



Department for
Communities and
Local Government

Supplementary Guidance on the homelessness changes in the Localism Act 2011 and on the Homelessness (Suitability of Accommodation) (England) Order 2012

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Supplementary Guidance on the homelessness changes in the Localism Act 2011 and on the Homelessness (Suitability of Accommodation) (England) Order 2012

Contents

Introduction	5
Overview	5
The changes	6
Ending the duty using the new power	9
Re-application within 2 years of acceptance of a private rented sector offer	9
Homelessness (Suitability of Accommodation) (England) Order 2012	12

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Introduction

1. This supplementary guidance explains the changes sections 148 and 149 of the Localism Act make to the homelessness legislation. It explains in practice how the new power, that allows private rented sector offers to be made to end the main homelessness duty, should work and what local authorities should do as a consequence of the new power's introduction.
2. This guidance also explains the requirements of the Homelessness (Suitability of Accommodation) (England) Order 2012. The Order requires local authorities to put in place arrangements to ensure that private rented sector offer accommodation is suitable. The location requirements of the Order also extend to any accommodation secured under Part VII of the Housing Act 1996 (including temporary accommodation).
3. Sections 148 and 149 of the Localism Act 2011 amend Part 7 of the Housing Act 1996 ("the 1996 Act"). These sections as well as the Homelessness (Suitability of Accommodation) (England) Order 2012 come into force on 9th November 2012.
4. This guidance is issued by the Secretary of State under section 182 of the the 1996 Act. Under section 182(1) of the 1996 Act, local housing authorities are required to have regard to this guidance in exercising their functions under Part 7 of the 1996 Act, as amended.
5. This statutory guidance supplements the relevant sections of the Homelessness Code of Guidance for Local Authorities issued in July 2006 ("the 2006 Code"), which deal with qualifying offers and reasonable to accept an offer. This guidance should be read in conjunction with the Homelessness Code of Guidance.

Overview

Localism Act 2011

6. The principal effect of the legislative changes is to amend the way in which the duty on authorities to secure accommodation under section 193(2) of the 1996 Act can be brought to an end with an offer of suitable accommodation in the private rented sector.
7. These changes will allow local authorities to end the main homelessness duty with a private rented sector offer, without the applicant's consent. The duty can only be ended in the private rented sector in this way with a minimum 12 month assured shorthold tenancy. If the household becomes unintentionally homeless within two years of taking the tenancy then the reapplication duty (section 195A(1)) applies.

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

8. When ending the duty using the Localism Act power, local authorities are also subject to the provisions of the Homelessness (Suitability of Accommodation) (England) Order 2012. The order consists of two parts. The first part deals with the suitability of location of accommodation and

applies to all accommodation secured under Part 7 of the 1996 Act (including temporary accommodation). The second part is concerned with those circumstances in which accommodation is not to be regarded as suitable for a person for the purposes of a private rented sector offer under section 193(7F) of the Housing Act 1996 only.

The changes

9. Under the legislation as it stood prior to the amendments made by the Localism Act 2011, the authority could arrange an offer of a fixed term assured shorthold tenancy, which was a “*qualifying offer*”, and the section 193(2) main homelessness duty would have ended only if the offer was accepted, but not if refused – this is discussed in more detail below.
10. In a restricted case, local housing authorities were required to end the section 193(2) duty with a *private accommodation offer*, so far as reasonably practicable. A *private accommodation offer* must be a fixed term assured shorthold tenancy for a period of at least 12 months.
11. The provisions on *qualifying offers* (s193(7B) to (7E)) are repealed. This means a local authority will no longer be able to end the section 193(2) duty with a qualifying offer of 6 months by consent for new applicants.
12. The provisions on *private accommodation offers* are amended so that they are now referred to as *private rented sector offers* and authorities can consider bringing the duty to an end in this way for all cases, not just in a restricted case. However, in a restricted case, authorities **must** bring the section 193(2) main homelessness duty to an end with a *private rented sector offer*, so far as reasonably possible; in any other case it is at the authority’s discretion whether to arrange a *private rented sector offer*.

Transitional arrangements

13. The amendments made by sections 148 and 149 of the Localism Act 2011 do not apply to a case where:
 - (a) a person (“the applicant”) has applied to a local housing authority for accommodation, or for assistance in obtaining accommodation, under Part 7 of the 1996 Act; and
 - (b) a duty of the local housing authority to secure that accommodation is available for the applicant’s occupation under Part 7 of the 1996 Act (including on an interim or temporary basis) has arisen and not ceased,before the commencement date of 9th November 2012.

