

## **Sustainable Communities Overview & Scrutiny Panel**

**Date: 19<sup>th</sup> March 2019**

Agenda item:

**Subject: Housing Supply Task Group - Monitoring recommendations & Update on the Homelessness Reduction Act**

Lead officer: Steve Langley, Head of Housing Needs

Lead member: Councillor Martin Whelton, Cabinet Member for Regeneration, Housing and Transport.

Contact officer: Steve Langley, Head of Housing Needs

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### **Recommendations:**

A. No decision will be required as the report is for information only.

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### **1 PURPOSE OF REPORT AND EXECUTIVE SUMMARY**

- 1.1. To provide a position statement following the implementation of the Homelessness Reduction Act 2017.
- 1.2. The report will provide information relating to the number of cases presenting as homeless since the introduction of the Act, the needs of our residents and how we are meeting those needs, including the needs of private sector tenants.
- 1.3. The report provides an update to the Housing Supply Task Group, as detailed in Appendix 1.

### **2 DETAILS**

- 2.1. The Homeless Reduction Bill received Royal Assent on the 27<sup>th</sup> April 2017. It came into force on 3<sup>rd</sup> April 2018 and placed new legal duties on English Councils to ensure that everyone who is homeless or threatened with homelessness and eligible for assistance has access to advice and assistance, irrespective of their priority need status. This has broadened the resident groups who are owed a duty and also introduced a legal duty to carry out prevention work to help residents remain in their current home.
- 2.2. Part VII of the Housing Act 1996, as amended by the Homelessness Act 2002, set out the duties owed by English Local Authorities to someone who is homeless or threatened with homelessness. The new Act extended the number of days that a household should be deemed as threatened with homelessness from 28 days to 56 days, to provide more time to carry out

prevention and relief work. In addition, people who have a valid notice under Section 21 of the Housing Act 1988 (generally this includes private sector tenants) will be treated as being threatened with homelessness.

2.3. The key requirements of the Act are:

- As part of the housing needs assessment, a Personal Housing Plan is prepared with the customer which is bespoke and personalised to the customer's individual circumstances. The Plan sets out steps that both the customer and the officer will have to take to retain or secure suitable accommodation and a copy is given to the customer.
- The Council must provide information and advice to a range of people with varying levels of housing need, on preventing homelessness and/or securing accommodation.
- A new referral duty means that specified public authorities must make a referral to the Council where they consider a person to be homeless or threatened with homelessness. This duty came into effect from 1<sup>st</sup> October 2018.
- The assessment duty means that all customers who are homeless or threatened with homelessness and are eligible for assistance, are offered an assessment of their housing circumstances and are notified of the assessment in writing. The initial assessment seeks to focus on the real issues that have created the housing/homelessness need. By understanding the real issues to solve, officers are able to offer personalised solutions to the problem much earlier on in the process and in turn prevent homelessness in the first place.
- The definition of "threatened with homelessness" has expanded under the Act, whereby a person is now threatened with homelessness if it is likely that they will become homeless within 56 days.
- The relief duty arises where the Council is satisfied that the Customer is homeless and eligible, and reasonable steps must be taken to help the resident secure accommodation with a "reasonable prospect" of the accommodation lasting for at least 6 months. The new Act legislates that the Council can discharge the relief duty by securing a 6 month assured shorthold tenancy within the Private Rented Sector.
- Failure to co-operate by a customer for assistance. This provision places a requirement of all customers to co-operate with the Council's attempt to comply with their prevention and/or relief duties. If the Council considered that a customer had "deliberately" and "unreasonably" refused to co-operate or take any of the steps set out in the Personalised Housing Plan, we can serve a notice on the applicant to notify them of our decision as long as the notice explains what the consequences of the decision are, and that they have a right to request a review of the decision.
- Final accommodation offer – one of the prescribed conditions is the ending of the duty if a final accommodation offer is accepted or refused. (A final accommodation offer is of an assured shorthold tenancy of at least 6 months term made by a private landlord).

