

Five key changes in the Homelessness Reduction Act

The Homelessness Reduction Act ('the Act') is due to come into force in April 2018.¹ The Act will modify and extend existing homelessness protection in a number of key ways:

1. Improved advice and information about homelessness and the prevention of homelessness

A review of the current homelessness legislation found that the information and advice provided to single homeless people needed to be much more effective.² Under the Act, everyone in a local housing authority's district should be able to access free information and advice on³:

- preventing homelessness,⁴
- securing accommodation when homeless,
- the rights of people who are homeless or threatened with homelessness, and the duties of the authority,
- any help that is available from the authority or anyone else
- how to access that help.

Services providing advice and information must be designed to meet the needs of particular groups in the authority's district, for example care leavers, people 'suffering with a mental illness or impairment' and groups identified as being at particular risk of homelessness.⁵

Housing authorities will need to work with other relevant statutory and non-statutory service providers to identify groups at particular risk and to develop appropriate, accessible provision.⁶ Housing authorities may also wish to consult with particular groups, for example people in contact with the criminal justice system, before developing resources.⁸

Housing authorities can contract out advisory services so they are provided by other organisations.

¹ The Act received Royal Assent in April 2017.

² (Crisis, 2016) [The homelessness legislation: an independent review of the legal duties owed to homeless people](#)

³ See section 3.2 of the [Draft Homelessness Code of Guidance for Local Authorities](#)

⁴ See section 3.6 of the [Draft Homelessness Code of Guidance for Local Authorities](#)

⁵ See section 3.4 of the [Draft Homelessness Code of Guidance for Local Authorities](#)

⁶ See section 3.5 of the [Draft Homelessness Code of Guidance for Local Authorities](#)

⁷ For example, section 23.7 of the [Draft Homelessness Code of Guidance for Local Authorities](#) states that advice services will be most effective if developed in consultation or jointly with offender management services in the district (i.e. prisons, youth offending services and probation providers).

⁸ See section 23.7 of the [Draft Homelessness Code of Guidance for Local Authorities](#)

2. Extension of the period ‘threatened with homelessness’

Under current legislation, an applicant is only assessed as threatened with homelessness if they are likely to become homeless within 28 days. Under the new Act, the period ‘threatened with homelessness’ is extended; a person is threatened with homelessness if they are likely to become homeless within 56 days, or if they have been served a valid section 21 notice that expires in 56 days or less.

The extension aims to encourage housing authorities to act quickly and proactively,⁹ and should allow housing authorities more time to do prevention work.

3. Introducing new duties to prevent and relieve homelessness for all eligible people, regardless of priority need and intentionality

Currently, most prevention and relief work undertaken by a housing authority sits outside of the statutory framework. This has led to many single homeless people only receiving limited information to support them relieve their homelessness. Under the new Act, all eligible¹⁰ people who are found to be homeless or threatened with homelessness will be entitled to more tailored support from the housing authority, regardless of priority need and intentionality. Support to prevent homelessness is available to everyone regardless of local connection. Information about this support can be found in *4) Introducing assessments and personalised housing plans, setting out the actions housing authorities and individuals will take to secure accommodation*

Additionally, all people found to be homeless and in priority need will be provided with interim accommodation. In determining who is in priority need, housing authorities will need to be aware that ‘an applicant may be considered vulnerable because of a combination of factors which taken alone may not necessarily lead to a decision that they are vulnerable (e.g. drug and alcohol problems, common mental health problems, a history of sleeping rough, no previous experience of managing a tenancy).’¹¹ Assessments of ‘vulnerability’ may require working with other agencies.¹²

Applicants who have a priority need, were homeless unintentionally and whose homelessness has not been successfully relieved after 56 days, will be owed the main housing duty unless they have refused to co-operate.¹³ Applicants are owed a lesser accommodation duty if they are intentionally homeless.¹⁴ The Draft Homelessness Code of Guidance for Local Authorities outlines the reasons why someone is unintentionally

⁹ Section 6.19 of the [Draft Homelessness Code of Guidance for Local Authorities](#) notes that when considering if it is reasonable for someone to stay in their accommodation, housing authorities ‘should not consider it reasonable for people to stay until evicted by a bailiff.’ The focus on statutory preventative work aims also to mitigate this practice.

¹⁰ Certain people from abroad are ineligible for housing assistance. For full details see Chapter 7 of the [Draft Homelessness Code of Guidance for Local Authorities](#)

¹¹ See section 8.38 of the [Draft Homelessness Code of Guidance for Local Authorities](#)

¹² For example, section 8.25 of the [Draft Homelessness Code of Guidance for Local Authorities](#) states that ‘Assessment of vulnerability due to mental health problems will require cooperation between housing authorities, social services authorities and mental health agencies. Housing authorities should consider carrying out joint assessments or using a trained mental health practitioner as part of an assessment team.’

