

RUNNYMEDE BOROUGH COUNCIL

Homeless Discharge into the Private Rented Sector Policy

Review due:

Definitions

No	Term	
	Private Rented Sector Offer	Defined by the Localism Act 2011 as an offer of an assured shorthold tenancy made by a private landlord to an applicant. To end the Main Duty, the tenancy must be for a period of at least 12 months. The council must have arranged the availability of the property to discharge its homelessness duty.
	Homelessness applicant	This is a person who completes an application to be assessed as homeless or threatened with homelessness. This policy refers to a homelessness applicant as 'the applicant'.
	Prevention duty	Housing authorities have a duty to take reasonable steps to help prevent any eligible person (regardless of priority need status, intentionality and whether they have a local connection) who is threatened with homelessness from becoming homeless. This means either helping them to stay in their current accommodation or helping them to find a new place to live before they become actually homeless. The prevention duty continues for 56 days unless it is brought to an end by an event such as accommodation being secured for the person, or by their becoming homeless.
	Relief duty	If the applicant is already homeless, or becomes homeless despite activity during the prevention stage, then a relief duty is owed. . This relief duty lasts for 56 days unless ended in another way.
	Main housing duty	If homelessness is not successfully prevented or relieved, a housing authority will owe the main housing duty to applicants who are eligible, have a priority need for accommodation and are not homeless intentionally.
	Priority Need	People recognised as having a greater need for assistance with acquiring housing such as pregnant women, families with children, and those who are homeless as a result of being a survivor of domestic abuse or due to an emergency such as a fire or flood. Other groups may be assessed as having priority need because they are vulnerable as a result of old age, mental ill health, physical disability, having been in prison or care or as a result of becoming homeless due to violence.

	Suitable Final Offer of Accommodation	Referred to in this policy where an offer of accommodation is made to an applicant under a prevention, relief duty or main duty.
	Local Housing Allowance	The Valuation Office Agency Rent Officers determines Local Housing Allowance (LHA) rates used to calculate housing benefit and Universal Credit Housing element for tenants renting from private landlords. This is issued by Government and is subject to local rents. Runnymede is within two LHA areas.

1. Introduction

- 1.1. The Housing Act 1996 (as amended) sets out Local Housing Authority's statutory responsibilities to those that are eligible for assistance and are homeless or threatened with homelessness.
- 1.2. Following assessment of an applicant's homeless application the Council may owe an applicant a prevention, relief or the main housing duty and the Council are required to secure suitable accommodation for applicants.
- 1.3. Local Housing Authorities must take reasonable steps to help all eligible homeless applicants to secure accommodation for at least 6 months and are able to discharge their homeless duties through securing suitable, available accommodation for the household. This offer of accommodation can be in the private rented sector.
- 1.4. There is a higher demand for social housing in Runnymede than there are available social homes. This means that not all homeless applicants can readily access affordable housing within the social housing sector. Therefore, the private rented sector has an important role to play in providing good quality accommodation and flexibility to meet household needs.
- 1.5. This approach gives local housing authorities greater opportunity to use the private rented sector to satisfy households housing needs and reduce the local authorities need to use temporary accommodation. It has long been recognised that placing families in short term temporary accommodation, especially Bed and Breakfast style accommodation, can be detrimental to all members of the household concerned.
- 1.6. This policy sets out Runnymede Borough Council's approach to discharging homeless duties owed to applicants into the private rented sector.

2. Aims

2.1 The aims of this policy are:

- To make the best use of good quality private sector accommodation
- To use the private rented sector to discharge statutory duties owed
- To widen the choice of housing solutions available to homeless applicants
- To enable applicants to find appropriate housing quickly and to give a greater degree of choice
- To build positive relationships with private sector landlords
- To reduce reliance and pressure on temporary accommodation, including reducing B&B use
- To ensure movement and relieve pressure on the Housing Register
- To improve standards of private rented sector housing

3. Private Rented Sector Offer (PRSO)

3.1 An offer of accommodation in the private rented sectors is known as a PRSO (private rented sector offer). Runnymede Borough Council will consider a PRSOs to prevent or relieve homelessness in all cases.

3.2 If the Council considers an available private rented sector property to be suitable for the needs of an applicant, a PRSO of that property is likely to be made. This supports the objectives of the Homelessness Reduction Act 2017 which is to prevent and relieve homelessness.

3.3 The individual needs and circumstances of the homeless household will be considered when deciding whether to make a private rented sector offer. In considering the individual circumstances of each household, we may not consider a PRSO to be appropriate if the applicant is vulnerable, requires supported accommodation or is unlikely to be able to sustain a private rented tenancy, or if a member of the household requires significant adaptations to make the property suitable.

