



What you need to know about the Homelessness Reduction Bill

The [Homelessness Reduction Bill](#) is a Private Member's Bill introduced to Parliament on 29 June 2016 by Bob Blackman, backbench Conservative MP for Harrow East. The Bill draws on [the work of an independent panel of experts, established by Crisis](#) (the national charity for single homeless people) in 2015 which favoured a framework similar to the one introduced in the [Housing \(Wales\) Act 2014](#). The expert panel's aim was to assess the strengths and weaknesses of the current legislation affecting single homeless people in England and to propose improvements to the legal framework to prevent and tackle single homelessness more effectively in England, without undermining the rights people currently have under the existing system.

The Bill was published following a homelessness inquiry conducted by the cross-party Communities and Local Government Select Committee, which supports the Bill. The Committee is currently carrying out a [pre-legislative inquiry](#) to gather evidence on the anticipated impact of the Bill on levels of homelessness and potential resource implications for councils.

This briefing outlines the measures introduced by the Bill, how they differ from current homelessness law and what our members think about the proposed changes.

Definition of homelessness/threatened homelessness

[Part VII of the Housing Act 1996](#), as amended by the [Homelessness Act 2002](#), sets out the duties owed by English local housing authorities (LAs) to someone who is homeless or threatened with homelessness. Section 175 of the 1996 Act defines that a person is threatened with homelessness if it is likely that they will become homeless within 28 days.

Under the Bill, the number of days has been extended from 28 to 56. In addition, it states that if someone is served with a valid section 21 notice, they are to be considered as statutorily homeless from the expiry date of the notice.

Duty to provide advice

Currently, section 179 of the 1996 Act places a duty on English LAs to secure that advice and information about homelessness, and the prevention of homelessness, is available free of charge to any person in their district. The types of steps authorities should take to discharge this duty are not detailed so this duty is more general rather than individual specific.

Under the Bill, LAs would be required to provide or secure the provision of free services to give people in their area information and advice to:

- prevent homelessness
- secure accommodation if homeless or likely to become homeless

LAs would have to publish information about the system for providing advice, how it works, whether there is any other help for homeless or threatened homeless people in the area, how to access it as well as help to do so.

LAs must also ensure services are designed to meet the needs of particular groups at increased risk of becoming homeless including (but not limited to) care leavers, people leaving prison, people with learning disabilities, people receiving treatment for a mental health issue, people leaving hospital after receiving treatment as an inpatient and people leaving the regular armed forces.

In order to achieve the above, LAs are permitted



to work with partner organisations and the service can be integrated with the provision of advice and information duty outlined in the Care Act 2014.

Mandatory code of practice

Currently LAs are required to have regard to the [Homelessness code of guidance for local authorities](#) when carrying out their part VII functions. The Bill includes a section which would require the Secretary of State to provide LAs with a code of practice on the service they provide to reduce homelessness. The code would include guidance on service standards, staff training, recommendations for best practice and the recording and reporting of homelessness/threatened homelessness in their area (including P1E returns).

Homelessness reduction duties

As the law in England currently stands, LAs are required to make inquiries to establish if someone seeking homelessness assistance has a priority need. Section 189 of the 1996 Act defines certain groups of homeless people as having a priority need for homelessness assistance.

Those who are found to be in priority need and unintentionally homeless are owed what is called the 'full housing duty' meaning they are entitled to suitable accommodation and the LA is duty bound to secure that this is made available. However, non-priority need households, which are most likely to be single people without children, or childless couples, are owed 'advice and assistance' only.

Under the Bill, LAs would be legally obliged to provide assistance to everyone who is homeless or at risk of homelessness, irrespective of their priority need status, in order to reduce homelessness levels in their areas. These new requirements are outlined in the Bill's homelessness reduction duties, which are made up of three parts:

1. Duty to assess

While conducting their inquiries (section 184), LAs must carry out an assessment of the applicant's case and must review this assessment at specified times. The assessment must include the circumstances that have caused homelessness, the housing and support needs of the applicant and their household and what duties, if any, are owed under part VII. It must also include what outcome an applicant hopes to achieve and whether it can be achieved from/with the LA's assistance.