¹³ See section 15.39 of the [Draft Homelessness Code of Guidance for Local Authorities](#)

¹⁴ See sections 15.13-15.15 of the [Draft Homelessness Code of Guidance for Local Authorities](#)

homeless, including 'non-payment of rent or mortgage costs which were the result of housing benefit or universal credit delays or result of limited mental capacity.'¹⁵

Where accommodation is provided, the housing authority must be satisfied that the accommodation will be available for at least 6 months. The Draft Homelessness Code of Guidance for Local Authorities notes that a placement in a short-stay hostel or supported housing scheme will be only be sufficient to meet a housing authority's duties to prevent or relieve homelessness where there is a planned pathway to ensure that accommodation will continue to available to them for at least 6 months.¹⁶

4. Introducing assessments and personalised housing plans, setting out the actions housing authorities and individuals will take to secure accommodation

Under the Act, housing authorities will conduct an assessment with all eligible applicants who are homeless or threatened with homelessness and develop with them a personalised housing plan.

The **assessment** should include:

- the circumstances that caused the applicant to become homeless or threatened with homelessness
- what housing the applicant needs, and what accommodation would be suitable, and
- whether the applicant needs support to obtain and keep accommodation

The assessment of an applicant's support needs should be holistic and comprehensive.¹⁷ Some applicants may be reluctant to disclose their needs, and staff will need to have the sufficient skills and training to conduct assessments with these applicants.¹⁸

The **personalised housing plan** will set out the steps the individual and the housing authority must take for the individual to remain in or find suitable accommodation. Examples of this include, but are not limited to, mediation/conciliation, providing financial support to access private rented accommodation and 'helping to secure or securing an immediate safe place to stay for people who are sleeping rough or at high risk of sleeping rough.'¹⁹

A housing authority does not have *to directly* secure accommodation, though it can do where appropriate.²⁰

The housing authority can (with consent) involve other services the applicant is using to develop and agree the personalised housing plan.²¹

The plan must set out clearly which steps are mandatory and which are recommended.

¹⁵ See section 9.17 of the [Draft Homelessness Code of Guidance for Local Authorities](#)

¹⁶ See section 16.39 of the [Draft Homelessness Code of Guidance for Local Authorities](#)

¹⁷ See section 11.11 of the [Draft Homelessness Code of Guidance for Local Authorities](#)

¹⁸ See section 11.19 of the [Draft Homelessness Code of Guidance for Local Authorities](#)

¹⁹ See section 11.23 of the [Draft Homelessness Code of Guidance for Local Authorities](#)

²⁰ See section 16.4 of the [Draft Homelessness Code of Guidance for Local Authorities](#)

²¹ See section 11.21 of the [Draft Homelessness Code of Guidance for Local Authorities](#)

Housing authorities can contract out the assessments and personalised housing plans function to other organisations.

Deliberately and unreasonably refusing to cooperate

Housing authorities may take certain actions if an applicant deliberately and unreasonably refuses to cooperate with the key steps in their personalised housing plan. This requirement aims to incentivise applicants to engage in prevention and relief work.²²

In determining whether someone has deliberately and unreasonably refused to cooperate, decision-makers must have regard to the applicant's needs and circumstances.²³ For example, the housing authority should take into account any particular difficulties individuals may have in managing communications if the applicant is 'street homeless' or insecurely housed ('sofa surfing')²⁴

5. Encouraging public bodies to work together to prevent and relieve homelessness through a duty to refer

Effective prevention and relief of homelessness requires public bodies to work together to help address the multiple factors that cause an individual's homelessness.

Under the Act, public bodies²⁵ in England will have a duty to refer an individual's case (with consent) to a housing authority they identify.²⁶ The duty provides an 'impetus to develop effective referral arrangements and accommodation pathways that involve all relevant agencies to provide appropriate jointly planned help and support to prevent homelessness.'²⁷

How the duty works in practice will be determined in each local area. For example, housing authorities may want to develop standard referral mechanisms or forms, and public bodies may want to undertake training to support them in identifying people who are homeless or threatened with homelessness.

Public bodies are not expected to necessarily conduct housing needs assessments.

This duty should be incorporated into a local authority's wider homelessness strategy.²⁸

²² (Crisis, 2016) [The homelessness legislation: an independent review of the legal duties owed to homeless people](#)

²³ See section 14.51 of the [Draft Homelessness Code of Guidance for Local Authorities](#)

²⁴ See section 14.50 of the [Draft Homelessness Code of Guidance for Local Authorities](#)

²⁵ Public authorities are yet to be determined. Regulations are expected to be laid in early 2018

²⁶ See section 4.2 of the [Draft Homelessness Code of Guidance for Local Authorities](#)

²⁷ See section 23.3 of the [Draft Homelessness Code of Guidance for Local Authorities](#)

²⁸ See section 4.3 of the [Draft Homelessness Code of Guidance for Local Authorities](#)