

















### **Annex 3 – Homelessness**

10. The word "mental" does not appear in relation to "illness" because it is intended to indicate that "illness" of any kind is capable of being a "special reason", not just mental illness. The reference to "mental handicap" has been removed altogether and both physical and mental disabilities are covered by the simple reference to "disability".

#### **Clarification on the use of the words "for example" in section 55(1)(c)(i).**

11. The use of examples (and the expression "for example") in legislation is quite common (see, for example, Charities Act 2011 section 246, Child Support Act 1991 section 33, Children Leaving Care Act 2000, section 2, Scotland Act 1998 Schedule 5 Part II specific reservations Section A1). There are well over 100 Acts currently in force that use the expression "for example". Examples have also been used in recent Assembly legislation (see Public Audit (Wales) Act 2013 Schedule 1 paragraph 28 and section 27 of the Social Services and Well-Being (Wales) Bill (as amended at Stage 2)).
12. The use of "for example" in legislation is a helpful use of plain words to indicate that what follows are examples of things included within the ambit of a general category that are not intended to limit the ambit of that general category.

#### **The existing regulation and inspection regime for homeless hostels**

13. The Housing (Wales) Bill will link with existing legislation which requires the local authority to satisfy itself that the accommodation it offers under its homelessness duties must be suitable for the applicant and their household. Hostels are covered by this legislation, including the Homelessness (Suitability of Accommodation) (Wales) Order 2006 which sets specific standards for all shared accommodation secured by local authorities under their homelessness duties. These provisions require the authority to consider the suitability of the accommodation in regard to their health, social services, family and other needs, and also whether the accommodation is affordable given the applicant's financial resources.
14. The Code of Guidance on Homelessness and Allocations expects local authorities to inspect all properties used in the discharge of their homelessness duties.  
<http://wales.gov.uk/docs/desh/publications/120813allocateaccommodationen.pdf>
15. Rents in hostels are usually made up of a core rent and other charges. The local authority would need to decide whether rents were eligible for housing benefit.
16. Hostels are also subject to the Housing Health and Safety Rating System (provided for by Part 1 of the Housing Act 2004) which can be used by Environmental Health Officers to assess suitability. In most cases, hostels will also be classed as 'houses in multiple occupation' and many will be required to be licensed under Part 2 of the Housing Act 2004
17. The Fire Service also has a role in inspecting the fire safety of hostels.

















