



Briefing: Report Stage and Third Reading of the Homelessness Reduction Bill

January 2017

The Homelessness Reduction Bill is a Private Member's Bill introduced by Bob Blackman MP. It brings much-needed reform to England's 40-year-old homelessness legislation. The bill **has its Report Stage and Third Reading on Friday 27th January and is the first item of parliamentary business that day.**

The bill ensures all homeless people can access meaningful support to resolve their homelessness, whilst introducing measures to prevent people becoming homeless in the first place.

We urge you to attend the Report Stage debate and support the Government's amendments to the bill.

Why this bill is needed

- The Homelessness Reduction Bill could transform the help available to homeless people, and if passed could represent one of the most important developments for homelessness in nearly 40 years.
- The bill provides new, meaningful support to those that are not entitled to meaningful assistance under our existing legislation. Single homeless people who go to their councils for help in England are often turned away because they are not considered a 'priority'.
- The bill's focus on prevention and early intervention will help to ensure that homelessness is tackled at the earliest point for all households and resources are used most effectively.

Key provisions in the bill

A prevention duty: a new duty for local authorities to take action to prevent the homelessness of anyone who is eligible for assistance (e.g. 'habitually resident' in the UK) and threatened with homelessness within 56 days, regardless of priority need status

A relief duty: a new duty for local authorities to take steps to relieve the homelessness of anyone who is currently homeless, eligible for assistance and has a local connection to the area

A duty to cooperate: provisions to ensure that households are expected to take reasonable steps to resolve their own homelessness

Overview of amendments and the homelessness sector's position

- The homelessness sector supports this bill. We recognise there are other challenges that need to be addressed if we are to effectively end homelessness, particularly in relation to the supply of affordable housing and welfare reform.
- We are not however seeking to amend this bill in order to address those structural issues, given that this bill represents a unique opportunity to address the lack of entitlement to support for many homeless people.
- Amendments have been laid by the Opposition, one of which calls for a future review of the Act and two of which seek to make broad improvements to the private rented sector. Whilst we understand the intention behind these amendments we are very worried that, if pushed to a vote and passed,

there would be further amendments in the House of Lords, leading to 'Ping-pong' between the two Houses. This could result in the bill failing to receive Royal Assent before the end of the parliamentary session, thus killing the bill.

- This bill has the full backing of Government. The Government has laid some consequential amendments to ensure that the legislation will work as effectively as possible. We support these amendments given that they reflect the original intentions of the bill and have assisted in their development.

We urge you to support the following amendments laid by the Government:

Households presenting to councils with a section 21 notice

- In cases where a household has an expired section 21 eviction notice, local authorities should follow the existing Code of Guidance which clearly states that households should be considered homeless in such circumstances. This means they should be owed the *relief* duty (the duty to help secure accommodation), provided for by clause 5 of the bill.
- In practice, however, some local authorities currently make households wait until a possession order or bailiff's warrant has been issued before the council will intervene to provide support. As originally drafted, clause 1 sought to eradicate this poor practice by making clear on the face of the legislation that a household should be considered homeless (and owed the relief duty) at the point that an eviction notice expires.
- The homelessness sector supported amendments to clause 1 passed at Committee, however, that removed these provisions in order to mitigate some unintended consequences that could have resulted in households getting less help than they currently receive. As such, the bill maintains the status quo, meaning that local authorities should adhere to the existing Code of Guidance.
- **Amendment 1 seeks to ensure that, in cases where a local authority breaches the Code of Guidance and does not consider a household homeless once a section 21 notice expires, they will still be required to undertake prevention work with that household until such time as homelessness is either successfully prevented or the relief duty is owed** – provided the household approaches the local authority before their section 21 notice expires.
- **Without this amendment, local authorities could bring the prevention duty to an end after 56 days even in cases where the household was still threatened with eviction**, resulting in a gap in support until the local authority considered them actually homeless.

Definition of non-cooperation

- Clause 7 allows councils to bring the prevention and relief duties to an end if a household is deliberately and unreasonably refusing to cooperate. This is intended to incentivise applicants to engage in effective prevention and relief work at the earliest stage and to play an active role in resolving their own homelessness, together with the local authority.
- **Amendments 11, 12 and 13 seek to limit the circumstances in which households can be found non-cooperative** by removing a general provision allowing councils to consider that a household has deliberately and unreasonably refused to cooperate with local authority homelessness teams. This means households can only be found non-cooperative if they refuse to carry out a step agreed in their personalised plan.

- We believe it is important that notice of non-cooperation is used only in exceptional circumstances and isn't used as an inappropriate sanction. As such, we support these amendments given that they restrict the circumstances in which councils can find households non-cooperative.
- **Amendments 3 and 5 seek to amend clauses 4 and 5, respectively, to make clear that, in cases where a household deliberately and unreasonably refuses to cooperate, the local authority can bring the prevention and relief duties to an end.** This corrects a drafting omission that meant these circumstances were not included in the list of circumstances in which the duties can be brought to an end.
- **Amendments 14, 15 and 16** are technical amendments to clause 7 to clarify that, when making a final private rented sector accommodation offer to a priority need household that has been found non-cooperative, it is the private landlord who actually makes the offer, with the approval of the local authority.

