

PRIVATE RENTED SECTOR PROPERTIES IN NEWHAM

Policy for the use of private rented sector offers in discharge of the main homelessness duty

Why the Council uses Private Rented Sector properties

- The Council believes that the Private Rented Sector (PRS) presents an opportunity to find a sustainable alternative to temporary accommodation. We use the Housing Act 1996 (as amended by the Localism Act 2011) to find a solution to the shortage of permanent social housing where appropriate.
- The Council has a duty to provide accommodation if there is reason to believe that an applicant may be eligible, homeless and in priority need. If this criteria is met, we arrange accommodation for the applicant until a decision has been reached on their application. If the Council decides that it owes the 'main homelessness duty' to an applicant, they will be offered temporary accommodation (under s193 (2), Housing Act 1996 as amended) until they find their own accommodation or are made a final offer of accommodation, or the duty ends in another way.
- The Localism Act amends Section 193 of the Housing Act 1996 allows councils to fully discharge the housing duty to homeless applicants through a private rented sector offer (PRSO), as an alternative to the use of temporary accommodation. Households who accept a private rented property will no longer have a 'reasonable preference' on the grounds of homelessness, which might mean that their position on the Housing Register changes, if they are waiting to be allocated a Council property.

- The Council uses section 208 Housing Act 1996 whenever possible, which requires the authority to try to source accommodation in the Borough. However, this is often not possible, and the Council has therefore set out its approach to placing homeless households inside and outside the Borough in its Placements Policy.
- Like many London Boroughs, Newham has a limited supply of temporary accommodation. Over recent years a number of factors including rising costs of housing and welfare reforms mean Newham has seen a considerable increase in the numbers of households owed a homelessness duty by the Council.
- Newham now has the largest numbers of households in temporary accommodation of any London Borough, which can leave households in unstable conditions for longer than ten years in some cases. We believe that using the private rented sector to accommodate some households, where appropriate, can provide permanent homes for households and reduce the Council's reliance temporary accommodation.

The policy

- We are committed to finding suitable, sustainable accommodation for homeless households. The Council believes that an offer of accommodation in the private rented sector is a suitable alternative for some households, where they meet the criteria set out in this policy.

- Where we have accepted a homelessness duty towards a household, we will discharge this duty into a private rented sector property if it is believed to be appropriate to household's circumstances, following an assessment. We recognise that an offer of accommodation in the private rented sector may not be suitable for all households, for example those for whom an offer of sheltered accommodation would be more appropriate, or households who would not be able to manage a private sector tenancy.

How the policy will be applied

- All homeless or potentially homeless households are individually assessed prior to placement to determine the suitability of the offer to be made, taking into account the type and location of accommodation that should be offered, and the affordability of any accommodation offered.

Suitability

- Before any private rented sector property offer is made, a matching exercise will be carried out, taking into account the specific requirements of the household and the nature and location of the property available. The results of this matching exercise will be recorded in full.
- We will not carry out 'bespoke searches' on property websites when trying to find temporary accommodation or accommodation for the making of a private rented sector property, as this is not reasonably practicable or efficient.
- Decisions on the location of any private rented sector offer will be made on basis of the Council's Placement Policy.
- All properties offered through a private rented sector scheme should be free from category 1 or 2 hazards, which are the two most serious types of hazards and risks to health and safety, as set out in the Housing Health and Safety Rating System introduced under the Housing Act 2004. A completed conditions form should be completed by the visiting Supply Officer, setting out the conditions of the property before letting.
- In assessing the suitability of a private rented sector offer to a homeless, the Council will consider whether the applicant can afford their housing without being deprived of basic essentials such as food, clothing, heating, transport costs and all other reasonable expenditure.

Refusal

- The Housing Act 1996 states that if the applicant refuses to take up a private rented sector offer without good reason or fails to respond to a suitable housing offer, then the Council can end the statutory housing duty towards the household.
- The applicant has a right to a review of the suitability of the offer of accommodation. To request a review of the Council's decision that the property is suitable, or to request a review of the Council's decision to terminate its duty towards you, your request must be submitted to the Council, in writing within 21 days of the offer being made or the duty having been terminated. This review would be carried out by a senior officer not previously involved in your case.

Requests for review should be submitted by email to hpasreviews@newham.gov.uk

Or by post to Review Team, Newham Dockside, 1000 Dockside Road, London E16 2QU.

Re-application

- If within 2 years of accepting the private rented sector offer an applicant re-applies for accommodation, or for assistance in obtaining accommodation, then the Council will accept a new duty to secure accommodation for the household if we are satisfied that they are homeless, or threatened with homelessness, and eligible for assistance, and not satisfied that they became homeless intentionally. An applicant who re-applies will be considered to be homeless, or threatened with homelessness, if they have been served with a valid notice under s.21 Housing Act 1988 by the landlord of the private rented sector property.

Reviewing the policy

- The Policy will be monitored and reviewed annually in consultation with the Lead Member with the responsibility for Housing to ensure its effectiveness.
- Amendments to this policy will be made as and when required by case law or changes in legislation or guidance by HMG