

Jayne Bryant MS
Cabinet Secretary for Housing and Local Government

27 June 2025

Dear Jayne

Homelessness and Social Housing Allocation (Wales) Bill

Thank you for attending the Committee's meeting on 23 June 2025 to discuss the Homelessness and Social Housing Allocation (Wales) Bill. Thank you also for agreeing to provide the Committee with a note on the Welsh Government's intentions in relation to applying the duty to ask and act to primary care.

The Committee has some additional questions to put to you which we were unable to ask during the session. We would be grateful to receive a response to the questions in the Annex by 17 July 2025.

I am copying this letter to the Local Government and Housing Committee.

Yours sincerely,



Mike Hedges
Chair

ANNEX

Question 1. Section 1 amends the meaning of “threatened with homelessness”. New section 55(4)(a) of the *Housing (Wales) Act 2014* (as inserted by section 1(2) of the Bill) provides that a person will be threatened with homelessness if “a person has received written notice requiring the person to give up occupation of the person’s accommodation”. Evidence given to the [Local Government and Housing Committee](#) by a panel of legal practitioners has suggested that this would not apply to some possession notices, such as a serious rent arrears notice or breach of contract notice, and the language should be assessed to ensure it is as inclusive as it is intended to be. Are you of the view that new section 55(4)(a) of the 2014 Act as drafted meets your policy intention and if so, how? Can you confirm your understanding of whether the new provision covers notices other than “no fault” eviction notices under section 173 of the *Renting Homes (Wales) Act 2016*?

Question 2. Section 21 of the Bill introduces the “ask and act” duty using new sections 94A and 94B which are being inserted into the 2014 Act. The duty applies if a specified public authority “considers” that a person in Wales in relation to whom the authority exercises functions is or may be homeless or threatened with homelessness. In evidence to the Local Government and Housing Committee, legal practitioners highlighted that more suitable language might be “has reason to believe” as this is the language used in the 2014 Act in relation to local authorities’ duties. It has also been suggested in evidence that the duty on specific public authorities to “consider” in new section 94A((5)(b) and (c) could be stronger, and a duty “to provide” would be more robust from an enforcement perspective. Do you consider that the term “consider” is appropriate to use in section 21? Could other language be used instead to ensure consistency with the 2014 Act?

Question 3. New section 167A(2) of the *Housing Act 1996*, as inserted by section 36 of the Bill, inserts a deliberate manipulation test. However, new section 167A(2)(b)(ii) does not require the individual to have had any intent to deliberately manipulate the system. Legal practitioners giving evidence to the Local Government and Housing Committee have queried whether the new test is too broad and questioned whether the new test is any different to the intentionality test being removed by section 10 of the Bill. Do you have any concerns that there may be unintended consequences from the way new section 167A(2)(b)(ii) has been drafted, or that its drafting may not meet your policy intention?

Question 4. Schedule 1 to the Bill provides that local housing authorities in Wales “shall” have regard to guidance, and provides that regulations made by the Welsh Ministers “shall” be made by Welsh statutory instrument. Paragraph 3.14 of the Welsh Government’s own [Writing Laws for Wales](#) guidance it states that Welsh legislation should not use “shall” in the English language text, and notes that provisions imposing obligations should use “must”, as “shall” is ambiguous. Why does the Bill use “shall” instead of “must”?