

Preliminary response to the Committee Inquiry on the Homelessness and Social Housing Allocations Bill



9 June 2025

Please see below an outline of Crisis' preliminary views on the Homelessness and Social Housing Allocations Bill in response to a request to submit early written evidence in advance of giving oral evidence.

As discussed, please note that Crisis will continue to shape our views in order to submit our full and formal response by the general deadline of 20 June. For this reason, we have not answered all inquiry questions below. We hope this approach is helpful.

What are your views on the general principles of the Bill, and whether there is a need for legislation to deliver the stated policy intention?

- Crisis [warmly welcomes](#) the Bill, which proposes a package of progressive legislative reforms that will ensure we continue our progress towards becoming a nation in which everybody has a safe place to call home, and homelessness is rare, brief and non-recurrent.
- Crisis was proud to convene an [Expert Review Panel](#) in 2022, which considered how legislative change could help to end homelessness and made recommendations to the Welsh Government. The panel consulted widely with professionals across the sector and beyond, and listened to the voices of more than 300 people with lived experience of homelessness. From all corners, there were powerful calls for change. Legislative change is needed to set out new ways of working which are inclusive, trauma-informed, person-centred and focussed on preventing homelessness at the earliest stage.
- The Expert Review Panel [recommended a package of reforms](#), which sought to provide balance across the views of wide-ranging stakeholders. Crisis was pleased to see the former White Paper on Ending Homelessness largely reflect this package. While there have been further changes to the proposals within the draft bill since the publication of the White Paper, we are pleased that many of the key items from the panel's proposed package of reforms remain in place.
- Aspects of the Bill which we particularly welcome include; the emphasis on prevention with an increased timeframe for the prevention duty and the introduction of wider public sector body duties on homelessness; the abolition of intentionality and priority need, which lock people out of support; the

introduction of a new duty to offer help to maintain a tenancy; and other measures.

- With thousands of people experiencing homelessness in Wales, this legislation is urgently needed. The recent [Homelessness Monitor Wales](#) research indicated that homelessness in Wales has been rising more steeply than elsewhere in Great Britain. It demonstrated that if we don't act now, homelessness could rise by a further 24% by 2041. This research pointed to the importance of driving forward changes to increase allocations to homeless households and improve the scope of homelessness prevention in Wales in order to turn the tide on rates of homelessness.
- The measures within this Bill are designed to take prevention upstream and to aid with flow through the system. While it can be challenging to introduce change when housing services are already overstretched, bold action is needed to ensure that pressures do not build further.
- The proposed reforms would lead to considerable strides forward, which, in the long-term, will reduce public spending as well as demand on homelessness services.
- Accompanying guidance, resourcing and an implementation programme will be critical in effectively implementing the bill.

2. What are your views on the provisions set out in Part 1 of the Bill - Homelessness (sections 1 -34)? In particular, are the provisions workable and will they deliver the stated policy intention?

Overall, Crisis believes that the provisions within the Bill are workable and will deliver the stated policy intention. While there are some areas where we would emphasise the importance of guidance or seek tweaks, we warmly welcome the Bill. We consider that this legislation would be a significant milestone in Wales' progress towards making homelessness rare, brief and unrepeatable.

Extension of the Prevention Duty to 6 Months: Crisis is strongly in favour of moving the prevention duty upstream and in line with eviction notice timeframes. The Expert Review Panel heard strong and wide evidence for this shift, so that people at risk of homelessness are able to seek preventative support earlier. Furthermore, the recent Homelessness Monitor Wales research demonstrated widespread support for this proposal among stakeholders across the sector.

Abolition of the priority need test: Crisis has long campaigned for the abolition of the priority need test. Contrary to what is suggested by its name, the priority need test is not a test that creates a priority order in which people receive support. Rather, it is an eligibility test to determine whether a person is entitled to settled housing or not.

Under current legislation, local authorities do not have a legal duty to secure settled accommodation for people who do not have Priority Need status. This means that people who do not fall into the specific priority need categories can access assistance and advice, but are not eligible for the 'Main Housing Duty' under the Housing Wales Act 2014.

