



Homelessness Reduction Act 2017 Precis

The government's Homelessness Reduction Act of 2017, which received Royal Assent in April 2018, places a new duty on local authorities to help prevent the homelessness of all families and single people, regardless of what is known as "priority need," who are eligible for assistance and threatened with homelessness.



The new legislation builds on the Housing (Homeless Persons) Act 1977 and the Homelessness Act 2002.

The government has committed to provide £72.7 million to local authorities to meet the new costs associated with the additional duties contained within the act. This was £11.7 million more than had previously been estimated. The local authority allocations cover 2017 to 2020, and were published in October 2017. The government says it anticipates that the new duties to prevent homelessness will lead to greater cost savings for local authorities in the future.

The 12 main points of the new legislation are as follows:

Section 1: Meaning of "threatened with homelessness"

Section 1 of the act sets out the circumstances whereby households are threatened with homelessness, and therefore when they should be offered support from local authorities to try and stop them from becoming homeless.





Under current legislation, an applicant is only assessed as threatened with homelessness if they are likely to become homeless within 28 days.

The new act extends the period during which someone might qualify as being threatened with homelessness from 28 days to 56 days. It also establishes a duty to treat an applicant as threatened with homelessness if they present a valid section 21 notice that expires in 56 days or less. (A section 21 notice is used by landlords to evict tenants and to gain possession of a property that is let under an assured shorthold tenancy when tenants have not violated the terms of the tenancy agreement.)

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 section 4 of the act, even if 56 days have passed.

Section 2: Duty to provide advisory services

Section 2 of the act extends the existing duty on local authorities to provide free advice and information to any person in their local authority area. This should include advice and information on preventing homelessness; securing accommodation when homeless; the rights of homeless people or those threatened with homelessness; the help that is available from the local authority or others, and how to access that help.

It also requires advice services to be designed with certain vulnerable groups in mind. This includes care leavers, victims of domestic abuse, people released from prison or youth detention accommodation, former members of the armed forces, people leaving hospital and those suffering from a mental illness or impairment.

Section 3: Duty to assess all eligible applicants' cases and agree a plan

Section 3 sets out the process that councils must undertake with all applicants, regardless of the priority of their needs, to agree a homelessness plan. This means that local authorities must carry out an assessment in all cases where an eligible applicant is homeless or at risk of becoming homeless.

Following the assessment, the council 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 maintain suitable accommodation.

Section 4: Duty in cases of threatened homelessness

Section 4 sets out a duty on councils to take reasonable steps to prevent homelessness for any individual, regardless of the priority of their needs, who is at risk of homelessness. This means either helping them to stay in their current home, or helping them to find a new place to live.

This requirement interacts with section 1 of the act, as the duty applies to eligible applicants who are considered as being threatened with homelessness 56 days before they are likely to become homeless.

This also runs alongside other measures, in particular the non-cooperation measure, to encourage those who are homeless or at risk of becoming homeless to work with their local authority, as well as with the duty on local authorities to provide advice and information.

Section 4 also sets out the circumstances under which an authority's duty to prevent homelessness may be brought to an end by the submission of a written notice. This includes the local authority being satisfied that suitable accommodation has been secured where there is a reasonable prospect of that accommodation being retained for at least six months.

Section 5: Duties owed to the homeless

Section 5 of the act places a duty on councils to relieve homelessness for all eligible households, regardless of their need. This involves taking reasonable steps to help the applicant to secure suitable accommodation, and lasts for up to 56 days.

The duty requires councils to take reasonable steps to help secure accommodation for any eligible person who is homeless. This help could involve the provision of a rent deposit, or advice on debt. This section also alters the interim accommodation duty that councils currently owe to homelessness applicants in priority need.

Section 6: Duties to help to secure accommodation

Section 6 interacts with the new prevention and relief duties outlined in sections 4 and 5. It gives councils the flexibility to help in resolving people's housing issues by providing support and advice to households, who would then be responsible for securing their own accommodation.

It still remains open to the local authority to secure accommodation for eligible applicants where appropriate.

Section 7: Deliberate and unreasonable refusal to co-operate: duty upon giving of notice

