occupation contract, or
 - (b) an offer of suitable accommodation (in England) under an assured tenancy (including an assured shorthold tenancy).
- (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—
 - (a) an offer of suitable interim accommodation under section 75,

⁸³ Clause 6(3) of the Homelessness and Social Housing Allocation (Wales) Bill, as introduced.

⁸⁴ Clause 7(2) of the Homelessness and Social Housing Allocation (Wales) Bill, as introduced.



- (b) a private rented sector offer, or
 - (c) an offer of accommodation under Part 6 of the Housing Act 1996, which the authority is satisfied is suitable for the applicant.
- (4) For the purposes of this section an offer is a private rented sector offer if—
- (a) it is an offer of—
 - (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
 - (ii) an ~~assured shorthold tenancy~~ **assured tenancy (including an assured shorthold tenancy)**⁸⁵ made by a private landlord to the applicant in relation to any accommodation in England which is available for the applicant's occupation,
 - (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
 - (c) in relation to accommodation in England the tenancy being offered is a fixed term tenancy for a period of at least 6 months.
- (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)).
- ~~(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—~~
- ~~(a) under section 68 and which continues to be made available under section 75, or~~
 - ~~(b) under section 75.⁸⁶~~
- (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—
- (a) under section 68 and which continues to be made available under section 75, or
 - (b) under section 75.

⁸⁵ Schedule 1, para 3(7)(a) of the Homelessness and Social Housing Allocation (Wales) Bill, as introduced.

⁸⁶ Schedule 1, par 3(7)(b) of the Homelessness and Social Housing Allocation (Wales) Bill, as introduced.



- (7A) The circumstances are that the local housing authority is satisfied (whether because of steps it has taken or not) that—
- (a) the applicant is no longer homeless,
 - (b) suitable accommodation is available for occupation by the applicant otherwise than by virtue of an offer mentioned in subsection (2) or (3),
 - (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 consequences 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.⁸⁷
- (8) See section 79 for further circumstances in which the duty in section 75(1) comes to an end.
- (9) In this section—

⁸⁷ Clause 7(3) of the Homelessness and Social Housing Allocation (Wales) Bill, as introduced.



“fixed term tenancy” (“tenantiaeth cyfnod penodedig”) in relation to accommodation in England has the meaning given in Part 1 of the Housing Act 1988 (c.50);

“occupation contract” (“contract meddiannaeth”) has the same meaning as in the Renting Homes (Wales) Act 2016 (anaw 1) (see section 7 of that Act).

76A Duty to provide help to retain suitable accommodation

- (1) The duty in subsection (2) applies in relation to—
 - (a) an applicant—
 - (i) who is not homeless or threatened with homelessness,
 - (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
 - (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;
 - (b) the local housing authority that exercises the functions described in paragraph (a)(ii) in relation to the applicant.
- (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.

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 the 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;
 - (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.
- (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.
- (9) The circumstances are that the applicant has asked that help of the kind required by section 76A(2) is not provided by the local housing authority.
- (10) See section 79 for further circumstances in which the duty in section 76A comes to an end.⁸⁸

76C Duty to keep in touch with certain applicants

- (1) The duty in subsection (3) applies in relation to—
 - (a) an applicant who—
 - (i) was owed a duty under section 75 and that duty came to an end in the circumstances described in section 76(7A), and
 - (ii) is not within subsection (2);
 - (b) the local housing authority that exercised the function described in paragraph (a)(i) in relation to the applicant.
- (2) An applicant is within this subsection if the local housing authority—
 - (a) at the beginning of the relevant period owes the applicant a duty under section 76A, or

⁸⁸ Clause 18(2) of the Homelessness and Social Housing Allocation (Wales) Bill, as introduced.



- (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.
- (3) The local housing authority must take reasonable steps to contact the applicant (whether the applicant 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.
- (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.
- (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.⁸⁹

77 Meaning of intentionally homeless

- (1) A person is intentionally homeless for the purpose of this Chapter if subsection (2) or (4) apply.
- (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.
- (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 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
 - (b) the purpose of the arrangement is to enable the person to become entitled to help under this Chapter,
 and there is no other good reason why the person is homeless.⁹⁰

78 Deciding to have regard to intentionality

- (1) The Welsh Ministers must, by regulations, specify a category or categories of applicant for the purpose of this section.

⁸⁹ Clause 19 of the Homelessness and Social Housing Allocation (Wales) Bill, as introduced.

⁹⁰ Clause 10(2)(a) of the Homelessness and Social Housing Allocation (Wales) Bill, as introduced.



- (2) ~~A local housing authority may not have regard to whether or not an applicant has become homeless intentionally for the purposes of section 68 and 75 unless—~~
- ~~(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~~
 - ~~(b) the authority has published a notice of its decision under paragraph (a) which specifies the category.~~
- (3) ~~Subsection (4) applies where a local housing authority has published a notice under subsection (2) unless the authority has—~~
- ~~(a) decided to stop having regard to whether or not applicants falling into the category specified in the notice have become homeless intentionally, and~~
 - ~~(b) published a notice of its decision specifying the category.~~
- (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).⁹¹~~

79 Further circumstances in which the duties to help applicants end

- (1) The duties in sections 66, 68, ~~73~~⁹² and ~~75~~, **75 and 76A**⁹³ come to an end in the circumstances described in subsection (2), (3), (4) ~~or (5), (5), (6) or (7)~~,⁹⁴ if the applicant is notified in accordance with section 84.
- (2) The circumstances are that the local housing authority is no longer satisfied that the applicant is eligible for help.
- (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.
- (4) The circumstances are that the local authority is satisfied that the applicant has withdrawn his or her application.
- ~~(5) The circumstances are that the local housing authority is satisfied that the applicant is unreasonably failing to co-operate with the authority in connection with the exercise of its functions under this Chapter as they apply to the applicant.~~

⁹¹ Clause 10(2)(b) of the Homelessness and Social Housing Allocation (Wales) Bill, as introduced.

⁹² Schedule 1, para 3(8) of the Homelessness and Social Housing Allocation (Wales) Bill, as introduced.

