

Advice Guide

# **Frequently Asked Questions (FAQs) on the Homelessness Reduction Act (HRA)**

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## **The Homelessness Reduction Act 2017 - Frequently Asked Questions**

### **Why was the Act passed by Parliament?**

Statistics showed that homelessness was on the increase. Nationally rough sleeping increased by 134% between 2010 and 2016, whilst homelessness acceptances increased 33% during the same period.

## **What is the purpose of the Act?**

The homelessness charity Crisis highlighted a number of issues with the way the law was working in practice:

- A lack of meaningful advice and assistance which in some areas was not tailored to the individual's needs
- Some local authorities were only helping at crisis point
- Prevention work was being done but it was outside of the legal framework
- There was little protection for single people who did not have priority need

The Act is designed to address these issues. It encourages early action by Councils and ensures people can access help before they become homeless.

## **What does the Act mean?**

It places a duty on Councils and other public authorities to reduce homelessness. It aims to reduce homelessness by:

- Improving the quality of the advice provided
- Refocusing local authorities on prevention work
- Increasing protection for single people
- Joining up services to provide better support for people especially those leaving prison/hospital

## **When was the Act passed and when did it come into force?**

The Act was passed on 27th April 2017 and came into operation on Tuesday 3rd April 2018.

## **Is more information available?**

The Government released the [latest code of guidance for local authorities](#) on the 12<sup>th</sup> October 2021.

## Who is covered by the Act?

You will qualify for assistance if you are homeless or going to be homeless. Going to be homeless means you will have nowhere to live or it will not be reasonable for you to stay in your existing accommodation at some point in the next 56 days. The hope is that people will ask for help early on in the homelessness process to give them more time to find a solution.

## What are the key provisions of the Act?

### ***Information and advice duty***

The Act requires Councils to give free information and advice on:

- Preventing homelessness and securing accommodation when homeless
- The rights of people who are homeless or threatened with homelessness
- How to access the help if you need it from the Council or others in the area

The duty to provide advice applies to everyone and there is no requirement to meet eligibility criteria.

The kinds of issues the Council is required to give advice on includes tenants' rights, rights to benefits, advice on debt, rent and mortgage arrears, help for people at risk of violence and abuse and how to obtain accommodation in the private rented sector.

### ***Prevention duty to stop people becoming homeless***

The Act requires the Council to work proactively with anyone who is threatened with homelessness within 56 days. This duty – 'the prevention duty' - is designed to ensure that the barriers that people face in resolving their housing issues are removed so that they can:

- Stay in current accommodation or;
- Secure new places to live.

This prevention duty means that the Council must assess each applicant's needs fully, and identify reasonable steps to be taken by both the Council and the applicant to try and resolve their housing situation. These steps are set out in a Personalised Housing Plan (PHP) and will be tailored to the applicants' individual circumstances.

This duty, along with the Relief Duty, only applies to those who are eligible – i.e. the applicant must be eligible for recourse to public funds.

### ***Relief duty to help those who become homeless.***

The Council must take reasonable steps to secure accommodation for anyone who is homeless. This is not a guarantee that you will be offered individual accommodation. Fifty

six days of support are provided and will end when a person gets housed or if all reasonable steps have been taken to secure accommodation.

The kind of support that will be offered will include things like helping you to find private rented accommodation through the Council's private rented team or supporting you to access mediation and/or debt advice. We aim to be innovative and to use a broad range of tools. Any housing solution suggested must provide accommodation for at least six months.

## **What is a Personalised Housing Plan?**

There is a duty on Councils to assess all cases and develop a Personalised Housing Plan (PHP). The plan must be agreed with the individual and must aim to ensure that the person can stay in their current accommodation or secure new suitable accommodation.

This plan will be tailored to the individual's housing and support needs and its actions must be reasonable and achievable. When producing the plan the wishes and preferences of individuals should be considered, along with an assessment of whether there is a reasonable prospect of accommodation being available to meet those wishes and preferences.

If an individual does not co-operate once the plan has been developed and actions are not met then the individual will lose their entitlement to support from the Council.

## **How will you make sure that the key steps set out in the PHP are things an applicant can achieve?**

As part of the applicant's assessment, the Council will have to look at the particular circumstances and needs of the applicant including the reasons for their homelessness or threatened homelessness and the support they need to be able to find and retain suitable accommodation. Following this assessment the Council must work with the applicant to agree the actions to be taken by both parties.

## **When does the prevention work with an applicant end?**

The prevention duty can only be ended in a number of ways:

- Successful prevention - when suitable accommodation has been secured and is expected to be available for at least six months
- If the applicant unreasonably and deliberately refuses to co-operate with the Council after a warning letter
- If the prevention has not been successful and the person loses their home they will be owed a relief duty, ensuring they receive continuous help

- It can also come to an end where the Council has taken reasonable steps for 56 days to help the applicant to secure accommodation
- If the applicant ceases to be eligible (i.e. loses their right to have recourse to public funds)
- If the applicant withdraws their application for support
- If the applicant refuses an offer of suitable accommodation
- If the applicant becomes intentionally homeless from the accommodation made available to them

## **When does the relief duty end?**

The relief duty can be ended in a number of specific ways:

- Successful relief - when suitable accommodation has been secured and is expected to be available for at least six months
- If the applicant unreasonably and deliberately refuses to co-operate with the Council after a warning letter
- It can also come to an end where the Council has taken reasonable steps for 56 days to help the applicant to secure accommodation
- If the applicant ceases to be eligible (i.e. loses their right to have recourse to public funds)
- If the applicant withdraws their application for support
- If the applicant refuses an offer of suitable accommodation
- If the applicant becomes intentionally homeless from the accommodation made available to them

## **Does the Council have to provide interim / temporary accommodation for those in priority need?**

Where the Council has reason to believe that a person is homeless, eligible and has a priority need, they must provide interim, or 'temporary', accommodation. The duty to provide temporary accommodation remains unchanged from the 1996 Housing Act. Priority need and intentionality will remain part of the assessment process for the Council when dealing with full homelessness applications if the new Prevention and Relief duties fail to resolve an applicant's homelessness.

## **Does the Act mean that the Council will provide interim / temporary accommodation for more people?**

It is not necessarily the case that the Council will provide accommodation for more customers now that the Act is operational. One of the focuses of the Act is to ensure that more people get help earlier on therefore the hope is that fewer people will end up requiring temporary accommodation.

## **What is a ‘duty to refer by public bodies’?**

Under the Act public authorities have a duty to notify the Council of those who are homeless or may become homeless. This is to ensure that wider public services consider individuals’ housing situation.

Consent from the individual for a referral to be made must be secured. This part of the Act came into force on Monday 1st October 2018.

The public authorities which are subject to the [duty to refer](#) are as follows:

- prisons;
- youth offender institutions;
- secure training centres;
- secure colleges;
- youth offending teams;
- probation services (including community rehabilitation companies);
- Jobcentre Plus;
- social service authorities;
- emergency departments;
- urgent treatment centres; and,
- hospitals in their function of providing inpatient care.
- the regular forces of the Royal Navy, the Royal Marines, the regular army and the Royal Air Force.

There are local arrangements and procedures in place to process and manage the referrals made by the above agencies to ensure that referrals are acted on in a timely manner.

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