

Briefing for Expert Review Panel, third meeting: Evictions and Legal Tests

October 2022

Purpose of the briefing

This briefing is intended to present background for the Expert Review Panel's discussion on evictions as well as the three legal 'tests' of priority need, intentionality and local connection.

The core aim at the panel's third meeting will be to reach proposed recommendations for changes in the law surrounding priority need, intentionality and local connections. The panel will also consider whether legal reform around evictions would have significant impact on ending homelessness.

Please note: Discussions around eligibility will be held for discussion at a future meeting as legal advice is currently being sought on this area.

Content of the briefing

- 1) Evictions – Can legal reform around evictions help end/ prevent people's homelessness?
- 2) The three legal tests:
 - A. Priority need – is removal of priority need the way forward?
 - B. Intentionality – A Wales specific approach
 - C. Local connection
- 3) Guiding points for Panel discussion
- 4) Appendix A. Current recommendations from public reports and reviews
- 5) Appendix B. Landlord Possession Statistics in Wales

1. Evictions – Can legal reform around evictions help end/ prevent people's homelessness?

Eviction notices can be a significant factor in becoming homeless or seriously at risk of homelessness. While some question whether temporary eviction bans prevent homelessness in the longer-term,¹ protections against eviction during the pandemic are considered to have played a role in reducing homelessness during that period.²

StatsWales records 3,441 people as threatened with homelessness as a result of loss of rented or tied accommodation in Wales in the year 2018/2019.³

The reasons leading a landlord to seek eviction can vary, e.g., breach of contract, anti-social behaviour, consistent late payments, falling into rent arrears, among others. While data is not readily available for each of these categories, StatsWales does record the number of people threatened

¹ See the Senedd Plaid Cymru Debate: The Private Rental Sector, 12 October 2022, available [here](#).

² Fitzpatrick, S., Pawson, H., Bramley, G., Young, G., Watts, B. & Wood, J. (2021) *The Homelessness Monitor: Wales 2021*. London: Crisis

³ StatsWales, Households found to be threatened with homelessness during the year. Main reason for being threatened with homelessness by type of household (Section 66), available [here](#).

with homelessness as a result of rent arrears. In 2018/19, there were 900 social housing tenants and 741 private sector tenants at risk of homelessness as a result of rent arrears.⁴

Further information is available from the Office of National Statistics on court action around landlord possessions in Wales across both private and social sectors, see appendix B. Although it should be noted that the data within appendix B is in relation to possessions generally, as opposed to evictions that specifically leave tenants at risk of homelessness. This briefing and the discussions of the panel will focus on evictions within the context of risk to homelessness.

Evictions from Social Housing

The current position: Evictions from housing association or council accommodation should be regarded as last resort, having followed pre-action protocols prior to seeking court action. The exact rights depend on the type of tenancy, but generally, housing associations require legal ground for eviction. Common reasons include not paying the rent, or regularly paying it late; causing nuisance to neighbours; or using the property for illegal activities.⁵

Those placed on a demoted tenancy (tenants displaying anti-social behaviour may have been moved to a demoted tenancy) or a starter tenancy (new tenants may be on a trial period) have less rights in relation to eviction. In these cases, the housing association is not required to hold a legal ground for eviction in court, but they do have to follow procedures. For demoted tenants, four weeks written notice is required prior to seeking a court eviction, for starter tenants this is a period of two months.

Most council tenants also have protection against eviction, unless they are found to be breaking the terms of their residence. Those who are on an introductory or demoted tenancy have fewer rights in relation to eviction. For these tenants, the council does not require legal grounds to seek eviction but does need to provide 4 weeks' notice prior to seeking a court eviction.

The position following December 2022: From 1 December 2022, the Renting Homes (Wales) Act will come into force. Under this new law there will be two types of contract - a secure contract and a standard contract. Most social housing tenants will have a secure contract, which is similar to the current secure tenancy.

However, there are some circumstances where a social housing tenant may be issued with a standard contract. For example, a person moving into supported housing might be placed on a standard contract in recognition of the intention to move onto a permanent home once the person is equipped to live independently.⁶ Under a standard contract, community landlords (councils and housing associations) will be required to provide 6 months' notice for a "no-fault eviction" and would not be entitled to issue such a notice until 6 months of tenancy. Where the contract-holder has breached the occupation contract, the minimum notice period that must be given is one month. However, this notice period can be shorter where it relates to a breach of the anti-social behaviour or the serious rent arrears terms. Some social housing tenants may also still hold an introductory contract, which will convert to an Introductory Standard Contract under the Renting Homes Act.

⁴ StatsWales, Households found to be threatened with homelessness during the year. Main reason for being threatened with homelessness by type of household (Section 66), available *here*.

⁵ See Shelter Cymru website, <https://sheltercymru.org.uk/get-advice/renting/housing-association-tenancies/assured-tenancies/>

⁶ <https://gov.wales/landlords-housing-law-changing-renting-homes#section-86381>

Registered Social Landlords (RSLs) and ‘no evictions into homelessness’

Prior to the pandemic, Wales was working towards a policy of ‘no evictions into homelessness.’ In October 2019, the Homelessness Action Group recommended that a ‘pact’ should be agreed to ensure no evictions from social housing (or housing supported by the public purse) into homelessness and increased allocations to homeless households.⁷ The Homelessness Action Group also noted the wider debate about regulation in this area, e.g., housing association regulations and/or a regulator with powers to address homelessness. This policy was approached by several housing associations with enthusiasm, with one authority reporting an 85% drop in their evictions following their commitment to the policy.⁸

During the pandemic, legal restraints were placed on evicting a tenant into homelessness, but the Welsh Government’s high level Homelessness Action plan⁹ also sites how local authorities and registered social landlords adapted their practices further during this period. The Homelessness Monitor (Wales) emphasises a drive towards improved practices, with 18 out of 22 local authority respondents agreeing that social landlords in their area were ‘making every effort’ to prevent and relieve homelessness. However, it should be noted that more than half of local authorities felt these efforts were hampered as 13 of 22 respondents strongly disagreed that social housing provision in their locality was adequate.¹⁰

The Welsh Government indicated in its Action plan that it wants to use the reduction in evictions due to pandemic measures to as a catalyst for a ‘no evictions into homelessness’ policy to be ‘adopted close to a universal level’.

Learning from Scotland on Social Landlords and prevention of homelessness

The Prevention Review Group in Scotland found social landlords are well placed to carry out work which prevents homelessness, particularly through good tenancy management practice. However, the Group also found that 14% of homeless households were previously housed in social tenancies in 2019/20.¹¹ This demonstrates that there more could be done to minimise the number of people who become homeless after living in a social rented home.

Through recommendations in its final report, the Prevention Review Group sought to formalise existing good practice as duties, so that social landlords can take action within their powers to identify and mitigate risk of homelessness as early as possible. This includes risks resulting from rent arrears, neighbour and relationship concerns, possible domestic abuse and risk to tenancy due to impending court action.

