

Policy Fact Sheet: Help to secure and suitability (Updated following amendments in the Commons)

What is help to secure (clause 6) and what is suitability (clause 12)?

The new prevention and relief duties (clauses 4 and 5)¹ need sufficient flexibility to allow local housing authorities (LHAs) to help resolve people's housing issues but also allow people to find their own accommodation when possible. 'Help to secure' means that the LHA would be able to provide support and advice to households who would then be responsible for securing their own accommodation. Introducing the concept of 'help to secure', rather than secure in each case, will increase choice and control for applicants and allow the LHA to help to resolve a person's particular problems rather than direct resources at finding a place for everyone that seeks help. It still remains open to the LHA to secure accommodation for eligible applicants where appropriate.

Accommodation must be suitable where the LHA has secured or helped to secure it. In considering suitability LHAs must, for example, consider whether the accommodation is affordable for the person, its size, its condition, and also its location. Under existing legislation, there is an additional set of suitability factors that apply only to private rented sector offers approved by the LHA under the main homelessness duty for persons in priority need who are not homeless intentionally. The Bill extends the application of these additional suitability checks so that they apply where a LHA wants to approve a final accommodation offer or secure accommodation themselves for a person with a priority need under the new prevention or relief duties. These include, for example, whether there is a valid energy performance certificate, a carbon monoxide detector and whether the landlord is a 'fit and proper' person.

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

The measure is designed to allow LHAs the flexibility to not have to source and secure accommodation for a person in each instance. It means that people, once in receipt of the help and support, can make their own decisions about where they live rather than having the LHA choose for them.

Sometimes though an LHA will choose to fulfil their duties by securing accommodation in the private rented sector. In these circumstances it is important that the accommodation is appropriate and safe – particularly for those that have priority need who are more likely to be vulnerable. That is why the checks that take place for private rented sector offers under the current legislation in relation to the main homelessness duty are being extended to those persons with a priority need that are secured accommodation in the private rented sector under the new prevention and relief duties. The Bill also extends these additional suitability checks to the LHA approving any final accommodation offers in the private rented sector regardless of whether these offers relate to a person with a priority need. This is to

¹ See separate factsheets "Policy Fact Sheet: Homelessness prevention duty" and "Policy Fact Sheet: Relief" for further detail

ensure that any final offers made in the private rented sector are to an adequate standard, as refusal of such an offer carries consequences.

The Government supports these measures as it wants to enable LHAs to focus help where it is needed, provide more choice and flexibility for households, ensure standards, and also protect the most vulnerable.

Why is legislation needed?

With the new prevention and relief duties, we expect to see LHAs helping even more people who are homeless or threatened with homelessness. Without a change to require them to 'help to secure' accommodation as opposed to securing it themselves in each case, they will not be able to make efficient use of resources and would instead have to take action that some people are perfectly capable of taking themselves.

Those in priority need secured private rented sector accommodation under the main homelessness duty already have additional suitability checks carried out by the LHA before it can approve the property. The Bill extends the application of these checks to accommodation secured by the LHA under the new prevention and relief duties to those with a priority need. This will help ensure the property is as safe and appropriate as possible for vulnerable people. The Bill also extends the application of these checks to the LHA approving any final accommodation offers in the private rented sector.

How do we see this working in practice?

Being able to help to secure accommodation under the prevention and relief duties means LHAs will be able to concentrate on taking reasonable steps. It means they can carry out work to prevent people's homelessness, like provision for a rent deposit or family mediation, without in every case also having to find accommodation for them.

Many LHAs are already experienced in carrying out checks of private rented accommodation, which require a visit to the property and a conversation with the landlord or managing agents to ensure the various requirements are in place. The suitability measure in this Bill means that LHAs would be required to undertake these checks for those with a priority need and therefore particularly in need of this additional support.

Key questions and answers

Why have you not included the location element of the Homelessness (Suitability of Accommodation) (England) Order 2012?

- There was no need to do that as it already applies to all accommodation an LHA secures.

Does this mean a local housing authority has to find accommodation?

- Helping to secure is about the LHA taking steps to help an applicant secure their own accommodation. It is different to the current approach under the present

legislation where the LHA is required to secure accommodation for eligible applicants where a duty to accommodate is owed.

- This change makes sense as many households will want choice over where they live and do not want the LHA to choose the place they live. The LHA would otherwise have to make a decision on location were they required to secure accommodation in each instance.
- Similarly if the only barrier to a household finding accommodation is that they cannot get a deposit then it is sensible that the steps the LHA takes are limited to that issue alone. It does not make sense that once the deposit is provided that the LHA then also has to find accommodation and make all the arrangements for the household when they may well be capable of doing that themselves.