



## **Private Rented Sector Discharge Policy**

**November 2018**

**Review Date – November 2019**

## **Introduction**

A homeless duty arises as the result of a homeless application. Since the introduction of the Homelessness Reduction Act in April 2018, local authorities have a range of homeless duties that arise as the result of a homeless assessment. Many of these duties can be discharged through an offer of accommodation in the private rented sector.

With the introduction of the Homelessness Reduction Act, local authorities can discharge their 'Prevention' and 'Relief' duties into a 6 month tenancy in the private rented sector. This is an extension of the changes implemented under the Localism Act 2011. These changes allow local authorities to discharge its 'Main Homeless Duty' into a 12 month tenancy in the private rented sector. All of these changes form part of the Governments wider social housing reforms that seek to give a broader range of housing options through which a local authority can discharge its duties.

This approach gives local housing authorities greater opportunity to use the private rented sector to meet the needs of applicants. This should reduce the Councils 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 a household. In St Albans, however, there are considerable difficulties in securing suitable accommodation, at the right cost, for the Council to be able to discharge its various duties. This is due to welfare reform changes, including the Local Housing Allowance (LHA), and to a very buoyant local rental market.

## **'Private Sector Offers'**

Local authorities are expected to develop clear policies on the use of Private Sector Offers. To discharge its duties, the Council should consider the individual circumstances of each household when deciding if to apply this option.

For a local authority to discharge its 'Main Homeless Duty', they must offer a 12 month Assured Shorthold Tenancy. The 'Prevention' and 'Relief' duties bought in by the Homelessness Reduction Act, however, allow for an offer of a 6 month assured shorthold tenancy to discharge duty. They also allow for a final offer of private rented accommodation during a 'Relief' duty to discharge the Councils full duty.

In making decisions, local authorities should have regard to the prevailing housing supply and demand pressures in the local area. The existing requirement for local authorities is to, as far as is reasonably practicable, secure accommodation in their own district. This is to try and help the applicant retain established links to schools, doctors, social workers, family and other support networks.

The regulations state that accommodation has to be 'suitable'. The location of the property must be considered; as must its condition and management. The detail of this is set out in the subsequent table. The affordability of accommodation must also be taken into account. There are rights of review on suitability with appeal to the County Court.

### **St Albans Council Approach**

Since the changes in the Localism Act 2011 came in, St Albans Council has very rarely used private rented accommodation to discharge its 'Main Homeless Duty'. Prior to April 2018, the Council had sought to secure private rented accommodation to assist with preventing homelessness. Support is also offered through an interest free loan to applicants who have found their own private rented accommodation.

However, with the introduction of the Homelessness Reduction Act in April 2018, it has been recognised that there is a need to expand the use of private rented accommodation. As a result, the Council have set up a Private Sector Access Scheme. The aim is to find suitable and affordable accommodation for the Council to discharge its new duties under 'Prevention' and 'Relief'. The scheme will prioritise finding private rented accommodation in the St Albans district, however we are aware that many parts of the district have a very buoyant rental market. This means there is a need to consider other more affordable areas outside of the district. In light of the Supreme Court judgement in *Nzolameso v City of Westminster* 2015, the Council needs to develop this policy.

As part of a homeless application, applicants will have a thorough assessment of 3 areas under Section 189A(2):

1. The circumstances that caused the applicant to become homeless or threatened with homelessness.
2. The housing needs of the applicant, in particular what housing would be suitable for the household.
3. What support the applicant requires to get and maintain suitable accommodation.

This assessment will inform whether or not the Council use private rented accommodation to discharge its homeless duties. Each applicant will be dealt with on a case by case basis. If the applicants housing crisis could be resolved with a suitable offer of private rented accommodation, then the Council will prioritise this approach. The Council also recognise that the client is best served by cultivating multiple options to resolve their housing crisis.

When deciding if to make an offer of accommodation in the private rented sector, the Council will consider the following:

- We would not usually make an offer if the applicant requires supported accommodation, or is considered unlikely to be able to adequately sustain a private rented tenancy.
- We would not usually make an offer if the applicant or a member of their household requires significant disabled adaptations to make the property suitable.
- We will also consider the affordability of the accommodation, having regard to local Housing Benefit/ LHA rates and the overall Benefit Cap that could be applied to the household. (This means that this scheme will rarely be used for an unemployed single person under 35 years of age where the shared accommodation rate of the LHA could apply.) The Benefit Cap may also make accommodation in the private rented sector unaffordable for larger families.

