

**Health, Housing and Adult Social Care
Policy & Scrutiny Committee**

13 September 2017

Report of the Assistant Director - Housing and Community Safety

Homeless Reduction Act 2017

Summary

1. To advise members about the content and implications of the Homeless Reduction Act 2017 which comes into force on 1/4/18.

Background

2. Current homeless legislation is the Housing Act 1996 (Part 7) which places a statutory duty on Local Authorities to provide advice and assistance to anyone who is homeless within 28 days.
3. There is a duty to provide temporary accommodation is for those who are homeless, eligible and believed to be in priority need and to provide permanent accommodation (full duty) to those who are homeless, eligible, in priority needs, unintentionally homeless and with a local connection.
4. The Homeless Reduction Act 2017 extends the statutory duty to prevent homelessness for anyone at risk of homelessness within 56 days including those with no local connection.
5. The advice service must be designed to meet the needs of specific groups:
 - Care leavers
 - People released from prison or youth detention centres
 - Former members of the regular armed forces
 - Victims of domestic abuse
 - People leaving hospital

- People suffering mental illness
- Any other group identified by the Local Authority (LA) as being at particular risk of homelessness.

6. The duty to prevent can come to an end as a result of:

- The applicant has suitable accommodation available for occupation with a reasonable prospect of having the accommodation available for at least 6 months.
- The authority has taken reasonable steps to prevent homelessness, but a period of 56 days has ended the Local Authority **may** give notice to the applicant.
- The applicant has become homeless.
- The applicant has refused an offer of suitable accommodation and therefore the relief duty is owed if they become homeless.
- Notice served due to deliberate and unreasonable refusal to cooperate.
- The applicant ceases to be eligible.
- The applicant has withdrawn the application.

In all cases, the applicant must be notified in writing and at each point the applicant request a review of the decision.

7. The Homeless Reduction Act 2017 further extends the statutory duty to **relieve homelessness** (assist in finding alternative accommodation) for a further 56 days. Local connection criteria applies at this stage.

8. Initial duty owed to all eligible people who are homeless, when LA must take reasonable steps to help the applicant ensure that suitable accommodation becomes available to them for at least six months. In deciding on the reasonable steps to take to meet the duty, the LA must have regard to their personal housing plan and assessment.

9. The LA cannot make a decision under s.193 (Main duty), s.191 (Intentionally Homeless) or s.192 (No Priority Need) until the 56 day relief duty has been met.

10. The duty to relieve may also be brought to an end when the local authority are satisfied that that any of the following apply:

- The applicant has suitable accommodation available for occupation with a reasonable prospect of having the accommodation available for at least 6 months.
- At the end of a 56 day period and the authority has complied with the relief duty, whether or not the applicant has managed to secure suitable accommodation.
- The applicant has refused an offer of suitable accommodation.
- Applicant refuses final offer of accommodation or final Part 6 offer.
- Notice served due to deliberate and unreasonable refusal to cooperate.
- The applicant has become homeless intentionally from any accommodation that has been made available to them as a result of the reasonable steps to relieve homelessness (under section 189B (2)).
- The applicant is no longer eligible for assistance.
- Application withdrawn.

The applicant is entitled to request a review on any of these decisions

11. The full homeless duty (as per Housing Act 1996) is not considered until the prevention and / or relief of homelessness duty has been concluded and only applies to those who are, eligible, in priority needs, unintentionally homeless and with a local connection.

Consultation

12. Staff training has commenced but cannot be completed until the Code of Guidance is issued. 'Bite sized' training will be available for partners, other departments and stakeholders
13. Consultation took place at a national level before the legislation was passed on 27/4/17.
14. Further national consultation will take place before the Code Of Guidance is published (date yet to be confirmed)

Analysis

15. The main changes in the Homeless Reduction Act 2017 are;
 - Assessment for anyone who is homeless within 56 days regardless of local connection

- Personal housing plan. All customers require a personal housing plan which sets out, the actions that are required to prevent homelessness, who will carry out these actions including support, signposting and specific pieces of work. These must be dynamic and updated regularly.
- Prevention – duty to prevent for 56 days. Significant emphasis on valid section 21 Notice to Quit which is a complex legal area and / or negotiation with landlord, financial assessments, payment plans etc.
- Relief – a further 56 day duty to relieve homelessness – ie secure alternative suitable accommodation. Can consider local connection at this point but cannot differentiate between unintentional / intentionally homeless and duty remains. Emphasis is on finding alternative accommodation, supporting people to resolve barriers to housing (debts, budgeting, support with deposits, bonds, rent in advance, housing support, access to supported housing, private rented accommodation or social housing. Some households will require temporary accommodation while continue to ‘relieve’ homelessness.
- Full duty – cannot be considered until after 56 day relief duty has ended. Full duty is only applicable to those who are homeless, eligible, in priority needs, unintentionally homeless and with a local connection, those who are homeless, eligible, in priority needs, but intentionally homeless and with a local connection – there is only a duty to secure a 6 month AST tenancy. This is problematic as landlords are reluctant to take people with rent arrears / antisocial behaviour (the factors that deemed someone intentionally homeless).
- Discharge of legal duty can occur at each phase of the legislation, prevention, relief and full duty.
- End of prevention duty.
- End of relief duty.
- End full duty.

