HOMELESSNESS AND SOCIAL HOUSING ALLOCATION (WALES) ACT 2026

EXPLANATORY NOTES

INTRODUCTION

1. These Explanatory Notes are for the Homelessness and Social Housing Allocation (Wales) Act 2026 ("the Act") that was passed by Senedd Cymru on 10 February 2026 and received Royal Assent on 1 April 2026. They have been prepared by the Housing and Regeneration Group of the Welsh Government to assist the reader of the Act. The Explanatory Notes relate to the Act as it received Royal Assent.[1] They should be read in conjunction with the Act but are not part of it.

2. The Explanatory Notes are not meant to be a comprehensive description of the Act. Where an individual provision of the Act does not seem to require any explanation or comment, none is given.

GENERAL BACKGROUND

3. The Housing (Wales) Act 2014 ("the 2014 Act") and the Housing Act 1996 ("the 1996 Act") have established the framework for delivery of homelessness services and social housing allocation in Wales over the past three decades. In recent years the response to homelessness in Wales has evolved significantly. The Act reforms homelessness services and social housing allocation in Wales to respond to these changes.

STRUCTURE OF THE ACT

4. The Act is comprised of 45 sections (within three Parts) and one Schedule. The first Part relates to homelessness, the second Part relates to social housing allocation, and the third Part contains miscellaneous and general provisions. The Schedule makes minor and consequential amendments to other legislation.

[1] Changes that have been made to the Act since it received Royal Assent can be identified using the "Changes to Legislation" facility at **https://www.legislation.gov.uk/changes**.

COMMENTARY ON SECTIONS
PART 1 - HOMELESSNESS
Section 1: Meaning of "threatened with homelessness"

5. This section amends section 55(4) of the 2014 Act to establish three circumstances in which a person is considered to be "threatened with homelessness" for the purposes of the 2014 Act. Firstly, where the person has been issued with a written notice requiring them to give up their accommodation, secondly, where an application has been made to the courts for an order for possession of the person's accommodation, or thirdly, if it is likely the person will become homeless within six months.

6. This section also inserts a new subsection (5) into section 55 of the 2014 Act which provides that, in order for a person to be considered as being threatened with homelessness on the basis that written notice has been given, the notice must have been given by someone who seems to have the right to give it, regardless of whether the notice is valid and the merits of any claim for possession the person who gave the notice might have.

Section 2: Help to prevent an applicant from becoming homeless

7. This section repeals section 65 of the 2014 Act which set out what a local housing authority was required to do when it was required by Chapter 2, Part 2 of that Act to help to secure that suitable accommodation was available, or did not cease to be available, for an applicant. The authority was required to take reasonable steps to help and could take into account the need to make the best use of the authority's resources. It was not required to provide accommodation.

8. This section also amends section 66 of the 2014 Act (duty to help prevent an applicant from becoming homeless) to provide that where a local housing authority is satisfied that an applicant is at risk of becoming homeless and is eligible for help, the authority must take reasonable steps that are likely to ensure that suitable accommodation remains available for the applicant. This does not mean the authority has to offer the applicant accommodation under Part 6 of the Housing Act 1996 or otherwise provide accommodation for the applicant.

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

9. This section amends sections 62 and 63 of the 2014 Act.

10. This section amends the definition of "an applicant" in section 62 of the 2014 Act for the purposes of sections 85, 86 and 88 of that Act (which relate to reviews of decisions and appeals to the county court) so that it 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. This amendment reflects the extension of the right to request a review to include a right to request a review of a decision of a local housing authority not to carry out an assessment under section 62 of the 2014 Act (see section 5).

11. If an applicant is eligible for help, the local authority's assessment must include an assessment of the matters listed in section 62(5) of the 2014 Act. This section amends section 62(5) of the 2014 Act to require a local housing authority to assess two additional things. Firstly, the support an applicant (or a person living with them) may need to overcome any barriers to living independently. Secondly, the support an applicant may need to ensure the authority's communication with them (in exercising the authority's homelessness functions) is accessible to the applicant.

12. This section also amends the things the local housing authority must do under section 62(6) of the 2014 Act when carrying out an assessment of the matters listed in section 62(5). As amended by this section, section 62(6) requires a local housing authority to seek the views of the applicant (and consider their opinion) on the matters the authority must assess under paragraphs (a) to (ca) of subsection (5) of section 62 of the 2014 Act and requires a local housing authority to make inquiries regarding the applicant's personal characteristics and circumstances, as well as those of any member of the applicant's household, that are relevant to the assessment.

13. Section 62(7) of the 2014 Act is amended so that a local housing authority may no longer assess the matters in subsection (6) before it has concluded the applicant is eligible for help under Chapter 2 of Part 2 of the 2014 Act.

14. Subsections (9) to (11) of section 62 are repealed as an applicant's right to request a review of an assessment under section 62 is, as a result of amendments made by this Act, dealt with by section 85 of the 2014 Act (as amended - see section 5).

15. This section also amends section 63 of the 2014 Act to require a local housing authority to notify a person where it decides not to assess that person's case under section 62 of the 2014 Act. The local housing authority must also explain the reasons for its decision.

16. This section makes other amendments to section 63 of the 2014 Act which provide that, where an assessment has been carried out, the notice provided to the applicant must include the outcome of the assessment of whether an applicant is eligible for help under Chapter 2 of Part 2 of the 2014 Act and the assessment of the specific matters required by section 62(5) of the 2014 Act (as amended by this Act).

17. This section also amends section 63(4) of the 2014 Act to require the local housing authority to notify the person of their right to request a review where the local housing authority decides not to carry out an assessment of the person's case under section 62 of the 2014 Act.

Section 4: Prevention, support and accommodation plans

18. This section inserts sections 63A and 63B into the 2014 Act.

19. Where a local housing authority considers it owes a duty to an applicant under Chapter 2 of Part 2 of the 2014 Act section 63A of the 2014 Act requires the authority to document its assessment of the person's case under section 62 of the 2014 Act, and other matters, in a written plan called a prevention, support and accommodation plan ("a plan"). A plan can be one document or several, and it can be updated as needed.

20. When making the plan, the local housing authority must have regard to its assessment of the person's case under section 62 of the 2014 Act. The plan must record, among other things, the authority's assessment of the applicant's housing and support needs, and those of any member of the applicant's household. It must also record the local housing authority's assessment of the support needed by the applicant to make communication with the applicant accessible. The plan must also include the applicant's views on those matters.

21. The authority must try to identify the outcome the applicant wants to achieve and record that in the plan. When preparing and reviewing the plan the authority must have regard to whether exercising any of its functions in Chapter 2 of Part 2 of the 2014 Act could help achieve that outcome.

22. The local housing authority must try to agree with the applicant the steps to be taken by both parties for the purpose of securing that the applicant and any other member of the applicant's household have and are able to retain suitable accommodation.

23. If such steps are agreed by both parties, then the local housing authority must record the steps in writing. If the parties cannot agree such steps, the local housing authority must put in writing why they could not agree, what steps the local housing authority think the applicant should take and what steps the local housing authority will take in exercise of any of its functions (including its social services functions). The local housing authority must also record any steps other public authorities have agreed to take in respect of the applicant. The local housing authority must keep the appropriateness of any agreement reached or, in the absence of agreement, the steps it considers should be taken by it and the applicant, under review for so long as the local housing authority considers it owes (or may owe) a duty to the applicant under the provisions of Chapter 2 of Part 2 of the 2014 Act.

24. The local housing authority must give the applicant a copy of the plan, including all documents that form part of it and must inform the applicant of their right to request a review of the plan and the timescales for making such a request (see section 85 of the 2014 Act (as amended by this Act)).

25. If the local housing authority considers the agreement reached or, in the absence of agreement, the steps identified to be taken, are no longer appropriate, for example due to new circumstances arising, the local housing authority must notify the applicant in writing and try again to agree steps to be taken by it and the applicant.

26. Any notification or copies of documents must be made available to the applicant to collect if they haven't received them directly.

27. Where a local housing authority is required to have in place a plan in respect of an applicant under section 63A of the 2014 Act, section 63B of that Act (inserted by this section) requires the authority to review its assessment under section 62 of the 2014 Act and the associated plan in three circumstances. Firstly, if there has been no review within 8 weeks; secondly, if the local housing authority believes that there are changes in the applicant's or their household's circumstances that may affect their accommodation needs, support needed to retain accommodation or their entitlement to help under Chapter 2 of Part 2 the 2014 Act; or thirdly, if a duty under section 66 or 76A(2) of the 2014 Act has ended or is likely to end due to homelessness.

Section 5: Right to request a review

28. This section amends sections 84, 85, 86 and 88 of the 2014 Act.

29. Section 5(2) of the Act inserts subsection (1A) into section 84 of the 2014 Act. It requires a local housing authority to notify an applicant of their right to request a review of the suitability of accommodation offered to them under Chapter 2 of Part 2 of the 2014 Act, whether the applicant accepted the offer or not.

