

Fenland District Council Temporary Accommodation Placement Procedure

This information sets out Fenland District Council's procedure for the placement of households in temporary accommodation, both inside and outside the District. It covers both interim placements made under Section 188 Housing Act 1996 ("HA96"), while homelessness enquiries are made, longer term temporary accommodation placements for households accepted as homeless under Section 193 HA 1996 and a private rented sector offer defined by section 193(7AC) with a view to bringing the section 193(2), 195 and 189b duties to an end. The policy complies with:

- The Housing Act 1996, as amended by the Homelessness Act 2002
- The Localism Act 2011
- Equality Act 2010
- Homelessness (Suitability of Accommodation) (England) orders 1996, 2003 & 2012.
- Supplementary Guidance on the Homelessness changes in the Localism Act 2011 & the homelessness (Suitability of Accommodation) (England) Order 2012
- The Homelessness Code of Guidance
- The Housing Strategy
- Children Act 1989 (in particular S.17)
- Children Act 2004 (in particular S.11)
- The Homelessness Reduction Act (HRA) 2017

As per section 208 HA 1996, and paragraph 16.7 of the Homelessness Code of Guidance, so far as reasonably practicable, the Council seeks to accommodate homeless households in the Fenland and always considers the suitability of the accommodation, taking into account the circumstances of the individual household. However, due to demand for temporary accommodation, some households are likely to be placed outside the district, as it will not be reasonably practicable to provide accommodation within Fenland. We will of course endeavour to move those families/individuals back to Fenland as soon as is practically possible.

In offering temporary or private sector accommodation, the Council will consider the suitability of the offer, taking in to account the following factors:

- **Accommodation available in the district-** if suitable accommodation is available in the Fenland, applicants will be housed within the local area. However, when there is a lack of suitable accommodation in the district, out of area placements will be used to meet the Council's housing duties. Given the shortage of accommodation locally, bed and breakfast accommodation and nightly paid accommodation outside of the district may be considered suitable for short-term interim placements.
- **Size and standard of the property-** accommodation must provide adequate space and room standards for the household and be fit to inhabit. The quality of decoration/furniture, the layout/type of accommodation, provision of parking and lack of access to a garden are unlikely to be an acceptable reason for a refusal.

- **Health factors-** The Council will consider health factors, such as the ability to get up the stairs, care and support provided by other statutory agencies and the need to access any specialist medical services in Fenland. If the applicant or a member of the resident household is citing medical grounds that were not identified during the initial assessment, the applicant must submit medical evidence within 24 hours. The key test in determining the impact of medical issues is whether the condition itself makes the property offered unsuitable. Problems such as depression, asthma, diabetes or back pain would not normally make a property unsuitable, as the problem would persist in any sort of accommodation.
- **Proximity to schools and services-** Attendance at local schools will not be considered a reason to refuse accommodation, though some priority will be given to special educational needs and students who are close to taking public examinations in determining priority for placements in the district. Proximity to schools, public transport links and primary care services will be considered.
- **Employment-** The Council will consider the need of applicants who are in paid employment to reach their usual place of work from the accommodation that is secured.
- **Households with pets-** The Council will be sensitive to the importance of pets to some applicants, with due regard to S17.62 Homelessness Code of Guidance 2018. Unfortunately, it will not always be possible to make provisions for pets however the Council will give consideration to this aspect when making provisions for applicants who wish to retain their pet.
- **Any special circumstances-** The Council will consider any other reasons for refusal put forward by the applicant and come to an overall view about whether the offer is suitable.
- **Offers and refusals -** Applicants who are provided with temporary accommodation will be made one offer of suitable accommodation. The Council is under no legal obligation to allow the applicants to view this accommodation prior to acceptance.
- **For interim placements made under Section 188 of the Housing Act 1996** while homelessness enquiries are being undertaken, applicants do not have the right to request a review of the Council's decision as to the suitability of an offer. However applicants do have a right of review of temporary accommodation placements once accepted as homeless under section 193 of the same Act.
- **If an applicant refuses an offer of temporary accommodation, they will be asked to provide a reason for their refusal which will be considered by the Housing Options Officer. If the accommodation is still considered as suitable the Council will be under no obligation to offer any further temporary accommodation. The applicant would then need to decide whether to accept the offer or to source accommodation themselves.**

- If the specified reasons for refusal are considered valid, the offer would be withdrawn and alternate temporary accommodation options would be considered.
- Where the Council decides that homeless applicants housed under Section 188 are not owed the main homelessness duty, they will be asked to leave their interim accommodation placement following a reasonable notice period, once being informed of the Council's decision in respect of their homeless application. This length of notice will vary depending on the household

January 2023