



# Housing (Wales) Act 2014

2014 anaw 7

## PART 2

### HOMELESSNESS

#### CHAPTER 2

##### HELP FOR PEOPLE WHO ARE HOMELESS OR THREATENED WITH HOMELESSNESS

###### *Referral to another local housing authority*

#### **80 Referral of case to another local housing authority**

- (1) Subsection (2) applies where—
  - (a) a local housing authority considers that the conditions for referral to another local housing authority (whether in Wales or England) are met (see subsection (3)), and
  - (b) the local housing authority would, if the case is not referred, be subject to the duty in section 73 in respect of an applicant who is in priority need of accommodation and unintentionally homeless (duty to help to secure accommodation for homeless applicants).
- (2) The local housing authority may notify the other authority of its opinion that the conditions for referral are met in respect of the applicant.
- (3) The conditions for referral of the case to another local housing authority (whether in Wales or England) are met if—
  - (a) neither the applicant nor any person who might reasonably be expected to reside with the applicant has a local connection with the area of the authority to which the application was made,
  - (b) the applicant or a person who might reasonably be expected to reside with the applicant has a local connection with the area of that other authority, and

- (c) neither the applicant nor any person who might reasonably be expected to reside with the applicant will run the risk of domestic abuse in that other area.
- (4) But the conditions for referral mentioned in subsection (3) are not met if—
  - (a) the applicant or any person who might reasonably be expected to reside with the applicant has suffered abuse (other than domestic abuse) in the area of the other authority, and
  - (b) it is probable that the return to that area of the victim will lead to further abuse of a similar kind against him or her.
- (5) The question of whether the conditions for referral of a case are satisfied is to be decided—
  - (a) by agreement between the notifying authority and the notified authority, or
  - (b) in default of agreement, in accordance with such arrangements—
    - (i) as the Welsh Ministers may direct by order, where both authorities are in Wales, or
    - (ii) as the Welsh Ministers and the Secretary of State may jointly direct by order, where the notifying authority is in Wales and the notified authority is in England.
- (6) An order under subsection (5) may direct that the arrangements are to be—
  - (a) those agreed by any relevant authorities or associations of relevant authorities, or
  - (b) in default of such agreement, such arrangements as appear to the Welsh Ministers or, in the case of an order under subsection (5)(b)(ii), to the Welsh Ministers and the Secretary of State to be suitable, after consultation with such associations representing relevant authorities, and such other persons, as they think appropriate.
- (7) In subsection (6), “relevant authority” means a local housing authority or a social services authority; and it includes, in so far as that subsection applies to arrangements under subsection (5)(b)(ii), such authorities in Wales and England.
- (8) The Welsh Ministers may by order specify other circumstances in which the conditions are or are not met for referral of the case to another local housing authority.

## **81 Local connection**

- (1) This section applies for the purposes of this Chapter.
- (2) A person has a local connection with the area of a local housing authority in Wales or England if the person has a connection with it—
  - (a) because the person is, or in the past was, normally resident there, and that residence is or was of the person’s own choice,
  - (b) because the person is employed there,
  - (c) because of family associations, or
  - (d) because of special circumstances.
- (3) Residence in an area is not of a person’s own choice if the person, or a person who might reasonably be expected to reside with that person, becomes resident there because the person is detained under the authority of an enactment.
- (4) The Welsh Ministers may by order specify circumstances in which—

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

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- (a) a person is not to be treated as employed in an area, or
  - (b) residence in an area is not to be treated as of a person's own choice.
- (5) A person has a local connection with the area of a local housing authority in Wales or England if the person was (at any time) provided with accommodation in that area under section 95 of the Immigration and Asylum Act 1999 (support for asylum seekers).
- (6) But subsection (5) does not apply—
- (a) to the provision of accommodation for a person in an area of a local housing authority if the person was subsequently provided with accommodation in the area of another local housing authority under section 95 of that Act, or
  - (b) to the provision of accommodation in an accommodation centre by virtue of section 22 of the Nationality, Immigration and Asylum Act 2002 (use of accommodation centres for section 95 support).

## **82 Duties to applicant whose case is considered for referral or referred**

- (1) Where a local housing authority notifies an applicant in accordance with section 84 that it intends to notify or has notified another local housing authority in Wales or England of its opinion that the conditions are met for the referral of the applicant's case to that other authority—
- (a) it ceases to be subject to any duty under section 68 ( interim duty to secure accommodation for homeless applicants in priority need), and
  - (b) it is not subject to any duty under section 73 ( duty to help to secure accommodation for homeless applicants);
- but it must secure that suitable accommodation is available for occupation by the applicant until the applicant is notified of the decision whether the conditions for referral of the case are met.
- (2) When it has been decided whether the conditions for referral are met, the notifying authority must notify the applicant in accordance with section 84.
- (3) If it is decided that the conditions for referral are not met, the notifying authority is subject to the duty under section 73 (duty to help to secure accommodation for homeless applicants).
- (4) If it is decided that those conditions are met and the notified authority is an authority in Wales, the notified authority is subject to the duty under section 73 ( duty to help to secure accommodation for homeless applicants); for provision about cases where it is decided that those conditions are met and the notified authority is an authority in England, see section 201A of the Housing Act 1996 (cases referred from a local housing authority in Wales).
- (5) The duty under subsection (1) ceases as provided in that subsection even if the applicant requests a review of the authority's decision (see section 85).
- (6) The authority may secure that suitable accommodation is available for the applicant's occupation pending the decision on a review.
- (7) If notice required to be given to an applicant under this section is not received by the applicant, it 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.

### **83 Cases referred from a local housing authority in England**

- (1) This section applies where an application has been referred by a local housing authority in England to a local housing authority in Wales under section 198(1) of the Housing Act 1996 (referral of case to another local housing authority).
- (2) If it is decided that the conditions in that section for referral of the case are met the notified authority is subject to the following duties in respect of the person whose case is referred—
  - (a) section 68 ( interim duty to secure accommodation for homeless applicants in priority need);
  - (b) section 73 (duty to help to secure accommodation for homeless applicants);for provision about cases where it is decided that the conditions for referral are not met, see section 200 of the Housing Act 1996 (duties to applicant whose case is considered for referral or referred).
- (3) Accordingly, references in this Chapter to an applicant include a reference to a person to whom the duties mentioned in subsection (2) are owed by virtue of this section.