

The Law about homelessness in Wales

The law which governs all of our decisions is the Housing (Wales) Action 2014. Part 2 is about homelessness and it is summarised here.

Assessment and Notification

● Assessment - Section 62

The Council must carry out an assessment of an applicant and if eligible, must consider the circumstances, housing and support needs of the applicant.

● Notice of the outcome of the assessment - Section 63

The Council must inform the applicant what duties, if any, are owed under this Section. The duties that the Council may have are:

- Section 60 – Duty to provide advice and assistance
- Section 66 – Duty to help to prevent homelessness
- Section 68 – Duty to provide temporary accommodation
- Section 73 – Duty to help to secure suitable accommodation
- Section 75 – Duty to provide settled accommodation

● Notification that duties have ended - Section 84

Where the Council decides that its duty to an applicant under sections 66, 68, 73 or 75 has come to an end 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.

Notice must be given in writing. If the application does not have a postal address we will ensure that the notice is available at our offices for collection by the applicant or somebody on their behalf.

Ways in which legal duties can end

When the Council has accepted a duty it can only end in specific circumstances:

● Help to Prevent Duty - Section 66, this duty can be ended if:

- The applicant is no longer threatened with homelessness.
- The applicant refuses an offer of accommodation.
- The applicant is no longer eligible for housing assistance.
- The applicant has withdrawn their housing application.
- The applicant is unreasonably failing to co-operate.
- The applicant has become homeless.
- A mistake of fact.



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● Help to Secure Duty - Section 73, this duty can be ended if:

- The period of 56 days has expired (the Council will consider whether a final housing duty is owed to the applicant).
- The Council is satisfied that all reasonable steps have been taken (the Council will consider whether a final housing duty is owed to applicants).
- The Council is satisfied that the applicant has suitable accommodation.
- The applicant refuses an offer of accommodation.
- The applicant is no longer eligible for housing assistance.
- The applicant has withdrawn their housing application.
- The applicant is unreasonably failing to co-operate.
- A decision was made due to a mistake of fact.
- We will tell you of the reasonable steps we have taken under this duty

● Final Duty to Secure - Section 75, this duty can be ended if:

- The applicant accepts an offer from the Common Waiting List or a private rented sector tenancy.
- The applicant refuses an offer of suitable accommodation, including from the Common Waiting List, a private rented sector offer or an offer of temporary accommodation.
- The applicant has become homeless intentionally from temporary accommodation.
- The applicant voluntarily ceases to occupy temporary accommodation.
- The applicant is no longer eligible for housing assistance.
- The applicant has withdrawn their housing application.
- The applicant is unreasonably failing to co-operate.
- A decision was made due to a mistake of fact.

● Interim Accommodation Duty - Section 68, this duty can be ended if:

- The applicant refuses an offer of temporary accommodation.
- The applicant voluntarily or intentionally leaves temporary accommodation.
- The duty under S73 has ended
- The applicant is no longer eligible for housing assistance.
- The applicant has withdrawn their housing application.
- The applicant is unreasonably failing to co-operate.
- A decision was made due to a mistake of fact.

● Local Connection Referrals to Other Boroughs - Section 80

Applicants will be referred to a more appropriate Borough if the Council believe that the conditions for referral are met. These are that:

- Neither the applicant, nor any person who might reasonably be expected to reside with them, has a local connection where the application was made.



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● Local Connection Referrals to Other Boroughs - Section 80 (continued)

- The applicant, or a person who might reasonably be expected to reside with them has a local connection with the area of the other authority, and
- Neither the applicant, nor any person who might reasonably be expected to reside with them, will run the risk of domestic abuse in that other area.
- The applicant is in priority need
- The applicant is not intentionally homeless

● Priority Need for Accommodation - Section 75

The duty to secure accommodation (final and interim housing duty) will only be owed to applicants who have a priority need for accommodation.