⁹³ Clause 18(3) of the Homelessness and Social Housing Allocation (Wales) Bill, as introduced.

⁹⁴ Clause 20(2) of the Homelessness and Social Housing Allocation (Wales) Bill, as introduced.



- (5) The circumstances are that the local housing authority is satisfied that—
 - (a) the applicant engaged in violent or threatening behaviour towards an individual carrying out an activity connected with—
 - (i) the exercise of functions under this Chapter, or
 - (ii) the provision of accommodation or other services secured to any extent by the exercise of functions under this Chapter,
 - (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
 - (c) there are no special circumstances that would make it appropriate for the relevant duty to continue to apply.
- (6) The circumstances are that the local housing authority is satisfied that—
 - (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,
 - (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.
 - (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,
 - (d) there is no reasonable excuse for the actions of the applicant or person who resides with the applicant, and
 - (e) there are no special circumstances that would make it appropriate for the relevant duty to continue to apply.
- (7) The circumstances are that—
 - (a) the applicant has not responded to repeated attempts by the local housing authority to contact the applicant in connection with the application,
 - (b) the authority is not aware of any special circumstances that would make it appropriate for the relevant duty to continue to apply,
 - (c) the authority has given a warning notice to the applicant explaining—
 - (i) that because of the facts described in paragraph (a), it intends to give notice to the applicant under section 84, and



- (ii) the consequences of a notice under section 84 being given to the applicant, and
- (d) a reasonable period has elapsed since the warning notice was given without any contact from the applicant in connection with the application.
- (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.⁹⁵

Referral to another local housing authority

80 Referral of case to another local housing authority

- ~~(1) Subsection (2) applies where—~~
 - ~~(a) 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~~
 - ~~(b) the local housing authority would, if the case is not referred, be subject to the duty in section 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).⁹⁶~~
- ~~(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.~~
- (2) If a local housing authority considers—
 - (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
 - (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,
 it may notify that authority of its opinion.
- (2A) If a local housing authority considers—
 - (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

⁹⁵ Clause 20(3) of the Homelessness and Social Housing Allocation (Wales) Bill, as introduced.

⁹⁶ Clause 11(2) of the Homelessness and Social Housing Allocation (Wales) Bill, as introduced.



- (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,
- it may notify that authority of its opinion.
- (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.⁹⁷
- (3) The conditions for referral of the case to another local housing authority (whether in Wales or England) are met if—
- (a) neither the applicant nor any ~~person who might reasonably be expected to reside with the applicant~~ **member of the applicant's household**⁹⁸ has a local connection with the area of the authority to which the application was made,
 - (b) the applicant or a ~~person who might reasonably be expected to reside with the applicant~~ **member of the applicant's household**⁹⁹ has a local connection with the area of that other authority, and
 - (c) neither the applicant nor any ~~person who might reasonably be expected to reside with the applicant will run the risk of domestic abuse in that other area~~ **member of the applicant's household is exempt from referral (see section 81A).**¹⁰⁰
- ~~(4) But the conditions for referral mentioned in subsection (3) are not met if—~~
- ~~(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~~
 - ~~(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.~~¹⁰¹
- (5) The question of whether the conditions for referral of a case are ~~satisfied~~ **met**¹⁰² is to be decided—
- (a) by agreement between the notifying authority and the notified authority, or
 - (b) in default of agreement, in accordance with such arrangement—
 - (i) as the Welsh Ministers may direct by order, where both authorities are in Wales, or

⁹⁷ Clause 11(3) of the Homelessness and Social Housing Allocation (Wales) Bill, as introduced.

⁹⁸ Schedule 1, para 3(9)(a) of the Homelessness and Social Housing Allocation (Wales) Bill, as introduced.

⁹⁹ Schedule 1, para 3(9)(b) of the Homelessness and Social Housing Allocation (Wales) Bill, as introduced.

¹⁰⁰ Clause 11(4) of the Homelessness and Social Housing Allocation (Wales) Bill, as introduced.

¹⁰¹ Clause 11(5) of the Homelessness and Social Housing Allocation (Wales) Bill, as introduced

¹⁰² Clause 11(6) of the Homelessness and Social Housing Allocation (Wales) Bill, as introduced



- (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.
- (6) An order under subsection (5) may direct that the arrangements are to be—
 - (a) those agreed by any relevant authorities or associations of relevant authorities, or
 - (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.
- (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.
- (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.

81 Local connection

- (1) This section applies for the purposes of this Chapter.
- (2) A person has a local connection with the area of a local housing authority in Wales or England **or any other area**¹⁰³ if the person has a connection with it—
 - (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,
 - (b) because the person is employed there,
 - (c) because of family associations, or
 - (d) because of special circumstances.
- (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~~ **member of that person’s household**,¹⁰⁴ becomes resident there because the person is detained under the authority of an enactment.
- ~~(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.~~

¹⁰³ Schedule 1, para 3(10)(a) of the Homelessness and Social Housing Allocation (Wales) Bill, as introduced.

¹⁰⁴ Schedule 1, para 3(10)(b) of the Homelessness and Social Housing Allocation (Wales) Bill, as introduced.



- (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.¹⁰⁵
- (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 2002 (use of accommodation centres for section 95 support).

81A Applicants who are exempt from referral under section 80

- (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 subsection (2), (3) or (4) apply in relation to the applicant.
- (2) The circumstances are that the applicant or any member of the applicant's household—
 - (a) is at 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
 - (b) falls within a prescribed category of person.
- (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

¹⁰⁵ Clause 12(2) of the Homelessness and Social Housing Allocation (Wales) Bill, as introduced



and a period of 2 weeks has ended, beginning with the day on which the notification was given.

- (4) The circumstances are that a referral has previously been made under section 80 in relation to the same application.¹⁰⁶

82 Duties to applicant whose case is considered for referral or referred

- ~~(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—~~

- ~~(a) it ceases to be subject to any duty under section 68 (interim duty to secure accommodation for homeless applicants in priority need), and~~
~~(b) it is not subject to any duty under section 73 (duty to help to secure accommodation for homeless applicants);~~

~~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”) 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 under section 84(1B) 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—

¹⁰⁶ Clause 13(2) of the Homelessness and Social Housing Allocation (Wales) Bill, as introduced.



