

# Homelessness and Social Housing Allocation (Wales) Bill

## Bill Summary (Stage 1)

May 2025



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## Bill Summary (Stage 1)

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**Author:**

Jennie Bibbings and Gwennan Hardy



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The Homelessness and Social Housing Allocation (Wales) Bill proposes to reform existing legislation on homelessness and social housing allocations in support of the aim of ending homelessness in Wales.

The Bill seeks to increase the numbers of people eligible for homelessness support and encourage earlier prevention. It does this by ending the priority need and intentionality tests, and by requiring local authorities to help prevent homelessness if an applicant is within six months of losing their home.

The Bill proposes to extend legal duties to specified public bodies to “ask and act”, identifying people who are homeless or at risk of homelessness and referring them for support. It also includes measures to increase the number of social housing allocations to homeless households.

The Bill amends Part 2 of the Housing (Wales) Act 2014 (HWA 2014) and Part 6 of the Housing Act 1996 (HA 1996). To a lesser extent it also amends the Social Services and Well-being (Wales) Act 2014 (SSWBWA 2014).

This briefing is intended to support and inform the Senedd’s scrutiny of the legislation. It summarises the provisions of the Bill, its background and how the Bill differs from **the White Paper** that preceded it.

## Background

This Bill is the culmination of work that began more than five years ago, when the Welsh Government's **Homelessness Action Group** set out recommendations to help the Welsh Government achieve its aim of making homelessness rare, brief, and unrepeatable.

The Group's recommendations included a number of legislative proposals. It recommended strengthening the early prevention of homelessness by requiring local authorities to assist an applicant if they are likely to lose their home within six months, rather than 56 days. The Group also called for abolition of the priority need, intentionality, and local connection tests.

After the Group reported to the Welsh Government, the then Cabinet Secretary for Housing, Local Government and Planning, Julie James MS, commissioned homelessness charity Crisis to convene a further group, the **Expert Review Panel**. In September 2023 this group made **detailed recommendations** to the Welsh Government on how legislation should be reformed.

## What the White Paper proposed

In October 2023 the Welsh Government published its **Ending Homelessness White Paper**. This contained proposals that were broadly in line with the Expert Review Panel's recommendations, with some areas of divergence discussed in this **Senedd Research article**. The key proposals were:

- Increasing the definition of "threatened with homelessness" from 56 days to six months;
- Ending the priority need test, with a **"clearly defined lead in time"** to assist local authorities to prepare;
- Ending the intentional homelessness test, replacing it with a new "deliberate manipulation" test to remove priority for social housing where someone has deliberately manipulated the homelessness system to gain advantage when applying for social housing;
- Not ending the local connection test, but adding groups of people to the list of exemptions, to allow for non-familial connections with communities and to

better take account of the reasons why someone is unable to return to their home authority;

- Ending the “unreasonable failure to co-operate” test, replacing it with more specific behavioural reasons for which local authorities may bring duties to an end;
- Creating new duties on public bodies to identify people at risk of homelessness, refer them for support, take action to mitigate the risk of homelessness, and co-operate with local authorities. The White Paper’s list of public bodies identified local health boards (including primary care), social services departments and registered social landlords. The White Paper also stated a policy aim to include organisations subject to UK Government control, listing the Department for Work & Pensions, Youth Justice Services, Probation, prisons, HM Courts and Tribunals Service, the police, the Home Office in relation to refugees, and the Secretary of State for defence in relation to armed forces accommodation;
- Improving standards for temporary and settled accommodation;
- Increasing social housing allocations to homeless households, including a new duty on social landlords to not unreasonably refuse a request from a local housing authority to rehouse a statutory homelessness applicant; and
- Strengthening the rights of care experienced people to homelessness assistance, in response to **recommendations** from the Senedd’s Children, Young People and Education Committee.

## Reactions to the White Paper

Stakeholder **responses to the White Paper** were largely positive, with dissent on some points.

Overall, third sector stakeholders warmly welcomed it, with voices including **Cymorth Cymru** and **the Wallich** calling for the Bill to reflect the White Paper and not depart from the key proposals.

