

Homeless Link's response to Government's consultation on social housing allocations

March 2024

- Homeless Link are the national membership charity for frontline homelessness services. With over 800 members across England, we work to improve services and campaign for policy change that will help end homelessness and ensure that everyone has a place to call home and the support they need to keep it.
- The evidence provided in this submission is collected from existing research from Homeless Link, previous consultation with members on the topics of social housing allocations, our ongoing engagement with members, and analysis from partner agencies.
- Having a safe place to live, and support when you need it, should be the foundation of any healthy society. But homelessness is rising, with hundreds of thousands of people in the UK forced to live with its insecurity and trauma, deeply impacting both their health and wellbeing and that of local communities.
- Access to social housing is essential to preventing and ending homelessness. Long term under investment in social house building coupled with the loss of existing stock including through Right to Buy has led to a severe shortage of social homes across England. As such demand for social homes severely outstrips supply. On 31 March 2023, there were 1.29 million households on local housing authority waiting lists, yet only 267,000 households (almost half a million people) were allocated a home in 2021/22. The lack of social housing has hampered efforts to prevent and homelessness leading to record numbers of households in costly, unsuitable temporary accommodation including over 142,000 children.
- Within this consultation DLUHC acknowledges that these proposals are in response to managing a "scarce resource". Homeless Link believes that rather than introducing tests that will further restrict access, create additional administrative burden on local authorities, and prevent local areas from implementing flexible strategies to prevent and end homelessness, the Government should instead be investing in delivering sufficient social housing to support all those in housing need. The shortage of appropriate, affordable social housing is one of the biggest drivers of homelessness, and one that can trap people in homelessness as they are prevented from moving on from temporary accommodation.
- Homeless Link believes that social housing allocations policies are one of the key levers at local authorities disposal that can help to tackle homelessness at a local level. This was evident during the Everyone In intervention enacted during the COVID-19 pandemic where several local authorities adapted their policies to better meet the needs of people experiencing homelessness to great effect. However the benefits here were apparent because of the local control given to councils. They

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were able to flex and adapt based on their knowledge of their local housing stock and wider need for all people locally in need of social housing.

- As such Homeless Link believes that social housing allocations should remain at local authority levels discretion and disagree with all of the proposals for additional national mandatory tests. We believe that these proposals risks increasing homelessness, leaving more households trapped in costly and unsuitable temporary accommodation, and increase the financial burden on local authorities.
- The following sets out our response to the specific proposed tests within the Government's social housing allocation consultation.

UK connection test

Do you agree that an individual should have to demonstrate a connection to the UK for ten years before qualifying for social housing (if they do not meet the test otherwise or are exempt)?

- Homeless Link does not agree that an individual should have to demonstrate a connection to the UK for ten years before qualifying for social housing. 90% of social homes in England are already allocated to UK nationals and we are concerned that alongside being unnecessary this test would be unfair and discriminatory.
- This proposed test contradicts existing legislation whereby households would be eligible for homelessness support entitlements already afforded under Part 7 of the Housing Act 1996 but ineligible for social housing under Part 6 of the same legislation. Without access to social housing this risks condemning households, including families, to years in costly and unsuitable temporary accommodation.
- In many cases, households are eligible for social housing due to vulnerabilities or substantial care and health needs. Removing access to permanent housing solutions are likely to increase that vulnerability, with impacts on other social services and ultimately at likely cost to the public purse. Making this contingent on someone having to demonstrate a ten year connection to the UK would only further worsen health and social care needs for a population already known to be vulnerabilities including poor mental health and history of trauma.
- Homeless Link are also concerned that this proposed test will exacerbate existing challenges in supporting newly recognised refugees who already face disproportionate risks of homelessness. The limited availability of suitable, affordable housing means that refugees are often particularly susceptible to housing stress, housing insecurity and, ultimately, even to homelessness, for prolonged periods of time after being granted status. In the year 2022/23, 4,680 households containing a former asylum seeker were owed either a homelessness prevention or relief duty in England, a 42% increase on the previous year (DLUHC

2023). More recently, the number of people rough sleeping having left the asylum system has skyrocketed, increasing nearly 1000% between July and December 2024 (DLUHC 2024). Without access to social housing, but eligible for homelessness support this population risks either being trapped in homelessness or trapped in unsuitable temporary accommodation for years perpetuating an already two-tier system.

- Ultimately, local authorities are best placed to judge how best to use their own social housing stock to manage their homelessness duty responsibilities and their duty to the wider community. Under the new proposals, the removal of this option creates restrictions on local authorities which risks exacerbating existing homelessness challenges.

Do you think there should be any further exemptions to the UK connection test, for example for care leavers?

- Yes. Homeless Link believe that all eligible households who have experienced homelessness should be exempt.

