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Ysgrifennydd y Cabinet dros Lywodraeth Leol a Thai
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Llywodraeth Cymru
Welsh Government

Eich cyf/Your ref: MA-JB-0889-25

John Griffiths MS
Chair
Local Government and Housing Committee
Welsh Parliament
Cardiff bay
Cardiff
CF99 1SN

19 May 2025

Dear John,

Following the introduction of the Homelessness and Social Housing Allocation (Wales) Bill into the Senedd on 19 May 2025, please find attached a copy of the Statement of Policy Intent. This is provided to support the Committee's scrutiny of the Bill.

I look forward to providing evidence to the Committee on the 4 June.

I am copying this letter to the Chair of the Legislation, Justice and Constitution Committee.

Yours sincerely

A handwritten signature in black ink that reads "Jayne Bryant". The signature is written in a cursive, flowing style.

Jayne Bryant AS/MS
Ysgrifennydd y Cabinet dros Lywodraeth Leol a Thai
Cabinet Secretary for Housing and Local Government

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Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

Homelessness and Social Housing Allocation (Wales) Bill

Statement of Policy Intent for Subordinate Legislation

Introduction

This statement sets out the policy intention for subordinate legislation which Welsh Ministers would be empowered or required to make under the provisions of the Homelessness and Social Housing Allocation (Wales) Bill ('the Bill').

The statement has been prepared in order to assist relevant committees during the scrutiny of the Bill. It should be read in conjunction with the Bill, the Explanatory Memorandum and the Explanatory Notes. It may also be necessary to reference the Housing (Wales) Act 2014 ("the 2014 Act"), the Housing Act 1996 ("the 1996 Act") and the Social Services and Wellbeing (Wales) Act 2014.

Details of the Senedd procedure associated with each of these powers are set out in Chapter 5 of the Explanatory Memorandum and are not repeated in this document.

Overview of the Bill

The Bill reforms existing homelessness and housing legislation in Wales by amending Part 2 of the 2014 Act (Homelessness) and Part 6 of the 1996 Act (Allocation of housing accommodation) to enhance the prevention and relief of homelessness in Wales. In addition, the Bill amends Part 6 of the Social Services and Well-Being (Wales) Act 2014 to impose duties on the responsible local authority to ensure suitable accommodation is available for care leavers.

In summary, the Bill will:

- support earlier and more cost-effective homelessness prevention;
- strengthen targeted prevention measures for specific groups particularly at risk of homelessness;
- widen responsibility across the public sector for the identification and prevention of homelessness;
- improve the flow out of homelessness services by providing new powers around social housing allocation.

The subordinate legislation making powers included within the Bill are set out in the following tables, along with the reasons for these powers and the supporting policy intention.

The Welsh Government will work closely with stakeholders to develop the subordinate legislation.

Section	Form	Proposal and description of power	Procedure
6()	Regulations	Section 6(3) replaces section 75 of the 2014 Act in its entirety. As amended, section 75 imposes a duty on local housing authorities to ensure that suitable accommodation is available for applicants who are homeless or at risk of becoming homeless, provided they are eligible for assistance. This section also requires an applicant to have a local connection to a local authority in Wales in order to be entitled to the duty under section 75 unless the applicant is at risk of abuse or falls within a category of person prescribed in regulations. New section 75(5)(b) therefore enables Welsh Ministers to make regulations to prescribe categories of persons who would be exempt from the local connection test under section 75 and therefore be entitled to the duty under section 75.	Affirmative

Policy purpose and intent

The power enables Welsh Ministers to ‘prescribe categories of persons’ that would be exempt from the local connection test under section 75 of the 2014 Act which in turn determines that such persons would be entitled to the duty under section 75. This is considered suitable for regulations as flexibility is required to ensure entitlement to section 75 can be amended to reflect a changing geo-political context (e.g. the recent scheme to support those fleeing the war in Ukraine) and to ensure consistency between a number of different provisions in the Bill such as the conditions for local connection (at section 12(3)), conditions for a referral to another local authority (section 11(7)) and an exemption from a referral to another local authority (section 13(3)). The categories of persons that should be entitled to the section 75 duty may also need amending in future to ensure there are no unintended consequences or disadvantages to a particular group or groups. Any future changes would be developed with delivery partners.

