

Process for determining suitability of temporary accommodation/private rented sector offers.

1. General Principles

The Homelessness (Suitability of Accommodation) (England) Orders 2012 & 2003 define suitability of temporary accommodation & of Private Rented Sector Offers made to discharge homelessness duty under the provisions of the Localism Act 2012.

The 2003 Order effectively outlawed the use of B&B and other accommodation with shared facilities for any household with dependent children or pregnant woman, meaning B&B can only legally be used in an emergency and for no longer than 6 weeks. The only exception to this is where a case has been found IH or ineligible for assistance and we are accommodating under homelessness power rather than duty.

The 2012 order requires us to take into account the location of the accommodation, specifically the distance from the borough; the significance of any disruption caused by the location of the accommodation to the employment, caring responsibilities or education of the household; proximity & accessibility to medical facilities and other support currently provided and are essential to the well-being of the household; proximity & accessibility of the accommodation to local services, amenities & transport.

Therefore in assessing the suitability of accommodation being offered either as TA or PRSO, it is crucial that case notes reflect the consideration of these factors, and the conclusions clearly identify the reasons why a particular property is offered to a particular household, and where more than one property is available on the day – why an alternative property was not offered. ***The essential principle is that each case must be treated on its merits – and the case notes must reflect this.***

2. Location of Property

- Unless the applicant is in fear of violence in a particular part of the borough, or there is an overwhelming social, medical or welfare reason for specifying a particular area, any location within LBTH is normally to be deemed suitable. The Borough covers a small geographical area; all parts of the borough are well served, and connected by, public transport. Most journeys by public transport to any part of the borough can be concluded within 40 minutes. Individual circumstances will be taken into account when determining the suitability of a particular location, in the context of the foregoing.
- In determining whether a property outside the borough is suitable the requirements set out in the order need to be taken into account. It is essential that the question of disruption is specifically addressed, and recorded on notes. While individual circumstances must be taken into account the following should be used as a guide:

- It is reasonable to assume that someone could normally travel up to 90 minutes to get to work. It would be necessary to take account of the cost of travel in the affordability assessment
- It is reasonable to assume that a child in years 10-13 could travel for up to an hour to get to school.
- It is reasonable to assume that children under year 10 could transfer to a local school and that this would not constitute a significant disruption to their education. If children are in a special school or have a Statement of Special Educational Needs it would be necessary to assess whether a transfer to a location out of the borough would represent a significant disruption to their education. This may involve making enquiries of the potential host authority to see if those needs could be met in a local school. Ideally out of Borough Placements for families with a child in a special school should be avoided unless there is no suitable in-borough property available or in the pipeline at the point the need arises.
- Generally we should try to avoid placing households which are engaged with social services out of the borough, this is particularly the case for placements out of London as at present the Notify system only covers the Capital. Again this is subject to the availability of suitable accommodation at the point of need.
- In considering disruption to care & support arrangements – it is necessary to consider the frequency and duration of such support; the extent to which those needs can be met by someone else, or by another method and to consider the likelihood and extent of disruption to the continuity of that care and support. Generally travel of up to an hour to deliver care or support would be considered reasonable, but individual circumstances need to be taken into account.
- If specialist medical care is being provided – the extent of the disruption & the capacity for that support to be transferred to a local hospital/medical facility needs to be assessed, along with an assessment of how disruptive that transfer is likely to be to the continuity of care provided. Generally travel of up to an hour to specialist medical care is considered reasonable – although individual circumstances do need to be taken into account.
- Distance from the borough needs to be noted; the extent to which the distance is likely to be disruptive needs to be assessed in light of the foregoing. Take Albert Jacob House as the reference point for measuring distance to the Borough.
- Transport, local services and amenities should generally be within a 30 minute walk (1.5 miles) of the accommodation.

3. Prioritisation of cases for in-borough placements

At least one of the following criteria will be required for a household to be allocated an in-borough self-contained property; unless there is no-one awaiting a placement for whom the property is suitable who meets any of these criteria:

- Property is affordable for the household*
- Household with at least 1 child in special school or with statement of Special Educational needs.
- Largest household that can legally fit the property (refer part X 1985 Housing Act)
- Other pressing social/welfare/medical need that means the household needs to stay in the borough
- Where the transfer is in the Council's interest, including but not restricted to; deadline for commencement of capital work; to avoid legal action being taken against the Council; risk to the Council's reputation or finances.
- Household with at least 1 child in years 11 or 13.
- Family with dependent children in B&B
- Employment within the Borough, where a placement outside the Borough would result in the applicant being unable to continue in employment.

*Non-secure tenancies will be subsidised by the Council where there is a housing benefit shortfall caused by the welfare benefit cap and the household meets at least one of the other prioritisation criteria.

Where more than one household meets the prioritisation criteria then those with the greatest need (i.e. multiple priorities) will be allocated the property. All things being equal, allocations will otherwise be in date order with those who have waited longest having the highest priority.

4. Affordability

The property must be affordable (subject to the caveat in respect of NSTs). An affordability assessment should be carried out at the point of application. This should identify how much disposable income a household has after assessing all essential expenditure and the amount of rent they have to pay. The bookings officer will also need to check the likely energy costs of the property (available from EPC) and incorporate that into the affordability assessment.

5. Other matters affecting suitability

- The property must be large enough for the household (see Part X 1985 Housing Act)

- The property must be in a reasonable condition (reference to our TA property standards), and generally free from Category 1 hazards, taking into account local housing conditions. We are required to take reasonable steps to satisfy ourselves of this – either through property inspection, or evidence provided by the owner/agent (e.g. photographs), along with production of all statutory certificates
- It must be available for the household to occupy, and reasonable for them to do so.
- (For PRSOs) we have to satisfy ourselves that the landlord is a fit & proper person. These checks to be carried out by the procurement team before we accept the property.
- There are a range of health & safety matters covered in the suitability regulations – and which are captured by our property standards.
- If an HMO/B&B it must be compliant with licensing standards (again this will be established by the procurement team).

So far as possible the additional requirements for PRSOs will be applied to the procurement & allocation of temporary accommodation.

6. The Property Form

Part 1 is generally to be completed either by the procuring officer or housing officer if the property is already on portfolio; alternatively the landlord/Agent can be asked to complete, to be verified on first inspection by Housing Officer.

Part 2 to be completed by the booking team/Admin Officer. This information can be obtained from Yell.com; Routefinder; National Rail; TFL websites etc.

Part 3 is a standard property inspection form which should be used for routine inspections but is also to be completed at the point of procurement so we have a record of property condition when we first take it on.

7. Determination of Priority

It is not possible to consider every possible scenario when allocating properties but the following guidelines should be followed.

Priority for adapted properties will be given to applicants with a need for an adapted property.

Priority will be given first to emergency cases who cannot go into B & B even for a very short period.

Priority will then be given to applicants whose current self-contained temporary accommodation has been deemed to be unsuitable (because they will free up a unit that can then be used by another household).

The next consideration is for applicants who are in accommodation that the landlord wants back but the agent/landlord will continue to provide other units

of accommodation to us and so it will benefit the service and its customers if we co-operate with the request to return that individual property.

Where the applicant is in a property that the landlord wants back but who is terminating his association with us then priority will be awarded to the applicant only when possession of the property has been obtained by the landlord.

Applicants in B & B will be dealt with in a general date order (they may be at the top of the waiting list but will be bypassed for the next property if it is not suitable for them) unless an urgent priority has been awarded or a specific property type of area is required and property which meets that requirement becomes available when they are close to the top of the list.