- A final part 6 offer (i.e. an offer of a social housing tenancy under the Choice Based Lettings Scheme).

## 2.4 IMPLICATIONS REGARDING THE IMPLEMENTATION OF THE HOMELESSNESS REDUCTION ACT.

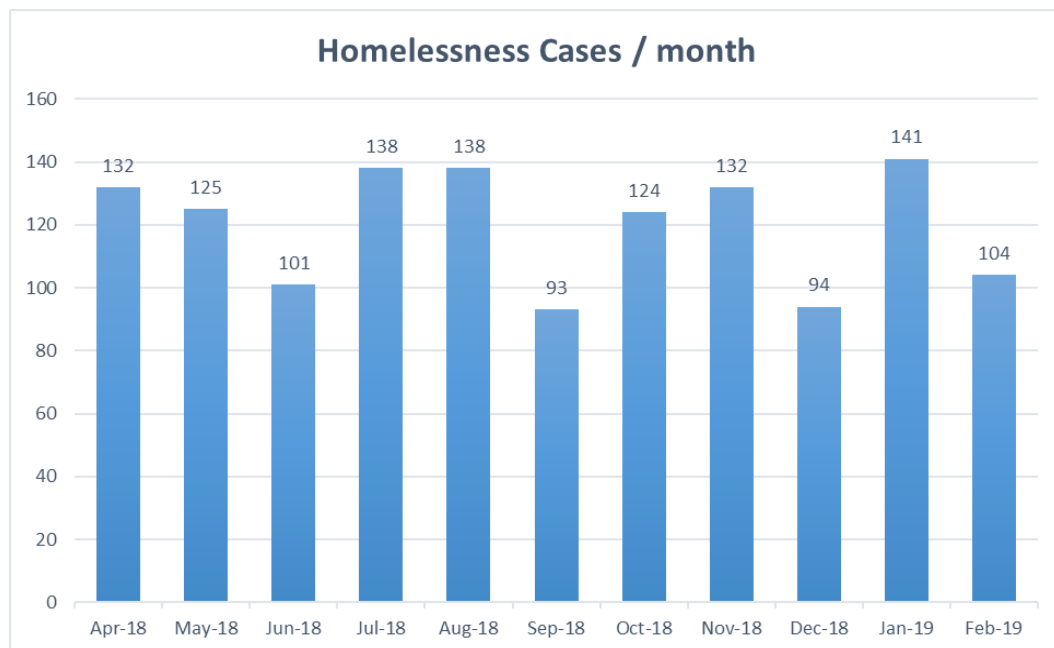
There have been challenges, issues and changes that have been needed to ensure that Housing Options Service was fit for purpose from April 2018.

- Demand with Housing Options has increased by 55%.
- There have been additional data and IT burdens placed upon the Council as a consequence of the introduction of the new Government HCLIC reporting mechanism.
- Support and training to support the delivery of Personal Housing Plans.
- New processes, paperwork and IT solutions were needed to deliver the Act.
- The day to day work and operations continue to evolve to provide more case management.

## 2.5 DEMAND TO DATE

The Act has been in effect since 3<sup>rd</sup> April 2018 and up to the end of February 2019 the service has seen 2507 households with a housing difficulty. 1322 cases have resulted in more detailed casework and prevention activities

The time taken to carry out the assessment and personal housing plan process varies depending on complexity. Generally speaking, a routine case will take in region of two hours, whereas a more complex case will take much longer.



The 1322 cases in total April 2018 to February 2019 is an increase of 55% compared to last year and averages at around 27.5 cases by week.

This is broken down by

48% for single/couples

52% for households with children

## **2.6 SUPPORT TO PRIVATE RENTERS**

We know that the main reason for homelessness is the ending of Assured Shorthold Tenancies. However, in many cases the service of a Section 21 Housing Act 1988 Notice is masking the real reasons for the landlord wanting to end the tenancy. In drilling down of a customer's housing experience it is clear that underlying issues of rent arrears, tenancy breaches, reduction in employment income, changes to benefit entitlement and changes to personal circumstances are some of the real reasons for the Landlord wanting the property back.

