

APPENDIX 1 – SUMMARY OF DUTIES UNDER HOMELESS LEGISLATION

All households (singles, couples, and families) presenting as homeless, or threatened with homelessness can receive advice and assistance from the Council, including the development of a 'Personal Housing Plan' that sets out steps, relevant to their individual situation, to be taken by both the household and Council to resolve their homelessness, or impending homelessness. The new legislation introduced in April 2018 placed a greater emphasis on self-help and actions that it would be reasonable for an individual or household to undertake to assist in resolving the problems they are experiencing. For example, it would be expected that if someone advised of affordability issues in paying their rent that they would engage in a financial assessment to establish any ways to help such as benefit maximisation, consolidation of debts etc.

This 'Personal Housing Plan' provides the basis for the Councils 'Prevention Duty' which, essentially, requires the authority to take reasonable steps to help the applicant to ensure that their accommodation does not cease to be available. Under this duty, the Council will first focus on steps which may enable the applicant to stay in her/his current homes which may involve assistance in securing a Discretionary Housing Payment (DHP) for those households struggling to make their rent payments, or the repayment of rent arrears. Where this is not possible, the focus is on securing other accommodation so that the applicant can move in a planned, and non-reactive way.

If the applicant is already homeless or becomes homeless despite the activity taken during the prevention duty stage, the Council will then focus on helping the applicant to secure accommodation under the 'Relief Duty' which seeks to minimise the length of time that a household may be homeless. This may include them being placed in temporary accommodation whilst a long-term solution is achieved. Such temporary accommodation can take the form of council-managed dispersed housing, Hotel and B&B accommodation or commissioned supported accommodation for single homeless people where people can be assisted to address any support need's they may have and gain skills to move towards independent living.

In the event that homelessness is not successfully prevented or relieved, the Council will owe the 'Main Housing Duty' to applicants who are eligible, have a priority need for accommodation and are not homeless intentionally. Certain categories of household, such as pregnant women, families with children, and households that are homeless due to an emergency such as a fire or flood, have priority need if homeless. Other groups may be assessed as having priority need because they are vulnerable as a result of old age, mental ill health, physical disability, having been in prison or care or as a result of becoming homeless due to domestic abuse.

Under this duty, the Council must ensure that suitable accommodation is available for the applicant and their household until the duty is ended, usually through the offer

of a settled home. A suitable offer of a settled home (whether accepted or refused by the applicant) which would bring the main housing duty to an end includes an offer of a suitable secure or introductory tenancy with a registered provider (also known as a housing association) or the offer of a suitable tenancy for at least 12 months from a private landlord made by arrangement with the local authority.