

## **HSHAWB 12 Shelter Cymru**

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Senedd Cymru | Welsh Parliament

Y Pwyllgor Llywodraeth Leol a Thai | Local Government and Housing Committee

### **Bil Digartrefedd a Dyrannu Tai Cymdeithasol (Cymru) | Homelessness and Social Housing Allocation (Wales) Bill**

Ymateb gan: Shelter Cymru | Evidence from: Shelter Cymru

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#### **1. 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?**

At Shelter Cymru we believe that home is everything. Everyone in Wales should have a safe, secure, suitable and genuinely affordable home that gives them a stable foundation on which to thrive. As an organisation working across every local authority area in Wales and helping more than 20,000 people a year, we know the role that a safe place to call home plays in the health, wellbeing and daily lives of people of all ages living in Wales. Sadly, we also see the devastating effects of losing a home, living in unsuitable accommodation or exclusion from local authority homelessness assistance.

Ensuring that our national approach to homelessness is progressive, person centred and trauma informed is crucial to changing this. As is providing the necessary funding, support and training to the local authorities and public and third sector organisations that work tirelessly turning legislation and ambition into reality for people. Only by doing this can we ensure that the rights provided to people through legislation can be truly realisable and – where necessary – reviewable.

We believe that the Welsh Government shares many of our ambitions on housing and homelessness. Something that is demonstrated in the commitment to make homelessness rare, brief and non-recurring. However, as outlined clearly by the Expert Review Panel, the current legislative framework for homelessness in Wales contains many barriers to making this happen.

Given this the publication of the Homelessness and Social Housing Allocations (Wales) Bill is a welcome moment. This progressive Bill sets out a positive direction of travel from the Welsh Government. However, the transformative change that it could contribute also depends on tackling wider issues - including the shortage of

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social homes, stretched local authority teams, and an unaffordable and insecure private rented sector.

Providing fixed timelines for the implementation of the changes contained within the Bill is also vital. We understand the need to stagger the implementation of certain parts of the Bill but without a clear, set timeline, the Welsh Government risks delayed action from local authorities who are already dealing with unprecedented demand on their services.

In addition, given that significant changes such as the abolition of the priority need and intentionality tests build on an existing direction of travel in homelessness policy there is little reason to extensively delay. Given this we would like to see Welsh Government provide reassurance that the timeline for implementation of these measures is not dependent on broad external factors. To implement these changes only when, for instance, sufficient suitable housing stock is available Wales, would drastically undermine the progressive nature of this Bill.

To be effective, this legislation also needs to be supported by clear, appropriate guidance – something we know the Welsh Government is committed to. Through our casework, Shelter Cymru see how existing guidance and legislation is interpreted differently by a variety of decision-makers. New legislation provides an opportunity to address this and ensure guidance is developed to ensure consistency of practice across Wales. This is particularly relevant to the ending of duties for unreasonable behaviour, the introduction of the deliberate manipulation test and the continued use of the local connection test.

Another important commitment needed in connection to this Bill is on monitoring. Many of the changes being proposed will deliver significant changes. Practically this will mean significant changes to how local authorities manage their approach to homelessness. While the Bill addresses some current gatekeeping practices, it also introduces new areas where similar behaviours could emerge. Robust monitoring to understand how local authorities operate under the new system is, therefore, vital. This will help establish if the principle behind changes is translating into practice, and will provide valuable information for Welsh Government on whether further changes to legislation are needed.

**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?**

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**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?**

Through our work with people navigating the homelessness system, Shelter Cymru sees daily the limitations of the current system. Part 1 of the Bill proposes a number of welcome changes to address some of these. However, it is important to keep in mind that legislation can only have impact if it is implemented effectively.

There are points throughout the Bill and the accompanying Explanatory Memorandum where we would like to see greater clarity on how the measures will be resourced to ensure that rights are realisable. Due to the length and breadth of this Part of the Bill our discussion will follow sequentially through the relevant sections.

#### PREVENTION – s1 and s2

Extending the prevention duty to six months is a positive step towards reducing instances of homelessness in Wales and is a welcome recognition of the need to provide support to people at the earliest stage possible. Through our own work Shelter Cymru knows that with the right support and advice homelessness can be prevented, and in 88% of relevant cases in 2023/24 our advisers were able to work with people who came to us to do just this.