Power not a duty

14. Authorities are reminded that the discretion to arrange a private rented sector offer is a power, not a duty, and as such, authorities should not seek to rely on the power in all cases. Authorities should consider whether to arrange a private rented sector based on the individual circumstances of the household and undertake to develop clear policies around its use.

Detailed changes to section 193 of the 1996 Act

15. Section 148 of the Localism Act 2011 makes a number of other changes to section 193 of the 1996 Act.

Statement of policy on offering choice to people under Part 6

16. Section 193(3A) is repealed. This means that authorities will no longer be required to give applicants owed the section 193(2) main homelessness duty a copy of their statement about their policy on offering choice to people allocated housing accommodation under Part 6 of the 1996 Act. This recognises that there will no longer be a presumption that most applicants owed the section 193 duty will have the duty ended with an offer of accommodation under Part 6.
17. The requirement to provide a copy of the statement (about the policy on offering choice under Part 6) to applicants owed the section 195(2) duty (eligible applicants in priority need threatened with homelessness) is similarly repealed.

Refusal of offer of suitable temporary accommodation

18. Section 148 of the Localism Act 2011 also substitutes a new section 193(5). This clarifies the position where an applicant is offered “temporary accommodation” (i.e. offers of accommodation that, when accepted, do not have the effect of bringing the section 193(2) duty to an end).
19. Under the revised section 193(5), where an offer of accommodation is made which is neither a *Part 6 offer* nor a *private rented sector offer* (i.e. what is being offered is ‘temporary accommodation’ that would not otherwise bring the duty to an end if accepted), the section 193(2) duty may end if the applicant refuses the offer, but only if:
- (a) the applicant has been notified **in writing** of the possible consequences of refusal or acceptance,
 - (b) the applicant has been notified in writing of the right to request a review of the suitability of the accommodation,
 - (c) the authority are satisfied that the accommodation is suitable, and
 - (d) the authority notify in writing the applicant that they regard themselves as ceasing to be subject to the section 193(2) duty.

Obligations in respect of existing accommodation

20. Sections 193(7F) and (8) of the 1996 Act are amended, such that local housing authorities shall not make a final offer of accommodation under Part 6 or approve a *private rented sector offer* unless they are satisfied that:
- (a) the accommodation is suitable for the applicant, and that

(b) if the applicant is under contractual or other obligations in respect of the applicant's existing accommodation, the applicant is able to bring those obligations to an end before being required to take up the offer.

21. The previous requirement (in section 193(7F)) that authorities must be satisfied that it is reasonable for the applicant to accept the offer has been amended so that no factors, other than contractual or other obligations in respect of existing accommodation, are to be taken into account in determining whether it is reasonable to accept the offer. Where an applicant has contractual or other obligations in respect of their existing accommodation (e.g. a tenancy agreement or lease), the housing authority can reasonably expect the offer to be taken up only if the applicant is able to bring those obligations to an end before he is required to take up the offer.
22. This change **does not mean** that those subjective suitability issues which have become associated with 'reasonable to accept', such as those discussed in *Ravichandran and another v LB Lewisham*¹ or *Slater v LB Lewisham*² are not to be taken into account. The intention is that these factors as already highlighted in paragraph 17.6 of the Homelessness Code of Guidance for Local Authorities (for example, fear of racial harassment; risk of violence from ex-partner's associates) continue to be part of those factors/elements an authority consider in determining suitability of accommodation.

Power to amend minimum fixed term for private rented sector offers

23. Section 148 of the Localism Act 2011 inserts new sections 193(10), (11) and (12) into the 1996 Act. Section 193(10) provides a power for the appropriate authority to amend by regulations the minimum fixed term period for private rented sector offers specified in section 193(7AC)(c). Section 193(12) provides that the appropriate authority in England is the Secretary of State.
24. However, section 193(11) provides that regulations made under section 193(10) may not:
- (a) specify a period of less than 12 months, or
 - (b) apply to restricted cases.
25. The Secretary of State recommends that a local private rented sector offer policy should take account of individual household circumstances, and be developed with regard to prevailing housing demand and supply pressures in the local area in order to support the best use of available housing stock locally.

