



## Homelessness

Fact sheet no. 10

June 2015

This fact sheet tells you what kind of help you might get if you are homeless. It explains your rights, and how to deal with some of the common homelessness problems.

Use this fact sheet to:

- work out what housing you might be able to get;
- help you apply to the council as homeless;
- understand the process the council must follow; and
- deal with problems you may face in trying to get housed.

This fact sheet includes some useful contacts and links for you to get further help.

## What help can I get?

### England

if you live in England the council's responsibility is set out in **Part VII** of the **Housing Act 1996**, and the **Homelessness Act 2002**. They must re-house you if they decide you:

- are eligible for assistance (normally based on your immigration status);
- are homeless or threatened with homelessness;
- are in priority need;
- have not made yourself 'intentionally homeless'; and
- have a local connection. If you do not have a local connection the council can refer you to a council in another area for help.

The council must check whether you fit these criteria before deciding what help they can give you. The council must make sure that free housing advice is available.

### Wales

If you live in Wales the council's responsibility is set out in the **Housing (Wales) Act 2014**. They have a duty to:

- provide housing advice to everyone regardless of whether you are homeless or are threatened with homelessness;
- prevent anyone from becoming homeless if you are threatened with homelessness within the next **56 days**; and
- after **56 days**, provide housing for those in priority need who have not made themselves intentionally homeless.



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## Am I homeless?

If you are threatened with homelessness in the next **28 days** in England or the next **56 days** in Wales, the council must treat you as if you are homeless.

You are homeless if you are without any accommodation, but you can be counted as homeless even if you are not literally without a roof over your head. If you are unable to remain where you are living or you live somewhere that is totally unsuitable then you may be considered homeless.

If it is not reasonable for you to stay in your home because of violence, or the threat of violence, from any other person, you should be treated as homeless. This could be domestic violence or threats from a neighbour or stalker.

## Are you 'intentionally homeless'?

The council will decide that you are 'intentionally homeless' if:

- you had somewhere else that was reasonable for you to live but you chose to leave or to give up the property;
- you are leaving somewhere where you can continue to live, and you are only leaving to get some help from the council;
- you were helped to find suitable and available accommodation by the council as a result of a previous homeless application but failed to take this up;
- you have contrived your eviction. This means you have arranged with your landlord that they tell you to leave; **or**
- you took on a new tenancy or mortgage even though you knew you could not afford the rent or mortgage payments at the time and you have now lost your home due to arrears.

You should not be intentionally homeless if:

- you left home because you felt threatened with violence;
- your home was repossessed due to arrears which arose because you could not afford to pay your rent or mortgage. You need to show you were in financial hardship and there was no way your income could cover your rent or mortgage payment (this will not apply if you could not afford the payments when you moved in).
- the conditions in your home were so bad that you could not remain and it would have been unreasonable to expect you to stay; **or**
- you lost your home through someone else's actions which you did not know about or had no control over.

### Information:

INFO

#### help if you want to live with someone who is homeless

The council might have to help you if the person that you want to live with is homeless and in priority need. It has to be reasonable that you expect to live with the other person, for example, if they are your partner or parents.

### Extra advice:



#### living in wales

If you live in Wales, each council can choose whether or not to apply the intentionally homeless rules when deciding if they should help you. If the council follow these rules they should only do so if you are in priority need. If you are not sure which rules your council follows, **contact us for advice.**



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If the council decides you are intentionally homeless and you are a family with dependent children, the council can refer you to social services for help. (You have to agree the referral first). Social services has the power, under **Section 17 of the Children Act 1989** to assist you with finding accommodation, perhaps by helping with rent in advance and a deposit. Social services may offer to accommodate the children only and any adults in the family would have to find their own accommodation.

## Are you in priority need?

The council will say you are in priority need if:

- you are pregnant or reasonably reside with someone who is pregnant;
- you have dependent children or reasonably reside with someone with dependent children;
- you are vulnerable (for example because of old age or a mental or physical disability), or you reasonably reside with someone who is vulnerable;
- you are vulnerable because of domestic or another type of violence; or
- you are homeless because of an emergency such as a flood, fire or other disaster.

This is not a complete list of why the council might class you as in priority need. If you think you are in priority need because of another reason, check with your local council to see if this means they can help you.

## Do you have a local connection with the area?

The council look at whether you have a connection to their area. If you have no local connection with the authority where you have applied then you can be referred to an area where you do have a local connection.

### Information:

INFO

#### serving in the armed forces

You will be treated as working in the area if you are serving in the armed forces.

## What is a local connection?

You will have a local connection if you:

- have lived in the area for some time, **six months** out of the last **year** or **three** out of the last **five years**;
- work in the area;
- want to live near a close relative who has lived in the area for more than **five years**; or
- need to live in the area for a particular reason such as you or your family needing to go to a certain school or use a hospital that is there.



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If you have a local connection with the authority you have applied to as well as to another area then you should not be referred back to the other authority. If you have no local connection with the council you have applied to for rehousing they may ask another council to help you.