- (a) the applicant is to be treated, for the purpose 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 the 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 conclusion 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).¹⁰⁷
- ~~(2) When it has been decided whether the conditions for referral are met, the notifying authority must notify the applicant in accordance with section 84.¹⁰⁸~~
- ~~(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

¹⁰⁷ Clause 14(2) of the Homelessness and Social Housing Allocation (Wales) Bill, as introduced.

¹⁰⁸ Clause 16(2)(a) of the Homelessness and Social Housing Allocation (Wales) Bill, as introduced.



- (b) the duty under section 75 in relation to the applicant, if the duty applies.¹⁰⁹
- (4) ~~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).~~¹¹⁰
- (5) ~~The duty under subsection (1) ceases as provided in that subsection~~ Duties come to an end as provided for in subsections (1A) and (1B)¹¹¹ even if the applicant requests a review of the authority's decision (see section 85).
- (6) The authority may secure that suitable accommodation is available for the applicant's occupation pending the decision on a review, ~~if the authority was required to do so before a duty ceased to have effect by virtue of this section.~~¹¹²
- (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.~~¹¹³

83 Cases referred from a local housing authority in England

- (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).
- (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—
 - (a) section 68 (interim duty to secure accommodation ~~for homeless applicants in priority need~~);¹¹⁴
 - (b) ~~section 73 (duty to help to secure accommodation for homeless applicants);~~ section 75 (duty to secure accommodation);¹¹⁵

¹⁰⁹ Clause 14(3) of the Homelessness and Social Housing Allocation (Wales) Bill, as introduced.

¹¹⁰ Clause 14(4) of the Homelessness and Social Housing Allocation (Wales) Bill, as introduced.

¹¹¹ Clause 14(5) of the Homelessness and Social Housing Allocation (Wales) Bill, as introduced.

¹¹² Clause 14(6) of the Homelessness and Social Housing Allocation (Wales) Bill, as introduced.

¹¹³ Clause 16(2)(b) of the Homelessness and Social Housing Allocation (Wales) Bill, as introduced.

¹¹⁴ Clause 15(a) of the Homelessness and Social Housing Allocation (Wales) Bill, as introduced.

¹¹⁵ Clause 15(b) of the Homelessness and Social Housing Allocation (Wales) Bill, as introduced.



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).

- (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.

Notice

84 Notice that duties have ended **and of local connection referrals**¹¹⁶

- (1) Where a local housing authority concludes that its duty to an applicant under section 66, 68, ~~73~~¹¹⁷ ~~or 75~~, **75 or 76A**¹¹⁸ has come to an end ~~(including where the authority has referred the applicant's case to another authority or decided that the conditions for referral are met),~~¹¹⁹ it must notify the applicant—
- (a) that it no longer regards itself as being subject to the relevant duty,
 - (b) of the reasons why it considers that the duty has come to an end,
 - (c) of the right to request a review, and
 - (d) of the time within which such a request must be made.
- (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 or not the offer is accepted.**¹²⁰
- (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.**
- (1C) 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.**
- (1D) A notice given by authority A to an applicant under subsection (1B) or (1C) must—**
- (a) set out the reasons for the opinion or decision,**

¹¹⁶ Clause 16(3)(a) of the Homelessness and Social Housing Allocation (Wales) Bill, as introduced.

¹¹⁷ Schedule 1, para 3(11)(a) of the Homelessness and Social Housing Allocation (Wales) Bill, as introduced.

¹¹⁸ Clause 18(4) of the Homelessness and Social Housing Allocation (Wales) Bill, as introduced.

¹¹⁹ Clause 16(3)(b) of the Homelessness and Social Housing Allocation (Wales) Bill, as introduced.

¹²⁰ Clause 5(2) of the Homelessness and Social Housing Allocation (Wales) Bill, as introduced.



- (b) explain the effect on the applicant's entitlements under this Chapter of authority A notifying B or of the decision under section 80(5),
 - (c) inform the applicant of any right to request a review, and
 - (d) specify the time within which such a request must be made.¹²¹
- (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.~~¹²²
- (3) Notice under this section must be in writing.
- (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.

Right to review and appeal

85 Right to request review

- (1) An applicant has the right to request a review of the following decisions—¹²³
- (a) a decision of a local housing authority as to the applicant's eligibility for help;
 - (aa) a decision of a local housing authority not to carry out an assessment of a person's case under section 62;
 - (ab) an assessment by a local housing authority of the housing needs of the applicant and any member of the applicant's household;
 - (ac) an assessment by a local housing authority of the support needed for the applicant and any member of the applicant's household—
 - (i) to retain accommodation which is or may become available;
 - (ii) to overcome any barrier to living independently;
 - (ad) a prevention, support and accommodation plan;¹²⁴
 - (b) a decision of a local housing authority that a duty is not owed to the applicant under section 66, 68, 73,¹²⁵ or 75 (duties to applicants who are homeless or threatened with homelessness);

¹²¹ Clause 16(3)(c) of the Homelessness and Social Housing Allocation (Wales) Bill, as introduced.

¹²² Schedule 1, para 3(11)(b) of the Homelessness and Social Housing Allocation (Wales) Bill, as introduced.

¹²³ Clause 5(3)(a)(i) of the Homelessness and Social Housing Allocation (Wales) Bill, as introduced.

¹²⁴ Clause 5(3)(a)(ii) of the Homelessness and Social Housing Allocation (Wales) Bill, as introduced.

¹²⁵ Schedule 1, para 3(12)(a)(i) of the Homelessness and Social Housing Allocation (Wales) Bill, as introduced.



- (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);¹²⁶
 - (c) a decision of a local housing authority that a duty owed to the applicant under section 66, 68, ~~73~~,¹²⁷ or 75 has come to an end ~~(including where the authority has referred the applicant's case to another authority or decided that the conditions for referral are met).~~¹²⁸
 - (d) a decision of a local housing authority that a duty owed to the applicant under section 76A has come to an end;¹²⁹
 - (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;
 - (f) a decision under section 80(5) that the conditions for referral of a case are met.¹³⁰
- ~~(2) 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.~~¹³¹
- (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).
- (4) There is no right to request a review of the decision reached on an earlier review.
- (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.
- (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—
- (a) before the offer is accepted by the applicant and while the offer remains open, and

¹²⁶ Clause 18(5)(a) of the Homelessness and Social Housing Allocation (Wales) Bill, as introduced.

