



Preventing homelessness and improving housing through expert advice, training and support to those working at the frontline

Here to help local authorities and advice agencies on 0300 330 0517



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What's new this week?

We're working hard behind the scenes to schedule our autumn roadshows – keep your eyes peeled for further updates! Read about what took place at our previous [Spring Roadshows](#).

Homelessness Reduction Act update

Duty to refer

The duty to refer, as per Homelessness Reduction Act code of guidance, is due to come into play in October. Our training team have been working hard to develop a training package specifically for those who will have this statutory duty placed on them. Our [Public Authorities Article](#) highlights the free consultancy and training programme now available for public authorities that will have a duty to refer.. Please pass our details on to those who you think may be interested.

Homelessness Code of Guidance 2018 has its first set of (minor) amendments.

- Chapter 7: Eligibility for assistance: Added paragraph 7.12 (g). - an additional class of persons subject to immigration control who are eligible under Part VI and Part VII – people granted leave because they were transferred to the UK under s67 of the Immigration Act 2016. (Dubs amendment).
- Chapter 10: Local connection and referrals to another housing authority: Amended paragraph 10.41 dealing with what happens when second notice to applicant is sent with decision as to whether conditions for referral are met. If they are met then applicant is to be treated as having made an application to the notified authority as of the date of second notification. That date would trigger start of 56 day relief duty. MHCLG has deleted sentence. 'The 56 day period of the relief duty will start from the date of the second notification'. No reasoning given for deletion.
- Chapter 11: Assessments and personalised plans: Amended paragraph 11.36. – insertion of the relevant sections of the Act.
- Chapter 14: Ending the prevention and relief duties: Amended paragraph 14.30. – additional explanation of when applicant might be intentionally homeless from accommodation arranged for them within the 'reasonable steps' provisions
- Chapter 19: Review of decisions and appeals to the county court : Amended paragraphs 19.3(c) and (e) and 19.15(a). - clarifies the right of review in relation to the steps 'the housing authority are to take' under section 195(2) and 189 (2) which includes having regard to their assessment of the applicant's case in the personal housing plan at the prevention

duty/relief duty stages. Similar wording in section on written representations.

- **Additional group of persons subject to immigration control now eligible for homeless assistance and allocations from 9th July. See [letter to local authorities](#).**

Stats/Updates

- [Appointment of New Minister of State for Housing](#): Kit Malthouse MP
- [Statutory homelessness and homelessness prevention and relief, England](#): January to March 2018 - Data on households found to be homeless by local authorities under homelessness legislation
- [Statutory Homelessness in England](#): This briefing paper provides statistics on statutory homelessness in England and explains local authorities' duties to assist homeless households. The paper includes an overview of, and comment on, Government policy in this area.
- [How to rent: the checklist for renting in England](#): Updated guide is for people who are about to rent a house or flat on an [assured shorthold tenancy](#). The government has also published several other guides:
 - [How to rent a safe home](#) – a guide for current and prospective tenants
 - [How to let](#) – a guide for current and prospective private residential landlords
 - [How to lease](#) – a guide for current and prospective leaseholders
- [Houses in multiple occupation and residential property licensing reform: guidance for local housing authorities](#) Extension of licensing of HMOs from 01 October 2018 – guidance issued for local housing authorities on extending mandatory licensing of houses in multiple occupation.
- [Universal Credit landlord engagement newsletters](#): These Universal Credit newsletters will be published quarterly and provide information to social and private landlords about Universal Credit.

Recently published

[Housing supply for local authorities \(England\)](#): This interactive tool lets you view and compare local-level housing information. It aims to answer questions such as:

- How much social housing is there in my area?
 - How many new homes were built in my area last year, and how does this compare with other local authorities?
 - How many new affordable homes have been provided near me?
- [Destitution and Paths to Justice](#): This new research report from the Legal Education Foundation and Joseph Rowntree Foundation recommends that legal services should be co-located with other crisis and support services: Co-locating services would reduce referral fatigue and improve the ability of advisors to intervene earlier. The resourcing of legal services is vital in order to render any statutory duty to prevent destitution meaningful. The full report also considers the different roles of face to face and online advice
 - [Homes that help: A personal and professional perspective on home adaptations](#): This report summarises the findings of a primary research project exploring the lived experiences of individuals who use home adaptations, and practitioners who work alongside them. Read the [Local Government Association's response](#).

