



Housing (Wales) Act 2014

2014 anaw 7

PART 2

HOMELESSNESS

CHAPTER 2

HELP FOR PEOPLE WHO ARE HOMELESS OR THREATENED WITH HOMELESSNESS

Supplementary provisions

90 Charges

A local housing authority may require a person in relation to whom it is discharging its functions under this Chapter—

- (a) to pay reasonable charges determined by the authority in respect of accommodation which it secures for the person's occupation (either by making it available itself or otherwise), or
- (b) to pay a reasonable amount determined by the authority in respect of sums payable by it for accommodation made available by another person.

91 Out-of-area placement

- (1) A local housing authority must in discharging its functions under this Chapter secure or help to secure that suitable accommodation is available for the occupation of the applicant in its area, so far as is reasonably practicable.
- (2) If the authority secures that accommodation is available for the occupation of the applicant outside its area in Wales or England, it must give notice to the local housing authority (whether in Wales or England) in whose area the accommodation is situated.
- (3) The notice must state—

- (a) the name of the applicant,
 - (b) the number and description of other persons who normally reside with the applicant as a member of his or her family or might reasonably be expected to reside with the applicant,
 - (c) the address of the accommodation,
 - (d) the date on which the accommodation was made available to the applicant, and
 - (e) which function under this Chapter the authority was discharging in securing that the accommodation is available for the applicant's occupation.
- (4) The notice must be in writing, and must be given before the end of the period of 14 days beginning with the day on which the accommodation was made available to the applicant.

92 Interim accommodation: arrangements with private landlord

- (1) This section applies where in carrying out any of its functions under section 68, 82 or 88(5) (interim accommodation) a local housing authority makes arrangements with a private landlord to provide accommodation.
- (2) A tenancy granted to the applicant under the arrangements cannot be an assured tenancy before the end of the period of twelve months beginning with—
- (a) the date on which the applicant was notified of the authority's decision under section 63(1) or 80(5), or
 - (b) if there is a review of that decision under section 85 or an appeal to the court under section 88, the date on which the applicant is notified of the decision on review or the appeal is finally determined,
- unless, before or during that period, the tenant is notified by the landlord (or in the case of joint landlords, at least one of them) that the tenancy is to be regarded as an assured shorthold tenancy or an assured tenancy other than an assured shorthold tenancy.

93 Protection of property

- (1) Where a local housing authority has become subject to a duty in respect of an applicant as described in subsection (2), it must take reasonable steps to prevent the loss of the personal property of the applicant or prevent or mitigate damage to it if the authority has reason to believe that—
- (a) there is danger of loss of, or damage to, the property by reason of the applicant's inability to protect it or deal with it, and
 - (b) no other suitable arrangements have been or are being made.
- (2) The duties in respect of an applicant are—
- section 66 (duty to help to prevent an applicant from becoming homeless) in the case of an applicant in priority need;
 - section 68 (interim duty to secure accommodation for homeless applicants in priority need);
 - section 75 (duty to secure accommodation for applicants in priority need when the duty in section 73 ends);
 - section 82 (duties to applicant whose case is considered for referral or referred) in the case of an applicant in priority need.

- (3) Where a local housing authority has become subject to the duty in subsection (1), it continues to be subject to that duty even if the duty in respect of the applicant as described in subsection (2) comes to an end.
- (4) The duty of a local housing authority under subsection (1) is subject to any conditions it considers appropriate in the particular case, which may include conditions as to—
 - (a) the making and recovery by the authority of reasonable charges for the action taken, or
 - (b) the disposal by the authority, in such circumstances as may be specified, of property in relation to which it has taken action.
- (5) A local housing authority may take any steps it considers reasonable for the purpose of protecting the personal property of an applicant who is eligible for help or prevent or mitigate damage to it if the authority has reason to believe that—
 - (a) there is danger of loss of, or damage to, the property by reason of the applicant's inability to protect it or deal with it, and
 - (b) no other suitable arrangements have been or are being made.
- (6) References in this section to personal property of the applicant include personal property of any person who might reasonably be expected to reside with the applicant.

94 Protection of property: supplementary provisions

- (1) The authority may for the purposes of section 93—
 - (a) enter, at all reasonable times, any premises which are the usual place of residence of the applicant or which were the applicant's last usual place of residence, and
 - (b) deal with any personal property of the applicant in any way which is reasonably necessary, in particular by storing it or arranging for its storage.
- (2) Where a local authority is proposing to exercise the power in subsection (1)(a), the officer it authorises to do so must, upon request, produce valid documentation setting out the authorisation to do so.
- (3) A person who, without reasonable excuse, obstructs the exercise of the power under subsection (1)(a) commits an offence and is liable on summary conviction to a fine not exceeding level 4 on the standard scale.
- (4) Where the applicant asks the authority to move his or her property to a particular location nominated by the applicant, the authority—
 - (a) may, if it appears to it that the request is reasonable, discharge its responsibilities under section 93 by doing as the applicant asks, and
 - (b) having done so, have no further duty or power to take action under that section in relation to that property.
- (5) If such a request is made, the authority must before complying with it inform the applicant of the consequence of it doing so.
- (6) If no such request is made (or, if made, is not acted upon) the authority cease to have any duty or power to take action under section 93 when, in its opinion, there is no longer any reason to believe that there is a danger of loss of or damage to a person's personal property by reason of his or her inability to protect it or deal with it.

