

Homelessness (End of Life Care) Bill

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Make provision about end of life care and support for homeless people with terminal illnesses, including through the provision of housing for such people; and for connected purposes.

BE IT ENACTED by the Queen’s most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1 Duty to treat persons eligible for end of life care as not becoming homeless intentionally

- (1) The Housing Act 1996 is amended as follows.
- (2) After section 191 (becoming homeless intentionally) insert—

“191A Persons eligible for end of life care

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- (1) Notwithstanding the provisions of section 191, a person shall not become homeless intentionally if they are eligible for end of life care.
- (2) For the purposes of subsection (1), a person is eligible for end of life care when in the opinion of a medical practitioner responsible for their care—
 - (a) they may reasonably be expected to die of a progressive illness within the next 12 months; or
 - (b) they are receiving or are in need of treatment which may reasonably be considered end of life care.
- (3) *A medical practitioner may not charge for an assessment conducted for the purpose of establishing whether a person is eligible for end of life care under subsection (2).*
- (4) In this section, “medical practitioner” means a person registered under the Medical Act 1983.”

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2 Assessment of eligible applications: power to make regulations

- (1) Section 189A (assessments and personalised plan) of the Housing Act 1996 is amended in accordance with subsections (2) to (4).
- (2) After subsection (2), insert –
- “(2A) The Secretary of State may by regulations made by statutory instrument make further provision for the matters that an authority must have regard to when carrying out an assessment under subsection (1) in respect of people who are or may be eligible for end of life care. 5
- (2B) A statutory instrument containing regulations under subsection (2A) is subject to annulment in pursuance of a resolution of either House of Parliament.” 10
- (3) In subsection (10)(a), after “subsection (2)”, insert “or regulations made under subsection (2A)”.
- (4) After subsection (12) insert –
- “(13) In this section, “end of life care” has the same meaning as in section 191A.” 15

3 Housing duty conditions: modification

- (1) Part 7 of the Housing Act 1996 is amended in accordance with subsections (2) to (7).
- (2) In section 177 (whether it is reasonable to continue to occupy accommodation), after subsection (1A) insert – 20
- “(1B) It is not reasonable for a person who is eligible for end of life care within the meaning of section 191A to continue to occupy accommodation where that person is unable to receive satisfactory end of life care and other services in accordance with that person’s assessed needs.” 25
- (3) In section 185 (persons from abroad not eligible for housing assistance), after subsection (1) insert –
- “(1A) A person who is eligible for end of life care within the meaning of section 191A is deemed to be eligible for assistance under this Part.”
- (4) In section 189B (initial duty owed to all eligible persons who are homeless), after subsection (1) insert – 30
- “(1A) This section does not apply to a person who is eligible for end of life care within the meaning of section 191A.”
- (5) In section 193 (duty to persons with priority need who are not homeless intentionally), after subsection (1A) insert – 35
- “(1B) This section applies to a person who is eligible for end of life care within the meaning of section 191A.”
- (6) In section 199 (local connection), after subsection (1) insert –
- “(1A) A person who is eligible for end of life care within the meaning of section 191A has a local connection with any district of a local housing authority in which that person is physically present.” 40

- (7) In section 213 (co-operation between relevant housing authorities and other bodies), after subsection (3) insert –
- “(4) Where a local housing authority in England and Wales requests a social services authority or a clinical commissioning group to exercise any of their functions in relation to a person who is eligible for end of life care within the meaning of section 191A, the body to whom the request is made shall co-operate in ensuring that the person secures appropriate accommodation and care. 5
- (5) The Secretary of State shall, in conjunction with the Secretary of State for Health and Social Care, publish – 10
- (a) guidance to which local housing authorities, social services authorities and clinical commissioning groups must have regard when required to co-operate under subsection (4); and
- (b) a protocol governing the procedures by which authorities shall safeguard and promote the best interests of persons who are eligible for end of life care.” 15
- (8) The Homelessness (Priority Need for Accommodation) (England) Order 2002 (SI 2002/2051) is amended in accordance with subsection (9).
- (9) After Article 6 (vulnerability: fleeing violence or threats of violence), insert –
- “7 Persons eligible for end of life care 20**
- A person who is eligible for end of life care within the meaning of section 191A of the Housing Act 1996.”

4 Pilot schemes

- (1) *There may be paid out of money provided by Parliament expenditure incurred by the Secretary of State in connection with arrangements made for the purpose of providing effective support to persons who are – 25*
- (a) *homeless or threatened with homelessness, and*
- (b) *eligible for end of life care.*
- (2) The Secretary of State must review the operation and effectiveness of a pilot scheme under section 3(1). 30
- (3) The Secretary of State must set out the results and conclusions of a review conducted under subsection (2) in a report to Parliament by laying a copy of the report before each of House of Parliament.
- (4) A report under subsection (3) must be made as soon as reasonably practicable after the conclusion of the pilot scheme to which the report relates. 35
- (5) In this section –
- (a) “pilot scheme” means an arrangement made under subsection (1); and
- (b) the following have the same meaning as the Housing Act 1996 – 40
- “end of life care”;
- “homeless”; and
- “threatened with homelessness”.

5 Extent, commencement and short title

- (1) This Act extends to England and Wales only.

- (2) This Act comes into force three months after the day on which it is passed.
- (3) This Act may be cited as the Homelessness (End of Life Care) Act 2018.

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To make provision about end of life care and support for homeless people with terminal illnesses, including through the provision of housing for such people; and for connected purposes.

*Presented by Sir Edward Davey
supported by Ms Karen Buck,
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Norman Lamb, Kate Green,
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