LAs must notify the applicant of the outcome of the assessment in writing including their right to request a review and the timescale within which this must be made. LAs must provide each applicant with a personal housing plan setting out (among other things) the outcome the applicant wishes to achieve, a summary of the advice given, the available options and steps to be taken by both the housing officer and the applicant.

2. Duty to help prevent an applicant from becoming homeless

If an LA is satisfied that an applicant is threatened with homelessness and is eligible for assistance, they must help to secure that suitable accommodation does not cease to be available for occupation by the applicant.

This duty can only come to an end in the following ways:

- The applicant has become homeless
- The applicant is no longer eligible for assistance
- The applicant is no longer threatened with homelessness and suitable accommodation is available for occupation by the applicant for a period of at least six months
- The applicant unreasonably refuses to cooperate with the LA and the LA has written to the applicant to let them know why they are minded to find that



they have unreasonably refused to co-operate and that they have an opportunity to respond.

The matters to be taken into account when deciding that the prevention duty has come to an end because of a failure to co-operate will be set out in regulations by the Secretary of State.

3. Duty to help secure accommodation for a homeless applicant

LAs - taking into consideration the applicant's assessment and their stated desired outcome - must help all homeless and eligible applicants to secure that accommodation is available for their household's occupation unless the applicant is "reasonably" referred to another local authority (see section on definition of local connection).

This duty can only come to an end in the following ways:

- A period of 56 days has passed
- The applicant ceases to be eligible for assistance
- Reasonable steps have been taken to help the applicant secure accommodation (if the applicant has a priority need)
- Accommodation is available for the applicant and their household for a period of at least 12 months
- The applicant, having been notified of the possible consequences, refuses what the LA considers to be a suitable offer of accommodation which is available for the applicant's occupation for at least 12 months
- The applicant unreasonably refuses to co-operate with the LA and the LA has written to the applicant to let them know why they are minded to find that they have unreasonably refused to co-operate and that they have an opportunity to respond.

Any of the duties set out in sections 188 (interim duty), 190 (duties to intentionally homeless applicants), 193 (full duty) and 200 (duties to applicants being

considered or are referred to another local authority) are not affected by the above.

The matters to be taken into account when deciding that the duty to help secure accommodation has come to an end because of a failure to co-operate will be set out in regulations by the Secretary of State.

Securing or helping to secure the availability of accommodation

In helping to secure that suitable accommodation is available or does not cease to be available for the applicant's occupation, LAs are required to take reasonable steps to help, having regard to the need to make best use of the LA's resources. LAs are not legally required to provide accommodation in any way under this section, just to provide help to secure it.

The Bill sets out a list of provisions that LAs may deliver or arrange/facilitate delivery of – they include:

- mediation
- payments by way of grant or loan
- guarantees that payments will be made
- support in managing debt, mortgage arrears or rent arrears
- security measures for applicants at risk of abuse
- advocacy or other representation
- accommodation
- information and advice
- other services, goods or facilities
- a private rented access scheme
- other reasonable means

Duty to persons with nowhere safe to stay

Section 188 of the 1996 Act places a duty on local authorities to secure that suitable accommodation is



made available for households they have reason to believe are homeless and may have a priority need. Any accommodation secured is to be made available for whatever period it takes for inquiries to be made into what, if any, duties are owed to a household under the Act.

The Homelessness Reduction Bill adds a new duty towards those who have nowhere safe to stay, are eligible for assistance, have a local connection and do not have a priority need but have not become homeless intentionally. LAs must secure that accommodation is made available for the applicant's occupation for a maximum period of 56 days from the date of their application. This duty only applies if the applicant has not accessed an LA homeless service (anywhere in England) within the previous six months.

Someone has nowhere safe to stay if they have no accommodation available for their occupation, or if they do, that continued occupation will lead to violence against them or anyone in their household.

Definition of local connection

A homeless applicant will only have a local connection with an area if they can prove a connection, because of any of the following:

- They are or were in the past resident there for a period of more than six months without a break and that residence was through their own choice
- They are or will be employed there for a period of more than six months without a break
- Family associations affecting those who are under the age of 18 or those with long term disabilities
- Special circumstances

This list is more detailed than the 1996 Act section on local connection, which sets out in more general terms that a local connection is determined by employment, residence and family associations in an area. Special circumstances are also allowed for in the current legal framework, but a more detailed assessment to

determine local connection is carried out by LAs with reference to [the Code of Guidance procedures for referral](#) of homeless applicants on the grounds of local connection.