¹²⁷ Schedule 1, para 3(12)(a)(ii) of the Homelessness and Social Housing Allocation (Wales) Bill, as introduced.

¹²⁸ Clause 17(2)(a) of the Homelessness and Social Housing Allocation (Wales) Bill, as introduced.

¹²⁹ Clause 18(5)(b) of the Homelessness and Social Housing Allocation (Wales) Bill, as introduced.

¹³⁰ Clause 17(2)(b) of the Homelessness and Social Housing Allocation (Wales) Bill, as introduced.

¹³¹ Schedule 1, para 3(12)(b) of the Homelessness and Social Housing Allocation (Wales) Bill, as introduced.



- (b) if the applicant has accepted the offer—
 - (i) at any time when a section 66, 68 or 75 duty applies to the applicant, or
 - (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.¹³²

- (5) A request for review ~~to which neither subsection (4A) nor (4B) applies~~¹³³ 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 ~~assessment or~~¹³⁴ decision.
- (6) On a request being made to them, the authority or authorities concerned must review their ~~decision~~ ~~assessment, decision or plan~~.¹³⁵

86 Procedure on review

- (1) The Welsh Ministers may make provision by regulations as to the procedure to be followed in connection with a review under section 85.
- (2) Regulations under subsection (1) may, for example,—
 - (a) ~~require the decision on review to be made by a person of appropriate seniority who was not involved in the original decision, and~~ ~~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,~~¹³⁶
 - (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
 - (c) provide for the period within which the review must be carried out and notice given of the decision.
- (3) The authority, or as the case may be either of the authorities, concerned must notify the applicant of the decision on the review.
- (4) The authority must also notify the applicant of the reasons for the decision, if the decision is—

¹³² Clause 5(3)(b) of the Homelessness and Social Housing Allocation (Wales) Bill, as introduced.

¹³³ Clause 5(3)(c)(i) of the Homelessness and Social Housing Allocation (Wales) Bill, as introduced.

¹³⁴ Clause 5(3)(c)(ii) of the Homelessness and Social Housing Allocation (Wales) Bill, as introduced.

¹³⁵ Clause 5(3)(d) of the Homelessness and Social Housing Allocation (Wales) Bill, as introduced.

¹³⁶ Clause 5(4)(a) of the Homelessness and Social Housing Allocation (Wales) Bill, as introduced.



- (a) to confirm the original ~~decision~~ **assessment, decision or plan**¹³⁷ on any issue against the interests of the applicant, ~~or~~
- ~~(b) to confirm that reasonable steps were taken.~~¹³⁸
- (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).
- (6) Notice of the decision is not ~~to~~¹³⁹ be treated as given unless and until subsection (5), and where applicable subsection (4), is complied with.
- (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.

87 ~~Effect of a decision on review or appeal that reasonable steps were not taken~~

- ~~(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.~~
- ~~(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.~~¹⁴⁰

88 Right of appeal to county court on point of law

- (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 ~~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**¹⁴¹ if the applicant—
 - (a) is dissatisfied with the decision on the review, or
 - (b) is not notified of the decision on the review within the time prescribed under section 86.
- (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.

¹³⁷ Clause 5(4)(b)(i) of the Homelessness and Social Housing Allocation (Wales) Bill, as introduced.

¹³⁸ Clause 5(4)(b)(ii) of the Homelessness and Social Housing Allocation (Wales) Bill, as introduced

¹³⁹ Schedule 1, para 3(13) of the Homelessness and Social Housing Allocation (Wales) Bill, as introduced.

¹⁴⁰ Schedule 1, para 3(14) of the Homelessness and Social Housing Allocation (Wales) Bill, as introduced.

¹⁴¹ Clause 5(5)(a) of the Homelessness and Social Housing Allocation (Wales) Bill, as introduced.



- (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—
 - (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
 - (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.
- (4) On appeal the court may make such order confirming, quashing or varying the decision **on review or the original assessment, decision or plan**¹⁴² as it thinks fit.
- (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—
 - (a) during the period for appealing under this section ~~against the authority's decision~~,¹⁴³ and
 - (b) if an appeal is brought, until the appeal (and any further appeal) is finally determined.

89 Appeals against refusal to accommodate pending appeal

- (1) This section applies where an applicant has the right to appeal to the county court under section 88.
- (2) An applicant may appeal to the county court against a decision of the authority—
 - (a) not to exercise their power under section 88(5) ("the section 88(5) power") in the applicant's case,
 - (b) to exercise that power for a limited period ending before the final determination by the county court of the applicant's appeal under section 88(1) ("the main appeal"), or
 - (c) to cease exercising that power before the final determination.
- (3) An appeal under this section may not be brought after the final determination by the county court of the main appeal.
- (4) On an appeal under this section the court—
 - (a) may order the authority to secure that suitable accommodation is available for the applicant's occupation until the determination of the appeal (or such earlier time as the court may specify), and

¹⁴² Clause 5(5)(b) of the Homelessness and Social Housing Allocation (Wales) Bill, as introduced.

¹⁴³ Clause 5(5)(c) of the Homelessness and Social Housing Allocation (Wales) Bill, as introduced.



- (b) must confirm or quash the decision appealed against.
- (5) In considering whether to confirm or quash the decision the court must apply the principles applied by the High Court on an application for judicial review.
- (6) If the court quashes the decision it may order the authority to exercise the section 88(5) power in the applicant's case for such period as may be specified in the order.
- (7) An order under subsection (6)—
 - (a) may only be made if the court is satisfied that failure to exercise the section 88(5) power in accordance with the order would substantially prejudice the applicant's ability to pursue the main appeal;
 - (b) may not specify any period ending after the final determination by the county court of the main appeal.