The group recommended that where a social landlord identifies circumstances which may lead to a risk of homelessness, they must take reasonable steps to mitigate that risk.

⁷ Report to Welsh Ministers from the Homelessness Action Group, (October 2019), Preventing rough sleeping in Wales and reducing it in the short-term

⁸ Shelter Cymru (2021) Working together to end homelessness from social housing

⁹ <https://gov.wales/ending-homelessness-wales-high-level-action-plan-2021-2026>

¹⁰ Fitzpatrick, S., Pawson, H., Bramley, G., Young, G., Watts, B. & Wood, J. (2021) The Homelessness Monitor: Wales 2021. London: Crisis, p.58.

¹¹ Scottish Government (2020) Homelessness in Scotland 2019/20

Identifiers may include:

- Rent arrears or other financial difficulty which may give rise to risk of homelessness (i.e., before difficulties have led to impending homelessness, such as eviction action).
- Tenant behaviour or action which may give rise to risk of homelessness.
- Other circumstances, including domestic abuse, or court proceedings for example relating to criminal charges, which may give rise to a loss of accommodation due to remand or imprisonment.

Reasonable steps to mitigate a tenant's risk of homelessness would include:

- Housing management practices to sustain tenancies.
- Engaging with the tenant to address relevant financial circumstances.
- Engaging the tenant to address behaviour.
- Putting protocols in place to address relevant circumstances and mitigate risk of homelessness at an early stage, including protocols relating to domestic abuse and tenants facing court proceedings.

If the landlord considers the risk of homelessness for a tenant to require assistance beyond their powers, including where there is a growing risk of eviction, then they should notify the local authority as early as possible that there is a risk of homelessness (Section 24A).¹² This is similar to the existing section 11 duty under the Homelessness (Scotland) Act 2001,¹³ but the intention is to ensure that the referral is as far upstream as possible. It seeks to have a clear process in place between the social landlord and the local authority so that no one is evicted from social housing without somewhere to stay that night.

Evictions in the Private Rented Sector (PRS)

The current position: A tenant's eviction rights in the private rented sector can vary depending on tenancy type. For fixed-term tenancies, a private landlord should have grounds for seeking eviction. However, for periodic assured shorthold tenancies, which are the default in the PRS, the section 21 no-fault ground is available. Depending on tenancy type and any grounds for eviction, notice periods can vary but may be between 14 days and 2 months.

Following December 2022: Due to changes resulting from implementation of the Renting Homes (Wales) Act 2016,¹⁴ renters with private landlords will generally be issued with a 'standard contract.' Under these contracts, tenants will be entitled to a minimum six month 'no-fault' notice to end the contract. Such a notice can only be served after six months of occupation. This means that, provided a contract-holder does not breach their contract, they will be entitled to a minimum occupation of one year. As a result, current security of tenure in the private rented sector is effectively doubled.

The Act also includes provision to prevent retaliatory eviction. A court can choose not to make a possession order where a tenant issued with a no-fault notice has complained that the property is in a poor state of repair. A court would need to be satisfied the landlord hasn't issued the notice to avoid carrying out the repair.

¹² <https://www.legislation.gov.uk/ukpga/1987/26/section/24>

¹³ <https://www.legislation.gov.uk/asp/2001/10/contents>

¹⁴ See <https://gov.wales/housing-law-changing-renting-homes>.

Approaches to Section 21

Ordinarily, Section 21 of the Housing Act 1988 provides landlords the power to evict their tenants without having to prove a reason – hence ‘no fault.’ Section 21 applies where a tenant has an Assured Shorthold Tenancy which is not within a fixed term agreement or during the first four months of the tenancy. Once a tenant has received a section 21 notice, they have two months to move out of the accommodation. If they haven’t left in that time, the landlord can apply to the court for a possession order, for which there are only limited defences, mainly of a technical nature.

In addition to powers under section 21, landlords can also gain possession through section 8 of the Housing Act 1988. This applies in cases where there’s been alleged anti-social behaviour or rent arrears and can be used during a fixed term as well as outside it. Landlords need to provide evidence to demonstrate why they are seeking possession under section 8, which can lead to excessive use of section 21 as a ‘quicker option’.

The three Great Britain nations have taken different approaches in relation to section 21, which could each come with potential benefits alongside unintended consequences. Current proposals at Westminster, if implemented, would see an end to Section 21 altogether.¹⁵ Supporters of these proposals would highlight greater tenant security and guarding against unscrupulous evictions, but others suggest the move may disincentivise landlords from remaining in the sector or could potentially reduce the availability of buy to let mortgages and subsequent availability of rental properties.¹⁶

The position in Scotland is that a landlord wishing to live in the property need give 28 days’ notice if the tenant has been living in the property for less than six months or meets specific criteria (including rent arrears).¹⁷ In the case of tenancies over six months, the landlord must give notice of 84 days. Some could question whether these timescales provide sufficient time for a tenant to source alternative accommodation, particularly for those being evicted due to rent arrears. The Scottish Homelessness and Rough Sleeping Action Group (HARSAG) has recommended early engagement with those facing potential eviction from the private rented sector, or the social rented sector, including particular approaches on rent arrears.¹⁸

The Welsh Government’s approach is that, where a tenant is not at fault, they should receive six months’ notice for possession. This notice cannot be issued until six months after a tenancy begins. The advantages and disadvantages of this approach are outlined in the explanatory memorandum accompanying the Renting Homes (Wales) Act. For example, the legislation enables renters a longer period of security, but 47% of landlords surveyed said the six-month moratorium means they are less likely to rent to those they considered “higher risk” tenants.¹⁹

A further point for consideration is whether there are implications of human rights law for private landlord access to a property in certain situations where the tenant is not at fault, such as to live in the property themselves.²⁰

¹⁵ See <https://www.gov.uk/government/publications/a-fairer-private-rented-sector>.

¹⁶ See <https://pm-law.co.uk/2019/04/section-21-evictions-to-be-banned/>.

¹⁷ <https://www.mygov.scot/tell-your-tenant-they-need-to-leave>

¹⁸ <https://www.gov.scot/groups/homelessness-and-rough-sleeping-action-group/>

¹⁹ See Renting Homes (Wales) Bill, Explanatory Memorandum 2015, available at <https://senedd.wales/media/2utnjm01/pri-ld10098-em-r-e.pdf>

²⁰ See https://england.shelter.org.uk/professional_resources/legal/possession_and_eviction/possession_process_for_rented_property/public_law_and_human_rights_defences_in_possession_proceedings#title-4

Learnings from Scotland on Private Rental Sector (PRS) and prevention

The Prevention Review Group in Scotland acknowledged the private rented sector had a role to play in both preventing homelessness and in resolving it once it has occurred. In its final report, the group recommended the following:

- That pre-action requirements created in emergency coronavirus legislation, requiring private landlords to provide information and put in place support for tenants in rent arrears, should be made permanent.
- If the tenant consents, the landlord may make a homelessness prevention referral to the local authority if they are concerned that there may be an emerging risk of homelessness. A local authority must respond to a referral from a private landlord under section 28.
- If a local authority is assisting a person threatened with homelessness as a result of pending eviction from a private tenancy and a landlord fails to co-operate, the local authority should have a power to request that the first-tier tribunal delay execution of an eviction order proceeding.
- That homelessness advice and assistance is designed to meet the needs of persons living in and seeking to access the PRS (section 27A). In practice, this would include PRS access schemes, landlord liaison and rent deposit guarantee schemes.