30. Section 5(3) of the Act substitutes section 85 of the 2014 Act, which gives applicants the right to request a review of certain matters under Chapter 2 of Part 2 of the 2014 Act. References below to section 85 are references to the section 85 inserted by this section.

31. Section 85(1) of the 2014 Act provides that an applicant has the right to request a review of the matters listed in section 85(2), subject to the limitations set out in subsections (4) to (7) of section 85.

32. Section 85(2) of the 2014 Act contains a list of matters which may be reviewed.

33. Section 85(3) of the 2014 Act provides that, where an applicant requests a review of a matter listed in section 85(2) of the 2014 Act, the local housing authority must carry out a review of any matter listed in that subsection which appears to the authority to be relevant to the applicant's case. This duty applies regardless of whether the applicant has specifically identified the matter to be reviewed but is subject to subsections (4) to (7) of section 85 of the 2014 Act. This means that where grounds are specified, the local housing authority must, in addition, review any matter listed in section 85(2) of the 2014 Act that appears to the authority to be relevant unless one of the circumstances in section 85(4) to (7) of the 2014 Act apply.

34. Subsections (4) to (7) of section 85 of the 2014 Act set out the circumstances in which a local housing authority is not required to carry out a review under this section. A summary of these circumstances follows.

35. A local housing authority is not required to carry out a review of a decision that has already been the subject of a previous review under section 85 of the 2014 Act.

36. A local housing authority is not required to review a prevention, support and accommodation plan unless the request for review is made during the period in which the authority is under a duty to maintain the plan.

37. A review of the suitability of accommodation offered to an applicant need only by carried out if the request is made:
    a. before the offer is accepted and while it remains open, and
    b. if the offer has been accepted:
        i. while a duty under section 66 (duty to help to prevent homelessness), section 68 (interim duty to accommodate), or section 75 (duty to secure accommodation) of the 2014 Act still applies, or
        ii. within six months of the date the accommodation first became available for occupation.

38. Lastly, a local housing authority is not required to review any other matter unless the applicant makes the request for a review within 21 days of being notified of the authority's assessment or decision. However, the local housing authority may allow a longer period but agreement to this longer period must be given in writing.

39. Section 5(4) amends section 86 of the 2014 Act, which relates to the procedure on review under section 85 of the 2014 Act. Section 86 enables the Welsh Ministers to make regulations about that procedure. Section 5(4) makes amendments to section 86(2) and (4) to reflect that the expanded list of matters which may be reviewed under section 85, as amended, include assessments and plans, in addition to decisions.

40. Section 5(5) amends section 88 of the 2014 Act, which enables applicants who have requested a review under section 85 of the 2014 Act to appeal to a county court in certain circumstances. The amendments made by section 5(5) reflect the expanded list of matters which may be reviewed under section 85.

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

41. This section removes sections 73 and 74, and replaces section 75, of the 2014 Act. This section also amends section 142 of the 2014 Act.

42. Section 6(3) replaces section 75 of the 2014 Act in its entirety. References in these Explanatory Notes to section 75 are references to section 75 as inserted by this Act.

43. Section 75(2) of the 2014 Act imposes a duty on local housing authorities to secure that suitable accommodation is available for applicants who are—
    a. homeless or have suitable interim accommodation that was provided to them while they were homeless or threatened with homelessness,
    b. eligible for assistance and have a local connection to the area of a local housing authority in Wales, and
    c. not serving a prison sentence with no reasonable prospect for release within 6 months.

44. Section 75(3) of the 2014 Act defines interim accommodation for the purposes of section 75(2) of the 2014 Act. It is accommodation secured under section 68 of the 2014 Act, which the applicant intends to occupy until the application process under Chapter 2 of Part 2 of the 2014 Act is concluded or for a period of less than 12 months or accommodation that the person providing the accommodation intends to be available to the applicant until the application for help is concluded, or for a period of less than 12 months.

45. Section 75(4) and (7) of the 2014 Act provide exceptions to the duty in section 75(1) of the 2014 Act. The duty does not apply if the applicant (or any member of the applicant's household) has no local connection to any local housing authority in Wales.

46. However, section 75(5) and (6) of the 2014 Act provides that the duty will still apply to those at risk of abuse and any other category of person that may be prescribed in regulations. Section 6(4) amends section 142(3)(b)(ii) of the 2014 Act so that those regulations are subject to the Senedd approval procedure.

47. For prisoners serving custodial sentences, the duty in section 75(1) of the 2014 Act does not apply if there is no reasonable prospect of release within six months (see section 75(7) of the 2014 Act). If the applicant is a prisoner or residing in approved premises the duty to secure accommodation applies once they are released or no longer required to stay in the approved premises (see section 75(8) and (9) of the 2014 Act).

48. Section 6(2) of this Act repeals section 73 of the 2014 Act which required local housing authorities to help secure suitable accommodation for homeless applicants who were eligible for assistance. Section 6(2) also repeals section 74 of the 2014 Act, which set out when that duty ended.

49. As a result of the repeals of sections 73 and 74 of the 2014 Act by this Act, and the amendments made by this Act to sections 66 and 75 of the 2014 Act, where an applicant is eligible for help and threatened with homelessness, they will be owed the duty to help to secure that suitable accommodation does not cease to be available (see section 66 of the 2014 Act, as amended by section 2 of this Act). An applicant who is eligible for help, homeless or threatened with homelessness, and has a local connection to a local housing authority in Wales will be owed the duty to secure accommodation under section 75 of the 2014 Act (as substituted by section 6(3) of this Act).

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

50. Section 7(3), by amending section 76 of the 2014 Act, provides new circumstances in which the duty in section 75 of the 2014 Act (as amended by this Act) comes to an end. Under subsection (7A) (inserted into section 76 of the 2014 Act by this section), the duty in section 75 of the 2014 Act (as amended by this Act) will end where a local housing authority is satisfied that the applicant is no longer homeless, that suitable accommodation is available and likely to be available for occupation by the applicant for a period of at least 12 months, and the applicant, having been informed in writing of the potential consequences of agreeing to end the duty under section 75, has agreed that the duty should end.

51. Subsection (7B), inserted into section 76 of the 2014 Act by this section, provides that the 12-month period mentioned in subsection (7A) starts on the day the notice confirming that the local housing authority no longer considers itself subject to the duty in section 75 of the 2014 Act (as amended by the Act) is sent to or made available for collection by the applicant (as required by section 84 of the 2014 Act). However, if the applicant is a prisoner or residing in approved premises, under subsection (7C) (also inserted into section 76 of the 2014 Act by this section), the 12-month period begins on the day the applicant is released from detention or no longer required to reside in approved premises.

52. Under subsection (7D), inserted into section 76 of the 2014 Act by this section, the duty in section 75 of the 2014 Act (as amended by the Act) ends where an applicant is a prisoner serving a custodial sentence and the local housing authority is satisfied that there is no reasonable prospect of the applicant being released from detention before the end of a period of six months, beginning with the day the application for help was made, or if a duty is owed to the applicant under section 66 of the 2014 Act at any time after that application was made, the day the duty under section 66 comes to an end.

53. Subsection (7E), inserted into section 76 of the 2014 Act by this section, provides that the duty in section 75 of the 2014 Act (as amended by this Act) ends in accordance with section 76 or section 79 of the 2014 Act, even if the applicant requests a review under section 85 of that Act of the decision that led to the duty ending.

54. Subsection (7F), inserted into section 76 of the 2014 Act by this section, gives the local housing authority a power to secure suitable accommodation for the applicant pending a decision on a review.

Section 8: Interim duty to secure accommodation for homeless applicants

55. This section amends sections 68 and 69 of the 2014 Act.

56. As amended by this section, subsection (2) of section 68 of the 2014 Act provides that the duty to secure interim accommodation applies if the authority believes the applicant is homeless and eligible for help but is not yet satisfied of those matters. This amendment and the amendment made by section 8(2)(d) (to repeal section 68(3) of the 2014 Act) provide that there is no longer a difference in entitlement under section 68 of the 2014 Act between those who have, and those who do not have, priority need.

57. Subsection (2A) of section 68 of the 2014 Act inserted by this section provides that if the authority is satisfied that the applicant has no local connection to any local housing authority in Wales and either subsection (2) applies, or the authority is satisfied the applicant is homeless and eligible for help, the duty to provide suitable interim accommodation under section 68(1) applies.

58. This section also makes a number of amendments to section 69 of the 2014 Act which sets out the circumstances in which the duty in section 68 of the 2014 Act ends. The amendments are consequential on the changes made by this section to section 68 of the 2014 Act and consequential on other changes made by the Act to the 2014 Act.