Local authorities also welcomed the White Paper’s vision, but many **expressed concern** about the proposed changes to the priority need, intentionality and local connection tests. These proposed changes were supported by most registered social landlords (RSLs) and third sector stakeholders.

Local authorities also emphasised the White Paper’s resource implications, predicting different impacts in different authorities due to factors such as the availability of housing and the makeup of local populations. Some expressed fear that services already running at or above capacity could be overwhelmed.

Most RSLs supported the proposals **with the exception** of the proposed new duty on RSLs to not unreasonably refuse a referral from a local authority. This proposed new duty was supported by local authorities and third sector stakeholders.

The proposed public sector duties to identify, refer and co-operate were welcomed by **nearly all stakeholders**, including health boards. However most stakeholders called for the list of relevant public sector bodies to include schools and other education settings. Some health stakeholders welcomed that the proposed list included primary care.

A common thread across all stakeholder responses was the need for resources to follow the ambition. Stakeholders said this needed to include a step-up in social and affordable housing supply, as well as higher funding for local authority homelessness departments and housing-related support services.

### What the Welsh Government hopes to achieve

The Welsh Government's Explanatory Memorandum (EM), that accompanies the Bill, states that the current approach to homelessness is "not sustainable" with high numbers of people presenting to local authorities, high numbers in temporary accommodation, and dropping prevention rates.

The Welsh Government says that legislative reform is a necessary step "to achieve systemic transformation", alongside broader changes in policy and practice, and investment in housing supply. The Welsh Government says these measures should improve prevention, lead to more person-centred services, and make better use of accommodation supply to those most in need.

### How the Bill differs from the White Paper

The Bill reflects many of the White Paper's key proposals, including ending the priority need and intentionality tests. The Regulatory Impact Assessment (RIA) states that these are likely to be removed in **2030-31 at the earliest**.

Below are some major differences between the Bill and the White Paper. Please note that this is not an exhaustive list:

- **Local connection.** The White Paper sought views on **creating additional exemptions** to the local connection test. The Bill does not do this but introduces a "local connection to Wales" test to determine entitlement to the main section 75 housing duty. It adds a regulation-making power for Ministers to define local connection (*sections 6 and 12*). *The EM says this is to enable local*

*authorities to make best use of resources.*

- **Discharging homelessness duties via an increased range of housing options.** The White Paper proposed a list of safeguards, most of which are not mentioned in the Bill or the EM. The Bill retains the safeguard of applicant consent being required, and also requires that local authorities take reasonable steps to contact the applicant within seven months of the homelessness duty being discharged (*sections 7 and 19*).
- **Duty on public bodies to “ask and act”.** By adopting the “ask and act” terminology, the Bill aims to reflect similar duties on public bodies in Wales in relation to the identification of violence against women, domestic abuse and sexual violence (VAWDASV) (*section 21*).

In contrast with the White Paper the Bill’s list of public bodies to which the duty would apply excludes police, HM Courts and Tribunals Service, and primary care services (which include GP surgeries, community nurses, pharmacies, dentists and optometrists). In common with the White Paper, the list excludes educational establishments and private landlords, both of which were recommended by the Expert Review Panel.

The Bill includes a power for Welsh Ministers to add further bodies to the list, and the EM expresses an intention that more will be added in time.

- **Domestic abuse.** The Bill widens the HWA 2014’s definition of “domestic abuse” to bring it in line with other legislation and ensure it includes controlling or coercive behaviour, economic and psychological abuse. However, the Bill does not take forward a White Paper proposal to amend the main housing duty to help an applicant who is a survivor of domestic abuse retain their existing accommodation through measures such as installing physical safety features. The EM does not explain why this has not been included.
- **Hospital discharge.** The Bill does not take forward proposals in the White Paper for hospital discharge assessments to include consideration of a patient’s housing needs, and for a joint duty for health and the local authority to work together to prevent homelessness at the point of discharge. The EM says this is due to concerns from health stakeholders about administrative burdens and delays to discharge.
- **People entering and leaving custody.** A range of proposals to target prevention for individuals in custody are not being taken forward via specific provisions in the Bill. The EM says this is due to significant concerns from stakeholders in relation to the availability of housing, access to individuals in custody, and the stigma associated with time in prison. The Welsh Government intends the policy aims to be met through other duties in the Bill such as “ask

and act”, and in guidance.