This outdated eligibility test that locks people out of the support they need to prevent or to help end their homelessness. For many people at risk of or already experiencing homelessness, the test is a significant barrier they have to face with little or no accommodation options whilst facing the trauma of homelessness or the terrifying prospect of not having a safe space to call home. The abolition of this test is an essential part of creating a more person-centred system.

While we understand the rationale for taking a phased approach to the implementation of the abolition of priority need, we would urge that the Welsh Government sets out a clear time frame and transitional approach. We note that, as outlined in the 2021 Homelessness Monitor, many local authorities are already operating without priority need following the no one left out approach adopted during the pandemic. Furthermore, the addition of rough sleeping to the priority need categories in 2022 brought Wales even closer to the abolition of priority need. As such, Crisis does not feel that there should be a significant delay to introducing the abolition of priority need.

Abolition of the Relief Duty: We would highlight that the proposal to abolish the relief duty was made in direct conjunction with the proposal to abolish priority need. In setting out transitional arrangements, it will be important that the abolition of the relief duty is phased in alongside the abolition of priority need.

Abolition of the intentionality test: The intentionality test was initially introduced to prevent deliberate system manipulation in order to gain unfair priority in social housing allocations. However, the Ombudsman and the Expert Review Panel has seen much evidence that this test is being misinterpreted and misused in ways that do not align with the reasons for which the law was brought in in the first place. The Public Services [Ombudsman report on homelessness](#) states that “decisions of ‘intentionality’ or ‘ending duties for non-compliance’ were being made without first finding out the reason for behaviours and exploring why clients failed to engage in the process and whether this was due to a lack of support or understanding.” The report gives the example of an elderly woman who was found to be intentionally homeless because she had left the family home after her husband was accused of child abuse.

Being found to be “intentionally homeless” makes it very difficult for people to find a way to build a life beyond homelessness. Once someone is found intentionally homeless, they have very little avenue for support or hope of resolving their homelessness. Ultimately, this means that the intentionality test can push people into unsafe situations, hidden or street homelessness and further complexity of need.

Crisis feels a system which labels people intentionally homeless cannot not be a trauma-informed system – the two concepts are incompatible. The intentionality test is completely contradictory to the trauma-informed ‘no-one left out’ approach to homelessness that this Bill is striving to achieve, and its abolition is an absolute necessity. We would urge that, as with Priority Need, and given the underlying importance of abolishing the intentionality test, the Welsh Government provides a clear timeframe for its abolition and that this is not subject to undue delays.

Introduction of a new Deliberate Manipulation Test: Crisis would not call for the introduction of this test, but we understand that it is being introduced to alleviate concerns local authorities hold on abolishing intentionality. The Deliberate Manipulation Test was part of the Expert Review Panel’s recommended package of reforms and it seeks to provide a deterrent for the small numbers of people who may be inclined to manipulate the system with a less punitive measure that would not entirely lock a person out of support, as the intentionality test does.

However, it is to be noted that the deliberate manipulation test as it appears in the Bill is more punitive than the recommended test from the panel. While the panel recommended that a person lose enhanced priority status that they would otherwise have held in accessing social housing through their homeless status, the Bill would seek to put people on the very lowest priority for accessing social homes. Crisis feels that the recommendation from the panel held a better balance of creating a deterrent while considering the need for flow through the system.

Given that the Deliberate Manipulation Test was created to balance the abolition of priority need, it is important that this test is not introduced before intentionality is phased out.

In light of the misapplication Wales has seen of the intentionality test, Crisis would also urge that this is an area in need of clear guidance and on which the Welsh Government seeks to collate data and monitor its implementation.

Changes to the local connection test: Crisis has long campaigned for abolition of the local connection test because, for many people, it is a barrier to finding a place to live where they feel safe and settled. We were hopeful that the exemptions to the test proposed in the White Paper would provide protection for groups who are particularly disadvantaged by the test.

We note the powers on the face of the bill for the Welsh Government to add to groups as exempt from the test in the future and strongly urge that data on local connection is kept under review with a view to utilising these powers.

Crisis is currently considering the impact of the proposed changes to the local connection test.

Changing the definition of abuse: Crisis welcomes this change, which is in line with the Expert Review Panel's recommendation and provides improved protections for people fleeing abuse.

