

## EXETER CITY COUNCIL

### SCRUTINY COMMITTEE – COMMUNITY 15 JANUARY 2013

EXECUTIVE  
22 JANUARY 2013

## TACKLING HOMELESSNESS

### 1. PURPOSE OF THE REPORT

- 1.1 To update Members on the flexibilities created by changes to Homelessness Legislation made as part of the Localism Act.
- 1.2 To seek Member approval on the proposed use of these new flexibilities.

### 2. BACKGROUND

- 2.1 There has been an historic link between Part 7 (Homelessness) and Part 6 (The allocation of affordable housing) of the Housing Act 1996. This link was enshrined in legislation through reasonable preference categories. This requires local authority allocations policies to give priority for social housing allocations to, among other prescribed groups, people who are homeless and to people owed the main homelessness duty under S193.
- 2.2 The Department of Communities and Local Government advises that the changes to homelessness legislation included in the Localism Act 2011 enable local authorities to take a strategic view of all suitable accommodation available in their area in relation to homelessness duties and social housing allocations, with the potential to make better use of available accommodation resources to meet housing need.
- 2.3 The intended outcome is to enable local authorities to make better use of the private rented sector to provide suitable accommodation as a settled home that can bring the homelessness duty to an end. This is likely to reduce the need for temporary accommodation and free up more social lets for other people in housing need on the housing register.

### 3. SPECIFIC REQUIREMENTS

- 3.1 The Localism Act will permit local authorities to meet their homelessness duty by providing good quality private rented homes. This option can provide an appropriate solution for people experiencing a homelessness crisis, whilst freeing up social homes for people in real need on the waiting list. The new provisions represent powers available to local authorities should they choose to adopt them – local authorities will not be under a duty to adopt the new provisions.
- 3.2 **Sections 148 and 149 of the Localism Act 2011** were introduced through a commencement order on November 9<sup>th</sup> 2012. The new provisions will not be applicable retrospectively. This means that applicants to whom a full homeless duty is accepted (i.e., households who are eligible for public funds, are genuinely homeless, have a priority need, have not made themselves homeless and have a local connection to Exeter) prior to the sections coming into force will not be subject to the new power to discharge duty into the private rented sector.

3.3 These private rented offers must meet the following criteria,

- The tenancy offered must be for at least 12 months
- The accommodation must be suitable in the view of the Local Authority.

In order to maximise consistency across Devon the Devon Housing Options Partnership of the 10 Devon Local Authorities have agreed a property standard which needs to be met in order to discharge the homeless duty. This standard will apply for all homeless applicants in Devon. A copy of the draft standard is included at Appendix 1 to this report. The standard is due to be signed off by February 2013.

3.4 In addition to this, Local authorities will be under a 're-application' duty if accommodation provided under the new S193(7F) is lost unintentionally within 2 years. This means we will automatically be required to provide accommodation to any household whose duty had been discharged into the private sector if they become homeless from the address through no fault of their own.

3.5 Applicants have the right to request a review of the suitability of Private Rented Sector Offers and to appeal to the County Court on a point of law if they remain dissatisfied with the outcome of the review.

## **4 FINANCE**

4.1 It is not considered that there will be any additional cost to the council of implementing these changes in the short term (next 12 months), as all applicants receiving this offer would be residing in temporary accommodation in any case. However, if this is successful the numbers of applicants moving into private rented properties will increase and this will require managing. It would therefore be practical to propose that we seek to make these private rented offers through the council's EXtraLet scheme and therefore retain the management fee which can be used to fund additional officer resources if required.

## **5. PROPOSAL**

5.1 Whilst officers hold that this is a beneficial opportunity and we should be seeking to exercise this flexibility, its success does depend on supply of suitable properties. Last financial year the council accepted 75 households to whom we owed the full homeless duty. This figure was a reduction from 111 in the previous financial year. The main reason for this reduction was the use of private rented properties to help prevent homelessness. Therefore our current supply of private rented options is being exhausted in just preventing homelessness; therefore limiting the opportunity to use it to discharge the duty we then may go onto owe those whose homelessness could not be prevented. Therefore, it is not expected that the offer of private rented accommodation will be made to all homeless applicants, as we will not have the supply of suitable properties. However it is proposed that we use it whenever a suitable property becomes available and as long as the property offered is suitable we make the offer regardless of the households' cause of homelessness or household composition. When a property becomes available we will seek to offer it the most recently accepted homeless applicant to minimise disruption to those who have been waiting longest, are settled in temporary accommodation and are closest to receiving an offer of permanent affordable housing. However members may wish to comment on this and make an alternative proposal.

5.2 As stated above it is proposed that the majority of these offers are made through the EXtraLet scheme as it then provides an income to the council which enables us to resource the management of the tenancies and provide greater security to private tenants.

5.3 However there maybe cases where the council if approached by a private landlord who wishes to find a tenant but manage the property themselves. We propose that this is acceptable as long as the property condition meets that outlined by in Appendix 1 and the landlord is considered to be a fit and proper person after consultation with the council's Environmental Health Team.

## **6 RECOMMENDED that**

Scrutiny Committee:-

- a) notes this report; and
- b) in respect of 5.1, advises whether this is appropriate or whether these offers should be made differently; and

requests Executive to:-

- 1) approve the use of the new flexibilities as proposed above;
- 2) consider and support the Committee's views in respect of 5.1; and
- 3) agree that officers monitor the use of the flexibilities and report back to Members in 12 months time.

**SARAH WARD**  
**Assistant Director Housing and Contracts**

S:PA/LP/Cttee/113SCC5  
3.1.13

Local Government (Access to Information) Act 1985 (as amended)  
Background papers used in compiling this report:

**None**