Ensuring an extended prevention duty delivers practical impact for individuals and households will, however, require more than just legislative change. Under existing legislation, local authorities are not restricted to a 56 day prevention period, and we are aware of a small number of local authorities who have shifted their practice in this way following implementation of the Renting Homes (Wales) Act and the six month notice period for no-fault evictions. The fact that this practice shift has not been broader across Wales is reflective of the crisis- mode that many local authorities are working in due to high demand for services and limited resources.

Shelter Cymru would like to understand how the Welsh Government will work with local authorities to enable them to focus greater officer time on prevention measures. Neath Port Talbot's homelessness team have completed a full restructure to facilitate a greater focus on prevention work. Legislation alone will not achieve the aim behind this welcome extended prevention duty.

The clarification of the role of local authorities under the prevention duty is a helpful addition under section 2 of the Bill. Shelter Cymru understand that

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homelessness is not universally preventable and this amendment clarifies that it is the responsibility of local authorities to take “reasonable steps” that are likely to prevent homelessness. As with elsewhere in this Bill, “reasonable steps” opens a level of subjectivity that will need to be addressed in guidance to ensure consistent approaches across Wales. Without this guidance, applicants will also be unable to understand and advocate for their right to comprehensive support to retain existing suitable accommodation.

#### PREVENTION SUPPORT AND ACCOMMODATION PLANS (PSAPs) – s3 and s4

The mandating and standardisation of PSAPs is a clear improvement on the current arrangements for Personal Housing Plans and demonstrates a move towards a more person-centred, trauma-informed way of working. Currently, there are wide variations in local authority practice around Personal Housing Plans. Stronger, clearer guidance on PSAPS alongside proper resourcing and training to make the plans meaningful and effective will be key to their success.

There will be a challenge both for local authorities and applicants in defining “reasonable steps” on case-by-case basis. The flexibility of language in this section reflects the aims of the Bill to encourage person-centred approaches but legislation alone cannot create the culture shift that may be needed in some local Authority teams to realise this.

#### RIGHTS OF REVIEW – s5

While the Expert Review Panel suggested a lifelong right of review on suitability, the 6-month review period proposed in the draft Bill is a significant improvement on the current period. However, it must be noted that the lack of supply of social homes will inevitably continue to impact allocations made by local authorities. Only further, and faster, investment in increasing the number of social homes that reflect the needs of local people will remedy the discrepancy between the aim of this measure and the reality of the allocations process.

Shelter Cymru welcome the extended rights of review for applicants, set out in Section 5, alongside the continuation of existing rights of review under current legislation. As an independent housing advice expert, Shelter Cymru exists to help people understand and enforce their rights. Rights of review play a crucial role in ensuring our homelessness system is transparent and accountable to the people it is designed to serve. We see firsthand how rights of review enable applicants to access better options and achieve the best possible outcomes.

The need for organisations like Shelter Cymru, however, highlights how difficult understanding and accessing these rights can sometimes be. We would urge

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guidance to include the need to provide applicants with adequate information to activate these rights of review – including signposting to free, quality assured, independent advice options. Particularly in cases of suitability of allocations of ending of duties.

#### DUTIES TO SECURE – s6 to s8

Shelter Cymru are mindful of the pressures facing local authorities to meet the current need for interim accommodation. We are, however, concerned that some local authorities appear to be taking resource management steps that run counter to their existing duties.

Our caseworkers across Wales are reporting instances of duties to provide interim accommodation being accepted but not realised and applicants being placed in unsuitable interim accommodation. Similarly, a significant number of local authorities appear to be withholding access to temporary accommodation until they or a commissioned third-sector partner have verified that the applicant is currently street homeless. This process can take several weeks and introduces an unnecessary process step that undercuts the intention behind broadening the priority need categories for access to interim accommodation.

We are hopeful that this strengthening of the duty will help to ensure appropriate access to interim accommodation for everyone who needs it.

