

Factsheet 15: Discharging homeless duty into the private rented sector

New powers under the Localism Act (2011) now allow local authorities to discharge their homelessness duty towards households deemed to be in priority need by securing accommodation in the private rented sector.

From 9 November 2012, local authorities can now end the main homelessness duty with offers of accommodation in the private rented sector without obtaining the applicants consent.

To provide certainty for households, the changes to the legislation also put in place protections to ensure that the accommodation will be available for a sufficient period of time, with a 12 month guaranteed tenancy and a duty to help the household if they become unintentionally homeless within two years.

A new Suitability Order that accompanies the power sets out circumstances where the accommodation is to be regarded as not suitable. It also sets out matters authorities must take into account when considering the location of accommodation.

The homes on offer must meet a set of key standards, and councils will be required to minimize any disruption a move would cause to employment, education or caring responsibilities. This would include considerations such as transport, amenities and medical issues.

Runnymede Borough Council is looking for suitable private rented accommodation as a means to discharge the main homelessness duty. We will always take into account special circumstances and reasons as to why a household has to remain close to the Borough of Runnymede in line with the Code of Guidance in respect of suitability. However, the demand for social housing far outweighs the supply and there just isn't enough social housing for everyone.

We will be advising applicants to look for their own private rented property to ensure as much choice and flexibility as possible and to avoid choice being restricted to one offer that the Council will make if a homeless application is made and a main homelessness duty is owed.