¹ [2010] EWCA Civ 755

² [2006] EWCA Civ 394

Ending the duty using the new power

26. Under section 193(7AA)³ (duties to persons with priority need and who are not homeless intentionally) a local authority shall cease to be subject to the main homelessness duty, if the applicant, having been informed of the matters mentioned in section 193(7AB), accepts or refuses a private rented sector offer.

27. A *private rented sector offer* is defined by section 193(7AC) as an offer of an assured shorthold tenancy made by a private landlord to an applicant in relation to any accommodation which:

(a) has been made available for the applicant's occupation by arrangements made by the local authority with a private landlord or

(b) is made with the approval of the authority, in pursuance of arrangements made by the authority with the landlord with a view to bringing the section 193(2) duty to an end, and

(c) is a fixed term Assured Shorthold Tenancy for a period of at least 12 months.

28. The applicant must be informed in writing of the following matters (as mentioned in section 193(7AB)):

(a) the possible consequence of refusal or acceptance of the offer,

(b) that the applicant has the right to request a review of the suitability of the accommodation, and

(c) the effect under new section 195A of a further application to the authority within two years of acceptance of the offer (the 'reapplication duty').

29. Applicants can continue to request a review of the housing authority's decision that the accommodation offered to them is suitable under section 202(1)(f).

Re-application within two years of acceptance of a private rented sector offer

30. Under new section 195A(1) (re-application after private rented sector offer), the section 193(2) duty will apply regardless of whether the applicant has a priority need where:

(a) a person makes a re-application for assistance within two years of accepting a private rented sector offer, and

(b) the applicant is eligible for assistance and has become homeless unintentionally.

³ This paragraph was amended in January 2014 to correct a typographical error. The previous text mistakenly read 193(7A).

31. Similarly under section 195A(3), the section 195(2) duty (owed to eligible applicants in priority need and threatened with homelessness) will apply regardless of whether the applicant has a priority need where:
- (a) a person makes a re-application for assistance within two years of accepting a private rented sector offer, and
 - (b) the applicant is eligible for assistance and is threatened with homelessness unintentionally.
32. Authorities should be aware that if, following the expiry of the initial 12 month assured shorthold tenancy, an applicant secures their own accommodation and then subsequently becomes homeless within two years of the original private rented sector offer then the re-application duty will still apply.
33. Given the two year re-application duty, authorities are advised to keep the household circumstances under review as they approach the expiry of the 12 month tenancy so they can help actively manage cases where the tenancy may end unnecessarily. Please see the section below referring to section 21 notices.

Referrals to another local housing authority

34. Authorities should note that the section 193(2) duty on re-application will apply regardless of whether or not the housing authority receiving the re-application is the same authority that arranged the *private rented sector offer*. This means that the authority receiving the re-application cannot simply refer the applicant to the authority which made the private rented sector offer but must first carry out investigations to determine whether the applicant is homeless through no fault of their own, under section 195A. It is for the receiving authority to establish whether the applicant has become homeless unintentionally. Once established, this matter cannot be reopened.
35. Once the receiving authority has established that the applicant is unintentionally homeless and eligible for assistance, the receiving authority may refer the applicant to the authority that made the private rented sector offer (provided the conditions of section 198 which refer to the referral of a case to another local housing authority are met – explored further in the ‘Referrals to another local housing authority’ section below). The conditions for referral of the case to the other authority are met once it has been established that the re-application has been made within two years. The authority which made the private rented sector offer will owe the reapplication duty and it will be their responsibility to secure accommodation is available for occupation by the applicant. We would expect authorities to respond quickly to referrals. Here section 200 (which refers to referral and notification) continue to apply. This is supported by paragraphs 18.26 – 18.37 of the Homelessness Code of Guidance.
36. Similarly, authorities should note that the section 195(2) duty owed to those threatened with homelessness will apply regardless of whether the housing authority receiving the re-application is the same authority that

arranged the *private rented sector offer*. (Under section 195(2), a local housing authority must take reasonable steps to secure that accommodation does not cease to be available for occupation by eligible applicants who have priority need and are threatened with homelessness.).