In 2017, Scotland introduced changes to private residential tenancy. These changes replaced assured and short assured tenancy agreements for all new tenancies.²¹ Following this, landlords need to ensure the tenancy:

- Is open-ended, which means a landlord will no longer be able to ask a tenant to leave simply because the fixed term has ended.
- Provides more predictable rents and protection for tenants against excessive rent increases.
- Includes the ability to introduce local rent caps for rent pressure areas.
- Provides comprehensive and robust grounds for repossession that will allow landlords to regain possession in 18 specified circumstances.

Shortly after the introduction of Scottish reforms to the private rented sector, Shelter Scotland published research²² assessing the impact of reforms. It found that half of renters on the new contracts (50%) agreed that the new tenancies have 'improved the experience of renting for me, overall', with only 8% disagreeing. However, research from Nationwide Foundation²³ RentBetter Wave 1 (2019/20) and Wave 2 (2021/2022) has indicated that tenants feel more secure in their rented homes, but that the minority who feel less secure are those with less financial power – those living in deprived areas, on lower incomes and housing benefit.

²¹ <https://www.gov.scot/policies/private-renting/private-tenancy-reform/>

²² Shelter Scotland (2019), *The New Private Rental Tenancies: Evaluating Changes to Rental Agreements in Scotland*, p.6.

²³ A. Evans, B. Nugent, M. Littlewood, E. Dore, R. Serpa, D. Robertson (2022) *RentBetter Wave 2 – Final Report*, p.64.

‘No fault evictions’ in Wales during the pandemic

Welsh Government’s high level Homelessness Action Plan sites that, as a result of the measures put in place during the pandemic, eviction action leading to tenants being made homeless had reduced significantly. These measures included:

- Legal measures to prevent evictions from December 2020 to June 2021.
- Legal measures to extend notice periods to six months before court action and eviction can take place in almost all cases - to the end of December 2021.

However, the Homelessness Monitor Wales (2021) anticipated, based on local authority perceptions, that the post-lockdown (or, perhaps, post-pandemic) period is likely to see varied impacts on different homelessness cohorts. Almost all local authority representatives who responded to the Homelessness Monitor Wales survey anticipated an increase in private landlord evictions due to the relaxation of restrictions imposed in 2020. Most participants also expected increases in home-owner repossessions, newly unemployed people and survivors of domestic abuse.²⁴

2. The three legal tests

A) Priority need

The priority need test remains an important part of homelessness systems in Wales. The test has been under scrutiny for some time and has undergone changes since its introduction in the 1977 Act.

The Housing (Wales) Act 2014 introduced a duty to provide assistance with homelessness prevention and relief to all eligible households who are homeless or threatened with homelessness - regardless of priority need. The post-implementation evaluation of the Housing Act (Wales) 2014, which looked at the implementation of the prevention and relief duties, identified a number of recommendations to improve the implementation of the new duties introduced by the Act and to address some of the limitations of the legislation.²⁵ The majority of the recommendations focused on practice changes and covered a range of areas, including making Personal Housing Plans more tailored to the circumstances of each individual, improving partnership working and increased training for staff to ensure they have the skill set required to successfully implement the Act.

If the ‘relief’ efforts to find alternative accommodation do not succeed, only households with priority need are then entitled to have housing secured by the local housing authority (either in the private rented sector or in social housing). Priority Need categories are used to determine at this stage who is eligible for the Section 75, Duty to Secure Accommodation. Critically, applicants who ‘unreasonably fail to cooperate’ with the prevention or relief assistance, or refuse a suitable offer of accommodation, may not progress to this final statutory duty.²⁶

²⁴ Fitzpatrick, S., Pawson, H., Bramley, G., Young, G., Watts, B. & Wood, J. (2021) *The Homelessness Monitor: Wales 2021*. London: Crisis, p.53

²⁵ A. Ahmed, M. Rogers, M. Wilding, A. Gibbons, K. Jones, I. Madoc-Jones (2018) *Post-implementation evaluation of Part 2 of the Housing Act (Wales) 2014: Final Report*.

²⁶ Davies, L. And Fitzpatrick, S (2021) *The ‘ideal’ homelessness law: balancing ‘rights-centred’ and ‘professional-centred’ social policy*. Heriot-Watt University.

Since the publication of the evaluation in 2018,²⁷ there has been growing support for the complete removal of priority need. This was a key recommendation of the Homelessness Action Group. Furthermore, the survey of local authorities conducted to inform the Homelessness Monitor 2021, found clear support from local authorities for the removal of priority need. Fifteen out of the 22 Welsh local authorities surveyed favoured abolishing the priority need criterion, although some stressed that this was conditional on accompanying extra resources. The Homelessness Monitor Wales notes that: **“After its ‘suspension’ throughout the Covid-19 crisis, at least with regards to people sleeping rough, and following a Welsh Government funded independent review, the momentum for permanent abolition of the priority need criterion now seems unstoppable.”**²⁸

It was captured in responses to the Homelessness Monitor Wales (2021) survey, that the pandemic response to disapply priority need further made clear the barrier it presents to households who do not meet the priority need threshold, particularly those who are sleeping rough:

“...rough sleepers are the group that it failed the most, fails the most, because they are homeless and you’ve only got a duty to take reasonable steps to help them find somewhere, but at that time, you’ve got no duty to temporarily accommodate them, unless you think they’re going to be in priority need.” (Key informant, independent sector).²⁹

Services spoken to as part of the Crisis *No One Left Out* report identified single men and people sleeping rough as the main group of applicants who repeatedly face these barriers, echoing existing research.³⁰ Evidence shows that it is this group of people who benefitted most from legal reforms in Scotland to remove priority need.³¹

Existing research has found that people who are sleeping rough in Wales are among those who have benefitted least under the 2014 Act.³² The last full rough sleeping data published in Wales prior to the Covid-19 pandemic, shows that over a two-week period in autumn 2015, an estimated 240 people were sleeping rough, rising to 405 over the same period in 2019. This is an increase of 69 per cent.

During the pandemic, local intelligence reports show that as of 31 December 2020, there were 61 individuals sleeping rough throughout Wales. This is a decrease from the 96 individuals sleeping rough on 30 November 2020.³³ Only as a result of the steps taken during Covid-19 and the lifting of eligibility criteria have significant numbers of people sleeping rough been able to access rehousing

²⁷ A. Ahmed, M. Rogers, M. Wilding, A. Gibbons, K. Jones, I. Madoc-Jones (2018) Post-implementation evaluation of Part 2 of the Housing Act (Wales) 2014: Final Report.

