

Factsheet

Applying for assistance with housing when you are homeless or threatened with homelessness

HOMES FIRST

Lewes and Eastbourne
Councils
working together for you

This leaflet explains what you can expect from Lewes District and Eastbourne Borough Councils if you are at risk of losing your accommodation, or have nowhere to live.

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Our responsibilities

Our responsibilities are set out in Part 7 of the Housing Act 1996, and the Homelessness code of guidance for local authorities. This leaflet summarises the main points.

In order to assess what duties we owe you, the law states we must consider the following:

- Whether you are eligible for assistance;
- Whether you are homeless or threatened with homelessness;
- Whether you are in a priority need group;
- Whether you are intentionally homeless, that is, homeless or threatened with homelessness because of something you did or failed to do;
- We will also assess whether you have a local connection with the Council you have applied to.

These are all explained in more detail below.

Free advice

The law says we must give free information and advice concerning:

- Preventing homelessness;
- Securing accommodation for homeless people;
- The rights of people who are homeless or threatened with homelessness;
- What help is available from us.

Please see the leaflet *Looking for somewhere to live: Finding rented accommodation* for more information.

Eligibility for housing assistance

Eligibility for assistance is dependent upon a person's nationality and immigration status. The rules for eligibility are complicated. For example:

- Most British citizens are eligible for assistance. The exception is British citizens who have recently returned after living abroad and are not 'habitually resident'.
- Foreign citizens on a tourist visa are not eligible for housing assistance.
- Asylum seekers are not eligible.
- Refugees with indefinite leave to remain are eligible.

If you are not eligible, we can only give you advice on housing and may refer you to Social Services for assistance.

Homeless or threatened with homelessness

Legally, you are homeless if you have nowhere to stay. You are also homeless if you are unable to access your accommodation. You may also be homeless if the Council

is satisfied that your property is unreasonable to continue to occupy. An example would be someone living in a flat on the second floor, with no lift, and who now had mobility problems following an accident.

If you are eligible for assistance and you are an assured shorthold tenant, and have been given a valid notice seeking possession, then you are threatened with homelessness and owed a 'prevention duty'.

If you are not an assured shorthold tenant but are going to be homeless within 56 days, you are also owed a prevention duty. See below for more information.

If you are eligible for assistance and are homeless, you are owed a 'relief duty'. See below for more information.

In certain situations, even though you can remain in accommodation for a limited period, we may owe you a relief duty rather than a prevention duty.

Prevention duty

If you are owed a prevention duty, we have a legal duty to help you to remain in your current accommodation, or if you cannot remain there, to assist you to find alternative accommodation so that you do not become homeless.

We will make an assessment of your housing need, including size of property, whether there are particular requirements due to a disability or medical needs, and the location of accommodation. We will also assess whether you require any support to maintain accommodation.

We will draw up an action plan, detailing the steps we will take, and the steps you need to take to remain in your home, or to secure alternative accommodation. This plan is known as a Personalised Housing Plan (PHP).

The prevention duty will continue until one of the following events:

- 56 days have passed. At this point we can end the prevention duty;
- You are made an offer of accommodation which you refuse;
- You have accommodation that is available for at least six months;
- You become homeless (in which case we will owe you a relief duty);
- You are no longer eligible for assistance;
- You become intentionally homeless from your accommodation (we will then owe you a relief duty);
- You withdraw your application;
- You deliberately and unreasonably refuse to cooperate with a step in the Personalised Housing Plan.

When the prevention duty ends we will write to tell you why it has ended. The letter will advise you of your right to request a review. If you disagree that the duty has ended, you will have 21 days to request a review of our decision to end the duty.

Relief duty

If you are homeless, or the accommodation you are living in is unlikely to last, then we will owe you a relief duty. Whilst we owe you a relief duty we will work with you to help you to secure accommodation. However, it will be up to you to find accommodation.

As with the prevention duty, we will make an assessment of your housing need, including size of property, whether there are particular requirements due to a disability or medical needs, and the location of accommodation. We will also assess whether you require any support to maintain your accommodation.