Case Law

Oduneye v Brent London Borough Council (2018) EWCA Civ 1595

- [Late and late again – intentional homelessness and benefit claims – Giles Beaker](#)
- [A deliberate act or omission – Shelter Legal](#)

Homelessness

- Tricky procedural issues with s204 (1) (b) appeals when LA fails to make the s202 review decision on time and makes a 'purported decision' later. In *Muloko v LB Newham* (see [Nearly Legal](#) and June LAG) HHJ Luba has ruled that a s204 appeal was not automatically rendered academic if/when the LA made a late s202 'purported decision'.
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Upper Tribunal cases setting out law which might affect eligibility of EU nationals for homeless assistance

- (1) Issue of whether a woman who was self employed immediately before her maternity period can rely on similar principles to *St Prix* to preserve her status and thus the right to reside to be referred to Court of Justice of European Union. Useful summary of legal position in [HMRC v HD \(CHB\) \(Second interim decision\)](#);
- (2) Useful summary in [this case](#) of the residence rights of EU citizens after divorce / *Surinder Singh* rules and application of EU law where movement between Britain and another State occurred prior to Britain joining EEC
- (3) Another UT [case](#) this time with discussion of residence rights of family members after death or departure of Union citizen /acquiring a right of permanent residence by ceasing paid employment to take early retirement .

Welfare Benefits

- **Disabled claimants win case for transitional protection when moving into a UC area** - In [R \(TP and AR\) v Secretary of State for Work and Pensions \[2018\] EWHC](#) the High Court held that the government's failure to protect these disabled claimant's disability premiums when they had to move onto Universal Credit following relocation into a different local authority area was unlawful discrimination under ECHR art 14. There was no transitional protection for such cases in [Universal Credit \(Transitional Provisions\) Regulations 2014](#)

Laws in the pipeline

- [Homes \(Fitness for Human Habitation\) Bill](#)
- [Homeless People \(Current Accounts\) Bill](#)

What's new on Shelter Legal

- [Family of workers and self-employed](#): A non EEA national who is married to, or in a civil partnership with, an EEA national with a permanent right of residence will derive a right of residence from her/his partner's status.
- [Persons eligible for assistance: non EEA/EU Changes made 28 June 2018](#): With effect from 9 July 2018, the Allocation of Housing and Homelessness (Eligibility) (Amendment) Regulations 2018 SI 2018/730 adds a new Class H to the classes of persons subject to immigration control and eligible for assistance listed in regulations 3 and 5 of the Allocation of Housing and Homelessness (Eligibility) Regulations 2006 SI 2006/1294.

- [Gang related injunctions](#) - A page has been added to Shelter Legal to give information on injunctions to prevent gang related violence and gang related drug dealing activity.
- [Restrictions on use of section 21](#) - The government updated its 'How to rent' guide on 26 June 2018
- [Internal review procedure](#) - In *Servis v Newham LBC* [2018] EWHC 1547 (QB), the High Court dismissed the applicant's appeal against a decision not to order disclosure of certain documents relating to the contracting out by Newham LBC of its homelessness review functions to Southwark LBC, including service level agreements and documents relating the appointment of the review officer herself.

NHAS updates

Our closed Facebook group is here for you to receive updates such as these in the eBulletin, plus more. It also gives you the opportunity to discuss news stories and changes to legislation with other people who give housing advice. Search for 'National Homelessness Advice Service (NHAS)' on Facebook if you would like to join us!

NHAS housing debt specialist advisers are here to support you when giving advice to the public on housing related debt. Call the NHAS consultancy line on 0300 330 0517, Monday to Friday 9am – 6pm.

NHAS training

[Log in](#) to view the latest webinar topics and dates including our Introduction to the Homelessness Reduction Act webinar.



Webchat Facility

Access to housing consultancy via Webchat is a popular way for members to get free advice. Webchat is accessed by going to www.nhas.org.uk and clicking on the 'live chat' button.

