

Homelessness Reduction Act 2017 – new duties

The Pendle Homelessness Review 2017 document considered the new duties and how this may affect current services to homeless people provided by the Council's Housing Needs service. The following is taken from the Review, pages 6 -11 and which still hold resonance:-

Meaning of homeless and threatened with homelessness amended.

This measure extends the period an applicant is “threatened with homelessness” from 28 to 56 days, and in addition ensures that anyone that has been served with a valid section 21 of the Housing Act 1988 eviction notice that expires in 56 days or less is classed as “threatened with homelessness”.

Linked to this, section 195(6) of the Housing Act 1996 (inserted by clause 4(2)) ensures that, while an applicant remains in the same property with no other accommodation available to him following being classed as “threatened with homelessness” (as a result of receiving a valid section 21 eviction notice for this property that will expire within 56 days or has already expired), the prevention duty continues to be owed until the local housing authority brings it to an end for one of the reasons set out in the clause 4, even if 56 days have passed.

Potential impact on Pendle Borough Council Housing Needs service

Whilst homelessness prevention work is provided to people threatened with homelessness within 56 days, this new legislation will ‘trigger’ homelessness applications ie where the Council has a duty to make enquiries, at an earlier stage. This may result in numbers of homelessness applications rising but not necessarily homelessness acceptances rising as the Council will still continue to seek to prevent homelessness where possible prior to actual eviction.

Duty to provide advisory services.

This measure extends the existing duty to provide advisory services by placing a duty on local housing authorities (LHAs) in England to provide free information and advice to any person in the LHA's district on preventing and relieving homelessness, the rights of homeless people or those threatened with homelessness, as well as the help that is available from the LHA or others and how to access that help. The service should be designed with certain listed vulnerable groups in mind (e.g. care leavers, victims of domestic abuse). It also permits LHAs to outsource advisory services.

Potential impact on Pendle Borough Council Housing Needs service

The Council already provides advice services and free information to any person in its district on preventing and relieving homelessness. However, it makes sense to review all literature / advice already being given out and update information where required.

Duty to assess all eligible applicants' cases and agree a plan

This measure (in Clause 3) will require local housing authorities (LHAs) to carry out an assessment in all cases where an eligible applicant is homeless, or at risk of becoming homeless. Following this assessment the LHA must work with the person who has applied for help, to agree the actions to be taken by both parties to ensure the person has and is able to retain suitable accommodation. Of these actions, there will be a small number of key steps the individual would be required to take. These steps would be tailored to their needs and be those most relevant to securing and keeping accommodation. These actions must be reasonable and achievable.

Potential impact on Pendle Borough Council Housing Needs service

At present, the Council already carries out assessments in all cases where the applicant is at risk of homelessness and where appropriate, agree an action plan to try to resolve their risk of homelessness. However, it makes sense to review the Housing options Interview process and associated forms to ensure that action plans meet the new legislative requirement.

Duty in cases threatened with homelessness (prevention).

Homelessness prevention is about helping those at risk of homelessness to avoid their situation turning into a homelessness crisis. The Homelessness Reduction Act (in clause 4) will require LHAs to take reasonable steps to help prevent any eligible person who is at risk of homelessness from becoming homeless. This means either helping them to stay in their current accommodation or helping them to find a new place to live. The Act extends the period for which people are considered threatened with homelessness from 28 days to 56 days before they are likely to become homeless, ensuring that LHAs can intervene earlier to avert a crisis.

Potential impact on Pendle Borough Council Housing Needs service

The Council undertakes homelessness prevention work with all households threatened with homelessness and, subject to a case by case basis approach, there may be work undertaken with those at risk of homelessness within 56 days or even a longer period. However, it makes sense to review 'prevention' work to ensure the Council complies with the new legislative requirement from 56 days.

Duty owed to those who are homeless (relief).

Homelessness relief is action taken to help resolve homelessness. Where, for example, an eligible applicant has sought help from the LHA when they are already homeless or if homelessness prevention work has not been successful, they will be owed the relief duty. The relief duty requires LHAs to take reasonable steps to help secure accommodation for any eligible person who is homeless. This help could be, for example, the provision of a rent deposit or debt advice.

The duty lasts for up to 56 days, and would be available to all those who are homeless and eligible regardless of whether they have a priority need. Those who have a priority need (for example they have dependent children or are vulnerable in some way) will be provided with interim accommodation whilst the LHA carries out the reasonable steps.