59. Subsections (1A) and (1B) of section 69 of the 2014 Act inserted by this section allow for the ending of the duty in section 68 of the 2014 Act once the assessment is concluded on whether the duty under section 75 of the 2014 Act (as amended by the Act) is owed, in certain circumstances. The duty in section 68 of the 2014 Act can be ended under section 69(1A) of the 2014 Act (as inserted), if the authority has decided that no duty is owed under section 75 of the 2014 Act for reasons other than because section 75(4) of the 2014 Act applies (that neither the applicant nor any member of the applicant's household has a local connection to any local housing authority in Wales) and the applicant has been notified of that decision.

60. The duty in section 68 of the 2014 Act can be ended under section 69(1B) of the 2014 Act (as inserted) if the local housing authority has decided no duty is owed under section 75 of the 2014 Act solely on the basis that section 75(4) of the 2014 Act applies, the applicant has been informed of the authority's decision, and the authority is satisfied that the accommodation secured under section 68 of the 2014 Act has been available long enough to give the applicant a reasonable opportunity to find suitable accommodation. Subsection (1C) of section 69 of the 2014 Act inserted by this section provides that the period mentioned in subsection (1B) starts on the day the applicant is notified that the duty in section 75 of the 2014 Act is not owed to them.

61. This section also repeals section 69(5) and (6) of the 2014 Act as a consequence of subsection (1B) being inserted into section 69 of the 2014 Act.

62. Subsections (4) and (8) of section 69 of the 2014 Act are both repealed and are part of a suite of provisions in the Act that have the effect of removing the difference in entitlement based on whether a person is intentionally homeless or not.

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

63. This section repeals sections 70, 71 and 72 of the 2014 Act. The effect of these amendments (together with amendments made by this Act to sections 68 and 75 of the 2014 Act) is to remove the difference in entitlement that existed in the 2014 Act between applicants that were within section 70 (and so had priority need) and those that were not within section 70 (and so did not have priority need).

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

64. This section repeals sections 77 and 78 of the 2014 Act. The effect of these amendments (together with amendments made by this Act to sections 68 and 75 of the 2014 Act), is to remove the difference in entitlement that existed in the 2014 Act between those who were intentionally homeless and those who were not.

Section 11: Referral of cases to another local housing authority

65. As amended by this section, section 80 of the 2014 Act enables local housing authorities to refer applicants that are, or may be, entitled to help undersection 75 of the 2014 Act (as amended by the Act) or, in the case of people in custody, where the duty in section 66 of the 2014 Act (as amended by the Act) is or may be owed, provided the conditions for referral or any other circumstances prescribed in regulations are met.

66. Subsection (2B) inserted by this section provides that a referral can only take place before a local housing authority notifies an applicant that a duty under section 75 is owed to the applicant, with an exception for those in custody. This reflects section 81A(3) of the 2014 Act (as inserted by section 13).

67. The amendment of subsections (3) and removal of subsection (4) of section 80 of the 2014 Act by this section are consequential on section 81A of the 2014 Act (as inserted by section 13 of the Act) dealing with exemptions from referrals under section 80 of the 2014 Act.

68. Regulations made under section 80 of the 2014 Act (as amended by this section) are subject to the Senedd approval procedure.

Section 12: Meaning of local connection

69. This section makes amendments to sections 81 and 142 of the 2014 Act.

70. Section 81(2) of the 2014 Act provides that a person has a local connection with the area of a local housing authority in Wales or England if they are, or were in the past, normally resident there, and residence is or was of the person's own choice; the person is employed there; because of family associations; or because of special circumstances. These criteria are to be applied by a local housing authority when determining, under section 80 of the 2014 Act, whether an applicant can be referred to another authority in Wales or England. These criteria also apply when local housing authorities consider whether or not they must secure suitable accommodation for an applicant under section 75 of the 2014 Act (as amended by the Act).

71. This section substitutes section 81(4) of the 2014 Act. It provides the Welsh Ministers with a power to specify in regulations circumstances in which a person is or is not to be treated as having met any of the local connection criteria under section 81(2) of the 2014 Act. The regulations are subject to the Senedd approval procedure.

Section 13: Exemption from referral to another local housing authority

72. This section inserts section 81A into the 2014 Act. Section 81A(1) identifies applicants who are exempt from referral under section 80 of the 2014 Act (as amended by this Act).

73. Section 81A(2) of the 2014 Act inserted by this section provides that an applicant will be exempt from referral if the applicant, or any member of the applicant's household, would be at greater risk of suffering abuse if they were referred to another authority or fall within a category of persons the Welsh Ministers may prescribe by regulations.

74. Section 81A(3) of the 2014 Act inserted by this section prevents the referral of applicants in custody who have been notified under section 63 of the 2014 Act (as amended by this Act) that a duty is owed to the applicant under section 66 or 75 of the 2014 Act (as amended) and a period of two weeks has ended following that notification. Sitting alongside section 80(2B) of the 2014 Act (inserted by section 11 of this Act), this limits a local housing authority's ability to refer someone in custody to no more than two weeks after making an initial decision on entitlement to a duty.

75. Section 81A(4) of the 2014 Act inserted by this section provides that an applicant can only be subject to a referral under section 80 of the 2014 Act (as amended) once in relation to the same application.

76. Regulations made under section 81A(2)(b) of the 2014 Act inserted by this section are subject to the Senedd approval procedure.

Section 14: Duties to applicants in referral cases

77. This section makes a number of amendments to section 82 of the 2014 Act, which sets out the duties owed by a local housing authority in referral cases.

78. This section also amends section 201A of the 1996 Act, which applies following a referral of an applicant to a local housing authority in England.

79. Section 14(2) of the Act replaces subsection (1) of section 82 of the 2014 Act and also inserts subsections (1A) to (1D) into that section. Replaced subsection (1) sets out the circumstances in which the duties under subsections (1A) and (1B) apply. The circumstances are where a local housing authority ("authority A") has notified another local housing authority ("authority B") of its opinion that the conditions for referral of an applicant's case under section 80 of the 2014 Act (as amended by this Act) are met, and the applicant has been notified in accordance with section 84(1B) of the 2014 Act (inserted by this section) that authority B has been notified of authority A's opinion.

80. Subsection (1A) of section 82 of the 2014 Act inserted by this section applies whether authority B is in Wales or England. The subsection provides that, where authority A notifies authority B of its opinion under section 80(2A) of the 2014 Act that the conditions for referral of an applicant's case are met, authority A's duties under sections 68 and 75 of the 2014 Act (as those provisions have been amended by the Act) end. However, authority A must secure that suitable accommodation is available for occupation by the applicant until the applicant is notified of the decision about whether the conditions for referral of the case are met.

81. Subsection (1B) of section 82 of the 2014 Act inserted by this section applies where authority B is in Wales. It provides that where (following notification under either section 80(2) or (2A) of the 2014 Act) both authority A and B have agreed that the conditions for referral of the applicant's case are met, the applicant is to be treated as having made an application to authority B and any duties owed to the applicant by authority A under Chapter 2 of Part 2 of the 2014 Act end from the date notice is given to the applicant under section 84(1B) of the 2014 Act. Subsection (1B)(c) provides that, where authority A has decided that the applicant is eligible for help, homeless or threatened with homelessness, the applicant is to be treated as such by authority B unless that authority comes to a different conclusion in accordance with subsection (1C) of section 82 of the 2014 Act (also inserted by this section).

82. Subsection (1B) also requires authority A to provide authority B with copies of any notifications or documents given to the applicant under section 63 or 63A of the 2014 Act (as amended and inserted, respectively, by this Act).

83. Subsection (1C) of section 82 of the 2014 Act inserted by this section provides that authority B may only come to a different conclusion for the purposes of section 82(1B) of the 2014 Act (also inserted by this section) if that authority is satisfied the applicant's circumstances have changed or further information has come to light since the decision made by authority A which justifies authority B reaching a different conclusion.

84. Subsection (1D) of section 82 of the 2014 Act inserted by this section provides that, where authority B is in England and both authority A and B have agreed that the conditions for referral of the applicant's case are met, section 201A of the 1996 Act applies.

85. Section 82(3) of the 2014 Act (as substituted by section 14(3) of the Act) sets out which duties authority A will owe an applicant if it is decided that the conditions for referral of the case are not met.

86. Section 14(5) of the Act amends section 82(5) of the 2014 Act to provide that the duties owed by a local housing authority will cease even if the applicant requests a review of the relevant decision.

87. Section 14(6) of the Act amends section 82(6) of the 2014 Act to provide that a local housing authority may secure suitable accommodation is available for an applicant pending the decision on a review if the authority had been required to do so under the 2014 Act prior to the referral being made.

88. Section 14(7) inserts subsection (2) into section 201A of the 1996 Act which provides that, if the conditions for referral under section 80 of the 2014 Act (as amended by this Act) are met, the referred person is to be treated as having made an application of the kind referred to in section 183(1) of the 1996 Act to the notified local housing authority in England on the date notice is given to that person that the conditions for referral are met. From that date, duties owed by the notifying local housing authority in Wales end.

