



Keeping people in their
homes since 1981

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Homelessness in Wales – the essential Law

Session 1

Rough sleeping

30%

Increase in Shelter
Cymru's street homeless
clients

72%

Increase in the two-week
count of rough sleepers

63%

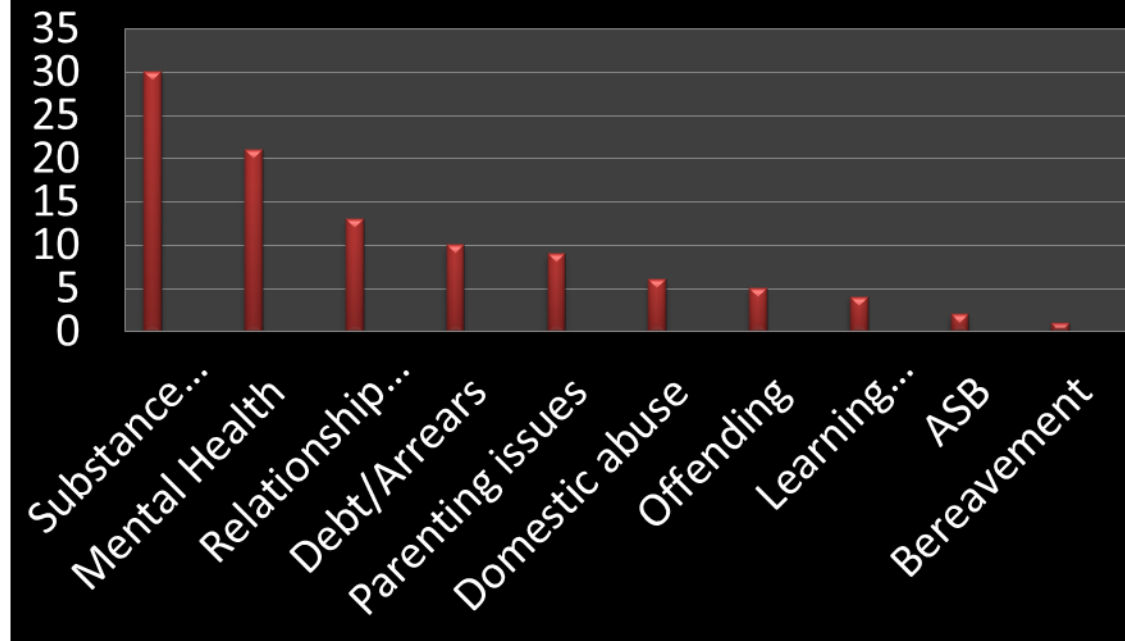
Increase in the one-night
count of rough sleepers

Causes of homelessness

- Causes of homelessness are complex
- Usual causes
- Complex interplay between factors
- Common threads/histories- prison and care
- Each person has their story to tell

“ They have very chaotic lifestyles...if anything is going to affect it it’s going to collapse. It’s so fragile. There’s a whole string of reasons why people become homeless” (stakeholder)

Contributing factors to homelessness



Homelessness is complex

Majority of people had numerous contributing factors and many were unable to identify a key cause of their homelessness

Causes of rough sleeping

- In general the cause of rough sleeping is that once becoming homeless the solutions offered and available to that person have failed



What do people want?

- Majority want their own home
- A few want small scale, intensive, specialist supported housing
- Support was an integral feature
- Want to be in 'normal' housing
- Residential rehabilitation

“my own home with a garden where I can be warm and dry and shut the world out”

“I need to be supported because of my chronic depression. I cant break the drug taking cycle unless I have a suitable home. I’m not good around other people so a hostel or b&b are no good, my nerves have completely gone”

**So, what help is
available?**

https://www.youtube.com/watch?v=6Tj_luNS6-s

The Housing (Wales) Act 2014 vision

Help for **everyone**
at risk or
homeless

Early intervention
to prevent crises

Partnership
working to
achieve
sustainable
solutions

Working **with** people to
find the best housing
solution

Best use of all resources
including the PRS

Less emphasis on
priority need

The Law

- Housing (Wales) Act 2014 Part 2
- Various statutory instruments eg: Homelessness (Suitability of Accommodation) (Wales) Order 2015
- Code of Guidance to Local Authorities on the Allocation of Accommodation and Homelessness 2016
- Case law

The legal duties

s62

- The duty to assess

s68

- The duty to secure interim (emergency) accommodation

s66

- The duty to help to prevent homelessness

s73

- The duty to help to secure accommodation

s75

- The duty to secure accommodation

s62 - the duty to assess

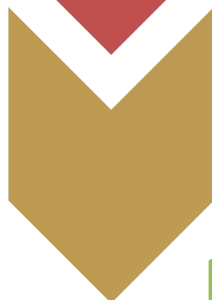
The local authority must carry out an assessment of a person's case if -

- (a) the person has applied to a local housing authority for accommodation or help in retaining or obtaining accommodation;
- (b) it appears to the authority that the person may be homeless or threatened with homelessness (56 days NOT 28)