Potential impact on Pendle Borough Council Housing Needs service

The Council aims to prevent homelessness where reasonably practical and able to do so. However, it makes sense to review 'relief' work to ensure the Council is taking all reasonable steps to help secure accommodation for any eligible person who is homeless.

Duty to help to secure accommodation.

The new prevention and relief duties need sufficient flexibility to allow LHAs to help resolve people's housing issues but also allow people to find their own accommodation when possible. 'Help to secure' means that the LHA would be able to provide support and advice to households who would then be responsible for securing their own accommodation. Introducing the concept of 'help to secure', rather than secure in each case, will increase choice and control for applicants and allow the LHA to help to resolve a person's particular problems rather than direct resources at finding a place for everyone that seeks help. It still remains open to the LHA to secure accommodation for eligible applicants where appropriate.

Potential impact on Pendle Borough Council Housing Needs service

The Council aims to help resolve people's housing issues that include supporting people to find their own accommodation where possible. However, it makes sense to review the types of work undertaken to enable this to happen to ascertain whether any improvements can be made to services / information provided.

Deliberate and unreasonable refusal to co-operate

Clause 7 sets out the actions a local housing authority may take if an applicant who is homeless or threatened with homelessness deliberately and unreasonably refuses to take any steps set out in the personalised plan. They also set out the procedure and duties which apply if an applicant who is homeless refuses, at the relief stage, a suitable final accommodation offer in the private rented sector or an allocation of social housing (a part 6 offer).

Potential impact on Pendle Borough Council Housing Needs service

Unfortunately from time to time, some people who approach the Council for assistance decide not to take forward actions identified. This is of course an individual's choice, although on occasion eg unreasonable refusal of a Part 6 offer (offer of accommodation under homelessness legislation), there can be consequences such as loss of the Council's duty to rehouse. This new legislation will need to be considered to understand how it differs with current working practices and how it can be implemented successfully.

Local connection for care leavers.

This measure amends the definition of a 'local connection' for young people leaving care. Local connection affects which LHA offers assistance under parts of the homelessness legislation, including the existing main homelessness duty and the new duties to assist homeless applicants.

If an applicant is owed one of these duties by LHA, that LHA can consider whether the person has a local connection to their area, and, if they don't, whether they have

a local connection to another area. If they do they may refer them there rather than providing the service themselves.

This measure will ensure that a young homeless care leaver has a local connection to the area of the local authority that looked after them or, if it is different, the area where they normally live and have lived for at least 2 years including some time before they reached 16. This will make it easier for them to get help in whichever of these areas they feel most at home.

Potential impact on Pendle Borough Council Housing Needs service

When considering the 'local connection' of a care leaver, the Council places considerable weight to the young person's wishes when leaving care. As such, 'local connection' has rarely, if ever become an issue and it is not expected that this new legislation will have any impact on current service provision

Reviews

This measure means that new prevention and relief duties will be covered under the existing review legislation, so that applicants will be able to challenge decisions relating to these new stages of the homelessness support process.

Potential impact on Pendle Borough Council Housing Needs service

At present there is no official 'review' process in relation to preventative work being undertaken, although any person dissatisfied with any element of the Housing Needs service are able to make complaint via the Council's internal complaints procedure.

Duty of Public Authority to refer cases to local housing authority.

Commonly shortened to *Duty to Refer*, this part of the Act:-

- Requires public authorities in England specified in regulations to notify a LHA of service users they think may be homeless or at risk of becoming homeless.
- Requires the public authority to have consent from the individual before referring them, and allows the individual to choose which LHA they are referred to.

Potential impact on Pendle Borough Council Housing Needs service

It is believed that public services already contact the Council for assistance if they think their service users may be homeless or at risk of homelessness. As such, the impact of this may be minimal. However, its also possible that putting this issue into law may result in additional referrals to the Council and a subsequent rise in official homelessness. It is assumed that the public authority already seek consent from the individual prior to referral to the Council, thus again, the impact of this measure may be minimal. Allowing the individual to choose which LHA they are referred to is in essence, already in legislation ie a person may choose to apply to any LHA they wish. However, if they don't have a local connection to that area, they may be referred on to a LHA where they do have a local connection.

**This duty is due to commence from October 2018. To date, specific public authorities have not been identified.*

Codes of Practice

This measure gives the Secretary of State a power to issue statutory codes of practice, providing further guidance on how local housing authorities (LHAs) should deliver and monitor their homelessness and homelessness prevention functions.

Potential impact on Pendle Borough Council Housing Needs service

The Council will adhere to statutory codes of practice and further guidance on how local housing authorities (LHAs) should deliver and monitor their homelessness and homelessness prevention functions.