²⁸ Fitzpatrick, S., Pawson, H., Bramley, G., Young, G., Watts, B. & Wood, J. (2021) *The Homelessness Monitor: Wales 2021*. London: Crisis

²⁹ Fitzpatrick, S., Pawson, H., Bramley, G., Young, G., Watts, B. & Wood, J. (2021) *The Homelessness Monitor: Wales 2021*. London: Crisis

³⁰ Mackie, P.; Gray, T.; Hughes, C.; Madoc-Jones, I.; Mousteri, V.; Pawson, H.; Spyropoulos, N.; Stirling, T.; Taylor, H.; Watts, B. (2019). Review of Priority need in Wales. Cardiff: Welsh Government.

³¹ Fitzpatrick, S., Pawson, H., Bramley, G. & Wilcox, S. (2012) *The Homelessness Monitor: Scotland 2012*. London: Crisis.

³² Mackie, P.; Gray, T.; Hughes, C.; Madoc-Jones, I.; Mousteri, V.; Pawson, H.; Spyropoulos, N.; Stirling, T.; Taylor, H.; Watts, B. (2019). Review of Priority need in Wales. Cardiff: Welsh Government.

³³ Whilst the most recent data collection on rough sleeping are not comparable with earlier count data, the data available demonstrates the significant decline in the number of people sleeping rough since the official count in November 2019. Welsh Government Statistics: Homelessness. Available at: <https://gov.wales/national-rough-sleeper-count>; Homelessness accommodation provision and rough sleeping: December 2020. Available at: <https://gov.wales/homelessness-accommodation-provisionand-rough-sleeping-december-202>

support and local authorities to significantly reduce the number of people sleeping rough in their areas.

In October 2022, the Welsh Government introduced interim legislation³⁴ to include 'street homelessness' as a priority need category under section 70 the Housing (Wales) Act 2014. The Minister for Climate Change sited that this legislative change would ensure street homelessness continued to be a priority need, while wider reform of homelessness legislation is under consideration.³⁵

The 2019 *Review of Priority Need* set out a five and ten-year timescale for abolition, adding that such a change would need to be delivered alongside investment in housing supply and resources for local authorities, a better supported workforce, and improved data capture and monitoring.³⁶ The report estimated that the Welsh Government could expect to see total annual savings of around £9m if priority need was abolished over a five year period, after meeting additional costs for local authorities and support services to meet the additional demand. Such a process needs to work alongside efforts to transition to rapid rehousing approaches, as recommended by the Homelessness Action Group and accepted in principle by the Welsh Government.

Priority need is seen by some authorities as a way of managing limited resources, particularly in the allocation of temporary accommodation. Participant feedback to the review of priority need in Wales indicated that working under the current 'constraints,' some form of prioritisation was required to provide a safety net for the most vulnerable. A potential negative impact identified by participants in the review of priority need in Wales³⁷ was an increase in the number of people temporarily accommodated for long periods of time in potentially unsuitable and expensive accommodation such as B&Bs. Participants explained that accommodating more single people would be problematic due to the lack of suitable one bedroom and shared accommodation, therefore exits from temporary accommodation would be slow. Many participants situated their concerns in the context of experiences in Scotland where temporary accommodation use increased markedly following the abolition of Priority Need: **'What's happened in Scotland in terms of the removal of the Priority Need there and the sheer volume of people in temporary accommodation is something that we wouldn't be able to cope with. We haven't got enough temporary accommodation as it stands at the moment in Wales.'** (RSL interviewee, May 2019)

Experience of removing priority need in Scotland

A review of priority need in Wales explored the motivations and rationale behind the removal of priority need in Scotland. It found that, as well as a general motivator to mark out a different path on homelessness, the move was complemented by a more specific second motivator to right a 'historic wrong'³⁸ with no proper role to play in modern responses to homelessness. Participants also argued that the priority need test lacked any robust logic or defensible justification; that it was 'quite

³⁴ <https://gov.wales/post-pandemic-interim-homelessness-measures-html>

³⁵ See Plenary transcript, 18 October 2022, available at <https://record.assembly.wales/Plenary/13011#A75108>.

³⁶ Mackie, P.; Gray, T.; Hughes, C.; Madoc-Jones, I.; Moustერი, V.; Pawson, H.; Spyropoulos, N.; Stirling, T.; Taylor, H.; Watts, B. (2019). *Review of Priority need in Wales*. Cardiff: Welsh Government.

³⁷ Mackie, P.; Gray, T.; Hughes, C.; Madoc-Jones, I.; Moustერი, V.; Pawson, H.; Spyropoulos, N.; Stirling, T.; Taylor, H.; Watts, B. (2019). *Review of Priority need in Wales*. Cardiff: Welsh Government., p.96

³⁸ Mackie, P.; Gray, T.; Hughes, C.; Madoc-Jones, I.; Moustერი, V.; Pawson, H.; Spyropoulos, N.; Stirling, T.; Taylor, H.; Watts, B. (2019). *Review of Priority need in Wales*. Cardiff: Welsh Government.

arbitrary and quite subjective' (Social housing interviewee, May 2019); and a feature of the law that created barriers to people – particularly single people – receiving the help they needed.

Although the review found there was generally broad consensus for the removal of this test when reforms were being considered in Scotland, there were still concerns at a local authority level. These concerns included practicalities about whether local authorities had – or would be provided with – the resources and capacity to implement the abolition of the priority need test. There was also questioning the fairness of prioritising single homeless people over others in housing need and pointing to the housing management challenges that might result from greater obligations to accommodate this group.

The Homelessness Monitor Scotland (2021)³⁹ showed that following the removal of priority need and, prior to COVID-19, total temporary accommodation placements had been running at largely stable levels of 10-11,000 for the decade to 2019. The high levels of temporary accommodation use reflect dramatic increases (up from around 4,000 households in 2002), following the expansion of temporary and settled rehousing entitlements initiated in the early 2000s and fully implemented in 2012 on completion of the phasing out of the 'priority need' criterion.⁴⁰ Key informants were clear that the high levels of temporary accommodation used represent a highly problematic aspect of the Scottish homelessness response, albeit a side effect of its internationally lauded rights-based response, with the solution seen to be improved access to settled housing via the Rapid Rehousing approach now being implemented in Scotland, as well as improved prevention. A key informant from the voluntary sector said **"[W]e know that the Scottish problem... as an unintended consequence of universal right to housing, has been this increase in temporary housing... that's the bit that keeps the homelessness system expensive and not working. That's something that really needs to be fixed"**

B) Intentionality

The intentionality test considers whether or not a person has intentionally made themselves homeless prior to offering support. The Housing (Wales) Act 2014 gave authorities the ability to choose whether or not they applied the intentionality test in Wales.

