

# Royal Borough of Kensington and Chelsea's Private Rented Sector Offer and Final Accommodation Offer Policy

September 2021



THE ROYAL BOROUGH OF  
KENSINGTON  
AND CHELSEA

# Royal Borough of Kensington and Chelsea's Private Rented Sector Offer and Final Accommodation Offer Policy – September 2021

## Section 1: Introduction

Sections 148 and 149 of the Localism Act 2011 introduced provisions which enable local housing authorities to end the main housing duty under section 193 of the Housing Act 1996 to households with a suitable private rented sector offer (PRSO) of accommodation. In addition, the Homelessness Reduction Act 2017 provides that local housing authorities can end the duty under section 189B of the Housing Act 1996 to households with a suitable final accommodation offer (an offer of suitable private rented accommodation).

This policy sets out how the Royal Borough of Kensington and Chelsea (the Council) will use these powers, and on what basis the Council will consider households for private rented accommodation in the local area, greater London area and out of London.

## Section 2: Who private rented sector offers and final accommodation offers will be made to

The Council's policy is that a PRSO or final accommodation offer may be made to any homeless household where the law allows it. With regards to PRSOs, this means that any household that applied to the Council as homeless on or after 9 November 2012, and to whom we have accepted the main housing duty, could be made a PRSO.

With regards to a final accommodation offer, this means that any household who applied to the Council as homeless on or after 3 April 2018, and to whom we owe a duty under section 189B of the Housing Act 1996, could be made a final accommodation offer.

The following households will ordinarily be excluded from PRSOs and final accommodation offers, unless the Council is satisfied that such an offer will be suitable for a particular household and is able to secure suitable accommodation that meets regulatory requirements, including where a household requests a move to private rented sector accommodation:

- a) Households with accessible housing needs. It is unlikely that a suitable property will be found in the private rented sector.
- b) Elderly (70+). It may be difficult to find a property in the private rented sector that will be suitable in the long-term, particularly where the resident has pre-existing medical conditions which may deteriorate over time. However, certain residents aged 70+ may be suitable for private rented accommodation.

- c) Pregnant single women (under 35). They will only be entitled to the shared Local Housing Allowance (LHA) rate until they have given birth to their child, and it may be difficult to secure suitable private rented accommodation prior to this. However, in some cases it may be possible to arrange for the rent to be topped-up for a suitably sized property for a certain period of time, such that a move to the private rented sector is appropriate.
- d) Pregnant single women (35+). They will only be entitled to the one bedroom LHA rate until they have given birth to their child, and it may be difficult to secure private rented accommodation prior to this which will be suitable in the long-term. However, in some cases it may be possible to find a suitable property, or to arrange for the rent to be topped-up for a two bedroom property for a certain period of time, such that a move to the private rented sector is appropriate.
- e) Any household which the Council considers would be unable to manage a private rented sector tenancy – such as those with a poor history of tenancy sustainment, including as a result of antisocial behaviour and rent arrears, and/or those with an identified and relevant additional support/social need.

Exceptions may be made for other households in respect of whom there is a compelling reason why a PRSO or final accommodation offer would not be appropriate. A decision will be taken after a consideration of each household's individual needs and circumstances.

The Council will not fetter its discretion when deciding whether to make a household a PRSO or final accommodation offer, and will consider whether to make a PRSO or final accommodation offer on a case by case basis, having regard to the particular household's individual needs and circumstances. This may include making a PRSO or final accommodation offer to a household listed above in Section 2 where this is deemed to be suitable.

The number of households that will be made a PRSO or final accommodation offer each year will depend on the supply of suitable private rented sector properties.

### **Section 3: Location of private rented accommodation**

Part 1 below contains details on the households that the Council considers to be a priority for private rented accommodation in Kensington and Chelsea and the local surrounding areas. Part 2 details which households are considered for private rented accommodation in the wider London area and outside of London.

The criteria set out in Part 1 and Part 2 is not an exhaustive list, as this policy recognises that individual cases must be assessed on their own merit to establish whether they are sufficiently exceptional to depart from the policy.

#### **Part 1 – Priority for private rented accommodation in Kensington and Chelsea and the local surrounding areas**

The six categories listed under Part 1 attract equal priority for local private rented accommodation, depending on the supply of suitable private rented accommodation and individual circumstances.

Households may be assessed by the Council's Housing Health and Disability Team to determine eligibility for the three categories below.

- Households containing someone with a severe and enduring health condition requiring intensive and enduring specialist medical treatment only available in Kensington and Chelsea.
- Households containing someone who is in receipt of a significant care package and a range of healthcare options which cannot be transferred.
- Households containing someone with a severe and enduring mental health problem who is receiving psychiatric treatment and aftercare provided by local community mental health services and have an established support network where a transfer of care would severely impact upon their ability to engage with treatment and care plans.

Households meeting the criteria under the following three categories will be considered to have priority for local private rented accommodation subject to verification from employers or service providers.

- Households containing a child or children with special educational needs who are receiving education or educational support at a local school in Kensington and Chelsea, or in a neighbouring borough, and where a change to another school or learning establishment would be detrimental to their continuing development.
- Households with a child subject to a Child Protection Plan in Kensington and Chelsea or families who have high social needs who are linked into local support services and where it is verified that a transfer to another area could be detrimental to their welfare.
- Households containing someone who is currently employed in Kensington and Chelsea and who has been continuously employed for at least six months, and where a financial assessment confirms the cost of travel would render accommodation in another area unaffordable. Each case will be assessed on an individual basis. Pregnant women who are on maternity leave but who intend to return to work at their place of employment in Kensington and Chelsea will also be considered under the criteria.

Where the Council has a private rented property available which does not meet the needs of any priority household under Part 1 above, it will be offered to other households who are suitable for the property.

## **Part 2 – Private rented accommodation outside of Kensington and Chelsea and the local surrounding areas**

The following three categories attract equal priority for accommodation outside of Kensington and Chelsea and the local area, depending on the supply of suitable private rented accommodation and individual circumstances.

Priority for properties in the greater London area will be given to:

- Households containing a child or children who are attending a London school and who are enrolled on a public examination course.
- Households who have full time employment in the London area.
- Households who are living outside of London but who have been offered permanent employment in the London area.

Households who are not considered a priority for private rented accommodation in Kensington and Chelsea or the local surrounding areas (as outlined in Part 1), or in the greater London area (as outlined in Part 2), will be considered for private rented accommodation outside of London, provided the property is suitable for the household and it is not reasonably practicable to offer private rented accommodation in or closer to this borough.

#### **Section 4: General principles**

The following general principles will apply when making PRSOs and final accommodation offers:

- One suitable offer will be made.
- Support to move may be offered. This will be considered on a case by case basis, having regard to the particular household's individual needs and circumstances. This may include providing or referring to other services to provide: housing related support; support to meet other needs such as health, employment, education and training; and support to transfer care, support and educational services.
- 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 PRSO or final accommodation offer.

#### **Section 5: Reviewing and monitoring the policy**

This policy will be monitored and reviewed 12 months after the date of its commencement.

The policy may also be reviewed at any time, in line with any applicable changes in legislation or guidance issued by relevant government departments.