Supplementary provisions

90 Charges

A local housing authority may require a person in relation to whom it is discharging its functions under this Chapter—

- (a) to pay reasonable charges determined by the authority in respect of accommodation which it secures for the person's occupation (either by making it available itself or otherwise), or
- (b) to pay a reasonable amount determined by the authority in respect of sums payable by it for accommodation made available by another person.

91 Out-of-area placement

- (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.
- (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.
- (3) The notice must state—
 - (a) the name of the applicant,
 - (b) the number and description of other ~~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,~~ **members of the applicant's household,**¹⁴⁴

- (c) the address of the accommodation,
 - (d) the date on which the accommodation was made available to the applicant, and
 - (e) which function under this Chapter the authority was discharging in securing that the accommodation is available for the applicant's occupation.
- (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.

92 Interim accommodation in England: arrangements with private landlord

- (1) This section applies where in carrying out any of its functions under section 68, 82 or 88(5) (interim accommodation) a local housing authority makes arrangements with a private landlord to provide accommodation in England.
- (2) A tenancy granted to the applicant under the arrangements cannot be an assured tenancy before the end of the period of twelve months beginning with—
 - (a) the date on which the applicant was notified of the authority's decision under section 63(1) or 80(5), or
 - (b) if there is a review of that decision under section 85 or an appeal to the court under section 88, the date on which the applicant is notified of the decision on review or the appeal is finally determined,

unless, before or during that period, the tenant is notified by the landlord (or in the case of joint landlords, at least one of them) that the tenancy is to be regarded as an assured shorthold tenancy or an assured tenancy other than an assured shorthold tenancy.

92A Accommodation in Wales

- (1) For provision which applies where a tenancy or licence in respect of accommodation in Wales is made with an individual by a local housing authority because of the authority's functions under Part 2 of this Act (homelessness), see paragraph 11 of Part 4 of Schedule 2 to the Renting Homes (Wales) Act 2016 (anaw 1) (tenancies and licences to which special rules apply: homelessness).
- (2) For provision which applies where a local housing authority, in pursuance of any of its homelessness housing functions, makes arrangements with a relevant landlord for the provision of accommodation, see paragraph 12 of

¹⁴⁴ Schedule 1, para 3(15) of the Homelessness and Social Housing Allocation (Wales) Bill, as introduced.



Part 4 of Schedule 2 to the Renting Homes (Wales) Act 2016 (tenancies and licences to which special rules apply: homelessness).

93 Protection of property

- (1) Where a local housing authority has become subject to a duty in respect of an applicant as described in subsection (2), **or would have become subject to the duty in section 75 in respect of an applicant but for section 75(7) applying,**¹⁴⁵ 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—
 - (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
 - (b) no other suitable arrangements have been or are being made.
- (2) The duties in respect of an applicant are—
 - section 66 (duty to help to prevent an applicant from becoming homeless) ~~in the case of an applicant in priority need;~~¹⁴⁶
 - section 68 (interim duty to secure accommodation ~~for homeless applicants in priority need;~~)¹⁴⁷
 - section 75 (duty to secure accommodation ~~for applicants in priority need when the duty in section 73 ends;~~)¹⁴⁸
 - section 82 (duties to applicant whose case is considered for referral or referred) ~~in the case of an applicant in priority need.~~¹⁴⁹
- (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.
- (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—
 - (a) the making and recovery by the authority of reasonable charges for the action taken, or
 - (b) the disposal by the authority, in such circumstances as may be specified, of property in relation to which it has taken action.
- (5) A local housing authority may take any steps it considers reasonable for the purpose of protecting the person property of an applicant who is eligible for

¹⁴⁵ Clause 26 of the Homelessness and Social Housing Allocation (Wales) Bill, as introduced.

¹⁴⁶ Schedule 1, para 3(16)(a)(i) of the Homelessness and Social Housing Allocation (Wales) Bill, as introduced.

¹⁴⁷ Schedule 1, para 3(16)(a)(ii) of the Homelessness and Social Housing Allocation (Wales) Bill, as introduced.

¹⁴⁸ Schedule 1, para 3(16)(a)(iii) of the Homelessness and Social Housing Allocation (Wales) Bill, as introduced.

¹⁴⁹ Schedule 1, para 3(16)(a)(iv) of the Homelessness and Social Housing Allocation (Wales) Bill, as introduced.



help or prevent or mitigate damage to it if the authority has reason to believe that—

- (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
 - (b) no other suitable arrangements have been or are being made.
- (6) References in this section to personal property of the applicant include personal property of any ~~person who might reasonably be expected to reside with the applicant~~ **member of the applicant's household**.¹⁵⁰

94 Protection of property: supplementary provisions

- (1) The authority may for the purposes of section 93—
 - (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
 - (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.
- (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.
- (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.
- (4) Where the applicant asks the authority to move his or her property to a particular location nominated by the applicant, the authority—
 - (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
 - (b) having done so, have no further duty or power to take action under that section in relation to that property.
- (5) If such a request is made, the authority must before complying with it inform the applicant of the consequence of it doing so.
- (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.

¹⁵⁰ Schedule 1, para 3(16)(b) of the Homelessness and Social Housing Allocation (Wales) Bill, as introduced.



- (7) But property stored by virtue of the authority having taken such action may be kept in store and any conditions upon which it was taken into store continue to have effect, with any necessary modifications.
- (8) Where the authority—
 - (a) ceases to be subject to a duty to take action under section 93 in respect of an applicant's property, or
 - (b) ceases to have power to take such action, having previously taken such action,
 it must notify the applicant of that fact and of the reason for it.
- (9) The notification must be given to the applicant—
 - (a) by delivering it to the applicant, or
 - (b) leaving it at, or sending it to, the applicant's last known address.
- (10) References in this section to personal property of the applicant include personal property of any ~~person who might reasonably be expected to reside with the applicant~~ **member of the applicant's household**.¹⁵¹

94A Duty of a public authority to ask and act

- (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).
- (2) The specified public authority must ask the person—
 - (a) to agree to the authority notifying a local housing authority in Wales or England of—
 - (i) the opinion mentioned in subsection (1), and
 - (ii) how the person may be contacted by the local housing authority;
 - (b) to identify a local housing authority in Wales or England to which the person would like the notification to be made.
- (3) If the person agrees to the specified public authority making the notification, the specified public authority must notify—
 - (a) the local housing authority identified by the person, or
 - (b) if the person has not identified an authority, the local housing authority in Wales or England that the specified public authority considers appropriate.

