

HOUSING (WALES) ACT 2014

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 2 Homelessness

Section 62 - Duty to assess

129. If a person (“an applicant”) applies to a local housing authority for accommodation or for help in keeping or finding accommodation and it appears to the authority that the person may be homeless or threatened with homelessness, it must carry out an assessment of the applicant’s case. The application does not have to be for assistance under this Chapter.
130. No assessment is required if a local housing authority has previously assessed that person, and the local housing authority to which the application has been made is satisfied that his or her circumstances have not changed since that assessment was carried out and there is no new information that materially affects the assessment.
131. The authority must consider whether the applicant is eligible for help (section 61 refers). If he or she is eligible, the authority must make an assessment of a number of things. These are set out in subsections (5)(a)-(d) and (6)(a)-(b). They include the circumstances that have caused the applicant to be homeless or threatened with homelessness, the person’s housing needs, the support needed by the person or those with whom they might reasonably be expected to live to retain accommodation that becomes available, and whether the authority owes a duty to the person under this Chapter.
132. The authority must keep its assessment under review while it considers it owes a duty, or may owe a duty, to the applicant under this Chapter (subsection (8)). Subsection (9) sets out two cases when an authority must review its assessment.
133. Subsection (10) clarifies that an authority does not have to assess whether a duty is owed under section 75, until such time as it reviews its assessment in the circumstances described by case 2 (see subsection (9)). Case 2 requires a review of an assessment if it appears to the authority that the duty to help secure accommodation under section 73 has or will come to an end and a duty may be owed to the applicant under section 75.
134. For example, there is no requirement to assess if an applicant is intentionally homeless, until case 2 applies. However, an authority has the option to investigate this earlier.
135. As a further example, with regard to priority need, an authority will still have to consider if an applicant appears to be in priority need for the purposes of considering its duties in respect of interim accommodation under section 68. However, it will not be obliged to carry out the investigations to satisfy itself of that until Case 2 applies, although it may do so before then.