Triggering an assessment



- Face to face meeting



- Telephone/emails contacts can now 'trigger' assessments



- Third parties can now 'trigger' assessments – prison officers, support workers, solicitors

The duty to assess – contents of the assessment if applicant eligible

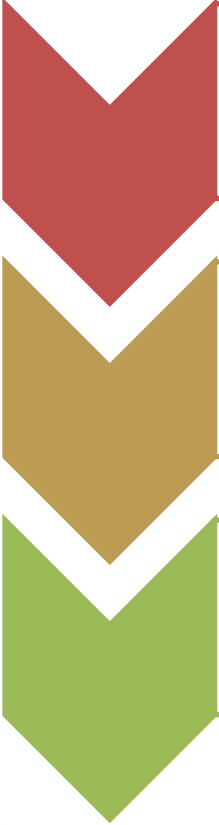
The **circumstances causing homelessness** or threat of homelessness

The **housing and support needs** of the applicant and household

The **duty owed** to the applicant under the following provisions of this Chapter

The **applicant's wishes**

s61 – who is eligible?

- 
- British citizens who are habitually resident in the UK
 - EU citizens with a right to reside
 - Persons subject to immigration control granted visas/leave to remain with recourse to public funds

s55 – meaning of homelessness



Threatened if person likely to become homeless within 56 days

s55(1) – No accommodation

- Anywhere in the world, which they are entitled or permitted to occupy:
 - Legal interest - freeholder, lessee, tenant
 - Express or implied licence – lodger, employee, relatives
 - Rule of law – e.g. rights under marriage



s55(2) – Cannot gain entry

- Illegal eviction
- Property squatted
- Mobile home (caravan or boat) but nowhere to place it



s57 – reasonable to continue to occupy – abuse

- Not reasonable to occupy if it is *probable* it will lead to
 - domestic abuse, or
 - other abuse
- Actual abuse, or threats likely to be carried out

s57 – reasonable to continue to occupy – other

- **May** have regard to the ‘general circumstances prevailing in relation to housing in the area’
 - Conditions, overcrowding, type of accommodation
- **Must** have regard to **affordability**
- Valid notices where no defence – may be relevant
- No simple test - local authority to make judgement on facts of each case

Are these people homeless?



The outcome of the assessment

<ul style="list-style-type: none">• Not homeless and/or• Not eligible	<ul style="list-style-type: none">• Threatened with homelessness• Eligible	<ul style="list-style-type: none">• Homeless• Eligible
s60 Duty to provide information, advice and assistance in accessing help	s66 Duty to help to prevent an applicant from becoming homeless	s73 Duty to help to secure accommodation for homeless applicants

s63 – duty to notify outcome of assessment

Local authority must notify applicant in writing of the outcome of assessment: *

- If adverse decision, including reasons for decision
- Right to request a review within 21 days

NB: Notifications treated as given if made available at local authority office for collection (if applicant does not receive through post)

*Guidance: ***as soon as possible***

s68 – interim accommodation

Duty to secure suitable (emergency) accommodation is available for applicants if the authority have reason to believe they may*:

(a) be homeless,

(b) be eligible for help, and

(c) have a priority need for accommodation,

in circumstances where the authority is not yet satisfied of the above

**lower threshold than substantive duties*

Duty to secure interim accommodation



s73 – Help to secure

Applicant is **eligible for help** and **homeless**, LA must:

- Help to secure that suitable accommodation is available for the applicant
- Priority need or intentional homelessness not relevant, local connection may be considered
- TIME LIMITED to 56 days

s73 – help to secure

Could be accessed by:

- (1) A new applicant whom hasn't applied before
- (2) An existing applicant under 'Help to Prevent' who then becomes homeless
- (3) A previous applicant who was owed Help to Prevent, then duty discharged; applicant then becomes homeless (treated as new applicant)

s65 Meaning of help to secure

- Applies to both s66 & s73
- LA to take **reasonable steps** to help:
 - Regard to best use of the authority's resources
 - Authority not required to secure an offer of accommodation under Part 6 of the Housing Act 1996 (allocation of housing)
 - Authority not required to otherwise provide accommodation.

s64 How to help to secure

- Arranging for a person other than the authority to provide something (third party organisations)
- Authority provides something itself
- Authority provides something, or arranging for something to be provided, to a person other than the applicant.

s64 How to help to secure

(a) Mediation

(b) Payments by way of grant or loan

(c) Guarantees that payments will be made

(d) Support in managing debt, mortgage arrears or rent arrears

(e) Security measures for applicants at risk of abuse

(f) Advocacy or other representation

(g) Accommodation

(h) Information and advice

(i) Other services, goods or facilities.

Personal Housing Plans

- Not a legal requirement but *best practice* tool
- Should detail the reasonable steps to be taken to help
- Which reasonable steps will best meet needs of applicant based on the cause of homelessness?
- Code 12.174 - examples of actions for most common causes of homelessness



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- More information on www.sheltercymru.org.uk

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- See you next time!