89. Subsection (2) of section 201A of the 1996 Act also requires the notifying local authority in Wales to provide copies of notifications and documents given to an applicant under section 63 or 63A of the 2014 Act (as amended and inserted, respectively, by this Act), and ensure that, where the notifying authority in Wales has made a decision about an applicant being eligible, homeless or threatened with homelessness under the 2014 Act, the local housing authority in England should treat the applicant as such, unless the notified authority comes to a different conclusion. As with referrals within Wales (see section 82 of the 2014 Act as amended), the notified local housing authority in England may only reach a different conclusion on those matters if that authority is satisfied the applicant's circumstances have changed or further information has come to light since the decision made by the notifying authority, which justifies a different decision. In addition, subsection (3)(b) of section 201A of the 1996 Act inserted by this section enables a local housing authority in England to reach a different decision about those matters, where there is a difference in effect between the 2014 Act and the 1996 Act relating to eligibility for assistance which materially affects that decision.

Section 15: Cases referred from a local housing authority in England

90. This section amends section 83(2) of the 2014 Act.

91. The amendments are consequential on the removal of the difference in entitlement based on whether a person did or did not have a priority need in Wales and the repeal of section 73 of the 2014 Act.

Section 16: Notice to applicants in referral cases

92. This section amends sections 82 and 84 of the 2014 Act.

93. Section 84 of the 2014 Act requires local housing authorities to notify applicants of certain matters and sets out the information required in the notification to the applicant.

94. The amendment to section 84(1) of the 2014 Act made by section 16(3) of the Act clarifies the notification requirements apply where an authority has referred an applicant to another authority or decided the conditions for such a referral are met.

95. Subsection (1B) inserted into section 84 of the 2014 Act by section 16(3) of the Act provides that where a local housing authority ("authority A") notifies another local housing authority ("authority B") that in its opinion the conditions for a referral are met under section 80 of the 2014 Act, it must also notify the applicant that it has done so.

96. Subsection (1C) inserted into section 84 of the 2014 Act by section 16(3) of the Act provides that authority A must also notify the applicant when a decision is made under section 80(5) of the 2014 Act as to whether the conditions for referral of an applicant's case are met.

97. Subsection (1D) inserted into section 84 of the 2014 Act by section 16(3) of the Act sets out the information that must be provided to the applicant within a notification given under subsection (1B) or (1C) of section 84 of the 2014 Act.

98. The amendments made to section 82 of the 2014 Act remove provisions which are no longer required, as notifications in relation to referrals are included in section 84 of the 2014 Act.

Section 17: Help to retain suitable accommodation secured in exercise of homelessness functions

99. This section amends the 2014 Act to insert sections 76A and 76B into that Act. It also makes amendments to sections 79 and 84 of the 2014 Act.

100. Subsection (2) inserts sections 76A and 76B into the 2014 Act. Inserted section 76A(2) imposes a duty on local housing authorities to help an applicant to retain suitable accommodation in certain circumstances. This duty applies to applicants who are not currently homeless or threatened with homelessness but have suitable accommodation that was secured or retained with the help of the local housing authority under functions in Chapter 2 of Part 2 of the 2014 Act, and who are considered at risk of becoming homeless or threatened with homelessness unless they receive further assistance.

101. Subsections (3) and (4) of inserted section 76A confer a power on the local housing authority to continue assisting an applicant after the duty in subsection (2) of inserted section 76A has ended where the duty has come to an end in the circumstances set out in subsection (4) or (6) of section 76B of the 2014 Act.

102. Inserted section 76B sets out the circumstances in which the duty in inserted section 76A(2) comes to an end. The duty under section 76A(2) ends in the following circumstances, provided the applicant has been properly notified in accordance with section 84 of the 2014 Act:

a. where the authority is satisfied that the applicant has become homeless;
b. where the authority is satisfied that the applicant is no longer at risk of becoming homeless or threatened with homelessness unless help is provided;
c. where the applicant occupies accommodation provided or arranged by the local housing authority under Chapter 2 of Part 2 of the 2014 Act and a period of 12 months has passed since the accommodation became available, or the applicant was notified that the duty under section 76A(2) is owed;
d. where the applicant occupies accommodation secured by the local housing authority under Chapter 2 of Part 2 of the 2014 Act, but not provided by them, and a period of 12 months has passed since the applicant was notified that the duty under section 66 has ended or the applicant was notified that the duty under section 76A(2) is owed;
e. where the applicant has requested that the local housing authority does not provide assistance under section 76A(2);
f. in accordance with the further circumstances in section 79.

103. Section 17(3) of the Act amends section 79(1) of the 2014 Act so that the circumstances set out in section 79 will apply to end the duty in inserted section 76A(2).

104. Section 17(4) of the Act amends section 84(1) so that the notice requirements in section 84 will apply when the duty in inserted section 76A(2) ends.

Section 18: Duty to contact certain applicants after duty in section 75 comes to an end

105. This section inserts section 76C into the 2014 Act. Section 76C imposes a duty on a local housing authority to keep in touch with certain applicants during a specified period after the duty under section 75 of the 2014 Act has been discharged in particular circumstances.

106. Section 76C(1) provides the duty will apply where an applicant was owed a duty under section 75 of the 2014 Act, which ended in circumstances described in section 76(7A) of the 2014 Act, and they do not fall within subsection (2) (of section 76C of the 2014 Act). Under section 76(7A) of the 2014 Act (inserted by section 7(3) of the Act) the local housing authority can end the duty under section 75 if the applicant is no longer homeless and suitable accommodation (excluding offers of social housing allocation or private rented sector offers) is likely to be available for at least 12 months. The applicant must have been given notice in writing of the possible consequences of agreeing to the duty in section 75 coming to an end and must agree to the duty in section 75 coming to an end.

107. Under section 76C(2) the duty in section 76C(1) is not owed if, at the beginning of the "relevant period", the local housing authority owes the applicant a duty under section 76A(2) of the 2014 Act (inserted by section 17 of the Act), or the local housing authority is required to carry out an assessment under section 62 of the 2014 Act (as amended by the Act) for the applicant at any time during the relevant period, or has already done so before the relevant period begins.

108. Section 76C(3) provides that, where the duty applies, a local housing authority must take reasonable steps to contact an applicant, regardless of whether they have been accommodated within their area or not, within the relevant period, in order to identify whether an applicant is at risk of becoming homeless or threatened with homelessness or is or may be homeless or threatened with homelessness.

109. Section 76C(4) provides that, where a local housing authority considers the applicant is or may be homeless or threatened with homelessness (or at risk of becoming either), it must give the applicant such information and advice as it considers appropriate.

110. Section 76C(5) provides that the "relevant period" for these purposes is a period of 2 months after the end of the period of 5 months that begins on the day that the applicant is notified that the section 75 duty that was owed them was brought to an end.

Section 19: Further circumstances in which the duties to help applicants end

111. This section amends section 79 of the 2014 Act. Section 79 sets out further circumstances in which the duties of local housing authorities under sections 66, 68, 75 and 76A(2) of the 2014 Act (as amended by the Act) end. Those duties are referred to below as "the relevant duties".

112. This section repeals subsection (5) of section 79 and inserts in its place subsections (5), (6) and (7) which specify circumstances in which those duties come to an end.

113. Inserted subsection (5) provides that those duties can end if the local housing authority is satisfied that the applicant engaged in violent or threatening behaviour towards anyone carrying out an activity connected with homeless functions under Chapter 2 of Part 2 of the 2014 Act or the provision of accommodation or other services as part of those functions and that the behaviour occurred at a time when the applicant's case is being considered and any of the relevant duties apply. But the duties will not end under this subsection if there are special circumstances that would make it appropriate for the duty in question to continue to apply.

114. Inserted subsection (6) provides that the relevant duties can end following intentional or reckless damage to property secured in the exercise of functions under Chapter 2 of Part 2 of the 2014 Act, at a time when the applicant's case is being considered and a duty in section 66, 68 or 75 applies if the applicant, or a person who resides with the applicant, destroys or seriously damages the property or incites or encourages the damage or destruction of the property, and they either intended to destroy or seriously damage the property, or were reckless as to whether it would be destroyed or seriously damaged. But a duty will only end in these circumstances where there is no reasonable excuse for the actions of the person who caused the damage or destruction and there are no special circumstances which would make it appropriate for the duty to continue to apply.

115. Subsection (7) provides that the local housing authority's duties can end if the applicant has not responded to repeated attempts by the local housing authority to contact the applicant regarding their application and the local housing authority is not aware of any special circumstances that would make it appropriate for the duty to continue to apply. However, the duties will only end if the authority has given a warning notice in writing to the applicant setting out that, because of the applicant's failure to respond to the attempts at contact, it plans to end the relevant duty by giving notice to the applicant under section 84 of the 2014 Act (as amended by the Act) that it no longer regards itself as being subject to the relevant duty, and the consequences of such a notice being given (i.e. that duties could be ended). Before duties can end, a reasonable period must have passed since the warning notice was given with no contact from the applicant.

