

<b>Title</b>	<b>Affordable Housing Update</b>		
<b>Report of the Head of</b>	<b>Housing &amp; Environmental Health</b>		
<b>Author</b>	<b>Phil Turner</b>	<b>Ext</b>	<b>8544</b>
<b>Report to</b>	<b>Overview and Scrutiny Committee</b>	<b>Date</b>	<b>21<sup>st</sup> March 2018</b>

### **Briefing Summary**

This briefing updates OSCOM regarding the work of the Housing team in meeting the housing needs of local residents. This includes considerations associated with affordable housing delivery, the housing register and allocations process, and housing options/homelessness.

### **Main focus of the document**

#### **Housing Development:**

The team continues to work hard with Planning colleagues and with Registered Providers and developers in the interests of securing new affordable housing. This work continues to successfully deliver high levels of new affordable housing. In 2016/17 Test Valley demonstrated the highest level of affordable housing delivery in Hampshire:

- 266 new affordable homes were delivered in 2016/17
  - Including 22 rural homes
  - 12 wheelchair adapted homes
  - 22 lifetime home properties
- 175 new affordable homes had been delivered between April 2017 and December 2017, comprising
  - 48 Social Rent
  - 48 Affordable Rent
  - 56 Shared Ownership
  - 23 Discount Market

***List of sites completed 2017:***

North

- East Anton
- Picket Piece
- Picket Twenty

South

- School Lane, Broughton
- Peel Close, Romsey
- Fen Meadows Phase 1, Nursling
- Oxlease Meadows, Nursling/Rowhams
- Abbotswood, Romsey Extra
- Kents Orchard, Houghton

There are schemes in the pipeline for 2018-2020. We have 246 homes currently forecast for 2018-19 and 178 provisionally forecast for 2019-20. It is anticipated that the 200 new homes per annum target is still achievable.

***Schemes coming forward 2018 – 2020***

South

- Ganger Farm, Romsey
- Broadgate Farm, Romsey
- Fen Meadow Phase 2 and 3, Nursling
- Nightingale Lodge, Extra Care Scheme, Romsey
- Abbotswood,, Romsey Extra

North

- Goch Way, Charlton
- Picket Twenty
- Picket Piece Phase 3 East
- East Anton
- Vespacian Road, Andover

**Housing Strategy**

The Housing Strategy 2016-2019 is in the process of being updated, with a report due to go to Cabinet in May.

The Housing Development team continues to work closely with Planning Policy and have assisted in both the Parish Neighbourhood Planning Pathfinder and Community Planning Events. The team will also be assisting with the Local Plan consultation events taking place later this year.

Following the production of the Community Planning Toolkit, the team have assisted a number of Parishes with their preparation of Neighbourhood Plans. The team are currently working with a Community Land Trust to deliver an affordable housing scheme in Abbots Ann.

Housing Need Surveys have been completed for Chilbolton, Kings Somborne, East Tytherley and Nether Wallop.

### **Home Energy Efficiency**

The Home Energy Conservation Act Action Plan Report was approved by Cabinet on 15 November 2017. Various energy efficiency initiatives continue to be promoted in Test Valley News as well as on social media.

### **Housing Options: Allocations**

There remains a high demand for affordable housing in the Borough. There are approximately 2,000 households registered on the Council's Housing Register and the service makes approximately 450 nominations per year to Registered Providers.

The Hampshire Home Choice Allocations Policy will be modified when the Homelessness Reduction Act 2017 commences in April, taking into account the scope for people to be given "reasonable preference" (priority) under the new Act. This very minor amendment ensures we will remain legally compliant with legislation governing the allocation of housing association homes (Part 6 of the Housing Act 1996 as amended).

### **Housing Options: Homelessness**

The team continues to be busy delivering the front line housing options / homelessness service on behalf of the Council. Between January and December 2017, over 1,700 households approached the Council for advice and assistance with regard to their housing situation.

