

## **Briefing:**

# **Homelessness Reduction Act**

## **Implications for housing associations**

**23 March 2018**

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Summary of key points:

- The Homelessness Reduction Act 2017 comes into force on 3 April 2018. It is the biggest change to homelessness legislation in 40 years and brings in new duties to prevent and relieve homelessness.
- There are no specific duties on housing associations. However, as outlined in this briefing the sector can support many aspects of the Act, including making a voluntary commitment to notify the local authority if they come into contact with someone they think is at risk of becoming homeless.

## 1. Introduction

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The [Homelessness Reduction Act 2017](#) (the Act) comes into force on 3 April 2018. It places new legal duties on English Local Authorities and some public bodies, with a focus on preventing homelessness. In a significant change, anyone who is homeless or at risk of homelessness will be able to access support, regardless of their priority need status.

This briefing outlines the key measures in the Act and opportunities for housing associations to support the spirit of the Act.

## 2. Background

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Homelessness legislation introduced in 1977 gave households in 'priority need' a right to statutory assistance and an offer of settled accommodation, but in doing so excluded most single homeless people.

In 2015 Crisis established an independent panel of experts to assess the strengths and weaknesses of the current homelessness legislation in England, and to identify possible reforms to improve support and access for single homeless people. Their [review](#) went on to become the basis of the new framework introduced to Parliament in June 2016 by Conservative MP Bob Blackman, as a [Private Member's Bill](#).

After considerable amendments, the Bill received Royal Assent and became an Act on 27 April 2017.<sup>1</sup>

## 3. Key measures in the Act

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- **An extension of the period 'threatened with homelessness'** from 28 to 56 days.
- **A new duty to prevent homelessness for all eligible applicants** threatened with homelessness, regardless of priority need.
- **A new duty to relieve homelessness for all eligible homeless applicants**, regardless of priority need.
- **A new 'duty to refer'** - public services will need to notify a local authority if they come into contact with someone they think may be homeless or at risk of becoming homeless.

A new burdens assessment has allocated £72.7m over three years to local authorities to carry out these new duties. Each local authority has been [allocated a different amount](#) dependent on a number

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<sup>1</sup> <https://services.parliament.uk/bills/2016-17/homelessnessreduction.html>

of factors. Many local authorities have questioned whether the funding is sufficient for them to properly fulfil their duties under the Act.<sup>2</sup>

#### **4. Extension of ‘threatened with homelessness’**

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The previous definition of ‘threatened with homelessness’ refers to where someone is likely to become homeless in 28 days.

Under the new Act, the period ‘threatened with homelessness’ has been extended. A person is now considered to be threatened with homelessness if they are likely to become homeless within 56 days, or if they have been served a valid section 21 notice that expires in 56 days or less.<sup>3</sup>

#### **5. Duties to prevent and relieve**

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Until now, most of the homelessness prevention and relief work done by local housing authorities has sat outside of the statutory framework. This has left those without priority need status receiving limited support.

The new Act introduces measures whereby all eligible people who are found to be homeless or threatened with homelessness will be entitled to more tailored support from the housing authority, regardless of priority need, intentionality, and local connection.

Anyone who is found to be homeless or threatened with homelessness will undergo an assessment of their case, and will work with local housing authorities to develop a personalised housing plan.

Under the prevention duty, local housing authorities must take ‘reasonable steps’ to help people avoid becoming homeless, with reference to their personal plan. This would mean, for example, supporting them to either stay in their accommodation or helping them find somewhere to live. The intention behind this duty is households are helped before they reach a crisis situation.

Under the relief duty, local housing authorities must take reasonable steps to help the applicant into accommodation, with reference to their personal plan. This could be, for example, the provision of a rent deposit or debt advice. Where accommodation is provided, the housing authority must be satisfied that the accommodation will be available for at least six months.<sup>4</sup>

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<sup>2</sup> <http://www.publicfinance.co.uk/news/2017/10/extra-homelessness-funding-not-enough-say-councils>

<sup>3</sup> <http://www.legislation.gov.uk/ukpga/2017/13/crossheading/threatened-homelessness/enacted>

<sup>4</sup> <https://www.homeless.org.uk/connect/blogs/2017/apr/27/homelessness-reduction-act-receives-royal-assent>

## **6. What are ‘Personalised Housing Plans’?**

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A Personalised Housing Plan will set out the steps an individual and the housing authority must take for the individual to remain in or find suitable accommodation.

Examples of this include, but are not limited to, mediation / conciliation, accessing Discretionary Housing Payment, providing support to access private rented accommodation and ‘helping to secure or securing an immediate safe place to stay for people who are sleeping rough or at high risk of sleeping rough.’

Personalised Housing Plans should be realistic, taking account of local housing markets and the availability of relevant support services, as well as the applicant’s individual needs and wishes.

The plan must set out clearly which steps are mandatory and which are recommended. Housing authorities may take certain actions if an applicant deliberately and unreasonably refuses to cooperate with the key steps in their personalised housing plan, but must take any difficulties the individual may have in co-operation into account.<sup>5</sup>

## **7. The duty to refer – commences October 2018**

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The duty to refer has been designed to encourage collaboration across public bodies to help prevent and relieve homelessness.

The Act introduced a duty on [certain public authorities](#) to refer service users who they think may be homeless or threatened with homelessness to a housing authority. The service user must give consent, and can choose which authority to be referred to.

The housing authority should incorporate the duty to refer into their homelessness strategy and establish effective partnerships and working arrangements with agencies to facilitate appropriate referrals.

## **8. Impact on housing associations**

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### **Development of homelessness strategies**

The Act requires local authorities to develop homelessness strategies based on a review of all forms of homelessness in their district and outlining how local partners will work together.<sup>6</sup> Housing associations are well placed to contribute to this strategy and it is recommended that if your local authority hasn’t contacted you, you should get in touch with them to explain how you can help.

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<sup>5</sup> See section 11 of [Homelessness Code of Guidance](#)

<sup>6</sup> See section 6 of [Homelessness Code of Guidance](#)

### **Development of Personalised Housing Plans**

Each local authority is developing its own approach to Personalised Housing Plans. Advice and insight from local housing associations can help inform the plans that are likely to be used by some of your tenants or service users at some point.

### **Enhanced partnerships**

The Act provides a new opportunity to build impactful local relationships and could help strengthen and enhance joint working and trust between housing associations and local authorities. The Act encourages collaboration across agencies and is also a chance to take a strategic multi-agency approach to tackling homelessness in an area.

## **9. The application of the duty to refer**

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Although housing associations are not subject to any of the new duties, many are keen to embrace the opportunities the Act brings and make as full a contribution as possible to preventing and tackling homelessness in an area.

The National Housing Federation is working with MHCLG to develop a non-statutory voluntary commitment to refer, where a housing association will refer tenants and service users to the local authority if they are at risk of homelessness.

There would be no redress on housing associations, and the tenant or service user would have to give their consent for the referral to take place. We are still working on the details and are very keen to hear your views on how this voluntary commitment could work in practice.

We recognise that this is a small step and is part of our wider ambition to work with our members to highlight what we already do to prevent and alleviate homelessness and see what role we can play in halting homelessness. For more detail on our work on the voluntary commitment to refer or to share your thoughts on the housing association role in halting homelessness, please email [homelessness@housing.org.uk](mailto:homelessness@housing.org.uk).