



youth legal

& resource centre

Homelessness Info Sheet

You may have more rights than you think if you are facing homelessness or have already left your home. Find out what help you can get and what your basic rights are.

KEY ADVICE

- ✚ You can apply to **ANY** council in England and Wales as homeless.
- ✚ **THEY CAN NOT TURN YOU AWAY BECAUSE YOU DO NOT LIVE IN THE AREA.**
- ✚ If you are **eligible for housing assistance, homeless and in priority need** the council **MUST** take a homelessness application from you.
- ✚ **AND** offer you emergency accommodation.
- ✚ **They cannot say they think you are intentionally homeless and turn you away.**
- ✚ Once the application has been accepted the council **MUST** make enquiries to decide that you are **eligible, homeless, in priority need** and whether or not you are **intentionally homeless**.
- ✚ It is not until the council makes a decision **THAT THEY HAVE A DUTY TO HOUSE YOU** that they can say you do not have a **local connection and refer you to where you do.**
- ✚ They must give you a decision in writing and you can ask them to review (relook at) that decision **within 21 days** of receiving the decision.
- ✚ If when you apply they say you are not eligible, not homeless, not in priority need or intentionally homeless tell them you want a decision in writing.

What is homelessness?

Even if you have a roof over your head you can still be homeless, if you don't have any rights to stay where you live or your home is unsuitable due to severe overcrowding or other reasons. You might be entitled to help as a homeless person if you are:

- ✚ temporarily staying with friends or family
- ✚ staying in a hostel or night shelter
- ✚ living in very overcrowded conditions
- ✚ at risk of violence or abuse in your home
- ✚ living in poor conditions that affect your health

You may also be considered to be homeless if you are:

- ✚ Living somewhere where you have no legal right to stay, such as a squat or sofa surfing
- ✚ Living somewhere that you can't afford to pay for without depriving yourself of basic essentials

The council have to decide if you meet certain legal criteria:

- ✚ Homeless as set out above
- ✚ Eligible for assistance
- ✚ In priority need

ELIGIBLE– you have to prove your immigration status so take ID.

PRIORITY NEED / VULNERABLE

Those automatically in priority need are

- ✚ Pregnant
- ✚ responsible for children under 18
- ✚ 16/17 year olds
- ✚ a young person leaving care until age 21
- ✚ have physical or mental disability

You may be deemed as priority need if you are VULNERABLE person who is less able to cope by yourself. E.g. an offender leaving prison. Changes in legislation mean there is no test to determine how vulnerable a person is, instead you are now either deemed VULNERABLE or not.

INTENTIONALLY HOMELESS

You are deemed intentionally homeless if do something or fail to do something that has consequences in which you cease to occupy a property which was suitable and available. **You have the right to stay in your home until you are lawfully evicted.** Your landlord must follow the correct legal procedure to evict you. **It could affect any right you may have to get homelessness help from the council if you leave your home when you don't have to or don't return when you have the right to.** Even if you have already left your home, you may be able to return if you still have the right to live there.

LOCAL CONNECTION

This is a discretionary test and not a necessity if you are making a homeless approach at any council. You will be deemed as having a local connection if you:

- ✚ Out of your own choice have normally resided in an area for 6 of the last 12 months or 3 of the last 5 years.
- ✚ Hold employment in that area.
- ✚ Have family associations (often an immediate family member residing for the last 5+ years)
- ✚ Any other Special Circumstances.

Right to emergency housing

Local councils have specific legal duties towards homeless people. The council has to provide advice and assistance to anyone who is homeless or threatened with homelessness and approaches them for help.

If you are aged 16 or 17, you are normally entitled to housing and support from your local council. In most cases, it's the social services department that has to take responsibility for finding you somewhere to live.

The social services department of the council may sometimes have a duty to help certain groups of people who become homeless. These include:

- most young people under the age of 18
- people who have been in care (normally up to age 21 or up to the age of 25 if you are still in full-time education)
- people with disabilities
- people with mental health problems
- older people

Social services may also be able to help you if you have dependent children and the council's housing department has decided that you are; not eligible for assistance or intentionally homeless.

Who can apply as homeless?

The council has to accept an application for help from any person who appears to be homeless or is likely to become homeless within 28 days.

- Get in touch with the council as soon as you can
- You can apply to the council for help up to 28 days before becoming homeless

Who can get help as homeless?

You don't have to be sleeping on the street to get help from the council. It may also help you if you:

- are likely to be evicted within the next 28 days
- can only stay where you are temporarily (for example, if you are staying with friends or family in an emergency)
- have to move because of violence or threats
- are living in overcrowded conditions
- have been locked out of your home
- are squatting or don't have permission to stay where you are

Getting help if you're not homeless yet, but will be soon

Councils only have to accept applications from people who are actually homeless, or who are threatened with homelessness within 28 days. You should be considered to be threatened with homelessness if, for example:

- your landlord has given you a valid notice which runs out within 28 days
- your landlord or mortgage lender has obtained a court order to evict you which takes effect within 28 days
- you are due to be discharged from an institution (e.g. hospital or prison) within 28 days and have nowhere to go
- you have been asked to leave by friends or family within 28 days

If it is not likely that you will become homeless within 28 days, the council only has to give you advice and assistance about finding somewhere to live.

Court orders and homelessness

Most tenants and homeowners are entitled to wait until their landlord or lender obtains a possession order and bailiffs arrive to enforce the order before they legally have to leave their home. However, the council should not have a general policy of insisting that you wait for the bailiffs before they will accept that you are as homeless. They should instead look at whether it is reasonable for you to remain in your home until the bailiffs come. If you are in this situation and the council has told you that you must wait for a court order or for the bailiffs to arrive, get advice before leaving your home. If you leave and the council decide that you could have stayed, you may be found intentionally homeless.

Or you can contact us and we will point you in a right direction or we might be able to help you with your enquiries.

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