In December 2019 Section 75(3) of the Housing (Wales) Act 2014 was enacted, widening the categories of applicants who are exempt from the test.⁴¹ The post-implementation evaluation of the Act also recommended that the Welsh Government give all priority need households deemed to be intentionally homeless 'a second chance' and to work towards removing intentionality for all households in priority need. This was recommended to build on the changes implemented in 2019 that curtailed the applicable scope of intentionality. This effectively means that, with respect to most homeless families with children and young people under 21, Welsh local authorities can no longer apply the 'intentionality' test to restrict access to settled housing.

³⁹ Watts, B., Bramley, G., Fitzpatrick, S., Pawson, H. & Young, G. (2021) The Homelessness Monitor: Scotland 2021, London: Crisis.

⁴⁰ Fitzpatrick, S., Pawson, H., Bramley, G., Watts, B., Wood, J., Stephens, M. & Blenkinsopp, J. (2019) Homelessness Monitor: Scotland 2019. London: Crisis. https://www.crisis.org.uk/media/240002/the_homelessness_monitor_scotland_2019.pdf

⁴¹ Statement from Minister for Housing and Local Government (2 December 2019). Available at: <https://gov.wales/written-statement-commencement-section-753-housing-wales-act-2014>

An evaluation of the 2014 Act found evidence of significant variation in the interpretation of intentionality.⁴² The majority of local authorities reported feeling that intentionality decisions are a barrier to positive outcomes and some reported that intentionality is used as a means to 'gatekeep' access to services.⁴³ In addition, the evaluation of the 2014 Act found some authorities were using the test as a means of managing limited resources.⁴⁴ [...] **we can't offer every client a duty; we haven't got the properties to offer duties to everybody, and it means that we are giving the people who've got the highest priority any sort of property or duty first. Sometimes it is hard to find intentionality, but it's just something you have to scour through.'** (LA, A3)

The success of the prevention and relief models means that the 'becoming homeless intentionally' test has become of far less significance than was previously the case. This is because it could only be applied to an applicant who has a priority need and where relief efforts have been unsuccessful.⁴⁵

However, analysis⁴⁶ of the implementation of the Housing (Wales) Act 2014 showed that most local authorities had chosen to make no change to the way they treat intentionality, even for specific groups of priority need. This indicates that changing the duty to investigate intentionality may have little impact on the ground.⁴⁷ The Homelessness Monitor Wales (2021) also commented that intentionality is very rarely used in practice.

The 2021 Homelessness Monitor in Wales also shows that local authority opinion on keeping intentionality remains divided. Comments suggested this stemmed from the rarity of intentionally homeless decisions in practice, following the changes implemented in 2019.

Those supportive of removing intentionality felt this would have little impact on outcomes because it is rarely used. Shelter Cymru found that intentionality decisions exacerbate a cycle of unmet support needs, "with the long-term resource burden that this implies."^{48, 49} Whilst further evidence under the new prevention duties in Wales show that some members of staff were working in a process-driven way, placing too much emphasis on intentionality, priority need and not enough emphasis on support.⁵⁰

Alternatively, those wanting to keep intentionality in its current form argued it is useful as an incentive for good behaviour.⁵¹ For example, one official states: "**[Intentionality] does not apply in**

⁴² Ahmed, A., Wilding, M., Gibbons, K., Jones, M., Rogers, I. Madoc-Jones M. Wilding, A. Gibbons, K. Jones, M. Rogers, I. Madoc-Jones (2018) Post-implementation evaluation of part 2 of the Housing Act (Wales)

⁴³ Ahmed, A., Wilding, M., Gibbons, K., Jones, M., Rogers, I. Madoc-Jones M. Wilding, A. Gibbons, K. Jones, M. Rogers, I. Madoc-Jones (2018) Post-implementation evaluation of part 2 of the Housing Act (Wales) 2014: final report, Project Report. Cardiff: Welsh Government.

⁴⁴ Ahmed, A., Wilding, M., Gibbons, K., Jones, M., Rogers, I. Madoc-Jones M. Wilding, A. Gibbons, K. Jones, M. Rogers, I. Madoc-Jones (2018) Post-implementation evaluation of part 2 of the Housing Act (Wales)

⁴⁵ Davies, L. And Fitzpatrick, S (2021) *The 'ideal' homelessness law: balancing 'rights-centred' and 'professional-centred' social policy.* Heriot-Wat University.

⁴⁸ Campbell, A, J., (2011) *The Impact of Intentional Homelessness Decisions on Welsh Households' Lives.* Swansea: Shelter Cymru

⁴⁹ Rosengard, A., Laing, I., Ridley, J., Hunter, S. (2007) *Closing the Opportunity Gap: Findings of a Literature Review on Multiple and Complex Needs.* Project Report. Edinburgh: Scottish Executive

⁵⁰ Shelter Cymru (2016) *Reasonable steps: experiences of homelessness services under the Housing (Wales) Act 2014* <https://sheltercymru.org.uk/wp-content/uploads/2015/02/Reasonable-Steps.pdf>

⁵¹ Fitzpatrick, S., Pawson, H., Bramley, G., Young, G., Watts, B. & Wood, J. (2021) *The Homelessness Monitor: Wales 2021.* London: Crisis

many cases, so would be minimal impact; however, we feel concerned that the removal of this would send the wrong message to people, that they could behave poorly, and have no consequences.”

C) Local connection

The intention of local connection criteria is to ensure that no local authority bears disproportionate costs for rehousing people sleeping rough in their area.^{52, 53} However, it can be regarded as a real barrier for people seeking support.

There was general consensus from local authorities responding to the Homelessness Monitor Wales (2021) survey against the ending of local connection rules, with 19 out of 22 council representatives judging that such a move would not be beneficial. The removal of the rules was seen by local authority representatives as being difficult to implement, with fears from every type of local authority that such a change would increase demand in their area.

However, key informants were more sympathetic to the removal of local connection, albeit with the understanding that the redistributive impact of demand on LAs would need to be considered.⁵⁴ The post-implementation evaluation of the 2014 Housing (Wales) Act also identified local connection as an area where additional work was needed to understand what changes would be beneficial, recommending that further research be carried out around local connection with a view to establishing a national reconnection service across in Wales.⁵⁵

Why homeless people might move areas

The *No One Left Out* report outlines why people may seek support outside of their home authority. While there is some evidence to suggest that people move to more ‘service-rich areas’, the report states that this is less prevalent and significant than may be presumed.⁵⁶ Those seeking support outside their ‘home’ local authority typically report two or more motivating influences:

- Push factors such as loss of employment, fleeing danger or persecution, unhelpful ‘home’ authorities and parole or bail conditions.
- Pull factors include having friends in the area, previous visits to the area and being previously resident in an area.