Shelter Cymru notes that the broader definition of accommodation ending the section 75 duty overlooks provisions in the Renting Homes (Wales) Act 2016. We are clear that supported accommodation should not be included in this section. Under current rules, supported accommodation does not guarantee 12 months occupation, as landlords aren't required to issue a Supported Standard Contract until after six months. Requiring such a contract to discharge the duty would conflict with Rapid Rehousing and Housing First principles, many people entering supported accommodation will not need long-term intensive support. Its inclusion here would risk blocking limited supported housing stock, and delay move-on options for others in need.

We would also note that in the White Paper on Ending Homelessness the Welsh Government included access to independent advice as a requirement for ending the section 75 duty in the expanded circumstances. This requirement for independent advice is not referenced in the draft Bill. Access to independent advice is vital to ensure people understand decisions and the impact they will have. Furthermore, thanks to the investment that Welsh Government already

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makes, access to that advice should be achievable across Wales through referral to organisations like Shelter Cymru.

If family reunification or returning domestic abuse survivors to target-hardened properties is the preferred approach, guidance must be set so that all local authorities can be confident they are ensuring that these options are genuinely suitable and safe. Shelter Cymru is concerned that mishandling of this measure could increase instances of “gatekeeping”.

We know that local authority teams don’t want to be making decisions that aren’t in the best interest of applicants but unfortunately those poor decisions are currently being made due to the resource strains of local authorities. Our caseworkers fear that the introduction of these options to end a section 75 duty will be misinterpreted and misused resulting in a potential for failings that impact people’s safety as well as their wellbeing.

The safeguard proposed in this Bill, that the applicant must agree to the ending of the section 75 duty, is difficult to monitor and enforce. Particularly if local authorities can exercise this power by making the notice available for collection, as set out in section 7, subsection 3 of the Bill or what will be the new section 7B of the HWA. There is a clear financial incentive for local authorities to use this power in a way that subverts the aims of the Bill – to build a trauma-informed approach to homelessness where it is not preventable. Given the instances of poor decision making that Shelter Cymru caseworkers already challenge, this concern should not be overlooked. We would encourage the Welsh Government to consider how stronger safeguards can be put in place if this measure is to be introduced.

#### ABOLISHING TESTS OF PRIORITY NEED AND INTENTIONALITY – s9 and s10

Shelter Cymru has long campaigned for the abolition of the priority need and intentionality tests, and we welcome the Welsh Government’s announcement that this will be delivered by this Bill. However, setting a firm implementation date for the abolition of these arbitrary and unnecessary tests—Independent of external factors—is essential. Without it, there is a real risk that debates over what constitutes “conditions to be met” will delay progress indefinitely and undermine the Bill’s purpose.

As the Explanatory Memorandum sets out, neither test is used regularly within our current system so Shelter Cymru see no reason to delay the abolition of these legal tests that do real harm to those subjected to them. In addition, while we recognise concerns such as the availability of suitable temporary and permanent

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accommodation we believe that a firm implementation date will help to focus attention on addressing these. Ensuring that being ready to realise these new rights by a specific date is a priority of both the Welsh Government and local authorities.

In our casework, we also see the impact that the “threat” of the intentionality test has for families in desperate situations across Wales. The Experts by Experience who engaged with the process ahead of this Bill shared many similar experiences. This threat has lead people to make decisions that are not in their best interest and to not pursue rights that they have under our current legislation.

Shelter Cymru would like greater clarity on the timeline for the abolition of both of these tests but particularly clarification on the timeline for the abolition of the intentionality test and the introduction of the deliberate manipulation test. The progressive nature of this Bill will be grossly undermined if both tests exist concurrently and this will directly impact people reaching out for help.

We would also look to understand how the Welsh Government will monitor if there is an increase in other forms of gatekeeping after the removal of these tests. Shelter Cymru are happy to provide information related to our casework to support this but would hope to see the Welsh Government monitoring the use of the new powers to end duties that are set out in this Bill and raising conversations with local authorities that they feel are not working to the spirit of the legislative change.

#### LOCAL CONNECTION REFERRALS – s11 to s17

Shelter Cymru have previously advocated for the complete removal of local connection tests in support of creating a person-centred and trauma-informed homelessness system. Through our role in the Expert Review Panel we understand the positions of other parties and why some are keen to retain the test. The recommendations produced by the Panel reflect the compromise between different organisations and the spirit of compromise at the heart of that work.

