

What is the Homelessness Reduction Act 2017?

The Homelessness Reduction Act (HRA) 2017; implemented on 3 April 2018, places new duties on housing authorities to intervene earlier to prevent homelessness and to take reasonable steps to relieve homelessness for all eligible applicants, not just those that have priority need under the Act. This Act does not replace the previous legislation but 'bolts on' new duties.

Three main aims of the HRA

Prevent – Intervene - Recover

- **Prevent** more people from becoming homeless in the first place by identifying people at risk and intervening earlier with evidenced solutions
- **Intervene** rapidly if a homelessness crisis occurs, so it is brief and non-recurrent
- Help more people **recover** from and exit homelessness by getting them back on their feet

Why has the HRA been introduced?

The Act is based on the work of an independent panel of experts established by Crisis (the national charity for single homeless people) and draws heavily on changes made to the Welsh homeless legislation in 2015. Crisis highlighted a number of issues with the way the previous law was working in practice, which found that;

- There was a lack of meaningful advice and assistance, which in some areas was not tailored to the individual's needs
- Some local authorities were only helping at crisis point – **RMBC have always had a culture of early intervention**
- Local authorities, such as Rotherham, were doing prevention work, but it was outside of the legal framework and, therefore, not a requirement
- There was little protection for single people who did not have priority need or those who were 'intentionally homeless'

Purpose

The Act aims to reduce homelessness by:

- Improving the quality of the advice available
- Refocusing local authorities on prevention work
- Increasing support for single people
- Joining up services to provide better support for people, especially those leaving prison/hospital and other groups at increased risk of homelessness, such as people fleeing domestic abuse and care leavers

What has changed?

Improved advice

The Act requires Local Authorities' to give free information and advice on:

- Preventing homelessness and securing accommodation when homeless
- The rights of people who are homeless or threatened with homelessness
- How to get help
- Information on tenants' rights, rights to benefits, advice on debt, rent and mortgage arrears, help for people at risk of violence and abuse and advice on how to obtain accommodation in the social sector and private rented sector.

New 'Prevention Duty'

Local Authorities' must take reasonable steps to prevent homelessness for any eligible applicant, at risk of homelessness within 56 days, regardless of priority need. This can involve assisting them to stay in their current accommodation, or helping them to find a new place to live.

New 'Relief' duty

Local Authorities' must take reasonable steps to help the applicant to secure suitable accommodation. Help could be, for example, providing a bond guarantee, funding a rent deposit or working with a private landlord to make properties available.

Personal Housing Plans

Local Authorities' must carry out a holistic assessment of the applicant's housing needs, support needs and the circumstances that led to them becoming homeless. This assessment will result in developing a Personal Housing Plan with them that sets out the reasonable steps that they, Rotherham Council and, if applicable, other professionals will take in order to prevent or relieve their homelessness.

Duty to Refer'

Specified 'public bodies' must refer (with consent) details of any person they are aware of who is at risk of homelessness, within 56 days (previously 28 days), to the housing department.

Public bodies included in the 'Duty to Refer'

The 'Duty to Refer' commenced October 2018. The agencies that have this duty are:

- Prisons
- Youth offender institutions
- Secure training centres
- Secure colleges
- Youth offending teams

- Probation services (including community rehabilitation companies)
- Jobcentre Plus
- Social service authorities
- Emergency departments
- Urgent treatment centres
- Hospitals in their function of providing inpatient care
- The Secretary of State for Defence is also subject to the duty to refer in relation to the Royal Navy, the Royal Marines, the regular Army and the Royal Air Force.

Care Leavers

In addition to having a local connection to the authority who looked after them, a care leaver will also have a local connection with an area if they have lived there for 2 years, including some time before their 16th birthday.

Assessment process changes

Rotherham Council will carry out the holistic assessment and following this, the Personal Housing Plan will be created.

Applicants are now likely to experience longer interviews, as these will be more in-depth and tailored to the applicants needs in order to produce the personal housing plan.

Positive outcomes of the Act

By intervening earlier in someone's homelessness journey it will prevent more people from losing their homes, thus reducing both the human and financial costs of homelessness.

By focusing on addressing the underlying causes of homelessness such as unemployment or lack of financial literacy as well as the symptoms, applicants' will increase their independence and resilience and be enabled to recover from homelessness in a sustainable way.

Working together to deliver the Duty to Refer and other early interventions to address homeless should enhance partnership working and help partners' to deliver their objectives as well as ours.

What does this mean for private landlords?

New definition of "threatened with homelessness"

(5) A person is also threatened with homelessness if—

- (a) a valid notice has been given to the person under section 21 of the Housing Act 1988 (orders for possession on expiry or termination of assured

shorthold tenancy) in respect of the only accommodation the person has that is available for the person's occupation, and

(b) that notice will expire within 56 days.”

Local authority duties only arises if a **valid** section 21 notice has been served.

With an increased focus on prevention, longer period to working with individuals, and forensic casework and comprehensive housing advice – landlords will going forward need to ensure they have followed all the technical rules when evicting tenants or not renewing assured shorthold tenancies.

The main focus will be on preventing homelessness. The authority must take reasonable steps to help the applicant to secure that accommodation does not cease to be available for the applicant's occupation.

Section 4 of the Homelessness Reduction Act 2017 replacing section 195 of the Housing Act 1996, widening the duties on homelessness prevention and specifically as referenced by paragraph 12.4 of the code of guidance, which states:-

“The first option to be explored, with the applicant should be enabling them to remain in their current home, where suitable. Where this is not possible, the focus should be on helping to secure accommodation that the applicant can move into in a planned way. This will often involve taking steps to extend an applicant's stay in their existing accommodation until they can move”.

The HRA widens the duty of care

The HRA also requires the council to offer greater services to those who were not previously owed much of a duty, namely **single** people, to take 'reasonable' steps to secure accommodation for at least 6 months.

Going forward

- Housing Services will work with private landlords to source affordable private rented properties under AST to relieve homelessness.
- Good quality family accommodation and single persons including shared accommodation with realistic and affordable rents ideally around Local Housing Allowance rates.
- Rotherham Council will assess households for eligibility for financial assistance or other support to access private rented accommodation. Bond and rent in advance – assistance with a loan through Laser Credit Union can be used (if affordable). Some households may be eligible for assistance via a Discretionary Housing Payment (DHP) for bond & rent in advance costs.
- Universal Credit (UC) – Housing costs (instead of housing benefits) will be met through UC for an increasing number of households and this will be paid monthly which could cause budgeting difficulties for households who are used

to receiving their income more frequently. Alternative Payment Arrangements can be requested for vulnerable households or households who have got into rent arrears previously but this must be done by the new landlord. Rotherham Council can support landlords in doing this by way of a supporting letter to confirm of our involvement.

- In some cases Discretionary Housing Payments can be applied for to cover rent shortfalls or reduce arrears in order to prevent homelessness.
- Direct point of contact - Landlords can contact Rotherham Council Homelessness Team (01709 336009) regarding any vacant properties & this information will be shared with the team for potential tenants.

It is worth noting that some households don't contact the council until the notice has almost expired thus limiting any prevention work that could have been completed in order to potentially save the tenancy.