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1 Recent developments

The *Renters (Reform) Bill* was introduced to Parliament in May 2023. The reforms being brought forward including the abolition of assured shorthold tenancies, *-no fault.*, and the use of fixed terms in assured tenancies, which should provide greater security for private tenants.

It means that homelessness rules will need to be aligned with the new tenancy system that is due to be introduced. This is likely to include:

-threatened with homelessness.

changes to how local authorities end their prevention duty

the removal of the reapplication duty (reapplication to the local authority for accommodation or assistance within two years of acceptance of a fixed term private rented offer).

2 Introduction

Homelessness has a wider meaning than rough sleeping. By law, you are homeless if you have no available accommodation or if you have accommodation but it is not reasonable for you to live there anymore.

This means you can be considered homeless if you are temporarily staying with friends or family, if your home is in a very poor condition, or if it is no longer suitable for you because of disability or illness.

Currently, you are considered *-threatened with homelessness.* if it is likely that you will become homeless within 56 days, or if you are an assured shorthold tenant and have received a valid *-section 21.* ng within 56 days (see section 3.1).

Local authority duties

Authorities have a range of duties under homelessness law. They have a general duty to ensure information and advice on homelessness, including prevention and support, is available locally for free. This service must meet the needs of certain groups of people, including domestic abuse survivors and people leaving prison or hospital.

Authorities have specific duties towards households who are experiencing, or at risk of, homelessness. If this applies, provided you *-eligible for assistance.* the

local authority must do the following:

carry out an assessment of your circumstances and needs

-relieving.

homelessness, ideally with your agreement

-reasonable steps.

-relief.

-prevention.

if you are threatened with homelessness.

It is a duty to work with you, not provide accommodation for you (we use *-secure* accommodation in this factsheet). The authority may, however, decide that making you an offer of housing is the only reasonable way to prevent or relieve your homelessness. This can be an offer of private rented housing.

When the local authority draws up its plan of action, it is likely to require you to take certain steps to prevent or relieve your homelessness. It can stop helping you if you deliberately and unreasonably refuse to undertake a required step in your personalised housing plan.

If you are owed the prevention or the relief duty, the authority must generally work with you for a period of 56 days (eight weeks). It can bring the duty to an end early in certain circumstances, for example due to a deliberate and unreasonable refusal to co-operate.

If the duty does not end early, the authority must consider your wider circumstances at the 56-day point. If you are in *-priority need* *-unintentionally homeless*.

this can be in private rented accommodation. If not, the authority may stop helping you, even if you are still homeless or threatened with homelessness.

Seeking advice

If you are homeless or threatened with homelessness, seek advice immediately. It may be possible to prevent homelessness, for example by challenging eviction or by exploring other housing options such as joining the waiting list for council and housing association housing.

Shelter has a free emergency advice helpline, open 365 days of the year, or contact an advice agency like a local Age UK or Citizens Advice.

Legal aid is available for defending evictions, challenging local authority

I live in my spouse or civil p

rights under housing law. However, if you are married or in a civil
-home rights

4 Asking the local authority for help

If you make a homelessness application to a local authority, it applies four *-tests*.

You are also homeless if you have accommodation but:

you cannot secure entry to it (e.g. you have been illegally evicted)

it is a moveable structure (e.g. caravan or houseboat) and you do not have a pitch or mooring where you are entitled or permitted to place it and live in it

it is not reasonable for you to continue to live there.

You are threatened with homelessness if it is likely you will become homeless within 56 days.

If you have accommodation outside of the UK, for example you recently returned from living abroad but have been unable to sell your property there, you must show it was not reasonable for you to continue living in that property or country.

Reasons can include needing medical treatment that was not available

3 - *priority need*

You are in priority need if you:

have dependent children in your household

are homeless as a result of being a victim of domestic abuse

are pregnant or a member of your household is

are vulnerable or a member of your household is.