Section 21 Notices

37. As a consequence of the introduction of the re-application duty, an authority is required to treat section 21 notices differently.
38. Section 195(4) provides that, for the purpose of section 195A(3), where an applicant has been given a notice under section 21 of the *Housing Act 1988*, the applicant **must be treated as threatened with homelessness** from the date the notice is issued. This means that the authority must take reasonable steps to secure that accommodation does not cease to be available for their occupancy.
39. Section 195A(2) provides that, for the purpose of section 195A(1), where an applicant has been given a notice under section 21 of the *Housing Act 1988*, the applicant must be treated as homeless from the date the notice expires. It is not necessary for a possession order to have been sought by the landlord for the applicant to be considered homeless.

Referrals to another authority and risk of violence

40. Section 149 of the *Localism Act 2011* also amends section 198 of the 1996 Act (*referrals to another local housing authority*). Section 149 (6) inserts new section 198(2ZA). Under section 198(2ZA), the conditions for referral of a case to another local housing authority are met if:
- (a) the application is made within 2 years of the date they applicant takes the tenancy of a *private rented sector offer* made by the other authority, and
 - (b) there would be no risk of domestic violence to either the applicant, or anyone who might reasonably be expected to reside with the applicant, in the district of the other authority.
41. Section 149(7) and (8) make further amendments to section 198 which mean that the new conditions for referral in section 198(2ZA) are not met if the applicant, or anyone who might reasonably be expected to reside with the applicant, has suffered violence (not limited to domestic violence) in the district of the other authority and it is probable that return to that district would lead to further violence against them.
42. Referrals regarding re-applications are not subject to any consideration of local connection. Section 200 on referrals continues to apply to these cases. Annex 18 of the Homelessness Code of Guidance for Local Authorities sets out the procedures for referrals of homeless applicants on the grounds of local connection with another local authority as well as

guidelines for invoking the disputes procedure. The LGA have recently updated this guidance and it is available on their website⁴.

When re-application does not apply

43. The provisions in section 195A(1) to (4), which apply to the re-application duty, do not apply in a restricted case. Additionally, these provisions do not apply in a case where the applicant has previously made a re-application which resulted in their being owed the duty under section 193(2) or 195(2) by virtue of section 195A(1) or (3). This effectively means that an applicant can only be owed the re-application duty once following each private rented sector offer. If an applicant becomes unintentionally homeless again within the two year limit and have already been assisted under the re-application duty, then they must make a fresh homelessness application.

Interim duty to accommodate

44. Section 149 of the Localism Act 2011 inserts a new section 188(1A) in the 1996 Act. Under section 188(1A), any local housing authority in England that the applicant has applied to must secure accommodation for them (pending a decision as to what duty, if any, is owed to the applicant under Part 7) regardless of whether the applicant has priority need, if the authority have reason to believe that the duty under section 193(2) may apply in the circumstances mentioned in section 195A(1) (that is a re-application within 2 years of acceptance of a *private rented sector offer*).
45. Authorities should note that the duty under section 188(1A) will apply regardless of whether the housing authority receiving the re-application is the same authority that arranged the *private rented sector offer*.

Homelessness (Suitability of Accommodation) (England) Order 2012

46. The Homelessness (Suitability of Accommodation) (England) Order 2012 consists of two parts. The first deals with the suitability of location of accommodation and applies to **all accommodation secured under Part VII** of the Housing Act 1996 (including temporary accommodation). The second deals with those circumstances in which accommodation is not to be regarded as suitable for a person for the purposes of a private rented sector offer under section 193(7F) of the Housing Act 1996 only.

Location

47. Location of accommodation is relevant to suitability. Existing guidance on this aspect is set out at paragraph 17.41 of the Homelessness Code of Guidance offers. The suitability of the location for all the members of the household must be considered by the authority. Section 208(1) of the 1996 Act requires that authorities shall, in discharging their housing functions under Part 7 of the 1996 Act, in so far as is reasonably practicable, secure accommodation within the authority's own district.

⁴ http://www.local.gov.uk/web/guest/housing/-/journal_content/56/10171/3479463/ARTICLE-TEMPLATE

