

HOMELESSNESS AND SOCIAL HOUSING ALLOCATION (WALES) ACT 2026

Phase 1 (approx. Sept 2027):

Section No and heading	Amends	Purpose
Section 1: Meaning of “threatened with homelessness”	Amends s55 of the HWA 2014	Expands the definition of “threatened with homelessness” to include cases where it is likely a person will become homeless within six months so that support can be provided to people at an earlier stage and establishes that notices seeking possession and applications to court for possession constitute homelessness risk.
Section 2: Help to prevent an applicant from becoming homeless	Removes s65 and amends s66 of the HWA 2014	Strengthening and clarification of ‘reasonable steps’
Section 3: Duty to assess and notice of outcome of assessment	Amends s62 and s63 of the HWA 2014	Strengthens requirements around the assessment process
Section 4: Prevention, support and accommodation plans	Inserts new sections 63A and 63B into the HWA 2014	Mandates use of Prevention, Support and Accommodation plans (PSAP) and associated review requirements.
Section 5: Right to request a review	Amends s84, s86 and s88 of the HWA 2014 and replaces s85 of that Act	Strengthens applicants’ rights to request reviews of decisions in their case, ensuring access to justice in the simplest, most efficient form.
Section 7: Circumstances in which the duty to secure accommodation for applicants comes to an end	Amends s76 of HWA 2014	Main homelessness duty in s75 can end in where a local housing authority is satisfied that the applicant is no longer homeless, that suitable accommodation is available for at least 12 months, the applicant agrees duty should end or where someone is likely to be held in custody for longer than 6 months.
Section 17: Help to retain suitable accommodation secured in exercise of homelessness functions	Inserts new s76A and s76B and minor amendments to s79 and, s84 of HWA 2014	A new duty to provide help to retain suitable accommodation for some applicants.
Section 18: Duty to contact certain applicants after duty in section 75 comes to an end	Inserts new s76C into HWA 2014	A new duty for authorities to keep in touch with certain applicants.
Section 19: Further circumstances in which the	Amends s79 of the HWA 2014	Provides further circumstances in which duties to help applicants end.

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Section 28: Duty to seek the views of homeless persons in exercise of homelessness functions	Amends s52, s60 and s98 of the HWA 2014	Places a responsibility on local authorities and the Welsh Government to seek the views of homeless persons while undertaking certain functions.
Section 29: Suitability of accommodation	Amends s59 of the HWA 2014	Requires local authorities have regard to modern dwelling condition standards in the Renting Homes (Wales) Act 2016, and legislation made under it, when considering whether accommodation is suitable for a person, bringing suitability considerations up to date.
Section 30: Reports on use and condition of interim accommodation	Inserts new s97A into HWA 2014	To improve monitoring and understanding of TA use, Welsh Ministers must publish, and lay before the Senedd, a report into the use and condition of interim accommodation every five years. LA's will be required to provide the Welsh Ministers with such information as they require to undertake and complete the reports.
Section 32: Co-operation between social landlords and local housing authorities	Inserts new s96A and s96B into the HWA 2014	Local housing authorities can request social landlords that provide accommodation in their area to make an offer of suitable accommodation for someone owed a homelessness duty under s75. Social landlords must comply with the request within a reasonable period unless they have a good reason for not doing so. Power for Welsh Ministers to make a direction following a referral by a local housing authority where the landlord has not complied with the original request.
Section 33: Viewing accommodations	Inserts new s96C into the HWA 2014	An authority must take reasonable steps to provide an applicant with an opportunity to view accommodation secured for the purpose of ending a duty under s.66 or s.75 before the applicant decides whether to accept it.
Section 34: Ineligibility for allocation of housing as a result of unacceptable behaviour	Amends s160A of the Housing Act 1996	Strengthens decision-making in social housing allocations where an applicant has a history of serious anti-social behaviour. Local authorities will now be required to take into account the likelihood of the behaviour re-occurring at the time of application for social housing.