Consequences of refusing a suitable offer under the relief duty

- The bill as originally drafted made clear that local authorities could bring the relief duty to an end if a household refuses an offer of suitable accommodation. It was silent, however, on the consequences of refusing an offer. **Amendments 10 and 17 seek to make clear that households cannot progress to the main homelessness duty if they refuse a suitable offer of accommodation secured for them under the relief duty, provided the household is informed of the consequences of refusing the offer.**
- **We support amendments 10 and 17, given that the Government is also seeking to introduce a number of additional safeguards for priority need households in cases where the local authority makes an accommodation offer at the relief stage. This ensures that local authorities will in all instances be required to secure settled accommodation for priority need households.** We are clear that any attempt to extend rights for single homeless people must not undermine existing protections for families. Without such protection, families with dependent children who fell through the safety net of the prevention and relief duties would likely come under the responsibility of social services.
- **Amendment 19** introduces one of these safeguards, by stipulating that, **for an offer of private rented sector accommodation to constitute a 'final accommodation offer' (i.e. a household would be prevented from progressing to the main duty if they refused it), it must meet a more stringent set of suitability criteria.** These criteria already apply to private rented sector offers under the main homelessness duty and include requirements such as having a valid gas safety certificate and taking reasonable precautions to prevent the possibility of carbon monoxide poisoning.
- **Amendments 20 and 21 go further by seeking to amend clause 12 to stipulate that all private rented sector offers made to 'priority need' households at the prevention or relief stages must meet these criteria.** Without this amendment, the bill only extends these criteria to households who are 'priority need' on the basis of their vulnerability, i.e. this would not include families or pregnant women.
- **Amendment 18 seeks to make clear that households can challenge the suitability of an offer made at the relief stage, while amendments 6, 7 and 8 seek to provide that, if the local authority is providing interim accommodation to the household, this must be made available until a suitability review is complete. Amendment 6 also has the effect that, if the local authority decides a household is not considered 'priority need' having placed them in interim accommodation, the**

duty to provide interim accommodation can be brought to an end. Without this amendment, there is a low risk that the legislation could be interpreted as requiring councils to provide interim accommodation for the 56-day duration of the relief duty, even in cases where they later determine the household is not in 'priority need'.

- **Amendment 9 has the effect that, where a local authority actually makes an accommodation offer under the relief duty (rather than simply 'helping to secure' accommodation), this accommodation should where possible be located in the same district.**
- **Amendments 2 and 4 seek to make clear that a local authority cannot bring the prevention and relief duties to an end as a result of refusing an offer unless the tenancy offered is for at least six months.**

We urge you not to support the following amendments laid by the Opposition:

Duty to undertake a review of the Act

- **NC1 requires the Government to undertake a review of the Act within two years** of the legislation coming into force, including its impact on reducing homelessness and on local authority finances.
- **We support the call for a review of the Act and its funding**, particularly given that the funding announced by the Government is set to reduce to zero after the first two years of implementation. We believe this is necessary to make sure the funding package is sufficient to enable local authorities to make a success of their new duties in practice. The Local Government Association has similarly called for such a review.
- **However, we do not believe it is necessary for this to be included on the face of the legislation.** The homelessness minister already committed in Committee to 'look to review the policy and how it is working in practice once there has been time for the system to bed in... it will be reviewed ahead of the new burdens assessment in the 2021 financial year.'¹ The homelessness sector intends to hold the Government to account on this commitment. Similar non-statutory commitments made on the record have resulted in reviews being undertaken, including the Department for Work and Pensions' commitment during the passage of the Welfare Reform Act 2012 to undertake a review of changes to Local Housing Allowance.²
- Introducing the need for a review into the legislation will have implications for the new burdens doctrine beyond the scope of this bill, by setting a new precedent for new burdens assessments and reviews to be embedded in the law. This is likely to be resisted by Government due to the cost, impact on future legislation and other implications of this. As such, **we have serious concerns that, if passed, this amendment will result in 'Ping-pong' between the House of Commons and House of Lords and ultimately cause the bill to fail, as there will not be enough sitting Fridays for it to be debated.**

Private rented sector reform

- **NC2 and NC3 seek to make broad improvements to the private rented sector** by, respectively, introducing minimum three year tenancies and capping annual rent increases at the Consumer Prices Index if there is a significant risk that the tenant would become homeless.

¹ Homelessness Reduction Bill Deb 18 January 2017 c163 and c190

² HL Deb 14 December 2011 vol 733 cc 1324-1325

- **We believe that improving the affordability, conditions and security of private renting is crucial in ensuring that the sector is a much more suitable housing option for homeless people.** We support longer fixed term tenancies with predictable rent increases to improve stability and affordability to achieve this.
- However, **we do not believe this bill is the best vehicle through which to achieve this much-needed reform.** The bill offers a unique opportunity to address the lack of entitlement to support for many homeless people, and to put homelessness prevention on a statutory footing. As outlined above, **we are concerned that any significant alterations to this bill could be reversed in the House of Lords and result in the bill failing to complete its parliamentary passage.**

What you can do:

- Attend the debate on Friday 27th January and support the Government's amendments
- Tell your constituents that you support the bill via social media (#ReduceHomelessness), your local press and website

For further information and to let us know if you are attending on 27th January please contact:

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Visit our campaign website: community.crisis.org.uk/no-one-turned-away/home