

Private Rented Sector Discharge Policy



Housing
Needs



THE ROYAL BOROUGH OF
KENSINGTON
AND CHELSEA

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1. Introduction

The Council's ambition is to help residents access suitable private rented sector homes as an alternative to living in temporary accommodation and waiting for social housing that may never become available. The private rented sector can provide the homes and security that households need to get on in life and thrive.

This policy supports that ambition by enabling residents to fulfil their housing aspirations in suitable private rented homes.

2. What is this policy for

If you are homeless, and you have applied for housing assistance, we may accept certain homelessness duties to you. This includes the section 189B relief duty, which applies when you first become homeless – this duty requires us to take reasonable steps to help you find suitable accommodation for at least six months.

This also includes the section 193(2) main housing duty, which applies if we cannot relieve your homelessness, you are in priority need, you have not become homeless intentionally, and you have a local connection with Kensington and Chelsea or no local connection to any area – this duty requires us to provide you with suitable temporary accommodation until you are rehoused or the duty is otherwise ended.

We may decide to offer you a private rented home to end the section 189B relief duty to you – this is known as a final accommodation offer. We may also decide to offer you a private rented home to end the section 193(2) main housing duty to you – this is known as a private rented sector offer.

We may make you these types of private rented offers instead of rehousing you to social housing (a home managed by the Council or a housing association). These offers must meet certain requirements set out in legislation and regulations, and the private rented home must be suitable for you and anyone who lives with you.

This policy explains when we may make these types of private rented offers, and how we decide what type of private rented home is suitable for you. This includes how we prioritise households for certain locations, including in Kensington and Chelsea, in neighbouring boroughs, within the M25, and outside the M25.

The application of this policy will be considered in conjunction with the Council's Housing Allocation Scheme, which may also apply to households who are made a final accommodation offer or private rented sector offer.

We have discretion in exceptional circumstances to waive or depart from this policy.

3. Who is covered by this policy

The policy applies to the following types of private rented offers:

- Final accommodation offers made under section 189B and 193A of the Housing Act 1996 – where you are owed the section 189B relief duty
- Private rented sector offers made under 193(7AA) and (7AC) of the Act – where you are owed the section 193(2) main housing duty.

This policy applies to final accommodation offers and private rented sector offers in all areas, including inside and outside the borough.

4. Who is not covered by this policy

This policy does not apply to any other type of housing offer, including:

- Any other offer of a private rented home – such as a voluntary offer of a private rented home, or an offer of a private rented home to end the section 195(2) prevention duty
- Social housing – a home managed by the Council or a housing association, including a home offered through our Housing Register. The rules for offering social housing through our Housing Register are set out in our Housing Allocation Scheme
- Intermediate rent homes – including homes let only to key workers, or a low-cost home you can buy, such as shared ownership. The rules for these offers are set out in our Intermediate Housing and Key Worker Policy
- Supported housing – this is a specific type of housing with on-site or visiting support
- Temporary accommodation – a temporary home that we provide to someone under a specific homelessness duty. We have a separate Temporary Accommodation Placement Policy which covers temporary accommodation.

5. What is a private rented home

A private rented home is a home you rent from a private landlord. Sometimes the landlord will arrange for a managing agent to let the home and manage the tenancy on their behalf.

You will have a tenancy agreement for the private rented home, which explains your and the landlord's legal rights and responsibilities.

A private rented home could be a self-contained property where you have your own kitchen and bathroom facilities, or it could be a property which you share with other people (for example, you have your own bedroom and share kitchen and bathrooms facilities).

You can live in your private rented home until your tenancy is ended (either by you or your landlord) and you no longer have a legal right to live in the home. If your landlord wishes to end your tenancy, they must serve you with a valid notice and apply to the court for possession of the property if necessary. You have a legal right to occupy your private rented home until your tenancy and occupation is ended by the court.

A private rented home could be situated in various locations, including inside and outside of London.

6. Why we use private rented housing

A private rented home can provide households with greater security and stability than living in temporary accommodation for many years.

Kensington and Chelsea Council faces significant challenges in providing suitable temporary accommodation for all our homeless households. We have seen an increase in demand for homelessness assistance and temporary accommodation in recent years. There are circa 1,900 households living in our temporary accommodation and over 80 per cent of these live outside the borough.

There has also been a significant reduction in available properties in London which can be used as temporary accommodation and an increase in the cost of providing temporary accommodation.

