

Statutory Homelessness – Legislative changes from 27 April 2015

The Housing (Wales) Act 2014 became law in Wales on 17 September 2014 and included a number of changes to homelessness legislation aimed at reducing levels of homelessness, by placing its prevention at the centre of local authority duties to help people at risk. The new legislation was introduced on 27 April 2015 and replaced the previous legislation, Part VII of the Housing Act 1996, which had come into force in January 1997.

The data collected and published on statutory homelessness from April 2015 onwards has changed in order to reflect the new legislation. It is therefore not comparable with that collected and published under the previous legislation.

The data collected and published prior to April 2015 covered the actions taken by local authorities under the previous legislation and was based around those households that were accepted as homeless and owed the main homelessness duty (because the applicant was eligible for assistance, unintentionally homeless and fell within a priority need group) and those that were not.

Where a household was accepted as homeless and the main homelessness duty was owed, the authority had to ensure that suitable accommodation was made available for the household. Where households were found to be intentionally homeless or not in priority need, then the authority needed to make an assessment of their housing need and provide advice and assistance to help them find accommodation for themselves.

From April 2015, the statutory homelessness form collects data from Welsh local authorities on the discharge of their responsibilities under the new homelessness legislation and advice on these duties is given in the [Homelessness Code of Guidance revised 2015](#).

The focus of the new homelessness legislation is help for all eligible households either to prevent or end a period of homelessness. The data are not comparable with data previously collected on statutory homelessness, as local authorities will now be providing statistics on those cases where homelessness has been successfully prevented¹ or relieved².

The households that are owed the main homelessness duty to secure accommodation under the new legislation (Section 75 of the Housing (Wales) Act 2014) would meet the same criteria as those under the previous legislation (Section 193, Part VII of the

¹ 'Homelessness Prevention' is where a local authority takes positive action to provide housing assistance to someone who considers him or herself to be at risk of homelessness in the near future, and as a result the person is able to either remain in his or her existing accommodation or obtain alternative accommodation providing a solution for at least the next 6 months.

² Positive action to prevent homelessness cannot be taken once the authority is satisfied that someone has become homeless (for example, the authority has notified the person of a decision under section 73 that they are homeless). However, following the notification under Section 73 that an applicant is homeless, positive action to relieve homelessness can be taken if an applicant is eligible and homeless.

Housing Act 1996). However the data cannot be compared. This is because, under the new legislation, homelessness may have been resolved through earlier intervention in some cases and the returned number therefore lower than would have been recorded under the previous legislation.

A further change under the new legislation, introduced on 27 April 2015, relates to the number of days used as a trigger point for the provision of assistance by the authority. Under the previous legislation homeless assistance was triggered where a person was threatened with homelessness within 28 days. The new legislation extended the time limit for being threatened with homelessness to 56 days. This change may impact on the overall numbers recorded on the statutory homelessness data collection returns from 27 April 2015 onwards. Previously, those cases threatened with homelessness outside of the 28 day threshold would not have been recorded by the local authorities, even though they may have accessed general help and assistance from them.

The data collected under the previous legislation included information on the use of temporary accommodation for homeless households. The new legislation also covers the use of temporary accommodation; however, it has resulted in changes to those cases qualifying for the provision of temporary accommodation, with the removal of the automatic priority need for prisoners. As such, for the April to June quarter of 2015 onwards, the data published on homeless households in temporary accommodation are no longer comparable with that published previously.

Further information on the new homelessness legislation is available on the Welsh Government website at the following link:

<http://gov.wales/topics/housing-and-regeneration/services-and-support/homelessness/new-homelessness-legislation/?lang=en>

Copies of the statutory homelessness data collection forms are available for reference at the following link:

<http://gov.wales/statistics-and-research/homelessness-data-collection/?lang=en>

Contact:

Judy David

Tel: 0300 025 5055

Email: stats.housing@wales.gsi.gov.uk

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