

Hertsmere Borough Council
Private Rented Sector Offer policy

November 2019

1. Background

The Housing Act 1996, Part VII (as amended by the Homelessness Reduction Act 2017) sets out the statutory obligations relating to the tackling and prevention of homelessness and the threat of homelessness.

The Localism Act 2011 allows local authorities to discharge a main housing duty by a 'private rented sector offer' to applicants who approached the local authority as homeless and who are accepted as homeless after 9th November 2012. In addition, the Homelessness Reduction Act 2017 introduced new statutory duties to local authorities to prevent and relieve homelessness.

The council recognises the increasing demand for housing within the area and considers the use of the private rented sector as an effective means to reduce the number of households in temporary accommodation and to lessen the need for households to be placed in to temporary accommodation initially.

This policy sets out Hertsmere Borough Council's policy for preventing and relieving homelessness by the making of private rented sector offer to discharge a homelessness duty.

The policy works alongside the following Hertsmere Borough Council strategies and policies:

- Homelessness and Rough Sleeping Strategy 2019 – 2023
- Allocations Policy
- Health & Wellbeing Strategy 2018 - 2022
- Corporate Plan

The policy complies with relevant legislation as follows:

- Part VII of the Housing Act 1996 (as amended)
- The Localism Act 2011
- The Homelessness Reduction Act 2017
- The Homelessness (Suitability of Accommodation) (England) Order 1996
- Section 11 of the Children's Act 2004 and Section 17 and Section 27 of the Children's Act 1989
- Equality Act 2010
- The Homelessness (Suitability of Accommodation) (England) Order 2012
- Homelessness Code of Guidance for Local Authorities (2018)
- The Homelessness (Review Procedures) Regulations 2018
- Tenant Fees Act 2019

2. Policy Statement

This policy covers the use of an offer of a private rented sector tenancy to discharge Section 195 'prevention' and Section 189B 'relief' duties with a six month tenancy and the Section 193 'main housing duty' of the Housing Act 1996 with a twelve month tenancy. It utilises the powers granted to local authorities in the Localism Act 2011 and the Homelessness Reduction Act. 2017

The policy operates in conjunction with the council's Allocation Policy and the underlying homelessness prevention approach.

3. Aims and Objectives

The use of the private rented sector is an effective tool for the council to comply with the requirements set out in the Homelessness Reduction Act 2017. The council has set out a competitive scheme for private sector landlords to increase the number of homeless households being able to access the private rented sector.

The primary objectives are:

- To maximise the supply of decent and affordable homes available to homeless households who have approached the council
- To minimise the length of time homeless households are residing in temporary accommodation waiting for an offer of longer-term accommodation and reduce the need for households to initially be placed in to temporary accommodation
- To minimise the use of temporary accommodation and to continue reduction and prevention of homelessness in Hertsmere.
- To create and sustain working relationships with private sector landlords to maximise the use of private sector housing in Hertsmere

4. Applicants eligible for a private rented sector offer

We consider an offer of a private rented tenancy to be suitable for the majority of households who approach the council for housing assistance. This includes households who are about to become homeless and those who are already homeless and in temporary accommodation awaiting for long-term accommodation to become available.

There are a number of exceptions where the council may believe a household is not suitable for an offer of private rented accommodation:

- Those who require supported accommodation or are unlikely to be able to adequately sustain a private rented tenancy
- Those who require significant disabled adaptations to the property which could not be met in the private rented sector

We will prioritise households who we owe a Section 193 Main Housing Duty, Section 189B Relief Duty and Section 195 Prevention Duty of the Housing Act 1996 in line with assessing a household's suitability for a property and the cost of their temporary accommodation to the council.

5. Support and resettlement

The council recognises that households may need support in securing a private rented tenancy and have therefore created an incentive scheme to attract private landlords to let their property to a client currently being supported by the Homelessness Prevention team.

The council will support each household to secure their private rented tenancy and apply for any relevant benefits. Details of households will be sent to receiving boroughs for any out of borough offers as required under Section 208 of the Housing Act 1996.

6. Suitability of private rented sector offers

Before making an offer of a private rented tenancy, the council will ensure the property is suitable for the household by conducting a suitability assessment.

