

Homelessness in Wales – the essential Law

Session 2



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

Re-Cap

Assessment s.62

- Duty to take assessment of anyone homeless or threatened within 56 days
- Must notify applicant of outcome (in writing)

Help to Secure Duty s73/s.68

- Owed to anyone homeless
- Must assess for temporary accommodation
- Required to take “reasonable steps” to help

Case studies

Assessment
s.62

• Exercise 1

Interim/emergency
s.68

• Exercise 2

Temporary accommodation in Cardiff

Families – Leased accommodation

Families – Family/supported hostels

Single adults/couples - Hostels



REMINDER: 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

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.

Case studies

Help to secure
(reasonable steps)

s73

• Exercise 3

s75 – ‘final duty’

s. 73 ends because either:

56 days have ended

All reasonable steps have been taken



No suitable accommodation available for occupation for at least 6 months

Applicant is eligible for help

Applicant has a priority need



If having regard to intentional homeless, satisfied not intentionally homeless

Duty to secure accommodation

Minimum 6 months AST

s84 Notice that duties have ended

- When LA concludes duty ended, must notify applicant in writing:
 - no longer regards itself as being subject to the relevant duty
 - reasons why it considers that the duty has come to an end,
 - right to request a review & time limits

s85 – Reviews

Applicant can request a review of:

- A decision as to eligibility for help
- A decision that a duty is NOT owed or has ended under s66, s68, s73 or 75
- Whether or not reasonable steps have been taken (at the end of s73)
- Suitability of accommodation offered to discharge any duty (under s66, s68, s73 & s75)



s85 Reviews

- Request in 21 days of notification – discretion to allow out of time
- Request **doesn't** have to be in writing – CoG 20.4
- Applicant must be notified of the review procedure
- Applicant can make representations **orally or in writing**
- Reviewing officer not involved in original decision.
- Review decision should be provided in writing in **8 weeks** giving reasons for the decision



s85 Reviews

Power to accommodate pending the outcome of the review. Consider *R (Mohammed) v Camden LBC* [1997] 30 HLR 315:

- Merits of the case
- New material
- Personal circumstances



s88 Appeal to County Court

- Appeal of the review decision OR original decision if no review undertaken in time
- **Point of law** – administrative law principles:
 - Irrationality
 - illegality
 - Procedural Impropriety
- **21 days** from receipt of review decision OR from date review decision was due
- Power to accommodate pending
- Legal Aid
- Refer urgently



Advice and representation

<https://sheltercymru.org.uk/get-advice>

- **Our helpline: 0345 075 5005**

9.30am – 4pm Monday to Friday

- **Advice surgeries**

Cardiff Housing Options Wednesdays, fortnightly

9.30am – 2.00pm - Drop in

Cardiff, Llamau Limited Monday 9.30am – 1.30pm

Appointment only



- More course details on www.sheltercymru.org.uk



- Any queries email – training@sheltercymru.org.uk