This information continues to be used to improve the advice and assistance to prevent homelessness to private tenants as part of the advice detailed in the Personal Housing Plans and includes

- Advice on security of tenure.
- Advice of the Housing Act 2004 and issues of disrepair.
- Advice on HMO legislation.
- Advice and Assistance of alleged harassment and unlawful eviction.
- Money management and rent rescue schemes
- Welfare benefit entitlement and advice on rent increases.
- Advice to tenants on their responsibilities in sustaining their tenancy

## **2.7 CASE OUTCOMES**

Since the introduction of the new Act, the Council has prevented 426 episodes of homelessness and by working with private landlords have increased housing supply by 41

The main challenge in relieving homelessness is the availability of suitable options for people who are homeless. Officers continue to look to seek increased access to the private sector or to increase housing association (registered providers) accommodation.

## **2.8 TEMPORARY ACCOMMODATION**

The Council continues to maintain the lowest levels of households in temporary accommodation than any other London Borough. As at the end February 2019, 170 households were in temporary accommodation.

By contrast on 30<sup>th</sup> June 2018 the total number of households placed in temporary accommodation by local authorities under homeless legislation was 82,310. In London the number of households in temporary accommodation was 56,560 which was 69% of the total England figure. Of this, at 30<sup>th</sup> June 2018, there were 172 households in temporary accommodation in Merton.

## **2.9 IT**

The IT programme focused on ensuring that we had the right equipment and software in place to support the Act's new way of working and the new government requirements. A new system ("Hope") was introduced, with funding from government. The IT solution is in place, and we continue to develop its functionality as we learn more of the detail of the Act.

## **2.10 AWARENESS AND TRAINING**

Training and awareness sessions were delivered to council officers and other stakeholders. In depth training for Housing Options staff was provided at various points throughout the year.

## **2.11 SUMMARY**

It was to be expected that demand for support would increase as the cohort who could approach was expanded. Whilst demand varies month to month there has been an overall 55% increase in the volume of cases).

Officers continue to encourage customers to consider and seek alternative accommodation within the private rented sector due to social housing stock not meeting the level of demand. Officers continue to encourage the market to engage with us and encourage private landlords to provide housing to our customers.

Whilst a desired outcome is to deliver effective homeless prevention and temporary accommodation reductions in future years it is still too early to say with any degree of certainty if that will be the outcome.

## **3 ALTERNATIVE OPTIONS**

3.1 Not applicable as report is for information only.

## **4 CONSULTATION UNDERTAKEN OR PROPOSED**

4.1. Not applicable as report is for information only

**5 TIMETABLE**

5.1. Not applicable as report is for information only

**6 FINANCIAL, RESOURCE AND PROPERTY IMPLICATIONS**

6.1. Not for the purposes of this report.

**7 LEGAL AND STATUTORY IMPLICATIONS**

7.1. The Homelessness Reduction Act is the most significant change in the statutory approach to homelessness since the Housing (Homeless Persons) Act 1977 and commenced in April 2018. There are numerous additional duties placed upon the council under the Act with an increased focus on preventing homelessness. It is hoped that in the long term the levels of homelessness across the borough will reduce.

**8 HUMAN RIGHTS, EQUALITIES AND COMMUNITY COHESION IMPLICATIONS**

8.1. Not for the purposes of this report

**9 CRIME AND DISORDER IMPLICATIONS**

9.1. Not applicable

**10 RISK MANAGEMENT AND HEALTH AND SAFETY IMPLICATIONS**

10.1. None.

**11 APPENDICES – THE FOLLOWING DOCUMENTS ARE TO BE PUBLISHED WITH THIS REPORT AND FORM PART OF THE REPORT**

- Housing Supply Task group six-month update March 2019
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**12 BACKGROUND PAPERS**

12.1. None