If you have no local connections with another area (for example, you may have just come from abroad) then the council you apply to first **must** help you.

## Are you eligible for assistance?

You will be treated as eligible for assistance unless you are 'a person from abroad'. Certain categories of people who are classed as a 'person from abroad' can be eligible, for example if you have:

- refugee status;
- settled immigration status; **or**
- exceptional leave to enter and remain.

EU citizens who have a 'right to reside' in the UK will be eligible for assistance. EU citizens from the new member states generally have to be working and registered with the Home Office to be eligible for assistance. Some UK citizens who have lived abroad may not be eligible until they have been back in the UK for some time.

### Information:

INFO

#### seek specialist advice

The rules on eligibility are very complex. If you have recently come into this country or are a national of another country then you need to seek specialist advice. Contact Shelter's free housing advice helpline on **0808 800 4444** or **contact us for advice**.

## What help does the council have to give you?

If the council thinks that you may be homeless, eligible for assistance and in priority need, they **must** secure temporary accommodation for you while they decide if you should be rehoused permanently.

If the council decides that you are homeless, eligible for assistance, in priority need and **did not become homeless intentionally**, they can do the following.

- Refer you to another local authority if you do not have a local connection with the council you applied to.
- Provide you with temporary accommodation until permanent accommodation becomes available. The accommodation should be suitable but to challenge this you would need the help of a solicitor.
- Make you a final offer of accommodation from the council itself.
- Offer you an assured tenancy from a registered social landlord. This is usually a housing association or similar organisation and is a permanent tenancy.
- Offer you an assured shorthold tenancy with a private landlord from a list of landlords already approved by the council. This means the tenancy is not permanent but for a fixed term of at least **12 months** if you live in England and **six months** if you live in Wales. If you refuse this offer the local authority will discharge their duty to offer you accommodation. They do not have to make you any other offers.



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## Warning:



### offers of private rented tenancy

You do not have to accept an offer of a private rented tenancy but if you do accept, the council does not have to help you further.

## Remember:



### councils in Wales

Some councils in Wales may decide to help you even if they decide you are intentionally homeless. Check with the council to see what rules they are following.

## Bed and breakfast

If you are pregnant or have dependent children you should not be offered bed and breakfast accommodation unless there is no other accommodation available.

If you are offered bed and breakfast the council can only let you stay there for a maximum of **six weeks**. The council must then find you alternative 'suitable' temporary accommodation.

## When do the council no longer have to help me?

The council no longer has to help you if:

- you refuse to take up a suitable final offer of accommodation from the council. (The amount of offers you will receive depends on the council's policy but you must have at least one offer by law);
- you stop being 'eligible for assistance';
- you become homeless intentionally. See **What help does the council have to give you?** if you live in Wales;
- you accept permanent accommodation from the waiting list;
- you unreasonably refuse an offer of accommodation from the waiting list; or
- you accept an offer from a registered social landlord or private landlord.

## Making the application

Try to go to an advice agency before you make your application because they will be able to make sure you know what your rights are. Your application will be dealt with by the housing department at your council. There are two routes to being housed by the council: one is by putting your name on the waiting list and the other is by applying as homeless.

The council should have an emergency phone number which you can call if it is out of office hours. This number might be on their answerphone or you could ask at the police station.



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When you go to the council you will be asked for information about your circumstances. Take any important papers with you, such as an eviction order from the County Court or a notice to quit from your landlord. They will want to ask questions about how soon you are likely to be homeless and try to establish whether you are in a priority need group.

If the council tells you that you can't make an application for rehousing as homeless, contact a local advice agency or ring Shelter's free housing advice line. See **Useful contacts** at the end of this fact sheet.

## Extra advice:



### applying to be homeless

If you want to apply as homeless make this clear when you go to the housing department and ask to speak to the person who deals with homelessness.

It is very important to put your name on the council waiting list as well.

## Can you refuse the accommodation offered?

Many councils will only make one offer of accommodation. This has to be 'suitable' in your circumstances. The accommodation you are offered does not have to be council-owned accommodation.

The council must tell you in writing that you have a right to a review of the offer of accommodation. You are allowed to accept the offer **without** losing your right to a review of the offer on the grounds of its 'suitability'. The review is supposed to look at how suitable the offer is based on the 'needs of the applicant'.

## Warning:



### refusing an offer of housing

Do not refuse an offer without getting advice first. It is probably safest to accept the offer and ask for a review if you think the accommodation is not suitable. That way if your review is not successful, you can still keep the accommodation first offered.

## What happens to your belongings?

If you are homeless and in priority need, the council must help you look after your property if it might get damaged or lost. The council may also help you look after your property if you are not in priority need. The council usually charges you for storage of your furniture and possessions.

## If you are refused help what can you do?

If you are not happy with the way that the council deals with your enquiry then seek help from a local advice agency.

They will be able to check whether you have been given the correct information. If you make an application but the council says they are not going to help you, they should give a decision in writing telling you the reason. The council can be challenged if it looks like they made a wrong decision.