48. Where it is not possible to secure accommodation within district and an authority has secured accommodation outside their district, the authority is required to take into account the distance of that accommodation from the district of the authority. Where accommodation which is otherwise suitable and affordable is available nearer to the authority's district than the accommodation which it has secured, the accommodation which it has secured is not likely to be suitable unless the authority has a justifiable reason or the applicant has specified a preference.
49. Generally, where possible, authorities should try to secure accommodation that is as close as possible to where an applicant was previously living. Securing accommodation for an applicant in a different location can cause difficulties for some applicants. Local authorities are required to take into account the significance of any disruption with specific regard to employment, caring responsibilities or education of the applicant or members of their household. Where possible the authority should seek to retain established links with schools, doctors, social workers and other key services and support.
50. In assessing the significance of disruption to **employment**, account will need to be taken of their need to reach their normal workplace from the accommodation secured.
51. In assessing the significance of disruption to **caring responsibilities**, account should be taken of the type and importance of the care household members provide and the likely impact the withdrawal would cause. Authorities may want to consider the cost implications of providing care where an existing care arrangement becomes unsustainable due to a change of location.
52. Authorities should also take into account the need to minimise disruption to the **education** of young people, particularly at critical points in time such as leading up to taking GCSE (or their equivalent) examinations.
53. Account should also be taken of medical facilities and other support currently provided for the applicant and their household. Housing authorities should consider the potential impact on the health and well being of an applicant or any person reasonably expected to reside with them, were such support removed or medical facilities were no longer accessible. They should also consider whether similar facilities are accessible and available near the accommodation being offered and whether there would be any specific difficulties in the applicant or person residing with them using those essential facilities, compared to the support they are currently receiving. Examples of other support might include support from particular individuals, groups or organisations located in the area where the applicant currently resides: for example essential support from relatives or support groups which would be difficult to replicate in another location
54. Housing authorities should avoid placing applicants in isolated accommodation away from public transport, shops and other facilities, where possible.

55. Whilst authorities should, as far as is practicable, aim to secure accommodation within their own district, they should also recognise that there can be clear benefits for some applicants to be accommodated outside of the district. This could occur, for example, where the applicant, and/or a member of his or her household, would be at risk of domestic or other violence in the district and need to be accommodated elsewhere to reduce the risk of further contact with the perpetrator(s) or where ex-offenders or drug/alcohol users would benefit from being accommodated outside the district to help break links with previous contacts which could exert a negative influence. Any risk of violence or racial harassment in a particular locality must also be taken into account. Where domestic violence is involved and the applicant is not able to stay in the current home, housing authorities may need to consider the need for alternative accommodation whose location can be kept a secret and which has security measures and staffing to protect the occupants.
56. Similarly there may also be advantages in enabling some applicants to access employment opportunities outside of their current district. The availability, or otherwise, of employment opportunities in the new area may help to determine if that area is suitable for the applicant.
57. Where it is not reasonably practicable for the applicant to be placed in accommodation within the housing authority's district, and the housing authority places the applicant in accommodation in another district, section 208(2) **requires the housing authority to notify in writing within 14 days of the accommodation being made available to the applicant the housing authority in whose district the accommodation is situated.**
58. Local authorities are reminded that in determining the suitability of accommodation, affordability must be taken into account. This aspect of suitability must continue to form part of your assessment when considering the location of accommodation.

Circumstances in which accommodation secured under section 193(7F) is not to be regarded as suitable for a person

59. This part of the Order sets out those circumstances in which accommodation is not to be regarded as suitable for a person. It applies only to accommodation secured under s193(7F). The requirements can be grouped under five broad headings.

Physical condition of the property

60. Local housing authorities are obliged under section 3 of the Housing Act 2004 to keep the housing conditions in their area under review with a view to identifying any action that may need to be taken by them under the Household Health and Safety Ratings System legislation. The local housing authority is also required to keep the housing conditions in their area under review in relation to other powers/duties such as licensing of HMOs.

61. Section 4 of the 2004 Act provides that an authority must arrange for an inspection of residential premises in its district with a view to determining whether any category 1 or 2 hazard exists on those premises. Such an inspection is only required if the authority considers that it would be appropriate for them to be inspected, as a result of any matters of which they have become aware in carrying out their duty under section 3, or for any other reason.
62. Authorities should secure accommodation that is in reasonable physical condition. Authorities should ensure that the property has been visited by either a local authority officer or someone acting on their behalf to determine its suitability before an applicant moves in. Existing aspects of suitability such as space and arrangement set out in statutory guidance will continue to apply.
63. In determining whether the property is in reasonable physical condition attentions should be paid to signs of damp, mould, indications that the property would be cold, for example cracked windows, and any other physical signs that would indicate the property is not in good physical condition.