During 2016/17, the Council processed 63 applications under the statutory homelessness framework, and accepted the main housing duty to 43 of those who applied.

58 households were residing in temporary accommodation provided by the Council at the end of March 2017. By December 2017 there were 63, demonstrating a slight increase in the total number.

The team prevented homelessness for 427 households during 2016/17 and between January and December 2017, the service prevented 339 households from becoming homeless.

The Council reported 2 people rough sleeping in the official rough sleeping estimate for the Borough in autumn 2017. The estimate was established with due regard to national guidance.

Whilst the team continues to see a high demand from people in housing need, it has also been managing a period of transition. This transition will continue into the new financial year. This is because the majority of clauses contained in the Homelessness Reduction Act 2017 commence from April 2018. The new Act represents an entirely radical change to the statutory framework.

### **Homelessness Reduction Act Preparation & Developmental Pilot**

*A briefing for members on the Homelessness Reduction Act 2017 has been provided and was accompanied by a presentation before the March Council meeting. The briefing has been included at Annexe 1 to this report for ease of reference.*

The Housing Service has been working towards a new operating model to ensure it is well placed to prevent and relieve homelessness under the new Act. We are seeking to build on the positive work that has made Test Valley an effective and efficient local housing authority.

Whilst we already work hard to prevent homelessness locally, we need to do more, and to explore ways we can deliver services differently. This includes understanding customer aspirations, capabilities, interests and strengths, and offering more tailored support that is in tune with these aspects of their lives. This more “asset-focused” approach to assessments will require increased partnership working for the Council to be able to respond to the results of those assessments. In part, the ethos will be that housing is a symptom of wider causes, and we need to explore with every customer, what those underlying factors may be and how we can address them.

The local housing market is highly competitive and excludes increasing numbers of people. Through innovative new approaches we will explore how we can influence and help to shape our residents so that they are better able to “fit the housing market” and to ensure interventions are more sustainable in the longer term.

The Housing team are therefore developing new ways of working and have been engaging with partners to develop our network of local services in the context of the requirements of the new Act. We are also providing training for our staff and stakeholders regarding the new legislation and how we are adapting to meet emerging challenges.

A report and associated recommendations has been considered and approved by Cabinet on 14<sup>th</sup> March 2018. This sets out a number of baseline delivery methods that the service will be adopting and working towards:

- a) Using data and local intelligence across public services to profile local cohorts most likely to become homeless or threatened with homelessness to inform a targeted prevention approach.
- b) Developing a new model of service delivery, in partnership, based on the principles of “engagement” and “support”.
- c) Moving towards an “asset based” approach to helping people, shifting our focus to recognise that “housing” is generally a symptom rather than a cause, that people present to housing with a range of issues, and that the housing market is increasingly hostile to low income households.

- d) Providing all customers with “personalised housing plans”.
- e) Meeting emerging training needs of key front line staff and managers.
- f) Engaging and influencing the wider system of public services to play an active role in identifying and supporting people at risk of homelessness. This includes setting up a robust referral process to support wider partners to meet the requirements of the new “Duty to Refer”.
- g) Adopting a “universal” service that aims to help as many people as possible, in the interests of preventing rough sleeping, people becoming no fixed abode, and the associated costs of dealing with it.
- h) Introducing change interventions that go beyond housing, with support from partners.
- i) Developing appropriate systems and data sets to measure and evaluate success, including future key performance indicator target setting based on learning throughout the process.
- j) Developing place based solutions, engaging participants from a diverse range of sectors in collaborative working.
- k) Engaging service users and stakeholders in an ongoing change process.