116. Subsection (8) provides that a warning notice must be given in writing and is considered given if it is made available at the authority's office for a reasonable period for collection by or on behalf of the applicant.

Section 20: Duty of a specified person to ask and act

117. This section inserts section 94A (duty of a specified person to ask and act) and section 94B (specified persons) into the 2014 Act. References below to sections 94A and 94B are references to those sections as inserted.

118. Section 94A of the 2014 Act provides that if a specified person (as defined in section 94B of the 2014 Act) considers that an individual in Wales in relation to whom they exercise functions is or may be homeless or threatened with homelessness, the specified person must ask whether the individual agrees to them notifying a local housing authority in England or Wales that the specified person thinks that the individual is or may be homeless or threatened with homelessness, and how the individual can be contacted. The specified person must also ask which local housing authority in England or Wales the individual would like to be notified.

119. If the individual agrees, the specified person must notify the local housing authority identified by the individual. If the individual agrees but has not identified a specific local housing authority, the specified person must notify the local housing authority in England or Wales that the specified person considers appropriate.

120. Where a notification is made to a local housing authority in Wales, the notification is to be treated as if it were an application by the individual to the local housing authority under section 62(1)(a) of the 2014 Act. This means a notification under section 94A of the 2014 Act will trigger a local housing authority's duty to assess the individual's case under section 62 of the 2014 Act as if the individual had applied to the local housing authority for accommodation or help in retaining or obtaining accommodation.

121. Section 94A(5) sets out other actions which the specified person must take. They are: providing information about sources of help and advice, considering (and taking) other actions it could reasonably take (within the exercise of its existing functions) to help an individual keep or secure suitable accommodation, and considering whether the fact that it considers the individual is or may be homeless, or at risk of homelessness, affects how it exercises its functions in relation to that individual.

122. Section 94A(6) provides that the duties in subsection (5)(b) and (c) of section 94A do not interfere with a specified person's existing legal rights to secure vacant possession of accommodation.

123. Section 94A(7) provides that the requirement to notify a local housing authority does not apply if the individual has applied to a local housing authority in Wales under section 62(1)(a) of the 2014 Act, or a local housing authority in England under section 183 of the 1996 Act for assistance and either the application is being considered or a duty applies under either of those Acts to secure accommodation or otherwise provide other forms of help.

124. Section 94B(1) sets out the "specified persons" to whom the duty in section 94A will apply.

125. Section 94B(2) provides the Welsh Ministers with a regulation-making power to amend the list of specified persons by removing, adding or changing a reference to a person, or a description of a person.

126. Section 94B(3) provides that the regulations may remove a reference to a reserved authority, or a description of a person that includes a reserved authority. It also provides that the regulations may add additional reserved authorities to the list, but only with the consent of the Secretary of State. In addition, section 94B(3) provides that any changes to a reference to a reserved authority, or a description of a person that includes a reserved authority, which have the effect of modifying the reserved authority's functions under section 94A may be made by regulations only with the consent of the Secretary of State or, in the case of a reserved authority which is a Minister of the Crown, only following consultation with the Secretary of State.

127. Section 94B(4) provides that any regulations made under subsection (2)(b) or (c) of section 94B may describe a person by reference to the exercise of discretion by another person and may specify cases or circumstances in which the reference to a person, or description of a person, applies.

128. Section 20(3) amends section 98 of the 2014 Act (guidance) to require specified persons, as listed in section 94B, to have regard to guidance issued by Welsh Ministers when they exercise functions under section 94A.

129. The amendment made by section 20(4) to section 142(3)(b)(ii) of the 2014 Act provides that any regulations made by the Welsh Ministers to modify the list of specified persons subject to the duty in section 94A are subject to the Senedd approval procedure.

Section 21: Duty to refer persons in England to a local housing authority in Wales

130. This section amends section 213B of the 1996 Act which imposes a duty on certain public authorities in England to refer a person who is, or may be, homeless or threatened with homelessness to a local housing authority in England identified by that person (with the person's consent). As amended by section 21 of the Act, the duty in section 213B of the 1996 Act requires the public authorities subject to that duty in England to refer a person to a local housing authority in Wales where the person specifies an authority in Wales and consents to being referred.

131. This section also inserts subsection (3A) into section 213B of the 1996 Act. Inserted subsection (3A) provides that, where a referral is made to a local housing authority in Wales under section 213B of the 1996 Act, the referral is to be treated as if it were an application by the person to that local housing authority under section 62(1)(a) of the 2014 Act. This means a notification under section 213B of the 1996 Act will trigger the local housing authority's duty to assess a person's case under section 62 of the 2014 Act as if the person had applied to the local housing authority in Wales for accommodation or help in retaining or obtaining accommodation.

Section 22: Duty to ensure young people leaving care have suitable accommodation

132. This section inserts section 108A (duty to ensure that suitable accommodation is available for care leavers) and section 109A (meaning of suitable accommodation) into the Social Services and Well-being (Wales) Act 2014. References below to sections 108A and 109A are references to those inserted sections.

133. Section 108A(2) requires the responsible local authority for a young person, where the young person's well-being requires it, to take reasonable steps to secure that suitable accommodation (as defined in regulations made under section 109A of the 2014 Act, as inserted by the Act) is available for occupation by the young person during the period of 3 years beginning with the day the young person reaches the age of 18, and in relation to category 3 young persons, during a subsequent period when a duty is owed to the young person under section 110 of the Social Services and Well-being (Wales) Act 2014. This duty applies in relation to a category 1, 2, 5 or 6 young person, and, in the case of a category 1 or 2 young person, the duty continues to apply after the person becomes a category 3 young person.

134. Section 108A(4) requires the responsible local authority for a young person, where the young person's well-being requires it, to take reasonable steps to secure that suitable accommodation is available for the young person to occupy during the period of 12 months beginning with—

a. the day the authority's duty under section 110 of the Social Services and Well-being (Wales) Act 2014 ends in relation to a category 3 young person,
b. the day the authority's duty under section 112 of that Act ends in relation to a category 4 young person,
c. the day the further or higher education, in respect of which support under section 114(3) or (5) of that Act may have been given, ends for a category 5 or former category 5 young person, or
d. the day the further or higher education, in respect of which support under section 115(4) or (6) of that Act may have been given, ends for a category 6 or former category 6 young person.

135. Section 108A(3) sets out the categories of young persons the duty applies to. The duty in section 108A(4) continues to apply after the young person ceases to fall within any of these categories where the young person's well-being requires it.

136. Section 108A(5) provides that accommodation may only be considered as available for a young person's occupation if it is available for occupation by that young person and anyone with whom that young person may be reasonably expected to live.

137. Section 108A(6) provides that where a young person's pursuance of education or training is interrupted, this should be disregarded for the purpose of section 108A(3) and (4), provided that the responsible local authority is satisfied that the young person will resume the programme of training or education as soon as is reasonably practicable.

138. Section 109A(2) provides that regulations may make provision about the meaning of "suitable accommodation" for the purposes of section 108A and section 109 of the Social Services and Well-being (Wales) Act 2014. The regulations may make provision by reference to any matter connected to the accommodation (including (among other things) the suitability of the provider of accommodation; the conditions of the young person's occupation; the nature or standard of the accommodation; and the location of the accommodation) or by reference to the personal characteristics or circumstances of the young person or any person with whom that young person may reasonably be expected to reside.

Section 23: Protocol for handling cases involving care leavers etc.

139. This section amends section 95 of the 2014 Act, which (among other things) places a duty on local authorities to make arrangements to promote co-operation between its officers who exercise social services functions and those who exercise its functions as a local housing authority for the purpose of achieving the objectives set out in section 95(1) of the 2014 Act relating to homelessness.

140. One of the objectives is the effective discharge of a local authority's functions under Part 2 of the 2014 Act (see section 95(1)(d) of the 2014 Act). Section 23(2) of the Act amends section 95(1)(d) of the 2014 Act to provide that, in relation to people who are homeless or at risk of becoming homeless, the objective also includes the effective discharge of the authority's functions under the Social Services and Well-being (Wales) Act 2014.

141. Section 23(3) inserts subsections (1A) and (1B) after section 95(1) of the 2014 Act. Inserted subsection (1A) requires the arrangements required to be made by subsection (1) to include a protocol for handling cases involving people aged 16 or 17 who are homeless or threatened with homelessness; the accommodation and support needs of care leavers; and the accommodation and support needs of care leavers and people aged 16 or 17 leaving youth detention accommodation, prison or approved premises. Inserted subsection (1B) defines "care leavers" for those purposes.

Section 24: Protocol for handling cases involving persons in particular need of support

142. This section amends section 95 of the 2014 Act to insert subsections (1C) to (1E) into that section. References below to subsections (1C), (1D) and (1E) are references to those inserted subsections.