¹⁵¹ Schedule 1, para 3(17) of the Homelessness and Social Housing Allocation (Wales) Bill, as introduced.



- (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).
- (5) The specified public authority must—
 - (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;
 - (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;
 - (c) consider whether the opinion mentioned in subsection (1) affects the exercise of its functions in relation to the person regarding any matter.
- (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.
- (7) The duties in subsections (2) and (3) do not apply if the specified public authority is satisfied that—
 - (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
 - (b) either—
 - (i) the application is being considered, or
 - (ii) a duty applies under this Act, or the 1996 Act, to secure accommodation or provide other help in respect of the application.

94B Specified public authorities

- (1) For the purposes of section 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)—
- (a) to omit or add a reference to a person, or a description of a person;
 - (b) to change a reference to a person or a description of a person.
- (3) The regulations—
- (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;
 - (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.¹⁵²

95 Co-operation

- (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

¹⁵² Clause 21(2) of the Homelessness and Social Housing Allocation (Wales) Bill, as introduced.



housing authority with a view to achieving the following objectives in its area—

- (a) the prevention of homelessness,
- (b) that suitable accommodation is or will be available for people who are or may become homeless,
- (c) that satisfactory support is available for people who are or may become homeless, and
- (d) the effective discharge of its functions under this Part **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).**¹⁵³

(1A) The arrangements under subsection (1) must include a protocol for handling cases involving—

- (a) persons aged 16 or 17 who are homeless or threatened with homelessness;**
- (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 the 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.**¹⁵⁴

(1C) A local housing authority in Wales must make arrangements to promote co-operation 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,**

¹⁵³ Clause 24(2) of the Homelessness and Social Housing Allocation (Wales) Bill, as introduced.

¹⁵⁴ Clause 24(3) of the Homelessness and Social Housing Allocation (Wales) Bill, as introduced.



- (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
 - (e) effective discharge of its functions under this Part.
- (1D) The persons are—
 - (a) the persons mentioned in subsection (5);
 - (b) any other public authority with functions which are capable of contributing to the achievement of any of the objectives mentioned in subsection (1C);
 - (c) any voluntary organisation or other persons whose activities are capable of contributing to the achievement of any of those objectives.
- (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—
 - (a) leaving prison or youth detention accommodation;
 - (b) leaving the regular armed forces of the Crown;
 - (c) misusing drugs and other substances;
 - (d) mental health.¹⁵⁵
- (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—
 - (a) be incompatible with the person's own duties, or
 - (b) otherwise have an adverse effect on the exercise of the person's functions.
- (3) If a local housing authority requests that a person mentioned in subsection (5) provides it with 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—
 - (a) be incompatible with the person's own duties, or
 - (b) otherwise have an adverse effect on the exercise of the person's functions.

¹⁵⁵ Clause 25(2) of the Homelessness and Social Housing Allocation (Wales) Bill, as introduced.



- (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.
- ~~(5) The persons (whether in Wales or England) are—~~
- ~~(a) a local housing authority;~~
 - ~~(b) a social services authority;~~
 - ~~(c) a registered social landlord;~~
 - ~~(d) a new town corporation;~~
 - ~~(e) a private registered provider of social housing;~~
 - ~~(f) a housing action trust.~~
- ~~(6) The Welsh Ministers may amend subsection (5) by order to omit or add a person, or a description of a person.~~
- ~~(7) An order under subsection (6) may not add a Minister of the Crown.~~
- ~~(8) In this section—~~
- ~~“housing action trust” (“ymddiriedolaeth gweithredu tai”) means a housing action trust established under Part 3 of the Housing Act 1988;~~
 - ~~“new town corporation” (“corfforaeth tref newydd”) has the meaning given in Part 1 of the Housing Act 1985;~~
 - ~~“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;~~
 - ~~“registered social landlord” (“landlord cymdeithasol coferstredig”) has the meaning given by Part 1 of the Housing Act 1996.~~

- (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;
 - (r) the Secretary of State for Defence, but only in relation to members of the regular armed forces of the Crown.
- (6) The Welsh Ministers may, by regulations, amend subsection (5)—
- (a) to omit or add a reference to a person, or a description of a person;
 - (b) to change a reference to a person or a description of a person.
- (7) The regulations—
- (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;
 - (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.¹⁵⁶

96 Co-operation in certain cases involving children

- (1) This section applies where a local housing authority has reason to believe that ~~an applicant with whom a person under the age of 18 normally resides, or might reasonably be expected to reside~~ **a member of an applicant's household is under the age of 18 and that the applicant** —¹⁵⁷
- (a) may be ineligible for help,

¹⁵⁶ Clause 32(2) of the Homelessness and Social Housing Allocation (Wales) Bill, as introduced.

¹⁵⁷ Schedule 1, para 3(18)(a) of the Homelessness and Social Housing Allocation (Wales) Bill, as introduced.



- (b) may be homeless and that a duty under section 68, ~~73~~¹⁵⁸ or 75 is not likely to apply to the applicant, or
 - (c) may be threatened with homelessness and that a duty under section 66 is not likely to apply to the applicant.
- (2) A local housing authority must make arrangements for ensuring that—
- (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
 - (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.
- (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.
- (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, ~~became homeless intentionally or became threatened with homelessness intentionally,~~¹⁵⁹ its housing department provides the social services department with such advice and assistance as the social services department may reasonably request.
- (5) In this section, in relation to the council of a county or county borough—
- “the housing department” (“*yr adran dai*”) means those persons responsible for the exercise of its functions as local housing authority;
 - “the social services department” (“*yr adran gwasanaethau cymdeithasol*”) 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.

96A Co-operation between social landlords and local housing authorities

- (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.
- (2) For the purposes of this section and section 96B, “social landlord” means—
 - (a) a registered social landlord, or
 - (b) a private registered provider of social housing.