Local connection

Do you agree that an individual should have to demonstrate a local connection with an area for two years before qualifying for social housing (unless exempt)?

- Homeless Link does not agree that there should be a mandatory need to demonstrate a two year local connection to qualify for social housing. Whilst we are aware that many local authorities already apply similar tests we firmly believe that this should be discretionary and that local authorities are best placed to make a decision on the allocation of their social housing stock.
- A central government mandated restriction will have very little impact given most local authorities already apply similar tests but would impact on those local areas who have chosen not to apply these tests in order to alleviate housing need in a way that suits their provision locally.

Do you think there should be any further exemptions to the local connection test?

- People accepted as homeless and owed the main rehousing duty should be exempt from a mandatory local connection test. They're already subject to the homelessness local connection test.
- Additionally with over a quarter of homeless households now accommodated in temporary accommodation out of area, households should not be penalised and prevented from accessing social housing due to insufficient supply of temporary accommodation in their original local authority. In these instances households should be afforded the choice of either accessing a social home in their original

area or in the area where they've been accommodated, if it's their preference to remain there with no additional local connection restrictions.

Income test

Should the same threshold for the income test apply across England or should it vary?

- Homeless Link does not believe that an income test should be mandated by central Government. Housing markets and their relationship to income levels vary massively across the UK, including between neighbouring local authorities and neighbouring boroughs in London. This means even a regional appraisal of income tests would be inflexible and inefficient.
- There is also a concern that applying an income test would disincentivise people in housing need and on the social housing waiting list from taking higher paid or additional work if this would push them above the income threshold.
- Instead this should be at local authority discretion as to whether to set an income test and to decide what the maximum income should be.

Anti-social behaviour test

Do you agree that a conviction/sanction for anti-social behaviour should result in a disqualification period from accessing social housing? If yes, how long should someone be disqualified for?

- Homeless Link opposes a national anti-social behaviour test. We are concerned that this would exacerbate homelessness and undermines efforts to prevent and end homelessness and rough sleeping. The causes of anti-social behaviour are often complex and for people with experience of homelessness often caused by trauma, and untreated mental health and substance misuse needs. Penalising people for having support needs that existing services and support have not been able to help risks ostracising people further, making them less likely to access the support that will help them end their homelessness for good. Preventing people from accessing social housing as part of this will only further worsen this.
- Local authorities are best placed to determine whether anti-social behaviour results in a disqualification period from accessing social housing. Use of social housing is an important and core part of many local areas approach to tackling rough sleeping.
- In the case of those with multiple disadvantage many of whom may have a history of anti-social behaviour Housing First is a proven intervention (including by the Government's own evaluation of the Housing First pilots) that can help relieve and

sustain an end to rough sleeping, alongside reducing offending behaviour and other anti-social behaviour. For many local authorities use of social housing enables this scheme. Preventing access to social housing for this population will only lead to further entrenched homelessness and instead risk an increase in ongoing anti-social behaviour.

- Local authorities should have the capacity to develop and implement their own strategies for tackling anti-social behaviour for those in housing need, including homelessness, and this must include ongoing ability to manage their own social housing stock and allocation policies.

The government is considering whether exemptions to the anti-social behaviour test should be made for victims of domestic abuse; or those with a condition or disability that was a relevant contributing factor to the anti-social behaviour. Are there any additional groups that should be considered for an exemption from this test?

- Whilst Homeless Link does not agree that there should be a mandatory anti-social behaviour test if the Government were to implement such a test then we agree that this should apply to both survivors of domestic abuse and for people with disabilities or health conditions which may contribute to anti-social behaviour. Survivors of domestic abuse are four times more likely to have ASB complaints made against them, often due to the misidentification of domestic abuse as ASB.

The government has committed to exploring a 'three strikes and you're out' eviction expectation for all social landlords, meaning three proven instances of anti-social behaviour, accompanied by three warnings from a landlord, would result in eviction. How should a 'strike' be defined?

- Homeless Link believes that this should be left to the discretion of local authorities as a broader approach to tackling anti-social behaviour. The causes of anti-social behaviour are complex and are often caused by untreated mental health needs. This approach risks evicting people into homelessness and potentially rough sleeping without tackling to causes of this behaviour and leading to worse outcomes and increased trauma for individuals. For those who do become homeless after eviction then they may well still be eligible for homelessness support, meaning there will still be pressure on the local authority to support and a likelihood of trapping people in unsuitable and costly temporary accommodation.
- Homeless Link instead would like to see greater investment to enable more proactive tenancy support services, intensive interventions such as Housing First for those who are in need, and better interaction between mental health and housing services. Many local authorities already deliver such schemes to great effect and should the ability to continue this work where they choose to do so.