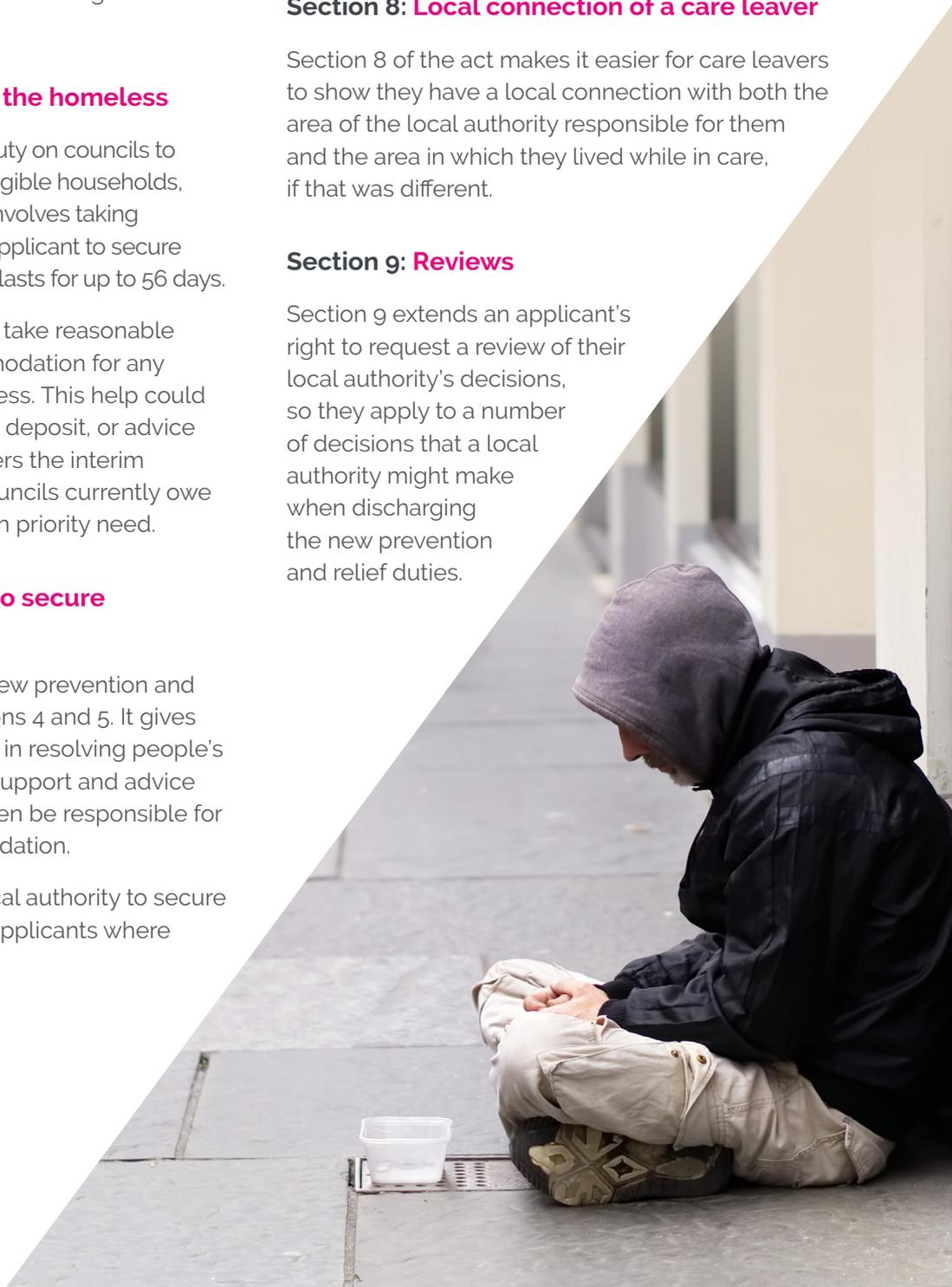
Section 7 sets out the actions a council can take if an applicant who is homeless, or threatened with homelessness, deliberately and unreasonably refuses to take any of the steps set out in the personalised plan. It also sets out the procedure and duties that apply if an applicant who is homeless refuses a suitable final accommodation offer.

Section 8: Local connection of a care leaver

Section 8 of the act makes it easier for care leavers to show they have a local connection with both the area of the local authority responsible for them and the area in which they lived while in care, if that was different.

Section 9: Reviews

Section 9 extends an applicant's right to request a review of their local authority's decisions, so they apply to a number of decisions that a local authority might make when discharging the new prevention and relief duties.



Section 10: Duty of public authority to refer cases to local housing authority

Section 10 of the act requires public authorities to notify a local authority of anyone they think may be homeless or be at risk of becoming homeless. The public authority will need to gain the consent of the individual before referring them.

These public authorities include prisons; youth offender institutions; secure training centres; secure colleges; youth offending teams; probation services; Jobcentres; social services, emergency departments; urgent treatment centres and hospitals.

Section 11: Codes of Practice

Section 11 enables the secretary of state to produce mandatory codes of practice dealing with local authorities' functions in relation to homelessness or homelessness prevention. It also allows future codes to apply narrowly to specific councils.

Section 12: Suitability of private rented sector accommodation

Under section 12, local authorities must ensure certain suitability requirements are satisfied when they secure accommodation for vulnerable households in the private rented sector.

Changes to data collection systems

Central government has stipulated that the current data collection system will need to change, so that local authorities as well as central government can monitor the operation and outcomes of the new duties brought in by the act.

The hope is that the change will generate much richer data, both on homelessness problems and the impact of interventions, enabling better informed policy and resource decisions by both local and central government in the future.

Review

The government says there will be a review of the implementation of the act, including the funding of it and how it is working in practice, after two years.