#### FURTHER PREVENTION MEASURES – s18 and s19

Shelter Cymru welcomes the strengthening of prevention measures under these sections of the Bill. There is a resourcing question around these, and other, measures that the Bill and Explanatory Memorandum do not clearly answer.

Effective prevention work will undoubtedly reduce pressures on our homelessness system over time but prevention work will not be appropriately actioned while

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local authorities are managing under strained resources and are instead working in crisis-mode. There will be a period in which local authority workload will need to increase to suitably implement the important new measures in this Bill and it is not yet clear how local authorities will be expected to meet this.

A failure to resource this change fully will result in mistakes being made and local authorities facing court proceedings following illegal decisions and practice – a process that is costly and time-consuming for the professionals involved and, most importantly, incredibly distressing for the person trying to access help.

Alongside the resourcing of local authorities it is also important that independent, expert advice is also fully funded across Wales. This will ensure that people have the support necessary to understand their housing rights and – where necessary – to challenge decisions.

Without clear answers to the resourcing questions, this and other measures in the Bill will not be implemented in line with the aims of this Bill and while the legislation may shift policy its impact on practice will be weaker.

#### ENDING DUTIES FOR UNACCEPTABLE BEHAVIOUR – s20

Shelter Cymru are supportive of the Welsh Government's aim to build a trauma-informed approach to homelessness. However, the substance of this section falls short of the understanding of trauma and the role of the homelessness sector as set out in other parts of this Bill.

Shelter Cymru recognises the negative impact of unacceptable behaviour on local authority officers and firmly believe that it is unacceptable for any staff to face unmitigated risks in the workplace.

The phrases “reasonable excuse” and “special circumstance” are open to subjective interpretation and will result in inconsistency of practice across local Authority areas. Unless the actions of the applicant meet the threshold for criminal behaviour as decided by our justice system, it is not within the remit of housing teams to declare guilt. Particularly where the punishment is the potential loss of access to support needed to secure or maintain a home something we firmly believe is a human right.

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Furthermore, clear guidance will be needed to set out what reasonable steps local authorities will be expected to take to ensure support is offered to people with support needs that may exhibit the behaviours listed in this section. Some local

authorities may be proactive, resourceful and creative in creating the “special circumstances that would make it appropriate for the relevant duty to continue to apply”. Some already have staff working to assertive outreach models or offer 2:1 staffing levels. This is not universal across Wales and the expectation should be set by the Welsh Government to ensure that these duty ending powers are used rarely and only in circumstances where all other approaches have been explored.

Finally, we would highlight that where the potential for access to support can be withdrawn despite a person being recognised as homeless or at risk of homelessness then the ambition to end homelessness cannot be achieved.

Incorporating this approach into legislation involves acknowledging that there are certain individuals for whom there is a willingness to accept homelessness as a consequence of their actions.

#### ASK AND ACT – s21 and s22

Shelter Cymru supports the ethos behind this proposed duty and recognises its potential to foster stronger cross-sector collaboration in addressing homelessness as a complex, multi-dimensional issue. However, we are concerned that the exclusion of key public services – namely primary healthcare, education, and police forces – limits its effectiveness. These sectors are frequent points of contact for individuals experiencing the effects of homelessness and a threat of becoming homeless - their omission risks undermining the duty's reach and impact.

As part of the ongoing review of the effectiveness of the Bill following implementation, Shelter Cymru would like to see plans for a scheduled, routine review of the bodies subject to this duty at least every three years. This would allow an opportunity to explore the evidence base for increased impact should additional bodies be included.

Professional curiosity is already a core expectation within these sectors, and the success of the VAWDASV model demonstrates the value of embedding safeguarding responsibilities across the public sector. Homelessness, with its far-

reaching implications for health, education, and criminal justice outcomes, warrants equivalent statutory attention.

The Ask and Act duty within this Bill differs to the Ask and Act policy for VAWDASV. The “ask” elements set out in this Bill centre solely on seeking consent to notify a local Authority of the practitioner’s concerns and identifying the most

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relevant local authority. This stands in contrast to the process of enquiry which practitioners are required and supported to undergo to identify instances of VAWDASV. The “ask” elements of this Bill are closer to some existing safeguarding duties, where practitioners do not have a responsibility to investigate but should seek consent to refer all cases where they have a concern. Shelter Cymru are supportive of this broader approach but it must be acknowledged that this approach will require clear guidance for public sector partners as well as training opportunities to develop wider understanding of homelessness and housing insecurity.

