

The rights of homeless people or those threatened with homelessness



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TestValleyBC



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Key Advice;

- If you are threatened with homelessness or homeless you should contact the housing options team as a matter of urgency.
- If you are facing homelessness the Council will have a duty to work with you to take reasonable steps to prevent your homelessness or help secure accommodation for you regardless of priority need, intentionality or local connection.
- You will be required to bring important papers to your interview, such as birth certificate, passport, income and expenditure, utility bill, paperwork from your housing provider.
- Applying as homeless to the borough council is not the same as applying to join the housing register.
- It is not the Council's sole duty to offer you a home. You will need to work with us following steps set out in a personalised housing plan.

1. What are my rights if I am threatened with homelessness?

If you are eligible and in danger of losing your home the Council must try and help you to keep your current home and take reasonable steps to stop you from becoming homeless. This is known as the 'prevention duty'.

The prevention duty is owed to all eligible applicants who are threatened with homelessness regardless of priority need, intentionality or local connection.

You will be deemed to be threatened with homelessness if you are likely to become homeless within 56 days. An example of this would be if you are a tenant who has received a valid notice from your landlord.

2. What can I expect to happen during the Prevention Duty?

- a) The Council will determine if you are threatened with homelessness
- b) If you are threatened with homelessness the Council will accept a homeless application from you
- c) You will have a housing needs assessment which will include the needs of all the members of your household
- d) You will agree a plan, known as a personalised housing plan with your case

officer where reasonable steps will be agreed for both parties to take to try and prevent your homelessness. These reasonable steps should try and keep you in your current home, delay a move from your current home until any new home is ready or find somewhere else for you to live so you do not become homeless. Please see the leaflet 'preventing homelessness' that outlines the reasonable steps that can be taken.

e) The Council will confirm in writing, that you are eligible and threatened with homelessness, that the prevention duty is owed and you have been given a copy of your personalised housing plan.

f) This does not mean that the Council has to provide you with a new home, but that it must help you by taking reasonable steps to prevent you from becoming homeless. The Council can provide help themselves or it can arrange for someone else to help you, such as a specialist debt adviser.

3. How long can the prevention duty last?

Once the Council has accepted they owe you the prevention duty it must help you for at least 56 days unless the following happens within the 56 days;

- You become homeless
- You find suitable accommodation which is likely to be available for you for the next 6 months
- You refuse an offer of suitable accommodation
- You are no longer eligible
- There has been a mistake of fact
- You withdraw your application
- You unreasonably fail to co-operate with the council

The prevention duty can be extended if you agree and the Council is working with you to find accommodation that has the reasonable prospect of being available for the next six months.

4. What is your role during the prevention duty?

- To notify the housing options team at Test Valley Borough Council as soon as you are threatened with homelessness
- Provide all the documents requested in a timely manner
- To work with us by following and completing all the steps set out in your personalised housing plan that will enable you to remain in your current home or secure alternative accommodation
- You are expected to contact your case worker and provide updates on the actions taken with reference to your reasonable steps. You have to co-operate at all times
- You need to continue to seek your own accommodation

5. What are my rights as a homeless person?

If you are not already homeless it is really important;

1. To check whether you have the right to remain in your own home
2. If you have already left, check to see if you can return
3. Not to leave your accommodation when you don't have to before getting housing advice as it could affect any future help that is available to you from the Council

Local authorities have very clear and specific duties towards homeless people/households.

If the Council has reason to believe you are eligible for help, homeless and in priority need then it has a duty to provide you and your household with emergency interim accommodation whilst it tries to relieve your long term homelessness.

Please note if you lose your interim accommodation through your own fault the Council will have no further duty to secure you emergency accommodation but you will still have the relief duty owed.

6. Can I get help under the relief duty if I am homeless?

If you are homeless the Council must help to secure suitable accommodation for you and your household. This is known as the relief duty.

You do not have to be in priority need to receive the relief duty

If the Council decides that you are entitled to this help (the relief duty) but you do not have a local connection with the area, the Council may decide to refer you to another council to receive this help. Test Valley Borough Council would conduct the housing needs assessment and send that with the referral. As the applicant you will be notified in writing of this.

The Council will write to you if you are owed the relief duty

7. How do I get help under the relief duty?

Test Valley Borough Council will take a homeless application from you if you meet the relief criteria outlined above. Your case officer will carry out a full housing needs assessment for you and your household.

The Council can help you to secure suitable accommodation

You and the Council will work together to take reasonable steps to help you secure suitable accommodation. **This does not mean the council has to house you. Only that it must take reasonable steps to help you find somewhere suitable to live.**

8. How long does the council have to help me under the relief duty?

This help is time limited; the Council has 56 days from the date they owe you the relief duty to help secure accommodation.

The relief duty can only be ended;

- If you are non-priority. This decision can be made before the 56 days has ended. Through out the 56 days, the Council has a duty to work with you to take reasonable steps to secure accommodation. After the 56 days the Council may be satisfied that they have done everything it can to help you find accommodation.
- You find suitable accommodation which is likely to be available for six months
- You refuse an offer of suitable accommodation
- You are no longer eligible

- There has been a mistake of fact
- You withdraw your application
- You unreasonably fail to co-operate with the Council

9. What are my rights at the end of the 56 days if none of the 7 reasons above apply to me?

You will be either owed the full housing duty or be found intentionally homeless.

The Full Duty- The Council has a duty to provide you and your family into accommodation in the form of temporary accommodation. The duty can only be ended by an offer of social housing in accordance with Part 7 of the 1996 Housing Act or an offer of a 12 month tenancy in the private rented sector.

Intentionally homeless-if you have deliberately caused your homelessness and the accommodation would have otherwise been available for you to occupy then you could be found intentionally homeless. The duty would be to provide accommodation for a period of no more than 28 days from the end of the 56 days. After that date you would be responsible for securing your own accommodation. The Rent Deposit scheme would still be available to you if you have a local connection to Test Valley Borough Council.

10. What is my role during the relief duty?

- To notify us as soon as possible when you are going to be homeless
- Provide all documents requested in a timely manner
- To work together with us to complete the reasonable steps set out in your personalised housing plan
- To keep in contact with your case worker, attend all appointments and keep us informed of all steps taken
- You need to continue to seek your own accommodation-it is not the Council's sole duty to offer you a home.

11.Right to help from Social Services

Social Services sometimes have duties to help certain groups of people who become homeless. These groups include;

- Some people aged under 18
- People who have been in care (up to the age 21, or up to your 24th birthday 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 dependant children and the housing options team have decided that you are not eligible for assistance or intentionally homeless.

12. Rights to claim benefits if I am homeless

If you are homeless you are still entitled to claim benefits.

Contact the DWP at www.dwp.gov.uk if you require further information

13. Rights to register with a GP if I am homeless

You are entitled to register with a doctor when you are homeless

You can do this using a temporary address, such as a friend or family's address or the night shelter. Two Saints might allow you to use their night shelter, Dene Court as an address. They can be contacted on 01264 359959 .

You can find a doctor in Test Valley through NHS Direct England

14. Do I still have the right to vote?

To vote in a general election, you have to;

- Be 18 or over
- Be a British citizen, a qualifying Commonwealth citizen or a citizen of the Republic or Ireland
- Not be subject to any legal incapacity to vote

If you are homeless you can still vote. You will need to make a declaration giving an address where you spend a substantial part of your time or have some connection. This could be a previous address, shelter, friends or anywhere you spend most of the day or night.

To find out more about registering to vote without an address please click here www.yourvotematters.co.uk/can-i-vote/with-no-fixed-address

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