The Bill takes forward a provision for advice services to be provided to people in custody (*section 27*).

- **Care leavers.** The Bill goes further than the White Paper in respect of young people leaving care. The EM sets out a policy aim that no young person should leave care into homelessness. While the White Paper proposed some measures to give care leavers who are homeless additional preference in social housing allocations, the Bill creates a new sixth reasonable preference category for care leavers aged 18 to 21 regardless of their homelessness status. This aims to ensure that care leavers aged 18 to 21 do not have to present as homeless to be prioritised for social housing (*sections 23 and 37*).

The Bill and the EM do not refer to a White Paper proposal to recognise all care experienced people as priority need until the priority need test is abolished.

- **Seeking the views of homeless people.** The White Paper promised to explore options for listening to the views of people with lived experience of homelessness “to inform [the Welsh Government’s] understanding of how homelessness systems work and ensure this feedback influences ongoing development of services and prompts action from Welsh Ministers where appropriate”.

The Bill includes a new duty on local authorities to consult people who have had lived experience of homelessness when developing their local homelessness strategies. A similar duty is placed on the Welsh Government when developing homelessness guidance (*section 29*).

- **Suitability of accommodation.** The White Paper proposed to prohibit accommodation with Category 1 hazards from being deemed suitable, including accommodation deemed unfit for human habitation. The Bill does not place a prohibition, but requires local authorities to “have regard to” Part 4 of the Renting Homes (Wales) Act 2016 (condition of dwelling) when determining suitability (*section 30*).

The White Paper included a range of other proposals to improve accommodation standards, addressing factors such as overcrowding, shared sleeping spaces, and location. The EM states that the Welsh Government intends to amend the Homelessness (Suitability of Accommodation) (Wales) Order 2015 in future, to make changes to suitability requirements.

A further change is to the period during which an applicant can request a review of the suitability of the accommodation offer. The White Paper proposed

**extending the current 21 days** to an open-ended review period. Following stakeholder feedback this has been reduced in the Bill to six months.

- **Children and young people in unsuitable temporary accommodation.** The White Paper proposed that no 16 or 17 year old should be accommodated in unsupported temporary accommodation. The EM says this will be taken forward in the amendments to the Suitability Order 2015.

The White Paper also proposed that young people aged 25 and under should not be placed in unsuitable temporary accommodation, including bed and breakfasts, for any length of time. Following concerns from some stakeholders about implementation, outlined in the EM, the Welsh Government has not taken this forward in the Bill.

- **Reporting on temporary accommodation.** The White Paper **proposed three-yearly reviews** of temporary accommodation standards to assess whether developments in supply enabled standards to be raised. The Bill includes a duty on Welsh Ministers to undertake regular reviews of the condition and use of temporary accommodation across Wales on a five-yearly basis. The Bill does not mention an assessment of whether standards can be raised, although the EM explains that this would be the intended purpose.

The Bill includes the date of 31 December 2030 as the deadline for the first report to be published and laid before the Senedd (*section 31*).

- **Managing waiting lists.** The White Paper **proposed a power** for local authorities to remove people with no housing need from the waiting list in their areas. The Bill defines this more broadly, providing local authorities with the discretion to decide what classes of person are or are not “qualifying persons” for social housing in their area. The section creates a regulation-making power for Welsh Ministers to prescribe classes of “qualifying persons” (*section 35*).
- **Additional preference for homeless households.** The White Paper proposed to assign additional preference in social housing allocations to **households who are homeless** and owed the main housing duty, over other priority groups deemed to have an urgent housing need. This would not amend the main reasonable preference categories but would prescribe for the prioritisation of homeless households within those categories. The Bill does not include this proposal. The EM says this was left out in response to local authority concerns that this could penalise applicants who are not homeless but who still have an urgent housing need.
- **Consistency of local authority performance.** In the White Paper, the Welsh Government said it would consider **whether it needed additional legal powers** to ensure the new legislation meets its aims, including possible direction making powers for the Welsh Government to intervene in cases where

a local authority is failing to deliver the requirements of the legislation. The EM does not mention the outcomes of these considerations, and the Bill does not include any new powers.