We will draw up a Personalised Housing Plan, detailing the steps we will take, and the steps you need to take to remain in your home, or to secure alternative accommodation.

The relief duty will continue until one of the following events:

- 56 days have passed. At this point we can end the duty;
- You are made an offer of accommodation which you refuse;
- You have accommodation that is available for at least six months;
- You are no longer eligible for assistance;
- You become intentionally homeless from accommodation we have assisted you to secure;
- You withdraw your application;
- You deliberately and unreasonably refuse to cooperate with a step in the Personalised Housing Plan;
- You do not have a local connection within the council area, but do have a connection within another council area, and we refer you to that council to assist you with housing.

When the relief duty ends we will write to tell you why it has ended. The letter will advise you of your right to request a review. If you disagree that the duty has ended, you will have 21 days to request a review of our decision to end the duty.

If you are eligible and homeless, we will only provide emergency accommodation if you are included in one of the priority need groups set out below.

Priority need

Legally, households that include a person in certain categories have a priority need for housing.

Certain categories are automatically deemed in priority need. These are households with:

- A pregnant woman;
- Dependent child(ren) living with them;
- 16 & 17 year olds applying in their own right, if Social Services do not have a duty to provide accommodation;
- Care leavers aged 18 to 20;

- People made homeless because of a fire or flood, or other similar disaster.

Other people are in priority need if the Council is satisfied that person is vulnerable. A person may be vulnerable as a result of:

- Old age, mental illness or disability, physical disability or other special reason;
- Having been in care and is aged 21 or over;
- Having been in the regular armed forces;
- Having been in prison, been committed for contempt of court or similar offence, or been remanded in custody;
- Having had to leave accommodation because of violence or threats of violence that are likely to be carried out.

Not everyone who has a mental illness or who has served in the armed forces for example, is in priority need. The person needs to be vulnerable as a result of the mental illness, or service in the armed forces.

A person with common mental health problems, such as anxiety or depression, will rarely be considered as in priority need.

If we believe a person is eligible, homeless and in priority need we will provide 'interim' accommodation for the household.

If we are satisfied there is no priority need, we do not provide interim/emergency accommodation, but will help you find accommodation until the relief duty is ended.

Interim/Emergency accommodation

If we provide interim or emergency accommodation for you, we cannot guarantee where this will be. We have a limited number of accommodation providers that we use and will place you where there is a vacancy.

If you do not accept an offer of accommodation and we are satisfied the accommodation is suitable, this will end our duty to secure interim accommodation for you.

In interim accommodation you must keep to the rules and pay the fees you have been notified that you must pay. If you break the rules or fall into arrears without good reason, we may evict you from the accommodation and this will end our duty to secure interim accommodation.

You can only take a small amount of property into emergency accommodation. You will need to find alternative storage for the rest of your property. If you are unable to store your property, we will arrange for storage but you will be charged for this service.

Pets are not allowed in interim accommodation. If you have pets you will need to rehome them, either temporarily or permanently. There are organisations that can help you find a temporary foster home for pets. Organisations that may be able to assist include Cats Protection, Dogs Trust, Raystede, and the RSPCA.

If you are staying in interim accommodation and are found either not to be eligible, homeless or in priority need, we will have no further duty to provide accommodation.

If you are deemed to be intentionally homeless, we will continue to provide accommodation for a short time to allow you to find somewhere else to stay.

If we accept the main housing duty (see below), how long you spend in interim accommodation depends on how quickly you can find alternative accommodation. We will help you find alternative accommodation and may offer you a loan to pay for rent in advance and a deposit on a property. You must bid for social housing through the Homes First Lettings website. If you do not bid we will automatically bid for properties on your behalf.

Adding people to your household

If you are staying in interim accommodation and want to add someone to your household, such as a new partner, you will need to discuss this with your caseworker.

Homeless at home

If we are satisfied that you are threatened with homelessness, and we are able to persuade your current accommodation provider (for example parents or friends) to let you stay longer, we can include you as 'homeless at home' to avoid you moving into emergency accommodation.