3.4 PRSO made under the prevention or relief duties, will be for an assured shorthold tenancy with a minimum initial term of 6 months and offers made under the main duty will be for a minimum initial term of 12 months.

- 3.5 Applicants are encouraged to locate their own private rented sector accommodation and the Council may be able to provide financial support to secure a property. Where the Council make a PRSO, the Council must ensure that it is suitable in accordance with the Homelessness (Suitability of Accommodation) (England) Order 2012. Applicants have the right to request a review of the suitability of any PRSO made at the prevention, relief, or the main duty stage.

Location

- 3.6 Runnymede will, where reasonably practical, seek to offer private rented sector accommodation within the Borough, except in the following circumstances:
- Where it considers it beneficial to move the applicant out of the area, for example, to reduce the risk of domestic abuse, other violence, or harassment, or to assist a person to break away from a detrimental situation, such as drug or alcohol abuse, or where support and specialist services are available outside of the borough;
 - When the applicant wishes to move away from Runnymede, including where the applicant has found the accommodation themselves;
 - Where there is no suitable accommodation within the Borough;
 - Where it is not reasonably practicable to secure accommodation within the Borough within a reasonable time, having regard for the general housing conditions prevailing in the local area
- 3.7 It is relevant to note that the Borough is geographically small, and the private rented sector market produces limited suitable properties at the Local Housing Allowance rate. Therefore, there may be occasions where it is appropriate to make out of borough PRSO, taking into account other areas that have reasonable facilities and transport links.
- 3.8 In considering whether a property is suitable the Council will consider:

a) The significance of any disruption caused by the location to employment, caring responsibilities, or education of the household

If the applicant (or their partner) are in employment (usually taken to be at least 16 hours per week). If they are in employment, then the location must be within a reasonable travel to the work area of that employment and have transport links frequent enough to enable this.

If the applicant is verified as the carer for another person, who cannot readily withdraw this care without serious detriment to the well-being of the other party,

then the location will need to be of sufficient proximity to enable this, even if this may require public transport. Although sometimes inconvenient it is not always unreasonable to rely on public transport.

If any members of the household are undertaking GCSEs at school (Years 10 & 11 – children aged 14 to 16), or other proven vital examination, then they should not be required to change schools. Due to the small size of the borough if it is practicable for children within this age group to travel to their existing school for the period of study, an offer not in the immediate vicinity of the existing school may be made if public transport is available.

b) The proximity & accessibility to medical facilities & other support which are used by, or essential to the well-being, of the household

If the applicant or any member of the household requires specialist medical treatment or support, which can only be provided in Runnymede, then the location will need to be of sufficient proximity to enable this, although this may require public transport. RBC will also have regard to other medical treatment or support required by the applicant or any member of the household, and where health professionals consider that it will be significantly detrimental to change provider or location. Significantly means exceptional and not desirable by either applicant or health professional

c) The proximity & accessibility to local services, amenities & transport

Regardless of location, RBC will seek to offer accommodation that is reasonably accessible to local services and amenities, especially for persons on low incomes, and those with a need to rely on public transport.

Affordability

- 3.9 Housing authorities will need to consider whether the applicant can afford the housing costs without being deprived of basic essentials such as food, clothing, heating, transport and other essentials specific to their circumstances. Housing costs should not be regarded as affordable if the applicant would be left with a residual income that is insufficient to meet these essential needs.
- 3.10 The Council will ensure that any PRSO made is affordable for the tenant and their household based on the facts of their application. The Housing Solutions Team will carryout a thorough income and expenditure check, including an assessment of reasonableness of non-essential expenditure and entitlement to welfare benefits.

Property Size and standards

- 3.11 In considering whether a property is suitable, the Council will have regard to the household composition and the space in the accommodation, including the impact of any particular medical needs. The Council will ensure that the property is not overcrowded at the time of PRSO.
- 3.12 The Council will ensure that any property being considered for use meets the suitability requirements, including:
- Ensuring the property is in a reasonable physical condition, and free from any Category 1 hazards as defined by the Housing, Health and Safety Rating system
 - That the property meets the required gas safety regulations i.e. by having an up to date Gas Safety Certificate
 - The property meets the electrical equipment regulations i.e. by having an up to date electrical safety certificate
 - If the property is a HMO (house in multiple occupation) that it is appropriately licenced.
 - That it has appropriate fire safety precautions, including working smoke alarm
 - All properties will require a valid Energy Performance Certificate (EPC) to be provided by the landlord
- 3.13 In considering whether a property is suitable the Council must be satisfied that there is no evidence to suggest that the landlord of the property cannot be considered as a 'fit and proper person' as defined by Section 66(2) of the Housing Act 2004.
- 3.14 The Council will be satisfied that the landlord has provided a written tenancy agreement which is adequate for the purposes of a PRSO.
- 3.15 The Council is required to assess whether accommodation is suitable for each household individually, and case records should demonstrate that they have taken the statutory requirements into account in securing the accommodation, including general duties such as the Public-Sector Equality Duty.