143. Subsection (1C) requires a local housing authority in Wales to make arrangements to promote co-operation between itself and the persons listed in subsection (1D) which exercise functions in its area as it considers appropriate. The aims of the cooperation arrangements are: to prevent homelessness; that suitable accommodation is available for people who are, or may become, homeless; that satisfactory support is available for people who are, or may become, homeless; the effective case-co-ordination by persons mentioned in subsection (1D) regarding people who are or may become homeless and who may also require additional support; and the effective discharge of the authority's functions under Part 2 of the 2014 Act.

144. Subsection (1D) sets out the persons with whom the local housing authority is required to promote cooperation. This includes the bodies listed in section 95(5) of the 2014 Act (as amended by section 31 of the Act) and any other public authorities, voluntary organisations or other person whose functions or activities could contribute to achieving the aims of the arrangements.

145. Section 95(1E) requires those arrangements to include a protocol for handling cases involving people who are, or may become, homeless and who also have other needs in addition to their housing needs, including, for example, support or services associated with leaving prison or youth detention accommodation; leaving the regular armed forces of the Crown; misusing drugs or other substances or mental health.

Section 25: Protection of property: prisoners

146. Section 93 of the 2014 Act places a requirement on a local housing authority to take reasonable steps to prevent the loss of, or prevent or mitigate damage to, the personal property of an applicant who is owed a duty under section 66, 68, 75 or 82 of the 2014 Act (as amended by the Act) if no suitable arrangements have been made or are being made to protect the property and it believes there is a danger that the property will be lost or damaged by reason of the applicant's inability to protect it or deal with it. A local housing authority continues to be subject to this duty even if the duties under section 66, 68, 75 or 82 come to an end.

147. This section amends section 93 of the 2014 Act to provide that the duty in section 93 applies to individuals while in custody even though the individual is not entitled to help under section 75 of the 2014 Act (as inserted by the Act) because the individual is in custody and has no reasonable prospect of release within six months (see section 75(7) inserted by this Act).

Section 26: Duty to provide information, advice and assistance: detained persons

148. This section amends section 60 of the 2014 Act.

149. Section 26(a) amends section 60(1) to clarify that the duty on a local housing authority to secure the provision of a service providing people with advice, information and assistance applies to people who are detained in the authority's area, or who have a local connection with the area (but are detained outside the area).

150. Section 26(b) amends section 60(4)(a) to provide that the service referred to in section 60(1) is designed to meet the needs of people in prison, in addition to those people leaving prison.

Section 27: Definition of "abuse"

151. This section substitutes the definition of "abuse" in section 58 of the 2014 Act. As a result of the amendment, "abuse" means "domestic abuse" (within the meaning given by section 1 of the Domestic Abuse Act 2021) or any other kind of abuse that may give rise to a risk of harm, including, for example, exploitation (within the meaning of the Modern Slavery Act 2015) and harassment or stalking (within the meaning of the Protection from Harassment Act 1997).

Section 28: Duty to seek the views of homeless persons in exercise of homelessness functions

152. This section amends sections 52, 60 and 98 of the 2014 Act.

153. Local housing authorities are required by section 50 of the 2014 Act to develop and adopt a strategy to address homelessness. Section 52 of the 2014 Act makes provision about the objectives and content of those homelessness strategies and about consultation requirements. Section 28(2) of the Act amends section 52(8) of the 2014 Act to include people in the authority's area who are, or have been, homeless or threatened with homelessness within the list of people and bodies that the local housing authority must consult with (if it considers appropriate) before adopting or changing its homelessness strategy.

154. Section 60 of the 2014 Act requires local housing authorities to arrange the provision of free information, advice, and assistance in accessing help to people in their area or those who have a local connection with the area on matters linked to homelessness. The local housing authorities must work with other public authorities, voluntary organisations and others to ensure that the service is designed to meet the needs of those who are at particular risk of homelessness. Section 28(3) amends section 60(4) of the 2014 Act so that local housing authorities must also work with people in the authority's area who are, or have been, homeless or threatened with homelessness for that purpose.

155. Section 98 of the 2014 Act relates to guidance given by the Welsh Ministers under Part 2 of the 2014 Act and requires local housing authorities to have regard to such guidance when they exercise their functions related to homelessness.

156. Section 28(4) inserts section 98(5) into the 2014 Act which requires the Welsh Ministers to consult with such public or local authorities, voluntary organisations, and people in Wales who are, or have been, homeless or threatened with homelessness, as well as any other persons, as they consider appropriate, before giving, changing or withdrawing guidance under Part 2 of the 2014 Act.

Section 29: Suitability of accommodation

157. This section amends section 59 of the 2014 Act, which requires a local housing authority to have regard to the legislation listed in subsection (1) of section 59 when determining whether accommodation is suitable for a person. Section 29(b) amends the list in section 59(1) of the 2014 Act to include Part 4 of the Renting Homes (Wales) Act 2016 (condition of dwelling).

158. Section 29(a) makes an additional amendment to section 59 of the 2014 Act to provide that the references to legislation in that section include any provision made in, under, or by virtue of the enactments listed in section 59(1) of the 2014 Act.

159. The effect of the amendment is that a local housing authority must have regard to Part 4 of the Renting Homes (Wales) Act 2016, and any legislation made under or by virtue of it, when determining whether accommodation is suitable for a person under section 59 of the 2014 Act.

Section 30: Reports on use and condition of interim accommodation

160. This section inserts section 97A (reports on use and condition of interim accommodation) into the 2014 Act.

161. Section 97A(1) requires the Welsh Ministers to prepare a report on the use and condition of interim accommodation secured by local housing authorities in Wales under sections 68 and 75 of the 2014 Act (as those provisions have been amended by the Act). This report must be laid before Senedd Cymru and published by the Welsh Ministers.

162. Under section 97A(2), local housing authorities must provide the Welsh Ministers with such information as they may require for the purposes of that report. For example, the Welsh Ministers may need information about stock levels, placements within temporary accommodation or conditions of stock to complete the report.

163. Under section 97A(3), the first report must be laid and published on or before 31 December 2030. Thereafter, section 97A(4) requires the Welsh Ministers to lay and publish a subsequent report every five years following the publication of the last report.

Section 31: Co-operation

164. This section amends sections 95 and 142 of the 2014 Act. Under section 95(2) of the 2014 Act, if a local housing authority requests co-operation from any of the bodies listed in section 95(5) of that Act in the exercise of the authority's functions under Part 2 of that Act, the body has a duty to comply with the request unless doing so would have an adverse effect on the exercise of its functions or would be incompatible with its duties. Those bodies are also required (by section 95(3) of the 2014 Act) to comply with requests by a local housing authority for information that it requires in the exercise of its functions under Part 2 of the 2014 Act.

165. Section 31(2) of the Act replaces subsections (5) to (8) of section 95 of the 2014 Act to expand the list of bodies that can be required to cooperate with, and provide information to, a local housing authority. The expanded list of bodies is set out in inserted subsection (5). References below to subsections (5), (6), (7) and (8) are references to those inserted subsections.

166. Subsection (6) provides the Welsh Ministers with a regulation-making power to amend that list of bodies by removing, adding or changing a reference to a person, or a description of a person.

167. Subsection (7) enables those regulations to remove a reference to a reserved authority, or a description of a person that includes a reserved authority from the list in subsection (5). It also provides that regulations adding additional reserved authorities to that list may only be made with the consent of the Secretary of State. In addition, subsection (7) provides that regulations that change a reference to a reserved authority, or a description of a person that includes a reserved authority, in that list in a way that modifies its functions, may only be made with the consent of the Secretary of State, or in the case of an authority that is a Minister of the Crown, after consulting with the Secretary of State about the change.

168. Subsection (8) enables regulations made under subsection (6)(b) or (c) to describe a person by reference to the exercise of discretion by another person, and to specify cases or circumstances in which the reference to a person, or description of a person, applies.

169. The amendment made by section 31(3) to section 142(3)(b)(ii) of the 2014 Act provides that the regulations are subject to the Senedd approval procedure.

Section 32: Co-operation between social landlords and local housing authorities

170. This section inserts sections 96A (co-operation between social landlords and local housing authorities) and 96B (directions to require compliance with requests under section 96A) into the 2014 Act. References below to sections 96A and 96B are references to those inserted sections.

171. Section 96A enables local housing authorities to request a social landlord which holds accommodation in the local authority's area for housing purposes to make an offer of suitable accommodation to an applicant owed a duty under section 75 of the 2014 Act (as amended by this Act). Social landlords are defined in section 96A(2) as registered social landlords and private registered providers of social housing (as defined in section 99 of the 2014 Act (as amended by the Act)).

172. Section 96A(3) requires local housing authorities, before making such a request, to consider the availability of suitable accommodation that they hold in their area (if any).

173. Section 96A(4) requires social landlords to comply with a request from a local housing authority within a reasonable period, unless the social landlord has a good reason not to.