### How much could implementation cost?

The cost of the Bill is estimated to be **£325.8 million over a 10 year period** (2026-7 to 2035-6), comprised of:

- **£15.3 million in transitional costs**, split across Welsh Government (£0.4 million), local authorities (£2.4 million), RSLs and the wider public sector (£12.5 million); and
- **£310.6 million in recurrent costs**, the majority of which will fall to local authorities (£302.4 million). The remaining amount is split between the Welsh Government (£1.5 million) and RSLs and the wider public sector (£6.6 million).

The RIA estimates financial benefits of **£1.195 billion** over a 10 year period due to the expected improvement in homelessness prevention and relief as a result of the Bill.

It estimates financial benefits to public bodies of £645.7 million, made up of £475 million to local authorities, £167 million to the wider public sector, and £3.7 million to RSLs. It also estimates £549.6m in social benefits accruing to individuals and households. This is made up of £432.9 million in health benefits, and £116.7 million in earnings benefits.

The RIA notes that there is some uncertainty around the extent of improvements which will be achieved as a result of the Bill. The central estimate used in the financial modelling is for a 10 percentage point improvement in rates of homelessness prevention and relief which, according to the EM, is considered to be “realistic and achievable”. It estimates the level at which reforms would achieve financial break-even to be a 6.1 percentage point improvement in the prevention rate and no change in the relief rate.

### The Bill at a glance

The Bill (as introduced) has 43 sections, arranged into three parts, and has one schedule.

- Part 1 focuses on homelessness;
- Part 2 focuses on social housing allocation;
- Part 3 makes general provisions; and

- Schedule 1 makes minor and consequential changes to legislation.

Part 2 of the EM includes a RIA, which provides a summary of estimated costs and benefits of the Bill, while the Explanatory Notes (included as Annex 1 of the EM) are provided to assist those reading the Bill and are to be read in conjunction with it.

## Summary of the Bill's provisions and policy intentions

### Part 1: Homelessness

#### Help to prevent homelessness

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**Section 1** amends section 55 of the HWA 2014 so that a person is defined as “threatened with homelessness” **if it is likely that the person will become homeless within six months**, rather than the current 56 days. The amendment also specifies that a person is threatened with homelessness if they have received written notice requiring them to give up occupation of their accommodation, or if an application has been made to the High Court or County Court for possession. This is intended to clarify to local authorities that possession notices are a threat of homelessness.

**Section 2** deletes section 65 of the HWA 2014 and strengthens the wording of section 66 so that the local authority “must help to secure that suitable accommodation does not cease to be available for occupation by the applicant, by taking reasonable steps likely to achieve that purpose.” This is intended to ensure that local authorities take effective action sooner.

#### Assessment of needs and plans for securing accommodation and support

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**Section 3** amends section 62 of the HWA 2014 to require that when a local authority carries out an assessment of an applicant’s housing situation, **the applicant’s support needs are included** and that local authorities have regard to those views. It also requires assessments to include any support needed by the applicant to understand communication from the local authority. This is intended to make letters and other forms of communication easier for applicants to understand.

**Section 4** amends the HWA 2014 to insert a new provision that places a duty on local housing authorities to **prepare and maintain a Prevention, Support**

**and Accommodation Plan (PSAP)** for applicants owed a homelessness duty. This further develops the current Personal Housing Plans (PHPs). The Section outlines the process for preparing a PSAP and sets out the circumstances in which local housing authorities must review the PSAP. The EM says that the PSAP is intended as a tool to support a person-centred, trauma-informed approach to homelessness.

### Reviews

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**Section 5** amends the HWA 2014 to give applicants **new rights of review** in relation to the following decisions and assessments made by a local housing authority:

- a decision not to carry out an assessment of a person's case;
- an assessment of housing needs;
- an assessment of support required to retain accommodation or overcome barriers to living independently; and
- a PSAP.

The introduction of new rights of review is intended to provide greater transparency and accountability.