Phase 2 (approx. Sept 2028):

Section No and heading	Amends	Purpose
Section 20: Duty of a specified person to ask and act	Inserts new s94A and s94B, amends s98, and amends s142 of HWA 2014 to apply the Senedd approval procedure to	New duty to “ask and act” requiring specified persons to, among other things, refer people who are or may be homeless or threatened with homelessness to a local housing authority for assistance (if they agree).

	regulations under new s94B(2).	Specified persons must have regard to guidance given by the Welsh Ministers in relation to that new duty.
Section 21: Duty to refer persons in England to a local housing authority in Wales	Amends s213B of the Housing Act 1996.	Enables public authorities that are subject to a similar duty that applies in England to refer people to a local housing authority in Wales and requires those local housing authorities to treat a referral as an application for homelessness assistance.
Section 22: Duty to ensure young people leaving care have suitable accommodation	Inserts a new section 108A and s109A and makes a minor amendment to s109 of the Social Services and Well-being (Wales) Act 2014.	Inclusion of a new duty in the Social Services and Well-being (Wales) Act 2014 to ensure that suitable accommodation is available for certain care leavers.
Section 23: Protocol for handling cases involving care leavers etc.	Amends s95 of HWA 2014	The duty to co-operate (s95) of the HWA 2014 is amended to require the development of a protocol between homeless and care services for the handling of cases involving care leavers and young people
Section 24: Protocol for handling cases involving persons in particular need of support	Amends s95 of the HWA 2014	Additional requirement to make arrangements to promote co-operation between the authority and listed bodies for purposes related to homelessness prevention. This must include the development of a protocol for handling cases involving certain groups at increased risk of homelessness who may need particular support or services.
Section 26: Duty to provide information, advice and assistance: detained persons	Amends s60 of the HWA 2014	Clarification that the existing duty to provide an advice, assistance and information service is meant to include those detained within the boundary of a local authority area.
Section 31: Co-operation	Amend s95 of the HWA 2014. Amends s142 of HWA 2014 to apply the Senedd approval procedure to regulations under new s95(6).	Expanded list of organisations who must comply with existing duty to co-operate
Section 36: Preference for young people leaving care	Amend s167 of the Housing Act 1996	Ensures reasonable preference for those subject to section 108a duty under the Social Services and Well-being Wales Act (see above)

Phase 3 (between Sept 2029 and March 2031):

Section No and heading	Amends	Purpose
Section 6: Duty to secure accommodation for eligible homeless persons with a local connection to Wales	Removes s.73 and s.74 and replaces s.75 of the HWA 2014. Amends s142 of the HWA 2014 to apply the Senedd approval procedure to regulations under new s.75(5)(b).	Removes sections 73 and 74 and replaces section 75. Entitlement to the duty to secure accommodation now includes a requirement to have a local connection to Wales.
Section 8: Interim duty to secure accommodation for homeless applicants	Amends s.68 and S.69 of the HWA 2014	Sets out new circumstances when interim accommodation must be secured: 1. Where the local authority believes applicant is homeless and eligible but is not yet certain. (Regardless of local connection.) 2. Where the local authority is satisfied the applicant is homeless and eligible, but has no local connection to Wales. When ending the duty in relation to applicants that will not be owed a duty under s.75 because they lack a local connection to Wales, the local authority must be satisfied that the accommodation secured under s.68 has been available long enough to give the applicant the opportunity to find suitable accommodation.
Section 9: Abolition of differences in entitlement related to priority need	Removes s70, s71 and s72 of the HWA 2014	Removes the priority need test.
Section 10: Abolition of differences in entitlement related to intentional homelessness	Removes s77 and s78 of the HWA 2014	Removes the intentionality test.
Section 11: Referral of cases to another local housing authority	Amends s80 of the HWA 2014. Amends s142 of the HWA 2014 to apply the Senedd approval procedure to regulations under new s80(2)(b) and s80(2A)(b).	Sets out how an authority may refer an applicant to another authority to which they have a local connection and when this can take place. The changes made reflect that s.73 and priority need are being removed so the ability to refer now generally applies when a duty under s.75 is or may be owed. Includes two amendments related to people in prison to enable them to be referred at an earlier stage when they may be owed a duty under s.66.
Section 12: Meaning of local connection	Amends s81 of the HWA 2014. Amends s142 of the HWA 2014 to apply the Senedd approval	The circumstances which may connect a person to an area set out in s.81 are unchanged.

