

# Policy Fact Sheet: Threatened with Homelessness

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## **What changes to “threatened with homelessness” does this measure bring?**

This measure, in clause 1, extends the period an applicant is “threatened with homelessness” from 28 to 56 days, and in addition ensures that anyone that has been served with a valid section 21 of the Housing Act 1988 eviction notice that expires in 56 days or less is classed as “threatened with homelessness”.

Linked to this, section 195(6) of the Housing Act 1996 (inserted by clause 4(2)) ensures that, while an applicant remains in the same property with no other accommodation available to him following being classed as “threatened with homelessness” (as a result of receiving a valid section 21 eviction notice for this property that will expire within 56 days or has already expired), the prevention duty continues to be owed until the local housing authority brings it to an end for one of the reasons set out in the clause 4, even if 56 days have passed.

## **What is the measure hoping to achieve and why is the Government supporting this?**

The prevention duty is an important safety net for the more vulnerable members of society. Extending the duty will help to shift focus to early intervention and encourage those at risk to seek support as soon as possible, before they are facing a homelessness crisis.

The measure also addresses concerns that some local housing authorities are currently only intervening at the crisis point, particularly with private sector tenants who have been served with eviction notices.

## **Why is legislation needed?**

Currently a person is classed as threatened with homelessness if it is likely that he will become homeless within 28 days. Through this Bill, the new prevention duty will ensure that local housing authorities must work quickly and proactively with the person to find a longer term housing solution. We expect early intervention to increase the number of successful preventions. This measure will double the period a person is classed as “threatened with homelessness” and therefore, where eligible, are owed help from the local housing authority, ensuring they are supported earlier and for longer.

The end of a private rented sector tenancy is currently the biggest single cause of homelessness. This measure will ensure that those served with a valid section 21 notice that is due to expire will be classed as “at risk of homelessness” and supported until their situation is resolved, with no gap between prevention and relief duties, if they have nowhere else to go.

### **How do we see this working in practice?**

This builds on a measure introduced in Wales, where the early signs are that extension of the “threatened with homelessness” period is working well. We will apply the learning from Wales and elsewhere in developing the detailed guidance on how this measure should be implemented, in the updated Homelessness Code of Guidance for Local Authorities.

We will also amend Form 6A Notice seeking possession of a property let on an Assured Shorthold Tenancy (used to start the eviction process through section 21) and our “How to Rent Guide” to include information encouraging tenants to seek help early if they are at risk of becoming homeless.

### **Key questions and answers**

#### **What about tenants who don’t seek help until later - once their eviction notice is due to expire or has already expired?**

Ideally tenants should seek help as soon as possible, and we will be encouraging this through a variety of ways. However we understand in practice this will not always be the case.

Any eligible applicant who is at risk of being homeless in 56 days or less will be offered the prevention duty by their local housing authority, and if they are already homeless they will be owed the relief duty.

#### **Why are Section 8 notices no longer included? Won’t this create a gap in the protection offered to those at risk?**

Any eligible applicant who is at risk of being homeless in 56 days or less will be offered the prevention duty by their local housing authority, and this is designed to address the wide range of circumstances in which people can find themselves at risk of homelessness.

Clause 1 addresses section 21 notices specifically because this is the most common means of bringing a private tenancy to an end, it is a relatively simple process, and it was the subject of the greatest level of concern by stakeholders and the CLG Select Committee.