

WELSH STATUTORY INSTRUMENTS

2015 No. 1268

The Homelessness (Suitability of Accommodation) (Wales) Order 2015

PART 2

Circumstances in which B&B and shared accommodation is not to be regarded as suitable for persons who are, or may be in priority need

B&B accommodation unsuitable unless an exception applies

4. For the purposes of Part 2 of the 2014 Act, B&B accommodation is not to be regarded as suitable for a person who is, or may be in priority need unless at least one of the exceptions in article 6 or article 7(1) applies.

Commencement Information

I1 Art. 4 in force at 27.4.2015, see [art. 1\(2\)](#)

Shared accommodation unsuitable unless it meets the higher standard or an exception applies

5. For the purposes of Part 2 of the 2014 Act and subject to the exceptions contained in articles 6 and 7(2), shared accommodation is not to be regarded as suitable for a person who is, or may be in priority need unless it meets the higher standard.

Commencement Information

I2 Art. 5 in force at 27.4.2015, see [art. 1\(2\)](#)

Exceptions to articles 4 and 5 for all types of accommodation

6. Articles 4 and 5 do not apply where—
- the authority believes that the applicant may be homeless or threatened with homelessness as a result of an emergency such as fire, flood or other disaster, and no other accommodation is reasonably available to the authority; or
 - the authority has offered suitable accommodation to the applicant, but the applicant wishes to be accommodated in other accommodation.

Commencement Information

I3 Art. 6 in force at 27.4.2015, see [art. 1\(2\)](#)

Exceptions to articles 4 and 5 where accommodation meets a standard

7.—(1) Article 4 does not apply where—

- (a) the person occupies a basic standard B&B for a period, or a total of periods, which does not exceed 2 weeks;
- (b) the person occupies a higher standard B&B for a period, or a total of periods which does not exceed 6 weeks;
- (c) the person occupies a basic standard small B&B for a period, or a total of periods, which does not exceed 6 weeks, and the authority has, before the expiry of the two-week period referred to in sub-paragraph (a), offered suitable alternative accommodation, but the person has chosen to remain in the said B&B;
- (d) the person occupies a basic standard small B&B after exercising the choice referred to in sub-paragraph (c), and the authority has offered suitable alternative accommodation before the end of the six-week period referred to in sub-paragraph (c), but the person has chosen to remain in the said B&B;
- (e) the person occupies a higher standard small B&B, and the authority has offered suitable alternative accommodation, before the expiry of the six-week period referred to in sub-paragraph (b), but the person has chosen to remain in the said B&B.

(2) Article 5 does not apply where—

- (a) the person occupies basic standard shared accommodation for a period, or a total of periods, which does not exceed 2 weeks;
- (b) the person occupies, for a period, or a total of periods, which does not exceed 6 weeks, basic standard shared accommodation owned or managed by a local housing authority or registered social landlord, and the authority has offered suitable alternative accommodation before the expiry of the two-week period referred to in sub-paragraph (a), but the person has chosen to remain in the said accommodation; or
- (c) (i) the person occupies basic standard shared accommodation which is used wholly or mainly to provide temporary accommodation to persons who have left their homes as a result of domestic abuse, and is managed by an organisation which—
 - (aa) is not a local housing authority; and
 - (bb) does not trade for profit; and
 (ii) the authority has offered suitable alternative accommodation before the end of the six-week period referred to in sub-paragraph (b), but the person has chosen to remain in the said accommodation.

(3) If the suitable alternative accommodation offered for the purposes of paragraphs (1) or (2) is shared, it must meet the higher standard.

(4) In the case of households with dependant children or a pregnant woman, the offer made under paragraph (1)(d) or (e), or paragraph (2)(c) must be of suitable self-contained accommodation. In the case of an applicant who is a minor, the offer must be of suitable accommodation with support.

(5) In calculating a period, or total period, of a person's occupation of shared accommodation for the purposes of paragraphs (1) or (2), there must be disregarded any period before an authority became subject to the duty under section 73 by virtue of sections 82(4) or 83(2) (local connection referrals).

Commencement Information

I4 Art. 7 in force at 27.4.2015, see [art. 1\(2\)](#)

Changes to legislation:

There are currently no known outstanding effects for the The Homelessness (Suitability of Accommodation) (Wales) Order 2015, PART 2.