The suitability assessment will take in to consideration:

- The location of the following will all be taken into account along with the significance of any disruption caused by the property location:
 - Employment
 - Education
 - Caring responsibility
 - Accessibility of essential medical facilities and support
 - Accessibility to local services and
 - Transport

- Any pets the household had when they approached for housing assistance
- The affordability of the property for the household. An assessment will be completed before any offer of accommodation to ensure it is affordable for the household.
- Any circumstances which would restrict where a household were to be placed. This may include significant threats of violence towards the household in particular areas or criminal convictions that restrict a household from entering certain locations
- Any medical conditions which will impact on which properties are deemed suitable for the household. As an example a medical condition which requires a ground floor property or access via a lift. This may be done in consultation with a Medical Advisor

7. Out of borough offers

The council will always seek to offer a private sector tenancy within the borough except where it is beneficial for a household to move out of the area, for example to reduce the risk of domestic abuse or if the household has specifically requested an out of borough offer.

However the council recognises the increasing costs of the private rented sector within Hertsmere therefore will consider offers outside of the borough. Ideally this will be in nearby boroughs but other locations may be considered if there is sufficient demand for such a property.

Before offering a household an out of borough property, the council will complete a suitability assessment taking in to account the areas highlighted in Section 6. Suitability of private rented sector offers. Where it is identified that the move will have a significant disturbance on employment, caring or education, an in borough offer will be prioritised where possible.

8. Property standards

The property will meet the requirements set out in the Homelessness (Suitability of Accommodation) (England) Order 2012. The council will be satisfied that:

- The accommodation is in a reasonable physical condition

- Any electrical equipment supplied with the accommodation will meet the requirements of regulations 5 and 7 of the Electrical Equipment (safety) Regulations 1994
- The landlord has taken reasonable fire safety precautions with the accommodation and any furnishings supplied with it, including fitting all required smoke and carbon monoxide alarms
- The landlord has taken reasonable precautions to prevent the possibility of carbon monoxide poisoning in the accommodation
- The landlord is a fit and proper person to act in the capacity of a landlord (as set out in the Homelessness (Suitability of Accommodation) (England) Order 2012)
- If a house of multiple occupation, that the house is licensed under the appropriate sections of the Housing Act 2004
- The accommodation has a valid Energy Performance Certificate
- The accommodation has a current gas safety record
- The landlord has provided the council with a written tenancy agreement which is considered to be adequate or uses the council's template tenancy agreement

Any future legislative changes to required property standards or landlord responsibilities will be incorporated in to the property standards checks.

To ensure the accommodation meets the property standards required, an officer from the council's Housing service will complete a property inspection visit prior to accepting the property on to the scheme.

Any hazards which may fall under a Category 1 or Category 2 hazards in the Housing Health and Safety Rating System will be referred to the Private Sector Enforcement team to undertake a technical assessment under Section 9 of the Housing Act 2004.

9. Client refusals and appeals

The council will consider each offer of accommodation to a client to be their only offer. The relevant duty will be brought to an end in the event that the client refuses the offer:

- For clients in Prevention duties, a refusal will result in their Section 195 Prevention duty being ended
- For clients in Relief duties, a refusal will result in their Section 189B Relief duty being brought to an end and eviction from temporary accommodation may be required

- For clients accepted under Section 193 Main Housing duty, a refusal will result in this duty to be brought to an end and eviction from temporary accommodation may be required

A client has the right to review the suitability of the property.

Any request for a review must be made within 21 days of the original offer and can be carried out in writing or verbally.

The provision of temporary accommodation pending review is discretionary, and the decision on whether to continue to accommodate or not is made on case-by-case basis.

The council would always recommend to the client to accept the offer and move in to the property whilst the suitability review is ongoing. If the client refuses the property whilst in relief duty or after being accepted under the main housing duty and the suitability review is not successful, the council will not be obligated to provide any additional offers of accommodation under the homelessness duties: private rented or social rented.

10. Deliberately worsening circumstances

Should the council be satisfied that an applicant has acted in a way to deliberately worsen their circumstances or prevented them from receiving or accepting a private rented sector property or from maintaining the tenancy after the offer, their Homelessness Prevention Officer may discharge their prevention, relief or main housing duty.

Examples of this include:

- An applicant accruing rent arrears shortly before or after receiving a private rented property offer which could have been avoided
- Breaching the tenancy agreement once offered or engaging in activities or behaviour that would result in the termination or non-renewal of a tenancy

11. Reviewing the Private Rented Sector Offer Policy

This policy will be reviewed in line with any significant change in legislation, guidance issued by the government or significant case law.