Intentional homelessness

If you are homeless as a result of something that you have done or failed to do, you may be considered to be intentionally homeless.

Examples of someone being found to be intentionally homeless include:

- Eviction for rent arrears, when the rent was affordable;
- Eviction for damage to the property;
- Eviction for being a nuisance to neighbours;
- Losing accommodation as a result of being imprisoned for a criminal offence;
- Leaving accommodation voluntarily.

If you are eligible, homeless and in priority need and are deemed to be intentionally homeless, we have a duty to provide you with accommodation for a short period whilst you look for alternative accommodation.

We will write to let you know that you have been found intentionally homeless. You have a right to request a review of the decision.

If you have children, we will notify Social Services that you have been found intentionally homeless.

Local connection

Whilst you are homeless, if you have no local connection to the council area you have applied to, we can refer you to another council where you do have a connection, so long as you are not at risk of violence there.

A local connection with a council area arises from:

- Living in the area for six out of the last 12 months, or three out of the last five years;
- Current employment in the area for a sufficient period to establish a connection – employment of a casual nature does not count;
- Close family living in the area for at least five years. Close family usually means parents, adult children, brothers and sisters.

Care leavers

Care leavers aged from 18 to 21 years old have a local connection to an area where they were placed in care for at least two years.

Care leavers aged 18 to 25 years old will have a local connection to an area if they are getting advice and support from Social Services under a pathway plan. Care leavers whose pathway plan is provided by a county council will have a local connection with all the housing departments within that county council area.

Refugees

Refugees have a local connection with the area where they were provided with accommodation as an asylum seeker, unless that accommodation was an accommodation centre.

Decision letters

For most of the decisions we make concerning your applications for housing assistance, we must give you written notification of the decision, and the reasons for making that decision.

In many cases you will have the right to request a review of a decision that you think is wrong. The letter we send will inform you of this right and will give you the time limit for making the request.

If you have been in emergency accommodation, requesting a review does not give you the right to be accommodated whilst the review is being carried out.

Main housing duty

If we are satisfied that you are eligible, homeless, in priority need and not intentionally homeless, and we are not referring you to another council, we will notify you that we are accepting a main housing duty.

If we accept a main housing duty, we will provide temporary accommodation for you until the duty is ended. This may include different types of accommodation.

You will not be owed a main duty if, during the period of relief duty, you turned down an offer of accommodation or an offer of social housing from the housing register.

The main housing duty is ended if you:

- Cease to be eligible for assistance;
- Become intentionally homeless from temporary accommodation;
- Voluntarily vacate temporary accommodation;
- Accept an offer of an assured tenancy from a private landlord;
- Accept a private rented offer, or an offer of social housing;
- Refuse an offer of accommodation.

If you are made an offer of accommodation and do not consider it suitable, you have a right to request a review. If on review the offer is considered to be suitable, you will lose the accommodation and the Council will have no further duty to assist you.

You can move into accommodation and still request a review. If the review considers the accommodation suitable you can remain there. If the review considers the accommodation unsuitable, you will be moved to other accommodation.

Council/Social housing

The only way to get council or housing association accommodation is to apply to be placed on the Councils' housing register.

For more information about who can apply to be added to the register and for an application form, go to:

<https://www.lewes-eastbourne.gov.uk/housing/apply-for-housing/>

For housing register applicants in Band B, it can take two years to be rehoused. There are approximately 1,000 households on the register for Eastbourne and approximately 1,000 households on the register for Lewes. The housing register is not a quick solution to an immediate housing problem.

Criminal offences

If you are homeless or threatened with homelessness and apply to us for help, it is a criminal offence to give us incorrect information, or to withhold information which is needed to process your application.

If you deliberately give us false information, or withhold information, you could be fined up to £5,000.

You must also inform us of any relevant changes of circumstances that might affect your application. Relevant changes of circumstances include changes to your

household, changes in your health circumstances including pregnancy, changes in employment, finding accommodation, and any other similar changes.

If you do not tell us of a change in circumstances, you could be fined up to £5,000.