Health and safety matters

64. Landlords are by law required to ensure that all electrical equipment in a property is safe. The local authority are required to satisfy themselves that any electrical equipment provided in the property meets the requirements of regulations 5 and 7 of the Electrical Equipment (Safety) Regulations 1994. Generally speaking, it is likely that a visual inspection of the property, by a person authorised to act on behalf of the local authority, that checks for obvious signs of loose wiring, cracked or broken electrical sockets, light switches that do not work and evidence of Portable Appliance Testing will be indicative that the specific regulations have been applied.
65. The Fire Safety Order⁵ applies to the common or shared parts of multi-occupied residential buildings. As such landlords, owners or managing agents will need to carry out a fire risk assessment of the common parts and implement and maintain appropriate and adequate fire safety measures. As part of their responsibilities, landlords should put in place appropriate management and maintenance systems to ensure any fire safety equipment or equipment which may represent a fire hazard, is maintained in good working order, and in accordance with the manufacturers instructions. Landlords are also required to ensure that furniture and furnishings supplied must comply with the Furniture and Furnishings (Fire) (Safety) Regulations 1988 (as amended).
66. Local authorities and fire and rescue authorities should work together to ensure the safety of domestic premises including the provision of fire safety advice to households (such as the benefits of a working smoke alarm). Local authorities will need to satisfy themselves that these regulations have been adhered to.

⁵ Regulatory Reform (Fire Safety) Order 2005

67. Local authorities are asked to satisfy themselves that the landlord has taken reasonable precautions to prevent the possibility of carbon monoxide poisoning in the accommodation, where such a risk exists. Taken together with a valid gas Safety Record, the installation of a carbon monoxide alarm would constitute reasonable precaution to prevent the possibility of carbon monoxide poisoning, where such a risk exists.
68. If the accommodation is or forms part of residential property which does not have a valid energy performance certificate as required by the Energy Performance of Buildings (Certificates and Inspections) (England and Wales) Regulations 2007, then it will not be regarded as suitable. Local authorities should ensure they have had sight of a current certificate to ensure that this requirement has been met.
69. Housing authorities should satisfy themselves that accommodation that is or forms part of relevant premises in accordance with regulation 36 of the Gas Safety (Installation and Use) Regulations 1994 has a current gas safety certificate. A local authority can do this by requesting sight of the valid Gas Safety certificate.

Licensing for Houses in Multiple Occupation

70. Accommodation that is in a house of multiple occupation which is subject to licensing under section 55 of the Housing Act 2004 and is not licensed is unsuitable. Accommodation in a house of multiple occupation that is subject to additional licensing under section 56 of the Housing Act 2004 and is not licensed is unsuitable.

Landlord behaviour

71. Authorities should satisfy themselves that landlords of accommodation secured under s 193(7F) are fit and proper persons to act in the capacity of a landlord. Local authorities are required to consider any convictions in relation to landlord and tenant law, fraud or other dishonesty, violence or drugs as well as any discrimination and/or sexual offences as set out in the legislation. Most local authorities currently do this for Houses in Multiple Occupancy and they can also check their own records for any prosecutions for offences of harassment and illegal eviction brought by the local authority. If their record checking does not satisfy them that the landlord is a fit and proper person to act in the capacity of a landlord then the local authority can require the landlord to carry out a Criminal Records Bureau check, but they are not required to do this in every case. The Secretary of State recommends that when placing households outside of their district that the authority liaise with the receiving district to check whether that authority has taken any enforcement activity against the landlord.

Elements of good management

72. The local authority should ensure that the landlord has provided to them a written tenancy agreement which they propose to use for the purposes of a private rented sector offer and which the local authority considers to be

adequate. It is expected that the local authority should review the tenancy agreement to ensure that it sets out, ideally in a clear and comprehensible way, the tenant's obligations, for example a clear statement of the rent and other charges, and the responsibilities of the landlord, but does not contain unfair or unreasonable terms, such as call-out charges for repairs or professional cleaning at the end of the tenancy.

Tenancy Deposit Scheme

73. Whilst a local authority will not be able to check that a tenant's deposit has been placed in a tenancy deposit protection scheme prior to them taking the tenancy we recommend that local authorities remind prospective landlords and tenants of their responsibilities in this area.
74. Tenancy deposit protection schemes guarantee that tenants will get their deposits back at the end of the tenancy, if they meet the terms of the tenancy agreement and do not damage the property. Landlords must protect their tenants' deposits using a tenancy deposit protection scheme if they have let the property on an assured shorthold tenancy which started on or after 6 April 2007.

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