

**GENERAL SYNOD****Archbishops' Commission on Housing, Church and Community****A Background Paper from the Archbishops' Housing Executive****Introduction**

1. GS 2216 invites the Synod to commend the key recommendations from the 'Coming Home' report by the Archbishops' Commission on Housing, Church in Community, which sets out a vision and proposals for the Church of England's contribution to tackling the housing crisis, particularly in so far as it affects the poorest and most marginalised. This report was published in February 2021 and presented at a special session of Synod on the 1<sup>st</sup> March.<sup>1</sup>
2. The Rt Revd Dr Guli Francis-Dehqani was appointed as the Bishop for Housing to implement the recommendations in this report, with the support of the Archbishops' Housing Advisory Group and Executive Team.<sup>2</sup> The backing of General Synod is an essential element in ensuring that the Commission's recommendations are acted on at all levels of the Church of England, enabling the Church to play a catalytic role in meeting the housing needs of the poorest in our society and so contributing to social transformation alongside Government, the housing sector and other civil society organisations.
3. Synod will be invited to engage with the following motion:

'That this Synod, recognising that the housing crisis harms all society and responding to housing need is an integral part of the mission and ministry of the Church of England, particularly in so far as it affects the poorest and most marginalised:

- a. Commend the report of the Archbishops' Commission on Housing, Church and Community, including the call for all actors in the housing market to play their part in ensuring that everyone has access to a decent and affordable home in accordance with the five core values outlined in the Commission's final report.
- b. Acknowledge the Legal Note by the Legal Office of the National Church Institutions, which clarifies the legal position in relation to the disposal of church land that is not subject to specific restrictions and explains how

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<sup>1</sup> Here is a link the Executive Summary: <https://www.archbishopofcanterbury.org/sites/abc/files/2021-02/COE%204794%20%E2%80%93%20A0HCC%20Executive%20Summary%20%E2%80%93%20V9b.pdf>

<sup>2</sup> These two groups were set up by both Archbishops to implement the findings in the 'Coming Home' report. The Executive Team is led by Nick Pollock on secondment as Head of Planning at the Duchy of Cornwall and is accountable to the Advisory Group, which is chaired by the Bishop of Chelmsford.

parishes and dioceses are able to use this land to meet local housing need and build community; and

- c. request the Archbishops' Council to consider the need for change to the legal criteria for the management, use and disposal of Church held non-operational property that falls under the remit of the Church Property Measure and Mission and Pastoral Measure, in order to further the Church's mission as understood by the vision presented to General Synod last year.'

### **The 'Coming Home' report**

4. The Archbishops' Commission brought a distinctively Christian contribution to the debate on how to ensure people are well-housed and how housing policy should be directed to fostering well-functioning communities. The Commission's work was divided into four distinct, but related, streams.
5. Firstly, the Commission developed a coherent theological framework for understanding housing and community, based around five core values that derive from the Biblical story, but that resonate with people of all faiths and none. The fundamental premise of this work is that meeting housing need and helping to strengthen communities are integral to the mission and ministry of the Church of England. By recognising this explicitly, Synod would send a clear message of support to church workers and volunteers across the country who are already faithfully responding to housing issues affecting people in their community. It would also make clear the Synod's view that church engagement in housing projects focussed particularly on affordable housing schemes is a valid form of Christian mission that falls within the charitable objects of parochial church councils, diocesan boards of finance and national church bodies.
6. Secondly, the Commission sought to encourage and replicate effective local church responses to housing need, by partnering with other charities and housing organisations, such as Housing Justice, to identify and share good practice. A wide range of resources and exemplars to help churches respond creatively to the housing crisis in their local context are freely available on the Housing Justice website.<sup>3</sup>
7. Thirdly, the Commission proposed a number of areas for action by the Church of England at diocesan and national level, with a particular focus on how Church entities can use their land and other assets well to meet the need for more affordable housing. The Church Commissioners' commitment to sign up to the UK Stewardship Code 2020 is welcomed; if approved by the certifying authority, this will provide a clear framework for managing the Church of England's Strategic Land Portfolio for social and environmental, as well as financial, benefit. In addition, the 'Coming Home' report recommended

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<sup>3</sup> <https://housingjustice.org.uk/what-you-can-do/response-to-local-housing-need>

clarifying and amending the legal framework around the disposal of church land. This is considered further below.

8. Finally, the Commission made a series of policy recommendations aimed at Government, the housing industry, and others as part of a values-based approach to future housing policy. Among other actions, it called for a long-term, cross-party housing strategy to meet the need for more truly affordable housing, as well as measures to help alleviate the short-term effects of the housing crisis, including changes to the social security system and improvements to the quality and security of private rented accommodation. Please see GS Misc 1294.

### **Missional use of church land and buildings**

9. The Commission argued that both the current legal framework and the way it is commonly interpreted by dioceses and parishes, are limiting the ability to use of non-operational church assets<sup>4</sup> to support affordable housing schemes and build community, even when this is an effective way for the Church to achieve its financial and missional objectives.
10. The Legal Note by the Church of England's Legal Office, published on the 'Legal Opinions and Other Guidance' page of the Church of England website, helps to clarify the legal position in relation to the disposal of church property that is held for a PCC's or DBF's general purposes. DBFs and PCCs often interpret the requirement<sup>5</sup> to obtain the best terms that can reasonably be obtained for the charity when disposing of land in purely financial terms (i.e. "highest price"). The Legal Office Note explains how PCCs and DBFs are able, when selling land they hold for their general purposes, to take account of non-financial considerations in the pursuit of the objects of their charity. These can include meeting local housing or community need, provided that the land being sold is not held on trust for purposes that preclude it being used in this way.
11. In the case of glebe land, ex-benefice land, and former church schools, however, there are legal restrictions that limit the potential use of these sites. Glebe land, for example, must be managed by the DBF exclusively for the benefit of the diocesan stipends fund. In practice, most DBFs do not have the capacity to actively manage their land or they contract management out to agents, sometimes at great expense. The Archbishops' Housing Executive Team believe there are substantial benefits to be secured by adopting a more strategic and missional approach to the management of these assets. The Diocese of Gloucester has demonstrated what is feasible within current constraints, for example by using redundant vicarages and their curtilages for affordable housing schemes, whilst also generating a significant income

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<sup>4</sup> By this, we mean any church land or buildings that are not being used for active ministry, including for example glebe land and closed churches.

<sup>5</sup> Section 119, Charities Act 2019.

stream to support the wider ministry of the Church, including through “in house” development of its land via a trading subsidiary. These and other opportunities are significantly constrained by the current legal framework.

12. If the Synod approves the motion on the role of the Church in the housing crisis, the Archbishops’ Council will be asked to consider what legislative proposals should be brought to a future group of sessions aimed at removing restrictions on the missional use of assets held by DBFs and other institutions of the Church of England. If appropriate, these could be considered alongside other legislative changes – including those outlined in the paper on Generosity and Diocesan Finance (GS Misc 1296) – which are aimed at giving dioceses greater freedom in how assets can be invested and returns used. Facilitating the joint management and/or pooling of assets across dioceses would enable the Church to act as one body in accordance with the recently approved Vision for the Church of England in the 2020s.

Archbishops’ Housing Executive Team

June 2021