This section also amends an existing right to review in relation to the suitability of accommodation offered by a housing authority. It expands the existing timescales so that applicants can request a review at any time before accepting an offer. After accepting an offer, applicants can request a review within six months of the accommodation being made available, or at any time when a section 66, 68 or 75 duty under the HWA 2014 applies. This is intended to help reduce repeat homelessness by ensuring more applicants can access the right accommodation at the right time.

### Reform of duties to secure accommodation

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**Section 6** removes the existing Section 73 duty under HWA 2014 to help secure accommodation for homeless applicants. This is because the proposed removal of the priority need and intentionality tests would render this duty unnecessary.

A new section substitutes Section 75 of HWA 2014 to set out the circumstances in which a local housing authority **must secure that suitable accommodation is available for occupation**. This is intended to simplify homelessness legislation and to ensure that interim and settled accommodation is available to those who need

it.

The duty applies if the local housing authority is satisfied the applicant is homeless, or has suitable interim accommodation as a result of being homeless or threatened with homelessness. The applicant must also be eligible for help.

The section creates a new concept of “**no local connection to Wales**”. It provides that local authorities “will no longer have to accept a duty to secure accommodation for those with no local connection in Wales”. This exemption to the duty does not apply in circumstances where the applicant, or any member of the applicant’s household, are at risk of abuse.

For prisoners serving custodial sentences, the duty does not apply if there is no reasonable prospect of release within six months.

**Section 7** amends the HWA 2014 to expand the circumstances in which the main section 75 housing duty can be brought to an end. It makes provision for local authorities to use **a broader range of accommodation options** when discharging the duty, which would have been available under the (removed) section 73 duty to help to secure accommodation, but not under the main section 75 housing duty. This includes previous or family homes (if safe) or supported lodgings.

The section requires local authorities to ascertain that the accommodation is suitable, is likely to be available to occupy for a period of at least 12 months (increased from the current six months), and that the applicant agrees that the duty should end. The EM states that:

“The provision is deliberately wide to allow ongoing agreement with stakeholders on appropriate forms of accommodation”.

The section also sets out the circumstances in which duties owed to a person serving a custodial sentence may be brought to an end. This is intended to provide more clarity, and to ensure local authorities do not owe duties where there is no prospect of undertaking meaningful work.

**Section 8** amends the existing duty to provide interim accommodation, to take account of the abolishing of priority need and the removal of the section 73 duty to help secure accommodation. It **requires local authorities to provide interim accommodation** where they believe an applicant is homeless and eligible but have

not yet confirmed these matters. It also requires the duty to be owed to applicants who do not have a local connection to any local authority area in Wales, where the local authority believes the applicant is homeless and eligible for help.

### **Abolishing entitlement by reference to priority needs and intentional homelessness**

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**Section 9** amends the HWA 2014 to **remove the priority need test**. This is intended to ensure that everyone who is homeless or at risk of homelessness and who presents to local authorities will be provided with support and accommodation where they are eligible and have a local connection.

The Bill provides for the abolition of the priority need test to be commenced on a date appointed by the Welsh Ministers via statutory instrument. The EM states this is in recognition of the fact that local authorities cannot assist people facing homelessness without a “robust housing supply that meets a range of needs”, and is “in line” with recommendations from the Expert Review Panel.

**Section 10** amends the HWA 2014 to **remove the intentionality test**. The EM states that the intentionality test is “seen as a barrier” to the goal of supporting a person-centred, trauma-informed approach to homelessness. This is because the test does not take account of the impact trauma can have on behaviour, and can encourage a culture where applicants are categorised as deserving or not deserving of support.

To address concerns from local authorities about the removal of the intentionality test, section 20 of the Bill specifies new circumstances in which the duty to help applicants may end.

The RIA states that provisions in Section 9 and Section 10 are likely to be enacted in 2030-31 at the earliest.

### **Local connection referrals**

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**Section 11** amends the HWA 2014 to **remove the requirement for an applicant to have priority need or to be unintentionally homeless** in order to be referred to another local authority in Wales or England.

It also makes provision for people sentenced to custody to be referred before or during the prevention period. This is intended to support earlier referrals and preventative practice, and to provide clarity in relation to responsibilities to address

the needs of those in custody.