You can ask for a review within **21 days** of the decision being made. The council should review your case and send you a new decision. You can appeal to the County Court if the council still refuses to help you. Before doing this you must get advice from a housing advice centre.

If you are in temporary accommodation, the council does not have to let you stay there even if you have asked for a review. The County Court has the power to order temporary accommodation is given to you once you have put in an appeal.



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## Other housing options

### The council waiting list

You can go on the waiting list at the same time as applying for rehousing as a homeless person. You should be allowed on the waiting list unless you are 'a person from abroad', not habitually resident or thought 'unsuitable' to be a tenant. This could include someone found guilty of 'unacceptable behaviour' or with previous rent arrears.

The council has to have a scheme for deciding who should be given priority in allocating council housing, and the procedure for how this is done. They have to give 'reasonable preference' to certain groups such as:

- people in overcrowded or unsanitary accommodation;
- people in temporary or insecure accommodation;
- people with dependent children or a pregnant woman;
- households with someone who needs settled accommodation because they are ill or disabled; and
- people who find it difficult to get settled secure accommodation.

Someone who is single and already has somewhere to live may wait a long time to be offered accommodation.

### What if I disagree with the council's decision?

You can ask the council for a review within **21 days** of their decision if:

- the council decided you are not allowed on the waiting list at all; or
- you have not had any 'preference' (priority) given to your application. This means you are not likely to be made an offer of housing quickly. The council can decide you are guilty of 'unreasonable behaviour'.

### Housing associations

Housing associations may be able to offer good accommodation at an affordable rent. Some will only let you apply if you already have your name on the council waiting list. In some areas housing associations and the council operate a joint waiting list. If this is the case you will not need to apply individually to each housing association.

Housing associations may have their own criteria of people who they will house first. Some associations are set up to help certain groups of people such as the elderly or low-income families. The council should be able to give you a list of housing associations in your area. If not, you can [find your local housing associations](#) on the Housingnet website. See **Useful contacts** at the end of this fact sheet.

### Private landlords

Private landlords often advertise in the newspaper or in shop windows. Some choose to let the property via an estate agent or property agent.

If you decide to rent privately look around first to find out what is on offer in your area and get an idea of what sort of rents are being charged.



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You may need to find out from a local advice agency what maximum rents will be covered by Housing Benefit in your area. They may also keep lists of local landlords. Have a look at the house before you agree to move in or hand over any money. Ask for a receipt for any money you pay as rent or as a deposit.

There are different types of private tenancy agreements. Your rights are affected by the type of tenancy you take and what sort of accommodation you have. Before signing an agreement with a landlord get advice from a local advice agency. Most private tenancies are '**assured shorthold tenancies**'. These must last at least **six months**. You can be evicted with a court order just because the tenancy has ended, once the term of the tenancy has run out.

## Help with deposits

In some areas rental deposits or 'bond' schemes have been set up to help people on low income or benefits to find private rented accommodation. Under the scheme you do not have to pay a deposit up front and the tenancy agreement is with a landlord from an approved list. Schemes vary so contact your local advice agency, local council or Shelter's housing advice helpline on **0808 800 4444** for more information.

From **6th April 2007** any deposit you have to pay for a new assured shorthold tenancy must be protected under a government **tenancy deposit protection scheme**. Your landlord must tell you which scheme they have used to safeguard your deposit money until the end of the tenancy. The schemes can sort out disputes between you and your landlord. For more information see the government website [www.gov.uk](http://www.gov.uk).

## Help with rent

You can ask the council for a 'pre-tenancy determination' before you move in. This should tell you how much of your rent will be covered by Housing Benefit if you are on a low income. You can apply to the council for Housing Benefit to cover the rent and Council Tax Reduction to help with your council tax once you have moved in.



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## Useful contacts

### Housing Aid Centres

There may be a housing aid centre in your area.

For the address, telephone Shelter's housing advice helpline on **0808 800 4444** or look at the Shelter website.

[www.shelter.org.uk](http://www.shelter.org.uk)

### Law Centres

There may be a law centre locally that deals with housing issues. Look in the phone book or you can try:

### Law Centres Network

Floor 1

Tavis House

1 - 6 Tavistock Square

London

WC1H 9NA

Phone: 020 3637 1330

[www.lawcentres.org.uk](http://www.lawcentres.org.uk)

### Citizens Advice Bureaux

The address of your local Citizens Advice Bureau should be in the phone book.

You can also check the Citizens Advice website:

[www.citizensadvice.org.uk](http://www.citizensadvice.org.uk)

### Solicitors

Solicitors give advice on housing issues. If you get certain benefits or have a very low income, you may be eligible for free legal help. If not you may have to pay to see a solicitor. For a local housing solicitor contact:

### Civil Legal Advice

Phone: 0345 345 4345

[www.gov.uk/civil-legal-advice](http://www.gov.uk/civil-legal-advice)

### Housingnet

You can find a list of local housing associations on the Housingnet website.

[www.housingnet.co.uk](http://www.housingnet.co.uk)



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