174. Section 96A(5) places a duty on social landlords which provide accommodation in a local housing authority's area to comply with any reasonable request for information that the local housing authority may make in relation to that accommodation and in connection with the authority's functions under section 96A.

175. Section 96A(6) requires the Welsh Ministers to give guidance on what constitutes a good reason for refusing a request, what constitutes a reasonable period, and what constitutes a reasonable request for the purposes of section 96A. Social landlords must have regard to any such guidance (see section 96A(8)).

176. Under section 96A(7), before giving such guidance, the Welsh Ministers must consult such associations representing local authorities in Wales, associations representing social landlords, and other persons as they think appropriate.

177. Section 96B makes provision in relation to disputes between a social landlord and a local housing authority that relate to whether a social landlord had a good reason for failing to comply with a request with a reasonable period, and a failure by a social landlord to respond to a request within a reasonable period.

178. Under section 96B(1) to (3), a local housing authority can refer a matter to the Welsh Ministers where a social landlord has not complied with a request within a reasonable period and, having regard to any explanation provided by the social landlord, the local housing authority does not consider the social landlord has a good reason for failing to comply with the request.

179. A local housing authority can also refer a matter to the Welsh Ministers where a social landlord has not responded to a request within a reasonable period.

180. When the Welsh Ministers receive such a referral from a local housing authority, they must notify the social landlord of the referral and the time period for making representations in relation to it (see section 94B(4)).

181. Section 96B(5) gives the Welsh Ministers a power to direct the social landlord to comply with the request within a specified time period if, after considering the referral and any representations made by the social landlord, the Welsh Ministers consider that the social landlord does not have a good reason for not complying with the request or did not respond to such a request. Section 96B(6) requires a social landlord to comply with a direction given to it under subsection (5).

182. Section 96B(7) requires any such direction to be in writing and confers powers on the Welsh Ministers to vary or revoke a direction by later direction. It further provides that a direction under subsection (5) is enforceable by mandatory order on application by, or on behalf of, the Welsh Ministers or the local housing authority that made the referral.

Section 33: Viewing accommodation

183. Sections 67(4) and 76(3) of the 2014 Act allow a local housing authority to end a duty owed to an applicant under sections 66 and 75 of that Act (as amended by the Act), respectively, when, following receipt of a written notification of the possible consequences of a refusal, an applicant refuses an offer of suitable accommodation.

184. Those provisions are not amended by the Act (and remain in place), but section 96C (inserted by section 33) places an additional requirement on local housing authorities, requiring them to take reasonable steps to provide the applicant with an opportunity to view the accommodation being offered (either in person or otherwise) before deciding whether to accept or decline the offer.

PART 2 - SOCIAL HOUSING ALLOCATION

Section 34: Ineligibility for allocation of housing as a result of unacceptable behaviour

185. Section 34 amends section 160A(7) of the 1996 Act. Section 160A(7) allows a local housing authority in Wales to treat a person as ineligible for an allocation of social housing if the person, or a member of the person's household, has been guilty of unacceptable behaviour serious enough to make the person or a member of the person's household unsuitable to be a tenant and, that person is still considered to be unsuitable as a tenant by reason of that behaviour when the person's application is considered. The amendment made by section 34 of the Act provides that when deciding whether to treat a person as ineligible for allocation by reason of unacceptable behaviour, the local housing authority in Wales must take into account, in particular, the likelihood of that unacceptable behaviour reoccurring. This could include, for example, consideration of steps taken since the behaviour occurred which suggest reduced risk of the behaviour occurring again.

Section 35: No preference for persons who try to manipulate the housing system

186. This section amends section 167 of the 1996 Act which requires local housing authorities in Wales to have a scheme and a procedure for allocating housing accommodation which they must comply with when they allocate housing. This section also inserts new section 167A.

187. Under section 167 of the 1996 Act, a local housing authority's allocation scheme must ensure reasonable preference is given to the categories of people listed in section 167(2), subject to the limited exceptions in subsections (2ZA) and (2B). Section 35(2) amends section 167 of the 1996 Act. It inserts subsections (2DA) and (2DB). The effect of the amendments made by section 35(2)of the Act is that local housing authorities in Wales are not required to give reasonable preference to a person who is homeless or owed a duty under section 66 or 75 of the 2014 Act (as those provisions have been amended be the Act), if the local housing authority is satisfied the person is trying to manipulate the housing system (see section 167A of the 1996 Act as inserted by section 35(3) for what trying to manipulate the housing system means). However, the local housing authority in Wales is still required to give any reasonable preference that a person may be entitled to under the other reasonable preference categories.

188. Section 35(2) also amends section 167(4A)(b) of the 1996 Act to require a local housing authority's allocation scheme to provide that, where the authority decides that preference under subsection (2)(a) or (b) should not be given to a person on the basis that the authority is satisfied that the person is trying to manipulate the housing system, the authority must notify the person in writing of the decision and the grounds for the decision. The person also has a right to request a review of that decision.

189. Section 35(3) inserts section 167A (meaning of trying to manipulate the housing system) into the 1996 Act. It sets out the circumstances in which a person is considered to be trying to manipulate the housing system for the purposes of allocation of accommodation under section 167(2DB) of the 1996 Act (as inserted by section 35(2) of the Act).

190. There are two ways a person will be trying to manipulate the housing system for the purposes of section 167(2DB). The first is set out in section 167A(2) of the 1996 Act. It provides that a person ("P") is trying to manipulate the housing system if P is homeless or owed duties under section 66 or 75 of the 2014 Act (as amended by the Act) because P deliberately did, or failed to do, something, which resulted in P ceasing to occupy accommodation that was available to P and it would have been reasonable for P to continue to occupy the accommodation, if—

a. the reason P did (or did not do) that thing was to enable P to be entitled to help under Chapter 2 of Part 2 of the 2014 Act or to improve the likelihood of P being allocated accommodation under Part 6 of the 1996 Act, or
b. before doing (or not doing) that thing, P received information, advice or other support that was sufficient for the purpose of allowing P to continue occupying that accommodation.

191. However, where P acted (or failed to act) in good faith in circumstances where P were unaware of a relevant fact, that act (or omission) will not be treated as deliberate.

192. The second way a person will be trying to manipulate the housing system for the purposes of section 167(2DB) is set out in section 167A(4) of the 1996 Act. Under that section, a person ("P") is trying to manipulate the housing system if—

a. P is homeless or owed duties under section 66 or 75 of the 2014 Act (as amended by the Act) because P entered into an arrangement under which P was required to vacate accommodation that P could otherwise reasonably have continued to occupy,
b. the purpose of the arrangement was to enable P to become entitled to help under Chapter 2 of Part 2 of the 2014 Act or to improve the likelihood of their being allocated accommodation under Part 6 of the 1996 Act, and
c. there is no other good reason why P became homeless.

Section 36: Preference for young people leaving care

193. This section makes further amendments to section 167 of the 1996 Act, which makes provision about the housing allocation schemes of local housing authorities in Wales.

194. Section 36 amends section 167(2) of the 1996 Act by inserting paragraph (ba), which adds a new group of people who must be given reasonable preference under a local housing authority's housing allocation scheme. That group is people in relation to whom responsible local authorities are required to take reasonable steps to secure that suitable accommodation is available for occupation under section 108A of the Social Services and Well-being (Wales) Act 2014 (inserted by section 22 of the Act).

Section 37: Housing registers

195. Section 37 inserts sections 160B (offers of housing accommodation held by registered social landlords and private registered providers of social housing: Wales), 160C (common housing registers: Wales), 160D (regulations about common housing registers) and 160E (accessible housing registers) into the 1996 Act. References below to sections 160B, 160C, 160D and 160E are references to those inserted sections.

196. Section 160B imposes duties on registered social landlords and private registered providers of social housing in Wales in relation to the allocation of housing accommodation under nomination arrangements with local housing authorities in Wales.

197. Section 160B(1) provides that the duty in section 160B(2) applies only in relation to housing accommodation offered by a registered social landlord or a private registered provider of social housing under arrangements requiring that accommodation (or a specified amount of it) to be made available to a person nominated by a local housing authority in Wales. The term "arrangements" is defined in subsection (4) as arrangements made in connection with the allocation of housing accommodation under Part 6 of the 1996 Act and includes both legally enforceable arrangements and informal arrangements.

198. Section 160B(2) imposes a duty on registered social landlords and private registered providers of social housing to offer accommodation only to persons who are included on the common housing register for the local housing authority area in Wales in which the accommodation is located.

199. Section 160B(3) provides the Welsh Ministers with a regulation-making power to specify circumstances in which the duty in subsection (2) does not apply. These regulations are subject to the Senedd approval procedure.

200. Section 160C requires local housing authorities in Wales to establish and maintain a common housing register, which is a register of persons to whom housing accommodation in their area may be allocated. This register must include all persons who apply to the local housing authority for accommodation, provided they are not ineligible for an allocation of accommodation.