Prevention, accommodation and support plans: Crisis welcomes the introduction of these plans, which reflect recommendations from the Expert Review Panel on requiring housing services to provide clear, accessible and regular communication with people who are experiencing homelessness. Experiencing homelessness is traumatic in and of itself, but the current lack of transparency in the system and poor communication can add to the stress.

Duty to offer help to retain accommodation: We welcome the inclusion of this new duty, which is in line with the Welsh Government's aim of moving towards a rapid rehousing approach and recognises that people can be at heightened risk of repeated homelessness. We would have preferred for the duty to not be capped at 12 months, but look forward to developing and strengthening this new duty through guidance.

Circumstances in which the duty to secure accommodation comes to an end: This section of the Bill is broadly aligned with the Expert Review Panel's recommendation to respond to local authority concerns that services are overstretched and to assist with flow through the system.

However, it is imperative that certain safeguards accompany this expansion of ways in which the main housing duty can be discharged. While many of the panel's recommended safeguards have appeared in the Bill, we would also wish to see the inclusion of offering independent advice to a person before they accept discharge of the duty in this way. In addition, we would suggest that this aspect of the Bill be closely monitored post implementation.

Further circumstances in which duties to help applicants end: We are pleased to see the Bill taking on board learnings around the misapplication of "failure to co-operate" clause in the current law, whereby applicants have been unfairly dismissed from support for communication reasons. The panel heard examples of people being deemed as failing to engage when they had only missed one appointment or their communication needs had not been met. Indeed, under this clause, people can be entirely dismissed from support, so it is important that the test is not open to misinterpretation.

However, we are disappointed to see the inclusion of property damage within this aspect of the Bill. We believe property damage should be left to criminal law. We also query whether, in its current form, people who reside with a person who damages property through domestic abuse may be disadvantaged as a result. We would welcome the opportunity to look at this during stage 2 of the Bill. In addition, we believe that this is an area of the Bill that would benefit from carefully considered guidance and monitoring.

Duty of a public authority to ask and act: The Expert Review Panel heard strong evidence from wide-ranging stakeholders on the need to establish duties and collaboration between key public sector bodies.

Crisis welcomes the introduction of these duties, and believe that they are strengthened by the inclusion of the accompanying co-operation duty. Bringing forward these duties for the public sector bodies listed within the Bill holds significant potential to make strides forward in homelessness prevention. Crisis would emphasise the importance of developing guidance and training to implement these duties.

In addition, we note that there is a power to add to the list of public sector bodies under this duty in the future. We would urge that the Welsh Government continues conversations with other relevant bodies/departments as outlined within the original White Paper with a view to further extending these duties in the future.

Protections for care leavers: Crisis understands that care leavers can be at increased risk of homelessness and therefore welcomes the protections this Bill seeks to provide to the group

Prison leavers: Crisis knows that this group can be at increased risk of homelessness, we welcome the introduction of measures which seek to improve support for this group, and the inclusion of secure estates and probation services within the public sector duties.

Reports on use and condition of interim accommodation: We welcome the requirement to report on the condition of interim accommodation.

Duty to seek the views of homeless persons in exercise of homelessness functions: Crisis warmly welcomes this provision, which acknowledges the expertise of people with lived experience and the support they can provide in developing trauma-informed and person centred approaches.

Protocol for handling cases involving persons in particular need of support: Crisis recognises that systems can be particularly difficult for people with complex needs to navigate and case-coordination can be critical in supporting a person through this journey. We therefore welcome this provision. However, we would question the Explanatory Memorandum which sets out that the “Welsh Government does not intend to specify a model protocol”. While we understand the need for local arrangements, centralised guidance can be helpful in providing direction.

Viewing accommodation: We welcome measures to help ensure people can view accommodation and make informed decisions.

Rights of Review: We welcome the inclusion of rights for applicants to request a review at key stages.

Co-operation between social landlords and local housing authorities: Crisis welcomes the introduction of this measure. Our research, and evidence heard by the panel indicates that while there is existing good practice among RSLs in allocating to homeless households, this good practice is not consistent across Wales. In the most recent Homelessness Monitor for Wales, a number of local authorities reported struggles in holding open dialogue with RSLs on allocations for homeless households. The research also demonstrates that taking action on increasing social housing allocations to homeless households is one of the most effective policy changes the Welsh Government can take towards ending homelessness. The introduction of this power was recommended by the Expert Review Panel and is based on a similar power that is already in use in Scotland. It is designed to be flexible so that it is used where local authorities deem it helpful. The panel considers that the very existence of this power will help to facilitate improved co-operation.