¹⁵⁸ Schedule 1, para 3(18)(b) of the Homelessness and Social Housing Allocation (Wales) Bill, as introduced

¹⁵⁹ Schedule 1, para 3(18)(c) of the Homelessness and Social Housing Allocation (Wales) Bill, as introduced.



- (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.
- (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 give 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 96A(1).
- (3) The local housing authority may refer the matter to the Welsh Ministers.
- (4) After receiving a referral under subsection (3), the Welsh Ministers must notify the social landlord of—
 - (a) the referral, and
 - (b) the period for making representations to the Welsh Ministers on the referral.



- (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 within such period as may be specified in the direction.
- (6) A social landlord must comply with a direction given to it under subsection (5).
- (7) A direction under subsection (5)—
 - (a) must be in writing;
 - (b) may be varied or revoked by a later direction;
 - (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.¹⁶⁰

96C Viewing accommodation

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.¹⁶¹

General

97 False statements, withholding information and failure to disclose change of circumstances

- (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 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.

¹⁶⁰ Clause 33 of the Homelessness and Social Housing Allocation (Wales) Bill, as introduced.

¹⁶¹ Clause 34 of the Homelessness and Social Housing Allocation (Wales) Bill, as introduced.



- (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.
- (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.¹⁶²

98 Guidance

- (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.
- (2) Subsection (1) applies in relation to functions under this Part and any other enactment.
- (2A) In the exercise of its functions under section 94A, a specified public authority must have regard to guidance given by the Welsh Ministers.¹⁶³
- (3) The Welsh Ministers may—
 - (a) give guidance either generally or to specified descriptions of authorities;
 - (b) revise the guidance by giving further guidance under this Part;

¹⁶² Clause 31 of the Homelessness and Social Housing Allocation (Wales) Bill, as introduced.

¹⁶³ Clause 21(3) of the Homelessness and Social Housing Allocation (Wales) Bill, as introduced.



- (c) withdraw the guidance by giving further guidance under this Part or by notice.
- (4) The Welsh Ministers must publish any guidance or notice under this Part.
- (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.¹⁶⁴

99 Interpretation of this Chapter and index of defined terms

In this Chapter—

“abuse” (*“camdriniaeth”*) has the meaning given by section 58;

“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);¹⁶⁵

“approved premises” (*“mangre a gymeradwywyd”*) has the meaning given by section 13 of the Offender Management Act 2007 (c.21);¹⁶⁶

~~“associated” (*“cysylltiedig”*), in relation to a person, has the meaning given by section 58;~~¹⁶⁷

“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);¹⁶⁸

“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);¹⁶⁹

~~“domestic abuse” (*“camdriniaeth ddomestig”*) has the meaning given by section 58;~~¹⁷⁰

¹⁶⁴ Clause 29(4) of the Homelessness and Social Housing Allocation (Wales) Bill, as introduced.

¹⁶⁵ Schedule 1, para 3(19)(a) of the Homelessness and Social Housing Allocation (Wales) Bill, as introduced.

¹⁶⁶ Schedule 1, para 3(19)(a) of the Homelessness and Social Housing Allocation (Wales) Bill, as introduced.

¹⁶⁷ Schedule 1, para 3(19)(b) of the Homelessness and Social Housing Allocation (Wales) Bill, as introduced.

¹⁶⁸ Schedule 1, para 3(19)(a) of the Homelessness and Social Housing Allocation (Wales) Bill, as introduced.

¹⁶⁹ Schedule 1, para 3(19)(a) of the Homelessness and Social Housing Allocation (Wales) Bill, as introduced.

¹⁷⁰ Schedule 1, para 3(19)(b) of the Homelessness and Social Housing Allocation (Wales) Bill, as introduced.



“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;~~¹⁷¹

“help under this Chapter” (“*cynorth o dan y Bennod hon*”) means the benefit of any function under sections 66, 68, ~~73~~,¹⁷² 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);¹⁷³

~~“intentionally homeless” (“*digartref yn fwriadol*”) has the meaning given by section 77;~~¹⁷⁴

“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);¹⁷⁵

“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;

¹⁷¹ Schedule 1, para 3(19)(b) of the Homelessness and Social Housing Allocation (Wales) Bill, as introduced.

¹⁷² Schedule 1, para 3(19)(c) of the Homelessness and Social Housing Allocation (Wales) Bill, as introduced.

¹⁷³ Schedule 1, para 3(19)(a) of the Homelessness and Social Housing Allocation (Wales) Bill, as introduced.

¹⁷⁴ Schedule 1, para 3(19)(b) of the Homelessness and Social Housing Allocation (Wales) Bill, as introduced.

¹⁷⁵ Schedule 1, para 3(19)(a) of the Homelessness and Social Housing Allocation (Wales) Bill, as introduced.



~~“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);¹⁷⁶~~

“member of the applicant’s household” (“aelod o aelwyd y ceisydd”) (and any similar reference to member of a person’s household) is to be interpreted in accordance with section 56;¹⁷⁷

“new town corporation” (“corfforaeth tref newydd”) has the meaning given by Part 1 of the Housing Act 1985 (c.68);¹⁷⁸

“occupation contract” (“contract meddiannaeth”) has the same meaning as in the Renting Homes (Wales) Act 2016 (anaw 1) (see section 7 of that Act);

“prescribed” (“rhagnodedig”) means prescribed in regulations made by the Welsh Ministers;

“prevention, support and accommodation plan” (“cynllun atal, cefnogaeth a llety”) means a plan required by section 63A;¹⁷⁹

“primary care services” (“gwasanaethau gofal sylfaenol”) means services provided under or by virtue of Parts 4 to 7 of the National Health Service (Wales) Act 2006 (c.42);¹⁸⁰

~~“priority need for accommodation” (“angen blaenoriaethol am lety”) has the meaning given by section 70;¹⁸¹~~

“prison” (“carchar”) 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 (c.6) 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);¹⁸²

¹⁷⁶ Schedule 1, para 3(19)(b) of the Homelessness and Social Housing Allocation (Wales) Bill, as introduced.