The supply of social housing in the borough is very limited. There are circa 2,900 households on our Housing Register – two-thirds living in temporary accommodation – and very few households are rehoused to social housing each year, with households in temporary accommodation waiting many years to be rehoused.

We must therefore use private rented housing as an alternative to temporary accommodation and social housing. Most of the private rented homes available to us, however, are outside of the local areas. Kensington and Chelsea is the most expensive area to live in the country. Many homes in the local area – and within Greater London and the southeast – are unaffordable for the homeless households we help. Therefore, if we offer you a private rented home, it may be outside of the borough and even London.

7. Who might be made a final accommodation offer or private rented sector offer

We may make you a final accommodation offer or private rented sector offer where the law allows this.

We may make you a final accommodation offer if you applied to the Council as homeless on or after 3 April 2018, and we have accepted the section 189B relief duty to you. We may make you a private rented sector offer if you applied to the Council as homeless on or after 9 November 2012, and we have accepted the section 193(2) main housing duty to you.

We will only make you a final accommodation offer or private rented sector offer where we are satisfied that this is a suitable option for you, and the particular home we are offering you is suitable for you and your household, based on your circumstances and needs. We will consider this on a case-by-case basis.

The number of final accommodation offers and private rented sector offers we make each year will depend on the supply of suitable private rented sector properties.

8. How we assess your circumstances and needs

Before we offer you a private rented home under this policy, we will complete an assessment of your housing needs to help us decide the type and location of private rented housing that will be suitable for you.

This means that we will ask you questions about you and all members of your household so we can understand your needs. We may also ask you to provide evidence of your needs and we may decide to ask relevant professionals for information about your household.

This assessment will have recommendations for the type and location of private rented housing you should be offered to make sure that the private rented home we offer you is suitable.

Where you have relevant medical needs, our Housing Health and Disability Team may complete an assessment of your circumstances and make a recommendation on the type and/or location of private rented housing that is suitable for you. This team is made up of healthcare professionals who are very experienced in housing issues.

9. How we prioritise households for different locations

We are required under section 208 of the Housing Act 1996 to offer you accommodation in Kensington and Chelsea so far as reasonably practicable. Where this is not possible, we must try to find you accommodation as close as possible to where you were previously living.

However, it is not possible for us to offer a private rented home in the borough or even close to the borough to everyone owed the section 189B relief duty or section 193(2) main housing duty who can reasonably live in the private rented sector. This means that for us to provide you with a suitable private rented home, we may have to offer you accommodation in other parts of London or outside of London.

The criteria below explains how we ordinarily decide where to make final accommodation offers and private rented sector offers to households, including inside and outside the borough. There are four zones that we use to prioritise households for a private rented home:

- **Zone A:** Kensington and Chelsea
- **Zone B:** Neighbouring boroughs of Westminster, Hammersmith and Fulham, Brent and Wandsworth
- **Zone C:** Within the M25
- **Zone D:** Outside the M25

However, if we prioritise you for accommodation within a particular zone, this does not guarantee that you will be offered a private rented home in this location. Whilst we will endeavour to provide you with a private rented home in this location, our ability to do this will depend on the private rented housing that is available to us and whether this is suitable for you, including whether it is affordable for you; and the needs of other households who are due to be offered accommodation.

It may be possible for us to offer you a private rented home in a particular zone even though you have not been awarded priority for this – for example, we award you priority for zone C but offer you a private rented home in zone B – where suitable private rented housing is available, and there are no households who currently need this type of accommodation or are likely to need this type of accommodation in the near future.

In certain situations, and where appropriate, we may not consider you for a private rented home in Kensington and Chelsea or the neighbouring boroughs. For example, where this is your preference; or where you are at risk in these areas due to domestic abuse, other violence or serious harassment that affects your physical health, mental health or welfare. This will be considered on a case-by-case basis.

If we are offering you a private rented home and you are at risk of domestic abuse, other violence or serious harassment, we will carefully consider your circumstances – including the areas that are unsafe for you to live in and the extent of any related support you receive – when assessing the location of accommodation that is suitable for you, and whether you should be awarded zone A, B, C or D priority. This will be considered on a case-by-case basis.

Kensington and Chelsea Council and Westminster City Council share bi-borough Children's Services and Adult Social Care. This may mean that you or someone you live with can receive the same care and support from these services whether you live in Kensington and Chelsea or Westminster. This may be relevant where we are assessing the location of accommodation that is suitable for you, including whether you must reside in Kensington and Chelsea or the neighbouring boroughs.