Shelter Cymru’s existing work to grow understanding of homelessness and housing insecurity outside of the housing sector routinely highlights that there is narrow view of how these issues present. Some public sector teams will need a high level of ongoing support to be effective partners under this duty. We are interested to understand if the Welsh Government will be funding this learning and development resource for teams subject to this new “ask and act” or if those teams will need to source and fund this training from within their own budgets.

We would agree with the officials behind this Bill that enforcement is not an appropriate motivator for the “ask and act” duty. As an experienced training provider, we understand the importance not only of ensuring people have a technical knowledge of relevant legislation and systems but also understand the intent behind it. This increases the likelihood that teams and individuals will buy into the ethos of the legislation and their place in it.

As a final point on “ask and act”, if education authorities are to be subject to this duty, it is unclear how they will fulfil it without corresponding obligations on frontline education providers to identify and respond to people who may be in housing need. Without such alignment, the duty risks becoming ineffective at the very points where early intervention is most possible and most needed.

#### VULNERABLE PEOPLE – s23 to s29

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Shelter Cymru strongly supports the draft legislation’s recognition that care leavers should not have to rely on the homelessness system to access suitable accommodation. The added clarity in section 24, placing responsibility on Social Services to lead in supporting young people and their families, is particularly welcome. Too often, delays caused by uncertainty between housing teams and Social Services over responsibility prolong young people’s homelessness and exacerbate its associated harms.

The requirement for local authorities to establish multi-agency protocols is commendable. While some authorities already demonstrate best practice, others will need support. In the absence of a model protocol, additional guidance—drawing on successful examples—would be beneficial.

We also support the strengthening of provisions around property protection. Our casework highlights the challenges of transitioning from prison, and the importance of personal belongings in supporting rehabilitation and stability.

However, the definition of “property” remains unclear—particularly whether it includes pets. Clarification is needed to ensure local authorities can fulfil this duty effectively and in a way that supports individual wellbeing.

Section 27 is a welcome step in ensuring that individuals in the secure estate receive housing advice. However, variations in local protocols may limit the relevance and quality of advice provided. Additionally, where individuals are held outside Wales but have a Welsh local connection, clear and practical guidance is needed to help local authorities fulfil this duty effectively.

The requirement to consult people with lived experience of homelessness is a valuable and progressive element of the draft legislation. It closely aligns with Shelter Cymru’s Take Notice project, through which we have developed a good practice guide and fostered strong partnerships with local authorities across Wales. Our work has shown that engaging those who have experienced homelessness can meaningfully shape local authority processes, procedures, and staff behaviours. However, our learning also highlights the need for clear guidance, adequate support, and a genuine commitment from teams to engage with honest feedback in a meaningful and respectful way.

#### CONDITION OF ACCOMMODATION – s30 and s31

Expanding legal standards on accommodation condition is a welcome step toward ensuring everyone has access to safe and suitable housing. However, Shelter Cymru is concerned that the language in section 30 lacks the necessary strength to hold local authorities fully accountable. The phrase “having regard to” does not equate to requiring compliance with Part 4 of the Renting Homes (Wales) Act 2016.

We understand that the Cabinet Secretary intends to pursue the issue of conditions further via secondary legislation but are unclear how this route would provide a better option. If it is that the Welsh Government intend to bring about this change through secondary legislation ahead of the implementation of this Bill then we would welcome transparency on this.

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The omission of a clear exclusion for properties with Category 1 Health Hazards—originally proposed in the White Paper—is concerning. These hazards pose serious risks to life and health, and their absence contradicts broader regulatory efforts, such as those under consideration through the potential addition of a new rule within WHQS, that would expand upon “Awaab’s Law” in England. A person-centred, trauma-informed approach cannot be reconciled with placing people in accommodation that may endanger their lives.