In addition, the report identifies opportunities for the Council to invest ring-fenced funding provided by government for the purposes of preventing and relieving homelessness, to support the new model, including incentivising partner agencies to actively work alongside housing officers. The funding referenced includes specific new burdens funding for both ICT and new administrative burdens – these grants must be spent in support of homelessness services:

- Upgrading the ICT system (maximum £9k)
- Developing a Flexible Homelessness Prevention Fund (£15k)
- Developing a Multi-Agency Task & Targeting Fund (£13k)
- Developing a Single Homelessness Fund (£5k)

Cabinet further approved a small additional investment from reserves to enable the following:

- Developing a “Prototyping” approach, working with other agencies on small projects. (£10k)
- Increasing the Housing Service’s training budget to acknowledge the need for new skills and to ensure our officers are equipped to deliver the changes. (£5k)

Finally, Cabinet approved an updated Preventing Homelessness Strategy Delivery Plan, which has been specifically drafted with Homelessness Reduction Act compliance in mind.

Cabinet will consider reports on this subject in future once we are clear regarding the potential implications, and we continue to work with our partners to mitigate identifiable risks and to minimise any additional investment that may be required.

**Proposed Outcomes for consideration**

To have updated OSCOM on key aspects of performance, delivery and change affecting the Housing & Environmental Health Service, in the context of Affordable Housing and the implementation of the Homelessness Reduction Act, and to ensure the committee is aware of progress and plans moving forward.

Confidentiality

It is considered that this report does not contain exempt information within the meaning of Schedule 12A of the Local Government Act 1972, as amended, and can be made public.

No of Annexes:	1 ( <i>Member Briefing – Homelessness Reduction Act</i> )
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# ANNEXE 1: HOMELESSNESS REDUCTION ACT 2017 BRIEFING

**23<sup>rd</sup> February 2018**

The Homelessness Reduction Act 2017 received Royal Assent in April 2017. It radically amends the Housing Act 1996, Part 7 (as previously amended by the Homelessness Act 2002, Housing & Regeneration Act 2008, and Localism Act 2011). The new Act will commence from April 2018, with the singular exception of the new “Duty to Refer” which will commence from October 2018. This briefing is accompanied by a presentation, and provides an overview of the key changes that the new Act will introduce.

## **Summary of the Homelessness Reduction Act Provisions:**

- 1.1 The new Act requires local housing authorities to provide homelessness services to anyone who is homeless or threatened with homelessness, regardless of priority need, through;
  - a) *An enhanced prevention duty extending the period a household is threatened with homelessness from 28 days to 56 days, meaning that housing authorities are required to work with people to prevent homelessness at an earlier stage; and/or*
  - b) *A new duty for those who are already homeless so that housing authorities will support households for 56 days to relieve their homelessness by securing accommodation and/or by helping them to secure accommodation.*
- 1.2 The Act requires that local authorities consider people within the statutory homelessness framework when it is apparent that they are likely to become homeless within 56 days. Tenants in the Private Rented Sector who are served with a valid notice to end their Assured Shorthold Tenancy would therefore trigger homelessness duties at the point the notice was served. The Act also provides scope for local authorities to sensibly trigger statutory homelessness duties at their discretion, if it is apparent the person is likely to be homeless in the future, even if this sits outside the prescribed 56-day period.
- 1.3 The statutory definition of “homelessness” remains unchanged. An applicant is considered homeless if they do not have accommodation that they have a legal right to occupy, which is accessible and physically available to them and their households, and which it would be reasonable for them too continue to live in.
- 1.4 ***Duty to refer***
- 1.5 The Act will introduce a new duty on specified public authorities to identify and refer people who are homeless or who may be at risk of homelessness to the local housing authority. This element of the Act will not commence until October 2018. The specified public authorities are: *prisons, youth offender institutions, secure training centres, secure colleges, youth offending teams, probation services (including community rehabilitation companies), Job CentrePlus, social services authorities, emergency departments, urgent treatment centres, and hospitals in their function of providing inpatient care.*
- 1.6 ***Duty to provide advisory services***
- 1.7 Housing authorities already have a general duty to provide or secure the provision of advice and information about homelessness and the prevention of homelessness,

free of charge to any person in their district. The Act strengthens that general duty and is much more prescriptive about the type of housing advice to be provided. The local authority must provide advice regarding:

