

Policy Fact Sheet: Homelessness prevention duty

(Updated following amendments in the Commons)

What is prevention?

Homelessness prevention is about helping those at risk of homelessness to avoid their situation turning into a homelessness crisis. The Homelessness Reduction Bill (in clause 4) will require local housing authorities (LHAs) to take reasonable steps to help prevent any eligible person who is at risk of homelessness from becoming homeless. This means either helping them to stay in their current accommodation or helping them to find a new place to live. The Bill extends the period for which people are considered threatened with homelessness from 28 days to 56 days before they are likely to become homeless, ensuring that LHAs can intervene earlier to avert a crisis.

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

This measure will extend homelessness prevention so that help is provided at an earlier stage to all eligible households, regardless of priority need status, intentionality and whether they have a local connection. LHAs will take reasonable steps to help people secure accommodation. This extends the help available to people not in priority need. Government is supporting this measure because we agree that earlier prevention will mean fewer households will have to face the stress and upheaval of a homelessness crisis.

To help make prevention action more effective, this new duty will sit alongside other measures in the Bill, in particular the non-cooperation measure, that will encourage those who are homeless or at risk of becoming homeless to work proactively with their LHA, and the duty on local authorities to provide advice and information.

Why is legislation needed?

Under existing legislation, the vast majority of LHAs carry out homelessness prevention work. However, as there is no statutory duty to do this for all households, not all LHAs engage in prevention activity for everyone. This means that in some instances some people may not receive the help they need and may end up becoming homeless when a relatively minor intervention could have prevented this from happening. The prevention duty would also sit at an earlier stage than the main homelessness duty, which is focused on crisis, which would lead to action being taken by LHAs before such crises occur. This measure would provide a clear legal framework and accountability for LHA prevention work, resulting in improved services and safeguards for applicants.

How do we see this working in practice?

LHAs will talk to anyone who presents to them who is threatened with homelessness to understand what has led to their current situation¹. This will help the LHA identify and then take steps that they can take that have a reasonable prospect of helping prevent homelessness. These reasonable steps could be something like providing a rent deposit or negotiating with a landlord to keep a household in their present accommodation.

Key questions and answers

When does the duty end?

- The prevention duty can only be ended in a number of ways and a few of these are set out here. First and foremost is through successful prevention, where the LHA is satisfied that suitable accommodation has been secured where there is a reasonable prospect of that accommodation being retained for at least six months. This is what prevention is all about.
- It can also come to an end where the LHA has taken reasonable steps for 56 days to help the applicant to secure that accommodation does not stop being available for their occupation. However, the duty cannot be brought to an end after 56 days if a valid section 21 notice has been served and an applicant remains in their property and is still threatened with homelessness.
- It can be brought to an end if the person unreasonably and deliberately refuses to co-operate with the LHA by failing to carry out the agreed steps set out in their personalised plan (or those deemed reasonable by the LHA in the absence of agreement). If this happens, safeguards are in place to ensure other forms of help continue for people who are in priority need where they are homeless through no fault of their own and eligible for assistance.
- If the prevention has not been successful and the person loses their home they will be owed the relief duty², ensuring they receive continuous help.

Does this mean an LHA has to find accommodation for applicants?

- An LHA is required to take reasonable steps to help prevent homelessness where they are satisfied that an applicant is threatened with homelessness and eligible for assistance. This does not require them to secure accommodation themselves, although they can do so if they choose.
- This new measure is about helping people overcome the barriers that are preventing them from finding their own accommodation. It may be that a

¹ See separate factsheet “Policy Fact Sheet: Assessments and Plans” for further detail of this measure.

² See separate factsheet “Policy Fact Sheet: Relief” for further detail of this measure.

particular issue can be resolved, for example by the LHA providing a rent deposit, allowing the person to secure accommodation themselves.