The Act states you may be vulnerable as a result of age, a physical or mental health condition, or another *special reason*. S

The guidance gives examples of acts or omissions that could be regarded as deliberate:

you chose to sell your home when you were not at risk of losing it

-wilful and persistent.

your rent or mortgage

you disregarded sound advice from qualified persons and *-significantly neglected.* your affairs

you voluntarily gave up a suitable property in the UK or abroad when it would have been reasonable to continue living there

you were evicted due to anti-social behaviour, violence, or threats of violence

you left a job with tied accommodation when it would have been reasonable to continue in that role and property, unless you left the armed forces in which case different rules apply.

However, an act or omission is generally not considered deliberate if:

it was the result of limited mental capacity or a temporary lapse in capacity caused by mental illness, frailty, or an assessed substance abuse problem

you were under duress

you failed to pay rent as a result of Housing Benefit or Universal Credit delays, or financial difficulties beyond your control

you have been unable to pay your mortgage due to financial difficulties beyond your control (e.g. the mortgage has become unaffordable)

the local authority has reason to believe you are incapable of managing your affairs, for example because of your age

you acted with imprudence or lack of foresight, but in good faith.

Investigations into intentional homelessness must be carried out on a case-by-case basis. The local authority cannot adopt general policies, such as declaring all applicants who are homeless after leaving prison *-intentionally homeless..*

Local authorities can, however, look beyond the immediate cause of homelessness to determine whether a deliberate act or omission in the *-chain of causation.* *ied accommodation*
-settled. for example you have been sofa surfing or staying in a series of hostels, the authority can trace your movements back to your last settled property and consider the reasons why you lost that accommodation.

The chain of causation can only be broken if there is a material change in your circumstances, or you start to occupy settled accommodation. There is no legal definition of what constitutes settled accommodation, but a private rented tenancy is generally settled.

A temporary arrangement with family or friends can become settled if it persists for

5.1 What information you need

When you first contact the local authority, explain why you are homeless or threatened with homelessness. If you need a place to stay while the authority looks into your case, you should also explain how you satisfy the tests of being eligible for assistance and in priority need. That way, *-reason to believe*.

Your application is likely to be dealt with faster and have a greater chance of success if you take the following to the initial interview:

proof of identity and immigration status for all household members, e.g. birth certificates, passports, or residence permits

evidence of where you live or were living, e.g. your tenancy or licence agreement, utility or Council Tax bills in your name, a letter from an official source addressed to you or saying where you have been living

evidence of why you are homeless or threatened with homelessness, e.g. correspondence from your landlord, mortgage lender, or the court, or a letter from friends or family saying they want you to leave

proof of income, e.g. benefit letters and wage slips

proof of pregnancy, if relevant

letters from professionals involved in your care, e.g. doctor, social worker, or domestic abuse professional

crime reference numbers and copies of police reports.

This list is not exhaustive, so bring any information or documents you think may help your case. Try to ensure these are relevant and tailored to the requirements of the tests.

Do not worry if you cannot provide all supporting evidence immediately. The obligation to make inquiries rests with the authority - you do not have to prove your case. However, you must be given an opportunity to explain your circumstances fully, particularly on matters that could lead to a negative decision.

5.2 Additional support

You may need additional support to make a homelessness application or during the application process. The application can be made by a person acting on your behalf, such as a social worker, solicitor, friend or relative.

If you have a disability under the *Equality Act 2010*, make the local authority aware of this. Here, disability means a physical or mental

In addition, *-Public Sector Equality Duty*. applies to all decisions made on your case. This is a duty to consider the need to eliminate discrimination, harassment, or victimisation,

Assessment and personalised plan

If you are homeless or threatened with homelessness and eligible, the local authority must assess and give you a written notification of:

the circumstances that caused you to be homeless or threatened,

your housing needs, in particular what housing would be suitable for you and your household, and

what support you and your household need to find and keep suitable housing.

The authority should also arrange a review if it believes you are not cooperating with your personalised plan for whatever reason. See section 6.3.1 for more on non-cooperation.

Note

If your case is urgent, the need to carry out an assessment and issue written notifications should not prevent your local authority from intervening at an early stage. They can take steps to help you while assessing your case and drawing up a plan, for example making urgent contact

The guidance states the authority should start by exploring ways to help you remain in your current home, where this is suitable. If this is not possible, it

6.3.1 ***Deliberate and unreasonable***

The local authority can bring the relief or prevention duty to an end if it
-deliberately and unreasonably.

with a mandatory step. This is the case even if you did not agree to take the step. It cannot do this if you fail to take a recommended step.

