**Housing Options Service**

**The Law about** **Homelessness in Wales**

The law which governs housing decisions is the Housing (Wales) Act 2014. Part 2 is about homelessness and the main duties are summarised here.

**Assessment and Notification**

**Assessment - Section 62**

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

**Notice of the outcome of the assessment - Section 63**

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

The duties that the Council may have are:

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

**What are the duties and how can they end**

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

**Help to Prevent Duty - Section 66**

If an applicant is under threat of becoming homeless the council will work with them to help prevent this occurring. This help may include for example mediation with your landlord, help with rent arrears, and help to find another home. This help will continue for as long there is a chance that homelessness can be prevented.

**This duty can be ended if:**

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* The applicant has withdrawn their housing application.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

**Help to Secure Duty - Section 73**

If an applicant is homeless the Council will work with them for up to 56 days to help find alternative accommodation. This is likely to be in the private rented sector, and if eligible help with payment of a bond and rent in advance will be provided.

**This duty can be ended if:**

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

**Final Duty to Secure - Section 75**

If an applicant is still homeless at the end of this 56 days a final homeless decision will be made. This will consider if an applicant has priority need, and whether the applicant has become homeless intentionally. The Council will notify the applicant in writing of this decision and this will include their rights to request a review if they disagree.

A final housing decision means that the Council has a duty to find settled accommodation for the applicant. This can be in the private rented sector or in the social sector.

**This duty can be ended if:**

* The applicant accepts an offer from the Common Waiting List or a private rented sector tenancy.

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

**Interim Accommodation Duty - Section 68**

If a client is believed to be homeless and has priority need the Council will offer temporary accommodation for them to live whilst their housing solution is resolved.

**This duty can be ended if:**

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

**Local Connection Referrals to Other Boroughs - Section 80**

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

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

**Notification that duties have ended - Section 84**

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

* that it no longer regards itself as being subject to the relevant duty,
* of the reasons why it considers that the duty has come to an end,
* of the applicants right to request a review, and
* of the time within which such a request must be made.

Notice must be given in writing. If the application does not have a postal address it can be collected from the council office by the applicant or someone on their behalf or emailed directly.

If you have any questions, please contact us:

**Blaenau Gwent County Borough Council**

**Housing Advice Centre,**

**20 Church Street,**

**Ebbw Vale,**

**Gwent, NP23 6BG**

**Tel No: (01495) 354600 (option 2) Email:** [**Housing@blaenau-gwent.gov.uk**](mailto:Housing@blaenau-gwent.gov.uk)