

## National Context

### Increased focus in housing policy on home ownership

In recent years the Government has recognised that people wish to own their own homes. To achieve that aspiration the Government has developed a number of schemes which are aimed at fulfilling this commitment. Particularly for first time buyers. For example, through a range of Home Ownership products such as Help to Buy, Starter Homes and Shared Ownership.

### Laying the Foundations: A Housing Strategy for England 2011

The housing strategy set out a package of reforms to:

- get the housing market moving again
- lay the foundations for a more responsive, effective and stable housing market in the future
- support choice and quality for tenants
- improve environmental standards and design quality

The new strategy will address concerns across the housing market making it easier to secure mortgages on new homes, improving fairness in social housing and ensuring homes that have been left empty for years are lived in once again.

The full strategy can be found [here](#).

### Recent emphasis on tackling the low levels of new house building, seen as the root cause of housing shortage and of unaffordable housing nationally

The white paper “Fixing the Broken Housing Market” published in 2017, focussed on tackling the low levels of house building, seen as the root cause of the national housing shortage and unaffordable housing. It covered many areas of proposed legislation and policy including protecting the green belts, building on public land and tackling land banking by developers.

A copy of the White Paper can be found [here](#).

### Reduced funding for the development of affordable housing

Whilst the need for more affordable housing is recognised, rent reductions introduced in April 2016 have inevitably seen less money being available to develop new affordable homes across local authorities and housing associations.

As a result of 1% reductions in social rents year on year for four years from 2016, it will have taken £42bn out of council funds nationally over 30 years. Income from rents will fall by 12% up to 2020 and, according to the National Housing Federation, 27,000 planned-for homes will not be built as a result.

### **Changes to council housing tenancies and changes to council housing revenue accounts introduced by the Housing and Planning Act 2016**

The Housing and Planning Act 2016 launched a number of measures mainly intended to promote home ownership and boost levels of housebuilding in England. Some of these legislative changes will no longer be implemented following recent announcements including the introduction of compulsory fixed term tenancies and the High Value Sales levy for Council owned properties.

### **Welfare Reforms**

Since 2010, we have witnessed a period of radical change to the welfare system, on a scale that hasn't been seen in over sixty years. Governments have revolutionised the delivery of the benefits system, with the introduction of Universal Credit and made major changes to benefits entitlement. These changes have particularly impacted on people of working age living in social housing.

There is no disputing the impact some of these reforms have had across the country. We therefore must make sure we mitigate the impact of such reforms by supporting residents that are benefit recipients to manage their incomes effectively.

### **Renewed focus on the prevention of single homelessness and rough sleeping with additional legislation in 2017**

The Homelessness Reduction Act 2017 is the most significant change to legislation relating to homelessness in over 40 years. It has transformed the way homelessness services are expected to be delivered and introduced new duties.

The definition of homelessness has changed and extends the number of days someone is deemed to be threatened with homelessness from 28 to 56. It also prescribes that when a person receives a valid notice under section 21 of the Housing Act 1988 and it is due to expire within 56 days, then they should be treated as threatened with homelessness.

All Local Authorities are now required to provide or secure services to give people free information and advice on:

- Preventing homelessness
- Securing accommodation if homeless
- Housing Rights
- Help that is available to resolve their housing crisis and how to access that help

Services needs to be designed to meet the needs of specific groups of people who are deemed to be more likely to become homeless. These groups include care leavers, victims of domestic abuse, people leaving the armed forces, people leaving prison or those who suffer with a mental illness or impairment.

There is a new duty to assess all applicants and agree a personal plan, which must be provided to the client in writing and outline the steps that they and the Authority will need to take to ensure accommodation is either retained or alternative accommodation secured.

There are two new duties, the 'prevention' duty for those threatened with homelessness and the 'relief' duty for those who are already homeless. For these duties, the applicant must be 'eligible' and either at risk of becoming homeless within 56 days, or already homeless.

There is no need to satisfy 'priority need' criteria and whether homelessness is threatened or occurred due to the client's own actions (intentionality) is not considered at this stage either.