**Section 12** empowers Welsh Ministers to make regulations to specify the circumstances in which a person is to be treated as having met the **local connection criteria**. The current criteria for determining local connection at local authority level will remain the same. The intention of the regulation-making power is to provide more certainty and clarity as to when someone has established a local connection, which is currently set out in guidance.

**Section 13** inserts a new section into the HWA 2014 to retain an exemption from referral for applicants who would be at **greater risk of abuse** were they to return to the area where they have local connection. The definition of abuse is expanded to incorporate domestic abuse and any other kind of abuse.

The section also provides that only one referral under section 80 can be made in relation to the same application, and prevents referral for an applicant in custody who has been notified that a duty is owed to them under section 66 or 75 (and a period of two weeks has passed following this notification).

**Section 14** makes a number of amendments to section 82 of the HWA 2014, which sets out the duties owed by a local housing authority in referral cases under section 80 of the HWA 2014. The duties on a local housing authority (“authority A”) in new section 82(1A) will apply whether the notified authority (“authority B”) is in Wales or England. After notifying authority B, authority A must secure that suitable accommodation is available for the applicant until the applicant is notified of the decision whether the conditions for referral are met, despite authority A’s homelessness duties under section 68 and 75 ending.

Section 82(1B) applies where authority B is in Wales only, and sets out the steps taken once the conditions for referral are met. Similar provision is made for local housing authorities in England, once a referral from a local housing authority in Wales is met, as described in section 14(7). The EM states that “*no significant changes have been made to the responsibilities placed on local authorities who are referring applicants*”.

**Section 15** takes account of the abolishing of the priority need and intentionality tests in relation to **referrals from England to Wales**, with the intention that referrals to a Welsh or an English local authority will operate in the same way.

**Section 16** amends existing provisions in HWA 2014 which **ensure the applicant is notified** of why a referral under section 80 has been made, the effect on their ongoing entitlement, and their right to review.

**Section 17** amends section 85 of the HWA 2014 so that the **right to request a review** of whether or not the conditions for a local connection referral are met is listed separately. It does not make substantive changes to the existing operation.

### **Further homelessness prevention duties**

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**Section 18** places a new duty on local authorities to provide **help to retain suitable accommodation** that has been secured under homelessness functions. It applies only to individuals for whom homelessness duties have ended, but who are considered by the local housing authority to **still be at risk without further support** to retain their accommodation.

The section provides that local housing authorities must take reasonable steps likely to achieve the purpose of ensuring that the applicant's accommodation remains available for them to occupy. It also sets out circumstances in which this duty would come to an end, and creates a right to review of specified decisions in relation to this duty.

This new duty is intended to ensure that support services are provided to applicants to prevent repeat homelessness.

**Section 19** requires that local housing authorities **take reasonable steps to contact applicants** who have taken up offers of alternative accommodation under the provisions made in section 7, with a view to identifying whether the applicant is at risk of homelessness and in need of support. The Bill states that local authorities must do this in a two-month window that starts at the end of month five after the main homelessness duty is discharged.

It is intended to help reduce repeat homelessness by providing a safeguard for those housed in accommodation that is not a traditional form of social or private rented housing.

### **Unacceptable behaviour that brings duties to an end**

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**Section 20** replaces the **“unreasonable failure to co-operate” test**, which the EM says is too wide in its interpretation and not sufficiently trauma-informed. The Bill provides a narrower test to apply in the following circumstances:

- Applicants who engage in violent or threatening behaviour towards local authority housing staff or other service providers;
- Applicants who intentionally destroy or seriously damage property provided in connection with homelessness accommodation duties; and
- Applicants who deliberately and unreasonably refuse to co-operate – the EM states that this is intended to apply where applicants have failed to respond to repeated attempts by the local authority to make contact.

## Duty to ask and act

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**Section 21** creates a new duty on specified public authorities **to identify where individuals may be homeless or at risk of homelessness**, and then seek their consent to make a referral to the local housing authority on their behalf. The specified authorities would also be required to provide information about other sources of help, and consider whether they could reasonably take any other steps to help the individual secure or retain accommodation.

