

Implementation of Section 11 Comments on Consultation Paper

Question 1

It would be useful to know at what point notifications of proceedings – for different types of action – can be raised – i.e. at what level of arrears will creditors take legal action? Is there a standard across all lenders – or is it dependant on mortgage agreement and different for each lender?

Question 2 and Question 3

It would be necessary to have information relating to the reasons for the notice – i.e. anti social behaviour, or rent/mortgage arrears. In order for Councils to respond and seek to prevent homelessness – the detail of the reasons behind the proceedings would be required and also what action has been taken to date – i.e. ASBO already in place and breached, money/debt advice given and not acted upon by tenant/owner, arrangements to repay already breached etc

Question 4

Of the 6 options provided on Form 1 – do they all carry the same timescales for court dates/ejection. If the requirement is on creditors/landlords to notify authorities as soon as possible after notice is raised – a court date may already be known. This information would be crucial to allow authorities to prioritise cases.

Question 5

Information relating to family composition would be useful – again to allow authorities to prioritise if necessary.

Question 6

Yes

Question 7

Authorities can ensure that local lenders/landlords know where to send information. However, there are hundreds of lenders offering mortgages – many of whom operate nationally – is there a single database of all lenders that can be used to ensure they all have access to which authority would be applicable. Can this be postcode linked?

Question 8

It is clear which information will be provided – however, more information would be helpful – and would help ensure that all lenders/landlords were proactive in homeless prevention. For example, there is no mention of Mortgage to Rent – lenders should be encouraged to make this information available to owners. Will lenders/landlords be able to give authorities all relevant information after the notification – or will authorities have to gather additional information solely from the tenant/owner, for example if there are other debts via the lender which are being called at the same time – i.e. a personal loan.

Question 9

If a household does not respond to the local authority (paragraph 29) until after the eviction, and the authority feels that there was not good reason – and that the eviction could have been prevented – will the applicant be deemed intentionally homeless?

Question 10

No

Question 11

No

Question 12 and Question 13 and Question 14

The duty is to notify – but little emphasis on what happens next. This implies that creditors/landlords will notify and then not engage with authorities in an attempt to resolve the issues and prevent homelessness – can this be strengthened? Again no mention of Mortgage to Rent.

Question 15

There is no mention of consultation with lenders in the distribution list – how will this be done?

Question 16

Yes

Question 17

Yes there needs to be monitoring - however, authorities should be advised of what will be required as opposed to developing different systems across all authorities and then running the risk that we will be asked for information we have not been collating – or in a format that is difficult to achieve.

Question 18

As HL1 is currently being amended – can this type of information not be included – number of notifications, source, action taken, outcome etc. This would allow strategic direction from statistical analysis to be taken from central recording database as opposed to developing other mechanisms.