

# Meeting the 2010 TA Target

## Reducing the use of Council & RSL Own Stock as TA

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### Contents

Page

Introduction 2

Making good use of mainstream housing as TA 2

Issues around using council and/or RSL stock as TA 2

What can council's do to tackle the issues? 3

Where to start! 4

## 1. Introduction

In order to meet the 2010 temporary accommodation target, councils need a firm plan – in the form of a published strategy – stating just how reductions in each form of TA will be met.

Many councils are using either their own stock as TA, or stock in RSL accommodation. In December 2006 there were 18,840 households accommodated in council and RSL mainstream housing on a temporary basis in England. This was largely done to help meet the original B&B target set by Communities & Local Government. Tackling this type of TA may prove a quick win for councils, as well as having a number of beneficial outcomes for homeless households and wider communities.

This paper explores some of the issues that councils face in addressing this problem.

## 2. Making good use of mainstream housing as TA

Some of the uses indicated below are appropriate for mainstream housing:

- To discharge an interim duty pending inquiries to establish whether any more substantive homelessness duty is owed. This could involve a scheme where a number of properties are set aside for this purpose and see a quick turnover of tenants who move on once the homelessness decision is made
- To secure accommodation for a period to give a reasonable opportunity for the applicant to find themselves accommodation
- To secure accommodation pending a referral to another authority
- To discharge a discretionary power to secure accommodation pending a review of a homelessness decision or an appeal to the county court
- Providing housing that is undersized for the applicants household, pending the availability of a larger property that could be offered as a settled home

## 3. Issues around using council and/or RSL stock as TA

The principal purpose of social housing is to provide affordable housing on a secure basis to meet long term housing needs. The allocation of a secure tenancy in council stock, or an assured tenancy in RSL stock provides long term security of tenure and other important rights such as succession rights, the right to mutual exchange, RTB and so on.

Using social housing as TA does not provide long term security of tenure or any of the other rights associated with being a council or RSL tenant. So, if people who have experienced homelessness are placed in social housing as TA for more than a short period, this creates a group of social tenants with inferior, second class rights. In addition to this, these people have to live with the uncertainties associated with living in TA.

## 4. What can councils do to tackle the issues?

It is clear that many households continue to be accommodated on a temporary basis in social housing stock long after a homelessness duty has been accepted. Councils should consider the scope for allocating the accommodation as a secure or assured tenancy, as appropriate. They should ask themselves why that accommodation is being used as TA and develop an action plan to regularise its use by converting as many properties as possible to secure tenancies.

Councils give a number of reasons why mainstream housing is used as TA, but in most instances there are solutions which can benefit councils in contributing towards meeting their TA target, and to tenants in terms of securing a permanent settled home. Some of the issues and possible solutions are explored below:

### a. Tenants with rent arrears

#### *Issue*

Where tenants have rent arrears (current or former), many councils treat them as ineligible for an offer of accommodation under Part VI. This can result in them living in mainstream housing as TA for a long period.

#### *Solution*

Really, councils should take a logical, common sense approach to this issue. Some of the tenants housed in own stock as temporary accommodation probably owe less than people housed in permanent housing. So rather than having a blanket policy, each case should be looked at on its merits. Councils should take positive steps to address this and develop payment plans with tenants who owe rent. Referrals to floating support and debt counselling services can assist. Where tenants can demonstrate that they have maintained these payment plans, a permanent tenancy should be offered; where they have not maintained payments, councils should take action to evict them from the property. Being clear with tenants about the council's approach can provide quite an incentive for tenants.

### b. Tenants displaying anti-social behaviour

#### *Issue*

Where tenants are displaying anti-social behaviour, councils may deem them ineligible for a permanent offer of accommodation.

#### *Solution*

Remember that people can only be treated as ineligible under Part VI, if their behaviour is such that an outright possession order would have been granted if they were a secure or assured tenant already. Where there are cases of ASB, councils should consider the use of Acceptable Behaviour Contracts (ABC), and as in the case of rent arrears, where the tenant maintains performance against the ABC, a permanent offer of accommodation can be made. Referrals to appropriate floating support services should be a part of this strategy. If performance against the ABC is not maintained, then the council should take action to evict. Councils will probably want to adopt a multi-agency approach linking with support agencies including social service, health services and other appropriate voluntary agencies.

Best practice suggests that tackling anti-social behaviour particularly where households are vulnerable should be linked to needs and risk assessment and support planning. This approach will take account of suitable placement in terms of type of property and area and available support.

### c. The allocations policy doesn't give enough priority

#### *Issue*

In some instances, councils find that those living in council or RSL stock as TA do not attract enough priority under the existing allocations policy to enable the council to move them on. Councils also sometimes find that the allocations policy itself acts as a disincentive to people accepting a permanent offer as they then don't attract enough priority to move on into alternative housing as a transfer applicant.

### *Solution*

Granting a secure tenancy is by law an allocation under Part VI and therefore needs to be made in accordance with published allocations policy. The allocations policy may allow for these insecure tenancies to be made as permanent offers through the directors discretion clause or via the Allocations Panel if there is one. If this is not the case and the current scheme does not provide an appropriate level of priority for these households, councils should consider revising their policy. A full examination of the implications, including the possibility of applicants retaining priority as a transfer case, will be required in order to make this work properly.

#### **d. Households living in TA are exercising choice**

### *Issue*

Where the council is giving the household choice – either through a choice based letting scheme, or by allowing them to select specific areas for rehousing under a traditional allocations scheme – this may result in the household remaining in insecure accommodation for long periods of time.

### *Solution*

It is considered good practice to offer all housing applicants choice, for a whole host of reasons, not least because it helps to build balanced communities. However, councils must also remember that the homelessness legislation requires that a suitable offer of settled accommodation must be made. It is appropriate then, to allow homeless households to exercise choice, but this must, in terms of Part VII be appropriately managed. This may involve the use of time limited priority cards under CBL or where households are not bidding, making an offer of a permanent home of their existing property, with the chance to retain a degree of priority and transfer if they wish.

## **5. Where to start!**

There may be other local solutions that councils can employ to help tackle the number of households living in mainstream stock as TA, but the above highlight some of the most common issues and possible solutions.

The key to tackling this is to be aware of the local issues and to have a plan in place to provide a range of solutions.

One way forward in developing this plan is to understand the problems or blockages. It may need the deployment of dedicated options staff to visit all non secure households to determine if there are specific reasons why the tenancy could not be offered as a Part VI secure/assured tenancy.

If you would like more information on any of the ideas set out in this paper please contact Kirsty or Lynne at JenkinsDuval.

We will be delighted to talk to you.

Contact us at:

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