**Homelessness Reduction Act - Briefing for Landlord Forum**

**Thursday 26th October 2017 - Claire Keeling**

**Background**

The Homelessness Reduction Bill received Royal Assent on 27th April 2017 and is now an Act of Parliament.

The new Homeless Reduction Act (abbreviated in this briefing to HRAct) represents the biggest change to homelessness legislation since the introduction of the Housing Act in 1996 and amends part VII of this Act. Under the new legislation there is more emphasis on prevention activity with authorities having new legal duties to provide meaningful support to everyone who is homeless or at risk of homelessness, regardless of whether they are in priority need or ‘intentionally homeless’, as long as they are eligible.

Under the new legislation each homelessness application will require extensive casework to either prevent a household from becoming homeless or, if they are homeless, to relieve their homelessness.

**Purpose of this paper**

This purpose of this briefing paper is to brief landlords on the following

* Timescales for implementation of the new HRAct
* Highlight the main changes that are contained with the new legislation
* Sets out the likely impact of the HRAct for the local authority
* Sets out the actions that are being proposed locally to implement the Act.

**Timescales**

The date of enactment, based on a letter recently sent to all Chief Executives by Marcus Jones, MP, has confirmed this date to be 1st April 2018.

Monitoring requirements, Homeless Case Level Information Collection (H – Clic) have been sent to all authorities, and the final reporting requirements are scheduled to be published within the next week or two.

A new Code of Guidance has been issued for consultation. This is the document officers use for guidance on legislation.

**The main measures introduced by the new HRA**

*Duty to Prevent Homelessness*

Current legislation (Housing Act 1996 as amended by Homelessness Act 2002) defines that a person is considered to be threatened with homelessness if it is likely that they will become homeless within 28 days. The HRAct 2017 doubles the number of days from 28 to 56, including those who have been served with a valid Section 21 notice. Anyone accepted by the Council as being threatened with homelessness will be owed the new prevention duty and we must take ‘reasonable steps’ to help them avoid becoming homeless.

*Duty to Relieve Homelessness*

Under the Homelessness Reduction Act 2017, the Council will have a duty to help **all** eligible homeless applicants to secure accommodation for a period of at least 6 months, regardless of whether they are ‘intentionally homeless’ or in priority need. Those in priority need will be provided with interim accommodation whilst steps are taking place to secure future accommodation.

*Duty to Assess and Agree a Plan*

The Homelessness Reduction Act 2017 stipulates that the support offered to eligible applicants is to be more robust than currently required. Once a local authority is satisfied that someone is homeless / threatened with homelessness and eligible for assistance an assessment should be carried out which includes;

* The circumstances that have caused homelessness / potential homelessness;
* The housing and other support needs of the applicant and their household;
* A personalised plan, setting out steps for the applicant and the Council to take to ensure accommodation is secured and/or retained.

An applicant’s assessment and plan must be kept under review and updated as necessary, until the local authority has determined that no further duty is owed.

*Failure to Co-operate*

This new provision within the act will place a requirement on all applicants to cooperate with the Council’s attempts to prevent or relieve their homelessness. If the Council considers that an applicant has deliberately or unreasonably refused to cooperate or take steps agreed as part of their assessment plan, a notice can be served to the individual informing them of the Council’s decision, the consequences of it (e.g. ending of prevention / relief duty) and their right to request a review. This notice can only be served if a warning has been given to the applicant beforehand and a reasonable time period has elapsed since the warning was given.

*Right to Review*

The Homelessness Reduction Act 2017 gives applicants the right to request a review of any decision made by the local authority (in addition to those laid down in current legislation) regarding:

* Steps set out in assessment plans;
* Giving notice to withdraw prevention or relief duties;
* Suitability of accommodation offered

*Providing Advisory Services*

The Housing Act 1996 stipulates that local authorities must ensure advice and information about homelessness and preventing homelessness is available free of charge to everyone in their district. The new act will require a more robust approach to advisory services with the need to provide more targeted information and advice on:

* Preventing homelessness;
* Securing accommodation if homeless;
* The rights of people who are homeless or threatened with homelessness, and;
* Any other support (provided by the local authority or any other local organisations) that is available for people who are homeless or likely to become homeless as well as how to access that help

Local authorities will also need to ensure that advisory services can be tailored to meet the needs of particular groups who are at increased risk of becoming homeless i.e. care leavers (who are now considered to have a local connection to an area if they were looked after, accommodated or fostered there for a continuous period of at least 2 years), prison leavers, armed forces, domestic abuse victims, hospital leavers and those suffering with a mental health illness.

*Public Authority Duty to Refer*

Under the Homelessness Reduction Act 2017, “specified public authorities” e.g. NHS services, will be required to refer details of people who they consider being homeless or threatened with homelessness to their local authority (if the person agrees to the notification being made). The Council will then need to make contact with this individual for assessment.

**The impact on the authority**

The authority has done some work on the anticipated increase in demand and are estimating an increase in demand of approximately 50%, this is based on the Welsh experience, where similar legislation has been implemented along with the LA figures for approaches during the year 2016 – 2017.

However the estimated demand will be further impacted on by a number of other significant factors including:

1. The impact of further cuts to welfare from the Government with the benefit cap reduced to £20k from November 2016. Given the high level of private sector rents in our area this will have a significant impact on households who are in accommodation or seeking accommodation and are not exempted from the cap.
2. The continued implementation of Universal Credit (UC) with the risk that more landlords will refuse to take households on benefits. Tamworth’s date for full roll out of UC is November 2017.
3. It is becoming more difficult nationally and locally to house accepted homeless households into Registered Provider properties, as they are becoming risk averse due to UC and welfare reform.
4. Limited supply of Social Housing , and although we are doing a lot of work on increasing supply including the garage redevelopment programme and the regeneration of Kerria and Tinkers Green, Right to Buy continues to deplete stock and this impacts on net gains of affordable housing.
5. Under the new legislation there will be more of a reliance on the private rented sector to discharge the new duties, however accepted homeless cases due to the loss of rented accommodation nationally has now risen to 40% of all cases owed a full homelessness duty by local authorities. In Tamworth the loss of an assured shorthold tenancy accounted for 26*%* of all homeless acceptances, and to whom the authority owed a main homeless duty, during 2016 – 2017, less than the national figure but is still one of the top three reasons for approaches to the authority. This figure is likely to increase further as the impact of welfare reform is felt. More households will become homeless as a result of landlords refusing to accept a lower rent or households claiming benefits. However our most successful homeless prevention initiative is accessing the private rented sector through our Solutions Fund*.* Locally 30 clients were assisted through accessing the PRS in 2016. Modelling completed estimates the authority will require around 100 additional private sector properties per year when this act is introduced to discharge its duty to prevent and relieve.

**What is the council doing to prepare for this?**

A plan has been drafted for the implementation of the HRAct within which there are identified workstreams with specific actions contained. The workstreams are

* Corporate commitment and understanding
* Partnerships
* Operational delivery
* Strategic
* Emergency Accommodation
* Training
* Communications

In addition to this the service is currently looking at IT solutions to support the delivery if the new legislation.