Local authorities must take 'reasonable steps' to prevent or relieve homelessness and these must be written down in a personalised plan, which must be regularly reviewed and updated.

The duties can be discharged if accommodation is secured and has a reasonable prospect of being available for the next six months.

Applicants will be encouraged to follow the steps set out in their personalised plan as failure to do so could result in the Councils discharging their duties if it is deemed an applicant has 'deliberately and unreasonably refused' to work with them.

There is a new 'Duty to Refer', which comes into effect 1<sup>st</sup> October 2018. This places new duties on a specified list of agencies to refer someone (with their permission) to a Local Council of their choice for advice if they are at risk of homelessness within 56 days.

A Joint Homelessness Reduction Strategy has been produced to accompany the Joint Homes and Housing Strategy.

### Green Paper

The Government published their long-awaited Social Housing Green Paper in August 2018.

Following the tragic Grenfell fire, it was announced that there would be a 'wide-ranging, top-to-bottom review of the issues facing the sector'. As well as safety issues, the green paper would also explore the quality of social homes, the rights of tenants, service management, tackling homelessness, tackling illegal sub-letting and the wider issues of community and the local economy.

The Government has concluded that a major reform of social housing is needed, and that the Green Paper is the starting point to do this. In the Green Paper there are five identified key principles:

1. **Ensuring homes are safe and decent.** This does not just relate to safety, but also maintenance, repairs and poor living conditions.
2. **The need for swift and effective resolution of disputes.** With a common perception amongst residents the process of redress takes too long.
3. **Empowering residents and making sure their voices are heard.** The intention is to facilitate better services and ensure residents have more choice and control.
4. **The need to address the stigma that residents in social housing face.** With the need to improve people's experience of living in social housing.
5. **Boost the supply of social housing and supporting home ownership.**

As the Green Paper has come about as a consequence of the Grenfell disaster in 2017 the outcome will be inevitably an increased level of regulation in the sector with increased emphasis on the involvement of residents, accountability to residents and monitoring of performance with interventions in cases of poor performance.

This could be viewed as an opportunity for Babergh and Mid Suffolk to demonstrate how well it is performing and be an exemplar to other local social housing providers. Whilst learning from others, Babergh and Mid Suffolk will embrace the key principles from the Green Paper and consider how they can be incorporated in to business as usual.

#### **The Localism Act 2011** Full legislation [here](#).

The Localism Act 2011 amended Part 7 of the HA1996 with effect from 9 November 2012. It introduced powers for a Local Authority to end the main housing duty, owed to applicants where a homeless duty had been accepted, by arrangement of a suitable offer of accommodation through the private rented sector.

#### **The Care Act 2014** Full legislation [here](#).

The Care Act 2014 prescribes that local authorities must promote wellbeing when carrying out their care and / or support functions when working with clients. One of the areas, which the Act details is the suitability of living accommodation, therefore, we should consider the suitability of living accommodation in line with this Act.

#### **Housing and Planning Act 2016** Full legislation [here](#).

The Housing and Planning Act 2016 introduces a number of changes and new initiatives. These include measures to tackle rogue landlords within the private sector, extension of Right to Buy to include tenants of housing associations and the mandatory use of Fixed Term Tenancies, the Government have subsequently confirmed Fixed Term Tenancies will not be compulsory.

### **Reinvigoration of the Right to Buy**

This initiative was launched in 2012, as part of Government focus on home ownership. The maximum discount cap was increased to £75,000 and Local Authorities are allowed to retain additional receipts locally to be used in the provision of new build social housing as part of the new 'One for One' replacement element that formed part of the policy. The Government are currently consulting on the use of retained Right to Buy receipts so future changes may occur.

### **The Neighbourhood Planning Act 2017**

Full legislation [here](#).

Received Royal Assent on 27th April 2017, the Act introduces changes to neighbourhood planning, local development documents, compulsory purchase and planning conditions.

### **National Planning Policy Framework 2018**

Full legislation [here](#).

The revised National Planning Policy Framework was published on 24 July 2018 and sets out Government planning policies for England and how these are expected to be applied.

This revised Framework replaces the previous National Planning Policy Framework published in March 2012