Re-application after two years

- 3.16 Where an applicant was made a PRSO to discharge the Council's main housing duty, should they become homeless again within two years of accepting the offer and so long as they are eligible and have not become homeless

intentionally, the Council will owe them the main s.193 duty in accordance with the Housing Act.

- 3.17 The date from which the two years begin is the date of acceptance of the PRSO, not the date when the tenancy was granted or when the applicant moved in.

4. Refusal of PRSO and Reviews

- 4.1 Households will only be made one suitable offer of accommodation and the Council will discharge its duty upon refusal.
- 4.2 Applicants will be advised of their right to request a review of the suitability of the accommodation offered and the review will be carried out in accordance with the review regulations. Applicants are able to accept a PRSO offer, move in and request a review of the suitability of the accommodation.
- 4.3 Where the Council concludes that the PRSO is suitable, the Council will consider its duty to be discharged and no further offer of accommodation will be made. Where the applicant accepted and moved into the property, this will remain available to them, but where a property has been refused and the review finds that the offer was suitable, no further offer of housing will be made, and the applicant will be responsible for securing their own housing.
- 4.4 Where an offer of accommodation is made under a prevention duty and the offer is refused, this will not affect any further duties that may be owed to the applicant. However, it may be the case that the same accommodation may then be offered to an applicant as a relief duty where this is appropriate and suitable. Where a final offer is made at relief stage, and this is refused it will preclude the applicant from being owed the main duty.
- 4.5 Applicants are able to appeal to the County Court on a point of law should they remain dissatisfied with the review outcome.

5. Monitoring and performance management

- 5.1 We aim to review this policy in 2 years to ensure it reflects current legislation and latest examples of best practice.

- 5.2 Overall monitoring and review of this policy will be undertaken in consultation with staff, Surrey County Council ASC, Runnymede Community Services team and other relevant partners and stakeholders.

6. Legal and Regulatory Framework

Legislation

Housing Act 1996 Part VII - Duties on local authorities to assist people who are homeless.

Homelessness Act 2002 – An Act outlining the functions of local housing authorities relating to homelessness and the allocation of housing.

The Homelessness (Priority Need for Accommodation) Order 2002 provided updated information on priority need groups

Housing Act 2004 – Provided details on housing conditions and the regulation of Houses in Multiple Occupation, among other housing issues.

Localism Act 2011(Part 7, s148 and s149)) – Enabled local authorities to discharge their duty towards homeless households in priority need by using privately rented housing irrespective of whether the household is in agreement with this.

The Homelessness Reduction Act 2017 - Updates the Housing Act 1996 Part VII and places additional duties on local authorities to prevent and relieve homelessness.

The Homelessness (Review Procedure etc) Regulations 2018

The Equality Act 2010 - Places a general duty on all public bodies to have due regard to eliminate discrimination, advance equality of opportunity and foster good relations between different people.

Regulations

The Homelessness (Suitability of Accommodation) Order 1996 (SI 1996/3204).

The Homelessness (Suitability of Accommodation) (England) Order 2012 (SI 2012/2601).

Supplementary Guidance on the homelessness changes in the Localism Act 2011 and on the Homelessness (Suitability of Accommodation) (England) Order 2012 – explains the changes section 148 and 149 of the Localism Act make to the homelessness legislation.

Article 3 of the Homelessness (Suitability of Accommodation) (England) Order 2012 concerns the suitability of privately rented accommodation offered to certain applicants who are homeless or threatened with homelessness.

The Homelessness Code of Guidance for Local Authorities (2018) Local housing and social services authorities must have regard to this guidance when exercising their functions relating to people who are homeless or at risk of homelessness.

7 Equalities Implications

7.1 In producing this document an Equality Impact Assessment (EIA) screening has been carried out and is available as a separate document. If you would like to see a copy of this please request this directly by emailing housingsolutions@runnymede.gov.uk or contacting Housing Solutions on 01932 838383.

7.2 An EIA is a way of assessing the impact, or likely impact, that a particular policy, procedure or decision will have on particular groups.

8. Related strategies/Documents

7.1 This policy operates alongside the Council's Allocation Scheme **June 2021**, Homelessness & Rough Sleeping Strategy 2019-24, Private Rented Schemes Policy, and **Tenancy Strategy 2022 -26**

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9. Version Control

Version Number	Date Amended	Comments	Date Approved	Author	Approved By
V1	October 2022	Review and refresh of 2015 version		Andy Kefford	