Co-operation between authorities and others

Under the Bill LAs would be required to make arrangements to promote co-operation between social services (children and adults) and those delivering the housing functions under part VII. The aim of this co-operation will be to prevent homelessness, to make sure that suitable accommodation and satisfactory support is available for people who are or may become homeless and to ensure effective discharge of their part VII functions.

An LA may request the co-operation of, or information from a list of "persons" including other local authorities, social services authorities, registered providers, NHS, the probation service and the police (among others).

Intentional homelessness

Section 191 of the 1996 Act sets out that a person is intentionally homeless if they have deliberately done or failed to do something which has resulted in their homelessness. The level of assistance LAs are expected to provide to intentionally homeless applicants that have a priority need is limited to securing that accommodation is available for a period of time to give them a reasonable opportunity of resolving their own situation.

The Bill makes an addition to section 191 of the 1996 Act. It states that a person would be considered to have become homeless intentionally if they fail to accept a reasonable offer of suitable accommodation by the LA or a private landlord, or otherwise failed to cooperate with the LA's efforts to alleviate their homelessness.

Other changes

Several other sections of the 1996 Act are amended



to take into account the new homelessness reduction duties, including a referral to another authority and the right to request a review. In addition, the section on suitability is amended to incorporate the private rented sector offer requirements introduced in the [Suitability of Accommodation Order 2012](#).

What CIH members think

In July, we polled our members to find out what they thought of the then-anticipated measures in the Bill, as recommended by the expert panel. Their responses highlighted some consistent concerns about:

- the impact of some of the measures being introduced via the Housing and Planning Act 2016 including starter homes, the voluntary right to buy for housing association tenants and the forced sale of higher value council homes to fund the voluntary right to buy
- a lack of genuinely affordable housing options to help with prevention activity
- the cost of renting in the private rented sector
- the impact of welfare reform on levels of homelessness
- not having adequate resources to effectively meet new legal duties as proposed by the expert panel report

As a result of the combined effect of some of the Housing and Planning Act 2016 measures:

- 94 per cent of polled members think that there will be an increase in the loss of social rented homes available to help councils tackle homelessness
- 85 per cent think there will be an increase in the number of households becoming homeless
- 80 per cent think there will be an increase in the number of people sleeping rough
- 93 per cent think the number of families in temporary accommodation will increase

- 87 per cent think the measures will push up the cost of renting in the private rented sector

There was also a general consensus that welfare reforms, both current and pending, have and will continue to have an impact on levels of homelessness.

About the measures being introduced by the Bill

74 per cent of polled members think that the introduction of a legal duty on councils to try and prevent homelessness for everyone who needs help will lead to a reduction in levels of homelessness. If the current definition of threatened homelessness is extended from 28 to 56 days, 79 per cent think homelessness would reduce.

63 per cent think that extending the duty to provide emergency interim accommodation to everyone irrespective of priority status would also have a positive impact.

In their comments, members were on the whole very positive about a new duty that would force councils to provide homelessness prevention assistance to anyone who needs it. However, the overriding concern raised was that such measures would increase pressure on the system and that without sufficient additional resources – both funding and supply of genuinely affordable housing - homelessness prevention duties will not be effective.

Join our member opinion panel

We want CIH members to get involved as we seek to shape housing policy across the UK. If you'd like to join our member opinion panel to take part in regular (short!) surveys on the latest policy issues, [sign up today](#).



Other useful references

The following links are to relevant CIH blogs, articles, press comments and other work highlighting our support for changing the homelessness law in England:

- [More affordable homes 'central' to tackling homelessness](#)
- [Only a proper plan will solve this growing homelessness crisis](#)
- [CIH comment on Homelessness Reduction Bill](#)
- [Addressing the true drivers of homelessness](#)
- [Homelessness: time to repair the fraying net](#)
- [CIH's evidence to the homelessness inquiry](#)