When deciding whether you qualify for zone A, B, C or D priority, we will consider whether you have exceptional circumstances and needs (in addition to the criteria set out below) which mean that you cannot reside outside Kensington and Chelsea, the neighbouring boroughs or the M25.

Zone A: Kensington and Chelsea

The criteria for being awarded zone A priority is very high. Zone A is reserved for households with the most exceptional need to live in Kensington and Chelsea because of their circumstances and needs. There will ordinarily need to be very compelling evidence to satisfy us that you should be prioritised for accommodation in Kensington and Chelsea.

We will ordinarily prioritise the following households for accommodation in Kensington and Chelsea.

Zone A: Kensington and Chelsea	
For households with the most exceptional need to live in Kensington and Chelsea because of their circumstances and needs.	
Special educational needs	you must meet all the following criteria to be awarded zone A priority: • you have a child in your household with a severe and enduring health condition and complex special educational needs; and • they are attending a special school or a mainstream school with a resource base in Kensington and Chelsea, and have an Education, Health and Care Plan with children's services; and • it will be very complex to transfer their Education, Health and Care Plan to another local authority; and • their school cannot be changed without causing significant detriment to their education, development and wellbeing; and • we are satisfied that you must live in Kensington and Chelsea to access the school

Child protection arrangement	you must meet all the following criteria to be awarded zone A priority: • you have a child in your household who is subject to child protection arrangements with our Children's Services; and • we are satisfied that you must live in Kensington and Chelsea for the child's welfare to be safeguarded and promoted because of the support received in this borough or because the child protection arrangements cannot be transferred
Specialist medical treatment	you must meet all the following criteria to be awarded zone A priority: • you or someone you live with receives significant, complex and frequent medical treatment from specialist services in Kensington and Chelsea in relation to a severe and enduring health condition; and • you cannot continue accessing this treatment from these services if you live outside Kensington and Chelsea because they have a defined geographical catchment area; and • your treatment cannot be transferred to other services without causing a significant disruption and a severe deterioration in your physical and/or mental health
Complex care package	you must meet all the following criteria to be awarded zone A priority: • you or someone you live with has a severe and enduring health condition, and receives a complex care package from statutory services in Kensington and Chelsea under the Care Act 2014; and • you cannot continue accessing this care package from these services if you live outside Kensington and Chelsea; and • your care package cannot be transferred to other services without causing a significant disruption and a severe deterioration in your physical and/or mental health

Zone B: Neighbouring boroughs of Westminster, Hammersmith and Fulham, Brent and Wandsworth

The criteria for being awarded zone B priority is very high. Zone B applies where a household has a significant need to remain close to Kensington and Chelsea, but does not have the exceptional level of need to live in the borough itself. There will ordinarily need to be very compelling evidence to satisfy us that you should be prioritised for accommodation in the neighbouring boroughs.

We will ordinarily prioritise the following households for accommodation in the neighbouring boroughs.

Zone B: Neighbouring boroughs of Westminster, Hammersmith and Fulham, Brent and Wandsworth	
For households who must live close to Kensington and Chelsea because of their circumstances and needs, but do not need to live in the borough itself.	
Special educational needs	you must meet all the following criteria to be awarded zone B priority: • you have a child in your household with a severe and enduring health condition and complex special educational needs; and • they are attending a special school or a mainstream school with a resource base in Kensington and Chelsea or the neighbouring boroughs, and have an Education, Health and Care Plan with children's services; and • their school cannot be changed without causing significant detriment to their education, development and wellbeing; and • we are satisfied that you must live in the neighbouring boroughs to access the school

Child protection arrangement	you must meet all the following criteria to be awarded zone B priority: • you have a child in your household who is subject to child protection arrangements with our or a neighbouring borough's children's services; and • we are satisfied that you must live in the neighbouring boroughs for the child's welfare to be safeguarded and promoted because of the support received in this area or because the child protection arrangements cannot be transferred
Specialist medical treatment	you must meet all the following criteria to be awarded zone B priority: • you or someone you live with receives significant, complex and frequent medical treatment from specialist services in Kensington and Chelsea or a neighbouring borough in relation to a severe and enduring health condition; and • you cannot continue accessing this treatment from these services if you live outside the neighbouring boroughs because they have a defined geographical catchment area; and • your treatment cannot be transferred to other services without causing a significant disruption and a severe deterioration in your physical and/or mental health

