

# Shelter

## Homelessness Reduction Bill: Second Reading (House of Commons)

### Summary:

Shelter helps millions of people every year struggling with bad housing or homelessness – and we campaign to prevent it in the first place. We're here so no one has to fight bad housing or homelessness on their own.

We support the aims of the Homelessness Reduction Bill, particularly the emphasis on prevention of homelessness; the new duty to assist those threatened with homelessness within 56 days will be very positive for all those facing homelessness.

New duties to assess, prevent and relieve homelessness for all eligible applicants could be a big step forward in reducing homelessness, especially among non-priority households who are currently not entitled to rehousing.

However, changes in legislation cannot and will not be effective in isolation. To be truly effective, these new duties need to be underpinned by a renewed, cross-departmental Government strategy and policies to ensure suitable accommodation is available in areas where it is needed to prevent homelessness and councils have the resources required to respond adequately and compassionately.

Otherwise, there could be unintended consequences, such as 'gate-keeping' of services, unlawful decisions and repeat homelessness, with damaging consequences for children and other vulnerable applicants and a lack of meaningful outcomes for single adults.

### Key proposals provided by this Bill include:

**Extending the period an applicant is "threatened with homelessness":** Currently, a council should accept you as homeless if it's likely that you could lose your home within the next 28 days. This applies if you're a tenant being evicted from rented accommodation or if you're a homeowner threatened with repossession by your mortgage lender. This Bill extends that period from 28 days to 56 days (Clause 1(3)).

**Amending the definition of homelessness** to apply to households served with a notice seeking possession where the landlord intends to apply for possession and the council does not ask the applicant to remain in the accommodation (Clause 1(2)).

**Strengthened advice and information duty:** Strengthens and clarifies the duty on housing authorities to provide advisory services to help to prevent homelessness (Clause 2).

**New duty to assess and agree a personalised plan:** Requires local authorities to carry out an assessment of an applicant's case if they are homeless or threatened with homelessness (Clause 3).

**New 'prevention' duty in cases of threatened homelessness:** Requires local authorities to help to ensure that suitable accommodation does not cease to be available for applicants who are threatened with homelessness, **regardless of priority need** (Clause 4).

**New 'relief' duty to help to secure accommodation:** Requires local authorities to help to secure accommodation for all applicants who the authority is satisfied are homeless and eligible for assistance,

**regardless of whether they are in priority need** or whether they might be intentionally homeless (Clause 5).

The Bill allows councils to give notice to applicants whom they consider to have **deliberately and unreasonably refused to cooperate with the above duties or to take any step** set out in the personalised plan (Clause 7). People in this position are not entitled to the full homelessness duty even if they are in priority need (Clause 7(2)). However, the council is required to accommodate priority need applicants until they are made a final offer of accommodation (which must be at least a 6 month tenancy).

## **What does the Bill mean for the treatment of homeless households?**

For those who are eligible, the Bill's extension of 'threatened with homelessness' from 28 to 56 days, combined with the new duties to assess every case and prevent homelessness, means that there is a much greater emphasis on prevention of homelessness. This can either be via retaining the existing home or moving to an alternative. For example, the prevention duty could be deployed to clear rent arrears to avoid eviction or to help overcome barriers to accessing a private rental. **This is very welcome: however it will only be workable where the housing market and council resources allow.**

## **What does the Bill mean for single homeless people?**

The Bill presents an expansion in the rights of single homeless people who are not in priority need (i.e. without dependent children and not vulnerable). It aims to prevent non-vulnerable single persons being turned away without meaningful assistance. This is very welcome. However, it does not guarantee that single people will be housed or provide them with emergency accommodation to prevent rough sleeping. **If sufficient suitable affordable accommodation is available in the area it could help to reduce levels of homelessness.**

## **What does the Bill mean for Priority Need households?**

The Bill introduces a significant shift in the nature of assistance for those in priority need (i.e. families with dependent children and vulnerable adults). Unlike the current legislation which gives families a clear right to be rehoused, councils would now only be legally obliged to rehouse homeless families as a last resort; instead they would first be required to 'take reasonable steps' to prevent them losing their home or enable them to find alternative accommodation.

It potentially shifts the assistance given from a direct offer of suitable rehousing (e.g. the offer of 2 Bridge Street) to something less tangible – 'help to prevent' or 'help to secure'. Help can still be in the form of a direct offer of accommodation. But it could also take the form of accommodation in the home of a family member or friend, which the homeless family could be asked to leave at any time. It could also be 'help to secure' a private rental, such as a deposit guarantee to access private rented accommodation.

This potentially allows applicants more autonomy and choice in how to make the best use of the help offered, particularly in areas with a more ready supply of suitable accommodation. It also brings the existing non-statutory system of Housing Options under the framework of the legislation, which should improve accountability. In expensive and competitive housing markets, it could mean that applicants still struggle to find suitable accommodation despite the help offered.