The Senedd will be provided the opportunity to scrutinise and vote on any proposed regulations.

Section	Form	Proposal and description of power	Procedure
11(3)	Regulations	<p>Section 11(3) inserts new subsections (2) to (2B) into section 80 for 2014 Act which includes the provision for local connection referrals to occur before either a section 66 or 75 duty is accepted (section 66 is only in the context of someone in custody).</p> <p>New subsection (2)(b) of section 80 provides Welsh Ministers with a regulation making power to prescribe circumstances when the conditions for referral are met in relation to referral of a case prior to the local authority accepting a section 66 duty where a person in custody.</p>	Affirmative
11(3)	Regulations	<p>Section 11(3) inserts new subsections (2) to (2B) into section 80 for 2014 Act which includes the provision for local connection referrals to occur before either a section 66 or 75 duty is accepted (section 66 is only in the context of someone in custody).</p>	Affirmative

		New subsection (2A)(b) of section 80 provides Welsh Ministers with a regulation making power to prescribe circumstances when the conditions for referral are met in relation to referral of a case prior to the local authority accepting a section 75 duty.	
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Policy purpose and intent

These powers enable Welsh Ministers to prescribe other circumstances where conditions for a referral are met. This provides flexibility for Welsh Ministers to set any future rules or conditions, in addition to those already set out in section 80 of the 2014 Act, for determining who may be subject to a referral to another local authority. It will ensure consistency with the powers at section 6(4) in relation to entitlement to section 75 and section 13(3) which covers possible future exemptions to a referral. Future amendment to the referral conditions may be necessary to ensure there are no unintended consequences or disadvantages to a particular group or groups. Any future changes would be developed with delivery partners.

The Senedd will be provided the opportunity to scrutinise and vote on any proposed regulations.

Section	Form	Proposal and description of power	Procedure
12(2)	Regulations	Section 12(2) replaces 81(4) of the 2014 Act with a regulation making power. This power enables Welsh Ministers to make regulations to specify circumstances in which a local connection to an area can be established.	Affirmative

Policy purpose and intent

Section 81(2) of the Housing (Wales) Act 2014 provides that a person has a local connection with the area of a local housing authority in Wales or England if they are normally resident there, and residence is or was of the person's own choice; the person is employed there; because of family associations, or because of special circumstances. This local connection criteria is to be applied by a local housing authority under section 80 for determining whether an applicant can be referred to another authority in Wales or England. This local connection criteria will also now apply to cover the local connection test which forms part of the section 75 entitlement assessment.

Section 12(2) replaces section 81(4) of the 2014 Act with a power which enables Welsh Ministers to make regulations to specify circumstances:

- in which a person is or is not to be treated as normally resident in an area,
- in which residence in an area is or is not to be treated as of a person's own choice,
- in which a person is or is not to be treated as employed in an area,
- in which a person is or is not to be treated as having a family association with an area,
- that are or are not to be treated as special circumstances connecting a person to an area.

Welsh Ministers already have existing powers to specify two of these five circumstances by order, including: the circumstances by which a person is not to be treated as employed in an area; and, where a person's residence in an area is not to be treated as if a person's own choice. This provision allows the Welsh Ministers to define each of the criteria more precisely.

The Senedd will be provided the opportunity to scrutinise and vote on any proposed regulations.

Section	Form	Proposal and description of power	Procedure
13(2)	Regulation	Section 13(2) inserts new section 81A into the 2014 Act, which outlines which applicants are exempt from referral to another local authority in Wales or England. Section 81A(2)(b) provides Welsh Ministers with a power to make regulations to prescribe further categories of persons to be exempt from referral to another local housing authority in either Wales or England.	Affirmative

Policy purpose and intent

The power enables Welsh Ministers to prescribe further categories of persons to be exempt from a referral to another local authority in Wales or England. This is considered suitable for regulations as flexibility is required. The list of persons that should be exempt from referral may need to be added to in future in order to respond to any disadvantage experienced by certain groups, emerging need or to further develop reciprocal arrangements with English authorities in respect of particular groups. This power would need to align with the power within section 6(4) to ensure where someone is exempt from a referral, they are entitled to receive a section 75 duty in the local authority where they have presented, as well as the power at section 11(7) which gives Welsh Ministers the ability to define the conditions or prescribed circumstances for a referral to another local authority area.