This Bill also does not consider the issue of affordability within its understanding of suitability – an omission from the Renting Homes (Wales) Act that this Bill has an opportunity to resolve. Unaffordable accommodation is unsuitable accommodation. Unfortunately, there are instances within our casework where a local authority has ended a section 75 duty through facilitating access to PRS accommodation that is not affordable for the applicant. In these instances a 12month Discretionary Housing Payment is often agreed but no long-term strategy or wider support put in place. Shelter Cymru would look to see the inclusion of affordability in our working definition of suitability to ensure that settled accommodations can provide the security needed to prevent repeat homelessness.

While the requirement to report on the use and condition of temporary accommodation is a positive step, Shelter Cymru cannot support a five-year reporting cycle. If temporary accommodation is to be truly suitable, local authorities and Welsh Government must be alerted to the use of accommodation in dangerous conditions far sooner. Delayed reporting risks prolonging harm and directly undermines the Bill’s commitment to a person- centred, trauma-informed approach.

#### COOPERATION – s32 and s33

Our concerns about gaps in the public bodies listed under Sections 21-22 also applies to the duty to cooperate. However, Shelter Cymru strongly welcomes the recognition of Registered Social Landlords as key partners in tackling homelessness. Clear, robust, and unambiguous guidance is essential to ensure consistency and accountability when a local authority’s request to accommodate a homeless applicant is refused.

**4. What are your views on the provisions set out in Part 3 of the Bill – Social Housing Allocation (sections 39 – 43 and Schedule 1)? In particular, are the provisions workable and will they deliver the stated policy intention?**

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Schedule 1 proposes a change in language across several existing homelessness duties—from referring to “a person with whom the applicant lives or might reasonably be expected to live with” to “a member of the applicant’s household.” While this may appear to be a technical adjustment, Shelter Cymru is concerned that it could have significant implications for how applicants’ needs are assessed and met.

This revised terminology risks narrowing the scope of who is considered part of an applicant’s household. In practice, it could be used to justify offers of accommodation that do not reflect the full composition of the applicant’s intended living arrangements. This is particularly concerning in cases where families are temporarily separated due to a lack of suitable accommodation, or where individuals are separately living in precarious or informal arrangements—such as sofa surfing or rough sleeping.

We are also concerned about how this change would apply in more complex situations. For example, would a partner currently in prison be excluded from the household definition? What about cases where one partner is rough sleeping while the other is staying temporarily with friends or relatives? These are not uncommon scenarios, and the legislation must be flexible enough to accommodate them.

We would welcome clarity on whether the definition of “household” will be updated to reflect the realities of homelessness and housing instability. A narrow or overly rigid interpretation could undermine the person-centred, trauma-informed approach that the wider Bill seeks to promote.

Section 42 of the draft legislation sets out the ability to introduce a transitional period, that supports the phased implementation of key reforms. While we recognise the need for a managed transition, Shelter Cymru is concerned that without fixed, formal timelines, there is a real risk that many of the Bill’s most transformative provisions—such as the abolition of the priority need and intentionality tests—may be indefinitely delayed or deprioritised.

Clarity is urgently needed around what will constitute the “right conditions” for the introduction of these measures. Without this, there is a danger that implementation will be contingent on subjective or shifting criteria, leaving critical reforms vulnerable to being “kicked into the long grass.” This would undermine the Bill’s ambition and the Welsh Government’s stated commitment to ending homelessness.

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It is particularly important that changes to allocations legislation are not allowed to overshadow or delay the homelessness-related provisions of the Bill. While we acknowledge the pressures on the housing system, waiting for a sufficient supply of affordable homes before implementing these changes is not a reasonable or realistic expectation. Demand for suitable accommodation continues to grow, and the wider housing emergency cannot be used as a justification for inaction. Instead, tackling the housing emergency should be driven by changed legislative expectations.

The transitional period must be underpinned by clear, time-bound commitments and transparent criteria for progress. This will ensure accountability and provide confidence to stakeholders and those with lived experience of homelessness that the reforms will be delivered in full and without unnecessary delay.

## **5. What are the potential barriers to the implementation of the Bill's provisions and how does the Bill take account of them?**

While the Bill represents a significant step forward in the effort to end homelessness in Wales, there remain potential barriers to its successful implementation that must be acknowledged and addressed.

One of the most pressing challenges is ensuring that the rights set out in the Bill are both realisable and reviewable in practice. This will require clear mechanisms for individuals to access independent legal advice and advocacy, particularly where decisions are complex or contested. Without this, there is a risk that rights will exist in principle but not in practice.