Despite this, research undertaken with those with experience of homelessness showed that half of those participants would remain in their ‘new’ local authority area, even if they were refused assistance. This is mostly because of fear of returning home, friends, employment opportunities and better third sector or church provision.⁵⁷

⁵² Equality, Local Government and Communities Committee. (2018). *Life on the streets: preventing and tackling rough sleeping in Wales*. Cardiff: National Assembly for Wales.

⁵³ Baptista, I., Benjaminsen, L., Pleave, N. (2015). *Local connection Rules and Access to Homelessness Services in Europe*. Brussels: FEANTSA

⁵⁴ Fitzpatrick, S., Pawson, H., Bramley, G., Young, G., Watts, B. & Wood, J. (2021) *The Homelessness Monitor: Wales 2021*. London: Crisis

⁵⁵ A. Ahmed, M. Rogers, M. Wilding, A. Gibbons, K. Jones, I. Madoc-Jones (2018) *Post-implementation evaluation of Part 2 of the Housing Act (Wales) 2014: Final Report*. Available at: <https://gov.wales/statistics-and-research/evaluation-homelessness-legislation/?lang=en>

⁵⁶ Mackie, P., Thomas, I. (2016) *Transitory Single Homelessness in Wales*. Cardiff: WISERD

⁵⁷ Homeless Link (2015) *Repeat Homelessness in Brighton*. London: Homeless Link

Research by Crisis highlights that individuals are far more likely to gravitate towards those areas where they have existing support networks, access to employment and other opportunities and, for urban areas, perceptions of greater safety and anonymity, rather than to access 'service rich' areas.⁵⁸

Existing research also challenges the assumption that those experiencing homelessness – and in particular those sleeping rough – have the resources with which to travel to access services provided elsewhere in another authority. This, however, is not borne out in the evidence.^{59 60}

Learnings from other nations

The Homelessness (Scotland) Act 2003 legislated for this test to be removed from homelessness legislation in Scotland but has only recently been brought into force. This makes it difficult to assess the impact at present.

However, it may be helpful to consider a 2015 study by the European Observatory on Homelessness, which researched the impacts of different approaches to local connection across Europe.⁶¹ The report suggested that the effect of a local connection test was dependent on the context in which rules are being applied. It stated that in relatively service-rich environments, such as Denmark and Germany, the absence of local connection rules alongside systems to allow municipalities to make payments to each other, removes a potentially important barrier to services. In Denmark, a shelter can reclaim the costs of providing emergency accommodation (and support services) from the person's home municipality of the homeless person. Where there are disputes over where responsibility of the cost lies, a central state agency, the Social Appeals Board, intervenes.

The European Observatory on Homelessness also suggests that while local connection rules can create a barrier to accessing services, in some contexts and nations, services are so overwhelmed, underfunded or do not exist on a meaningful level that there are other barriers making services inaccessible.⁶²

The report adds:

“One potential concern is that people whose homelessness is long-term or repeated, and who are also likely to have high support needs, may be those who find it hardest to demonstrate a local connection. This might not be because they move around a great deal, but instead because they are unlikely to be able to demonstrate residence, as someone renting or buying their own home and paying local taxes. An absence of the right sort of documentation can mean that someone who is effectively resident in a municipality cannot show a local connection and therefore cannot access services. The extremes of homelessness may be exacerbated in scale and duration by the operation of local connection rules in many areas of the European Union. This, in itself, should be seen as making a clear case for reform.

⁵⁸ Johnsen, S., Jones, A. (2015) The reconnection of rough sleepers within the UK: an evaluation. London: Crisis

⁵⁹ Mackie, P., Thomas, I. (2016) Transitional Single Homelessness in Wales. Cardiff: WISERD

⁶⁰ Baptista, I., Benjaminsen, L., Pleace, N. (2015). Local connection Rules and Access to Homelessness Services in Europe. Brussels: FEANTSA

⁶¹ EOH Comparative Studies on Homelessness (2015) Local Connection Rules and Access to Homelessness Services in Europe, p.10.

⁶² EOH Comparative Studies on Homelessness (2015) Local Connection Rules and Access to Homelessness Services in Europe, p.10.

“Clearly, removing local connection rules, while it may not produce widespread service tourism by homeless people, would be politically difficult. An absence of local connection rules at least raises the possibility that some municipalities and regions would face a disproportionate cost in meeting the needs of homeless people who are not from their area. Developing systems that suspend or remove local connection rules for certain groups of homeless people seems the most logical way forward. This already happens in practice in some EU countries – for example, for women at risk of violence and families with dependent or vulnerable children – and could be extended to groups like people experiencing sustained and recurrent homelessness.”⁶³

Suggestions for alleviating concerns associated with removal of local connection

The Homelessness Action Group recommended removing the local connection test. A number of potential measures have been suggested by Fitzpatrick and Davies within the *Everybody In*⁶⁴ plan with a view to alleviating local authority concerns around any abolition of the local connection test.

These four suggestions are outlined in detail in Appendix A and range from:

- Suspending/ abolishing the test entirely.
- Tightening guidance around application of the test.
- Improving/ extending the statutory definition of current rules.
- Having the test suspended/ abolished whilst either making allowance for resources to follow people or reapplying the test for specific local authority areas suffering undue pressure because of a net inward flow of applicants.

3. Guiding points for panel discussion

Appendix A offers existing drafted proposals/ recommendations from a range of sources in order to further aid the Expert Review Panel’s discussion.

During the third meeting of the panel, members should consider:

- 1. What key changes in the law are required surrounding the three legal tests, and evictions?**
- 2. What would their intended effect be?**
- 3. What unintended consequences might need to be avoided?**

Evictions

Key points to consider in relation to evictions include:

- Should the Welsh Government consider further changes to eviction law and regulations?
- Could landlords (social and private) play a greater role in supporting tenants prior to eviction and in referring cases of those at risk of homelessness?

A. Priority Need

⁶³ EOH Comparative Studies on Homelessness (2015) Local Connection Rules and Access to Homelessness Services in Europe, p.10.

⁶⁴ M. Downie, Crisis, (2018) *Everybody In: How to End Homelessness in Great Britain*, p.389-390.

Key points to consider in relation to priority need include:

- Should priority need be abolished in Wales?
- If priority need were to be abolished, what would happen to the Relief duty?
- Arguments for removal or the Priority Need test include:
 - Priority need increases barriers to accessing housing for single men and those sleeping rough.^{65 66}
 - Conditional systems, such as priority need, encourages a focus on processing applicants to determine whether they fall into a particular category, rather than meeting need.⁶⁷
 - The test can be regarded as outdated⁶⁸ and not reflective of the trauma-informed ways of working that have developed in Wales since the introduction of the Housing (Wales) Act 2014.

Concerns include:

- Resourcing and the supply of adequate accommodation.
- How could the Welsh Government ensure that this leads to more people being housed in settled accommodation as opposed to a significant increase in the use of temporary accommodation?
- Wider concerns surrounding ‘fairness’ in allocation.⁶⁹
- **Process and timing.** The review of priority need in Wales found participants from Scotland held a dominant view that the phasing out of the test could have happened over a shorter period. Some participants thought that robust homelessness prevention policies and practices would have enabled a faster phase out, with some making the direct comparison with the very different context in which Wales is considering reforms to the test.