The Senedd will be provided the opportunity to scrutinise and vote on any proposed regulations.

Section	Form	Proposal and description of power	Procedure
21(2)	Regulation	Section 21(2) inserts new section 94A (duty of a public authority to ask and act) and new section 94B (specified public authorities) into the 2014 Act. Section 94B(2) contains a regulation-making power to amend the list of specified public authorities in section 94B, which are subject to the duty in section 94A, by removing or adding persons, or a description of persons, or changing a reference to a person or description of persons..	Affirmative

Policy purpose and intent

The bodies to which the new section 94A duty to ask and act apply are listed in new section 94B (1). A power has been included (section 94B (2)) to allow Welsh Ministers to amend by regulations section 94A(1), to omit or add a reference to a person or a description of a person or to change a reference to a person or a description of a person in the future. This is considered suitable for regulations as flexibility is required. The list of those persons may need amending (to add or omit a specified person or change a description of a person) in the future to accommodate new or different persons.

Those regulations may include provision which would require the consent of a UK Minister of the Crown under the Government of Wales Act 2006 if the provision was included in an Act of Senedd Cymru. They may also include a provision which would require consultation with a UK Minister of the Crown under the Government of Wales Act 2006 if the provision was included in an Act of Senedd Cymru.

The Senedd will be provided the opportunity to scrutinise and vote on any proposed regulations.

Section	Form	Proposal and description of power	Procedure
21(3)	Guidance	Section 21(3) of the Bill amends section 98 of the 2014 Act to require the specified public authorities listed in new section 94B to have regard to guidance issued by Welsh Ministers when exercising their functions under new section 94A (duty of a public authority to ask and act).	No procedure

The provision at 21(3) places a requirement on the public authorities specified in section 94A to have regard to guidance issued by Welsh Ministers in relation to undertaking their duty to “ask and act” under section 94A. This will ensure that guidance issued which relates to the specific “ask and act” duty is considered by all specified public bodies while they perform their functions under section 94A.

Guidance is considered appropriate as it is intended to facilitate the application and implementation of new primary legislation.

Guidance will be issued by the Welsh Ministers and is not subject to a Senedd procedure.

Section	Form	Proposal and description of power	Procedure
23(4)	Regulation	Section 23(4) of the Bill amends the Social Services and Well-being (Wales) Act 2014 to substitute the existing power in section 109(3) with a new power in section 109A to make regulations about the meaning of “suitable accommodation” for the purposes of the existing duty in section 109 to provide support for a category 2 young person and for the purposes of the new duty in section 108A (as inserted by section 23(2) of the Bill) to ensure that suitable accommodation is available for care leavers.	Negative

Policy purpose and intent

This power is necessary to ensure accommodation provided to young people as they transition from care to independent living is suitable to the needs of this group and allows flexibility for Welsh Ministers to respond to issues relating to accommodation supply or providers quickly, ensuring young people are not placed in unsuitable accommodation.

Section	Form	Proposal and description of power	Procedure
32(2)	Regulation	Section 95 of the HWA 2014 concerns the duty to co-operate. Section 32(2) of the Bill substitutes subsections (5)–(8) of section 95 of the HWA 2014 with new subsections (5)-(7). New subsection (5) contains an expanded list of persons subject to the duty to co-operate and new subsection (6) provides Welsh Ministers with a regulation-making power to amend that list by removing or adding persons, or a description of persons, or by changing a reference to a person or a description of a such persons.	Affirmative

Policy purpose and intent

Effective homelessness prevention requires a multi-agency approach. It is necessary for Welsh Ministers to retain the ability to amend the list of bodies subject to the duty to cooperate in order to respond to changing practice and support local authorities to call on relevant bodies for assistance to prevent homelessness.

Those regulations may include provision which would require the consent of a UK Minister of the Crown under the Government of Wales Act 2006 if the provision was included in an Act of Senedd Cymru. They may also include a provision which would require

consultation with a UK Minister of the Crown under the Government of Wales Act 2006 if the provision was included in an Act of Senedd Cymru.

