

GWYNEDD COUNCIL'S DECISION TO HAVE 'REGARD TO INTENTIONALITY'

NOTICE TO PERSONS APPROACHING THE COUNCIL FOR ASSISTANCE WHEN HOMELESS OR THREATENED WITH HOMELESSNESS

This Notice is to advise you that with the effect from Friday 10th July 2015, Gwynedd Council will be applying the "Test of Intentionality".

New Housing legislation, Housing (Wales) Act 2014, came into force in Wales with effect from **27th April 2015**. This Act significantly changes the legislation around how local Housing Authorities deal with applications from persons who are homeless or at risk of homelessness.

A specific change relates to persons who the Local Authority may decide, after an investigation of the facts, have made themselves intentionally homeless.

Section 78(2) of the Housing (Wales) Act 2014 provides that when assessing an applicant for help with homelessness, a local housing authority may not have regard to whether or not an applicant has become intentionally homeless unless it has decided to have regard to one or more of the categories of applicants specified in the regulations [The Homelessness (Intentionality) (Specific Categories)(Wales) Regulations 2015].

Gwynedd council have decided that they will continue to have regard to intentionality (that is, to have regard to whether or not an applicant has become homeless intentionally) for specified categories of applicants as listed below:

- A pregnant woman or a person with whom she resides or might reasonably be expected to reside;
- A person with whom a dependent child resides or might reasonably be expected to reside;
- A person who is vulnerable as a result of some special reason (for example: old age, physical or mental illness or physical or mental disability), or with whom a person who falls within this category resides or might be reasonably expected to reside;
- A person who is homeless or threatened with homelessness as a result of an emergency such as flood, fire or other disaster or with whom a person who falls within this category resides or might be reasonably expected to reside;
- A person who is homeless as a result of being subject to domestic abuse, or with whom a person who falls within this category resides (other than the abuser) or might be expected to reside;
- A person who is aged 16 or 17 when the person applies to the local housing authority for accommodation or help in obtaining or retaining accommodation or with whom a person who falls within this category resides or might reasonably be expected to reside;

- A person who has attained the age of 18, when the person applies to a local housing authority for accommodation or help in obtaining or retaining accommodation, but not the age of 21, who is at particular risk of sexual or financial exploitation, or with whom a person who falls within this category resides (other than the exploiter or potential exploiter) or might reasonably be expected to reside;
- A person who has attained the age of 18, when the person applies to local housing authority for accommodation or help in obtaining or retaining accommodation, but not the age of 21, who was looked after, accommodated or fostered at any time while under the age of 18 or with whom a person who falls within this category resides or might be reasonably expected to reside;
- A person who has served in the regular armed forces of the Crown who has been homeless since leaving, or with whom a person who falls within this category resides or might reasonably be expected to reside;
- A person who has a local connection with the area of the local authority and who is vulnerable as a result of one of the following reasons –
 - Having served a custodial sentence within the meaning of Section 76 of the powers of Criminal Courts (Sentencing) Act 2000(1),
 - Having been remanded in or committed to custody by an order of a court, or
 - Having been remanded to youth detention accommodation under Section 91(4) of the Legal Aid, Sentencing and Punishment of Offenders Act 2012, or a person with whom such a person resides or might reasonably be expected to reside.

Gwynedd Council has decided to have regard to intentionality for all the specified categories listed above so as not to effect any changes in respect of intentionality whilst the other new duties on the local authority, which came in to effect on 27th April 2015, are embedded in to the service.

This Notice will remain in force until it is either reviewed by Gwynedd Council or by changes to the regulations by the Welsh Ministers.

FOR FURTHER INFORMATION REGARDING THIS NOTICE, PLEASE ASK TO SPEAK TO A HOUSING/HOMELESSNESS OPTIONS OFFICER. CONTACT TEL.NO. 01766 771000 or E-MAIL housing@gwynedd.gov.uk