

From advocate to housing options

Request that tenancy deposit provided to perform 'reasonable steps' duty under s.195 prevention duty or s.189B homelessness relief duty

[Address of Council's homelessness team]

[Date]

By first class post & email to [email address]

Dear Sir/Madam

Re: [Name and address of client]

Homeless application under Housing Act 1996, Part 7

Request for financial assistance

We write on behalf of the above named [who we are advising / to whom we are providing floating support].

We understand that [Name] applied for assistance on or around [date] because of [threatened] homelessness, and that [s/he is awaiting notification of your assessment under section 189A of the 1996 Act / you have accepted a duty to prevent his/her homelessness under section 195 of the 1996 Act / you have accepted a duty to help him/her secure accommodation under section 189B of the 1996 Act].

We write to ask whether the Council is willing to offer the following help, to perform its duty under section [195/189B] to take reasonable steps to help to secure that [if prevention duty accepted by council] accommodation does not cease to be available for their occupation / [if relief duty accepted by council] suitable accommodation is available for his/her occupation:

[Insert what specific steps you're requesting the authority takes. The following bullet point paragraphs are illustrative examples]

- Payment of £[...] to meet the cost of a tenancy deposit to the landlord [Name of prospective landlord], so that [Name] is able to take up their offer of a tenancy at [address]. [Name] is willing for any money to be paid directly to the landlord, and for the money to be registered in the Council's name and repaid to the Council at the end of the tenancy.
- Help [him/her] apply to the Housing Benefit Department for a discretionary housing payment (DHP) to meet the cost of the requested rent in advance and essential items s/he needs to successfully set up home.
- Support such a DHP application in writing.
- Help [him/her] to request confirmation from the Housing Benefit Department that they will be willing to pay any housing benefit directly to the landlord, under Regulation 96 of the Housing Benefit Regulations 2006. You will no doubt be aware



that the council may pay housing benefit to a private landlord directly if doing so will help the claimant obtain a tenancy, if the claimant is unable to manage their finances, or if direct landlord payments have been made previously.

- Support such a request in writing.

Our reasons for making this request on [Name]'s behalf are as follows.

[Name] *[if threatened with homelessness]* is due to be excluded from his/her accommodation at the above address on [date] / *[OR, if homeless]* remains homeless and has been resorting to sofa surfing with friends and associates, and has on occasion had to resort to sleeping rough.

S/he wishes to obtain his/her own independent accommodation. S/he has been offered the aforementioned tenancy. However s/he is reliant on *[Income Based Jobseeker's Allowance]*, has no savings, and has no means of accessing the money *[name of landlord]* has requested before s/he is willing to grant the tenancy.

The landlord has made the following stipulations:

- £[...] tenancy deposit.
- £[...] rent in advance.
- Housing benefit must be paid directly to him/her.

Clearly if a prevention fund payment is made directly for paying a tenancy deposit the landlord will - in the absence of any legitimate deductions - be required to return the money to the Council.

We anticipate that the proposed assistance would also enable the Council to end the *[prevention/relief]* duty, since [Name] would have accommodation available that would most likely be available for at least six months.

Request for copy of decision & policy

We would be grateful if you would:

1. Confirm in writing the help the Council will be providing in relation to the above offer of tenancy.
2. Forward a copy of the assessment you have undertaken under section 189A(1) and (2) of the 1996 Act.
3. Forward a copy of [Name]'s personal housing plan which the Council has formulated under section 189A(4) to (8), and
4. Forward a copy of the Council's policy and procedures governing the making of discretionary payments for the prevention and relief of homelessness (including from any 'homelessness prevention fund' or similar funds).

Many thanks for your help in this matter.

Yours faithfully



[Name]
[Job title]

Enc: signed authority for [name of agency] to act on [client's name]'s behalf