The Senedd will be provided the opportunity to scrutinise and vote on any proposed regulations.

Section	Form	Proposal and description of power	Procedure
33	Guidance	<p>Section 33 inserts a new section 96A into the HWA 2014 which provides that a social landlord must comply with a request from a local authority to provide accommodation for a homeless applicant owed the main housing duty, within a reasonable period, unless there is a good reason for not complying. Further they must comply with a reasonable request for information relating to the local authority's functions under this section.</p> <p>Section 96A(6) provides a power for Welsh Ministers to issue guidance for social landlords on what constitutes a good reason for not complying, a reasonable period of time to comply and a reasonable request from a local authority to provide information.</p> <p>Section 96A(8) places a requirement on social landlords to have regard to</p>	No procedure

		guidance given under this section.	
33	Direction	Section 33 also inserts new 96B into the HWA 2014. Section 96B(5) provides a power for Welsh Ministers to direct social landlords to comply with a request by the local housing authority made under section 96A (see above) within such period as may be specified in the direction.	No procedure

Policy purpose and intent

The purpose of the power to issue guidance in section 96A(6) in relation to this new duty is to set out Welsh Ministers' expectations of what constitutes a good reason for a social landlord not to comply with a request from a local housing authority under section 96A, the period of time that a request must be complied with and what constitutes a reasonable request. Social landlords will then need to have regard to the contents of that guidance.

Guidance is considered appropriate as it is intended to facilitate the application and implementation of new primary legislation. This guidance will provide more detailed information to assist social landlords in understanding their obligations under section 96A. Guidance will be issued by the Welsh Ministers and is not subject to a Senedd procedure.

Under section 96B, should a social landlord not respond or not comply with this request within a reasonable time period and does not have a good reason for not complying, the local housing authority can refer the matter to the Welsh Ministers. New section 96B(5) provides a power for the Welsh Ministers to direct a social landlord to comply with a request where, following consideration of the case, they agree that the social landlord did not have a good reason not to comply or did not respond within a reasonable time period.

The purpose of this power is to provide Welsh Ministers with a dispute resolution mechanism, where local housing authorities and social landlords do not agree on the request made, or social landlords do not respond to the request, to take into account the factors and evidence provided, and to allow a direction to be made that must be complied with. Any such direction must be in writing and may be varied or revoked by later direction. A direction is enforceable by mandatory order on application by, or on behalf of, the Welsh Ministers or the local housing authority that made the referral.

The substance of the power to issue a direction is set out on the face of the Bill, is limited in scope and as such, to apply a Senedd procedure is not considered appropriate.

Section	Form	Proposal and description of power	Procedure
35(4)	Regulations	<p>Section 35(4) of the Bill inserts new subsections (6A)–(6C) into section 160A of the Housing Act 1996 which, as amended, concerns the allocation of social housing only to eligible and qualifying persons. Subsection (6B) enables local housing authorities to decide what classes of persons are, or are not, qualifying persons, subject to the restrictions in section 160A (as amended) as well as under any regulations made by the Welsh Ministers under new subsection (6C). Subsection (6C) provides the Welsh Minister with a power to prescribe classes of persons who are, or are not, to be treated as qualifying persons, and to prescribe criteria that cannot be used by local housing authorities in deciding what classes of persons are not qualifying persons.</p>	Negative

Policy purpose and intent

Section 35 of the Bill amends section 160A of the Housing Act 1996. Section 160A currently requires a local housing authority to allocate accommodation only to eligible persons, as set out in that section. As amended, section 160A allows a local housing authority to decide and set their own rules about who are, or are not, 'qualifying persons' for an allocation of social housing. This discretion is subject to the restrictions on eligibility and qualification as provided for in subsections (3), (5), (7) (as amended) and new subsection (8A) as well as under any regulations made by the Welsh Ministers under new subsection (6C). The regulation making power in subsection (6C) allows the Welsh Ministers to prescribe classes of persons who are, or are not, to be treated as qualifying persons, and to prescribe criteria that cannot be used by local housing authorities in deciding what classes of persons are not qualifying persons.