Embedding a trauma-informed, person-centred approach across all relevant sectors will also require a substantial cultural shift. This cannot be achieved through legislation alone. Comprehensive training and support will be needed across housing, health, social care, and other public services to ensure that the principles of the Bill are consistently applied. As a training provider Shelter Cymru understands the challenge this will pose and believes that the Welsh Government should begin planning immediately to ensure implementation is not delayed unnecessarily while an implementation approach is developed.

The effectiveness of early intervention and prevention measures will also depend heavily on the wider housing system functioning as intended. Shelter Cymru are an advocate for the realisation of the Right to Adequate Housing (RTAH) in Wales. While this cross-issue, cross-tenure right is beyond the scope of this Bill such a right would support the realisation of elements of this Bill through improving the supply of safe and suitable homes.

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Similarly, the success of the “ask and act” duty and duty to cooperate would be significantly enhanced through being extended to a broader range of public bodies, particularly primary care services, which often serve as a first point of contact for people suffering the health effects that a risk of homelessness and homelessness itself can present.

Local authorities will understandably raise concerns about the practical realities of implementation. These include the availability of social housing, the resourcing of frontline services, and the structure and capacity of local teams.

While the Bill acknowledges some of these pressures, it cannot resolve them in isolation. Tackling the wider housing emergency is key to the potential success of this legislation.

The transitional period outlined in Section 42 is intended to support implementation, but without fixed timelines or clear criteria for progress, there is a risk that key reforms—such as the abolition of priority need and intentionality tests—could be indefinitely delayed. It is essential that the transitional framework includes transparent, time-bound commitments to ensure accountability and momentum. Such commitments will ensure the legislation acts as an additional driving force to deliver the changes needed to make implementation successful. For example, ensuring that Welsh Government provides the investment needed to increase resourcing and housing supply immediately.

Ultimately, the Bill lays a strong legislative foundation, but its success will depend on the systems, resources, and political will that surround it. A coordinated, well-resourced implementation strategy will be essential to ensure that the Bill’s ambitions are fully realised and that no one is left behind.

**6. How appropriate are the powers in the Bill for Welsh Ministers to make subordinate legislation, as set out in Chapter 5 of Part 1 of the Explanatory Memorandum)?**

Broadly speaking, the powers in the Bill for Welsh Ministers to make subordinate legislation are unobjectionable. There is a need to ensure that there are powers to amend or enhance sections of the legislation to reflect the changing demands and unforeseen issues that might arise. These secondary powers will enable the Bill to be a responsive piece of legislation, which is not to say that certain changes should be rushed when the knowledge, expertise and viewpoints of a range of stakeholders (including those with lived experience of homelessness) might improve any proposed changes.

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Shelter Cymru supports the power set out in s96(b) of the draft legislation, where local authorities may refer instances of refusals by Registered Social Landlords to accommodate homeless applicants. However, Shelter Cymru would fully support a clear set of guidelines on when a refusal might be appropriate to avoid overly risk-averse landlords from refusing any applicant with impunity. Local authorities will need to be able to mitigate any potential risks through the provision of ongoing support to the people that they nominate to a social housing provider. We would also encourage the Welsh Government to closely monitor this area to ensure a full understanding not only of the number of refusals but of instances where housing associations use a threat of refusal to limit the use of the measure in the first place.

In relation to the guidance promised throughout the draft Bill, we have concerns that numerous separate guidance documents could create confusion and might lead to inadvertently erroneous decisions being made where specific guidance might be missed, thus risking access to duties for people needing assistance.

One code of guidance, encompassing the whole of this Bill would be most useful to local authority officers who are already time poor and the homeless applicants and organisations for whom this legislation will also be relevant.

## **7. Are there any unintended consequences likely to arise from the Bill?**

While the Bill is a welcome and ambitious step toward ending homelessness in Wales, there are areas where unintended consequences could arise if implementation is not carefully managed.

One key concern is the lack of specificity in certain provisions, particularly those that relate to powers to end duties. Where legislative language is broad or ambiguous, there is a risk that interpretation will be left to case law. This could lead to outcomes that diverge from the Bill's intended purpose, particularly if decisions are made without the benefit of clear statutory guidance. We would welcome early sight of the accompanying guidance, as this will be critical in shaping how we can help to ensure rights are realised in practice.