Longer period

In most cases, the authority can choose to end its duty after 56 days, even if you are still homeless or threatened with homelessness. However, it is not obliged to do so. If efforts to help you relieve or prevent homelessness have been unsuccessful, it may continue helping you until you manage to find or keep a property.

It should not have a blanket policy of ending relief or prevention work after 56 days and should take your circumstances into account when deciding whether to extend. You have a right to a review if it decides not to extend, see section 11.

I *-no fault.*
authority cannot end the prevention duty just because 56 days have
passed *-tests.*
section 4.1, the duty ends automatically after 56 days, but the authority is
then under a duty to rehouse you, see section 9.

Shorter period

You may get le

If you refuse an offer that is not a final offer, the authority has discretion over whether it ends the relief duty. If it does, you only get further help if you are in priority need. If you are intentionally homeless, you get an extension of your interim placement and some advice and assistance. If you are unintentionally homeless, the authority has a duty to rehouse you (see section 9).

If you are threatened with homelessness (and therefore owed the prevention duty), the information on final offers does no

Family associations normally arise if you or a member of your household have parents, adult children, brothers or sisters who have been resident in the area for at least five years at the date of the decision. A referral can only be made on the basis of family associations if you indicate a wish to be near those family members.

For a referral to be made, your household must have a connection to the second authority area and no connection whatsoever to the first. This

-normally resident.

it should accept responsibility for your case, even if your connection to the second authority area is stronger.

Your case cannot be referred if you or a member of your household would be at risk of domestic abuse in the second authority area, or have experienced another type of violence in that area and would likely experience further violence if forced to return. Violence includes threats of violence likely to be carried out.

If you do not have a local connection anywhere, for example if you have spent many years in prison, you can get help from any local authority. If you are street homeless or sofa surfing, the guidance states a different type of inquiry is necessary to establish where you are normally resident. If an authority is satisfied you do reside in the area and have no settled accommodation elsewhere, you should be treated as normally resident.

If you have a local connection to a number of other authorities, the first authority should take your wishes into account when deciding where to refer your case.

The first authority must tell you it is planning to refer or has referred your case on. You have a right to a review of the final decision, see section 11.

-interim.

section

8), this must continue until you are notified of the final decision. The authority has discretion to extend the placement while a review is carried out - ask an advice agency or law centre for help with this.

When can the local authority do this?

An authority can make a referral at two distinct stages:

-relief. - when satisfied that you are homeless and eligible

-full. - when it has tried to relieve your homelessness

At the relief stage, the rules are different. The second authority can reach a different decision to the first on whether you are homeless, eligible for assistance or intentionally homeless, but only if your circumstances have changed or further significant information has come to light. Seek advice if you are in this position.

At *reasonable steps*, help you, once it tells you it is planning to refer or has referred your case. However, it should take steps to help you before this point, even if it thinks a referral is likely. It should assess your circumstances and needs and try to agree a personalised plan. If the second authority accepts the referral, the first authority must provide a copy of your assessment and should provide a copy of your plan, if made, as quickly as possible.

A referral cannot be made at the prevention stage - if the first authority is satisfied that you are threatened with homelessness and eligible, it must help you regardless of local connection.

Note

Different rules may apply if you have been homeless before and were placed in the first local authority area by another authority. Seek advice if you are in this position.

8 Interim accommodation

If the local authority has *reason to believe*, eligible for assistance, and in priority need, it must offer you *interim* accommodation while it looks into your case. Reason to believe is a very low threshold for taking action.

In areas of high demand, interim accommodation is likely to be a placement in a hostel or Bed and Breakfast with shared facilities (a *shared facilities placement*). The guidance states this should be avoided wherever possible. Authorities should not routinely make shared facilities placements without considering the suitability of the accommodation in each individual case.

If one of the following apply, a shared facilities placement should generally be made only as a last resort and for a period not exceeding six weeks:

you or a member of your household are pregnant

there are dependent children in your household.