3. What are your views on the provisions set out in Part 2 of the Bill – Social Housing Allocation (sections 35 – 38)? In particular, are the provisions workable and will they deliver the stated policy intention?

The availability of social housing plays a key role in preventing and ending homelessness, and the social housing allocations process need to work fairly and efficiently to this end. We believe part 2 of the Bill contains some helpful measures, alongside the power identified in part 1 of the Bill around co-operation between RSLs and local authorities, which we especially welcome.

Enabling local authorities to set out qualifying criteria for social housing: Should this aspect of the Bill go ahead, the guidance produced by Welsh Government on this criteria will be critical and must make clear that such criteria should never seek to exclude people who are homeless or at risk of homelessness.

Unacceptable behaviour: We welcome the clarification that the risk of unacceptable behaviour should be assessed in the current context. Guidance and monitoring will be critical in supporting implementation.

No preference for persons who try to manipulate the housing system: We have set out our views on the introduction of deliberate manipulation test above. While this is not something that Crisis would have called for, we understand the Welsh Government's decision to implement a test to address local authority concerns that a small number of individuals might deliberately manipulate the homelessness system for the purposes of gaining priority access to social housing. We believe that this test is less punitive than the current intentionality test that it seeks to replace, since it does not shut people out of homelessness support. However, as outlined above, we

consider that the deterrent recommended by the Expert Review Panel was more balanced.

As a test created with a very small number of people in mind, it is imperative that the use of such a test is carefully administered with considered guidance and closely monitored. There must also be an appropriate mechanism for appeal if an individual is subject to sanctions as a result of this test.

Furthermore, as outlined above, this test should not be introduced prior to the abolition of intentionality given the intention that this clause replace intentionality.

Preference for young people leaving care: Crisis understands the increased risks facing young people leaving care and supports this measure.

Housing registers We support the proposal that local authorities in Wales are legally required to hold a common housing register, as well as an accessible housing register.

As detail is developed around accessible housing register proposals, we would encourage recognition of the fact that 'accessible' is not a catch all term and disabled people are not a homogenous group. A property that is accessible to one disabled person may not be accessible to another. Accessible housing registers must contain detail about which features of the property are considered accessible so as to appropriately match an individual to a property accessible to them.

Other points

Crisis considers that while these proposals incur costs and resourcing, they also present a significant opportunity to "invest to save" with the long-term benefits of this transformative programme of legislative reform representing a fundamental part of the Welsh Government's wider strategy to make homelessness rare, brief and unrepeated. Prolonged homelessness is not only traumatic on a personal level, but can also be costly to the public purse as longer-term homelessness often leads to increased and more complex health and support needs. In the long-term, this investment, alongside transition to a rapid rehousing approach and development of housing supply, will not only lead to ground-breaking systemic change, but also to savings across the Welsh public sector as homelessness becomes rare, brief and unrepeated.

We acknowledge that this legislative process is set against a backdrop of significant financial difficulty and high workloads across housing services, but we must not let the current economic context dilute our ambition to implement ground-breaking systemic change that will have such a long-lasting positive impact on the current and future generations of Wales. Indeed, as outlined above, without shifting to a more preventative approach, homelessness presentations and the pressures on our system will continue to increase. The recent Homelessness Monitor for Wales

projects that – without policy change – core homelessness in Wales would rise by a further 24% by 2041. This Bill represents bold actions that will turn this tide.

Conclusion

As highlighted at the start of this response, Crisis is still working through the detail of the Bill but wanted to meet the request to share our initial thoughts by 9 June and in advance of giving oral evidence.

We welcome the principles and overall approach across the Bill, which represents a package of reforms that would make a significant difference in making homelessness rare, brief and unrecurred.

There are aspects of the Bill that we feel would benefit from tweaks or careful guidance in order to secure effective implementation. In addition, we strongly urge that clear transitional arrangements for the abolition of intentionality and priority need are established. Indeed, these aspects of the Bill are a crucial and underpinning factor.

Further information

Crisis is happy to provide further information at any stage. Please do not hesitate to contact us.

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