201. Section 160C(3) permits a local housing authority to include a person on the common housing register without the person having applied for housing accommodation if the authority decides they are eligible for an allocation.

202. Section 160D(1) requires the Welsh Ministers to make provision, in regulations, for and in connection with common housing registers in Wales.

203. Section 160D(2)(a) requires the regulations to include provision enabling a person with an entry in a register to access information relating to that entry and the allocation of housing under Part 6 of the 1996 Act. Paragraph (b) requires the regulations to include provision requiring the publication of general information about common housing registers and their operation in the allocation of housing in each local housing authority area in Wales.

204. Section 160D(3) sets out examples of other provisions the regulations may make. These include provision about the amendment and removal of entries in a register, the giving of notices in connection with entries on the register, and the information that may or must be included in a register. The regulations may also make provision requiring or authorising the disclosure of information contained in a register to a specified person, about the creation, collection, collation and publication of information relating to the register or its operation in the allocation of housing and may confer functions on local housing authorities in Wales or on the Welsh Ministers. These regulations are subject to the Senedd approval procedure.

205. Section 160E(1) places a duty on local housing authorities in Wales to establish and maintain an accessible housing register, which must include all housing accommodation in their area that is available or may be available in the future for an allocation under Part 6 of the 1996 Act, that has features which may assist a disabled person. Examples of such features may include level access entrances wheelchair accessible lifts, shallow ramps and level access wet rooms.

206. Section 160E(2) requires the Welsh Ministers to make provision, in regulations for and in connection with accessible housing registers.

207. Section 160E(3) requires the regulations to include provision requiring the publication of general information about accessible housing registers and their operation in the allocation of housing in each local housing authority area in Wales.

208. Section 160E(4) provides examples of other matters that regulations may make provision in relation to. This includes provision about the amendment and removal of entries in a register, about the giving of notices in connection with entries in the register, and about the information that may or must be included in a register. The regulations may also make provision requiring the disclosure of information contained in a register, about the creation, collection, collation and publication of information relating to the register or its operation in the allocation of housing and conferring functions on local housing authorities in Wales or on the Welsh Ministers. These regulations are subject to the Senedd approval procedure.

209. Section 160E(5) places a duty on registered social landlords and private registered providers of social housing which hold housing accommodation in the area of a local housing authority in Wales requiring them to comply with any reasonable request made to them by the local housing authority in connection with the exercise of the authority's functions under section 160E.

PART 3 - MISCELLANEOUS AND GENERAL

Section 38: Guidance to local housing authorities on rent guarantees

210. Section 38 places a duty on the Welsh Ministers to give guidance to local housing authorities relating to rent guarantee arrangements. Before giving any such guidance, the Welsh Ministers must consult local housing authorities and other persons they think appropriate. The guidance must be published.

Section 39: Review of the operation and effect of changes made by this Act

211. Section 39 places a duty on the Welsh Ministers to carry out a review of the operation and effect of the changes made by the Act to the 2014 Act, the 1996 Act and the Social Services and Well-being (Wales) Act 2014.

212. Section 39(2) requires the Welsh Ministers to consult with such public or local authorities, voluntary organisations, people who are or who have been homeless or threatened with homelessness in Wales or other persons as they consider appropriate in carrying out the review.

213. Section 39(3) requires the Welsh Ministers to publish a report on the operation and effect of section 94A of the 2014 Act (duty of a specified person to ask and act). A copy of that report must be laid before Senedd Cymru within two years of the day on which the 'ask and act' duty comes fully into force.

214. Section 39(4) requires the Welsh Ministers to publish the report of their review of the operation and effect of the other changes made by this Act and lay that report before Senedd Cymru within four years of the day on which this Act as a whole comes fully into force.

215. Section 39(5) enables the Welsh Ministers to review the operation and effect of a change made by the Act at a time when they consider the provision that makes the change to be substantially in force.

Section 40: Interpretation

216. This section defines references to the Housing (Wales) Act 2014 and the Housing Act 1996 for the purposes of the Act.

Section 41: Minor and consequential provision

217. This section introduces the Schedule, which makes minor and consequential amendments to the following Acts:
    - Housing Act 1996;
    - Social Services and Well-being (Wales) Act 2014;
    - Housing (Wales) Act 2014;
    - Renting Homes (Wales) Act 2016.

Section 42: Power to make consequential and transitional provision etc.

218. This section confers a power on the Welsh Ministers to make regulations making incidental, supplementary, consequential, transitional or saving provisions in connection with the provisions of the Act.

219. Those regulations may amend, modify, repeal or revoke any enactment (including any provision of the Act). Regulations made under this power are subject to the Senedd approval procedure if they amend, repeal or otherwise modify primary legislation (a provision of an Act of Parliament or an Act or Measure of Senedd Cymru); otherwise, they are subject to the Senedd annulment procedure.

Section 43: Coming into force

220. This section sets out how the Act will come into force. Sections 38, 39, 40, 42, 43, 44 and 45 will come into force on the day after the day this Act receives Royal Assent. The other provisions will come into force on a day (or days) appointed by the Welsh Ministers by order. Such an order may make transitional or saving provision in connection with the coming into force of a provision and may appoint different days for different purposes or different areas.

221. Section 43(4) provides that section 35 (provision about deliberate manipulation) must not be commenced earlier than section 10, which removes the intentional homelessness test.

Section 44: Progress reports on bringing the Act into force

222. Section 44 requires the Welsh Ministers to prepare and lay before the Senedd a report on progress towards full commencement of the Act as soon as reasonably practicable after 31 December 2028, 31 December 2029, and biennially thereafter, if the Act is not fully commenced on those dates.

223. The report must set out the progress made and further steps to be taken by the Welsh Ministers or any other person to bring the Act fully into force.

Section 45: Short title

224. Section 45 sets out the short title of the Act, by which it may be known and referred. Either the Welsh or the English language title of the Act may be used, including as a citation in other enactments.

SCHEDULE
MINOR AND CONSEQUENTIAL PROVISION

225. The Schedule makes minor and consequential amendments to the 1996 Act, the 2014 Act, the Social Services and Well-being (Wales) Act 2014 and the Renting Homes (Wales) Act 2016.

226. Paragraph 1 makes amendments to Part 6 of the 1996 Act (allocation of housing accommodation). Paragraph 1(2) to (5) amends sections 160, 160A, 167 and 169 of the 1996 Act to clarify that, as a result of the Transfer of Functions Order 1999 and Schedule 11 to the Government of Wales Act 2006, certain functions and powers conferred on the Secretary of State are now functions of the Welsh Ministers in relation to Wales.

227. Paragraph 1(6) amends section 172 of the 1996 Act to reflect that certain regulation-making powers in that Act are exercisable by the Welsh Ministers and that those regulations must be made by statutory instrument.

228. Paragraph 1(6) also inserts subsections (2A) and (3A) into section 172 of the 1996 Act which makes provision about the Senedd procedure that applies to regulations made under Part 6 of that Act. Inserted subsection (2A) provides that regulations made under section 160B(3) (circumstances in which the duty in section 160B(2) of the 1996 Act does not apply), section 160D(1) (common housing register), section 160E(2) (accessible housing register) and section 167(3) (regulations amending provisions about priorities in allocating housing accommodation in Wales) of the 1996 Act are subject to the Senedd approval procedure. Inserted subsection (3A) provides any other regulations made by the Welsh Ministers under Part 6 of the 1996 Act are subject to the Senedd annulment procedure.

229. Paragraph 2 amends the table in Schedule 2 to the Social Services and Well-being (Wales) Act 2014, which contains a list of enactments in which the social services functions of local authorities are set out. The amendments reflect the insertion of sections 94A and 94B into the 2014 Act by section 20 of the Act, to the extent that the duty in section 94A is imposed on social services authorities, and the amendments to section 95 of the 2014 Act so far as it relates to social services functions.

230. Paragraph 3 makes amendments to the 2014 Act mainly in consequence of the repeal of sections 70, 73, 77 and 78 of that Act, but also in consequence of the other amendments made to the Act.

231. Paragraph 4 amends Schedule 2 to the Renting Homes (Wales) Act 2016 to repeal the reference to section 73 of 2014 Act. This reflects the repeal of section 73 of the 2014 Act by the Act.

RECORD OF PROCEEDINGS IN SENEDD CYMRU

232. The following table sets out the dates for each stage of the Act's passage through the Senedd. The Record of Proceedings and further information on the passage of this Act can be found on the Senedd website at: **https://business.senedd.wales/mgIssueHistoryHome.aspx?IId=45883**

Stage	**Date**
Introduced	19 May 2025
Stage 1 - Debate	4 November 2025
Stage 2 Scrutiny Committee – consideration of amendments	11 December 2025
Stage 3 Plenary - consideration of amendments	3 February 2026
Stage 4 - Approved by the Senedd	10 February 2026
Royal Assent	1 April 2026