## Suitability of accommodation – St Albans Approach

The following are the requirements that St Albans Council will observe when considering whether to offer private rented accommodation to discharge its homeless duties. These principles are not applied when inviting applicants to view a property, and are only considered when formally offering accommodation to an applicant.

Location Requirements	St Albans City and District Council Approach
<p><b>If outside district, the distance from it.</b></p>	<p>St Albans Council will always seek to offer private sector accommodation within the district, except:</p> <ul style="list-style-type: none"> <li>▪ When it considers it beneficial to move applicant/household out of area. For example, to reduce the risk of domestic violence, other violence, or harassment, or</li> <li>▪ When the applicant consents to move away from St Albans,</li> </ul> <p>The private sector market in St Albans is no longer able to produce sufficient and suitable accommodation at LHA rates.</p> <p>Although all the circumstances of each case will be considered, particular regard will be placed on the following considerations (as set out below).</p> <p>Where there is not sufficient accommodation in the District, private sector offers will be made in the next nearest location that the Council have available. Ideally, this will be within a neighbouring District, but may be further away. The Council will consider all the circumstances of any particular case, including the need to safeguard and promote the welfare of children, and the transport links back to St Albans for School and Employment.</p> <p>Appendix 1 lays out the areas that the Council are seeking accommodation. An offer could be made anywhere within the radius laid out on this map.</p> <p>In exceptional circumstances, an allocation may be made outside of the policy at the discretion of the Head of Service.</p>
<p><b>The significance of any disruption caused by the location from employment, caring responsibilities, or education of the household.</b></p>	<p>In determining whether a location is suitable, St Albans City and District Council will consider:</p> <ul style="list-style-type: none"> <li>▪ <b>If the applicant (or their partner) is in permanent employment (at least 16 hours per week).</b> If they are, then the location must be within a reasonable travel to work area of that employment, and have transport links frequent enough to enable this.</li> <li>▪ <b>If the applicant is verified as the carer for another person,</b> 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, although this may require public transport. Although</li> </ul>

	<p>sometimes inconvenient, it is usually considered reasonable to rely on public transport. When considering how far someone would be expected to travel to provide care to an individual in St Albans, the Council considers that accommodation provided in any of our neighbouring Districts would be close enough to provide suitable public transport links into St Albans.</p> <ul style="list-style-type: none"> <li>▪ <b>If any members of the household are of school age</b>, the likely disruption to their education and other support networks will be considered. It is considered that any children of secondary school age are more likely to need to remain in their current school, with this need becoming increasingly important as the child enters GCSE or other externally assessed examinations. <b>With the high prevalence of good schools in the district</b>, the Council are aware that many students do travel from neighbouring Districts to various colleges and schools. As a result, it would be considered suitable for the Council to offer accommodation in a neighbouring District to a household with children of GCSE age. For children in Primary education, it is considered reasonable for children to move schools if necessary. Therefore accommodation may be offered to households with children in primary school in any of the areas in Appendix 1 .</li> </ul>
<p><b>The proximity &amp; accessibility to medical facilities &amp; other support which are used by, or essential to the well-being, of the household.</b></p>	<p><b>If the applicant or any member of the household requires specialist medical treatment or support</b>, which can only be provided in St Albans, then the location will need to be near enough to enable this. This may require public transport. St Albans Council 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 disruptive or detrimental to change provider or location.</p> <p>St Albans does have a small hospital, but the Council recognise that a large part of the NHS provision to our residents is provided in other Districts. As such, many residents have to travel to receive medical treatment, and so it will be considered suitable for applicants who need treatment from a specific NHS unit to be housed outside that area.</p>
<p><b>The proximity &amp; accessibility to local services, amenities &amp; transport.</b></p>	<p>Regardless of location, <b>St Albans Council will seek to offer accommodation that is reasonably accessible to local services and amenities.</b> This does not mean the local amenities will be within walking distance, and may require the use of public transport to access them.</p>

## Appendix 1