Complex care package	you must meet all the following criteria to be awarded zone B priority: • you or someone you live with has a severe and enduring health condition, and receives a complex care package from statutory services in Kensington and Chelsea or a neighbouring borough under the Care Act 2014; and • you cannot continue accessing this care package from these services if you live outside the neighbouring boroughs; and • your care package cannot be transferred to other services without causing a significant disruption and a severe deterioration in your physical and/or mental health
Providing or receiving informal care	you must meet all the following criteria to be awarded zone B priority: • you or someone you live with has a longstanding arrangement to provide/receive care to/from a family member living in Kensington and Chelsea who is not part of your household; • and the level of care is significant and would need to be provided by health or social care services if it ended; and • the person who provides the care is registered as the carer with health or social care services and receives Carer's Allowance

Zone C: Within the M25

We will ordinarily prioritise the following households for accommodation within the M25.

Where you are awarded zone C priority, we may decide to offer you accommodation outside the M25 where this is within a reasonable traveling distance to the relevant school or workplace. This will be considered on a case-by-case basis.

Zone C: Within the M25	
For households with a need to remain within reasonable travelling distance of important education or employment commitments	
Other educational needs	you must meet all the following criteria to be awarded zone C priority: • you have a child in your household who attends a school within the M25; and • they are due to take a public exam within the academic year, such as GCSE, AS level, A level or T Level (but not SATs)
Paid work	you must meet all the following criteria to be awarded zone C priority: • you or someone you live with has been in paid (not voluntary) work for at least three months continuously in the same location within the M25; and • you have been working on average 16+ hours per week; and • you have been receiving an income which is on average and at least equal to the National Minimum Wage If you are on maternity leave and you are due to return to your paid work once your maternity leave ends, and you met this criteria prior to starting maternity leave, we will consider you to be in paid work under this criteria

Zone D: Outside the M25

You will ordinarily be offered accommodation outside the M25 where you do not meet the criteria for accommodation in zones A, B or C.

10. Factors relating to the accommodation itself

There are other factors, in addition to location, that we must consider when assessing the type of private rented home that is suitable for you – the accommodation itself must be suitable for you. This is an example of some of the factors we consider when offering you a private rented home:

- It must have the right number of bedrooms for you and its size must be suitable for you
- It must be suitable for your health needs, which includes being accessible to you and on a floor level that is suitable for you
- The home should meet fire, carbon monoxide, electricity and gas requirements, and be in a decent condition that does not risk your safety
- You must be able to afford to pay the rent and other housing costs for the accommodation we offer you, and have enough money for other essential living costs.

There may be other factors we need to consider, including special circumstances, which we will do on a case-by-case basis.

11. Private rented offers and refusals

Where we decide to make you a final accommodation offer or private rented sector offer, we will ordinarily only make one suitable offer to you. We will consider your housing needs assessment when deciding the accommodation that you should be offered.

If you refuse a final accommodation offer at the relief stage, we will ordinarily end this duty to you and the section 193(2) main housing duty will not apply. This means that you will have to leave any temporary accommodation being provided to you and make your own housing arrangements, and we will not offer you any other temporary or longer-term housing.

Where you refuse a private rented sector offer at the section 193(2) main housing duty stage, we will ordinarily end this duty to you. This means that you will have to leave any temporary accommodation being provided to you and make your own housing arrangements, and we will not offer you any other temporary or longer-term housing.

Where we make you a final accommodation offer or private rented sector offer, you will have the statutory right to ask us to review whether it is suitable for you. If you do not believe that an offer of accommodation is suitable for you, we advise that you accept the offer and simultaneously ask for a review. This means that if we decide on review that your accommodation is suitable for you, you can continue to live in this accommodation.

However, if you refuse an offer of accommodation, ask for a review and we decide on review that the accommodation was suitable for you, we will not provide you with any other accommodation and you will need to make your own housing arrangements.

12. Support we can offer you

Where you move into a private rented home outside of Kensington and Chelsea, we may be able to help you access the services that you need and settle in your new area. This could include helping you find schools or accessing GPs and other important services that you and your household need.

We will provide you with information about the area you are moving to. We will also explain what you should do to ensure your rent and council tax is paid, and utilities (such as gas and electricity) are in place, for your new accommodation.

Our Housing and Employment Service may be able to talk to you about finding employment and training opportunities and help you to maximise your income by making sure you are receiving all the welfare benefits you are entitled to.

Where you move into a different borough following a final accommodation offer or private rented sector offer, we must let that council know that you have moved into their area. We must do this within 14 days from when the accommodation is made available to you.

Notes
