

Private Rented Solutions Policy to widen access to the Private Rented Sector

1.0 Introduction

Sheffield City Council operates a Private Rented Solutions scheme (PRS) which sources, secures and mediates tenancies between private landlords and homeless and vulnerable households or, where appropriate to meet particular housing needs or aspirations, other households. This policy sets out how the scheme may be used to discharge the Council's homelessness duties by an offer of private rented accommodation and other circumstances in which the Council may facilitate an offer of private rented accommodation through PRS.

Sheffield City Council is committed to working with staff across all departments, support agencies and private landlords to widen access to safe and affordable homes in the private rented sector

The Private Rented Solutions scheme provides opportunities for vulnerable households to access a wide range of areas and types of property; enabling families to be close to their network of support, place of work, schools etc. and providing safe places to live for vulnerable people that contribute to tenancy and community sustainment.

1.1 The Homelessness Reduction Act 2017 places duties on local authorities to intervene at an early stage to prevent or relieve homelessness.

1.2 Private rented accommodation can be used to prevent or relieve homelessness, or to bring the duty to secure that suitable accommodation is available to applicants who are homeless, in priority need, not intentionally homeless and who have a local connection to Sheffield to an end. This policy covers the use of the offer of a private rented sector tenancy to discharge any homelessness duty towards those households accepted as homeless or threatened with homelessness. It covers the utilisation of the powers of local authorities under the Housing Act 1996 Part VII as amended by the Localism Act 2011 and Homelessness Reduction Act 2017 and describes how PRS may be used to meet the duties under sections 189B ("the Relief Duty"), 193(2) ("the Main Homelessness Duty"), 195 ("the Prevention Duty") and 195A ("the Re-application Duty").

2.0 Our aspirations¹

- Improve access to good quality private rented sector housing to expand choices and provide affordable options for single people. This includes supporting both tenants and landlords and developing new approaches that are attractive to all parties.
- Co-ordinate how we work with private sector landlords and developers to maximize the use of resources and opportunities for all vulnerable people in the City.
- We will focus more on tenancy sustainment and timely advice to prevent a housing crisis arising in private sector working positively with landlords and tenants to improve successful outcomes.

3.0 Offers of Private Rented Accommodation

3.1 Sheffield City Council may arrange for an offer of private rented accommodation to be made to those applicants who are statutory homeless or threatened with homelessness.

3.2 A private rented sector offer (PRSO) of an assured shorthold tenancy (AST) for a minimum fixed term of 12 months may be made under the Main Homelessness Duty. Sheffield City Council may cease to be subject to the duty if the applicant, having been informed of the possible consequences of acceptance or refusal, the right of review of suitability and the Re-application Duty, accepts or refuses a PRSO.

3.3 A final accommodation offer of an AST for a minimum fixed term of 6 months may end the Relief Duty if the applicant, having been informed of the possible consequences of acceptance or refusal and the right of review of suitability, accepts or refuses the offer. In this case even if the applicant has a priority need the Main Homelessness Duty will not apply.

3.4 Sheffield City Council recognises that living in the private rented sector may not adequately meet the needs of all applicants. An offer of private rented accommodation will not be made for the purposes of discharging homelessness duty to applicants where:

- (i.) The applicant is unable to meet the affordability criteria.
- (ii.) The applicant requires supported accommodation or is unlikely to be able to sustain a private rented tenancy.

¹ Sheffield City Council Homeless Prevention Strategy 2017-2022 Section 5.4.3

3.5 All applicants who receive an offer of private rented accommodation will:

- (i.) have received an assessment to establish whether an offer of private rented accommodation will meet their needs;
- (ii.) be aged 18 years or over.
- (iii.) Be referred if necessary to appropriate support for tenancy sustainability, including support from external providers.

3.6 Matching policy:

3.6.1 A priority order for matching will ensure offers of private rented accommodation have maximum impact.

- I. Applicants owed a homelessness duty and currently placed in B&B accommodation;
- II. Applicants owed a homelessness duty and currently placed in Temporary Accommodation;
- III. Applicants who require a managed exit from supported accommodation and would otherwise be owed a Prevention Duty;
- IV. Other applicants owed a Main Homelessness Duty or a Relief Duty;
- V. Children's or Adult Social Care clients referred to PRS subject to arrangements made with those Services.

3.6.2 If a suitable match has not been identified within 14 days of the start of the matching process then in order to prevent the property being withdrawn from the PRS portfolio the property will be made available to other housing applicants by advertising on the Property Shop website. An applicant who accepts a private rented sector tenancy through this advertising will retain their housing registration but any priority awarded under the Council's Allocations Policy may be cancelled. A tenancy advertised and accepted under this paragraph is not subject to any other provision of this Policy.

4.0 Suitability of Offer

4.1 Sheffield City Council will ensure that it meets these requirements by ensuring that all properties in the private sector are suitable with reference to the Homelessness (Suitability of Accommodation (England) Orders 1996 and 2012.

4.2 All accommodation offered will meet the Council's standards and will:

- (i.) Have been inspected and approved by Private Housing Standards.
- (ii.) Have landlords who have successfully passed their "Fit & Proper" checks.

- (iii.) Have a valid gas safety certificate, and an Energy Performance Certificate (EPC), with copies provided to the Council.

