

# factsheet

## HOMELESS APPLICATION

### WHO QUALIFIES AND HOW TO APPLY

The law\* sets out the services and assistance that councils have to provide for homeless people. The council must provide advice for everyone who is homeless or threatened with homelessness. Unfortunately, the council can only provide accommodation for some homeless people.

This leaflet explains briefly how the law works and what help you are entitled to if you become homeless.

If you need advice about your individual circumstances, you should contact Housing Needs on 01509 63 4567 or enquire at the council offices at Southfield Road, Loughborough.

### HOW TO MAKE AN APPLICATION

If you are homeless or threatened with homelessness, you should contact Housing Needs on 01509 63 4567 or visit the council offices at Southfield Road, Loughborough.

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\* *Housing Act 1996 Part VII (as amended by the Homeless Act 2002)*



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If you are 16 or 17 years old and think you may become homeless, contact the Single Access Point (SAP) at The Bridge housing advice centre on 01509 220 560 for advice and an initial assessment (See Useful Addresses at the back of this factsheet).

### WHAT WILL HAPPEN NEXT?

Sometimes housing officers will be able to tell you immediately whether or not the council will be able to provide you with accommodation. You will be either:

- Offered an appointment with a housing officer, **OR**
- Referred to The Bridge housing advice service for housing advice

If you are actually homeless and the housing officer believes you are eligible and might be in priority need, you will be provided with temporary accommodation until the council is able to provide you with a final decision on your application.

*If the council does not have a duty to provide accommodation, you will receive a letter from the council confirming the reason for the decision. If you are unhappy with the decision, you may request a formal review of this decision (see the Appeals section below at page 11 for more information).*

### WHO DOES THE COUNCIL ASSIST?

The council must assist all homeless people who are eligible for assistance. The level of assistance provided will depend on people's circumstances.

The council will base its decision on the answers to questions 1-5 below:

## I. Are you ‘Eligible for assistance’?

The ‘eligibility’ legislation is complex and the council has to assess whether or not you are eligible for assistance.

People who may not be eligible include:

- People who are subject to immigration control
- Asylum seekers
- People who have not been ‘habitually resident’ in the UK

If you think this may apply to you, you should seek advice from the Housing Needs Section or an independent advice agency such as The Bridge, Shelter, Human Rights and Equalities Charnwood (HREC) or solicitor (see Useful Addresses at the back of this factsheet).

In order to determine whether you are eligible for assistance, you may need to provide housing officers with relevant documents, for example, passports and correspondence from the Home Office or Immigration Service.

*If the council decides that you are not eligible for assistance, you will receive a letter confirming the decision. You may then request a formal review of the decision (see the Appeals section below at page 11 for more information).*

If you are eligible for assistance, the council will then decide whether or not you are ‘homeless’ as defined by the law.

## 2. Are you homeless?

The law states that you are homeless if you have no accommodation in the UK or elsewhere which is available for you to live in and which you have the legal right to occupy. You may also be homeless if you have a caravan or a houseboat but nowhere to place it.

### **What if I am threatened with homelessness?**

The law states that you are 'threatened with homelessness' if you are likely to become homeless within 28 days.

### **What if it is difficult for me to continue living in my accommodation?**

If you have accommodation that is available for you, you may still be homeless if it is unreasonable for you to continue to occupy it. Examples are listed below:

- There is a risk of violence to you
- The accommodation is severely overcrowded
- The accommodation is in exceptionally poor condition

*If the council believes that you are not homeless or threatened with homelessness, you will receive a letter confirming the decision. You may request a review of the decision (see the Appeals section below at page 11 for more information).*

If you are homeless or threatened with homelessness, the council must then decide whether you are in priority need.

### 3. Are you in 'Priority Need'?

The council does not have a duty to provide everyone who is homeless with accommodation. Only applicants in 'priority need' as defined by law are owed a duty.

Priority Need groups are:

- A pregnant woman and members of her household
- A person who has dependent children who live with them or might reasonably be expected to live with them
- A person who has become homeless because of an emergency such as flood, fire or other disaster
- A person who is vulnerable and members of their household. People **may** be vulnerable as a result of:

- Old age
- Mental illness
- Physical disability
- Having been in the care of Social Services
- Having been a member of HM Forces
- Having served a custodial sentence
- Violence or threat of violence
- Other special reason

All homeless 16 and 17 year olds are vulnerable although the council may not have a duty towards them if Social Services already owe them a duty.