The Bill specifies the following public authorities:

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

- a provider of probation services in Wales;
- an officer employed by the Secretary of State at an office in Wales known as a Jobcentre Plus office;
- the Secretary of State for Defence, but only in relation to members of the regular armed forces of the Crown.

The Bill provides a power for Welsh Ministers to amend the list. The EM says that the Welsh Government expects the list to grow over time.

**Section 22** amends the HA 1996 so that specified public bodies already subject to a **similar “duty to refer”** in England will also refer a person to Wales where the person specifies a local housing authority in Wales and consents to being referred.

### Provision for vulnerable people

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**Section 23** amends the SSWBWA 2014 with the aim of ensuring that **no young person leaving care has to present as homeless** to access suitable accommodation. The amendment places a new duty on local authorities to take reasonable steps to secure that suitable accommodation is available for occupation by a young person leaving care who is aged between 18 and 21. The proposal is supported by provision in section 37 which aims to prioritise young people leaving care in social housing allocations, by creating a new category of reasonable preference for young people owed this new duty.

The Bill provides a regulation-making power to Welsh Ministers to define the meaning of “suitable accommodation” in relation to young people leaving care.

**Section 24** places a new duty on local authorities to make arrangements which include a **joint protocol** between social services and housing functions. The intention is that protocols will set out arrangements for providing services centred on young people and their families. The EM says that the Welsh Government expects children’s social services to be the lead agency in most cases.

**Section 25** requires local authorities to promote co-operation between itself and public, voluntary or other bodies in the local area. It requires local authorities to make arrangements including a **protocol for a multi-agency case coordination approach** in respect of people at risk of homelessness who have multiple and complex support needs. The EM says that the Welsh Government does not intend to specify a model protocol of case coordination.

The proposal is supported by the amended section 95 of the HWA 2014, which

enables local authorities to call on a wider range of specified public bodies to assist them to address homelessness objectives.

**Section 26** amends section 93 of the HWA 2014 to provide that prisoners would still be owed a **duty to protect property if they are not owed a main section 75 housing duty. The EM states that** *“While this may appear to provide a service to additional people in custody, in reality it will maintain the level of the existing provision.”*

**Section 27** strengthens the existing wording of section 60 of the HWA 2014 with the aim of ensuring that a service to provide **information and advice on homelessness is provided to people detained** in the authority’s area or who have a local connection with its area.

**Section 28** replaces the current definitions of “abuse” and “domestic abuse” under section 58 of the HWA 2014, **widening the definition of “domestic abuse”** in line with the Domestic Abuse Act 2021 so that it explicitly includes controlling or coercive behaviour, economic and psychological abuse.

### Seeking the views of homeless persons

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**Section 29** requires local authorities to **consult people who have had lived experience of homelessness** when developing their local homelessness strategies and advice services. The Bill also requires the Welsh Government to consult with people with lived experience when developing, revising or withdrawing homelessness guidance.

### Condition of accommodation

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**Section 30** seeks to expand current legal standards on suitability of accommodation by requiring local authorities **to have regard to Part 4 of the Renting Homes (Wales) Act 2016** (condition of dwelling), which includes fitness for human habitation, when determining whether accommodation is suitable.

**Section 31** places a new duty on Welsh Ministers to publish and lay before the Senedd a **report on the use and condition of interim accommodation** every five years, with the first report to be laid and published on or before 31 December 2030.

### Co-operation

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**Section 32** amends section 95 of the HWA 2014, which places a duty on local

authorities to promote co-operation, and places a **duty on specified public bodies to co-operate** with a request from the local authority unless doing so would be incompatible with the body's own duties or functions.

The amendment expands the list of specified public bodies, in line with the list specified in section 21, including bodies in England as well as Wales. The section allows Welsh Ministers to amend the list by regulations.

**Section 33** inserts a new section into HWA 2014, creating a new **duty on social landlords to comply with a request from a local housing authority** to provide suitable accommodation to an applicant owed the main section 75 housing duty. The section requires social landlords to comply with such a request within a reasonable period unless it has good reasons for not doing so.

The section defines “social landlords” as a) RSLs or b) private registered providers of social housing.

The section enables Welsh Ministers to issue guidance, and states that local authorities and social landlords must be consulted in the development of that guidance.

