

Public Notice

From 2nd December 2019, homeless households with children and young people will qualify for the full housing duty even if the applicant became homeless intentionally. This is called the s.75(3) gateway.

An applicant is intentionally homeless if they deliberately did or didn't do something they knew could lead to them becoming homeless.

The households effected by this change are:

1. A person with whom a dependent child lives, or might reasonably be expected to live.
2. A pregnant woman or person she lives with, or might reasonably be expected to live with.
3. A person who was under 21 years of age when the homeless application was made, or a person with whom that young person lives with or might reasonably be expected to live with.
4. A person between 21 and 24 years of age when the homeless application was made, who was looked after, accommodated or fostered while under 18 years of age, or a person with whom that young person lives with or might reasonably be expected to live with.

This means that applicants who fall in to any of the above four categories will be owed the section 75 duty, even if their current period of homelessness is intentional

However:

The council has decided to apply the 'repeat intentionality' sanction under s.78 and SI 2015 No 1265

Repeat intentionality within 5 years

The applicant will not be owed the full duty if they were previously offered accommodation by the council under the full s.75 duty, in the last five years, where the applicant was intentionally homeless and only qualified for the main duty because of the s.75(3) gateway.

The main duty is **not** owed for the second time if:

- The council has decided to have regard to intentionality for a person in priority need
- There was a previous offer of accommodation which was secured by the council under the full s.75 housing duty following a previous homeless application under the 2014 Act.
- The offer was made within the previous five years, and
- The offer was made on the basis that the applicant fell within s.75(3) (Intentionally homeless but qualified for the full housing duty due to the households being homeless with children and young people)

If you require more information about this you can talk to a Homeless Prevention Officer or, for independent advice, contact Shelter Cymru

Shelter
Cymru

Independent advice, advocacy and legal representation. Available to anyone in housing need, homeless or under threat of homelessness or living in poor housing conditions.

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📄 Unit 5, Station Bldg., Bodfor St, Rhyl LL18 1AT

Week days 10:00 a.m. – 2:00 p.m. **Wednesday Closed**