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If the council thinks that you may be in priority need, the council will provide you with temporary accommodation until it has reached a decision on your homeless application.

*If the council believes that you are not in priority need, you will receive a letter confirming the decision and the reasons for the decision. You may request a formal review of the decision (see the Appeals section below at page 11 for more information).*

If the council decides that you are not in priority need you are still entitled to advice and assistance – this will normally be provided by The Bridge housing advice service who provide independent housing advice on behalf of the council.

If the council decides that you are in priority need, a decision will be made whether or not you are intentionally homeless.

### **4. Are you ‘Intentionally Homeless’?**

The council has to decide whether you have become homeless because of your own deliberate actions or failures, for example, you might have deliberately failed to pay your rent or mortgage when you could have done so.

The council would not be able to find you intentionally homeless if:

- Your accommodation was unreasonable for you to occupy, for example, if you failed to pay your rent or mortgage because you could not afford to do so, and/or
- Your actions or failure were a result of genuine errors or because you were unaware of a relevant fact.

*If the council believes that you are intentionally homeless, you will receive a letter confirming the decision and the reasons for the decision. You may request a formal review of the decision (see the Appeals section below at page 11 for more information).*

If the council has provided you with temporary accommodation, it must continue to provide this for a reasonable length of time to enable you to secure alternative accommodation and provide you with advice and assistance to do so.

If you are not intentionally homeless, the council must decide whether you have a local connection with Charnwood.

## **5. Do you have a ‘Local Connection’?**

The council has to decide whether you have a local connection with Charnwood as defined by law.

You may have a local connection if:

- You have current or previous residence in Charnwood – normally 6 months out of the last 12 months or 3 years out of the last 5 years
- You have family associations in Charnwood – normally mother, father, brother or sister or adult child who has been resident for the last 5 years
- You have employment in Charnwood
- There are other special reasons. If you have any other connection with Charnwood or need to live in Charnwood for another reason, these reasons will be assessed on their individual merits

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If you have no local connection with Charnwood but have a connection with another council, we may refer your case to that council. You would not be referred to another council if you would be in fear of violence in that area. Your case would not be referred to another council on the grounds of family associations in that area if you objected.

*If your case is referred to another council, you will receive a letter confirming this decision. You may request a formal review of this decision (see the Appeals section below at page 11 for more information).*

If you do have a local connection, your homelessness application will be accepted.

## WHAT HAPPENS IF MY APPLICATION IS ACCEPTED?

Your homeless application will be accepted if the council decides:

- You are eligible for assistance
- You are homeless
- You are not homeless intentionally
- You are in priority need
- You have a local connection

You will be notified of this decision in writing. The council aims to reach a decision within 33 working days of your application.

If your homeless application is accepted, you will be offered suitable accommodation.

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If you have been placed in a council property on a temporary tenancy, this property may be offered to you as permanent accommodation if it meets your needs.

### **HOW MUCH CHOICE DO I HAVE ABOUT MY RE-HOUSING?**

If your homeless application has been accepted, you will be placed in the Priority Band for an initial period of 12 weeks.

During this period you will be expected to bid on any suitable properties which are advertised under the Choice Based Lettings scheme. If you require assistance with bidding for properties you should inform the housing officer who is dealing with your homeless application as soon as possible.

At the end of the 12 week period if no suitable properties have become available, or if you have been unsuccessful when making a bid, your time in the Priority Band will be extended.

However, if suitable properties have been advertised but you have failed to bid for them you will be offered the next suitable property which becomes available.

The council will not regard an offer of accommodation as suitable if you could be at risk of violence if you accepted it.

Unfortunately, it may not be possible to make you an offer of accommodation that meets your preferences. This is because of the lack of properties becoming available in many areas of the borough.

If you refuse an offer of suitable accommodation, the council will have no further duty to you and your temporary accommodation

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would be cancelled. You may be entitled to remain on the Housing Register and your application will be banded according to your circumstances at that time.

You would be able to request a review of a decision that an offer of accommodation was suitable for you (see the Appeals section below for more information).