- *Preventing Homelessness*
- *Securing accommodation when homeless*
- *The rights of people who are homeless (or threatened with homelessness)*
- *The duties of the local authority to people in those circumstances*
- *The help available from the local authority*
- *The help that is available from any other relevant agencies in the district and*
- *How to access that help*

1.8 The new extended advice duty requires local authorities to provide a service that is tailored to meet the needs of vulnerable groups where their problems are 'more than just a need for a roof'. For example, care leavers, people released from prison or youth detention, former members of the armed forces, victims of domestic abuse, people leaving hospital, people suffering with mental health illness, and any other group the authority identifies as being at particular risk of homelessness in Test Valley.

### **1.9 Assessment Process/Personalised Housing Plans**

1.10 The Act includes a new duty for housing authorities to carry out an assessment in all cases where an eligible applicant is homeless or threatened with homelessness. Following this assessment, the housing service must work with the customer to develop a "personalised housing plan", which will include actions (or reasonable steps) to be taken by the authority and the applicant to try and prevent or relieve homelessness. The Act sets out the clear intention that these "steps" should be agreed between the Council and the customer wherever possible, however, there is provision for the Council to note that the customer has not agreed. The steps included in "personalised housing plans" are subject to a right to request a review.

1.11 The assessment process should enable housing options staff to identify what assistance an applicant may need either to prevent them from becoming homeless or to help them find another home.

### **1.12 Prevention Duty**

1.13 The housing authority must take reasonable steps to help prevent any eligible person who is threatened with homelessness from becoming homeless. This duty applies universally for all eligible applicants, meaning it applies regardless of priority need, whether the person may be threatened with homelessness intentionally, or whether they have a local connection to the local area.

1.14 The duty requires the housing authority to help the customer to stay in their current accommodation and/or help them to find a new place to live before they become actually homeless.

1.15 This prevention duty is triggered when someone is threatened with homelessness within 56 days, and once it has been triggered, the duty continues for 56 days unless it is brought to an end. The duty can be brought to an end in various ways including by securing accommodation is available for the customer, or as a result of the person becoming homeless. The prevent duty can be ended in certain circumstances where the customer is considered to have deliberately or unreasonably refused to cooperate, however this is anticipated to be a "high threshold" test.

1.16 The prevention duty can be extended beyond 56 days by mutual agreement between the customer and the housing authority.

### **1.17 Relief Duty**

1.18 If the housing authority's efforts to prevent homelessness are unsuccessful, or if the customer presenting for assistance is already homeless, then the housing authority's reasonable steps will focus on securing accommodation for the customer and/or helping the customer to secure accommodation.

1.19 This duty to "relieve" homelessness lasts for 56 days, unless it is ended in another way (such as securing accommodation for the person) or the Council and the applicant agree to extend the period by mutual consent.

1.20 If the housing authority has reason to believe a homeless applicant may be eligible for assistance and have a priority need, they must be provided with interim accommodation.

1.21 The housing authority can consider whether the person has a local connection at the point of approach where the relief duty is triggered.

### **1.22 Bringing the prevention and/or relief duties to an end**

1.23 The housing authority may end either the prevention or relief duty if:

- The applicant has suitable accommodation that has a 'reasonable prospect' of being available for at least 6 months
- After 56 days
- Applicant refuses a suitable offer of accommodation
- Applicant deliberately or unreasonably refuses to cooperate (where this occurs under the relief duty, the applicant cannot go on to qualify for the main housing duty)
- Applicant ceases to be eligible
- Application is withdrawn
- Applicant is intentionally homeless from accommodation provided
- The relief duty must end after 56 days for an applicant who has a priority need and is not intentionally homeless.