If such a placement must be made, the accommodation should be of a good standard. If a lengthy stay is likely, the authority should consider other accommodation more appropriate to your needs.

There are complex rules on the length of time interim accommodation must be provided.

If you have children in your household, the local authority must consider the need to safeguard and promote their welfare when making an offer. It is not enough for them to consider whether a child is approaching a significant school examination; they should make further enquiries to identify their wider needs.

If you are made an offer of accommodation outside your local authority area, seek advice from Shelter or a local advice agency.

Offers of private rented housing

Certain offers of private rented housing must meet additional criteria to be considered suitable. These offers are:

if you are in priority need, any offer made to end the relief or prevention duty

regardless of your priority need status, *-final accommodation offer.*
made to end the relief duty

-full. *-private rented*
sector offer. (see section 9).

The additional criteria include the following:

the property must be in a reasonable physical condition

any electrical equipment provided must be safe

it must have a valid gas safety record and energy performance certificate

it must be licensed if a *-house in multiple occupation.*

the *-fit and proper person.* who has not committed
certain offences or housing law breaches or behaved discriminatorily.

Challenging suitability

You have the right to an internal 'review' of the suitability of most offers made under homelessness law, including offers of temporary accommodation. If the authority agrees an offer was unsuitable, it must make a new one. If it does not agree, it may not give you any more help.

You have the right to an internal review of accommodation originally provided as an interim measure if the relief duty has ended and either of the following apply:

the authority has accepted a duty to rehouse you as you meet all the four
-full.) see section 9)

you are in priority need, but intentionally homeless and they have agreed
-reasonable period. section 8).

You can request an internal review whether or not you accept the offer.

In most cases, it is advisable to accept and the relief duty has ended and

You have 21 days from the date you receive an offer letter to submit a review request. The date of receipt is included in the calculation. It is only the review request that must be made within the time limit. You can submit full representations and evidence at a later stage, so long as this

If you wish to request a review, seek advice as soon as possible from Shelter or a local advice agency or Law Centre. You may be able to get free legal advice and representation through legal aid if you have a low income and your case is strong enough.

Local authorities have discretion to extend the time limit for requesting reviews. If you miss the time limit, submit a request as soon as possible and give reasons for the delay. If unhappy with the outcome of a review, you may be able to appeal to the county court. Seek advice and check if you qualify for legal aid.

The exception is an offer of interim accommodation. Although interim accommodation must be suitable, in most cases you do not have the right to an internal suitability review. Suitability can be challenged via

Other options

Decisions that do not carry a right of internal review by the local authority include refusals to:

accept your homelessness application

provide interim accommodation

provide interim accommodation while a review is carried out, where the authority has discretion to do this

review a decision that has already been reviewed

extend the time limit within which a review should have been requested.

In addition, there is no right to an internal review of the findings of the

under ~~personalised plan.~~ steps you do not agree to take if you think ~~are not suitable~~ in your plan and you cannot be penalised for failing to take a step unless your failure is considered ~~deliberate and unreasonable.~~

It may be possible to have a decision that does not carry a right of internal review ~~judicial review.~~, but the cost is likely to be prohibitive unless you qualify for legal aid. There are strict time limits for applying. Seek advice if you want to know more. provide interim accommodation review is

You can complain to the Local Government and Social Care Ombudsman (LGO) if you think the local authority has not followed the correct procedures or treated you fairly.

The facts of the case may be different in each complaint, so if they find

National Debtline

www.nationaldebtline.org/
Telephone 0808 808 4000

A charity providing free, impartial and confidential debt advice.

National Domestic Abuse Helpline

www.nationaldahelpline.org.uk/

Telephone 0808 2000 2474 (Free on 03 264 0 5000) 0800 437 1065 (841 32) *4111 02/11/16

24-hour natiG0DC q0.000008871 0 595.32 841.92 reW*nBT/F1 12 Tf1 0 0 1 74.064 653.38 Tm0 g0 G

Age UK

Age UK provides advice and information for people in later life through our Age UK Advice line, publications and online. Call Age UK Advice or Age Cymru Advice to find out whether there is a local Age UK near you, and to order free copies of our information guides and factsheets.