16. It is anticipated that the work load will increase as a result of this new legislation including

- We are anticipating an increase in footfall – nationally it is estimated a 25% increase. Current caseload is approximately 600 full investigation / cases per annum and a further 400 individual advice cases. This equates to 1,250 full investigation cases.

- Increase in administration – that all customers will require a dynamic personal housing support plan. This must be reviewed and updated regularly. Estimated time is 22 hour per case (customer contact, investigations, decision) which would increase to circa 37.5 hours per case
- Additional support will be required to ensure the more vulnerable customer is supported to complete the relevant actions on their personal housing plan points to help them retain / secure accommodation
- That increase duty towards those households who would historically be viewed as intentionally homeless will place a significant burden on general accommodation supply (LA now have a duty to prevent or relive homeless for intentionally homeless)
- Additional 15 points that an applicant can request a review of a decision.

17. Duty to secure accommodation

With increase demand and expectations and statutory duty there will be significant pressure on existing resources: hostels, private rented accommodation, social housing and affordable housing.

18. There are concerns that there is insufficient accommodation (supported housing, private rented sector, social housing or affordable housing) to meet the statutory duties placed on Local Authorities, although CYC Housing intend to look at use of CYC stock and re-configuration.
19. It is therefore imperative that all housing developments, local plan take account of the new statutory duty to relieve homelessness and maximise opportunity to build / develop affordable housing for those on very low incomes, benefits.
20. There is a need to review how the existing stock is used to maximising its use. Consider the introduction of flexible tenancies
21. Concern about the lack of affordable social housing. Current housing register has circa 1,600 applicants and 500 vacant homes per annum.
22. Concern about the type of affordable housing being proposed in York – shared ownership, Home Buy. While very beneficial for some

customers (first time buyers) are not within reach of those on benefits, low income, and zero hour contracts.

23. Concern about the affordability of housing in York, that Local Housing Allowance (LHA) does not match private rents (eg 2 bedroom LHA £535.98, average 2 bed PRS rent £798)

Current LHA rates in York are:

Category	Weekly amount	Monthly amount
Shared room (S1)	£ 67.09	£ 291.52
1 bedroom (B1)	£ 98.96	£ 430
2 bedrooms (C2)	£ 123.58	£ 535.98
3 bedrooms (D3)	£ 141.24	£ 613.72
4 bedrooms (E4)	£ 200.09	£ 869.44

Average rent costs in York at present

http://www.home.co.uk/for_rent/york/current_rents?location=york

	<u>Average rent</u>
<u>One bedroom</u>	£648 pcm
<u>Two bedrooms</u>	£798 pcm
<u>Three bedrooms</u>	£992 pcm
<u>Four bedrooms</u>	£1,281 pcm
<u>Five bedrooms</u>	£1,881 pcm

Consideration will need to be given to expanding the Private Rented Sector (PRS), to offer 12 month tenancies, incentives for landlords

Council Plan

24. The implementation and delivery of the Homeless Reduction Act contribute to the Council Plan to ensure:

- a prosperous city for all - where local businesses can thrive and residents have good quality jobs, housing and opportunities and to
- focus on frontline services - to ensure all residents, particularly the least advantaged, can access reliable services and community facilities

Implications

Financial:

25. There is additional funding to LAs (£61m over 2 years) for the administration of the service. Grant allocation not yet confirmed but it is anticipated that the new burdens grant would not cover costs of staffing to meet increased demand or provide tailored support.. Recent changes to Adult Wellbeing contract (supported housing and floating support) means there are already tremendous demands on supported housing / prevention (floating support) services.
26. The additional funding is not intended to fund new prevention / relief initiatives, CYC already receive a Homeless Prevention grant and additional Flexible Homeless Grant for this.
27. A draft paper requesting a growth bid will be considered as part of the annual budget process. This is deeply concerning as staff need to be in post before full budget council so we can deliver the service on 1/4/18.

Human Resources (HR):

28. Additional staff will be required to deliver this service (Growth bid).

Equalities

29. Community Impact Assessment to be completed once the full implications are known.

Legal

30. Legal challenge if CYC do not meet its statutory duties.

Crime and Disorder

31. None

Information Technology (IT)

32. CYC have signed up to a pilot scheme to provide a specialist system to case manage and produce relevant Department of Communities and Local Government statistics. If we do not use this IT system, current IT systems will need to be re-programmed to meet new legislative and statistical requirements. The new legislative and statistical requirements will be taken into consideration when procuring the new IT Housing system (current project)

Property

33. None

Other

34. None

Risk Management

35. There is a significant risk that there will be insufficient staff resources, accommodation options to meet this statutory requirement.
36. That rough sleeping will increase.
37. There is a significant risk that there will be an increase in legal challenges.

Recommendations

38. That Members understand the new statutory duties placed on City of York Council under this act and support officers to develop appropriate services, resources and accommodation solutions.

Reason: So Members are aware of the content and implications of the Homeless Reduction Act 2017

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Report
Approved



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Wards Affected:

All

For further information please contact the author of the report

Annexes:

Annex 1 – NPSS training slides
Annex 2 – NPSS flowchart