### **1.24 The main housing duty**

1.25 If an applicant's homelessness is not successfully prevented or relieved, the housing authority is obliged to assess whether the main housing duty is owed. This stage of the application process reflects the existing statutory framework, and the main housing duty will be owed where the housing authority is satisfied that the applicant is homeless, eligible, in priority need and are not intentionally homeless.

1.26 Priority need means certain categories of households such as pregnant women, households with dependent children, young carer leavers, and households homeless due to emergencies such as a fire or flood. Other groups may be assessed as having a priority need because they are "vulnerable" if homeless, e.g. old age, physical or mental ill health, or because they are vulnerable as a result of being in prison, serving in Her Majesty's Armed Forces, having spent time in care or as a result of becoming homeless due to domestic abuse.

### **1.27 *Reviews and Appeals***

- 1.28 Housing authorities must provide written notifications to applicants throughout the process, generally when they reach a decision about their case.
- 1.29 When providing a notification of a decision, the housing authority must set out the reasons for their decision(s). Where the applicant does not agree with the decision or considers the decision is not in their interests, the housing authority can be asked to review their decision(s).
- 1.30 Once a review has been concluded, if the applicant remains dissatisfied, they can appeal to the County Court on point of law.
- 1.31 In addition to the existing statutory rights to request the local housing authority conducts a review of its decision(s), the Act introduces a right to request a review on a further 6 areas of the housing authority's decision making. These are:
- I. The steps the applicant and/or Council will take as set out in personalised housing plans at the prevention duty;
  - II. The decision to bring the prevention duty to an end;
  - III. To refer an applicant to another housing authority under the relief duty;
  - IV. The steps the applicant and/or Council will take as set out in personalised housing plans at the relief duty;
  - V. The decision to bring the relief duty to an end;
  - VI. The decision to end the duty in cases of deliberate and unreasonable refusal to cooperate;
  - VII. Referral duty
- 1.32 The government will be revising regulations to take into account the reviewable decisions introduced by the prevention and relief duties prior to commencement. They suggest this will include an expedited review for appropriate decisions, amending the existing timeframe (requests must be submitted within 21 days of the decision, and the housing authority should determine reviews as quickly as practicably possible but within 56 days of receiving the review request).
- 1.33 The government's expressed intention in revising the existing timeframe for certain decisions under the new legislative framework, is to ensure that the balance is struck between allowing time for authorities to conduct the review, and ensuring there is sufficient time to overturn the original decision so that it has meaningful impact for the applicant by maximising the opportunity to prevent or relieve their homelessness.

### **1.34 *Specific Provisions for Care Leavers***

- 1.35 A young person owed leaving care duties under [section 23C of the Children Act 1989](#), will have a local connection to the area of the children services authority that owes them the duties. If the children services authority is a county council and not a housing authority, the young person will have a local connection with every housing authority district falling within the area of the children services authority.
- 1.36 Where a care leaver is aged under 21 and normally lives in a different area to that of a local authority that owes them leaving care duties, and has done for at least 2 years including some time before they turned 16, the young person will also have a local connection in that area.

- 1.37 This is a significant departure from the outgoing framework, and should make it easier for care leavers to obtain help in whichever area they feel most at home. Historically, it has been difficult for care leavers to establish “normal residence” in an area they have been placed by the children’s social care authority, as this had to be of the person’s choice. The local housing authority could take the view that the foster care or children’s home placement was not of the person’s own choice.

**1.38 *Code of Guidance and Regulations***

- 1.39 The MHCLG has updated and streamlined the Homelessness Code of Guidance, taking into account the new Act and bringing together several historic pieces of statutory guidance that covered different aspects of the homelessness framework. The government published this new code on 22<sup>nd</sup> February 2018.
- 1.40 There will also be secondary legislation setting out the procedure when housing authorities issue notice of non-cooperation, the list of public bodies that will be subject to the new ‘duty to refer’, and to ensure the review regulations cover reviewable decisions introduced by the new duties.