

# Private Rented Solutions Policy

## 1.0 Introduction

Sheffield City Council secures and provisions safe and affordable private rented sector (PRS) accommodation to customers with housing needs. It does this through a variety of routes.

This policy sets out how safe and affordable PRS accommodation 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.

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.

**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 Key Targets<sup>1</sup>

- We will see at least 75% of people when they are at risk of losing their home and we can work with them to prevent homelessness. As we will be seeing them earlier we will aim to successfully prevent homelessness for at least 80% of these people.
- Our private rented offer will be expanded to that of comparable cities, in the region of 600+ tenancies.

<sup>1</sup> Sheffield City Council Homeless Prevention Strategy 2023-2028 Section 5.1

### **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. Or if sufficient supply allows to other customers.

**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** A final accommodation offer of an AST for a minimum fixed term of 6 months may end the Prevention 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. This does not affect any further duties that may be owed to the applicant if they should become homeless.

**3.5** 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.

**3.6** 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.

3.6.1 Offers of PRS accommodation will be made to customers in line with 3.1. How offers are made will depend on:

- I. The no. and nature (e.g. size, location, accessibility, affordability) of PRS properties available to SCC at any given time
- II. The no. of customers in housing need who are able to sustain a PRS tenancy
- III. Specific housing needs of customers

3.6.2 If the customer is owed a homelessness duty offers will be made by officers in consultation with the officer who has undertaken casework for the customer's homelessness case.

3.6.3 Where two or more customers/households have similar requirements for a PRS property and similar housing needs, placements will be first offered to customers/households by date order, with the customer/household with the oldest award of duty/priority being given first offer.

3.6.4 Officers will make suitable offers in line with the principles outlined in 3.1, 3.6.1, 3.6.2 and 3.6.3 in line with law. Officers will seek to utilise the PRS accommodation available to Sheffield City Council to realise the greatest impact for customers on the basis that in law the prevention, relief and main homelessness duties have equal weighting.

3.6.5 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 subject to management discretion. 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 rented 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 suitably qualified officers/contractors to have no Category 1 or high Category 2 hazards under the government's Housing Health and Safety Rating System
- (ii.) Have landlords who have been proven to be fit and proper persons as defined in Section 66 of the Housing Act (2004).
- (iii.) Have a valid gas safety certificate, and an Energy Performance Certificate (EPC), with copies provided to the Council.
- (iv.) Have any other certification/proof of compliance as required by law.

**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 they will be assessed to ensure that it is a suitable offer for that applicant. Assessment will include:

- (i.) The financial circumstances of the applicant/s and affordability of the accommodation.
- (ii.) 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.
- (iii.) The support required to sustain the tenancy.
- (iv.) Any risk to the safety of the household and the necessary support.
- (v.) That the property offered is suitable for the applicant/s needs e.g. accessible

**4.4.** Officers will send a letter (physical or email) 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 a suitable 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** Sheffield City Council will source and secure private rented sector tenancies for homeless and vulnerable households and may do so, where appropriate to meet particular housing needs or aspirations for other households.

**5.2** Sheffield City Council will facilitate Assured Shorthold Tenancies (AST) between private landlords and households, or use powers available to it in law and statutory instruments to grant tenancies or undertake other actions which satisfy discharge of homelessness duties as provided for in law and statutory instruments.

**5.3** Any tenancy agreement used must meet all requirements as set out in law and statutory instruments and be deemed suitable by officers and not be amended.

**5.4** Appropriately qualified persons will inspect and inventory all properties prior to an offer of private rented accommodation being made and again at the end of the tenancy.

**5.5** Applicants may self- identify a private rented sector property they wish to access using Sheffield City Council facilitation but must first seek the approval of the Council that it is a suitable property and the landlord must agree to register with Sheffield City Council before granting a tenancy. The property and landlord will be subject to all usual checks and standards.

**5.6** The Council will provide incentives to landlords to make the Council's offer to private landlords viable. Incentives may include rent guarantee schemes, bond guarantees and other products. From time to time the Council will review and change its provision of incentives to ensure that the Council's offer remains competitive and attractive to private landlords.

**5.4** The Council will take appropriate steps to manage fraud risk. Landlords working with Sheffield City Council will be required to support the Council with this process, e.g. providing information/evidence to comply with auditing purposes.

**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, the Council may, subject to resources being available, make appropriate provisions to prevent and mitigate rent arrears.

**5.6** Where such a provision is made the Council 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 the Council agrees that a property vacated within or at the end of the tenancy has been left in an unacceptable condition and the landlord agrees to continue to offer

the property to 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** Sheffield City Council may pay rental top-ups above the set Local Housing Allowance Rates (LHA) to secure private rented sector property. This may take the form of a top up of rent provided by for a fixed term or a cash payment at the start, or during or end of a successful tenancy.

## **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.

## **8.0 Permitted Officer Amendments to the PRS Policy**

**8.1** Upon approving this PRS Policy the Housing Policy Committee also delegates to the Director of Housing and Neighbourhood Services, or any successor role authority to amend this PRS Policy for any of the following reasons only:

**8.2** Where a change in law or statutory instruments, judicial precedent, or other legal requirements require changes to be made to the PRS Policy to ensure it remains compliant with the law.

**8.3** Where changes are required to update the PRS Policy to reflect changes to other Sheffield City Council policies/strategies.

**8.4** Where changes relate to the officer led operations or establishment of Sheffield City Council's private rented sector related products, schemes or projects.

**8.5** Any such officer changes shall be managed as Officer Decisions under the Council's constitution and policies.

**8.6** The power to make any other changes to the PRS Policy remain reserved to Housing Policy Committee