	procedure to regulations under s.81(4) as amended.	Regulation making power has been expanded to enable the WM to specify a wider range of circumstances that may (or may not) mean a person is treated as having a local connection to an area.
Section 13: Exemption from referral to another local housing authority	Inserts new s81A of the HWA 2014. Amends s142 of the HWA 2014 to apply the Senedd approval procedure to regulations under new s81A(2)(b).	If an applicant or any member of their household is at greater risk of suffering abuse should they be referred to an authority area where they have a local connection, then they are exempt from referral. Regulation making power to prescribe further exemptions. Limits an authority's ability to refer someone in custody to no more than two weeks after making an initial decision on entitlement to a duty. Prevents an authority referring a person who has previously been referred in relation to the same application.
Section 14: Duties to applicants in referral cases	Amends s82 of the HWA 2014 and amends s201A of the Housing Act 1996	Makes changes to the duties owed by an authority during a local connection referral to reflect the changes made to the point at which a person can be referred (i.e. at the s.66/75 stage). The changes also ensure that a receiving local authority in England can determine what duties they owe (under the system in England) to a person referred from Wales.
Section 15: Cases referred from a local housing authority in England	Amends s83 of the HWA 2014	Changes made to reflect that s73 and priority need are being removed. I.e. a person referred from a LHA in England to a LHA in Wales will be owed a s68 duty or a s75 duty.
Section 16: Notice to applicants in referral cases	Amends s82 and s84 in the HWA 2014	Position is unchanged. Section makes technical changes in relation to notice to applicants in referral cases based on wider amendments. Notice requirements in relation to referrals now form part of s84, rather than s82.
Section 25: Protection of property: prisoners	Amends s93 of the HWA 2014	Continuation of the duty to protect property for those prisoners who are not entitled to a homeless duty under s75.
Section 27: Definition of "abuse"	Replaces s58 of the HWA 2014	Domestic Abuse Act definition used. Act clear that modern slavery and stalking are forms of abuse.
Section 35: No preference for persons who try to manipulate the housing system	Amends s167 and inserts new s167A into the Housing Act 1996	Enables local housing authorities to choose not to give preference to any person who has attempted to manipulate the system. The Act requires this comes in on or after the removal of the intentionality test.
Section 37: Housing registers	Inserts new s160B, s160C, s160D and s160E into the Housing Act 1996	Mandates the establishment of common housing registers and accessible housing registers.

Full list of provisions:

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Section 1: Meaning of “threatened with homelessness”	Amends s55 of the HWA 2014	Expands the definition of “threatened with homelessness” to include cases where it is likely a person will become homeless within six months so that support can be provided to people at an earlier stage and establishes that notices seeking possession and applications to court for possession constitute homelessness risk.	Phase 1
Section 2: Help to prevent an applicant from becoming homeless	Removes s65 and amends s66 of the HWA 2014	Strengthening and clarification of ‘reasonable steps’	Phase 1
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Section 6: Duty to secure accommodation for eligible homeless persons with a local connection to Wales	Removes s.73 and s.74 and replaces s.75 of the HWA 2014. Amends s142 of the HWA 2014 to apply the Senedd approval procedure to regulations under new s.75(5)(b).	Removes sections 73 and 74 and replaces section 75. Entitlement to the duty to secure accommodation now includes a requirement to have a local connection to Wales.	Phase 3
Section 7: Circumstances in which the duty to secure accommodation for applicants comes to an end	Amends s76 of HWA 2014	Main homelessness duty in s75 can end in where a local housing authority is satisfied that the applicant is no longer homeless, that suitable accommodation is available for at least 12 months, the applicant agrees duty should end or where someone is likely to be held in custody for longer than 6 months.	Phase 1
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		When ending the duty in relation to applicants that will not be owed a duty under s.75 because they lack a local connection to Wales, the local authority must be satisfied that the accommodation secured under s.68 has been available long enough to give the applicant the opportunity to find suitable accommodation.	
Section 9: Abolition of differences in entitlement related to priority need	Removes s70, s71 and s72 of the HWA 2014	Removes the priority need test.	Phase 3
Section 10: Abolition of differences in entitlement related to intentional homelessness	Removes s77 and s78 of the HWA 2014	Removes the intentionality test.	Phase 3
Section 11: Referral of cases to another local housing authority	Amends s80 of the HWA 2014. Amends s142 of the HWA 2014 to apply the Senedd approval procedure to regulations under new s80(2)(b) and s80(2A)(b).	Sets out how an authority may refer an applicant to another authority to which they have a local connection and when this can take place. The changes made reflect that s.73 and priority need are being removed so the ability to refer now generally applies when a duty under s.75 is or may be owed. Includes two amendments related to people in prison to enable them to be referred at an earlier stage when they may be owed a duty under s.66.	Phase 3
Section 12: Meaning of local connection	Amends s81 of the HWA 2014. Amends s142 of the HWA 2014 to apply the Senedd approval procedure to regulations under s.81(4) as amended.	The circumstances which may connect a person to an area set out in s.81 are unchanged. Regulation making power has been expanded to enable the WM to specify a wider range of circumstances that may (or may not) mean a person is treated as having a local connection to an area.	Phase 3
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Section 21: Duty to refer persons in England to a local housing authority in Wales	Amends s213B of the Housing Act 1996.	Enables public authorities that are subject to a similar duty that applies in England to refer people to a local housing authority in Wales and requires those local housing authorities to treat a referral as an application for homelessness assistance.	Phase 2
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