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**To: Communities and Neighbourhoods Scrutiny Board (4)**

**Date: 8 November 2017**

**Subject: The Homelessness Reduction Act 2017**

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## **1 Purpose of the Note**

- 1.1 To inform the Communities and Neighbourhoods Scrutiny Board (4) of the new duties and service requirements arising from the Homelessness Reduction Act 2017.

## **2 Recommendations**

- 2.1 The Communities and Neighbourhoods Scrutiny Board (4) is recommended to:
- 1) Note the new duties and service requirements arising from the Homelessness Reduction Act 2017
  - 2) Identify any further recommendations for the Cabinet Member

## **3 Information/Background**

- 3.1 The Homelessness Reduction Act 2017 will place new duties on the Council to provide advice and assistance to people who are homeless or threatened with homelessness, to either help to prevent them becoming homeless or to help them to secure alternative suitable accommodation.
- 3.2 The Homelessness Reduction Act 2017 received Royal Assent in April 2017, and the Department for Communities and Local Government (DCLG) has written to all Local Authority Chief Executives declaring the intention to implement the duties in the Act in April 2018.
- 3.3 The DCLG has published (on 16 October 2017) a draft Homelessness Code of Guidance which updates the statutory guidance with the provisions of the Homelessness Reduction Act 2017. This is under consultation for eight weeks until 11 December 2017. As the consultation is technical (regarding the clarity and content of the guidance), we intend to agree a response with the Cabinet Member for Communities and Neighbourhoods and the Shadow Cabinet Member. The final guidance is expected to be published in the Spring.
- 3.4 **What are the new duties?**
- 3.5 The current duties relating to homelessness are set out in Part VII of the Housing Act 1996 (as amended by the Homelessness Act 2002). Households who are assessed as being eligible, homeless, in a priority need group, not intentionally homeless, and who have a local connection, are referred to as 'statutory homeless' and are owed the main housing duty – the Council must offer suitable long-term accommodation to them. There is also a

general duty to provide advice and assistance to households who are not owed the main housing duty.

- 3.6 The Homelessness Reduction Act 2017 introduces new duties on Local Housing Authorities, focussed on preventing homelessness where possible, and relieving homelessness where prevention is unsuccessful. It makes amendments to Part VII of the Housing Act 1996 to include the new duties.
- 3.7 The main changes introduced by the Homelessness Reduction Act 2017 include:
- The council must assist households who are threatened with homelessness within the next 56 days (currently it is within the next 28 days).
  - Advice must be available to all people in the district regarding preventing homelessness, securing accommodation, the rights of homeless people, the help which is available, and how to access that help.
  - In addition, there must be specific advice for groups who are more at risk of homelessness (those stated in the legislation are: care leavers; people leaving prison; former members of the regular armed forces; victims of domestic violence; people leaving hospital; people suffering a mental illness or impairment; and any other group identified as being particularly at risk of homelessness in the district).
  - The local authority will have a duty to assess the housing circumstances of all applicants who are eligible and homeless/threatened with homelessness (regardless of priority need or intentionality) – including the circumstances which have led to homelessness and the housing and support needs of the household.
  - For households who are eligible and threatened with homelessness – the **Prevention Duty** will apply (regardless of priority need, intentionality or local connection). The Council and the applicant must agree ‘reasonable steps’ to help them avoid becoming homeless. This duty applies for up to 56 days (potentially longer in cases where the household is threatened with homelessness due to a valid Section 21 notice).
  - For households who are already homeless, or for those whose homelessness could not be prevented, the **Relief Duty** will apply (regardless of priority need or intentionality, but local connection can be taken into account at this stage). The Council and the applicant must agree ‘reasonable steps’ to help them to secure accommodation which is suitable and available for at least 6 months. This duty applies for up to 56 days (potentially in addition to 56 days under the Prevention Duty).
  - Specified Public Authorities will be under a new duty to refer, meaning that they must notify the local housing authority of anyone they are working with that they believe to be homeless or threatened with homelessness (with the consent of the applicant). Regulations are still to be laid to specify which public bodies this will apply to, but it is likely to include schools, GPs, hospitals, prisons, Police etc.
- 3.8 For the Prevention and Relief Duties, the Council will have to agree, with the applicant, a ‘Personal Housing Plan’, setting out the steps to be taken by the Council and the steps to be taken by the applicant to prevent or relieve their homelessness. This is a collaborative process that the applicant will be expected to participate in, as far as is ‘reasonable’ (taking into consideration their individual circumstances and any support needs).
- 3.9 If the applicants’ homelessness cannot be resolved within the time that they are under the Prevention and Relief Duties (up to 112 days), the current existing assessment to determine the duties that the Council has towards the household must be carried out. This will determine whether the main housing duty applies, taking into account priority need status and intentionality.
- 3.10 The applicant may request a review of all decisions regarding the duties that are owed by the Local Housing Authority and the way those duties have been discharged.

