

RIBBLE VALLEY BOROUGH COUNCIL REPORT TO HEALTH AND HOUSING COMMITTEE

Agenda Item No.

meeting date: 29 NOVEMBER 2012
title: CHANGES TO HOMELESSNESS LEGISLATION
submitted by: CHIEF EXECUTIVE
principal author: RACHAEL STOTT

1 PURPOSE

- 1.1 To inform Committee of the changes to the homeless legislation and the impacts on the service and service users.
- 1.2 Relevance to the Council's ambitions and priorities:
- Community Objectives – To meet the identified housing needs across the borough.
 - Corporate Priorities – N/A
 - Other Considerations – N/A

2 BACKGROUND

- 2.1 The principle effect of the legislative changes introduced in the Localism Act is to amend the way in which the duty on local authorities to secure accommodation under Section 193 of the Housing Act 1996 can be brought to an end, with offer of suitable accommodation in the private rented sector. These changes will allow local authorities to end the main homelessness duty with a private rented sector offer without the applicant's consent. The duty can only be ended with a private rented sector in this way, with a minimum 12 months assured shorthold tenancy. If the household becomes unintentionally homeless within 2 years of taking tenancy, then the re-application duty applies.
- 2.2 The Homeless (Suitability of Accommodation) Order 2012 ensures that when ending the duty using the Localism Act power, local authorities are also subject to the provisions of the Suitability Accommodation Order. The Order consists of two parts – the first part deals with the suitability of location of the accommodation and applies to all accommodation secured under Part 7. The second is concerned with those circumstances in which accommodation is not to be regarded as suitable for a person for the purposes of a private rented sector offer.
- 2.3 The Homelessness Order set out the circumstances in which a private rented sector should not be considered suitable.
- 2.4 The new power is about giving local authorities freedom to make more efficient use of their stock and better use of good quality private sector accommodation that can provide suitable accommodation for households accepted as homeless. The Suitability Order will add additional protection against the use of poor quality accommodation and around where applicants are placed.

- 2.5 The government believes that while people who face homelessness need to suitable accommodation, they do not necessarily need social housing. Allowing people owed the main homeless duty to turn down offers of suitable accommodation in the private rented sector and wait for an offer of social housing is unfair;
- To other households on the waiting list who have had to wait longer to access limited housing stock, and
 - To the tax payer who is funding expensive temporary accommodation while people owed the duty wait for an offer of social housing.
- 2.6 Local authorities will still be able to end homelessness duty with an offer of social housing where they decide that this is appropriate.

What are the policy objectives and the intended effects

The Localism Act will allow but not oblige authorities to end the homeless duty using the private rented sector. The objective of the proposal is to set out circumstances where private rented accommodation could not be considered suitable for the purpose of ending the duty. The intended effects are to provide additional protection for vulnerable households and that they are placed in good quality accommodation. This needs to be balanced against the need to minimise burdens on local authorities and landlords that could reduce the supply of suitable properties for households.

The main costs will be to local authorities who will need to carry out additional activities such as property inspections to check physical conditions and review relevant documentation. Landlords are also likely to incur some additional modest costs but only if they choose to let to homeless households. They will not be obliged to do so and this will be a market based decision. These additional safeguards may lead to a reduction in the instances of repeat homelessness as households are more satisfied with the accommodation, reducing the cost from further homelessness applications.

The first consideration is location. Location of accommodation is relevant to suitability. Existing guidance on this is set out within the Homelessness Code of Guidance. The suitability of location for all members of the households must be considered and as far as is reasonably practicable, should be secured within the authority's own district. Where it is not possible to secure within the district, an authority can secure outside their district. The authority is required to take into account the distance of that accommodation from the authority. Generally, where possible, authorities should try and secure accommodation as close as possible to where the applicant was previously living. Where possible the authority should seek to retain established links with schools, doctors, social workers and other key services and support. Account must be taken of their need to reach their normal workplace. In assessing the significance of disruption to caring responsibilities, account should be taken to the type and importance of the care household members provide and the likely impact the withdrawal would cause. Authorities should also take into consideration the need to minimise disruption to education of young people, particularly at critical points in time. Medical facilities and other support provided for the applicant and their households should also be considered.

The second consideration is the physical condition of the property. Local housing authorities are obliged under Section 3 of the Housing Act 2004 to keep the housing conditions in their area under review and any actions should be taken under the Housing, Health and Safety Rating System legislation.

Health and Safety Matters

Landlords are required by law to satisfy that any electrical equipment provided meets safety regulations. Landlords will also be asked to provide an evidence of valid gas safety records and the installation of carbon monoxide alarms would constitute reasonable precaution to prevent against the possibility of carbon monoxide poisoning. If the accommodation is or forms part of a residential property which does not have a valid energy performance certificate, it will not be regarded as suitable. Local authorities should ensure they have sight of such certificates and that this requirement has been met. Landlords behaviour and that they are fit and a proper person to act in the capacity of a landlord should also be assessed and the acceptance of a tenancy deposit scheme is another requirement of the suitability assessment.

3 ISSUES

- 3.1 The limited social stock in Ribble Valley will mean that this is a significant change in the homelessness service and for service users. However, the housing market in Ribble Valley is such that there is limited affordable private rented property and an even more limited number of landlords willing to accept households in receipt of benefit. The landlord tenant grant scheme however does provide 7 or 8 properties a year that can and will be offered to homelessness households and will be used to end the homelessness duty.

4 RISK ASSESSMENT

- 4.1 The approval of this report may have the following implications:

- Resources – additional staff time assessing a property's suitability. To encourage landlords to accept nominations we may need to consider providing carbon monoxide monitors.
- Technical, Environmental and Legal – technical advice will be required in some instances.
- Political – important that this opportunity for the homelessness service is utilised, although the overall impact will be limited due to the number of private rented sector properties.
- Reputation – accepting the change will have reduced waiting time in temporary accommodation.
- Equality & Diversity – no implications identified.

5 CONCLUSION

- 5.1 That Committee accept the contents of the report and the implications for the service users and staff.

RACHAEL STOTT
HOUSING STRATEGY OFFICER

MARSHAL SCOTT
CHIEF EXECUTIVE

For further information please ask for Rachael Stott, extension 4567