¹⁷⁷ Schedule 1, para 3(19)(a) of the Homelessness and Social Housing Allocation (Wales) Bill, as introduced.

¹⁷⁸ Schedule 1, para 3(19)(a) of the Homelessness and Social Housing Allocation (Wales) Bill, as introduced.

¹⁷⁹ Schedule 1, para 3(19)(a) of the Homelessness and Social Housing Allocation (Wales) Bill, as introduced.

¹⁸⁰ Schedule 1, para 3(19)(a) of the Homelessness and Social Housing Allocation (Wales) Bill, as introduced.

¹⁸¹ Schedule 1, para 3(19)(b) of the Homelessness and Social Housing Allocation (Wales) Bill, as introduced.

¹⁸² Schedule 1, para 3(19)(a) of the Homelessness and Social Housing Allocation (Wales) Bill, as introduced.



“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 cofrestredig”*) has the meaning given by Part 2 of the Housing and Regeneration Act 2008 (c.17);¹⁸³

“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);¹⁸⁴

“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 that 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;¹⁸⁵

“social services authority” (*“awdurdod gwasanaethau cymdeithasol”*) means —

¹⁸³ Schedule 1, para 3(19)(a) of the Homelessness and Social Housing Allocation (Wales) Bill, as introduced.

¹⁸⁴ Schedule 1, para 3(19)(a) of the Homelessness and Social Housing Allocation (Wales) Bill, as introduced.

¹⁸⁵ Schedule 1, para 3(19)(a) of the Homelessness and Social Housing Allocation (Wales) Bill, as introduced.



- (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);¹⁸⁶

“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;
- (c) a young offender institution;
- (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;
- (e) accommodation, or accommodation of a description, for the time being specified by regulations under section 248(1)(f) of the Sentencing Code (youth detention accommodation for the purposes of detention and training orders).

100 Consequential amendments

Part 1 of Schedule 3 makes consequential amendments relating to this Part.

[....]

¹⁸⁶ Schedule 1, para 3(19)(a) of the Homelessness and Social Housing Allocation (Wales) Bill, as introduced.



PART 9**MISCELLANEOUS AND GENERAL**

[...]

*General***142 Orders and regulations**

- (1) A power to make an order or regulations under this Act is to be exercised by statutory instrument.
- (2) A power to make an order or regulations under this Act includes power—
 - (a) to make different provision for different cases or classes of case, different areas or different purposes;
 - (b) to make different provision generally or subject to specified exemptions or exceptions or only in relation to specific cases or classes of case;
 - (c) to make such incidental, supplementary, consequential, transitory, transitional or saving provision as the person making the order or regulations considers appropriate.
- (3) 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—
 - (a) in Part 1—
 - (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);
 - (ii) regulations made under section 19(2);
 - (b) in Part 2—
 - (i) an order made under section 57(4), 59(3), 72, 80(5)(b)(i), 80(8) ~~or 81(4)~~,¹⁸⁷
 - (ii) regulations made under section ~~75(5)(b)~~,¹⁸⁸ 78(1), ~~80(2)(b)~~, ~~80(2A)(b)~~,¹⁸⁹ ~~81(4)~~,¹⁹⁰ ~~81A(2)(b)~~,¹⁹¹ ~~or 86(1)~~ ~~86(1)~~, 94B(2)¹⁹²

¹⁸⁷ Clause 12(3)(a) of the Homelessness and Social Housing Allocation (Wales) Bill, as introduced.

¹⁸⁸ Clause 6(4) of the Homelessness and Social Housing Allocation (Wales) Bill, as introduced.

¹⁸⁹ Clause 11(7) of the Homelessness and Social Housing Allocation (Wales) Bill, as introduced.

¹⁹⁰ Clause 12(3)(b) of the Homelessness and Social Housing Allocation (Wales) Bill, as introduced.

¹⁹¹ Clause 13(3) of the Homelessness and Social Housing Allocation (Wales) Bill, as introduced.

¹⁹² Clause 21(4) of the Homelessness and Social Housing Allocation (Wales) Bill, as introduced.



or 95(6)¹⁹³ and regulations made by Welsh Ministers under paragraph 1 of Schedule 2;

- (c) in Part 3, an order made under section 101 or 109;
 - (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.
- (4) 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 of Wales
- (5) 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—
- (a) each House of Parliament, and
 - (b) the National Assembly for Wales.
- (6) 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.
- (7) This section does not apply to an order made under section 145 (commencement).

[....]

¹⁹³ Clause 32(3) of the Homelessness and Social Housing Allocation (Wales) Bill, as introduced.



SCHEDULE 2

(introduced by section 61)

ELIGIBILITY FOR HELP UNDER CHAPTER 2 OF PART 2**Persons not eligible for help**

- 1 (1) A person is not eligible for help under section 66, 68, ~~73~~¹⁹⁴ 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~~¹⁹⁵
 - ~~(b) has a priority need for accommodation.~~¹⁹⁶
- (6) A person falls within this subsection if the person—
 - (a) falls within a class prescribed by regulations made under sub-paragraph (2), and
 - (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.

¹⁹⁴ Schedule 1, para 3(20)(a) of the Homelessness and Social Housing Allocation (Wales) Bill, as introduced.

¹⁹⁵ Schedule 1, para 3(20)(b)(i) of the Homelessness and Social Housing Allocation (Wales) Bill, as introduced.

¹⁹⁶ Schedule 1, para 3(20)(b)(ii) of the Homelessness and Social Housing Allocation (Wales) Bill, as introduced.



Asylum-seekers and their dependents: transitional provision

- 2 (1) Until the commencement of the repeal of section 186 of the Housing Act 1996 (asylum-seekers and their dependents), 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—
 - (a) the reference to section 185 of that Act is to be interpreted as a reference to paragraph 1, and
 - (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.

Provision of information by Secretary of State

- 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—
 - (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
 - (b) to enable it to determine whether such a person is eligible for help under Chapter 2 of Part 2.
- (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.
- (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.



SCHEDULE 3

(as introduced by sections, 100, 110, 130, 139 and 141)

MINOR AND CONSEQUENTIAL AMENDMENTS

PART 1

HOMELESSNESS

[omitted]

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