B. Intentionality

Key points to consider include:

- **Should Wales abolish the intentionality test?**
- Local authority opinion on intentionality remains divided: Those supportive of removing intentionality felt:
 - This would have little impact on outcomes because it is rarely used.
 - The test adds further pressures by significantly restricting the options available to individuals⁷⁰

⁶⁵ R. Gwilym-Taylor, B. Sanders, (2021) No One Left Out The reality of eligibility barriers for people facing homelessness in Wales, p.34.

⁶⁶ Mackie, P.; Gray, T.; Hughes, C.; Madoc-Jones, I.; Mousteri, V.; Pawson, H.; Spyropoulos, N.; Stirling, T.; Taylor, H.; Watts, B. (2019). Review of Priority need in Wales. Cardiff: Welsh Government.

⁶⁷ R. Gwilym-Taylor, B. Sanders, (2021) No One Left Out The reality of eligibility barriers for people facing homelessness in Wales, p.60.

⁶⁸ Mackie, P.; Gray, T.; Hughes, C.; Madoc-Jones, I.; Mousteri, V.; Pawson, H.; Spyropoulos, N.; Stirling, T.; Taylor, H.; Watts, B. (2019). Review of Priority need in Wales. Cardiff: Welsh Government.

⁶⁹ Mackie, P.; Gray, T.; Hughes, C.; Madoc-Jones, I.; Mousteri, V.; Pawson, H.; Spyropoulos, N.; Stirling, T.; Taylor, H.; Watts, B. (2019). Review of Priority need in Wales. Cardiff: Welsh Government.

⁷⁰ R. Gwilym-Taylor, B. Sanders, (2021) No One Left Out The reality of eligibility barriers for people facing homelessness in Wales

- Intentionality decisions exacerbate a cycle of unmet support needs⁷¹
- Those wanting to keep intentionality in its current form argued it is useful as an incentive for good behaviour.⁷²

C. Local Connection

Key points to consider include:

- **Should the Local Connection test be removed?**
- Consensus from local authorities responding to the Homelessness Monitor (Wales) survey were primarily against the ending of local connection rule. Arguments **against**⁷³ removal include:
 - Implementation, with fears from every type of local authority that such a change would increase demand in their area.
 - A means to ensure that housing and resources are prioritised for local residents in the area.
 - There are also concerns over cross-border issues and how this change would affect resourcing with applicants that may present from England.

Arguments **for** removal include:

- A 'no wrong door' approach⁷⁴
- Applicants may have support networks in a different authority which could help sustain tenancy⁷⁵

If the Local Connection test were to be removed, what measures could be put in place to alleviate concerns? See Appendix A for examples.

Appendix A

Current recommendations from public reports and reviews

⁷¹ Campbell, A, J., (2011) *The Impact of Intentional Homelessness Decisions on Welsh Households' Lives*. Swansea: Shelter Cymru

⁷² Fitzpatrick, S., Pawson, H., Bramley, G., Young, G., Watts, B. & Wood, J. (2021) *The Homelessness Monitor: Wales 2021*. London: Crisis

⁷³ R. Gwilym-Taylor, B. Sanders, (2021) *No One Left Out The reality of eligibility barriers for people facing homelessness in Wales*, p.52-57

⁷⁴ Report from the Homelessness Action Group for the Welsh Government, (March 2020), *The framework of policies, approaches and plans needed to end homelessness in Wales (What ending homelessness in Wales looks like)*

⁷⁵ R. Gwilym-Taylor, B. Sanders, (2021) *No One Left Out The reality of eligibility barriers for people facing homelessness in Wales*, p.55

Across several reports⁷⁶ the Homelessness Action Group has proposed specific recommendations to the Welsh Government, which includes the removal of priority need, intentionality and local connection.

Recommendation from *Preventing rough sleeping in Wales and reducing it in the short-term*⁷⁷

Abolish the concepts and practice of 'intentionally homeless' and 'no local connection' to ensure prevention or relief of rough sleeping is the foremost consideration. Establish the 'self-presenter principle,' where local authorities fund homeless citizens in other local authority areas if they present there, firstly within Wales and then afterwards with the rest of the UK.⁷⁸ There was cross-party support for this when recommended by a National Assembly committee.⁷⁹

Recommendation from *The framework of policies, approaches and plans needed to end homelessness in Wales (What ending homelessness in Wales looks like)*⁸⁰

Abolish the concept and practice of priority need, using the options set out by the forthcoming priority need review. Welsh Government and its partners should phase out priority need progressively and hand-in-hand with both ensuring rapid rehousing becomes the default approach and meeting the need for extra social housing supply. While priority need is being phased out, in the short-term people who are rough sleeping or at risk of rough sleeping should automatically be considered as priority need as well as people leaving prison. This is a change that the cross-party National Assembly committee inquiry into rough sleeping largely supported.⁸¹

Recommendation from *Preventing, tackling and ending homelessness through rapid rehousing and local, regional and national partnerships*⁸²

The Welsh Government should continue to support longer term transition planning beyond the initial 9-month phase two period, working with local authorities to help phase out tests for local connection, intentionality and priority need; to deliver the five-year vision for temporary and permanent accommodation supply including definitions of suitability and guidelines on rapidity; to continue to fund transition to rapid rehousing and prevention work; and ensure each local area has an action plan to achieve the rapid rehousing outcomes for everyone, with all partners taking ownership and supporting each other.

⁷⁶ <https://gov.wales/node/25553/latest-external-org-content>

⁷⁷ Report to Welsh Ministers from the Homelessness Action Group, (October 2019), *Preventing rough sleeping in Wales and reducing it in the short-term*

⁷⁸ Mackie, P. and Thomas, I. (2016) *Transitory single homelessness in Wales*

⁷⁹ National Assembly for Wales (2018) Equality, Local Government and Communities Committee report - *Life on the streets: preventing and tackling rough sleeping in Wales*, p.27

⁸⁰ Report from the Homelessness Action Group for the Welsh Government, (March 2020), *The framework of policies, approaches and plans needed to end homelessness in Wales (What ending homelessness in Wales looks like)*, p.56

⁸¹ National Assembly for Wales (2018) Equality, Local Government and Communities Committee report - *Life on the streets: preventing and tackling rough sleeping in Wales*, p.27

⁸² Report to Welsh Ministers from the Homelessness Action Group, (July 2020) *Preventing, tackling and ending homelessness through rapid rehousing and local, regional and national partnerships*, p.11

Recommendations on priority need from *the post-implementation evaluation of the Housing Act (Wales) 2014*⁸³

The evaluation made medium to long-term recommendations for legislative changes that would help to address some of the limitations of the 2014 Act that had been identified. A number of these recommendations focused on the support available for non-priority households, and the potential to expand the priority need category. Recommendations included:

- Providing up to 21 days of temporary accommodation for people experiencing homelessness who were not in priority need to help prevent rough sleeping.
- Explore the option to include rough sleeping as a priority need category.
- Reviewing the Code of Guidance with a view to establishing greater consistency and clarity around how vulnerability assessments are made, particularly with regard to age and mental health.

