

Suitability Guidance

1. Matters for consideration

A suitable offer will only be made where the Council has fully considered;

- The Homelessness (Suitability of Accommodation) (England) Order 2012 and specifically all the statutory requirements in Part 1 which cover the suitability of the location of accommodation and Part 2 which sets out the circumstances in which accommodation is not to be regarded as suitable for a person.
- That the property is suitable in relation to existing suitability requirements that relate to space and arrangement.
- Any other subjective matters and issues that relate to the circumstances of the applicant and/or of any other household members.
- That the accommodation is affordable having fully considered the cost of the rent and any other expenditure relating to the property compared to the income available to the household with or without benefits and specifically the outgoings which are needed for necessities such as food and clothing and heating, plus any other expenditure that is essential to meet the ordinary necessities of life, plus all other reasonable living expenses.
- All existing legislation, statutory guidance and case law relating to making suitable offers of accommodation and specifically paragraphs 17.6 and 17.39-17.41 of the Homelessness Code of Guidance.

2. The Homelessness (Suitability of Accommodation) (England) Order 2012

2.1 The Order requires local authorities to put in place arrangements to ensure that private rented sector offer accommodation is suitable for all members of the household. Before making an offer, the accommodation will be inspected and assessment made under the Housing Health and Safety Rating System.

2.2 In making a decision on the suitability of an offer of accommodation the Council will take into consideration:

- Location
- Affordability
- The physical condition of the property
- Space and arrangement

- Landlord behaviour
- Management (including HMO licensing where relevant)
- Tenancy Deposit Protection Scheme

3. Location

3.1 Legislation and guidance on the suitability of the location of accommodation is contained in the following documents:

- The Housing Act 1996 Section 208(1);
- The Homelessness Code of Guidance, paragraph 17.41
- The Homelessness (Suitability of Accommodation) (England) Order 2012

3.2 When making a decision on the suitability of the location of a private rented sector offer the circumstances of all members of the household will be considered.

3.3 The Council will continue to do its best to source accommodation locally in Barking and Dagenham but there will be a general presumption that the Council will discharge its duties with placements outside of London where suitable and affordable accommodation is not available locally.

3.4 Where it is not possible to secure accommodation within the district, the Council will take into account the distance of that accommodation from the district.

3.5 The Council will try to secure accommodation that is as close as possible to where the applicant was previously living. In all cases the significance of any disruption will be given due regard. Specific regard will be given to employment, caring responsibilities or education of members of the household.

4. Affordability

4.1 Sections 17.39 and 17.40 of the Homelessness Code of Guidance will apply when making an assessment of affordability. Accordingly, an income and expenditure assessment will be carried out for each case.

4.2 The Council will not regard accommodation as affordable if the applicant would be left with a residual income which would be less than the level of income support or income-based jobseeker's allowance to which they would be entitled.

4.3 The Council will have regard for the recommendation of the Secretary of State that housing authorities avoid placing applicants in low paid employment in accommodation where they would need to claim housing benefit to meet the costs of that accommodation, and to consider opportunities to secure

accommodation at affordable rent levels where this is likely to reduce perceived or actual disincentives to work.

5. The physical condition of the property

- 5.1 All electrical equipment will meet the requirements of regulations 5 and 7 of the Electrical Equipment (Safety) Regulations 1994.
- 5.2 In multi-occupied residential buildings landlords, owners or managing agents should demonstrate compliance with the Regulatory Reform (Fire Safety) Order 2005.
- 5.3 All furnishings and fittings must comply with the Furniture and Furnishings (Fire) (Safety) Regulations 1988.
- 5.4 The property must have:
 - a valid Gas Safety Certificate; and
 - a carbon monoxide alarm; and
 - a smoke alarm; and
 - an Energy Performance Certificate.

6. Space and arrangement

- 6.1 Consideration will be given to the needs, requirements and circumstances of the households in regard of space and arrangements in the property. The property will not be over-crowded and reasonable special needs, such as disability, will be taken into account.

7. Landlord behaviour

- 7.1 The Council must be satisfied that the landlord is a fit and proper person to act in the capacity of landlord.
- 7.2 The Council will consider any convictions in relation to:
 - landlord and tenant law
 - fraud or other dishonesty
 - violence
 - illegal drugs
 - discrimination
 - sexual offences
 - breaches of any local Additional and/or Selective Licensing regimes in operation in the resettlement area
- 7.3 The Council will carry out reasonable enquiries on the suitability of a potential landlord including checking internal records. The potential landlord will be asked to declare any relevant convictions. Where there is a suspicion that the

landlord may not be suitable the Council may seek a Disclosure and Barring Service check.

8. Management

8.1 The borough must be provided with the written tenancy agreement that the landlord intends to use for the PRSO.

8.2 The Council's Housing Advice services will review the tenancy agreement to ensure that it:

- sets out the tenant's obligations, for example, clear statement of the rent and other charges; and
- sets out the responsibilities of the landlord; and
- does not contain unfair or unreasonable terms, for example, call out charges for repairs or professional cleaning at the end of the tenancy.

9. Tenancy Deposit Protection Scheme

9.1 Landlords and applicants will be informed of the landlord's responsibility to use a tenancy deposit protections scheme where the Council has incentivised the procurement of the property for the client