

# Alternatives to the Housing Register

## Questions and Answers

This leaflet consists of frequently asked questions explaining why you may not be able to get a home to rent through the housing register, and what other options may be available.

## Frequently Asked Questions:

**Q1: I'm on your Housing Register, why can't I have a Council House?**

A: Huntingdonshire District Council no longer owns any housing, having transferred its stock to Luminus Homes (previously HHP). All Housing Register applicants who are in a position to be offered accommodation will therefore be nominated either to Luminus Homes or to one of our other housing association partners.

**Q2: Why can't you give me a house now?**

A: There are far more people applying for housing than there is housing available.

Therefore, the Council can only help a small proportion of those who apply. The banding system is used to help identify applicants in greatest need. So, unless you have a high priority, you may have to prepare yourself for a long wait.

### **Q3: What am I supposed to do in the meantime?**

A: Unless you have friends or relatives who can put you up, you would have to rent privately. You could also apply to the local housing associations, many of which have their own waiting lists.

### **Q4: Housing Associations? What are they?**

A: Housing Associations are voluntary bodies who let and manage residential properties. Their rents are normally below full market rents charged by private landlords, because they are non-profit making organisations.

### **Q5: What about private rental? How do I find something?**

A: Privately rented accommodation tends to be advertised in local newspapers, or shop windows.

There are also a number of letting agents that deal with private tenancies.

### **Q6: But it's too expensive!**

A: Housing association housing is subsidised. Such properties are therefore cheaper to rent. Privately rented accommodation normally reflects the true cost of providing the accommodation and, as a consequence, costs more.

Recent housing legislation has been aimed at encouraging prospective private landlords to rent out their accommodation. Changes affected the level of rents that could be

charged, but also created 2 new types of tenancies – assured and assured shorthold tenancies - which had an impact on the level of security of tenants.

Although it is hoped that private rents will not be completely beyond the reach of people who are on a lower income, help may be available through the housing benefit system, for those who cannot afford the rents landlords ask.

Housing Benefits take account of each applicant's own financial circumstances and are based upon housing needs. The required calculations include an assessment of the applicant's income, the number of dependents in a household and the amount of rent due.

More detailed information can be obtained from the Housing Benefit Section on 01480 388308.

### **Q7: If I rent privately will I need a deposit?**

A: Landlords or letting agents normally ask for a deposit, just in case the tenant leaves owing rent or causes damage to the property going beyond normal wear and tear.

The amount varies, but is often the equivalent of between one and two months' rent.

To obtain further details on the Council's own rent deposit/rent in advance scheme, or to check on your eligibility for a loan, please ring Housing Services on 01480 388218.

The Department of Social Security also runs loan schemes which can include the first month's rent in advance, but not deposits. These are called "crisis loans", except for people who have been on income support for 26 weeks or longer, in which case they are referred to as "Budgeting Loans".

**Q8: Privately rented accommodation might not be for very long. What if the landlord throws me out?**

A: Firstly, the landlord, his agents or solicitors, cannot throw anybody out. Only the courts can do that and the landlord must apply to the local County Court for what is called a Possession Order. The Courts can only grant such an Order in certain circumstances. Further advice can be obtained from the Housing Services.

All new lettings since 15 January 1989 are called either Assured Tenancies or Assured Shorthold Tenancies.

Assured Tenancies will give complete security of tenure for life – subject to certain exceptions. Details of these exceptions are given in the booklet "Assured and Assured Shorthold Tenancies" which is available from the Council.

Provided none of the exclusions apply, an Assured Tenancy means just that. Tenants are assured of a tenancy for as long as they require it.

Assured Shorthold Tenancies are a similar type of agreement, except that they are for a limited period only. They can be for a previously agreed fixed term, although this is not an essential

element. However, they must be for a minimum of 6 months. At the end of any fixed term the landlord has three options. These are:

1. To grant another Assured Shorthold Tenancy for a further fixed term – the minimum period again being 6 months.
2. To allow the tenant to remain on a weekly or monthly basis (this is called a statutory periodic tenancy).
3. To serve notice to the tenant on a document known as a Notice Requiring Possession, which must give at least two months' notice that the tenant is required to leave the accommodation. He must then apply to the courts for a Possession Order, which must be granted if the tenant is either unable or unwilling to vacate voluntarily, as requested, during, or at the end of, the two month period.

If you have a private tenancy which was granted before 28 February 1997, the landlord must have issued you with what is known as a "Section 20 Notice", for this to be an assured shorthold tenancy. If he did not, whatever any written agreement or your landlord might say, you are an assured tenant. However, if there are any disputes it would be advisable to discuss the matter with one of the Council's Housing Advice and Options Officers.

Landlords are not required to issue tenants with a Section 20 Notice for tenancies granted from 28 February 1997, if they wish to create an assured shorthold tenancy. However, from this date they were required to

issue the same notice if they wanted the tenancy to be an assured tenancy.

Assured tenancies clearly give tenants a greater level of security than do assured shorthold tenancies. You would therefore be more secure if you were able to find a landlord prepared to give you an assured tenancy, unless you were only looking for accommodation for a relatively short period. However, virtually all private tenancies are now assured shorthold.

### **Q9: When will I be housed?**

A: This depends a lot on your personal circumstances, the number of vacancies occurring and the needs of other people applying for them.

The Council always hopes to be able to help applicants in housing need, but bearing in mind the different priorities of all applicants on its Register, their areas of choice and the supply of suitable accommodation, it is impossible to give any guarantees regarding future prospects for rehousing.

### **Q10: What if the above answers do not address fully all the questions I might have?**

A: The answers found here are only meant as a simple guide to housing alternatives and are by no means fully comprehensive.

This leaflet is designed to try to help you understand some of the problems that there might be in being able to assist you with rehousing. However, Council staff from within Housing Services and, if relevant, Housing Benefits, will try to answer any further questions and to give more information, where available, on some of the points raised above.

Should you require any detailed legal advice, perhaps with regard to a tenancy dispute, or as a consequence of a relationship breakdown, for example, it would be advisable to contact a solicitor. If you do so, the solicitor should be able to guide you on whether you might be entitled to legal aid for any advice you might need.

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