4.3 As part of the housing options service to the applicant, each case will receive an assessment of need and risk to ensure that a private rented tenancy would be appropriate. Before any offer of private rented accommodation is made to any applicant it will be assessed to ensure that it is a suitable offer for that applicant. Assessment will include:

- (i.) The financial circumstances of the applicants and affordability of the accommodation.
- (ii.) The significance of any disruption to the family in terms of schools, place of work etc.
- (iii.) The proximity and accessibility of the accommodation to local services, amenities and transport.
- (iv.) The proximity and accessibility of the accommodation to medical facilities and other support which: are currently used by or provided to that person or members of the household AND are essential to the well-being of that person or members of the household.
- (v.) The support required to sustain the tenancy.
- (vi.) Any risk to the safety of the household and the necessary support.

4.4. Officers will send a letter to the applicant before an offer is made, setting out the following: a) the duty under which the offer is being made; b) possible consequences of refusal or acceptance; c) the right to request a review of the suitability of accommodation; d) that the Council is satisfied that the accommodation is suitable; e) (if the offer is a PRSO under the Main Homelessness Duty) the Re-application Duty.

4.5 Where a final accommodation offer is made to discharge the Relief Duty or the Main Homelessness Duty, the duty will end if the applicant refuses the property and a review is not requested. The Council will provide the applicant with reasonable notice to vacate any temporary accommodation

4.6 Where an offer of accommodation is made to an applicant who is owed the Prevention Duty and the offer is refused, the Prevention Duty may be ended but this will not affect any further duties that may be owed to the applicant if they should become homeless. However, it may be the case that the same accommodation may then be offered to the applicant under the Relief Duty where this is appropriate and suitable.

5.0 Private Rented Sector Facilitation

5.1 PRS will source, secure and mediate tenancies between private landlords and homeless and vulnerable households and may do so, where appropriate to meet particular housing needs or aspirations, for other households.

5.2 A PRS approved AST agreement, without amendment, will be used for all offers of private rented accommodation.

5.3 Officers will inspect and inventory all properties prior to an offer of private rented accommodation being made and again at the end of the AST. Applicants may self-identify a private sector property they wish to access using PRS facilitation but must first seek the approval of the Council that it is a suitable property and the landlord must agree to register with the PRS scheme before granting a tenancy. The property and landlord will be subject to all usual checks and standards.

5.4 The Council will provide a bond guarantee equivalent to one month's rent for all applicants to ensure that applicants who accept offers of private rented accommodation are not disadvantaged compared to applicants accepting social rented property offers in respect of deposits.

5.5 Where the Council owes a Relief, Prevention or Main Homelessness Duty and the applicant is assessed as being at risk of accruing rent arrears, PRS may, subject to resources being available, make appropriate provisions to prevent and mitigate rent arrears.

5.6 Where such a provision is made PRS will ensure that, subject to available resources and competing demand, suitable tenancy support provision is in place to manage and mitigate the risk.

5.7 Where PRS agrees that a property vacated within or at the end of the AST has been left in an unacceptable condition and the landlord agrees to continue to offer the property to PRS applicants the Council may, at its discretion and subject to resources and prescribed limits, make payments to cover the cost of minor repairs and cleaning above the bond guarantee level. This risk may be mitigated by the provision of suitable tenancy support and guidance including regular visits to enable early identification of potential issues.

5.8 The Council may pay rental top-ups above the set Local Housing Allowance Rates (LHA) where a property is particularly suitable for the needs of a homeless household and the average rent of the area and property is above the LHA rate.

6.0 Re-application duty within two years of acceptance of a PRSO

6.1 Under the Re-application Duty, the Main Homelessness Duty applies where:

- (i.) The applicant reapplies for assistance within two years of accepting a PRSO and is homeless, and
- (ii.) The applicant is eligible for assistance and has not become homeless intentionally.

6.2 This duty is owed to applicants whether they have remained in the PRSO accommodation or secured their own accommodation following expiry of the initial 12 month tenancy, and regardless of whether the applicant has a priority need. The duty may be discharged through one further offer of private rented accommodation.

6.3 For the purposes of the Re-application Duty, an applicant who has been given a valid notice under section 21 of the Housing Act 1988 is to be treated as homeless from the date on which it expires.

6.4 The Re-application Duty will not apply to the following:

- (i.) A restricted case *
- (ii.) The Re-application Duty has been carried out previously
- (iii.) The applicant is deemed to be intentionally homeless

*A “restricted case” is a case where the local authority would not be satisfied that the applicant had a priority need for accommodation without having had regard to a “restricted person” meaning a person who is not eligible for assistance under Part 7 of the 1996 Act and is subject to immigration control and either does not have leave to enter or remain in the UK, or does have leave but it is subject to a condition of no recourse to public funds.

7.0 Re-application duty: other Local Authorities

7.1 In cases where the Re-application Duty applies, if the applicant applies to a different local authority from the one that made the original PRSO they may be referred back to the original local authority unless there is an identified risk of harm to the household.

7.2 Before making the referral, the local authority that receives the re-application must first satisfy itself as to whether the duty applies by carrying out investigations to determine whether the applicant is eligible, homeless and not intentionally homeless.

7.3 If Sheffield City Council receives a referral but was not the authority that made the original PRSO, and has determined that the Re-application Duty applies, the applicant

will be referred back to the relevant authority, unless there is any risk identified that prevents the applicant or any member of their household in returning to that area.

7.4 If an applicant is referred back to Sheffield City Council under the Re-application Duty by another local authority the applicant will be made one further offer of private rented accommodation, in accordance with this policy.

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