This is considered suitable for regulations as flexibility is required to allow the Welsh Ministers to respond to future changes and evolving housing needs, and where necessary, provide safeguards to ensure eligible individuals in the most urgent housing need are not excluded.

As a negative procedure, the Senedd will not be provided the opportunity to scrutinise and vote on any proposed regulations.

Section	Form	Proposal and description of power	Procedure
38	Regulation	<p>Section 38 inserts new sections 160B to 160E into the Housing Act 1996 which relate to common housing registers and accessible housing registers. New section 160D(1) provides Welsh Ministers with a regulation making power to make provision for and in connection with common housing registers. to make The regulations may, in particular, make provision about:</p> <ul style="list-style-type: none"> (a) amending and removing entries in the register in respect of a person; (b) giving notice; (c) the information that may or must be included on the register; (d) requiring or authorising the disclosure of information contained on the register to a person or description of person specified in the regulations; 	Negative

		(e) conferring functions on local housing authorities in Wales.	
38	Regulation	<p>Section 38 inserts new sections 160B to 160E into the Housing Act 1996 which relate to common housing registers and accessible housing registers. New section 160E(2). provides Welsh Ministers with a regulation making power to make provision for and in connection with accessible housing registers. The regulations may, in particular, make provision about:</p> <p>(a) amending and removing entries in the register in respect of housing accommodation;</p> <p>(b) giving notice;</p> <p>(c) about the information that may or must be included on the register;</p> <p>(d) requiring or authorising the disclosure of information contained on the register to a person or description of person specified in the regulations;</p>	Negative

		(e) conferring functions on local housing authorities in Wales	
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Policy purpose and intent

The Bill requires that all local housing authorities in Wales must have and maintain:

- a Common Housing Register, that all providers of social housing must allocate social housing to, and;
- an Accessible Housing Register, of all accommodation held by all providers of social housing that have features that will enable them to allow disabled persons to live independently.

New section 160D(1) and 160E(2) (as inserted by section 38 of the Bill) will provide Welsh Ministers with regulation making powers to determine further requirements in relation to both Common Housing Registers and Accessible Housing Registers in relation to how entries are added, amended and removed from the register and what information may be included on the register. Regulations are required for this in order to provide flexibility in response to the varied approach of social housing registers and allocation systems across Wales and to ensure that any unintended consequences of the change can be rectified quickly if necessary.

As a negative procedure, the Senedd will not be provided the opportunity to scrutinise and vote on any proposed regulations.

Section	Form	Proposal and description of power	Procedure
41	Regulation	Regulation making power to make provision that is incidental or supplementary to any provision in the Bill or that is consequential on any provision in the Bill, and to make transitional provision, transitory provision or saving provision in connection with any provision of the Bill. This includes amending, repealing or revoking any primary or subordinate legislation (including any provision of this Bill) as long as they relate to one of the above provisions.	Affirmative unless amending secondary legislation then any regulations made under this section will be subject to the negative procedure.

Policy Purpose and Intent

These are standard Bill provisions to enable the Welsh Ministers to make supplementary, incidental, transitional or consequential amendments to primary and secondary legislation in order to give full effect to the Bill.

Transitional and savings provisions are often utilised to ensure smooth transition between existing and new regimes.

It is likely that we will need to utilise these powers. We will liaise with relevant stakeholders on the need for such provisions.

The Senedd will be provided the opportunity to scrutinise and vote on regulations which will amend the Bill unless these relate to amendments to secondary legislation.

Section	Form	Proposal and description of power	Procedure
42	Order	This section provides the Welsh Ministers with a power to commence the provisions of the Bill by an order. Transitional or saving provisions can be made in connection with the coming into force of the provisions.	No procedure

Policy Purpose and Intent

This is a standard Bill provision to enable Welsh Ministers to commence provisions as and when it is appropriate to do so.

Section 42(1) outlines which sections come into force the day following the day the Act receives Royal Assent, while section 56(2) provides which sections come into force two months after the Act receives Royal Assent. Section 41(2) provides for the other provisions to come into force on a day appointed by the Welsh Ministers by exercising this power to make an order. It is appropriate to commence provisions by an order as it will be necessary to ensure that implementation arrangements are in place before the sections come into force.