Great Britain-wide principles on Intentionality from *Everybody In* report⁸⁴

Intentionality should be abolished in its current form. The current intentionality test goes far beyond what is required to control what might be considered to be any perverse incentives to access homelessness assistance. There is a strong case for moving away from this test and instating another. It should be more tightly defined and have strictly limited consequences.

A new test would involve focusing on deliberate manipulation of the homelessness system. For example, this could involve collusion between an applicant and parent or householder who has excluded them. It would ideally require local authorities to demonstrate that the applicant had actually foreseen that their actions would lead to their becoming homeless. At present, all that must be shown is that the act that led to the loss of accommodation was deliberate, not that the link between this act and homelessness was foreseen or even foreseeable by the applicant.

The proposed consequence of this deliberate manipulation test would be restricted. Under this proposed scheme, households found to deliberately manipulate would receive no additional preference in social housing allocations because of their statutory homeless status. This test would have no bearing on any other homelessness-related entitlements.

Great Britain-wide principles on Local Connection from *Everybody In* report⁸⁵

Fitzpatrick and Davies accept the need to fairly distribute the burden of tackling homelessness between local authorities. However, they propose better ways to manage this necessity than the current crude local connection rules. Although the current rules are intended simply to determine which local authorities have a duty to provide settled housing, they are often used (unlawfully) as a gatekeeping filter. Four potential ways forward are suggested, none of which are mutually exclusive.

- Suspend or abolish the local connection but allow it to be reapplied for specific local authority areas suffering undue pressure because of a net inward flow of applicants (as

⁸³ A. Ahmed, M. Rogers, M. Wilding, A. Gibbons, K. Jones, I. Madoc-Jones (2018) *Post-implementation evaluation of Part 2 of the Housing Act (Wales) 2014: Final Report*. Available at: <https://gov.wales/statistics-and-research/evaluation-homelessness-legislation/?lang=en>

⁸⁴ M. Downie, Crisis, (2018) EVERYBODY IN How to End Homelessness in Great Britain, p.389-390.

⁸⁵ M. Downie, Crisis, (2018) Everybody In: How to End Homelessness in Great Britain, p.389-390.

evidenced by research across local boundaries). This is effectively the option legislated for in The Homelessness (Scotland) Act (2003), which has remained un-commenced.

- Suspend or abolish the local connection rules but make allowance for money/resources to follow people, so that applicants can apply as homeless wherever they wish to, but local authorities can reclaim costs from each other where they accept applicants whose local connection lies elsewhere. This may be challenging to implement, but there are international examples that could provide helpful guidance.⁸⁶
- Improve and extend the statutory definition of the current local connection rules to be more generous/realistic about how and when people have established a local connection.⁸⁷
- Encourage, through the codes of guidance, local authorities to cooperate with each other in local connection referrals, rather than enter turf-wars as to which local authority might be responsible. Local authorities should also be encouraged to cooperate on the provision of suitable accommodation. For example, the receiving local authority considers whether accommodation can be secured in the district of the original local authority.⁸⁸

Appendix B

⁸⁶ Mackie, P. and Thomas, I. (2016) *Transitory Single Homelessness in Wales*. Cardiff: Cardiff University.

⁸⁷ Housing Act (1996), s 199; Housing (Wales) Act (2014), s 81; Housing (Scotland) Act 1987, s 27

⁸⁸ Local housing authorities are not required to accommodate applicants within their own districts. If they take the view that suitable accommodation would be located in another local housing authority's district, they are entitled to find that suitable accommodation and offer it to the applicant, either as a private rented sector offer or by renting it from a private landlord themselves, provided that they give notice to the other local housing authority under Housing Act (1996), or s 208, Housing (Wales) Act 2104, s 91.

Landlord Possessions Statistics. Tables derived from Office of National Statistics on claim actions in Wales courts ⁸⁹

Social landlords

Year	Claims	Outright Orders	Repossessions	Suspended Orders	Warrants	Total
2003	6776	1818	1130	3184	3177	16085
2004	6826	1752	1168	3195	3261	16202
2005	6982	1913	1221	3256	3420	16792
2006	6962	2015	1207	3214	3423	16821
2007	6039	2696	1108	3055	3011	15909
2008	5408	2496	1083	2850	2814	14651
2009	5098	2429	877	3058	2357	13819
2010	4529	1772	832	2441	2067	11641
2011	4111	1488	791	2097	1898	10385
2012	4539	1450	778	2376	2061	11204
2013	5262	1721	871	2619	2360	12833
2014	4862	1584	984	2663	2306	12399
2015	4233	1502	946	2137	2130	10948
2016	3784	1345	856	1881	1872	9738
2017	3852	1468	771	1792	1978	9861
2018	3509	1356	762	1689	1954	9270
2019	3091	1144	664	1746	1612	8257
2020	618	241	225	353	310	1747
2021	106	43	19	44	32	244

Private Landlords

⁸⁹ Mortgage and Landlord Possession Statistics, 2022, accessed at [here](#).

Year	Claims	Outright Orders	Repossessions	Suspended Orders	Warrants	Total
2003	302	157	50	17	91	617
2004	339	167	54	24	87	671
2005	372	209	55	30	101	767
2006	516	261	66	52	122	1017
2007	640	437	118	36	174	1405
2008	708	473	132	31	201	1545
2009	654	456	122	36	187	1455
2010	740	494	138	37	204	1613
2011	802	508	171	64	261	1806
2012	688	449	141	40	219	1537
2013	706	463	140	22	196	1527
2014	659	429	122	29	191	1430
2015	673	473	142	27	194	1509
2016	647	468	157	19	222	1513
2017	705	506	160	17	207	1595
2018	792	570	196	17	263	1838
2019	870	651	246	17	334	2118
2020	358	168	87	5	97	715
2021	146	110	8	5	46	315

Accelerated Landlord actions

Year	Claims	Outright Orders	Repossessions	Suspended Orders	Warrants	Total
2003	366	258	75	1	98	798
2004	465	331	106		130	1032
2005	560	405	112	1	151	1229
2006	609	447	139		179	1374
2007	668	492	138		207	1505
2008	582	475	141	5	195	1398
2009	408	291	109		130	938
2010	541	370	121		172	1204
2011	584	404	135		171	1294
2012	604	414	135	1	158	1312
2013	705	531	148	4	222	1610
2014	688	539	213		255	1695
2015	705	544	179	1	231	1660
2016	716	546	217		272	1751
2017	766	629	237		309	1941
2018	776	608	221		288	1893
2019	707	593	270	1	325	1896
2020	321	179	71		98	669
2021	117	108	1		40	266