Gatekeeping remains a significant concern. It is important to acknowledge that gatekeeping does not generally occur because local authorities are acting in bad faith, but often because they feel compelled to find routes to manage limited resources. While the Bill addresses some current gatekeeping practices, it also introduces new areas where similar behaviours could emerge—such as in the discharge of duty for unacceptable behaviour and the application of the deliberate manipulation test. These areas must be tightly drafted, supported by

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clear guidance, and subject to robust data monitoring to ensure they are applied fairly and consistently. Elsewhere in this response we have drawn attention to the language of the Bill in these areas and the potential for a wide range of interpretations of “reasonable excuse” and “special circumstances”.

We are additionally concerned by the sub-sections of the Bill (in sections 4 and 20) which set out that letters made available for collection from the authority’s office will “be treated as having been given to the applicant”. As an organisation that helps people to access their rights, these subsections do not encourage local authorities to work in a proactive, trauma-informed way to support those who may struggle to engage with support. A higher level of expectation should be placed on local authorities to make contact with individuals to inform them of decisions or provide necessary updates.

In both instances, the substance of the Bill as it stands leaves a pathway open for local authorities to engage in gatekeeping activity if they feel it necessary. While further clarity can be given in future guidance, this will not carry the same weight of responsibility as the Bill itself. If the Welsh Government is looking to create a Bill that will offer the right interventions, at the right time, for all who need them then we would encourage a review of the language in these areas.

There is also a risk that, without a strong framework for accountability and review, some of the Bill’s more progressive provisions may be undermined in practice. Ensuring that rights are not only enshrined in law but are also accessible, reviewable, and supported by independent advice will be essential to avoiding unintended barriers to support.

Ultimately, while the Bill provides a strong foundation, its success will depend on how it is resourced and implemented. A pragmatic approach—one that recognises the operational realities faced by local authorities while remaining firmly rooted in a rights-based, trauma-informed framework—will be key to ensuring that the legislation delivers on its promise.

## **8. What are your views on the Welsh Government’s assessment of the financial implications of the Bill, as set out in Part 2 of the Explanatory Memorandum?**

While we welcome the inclusion of a financial assessment in the Explanatory Memorandum, further clarity is needed—particularly regarding the source and sustainability of the funding required to implement the Bill’s provisions.

Understanding where the necessary resources will come from is essential to ensuring that the Bill’s ambitions can be delivered in practice.

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We note that the projected savings outlined in the Explanatory Memorandum align closely with findings from Alma Economics' work on the Right to Adequate Housing. This reinforces the case that investing in homelessness prevention and person-centred support can yield long-term financial and social benefits.

However, we believe the assessment would benefit from a more detailed consideration of ongoing costs. As highlighted by colleagues, it is not only the initial implementation that requires investment—sustained funding will be critical to support training, service delivery, and the cultural shift needed to embed a trauma-informed approach across sectors.

While we appreciate the complexity of forecasting costs in a changing housing landscape, a more comprehensive and transparent financial plan would help build confidence in the Bill's deliverability and support effective planning at the local level.

**9. Are there any other issues you would like to raise about the Bill and the Explanatory Memorandum or any related matters?**

While the Bill represents a significant and welcome step forward in addressing homelessness, it is important to recognise that it focuses on just one part of a much broader housing emergency. The structural issues affecting housing in Wales—such as affordability, supply, and tenure insecurity—require a whole-system, cross-tenure response.

This legislation must form one component of a wider strategy. Without parallel reforms across the housing system, including the private rented sector and social housing development, the Bill's impact may be limited. We believe this reinforces the importance of embedding the Right to Adequate Housing (RTAH) as a guiding principle across all housing policy in Wales.

The RTAH framework offers a holistic approach that aligns with the Bill's person-centred and trauma-informed ethos. It provides a foundation for ensuring that everyone in Wales has access not only to shelter, but to safe, secure, and suitable housing as a fundamental right.

We would welcome further opportunities to explore how the Bill can be supported by a broader strategy that addresses the full spectrum of housing need and ensures that the right to adequate housing is realised in practice.

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