In cases where a social landlord does not comply, the section empowers local authorities to refer the matter to Welsh Ministers, who may direct the social landlord to comply with the request.

### Viewing accommodation

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**Section 34** creates a new duty on local authorities to take “reasonable steps” to provide an applicant with an **opportunity to view accommodation** being offered, “whether in person or otherwise”, before the local authority can end its homelessness duty on the basis that the applicant has refused a suitable offer. This is intended to ensure that any individual who is incapacitated and unable to view the accommodation, for example if they are in prison or hospital, is able to see it.

## Part 2: Social housing allocation

### Qualifying persons for allocation of social housing

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**Section 35** gives local housing authorities the **discretion to decide what classes of person are or are not “qualifying persons”** for social housing in their area, provided they are not ineligible for allocation. This is intended to manage waiting list figures and increase accessibility to housing for those in most housing need.

The section also creates a new regulation-making power for Welsh Ministers to

prescribe classes of people who may or may not be treated as qualifying persons owed reasonable preference in allocations.

The section also amends section 160A(7) of HA1996, which enables a local housing authority to disqualify a person from allocation if they, or a member of their household, has been guilty of **“unacceptable behaviour”** serious enough to make them unsuitable as a tenant. The amendment seeks to clarify that the local authority must take into account the likelihood of that behaviour reoccurring, so that where a person has taken steps to change their behaviour, their past history does not continue to impact their housing stability.

## Preference for persons in allocation schemes

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**Section 36** introduces a new **“deliberate manipulation” test** to apply when local authorities find that an applicant has tried to deliberately manipulate the homelessness system to gain advantage when applying for social housing.

The test would not affect access to statutory homelessness assistance but would mean the applicant has no preference for an allocation of social housing. This is intended to replicate the disincentive effect of the intentionality test.

**Section 37** creates a sixth reasonable preference category in **social housing allocations for young people leaving care**, in line with section 23. The aim is to ensure that the homelessness system should not be used as the default route from care into independent living.

## Registers

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**Section 38** requires all local authorities to **operate a common housing register**, which is a single register for all people who have applied for social housing in the area. The EM explains that 19 of the 22 Welsh local authorities already operate common housing registers. The intention is to simplify the process of applying for social housing in all areas.

The section also requires local authorities **to operate an accessible housing register**, to include all housing in the area that has features that may assist a disabled person. This is intended to improve how accommodation is matched to applicants with a disability need.

The Bill creates a regulation-making power for Welsh Ministers to make further provisions in relation to how accessible housing registers operate.

## Part 3: General

**Section 39** provides definitions for terms used throughout the Bill.

**Section 40** introduces Schedule 1, which makes minor and consequential amendments to the HA 1996, the SSWBWA 2014 and the HWA 2014.

**Section 41** introduces a general power to make supplementary, incidental, consequential, transitional and saving provisions in relation to the Bill by regulations.

**Section 42** sets out how the provisions of the Bill come into force.

**Section 43** sets out the short title of the Bill in English and Welsh.

## Schedule 1: Minor and consequential provision

**Paragraph 1** amends Part 6 of the HA 1996 to substitute references to the “Secretary of State” with the “Welsh Ministers”. The changes reflect the effect of the National Assembly (Transfer of Functions) Order 1999 and Schedule 11 to the Government of Wales Act 2006, which transferred those functions to the Welsh Ministers. It also amends the regulation-making power in section 172 of the HA 1996 to clarify that regulations made by Welsh Ministers are made by the Senedd.

**Paragraph 2** amends table 1 of Schedule 2 to the SSWBWA 2014, in consequence of the insertion of sections 94A and 94B into the 2014 Act by section 21 of the Bill and to reflect amendments to section 95.

**Paragraphs 3 to 18** make minor and other consequential amendments to the HWA 2014 mainly in consequence of the omission of sections 70, 73, 77 and 78.

**Paragraph 19** makes consequential amendments to section 99 of the HWA 2014 to insert additional definitions of terms.

**Paragraph 20** makes consequential amendments to Schedule 2 to the HWA 2014 reflecting the changes made by the Bill to section 73 and the abolition of the priority need test.