However, stability is reduced for homeless children and other vulnerable people. The help offered is for them to find a suitable tenancy of only 6 months, whereas currently councils can only discharge their duties where a minimum 12 month tenancy is offered. Six month offers are not long enough to provide stability and leave families at risk of frequent moves and repeat homelessness. **This is a cause for concern and at the very least there should be a commitment to monitor the impact of these changes** to ensure the outcomes achieved for households are sustainable and do not threaten repeat homelessness.

Crucially, the right to rehousing for those in priority need remains as the bedrock of homelessness legislation. If, despite the help offered, a priority need, unintentionally homeless household remains

homeless, they will still be entitled to be accommodated under the full homelessness duty (s.193 Housing Act 1996). **This is very welcome.**

## **Deliberate and unreasonable refusal to co-operate**

The Bill allows councils to give notice to applicants whom they consider to have **deliberately and unreasonably refused to cooperate with the above duties or to take steps** set out in the personalised plan. People in this position are not entitled to the full homelessness duty even if they are in priority need. This is intended to ensure applicants cooperate with the help given.

We are supportive of the concept of “deliberately and unreasonably refusing to cooperate” as the justification for this sanction. If vulnerable people, such as those with disabilities, are not to be denied help under this measure, it must remain a high bar.

We are also reassured by the safeguards in the Bill which sit above this, namely:

- The authority must give a ‘relevant warning’ to the applicant that, should they continue to deliberately and unreasonably refuse to cooperate, a notice ending the duty will be given (Clause 7(1))
- The notice must outline why the authority are giving notice and its consequences (Clause 7(1))
- Applicants have the right to request a review of the authority’s decision to give the notice (Clause 7(1)).

## **Implementation and cultural change**

Fundamentally, this Bill is about bringing about a cultural shift in the way we help people who are facing homelessness, by refocusing efforts on prevention instead of intervening at the point of crisis.

If homelessness law was working effectively, local authorities would be able to take a compassionate approach that gives individuals an element of advice and autonomy. Applicants and local authorities would work in partnership and local authority staff would be able to adopt a person-centred, non-judgemental approach focused on finding solutions to housing problems.

While some councils are able to do this, particularly in those areas with a more ready supply of suitable accommodation, this aspiration is not a reality for many councils up and down the country. We know that there already exists a mismatch between theory and practice of the current law. For example, even though local authorities currently legally have to treat someone as threatened with homelessness if they are going to lose their home within the next 28 days, they routinely don’t help them until crisis point with the bailiffs coming.

**The mismatch between the theory and practice of homelessness law will only deepen if this legislative change is not accompanied by significant changes to councils’ availability of suitable accommodation – if this is not addressed, we will be setting this Bill up to fail.**

## **Key issue: Resourcing and supply**

Whilst we are supportive of the aims and approach taken by the Homelessness Reduction Bill, as stated above, changes in legislation cannot and will not be effective in isolation.

To be truly effective, these new duties need to be underpinned by Government strategy and policies to provide suitable, stable and sustainable tenancies and council resources. Otherwise, there could be unintended consequences, such as ‘gate-keeping’ of services, unlawful decisions and repeat homelessness. Despite having clear legal entitlements to assistance under the current legislation, we

regularly see people who qualify for assistance (for example visibly pregnant women or other vulnerable adults) who approach local authorities, but come away without an application for assistance being taken. Lack of accessible, suitable accommodation could also result in families feeling pressurised to take unsuitable accommodation (such as in areas with few job opportunities and far from existing connections such as schools and informal support networks).

**Therefore, we consider it inevitable that, to be able to help people under the new duties, councils with significant levels of existing homelessness will require additional resources and, more importantly, an adequate supply of accessible, affordable and suitable homes in the social or private rented sectors.**

Measures we believe the Government must take to increase the affordability and availability of homes include:

- **Reverse the freeze on Local Housing Allowance rates:** Housing benefit to tackle affordability problems is the most important tool in preventing homelessness. If the current freeze on Local Housing Allowance rates continues, by 2020 families in four-fifths of the country could face a gap between the support they need to pay their rent and the maximum support they are entitled to. Some 330,000 working families are likely to be affected. In order to help the many private tenants who could be at risk of homelessness because of the freeze, the Government must review Local Housing Allowance rates and ensure that housing benefits reflect actual housing costs.
- **A suspension of the forced sale of high value council homes in areas with high levels of homelessness:** In order for this legislation to be effective, local authorities desperately need an increase in the supply and availability of affordable housing. Perversely, measures in the Housing and Planning Act 2016 would dramatically reduce the number of affordable properties available to many local authorities – namely, through the forced sale of high value council homes. We urge the new government, who inherited the responsibility of enacting these measures, to suspend implementation of this policy. Between the 20 councils likely to be hardest hit, 23,876 homeless children are living in temporary accommodation (end of June 2016) due to the shortage of affordable homes.

If you require any further information, please get in touch with Poppy Terry on 0344 515 2274 or [poppy\\_terry@shelter.org.uk](mailto:poppy_terry@shelter.org.uk)