### **WHAT HAPPENS IF THE COUNCIL CANNOT ASSIST ME?**

*If the council decides it has no duty to assist you, you will be able to request a review of that decision if you wish (see the Appeals section below for more information).*

You will be entitled to housing advice which will be provided by a housing officer at the council or by staff at The Bridge housing advice service. They will explain what housing options are available to you. You may be referred to The Bridge or you can contact them direct (see Useful Addresses at the back of this factsheet).

## HOW TO APPEAL AGAINST A DECISION ABOUT YOUR HOMELESSNESS APPLICATION

Under the Housing Act 1996 (as amended by the Homelessness Act 2002), you may have the right in certain circumstances to request a review of decisions taken by the council concerning your homelessness application.

### HOW DO I APPEAL?

The council must notify you in writing of any decision it makes on your homeless application. If you would like a review of the decision, put your request for a review in writing within 21 days of the date you receive or are deemed to have received the council's written decision to:

Housing Needs Manager  
Charnwood Borough Council  
Southfield Road, Loughborough LE11 2TT

If you have difficulty putting your request in writing, the council will consider alternative arrangements. Please contact the Senior Housing Options Officer to discuss this. You should forward any documents on which you rely within 14 days of your request for a review.

The council has discretion to extend the 21 day period but will only do so in exceptional circumstances. If you consider your circumstances to be exceptional, you must contact the Senior Housing Options Officer as soon as you receive the letter notifying you of the time limit to request a review.

## **HOW DOES THE APPEAL PROCESS WORK?**

A senior officer will review your request. The senior officer is independent and will have taken no part in the original decision.

## **GETTING HELP AND ADVICE**

If you would like help and advice, you should contact a solicitor, The Bridge housing advice centre, the local Citizens Advice Bureau, or other advice agency (see Useful Addresses at the back of this factsheet). You should provide them with a copy of the council's decision letter and any additional information that may be relevant.

## **PRESENTING YOUR REQUEST FOR A REVIEW IN PERSON**

The council will only consider requests for an oral representation if there is an irregularity in the original decision made or the manner in which it was made. If the reviewing officer is minded to make a decision against your interests on one or more issues, the council will notify you of why the decision has been made and the basis on which both oral (and written) representations can be made by you.

## **CAN I STAY IN TEMPORARY ACCOMMODATION IF I REQUEST A REVIEW OF MY HOMELESS DECISION?**

If the council has notified you that it will not longer provide you with accommodation, you will not automatically be entitled to remain in the accommodation, even if you request a review.

However, requests to stay in temporary accommodation in these circumstances will be considered, and any decision influenced by the individual factors which apply. Each request will be decided on its own merits.



## USEFUL ADDRESSES

If you request a review of a decision, you may be able to get assistance/advice from the following organisations:

**THE BRIDGE** – for housing advice and homelessness

38 Leicester Road, Loughborough, Leicestershire LE11 2AG

Tel: 01509 260500 Fax: 01509 260505

**SHELTER HOUSING AID & RESEARCH PROJECT (SHARP)** – for housing and homelessness advice

13 Welford Road, Leicester LE2 7AD

Tel: 0116 254 6064

**LOUGHBOROUGH WOMEN'S AID** – for advice to women suffering domestic violence

PO Box 16, Loughborough, Leicestershire

Tel: 01509 237206

**HUMAN RIGHTS & EQUALITIES CHARNWOOD** – for advice and assistance with completing any forms for welfare benefits, immigration, nationality and passports

66 Nottingham Road, Loughborough, Leicestershire LE11 1EU

Tel: 01509 261651

### FOR MORE INFORMATION, PLEASE CONTACT:

#### Housing Needs

Charnwood Borough Council, Southfield Road, Loughborough, Leicestershire LE11 2TT

Tel: 01509 63 4567

Email: [housing@charnwood.gov.uk](mailto:housing@charnwood.gov.uk)

This information is available in different formats. To access these please phone (01509) 634560.

এ তথ্যাদি অন্যান্য মাধ্যমে পাওয়া যায়। এসব পেতে হলে দয়াকরে (01509) 634560 এ নাম্বারে টেলিফোন করুন।

這資料具不同的格式，請致電 (01509) 634560 索取。

आ माहिती जुद्धी जुद्धी पद्धतिओमां उपलब्ध छे. ते भेजववा माटे कृपा करी आ नंबर पर झेन करो (01509) 634560.

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