



Housing (Wales) Act 2014

2014 anaw 7

PART 2

HOMELESSNESS

CHAPTER 2

HELP FOR PEOPLE WHO ARE HOMELESS OR THREATENED WITH HOMELESSNESS

Applications for help and assessment

62 Duty to assess

- (1) A local housing 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, and
 - (c) subsection (2) does not apply to the person.
- (2) This subsection applies if the person has been assessed by a local housing authority under this section on a previous occasion and the authority is satisfied that—
 - (a) the person's circumstances have not changed materially since that assessment was carried out, and
 - (b) there is no new information that materially affects that assessment.
- (3) In this Chapter, “applicant” means a person to whom the duty in subsection (1) applies.
- (4) The authority must assess whether or not the applicant is eligible for help under this Chapter.

- (5) If the applicant is eligible for help under this Chapter, the assessment must include an assessment of—
- (a) the circumstances that have caused the applicant to be homeless or threatened with homelessness;
 - (b) the housing needs of the applicant and any person with whom the applicant lives or might reasonably be expected to live;
 - (c) the support needed for the applicant and any person with whom the applicant lives or might reasonably be expected to live to retain accommodation which is or may become available;
 - (d) whether or not the authority has any duty to the applicant under the following provisions of this Chapter.
- (6) In carrying out an assessment, the local housing authority must—
- (a) seek to identify the outcome the applicant wishes to achieve from the authority's help, and
 - (b) assess whether the exercise of any function under this Chapter could contribute to the achievement of that outcome.
- (7) A local housing authority may carry out its assessment of the matters mentioned in subsections (5) and (6) before it has concluded that the applicant is eligible for help under this Chapter.
- (8) A local housing authority must keep its assessment under review during the period in which the authority considers that it owes a duty to the applicant under the following provisions of this Chapter or that it may do so.
- (9) A local housing authority must review its assessment in the following two cases—
- Case 1 - where an applicant has been notified under section 63 that a duty is owed to the applicant under section 66 (duty to help to prevent an applicant from becoming homeless) and subsequently it appears to the authority that the duty under section 66 has or is likely to come to an end because the applicant is homeless;
- Case 2 - where an applicant has been notified under section 63 that a duty is owed to the applicant under section 73 (duty to help to secure accommodation for homeless applicants) and subsequently it appears to the authority that the duty in section 73 has or is likely to come to an end in circumstances where a duty may be owed to the applicant under section 75 (duty to secure accommodation for applicants in priority need when the duty in section 73 ends).
- (10) The duty in subsection (5)(d) does not require a local housing authority to assess whether or not a duty would be owed to the applicant under section 75 unless and until it reviews its assessment in accordance with subsection (9) in the circumstances described in case 2 of that subsection; but it may do so before then.
- (11) Subsections (9) and (10) do not affect the generality of subsection (8).

63 Notice of the outcome of assessment

- (1) The local housing authority must notify the applicant of the outcome of its assessment (or any review of its assessment) and, in so far as any issue is decided against the applicant's interests, inform the applicant of the reasons for its decision.

- (2) If the authority decides that a duty is owed to the applicant under section 75, but would not have done so without having had regard to a restricted person, the notice under subsection (1) must also—
 - (a) inform the applicant that its decision was reached on that basis,
 - (b) include the name of the restricted person,
 - (c) explain why the person is a restricted person, and
 - (d) explain the effect of section 76(5).
- (3) If the authority has notified or intends to notify another local housing authority under section 80 (referral of cases), it must at the same time notify the applicant of that decision and inform him or her of the reasons for it.
- (4) A notice under subsection (1) or (3) must also—
 - (a) inform the applicant of his or her right to request a review of the decision and of the time within which such a request must be made (see section 85), and
 - (b) be given in writing and, if not received, is to be treated as having been given if it is made available at the authority's office for a reasonable period for collection by the applicant or on the applicant's behalf.
- (5) In this Chapter, "a restricted person" means a person—
 - (a) who is not eligible for help under this Chapter,
 - (b) who is subject to immigration control within the meaning of the Asylum and Immigration Act 1996, and
 - (c) who either—
 - (i) does not have leave to enter or remain in the United Kingdom, or
 - (ii) has leave to enter or remain in the United Kingdom subject to a condition to maintain and accommodate himself or herself, and any dependants, without recourse to public funds.