Status: This is the original version (as it was originally enacted).

- (7) But property stored by virtue of the authority having taken such action may be kept in store and any conditions upon which it was taken into store continue to have effect, with any necessary modifications.
- (8) Where the authority—
 - (a) ceases to be subject to a duty to take action under section 93 in respect of an applicant’s property, or
 - (b) ceases to have power to take such action, having previously taken such action, it must notify the applicant of that fact and of the reason for it.
- (9) The notification must be given to the applicant—
 - (a) by delivering it to the applicant, or
 - (b) leaving it at, or sending it to, the applicant’s last known address.
- (10) References in this section to personal property of the applicant include personal property of any person who might reasonably be expected to reside with the applicant.

95 Co-operation

- (1) A council of a county or county borough in Wales must make arrangements to promote co-operation between the officers of the authority who exercise its social services functions and those who exercise its functions as the local housing authority with a view to achieving the following objectives in its area—
 - (a) the prevention of homelessness,
 - (b) that suitable accommodation is or will be available for people who are or may become homeless,
 - (c) that satisfactory support is available for people who are or may become homeless, and
 - (d) the effective discharge of its functions under this Part.
- (2) If a local housing authority requests the co-operation of a person mentioned in subsection (5) in the exercise of its functions under this Part, the person must comply with the request unless the person considers that doing so would—
 - (a) be incompatible with the person’s own duties, or
 - (b) otherwise have an adverse effect on the exercise of the person’s functions.
- (3) If a local housing authority requests that a person mentioned in subsection (5) provides it with information it requires for the purpose of the exercise of any of its functions under this Part, the person must comply with the request unless the person considers that doing so would—
 - (a) be incompatible with the person’s own duties, or
 - (b) otherwise have an adverse effect on the exercise of the person’s functions.
- (4) A person who decides not to comply with a request under subsection (2) or (3) must give the local housing authority who made the request written reasons for the decision.
- (5) The persons (whether in Wales or England) are—
 - (a) a local housing authority;
 - (b) a social services authority;
 - (c) a registered social landlord;
 - (d) a new town corporation;

- (e) a private registered provider of social housing;
 - (f) a housing action trust.
- (6) The Welsh Ministers may amend subsection (5) by order to omit or add a person, or a description of a person.
- (7) An order under subsection (6) may not add a Minister of the Crown.
- (8) In this section—
- “housing action trust” (*“ymddiriedolaeth gweithredu tai”*) means a housing action trust established under Part 3 of the Housing Act 1988;
 - “new town corporation” (*“corfforaeth tref newydd”*) has the meaning given in Part 1 of the Housing Act 1985;
 - “private registered provider of social housing” (*“darparwr tai cymdeithasol preifat cofrestredig”*) has the meaning given by Part 2 of the Housing and Regeneration Act 2008;
 - “registered social landlord” (*“landlord cymdeithasol cofrestredig”*) has the meaning given by Part 1 of the Housing Act 1996.

96 Co-operation in certain cases involving children

- (1) This section applies where a local housing authority has reason to believe that an applicant with whom a person under the age of 18 normally resides, or might reasonably be expected to reside—
- (a) may be ineligible for help,
 - (b) may be homeless and that a duty under section 68, 73 or 75 is not likely to apply to the applicant, or
 - (c) may be threatened with homelessness and that a duty under section 66 is not likely to apply to the applicant.
- (2) A local housing authority must make arrangements for ensuring that—
- (a) the applicant is invited to consent to the referral to the social services department of the essential facts of his or her case, and
 - (b) if the applicant has given that consent, the social services department is made aware of those facts and of the subsequent decision of the authority in respect of his or her case.
- (3) Nothing in subsection (2) affects any power apart from this section to disclose information relating to the applicant’s case to the the social services department without the consent of the applicant.
- (4) A council of a county or county borough must make arrangements for ensuring that, where it makes a decision as local housing authority that an applicant is ineligible for help, became homeless intentionally or became threatened with homelessness intentionally, its housing department provides the social services department with such advice and assistance as the social services department may reasonably request.
- (5) In this section, in relation to the council of a county or county borough—
- “the housing department” (*“yr adran dai”*) means those persons responsible for the exercise of its functions as local housing authority;
 - “the social services department” (*“yr adran gwasanaethau cymdeithasol”*) means those persons responsible for the exercise of its social services

functions under Part 3 of the Social Services and Well-Being (Wales) Act 2014.