### 3.11 Prevention and Relief

3.12 Prevention and Relief measures which will need to be put in place may include (but not be limited to):

- Assistance to access the Private Rented Sector (financial or otherwise).
- Assistance to maximise income, welfare advice, and budgeting/debt management.
- A Prevention Fund with officer discretion (within a framework) to make small one-off payments where these will prevent/relieve homelessness.
- Assistance to apply for Discretionary Housing Payments.
- Mediation and dispute resolution with family members or landlords.
- Tenancy sustainment support.
- Referral to specialist support services or supported housing.

3.13 It is expected that the Prevention and Relief duties will often result in either resolving issues and enabling the applicant to stay in their current accommodation, or by assisting them to access other accommodation which will be available for 6 months or more – this will include Assured Shorthold Tenancies (ASTs) in the Private Rented Sector as well as social housing provided by Housing Associations.

### 3.14 Government funding

3.15 There are two new sources of funding from the Government for services to prevent and relieve homelessness, and to implement the requirements of the Homelessness Reduction Act.

3.16 The Flexible Homelessness Support Grant (FHSG) replaces the Temporary Accommodation Management Fee (a top-up payment given to councils where homeless applicants were placed in temporary accommodation). This grant is ring-fenced for an initial period of two years, and must be used only to prevent or deal with homelessness.

3.17 There is also a Homelessness Reduction Act New Burdens fund which will provide funding to help to meet additional costs that arise as a result of the introduction of the new duties. This is £72.8m nationally for three years from 2017/18 to 2019/20.

3.18 The table below shows the funding that Coventry City Council will receive from these two funding streams:

<b>Funding</b>	<b>2017/18</b>	<b>2018/19</b>	<b>2019/20</b>	<b>Total</b>
Flexible Homelessness Support Grant	£471,057	£516,336	To be reviewed	£987,393
HRA2017 new burdens	£128,130	£117,367	£166,981	£412,478
Total	£599,187	£633,703	£166,981	£1,399,871

### 3.19 Coventry City Council Response

3.20 In order to meet the requirements of the Homelessness Reduction Act 2017, additional services will need to be provided either by, or on behalf of, the Council. The Housing Options Team (People – Customer Services) provides advice and assistance for homeless people, and officers within the team carry out the homelessness assessments under the current legislation.

- 3.21 A project team is currently examining the options for how the new services can be provided and whether any services need to be commissioned.
- 3.22 It will also be incorporated into the review of the Housing & Homelessness Strategy (due to be updated in 2018).
- 3.23 **Useful documents:**
- 3.24 The Homelessness Reduction Act 2017 can be accessed here:  
<http://www.legislation.gov.uk/ukpga/2017/13/contents>
- 3.25 The Draft Homelessness Code of Guidance can be accessed here:  
<https://www.gov.uk/government/consultations/homelessness-code-of-guidance-for-local-authorities>
- 3.26 The Flexible Homelessness Support Grant allocations can be accessed here:  
<https://www.gov.uk/government/publications/flexible-homelessness-support-grant-2017-18-to-2018-19>
- 3.27 The Homelessness Reduction Act New Burdens Fund allocations can be accessed here:  
<https://www.gov.uk/government/publications/homelessness-reduction-act-new-burdens-funding>

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