

Homeless? ...or about to be homeless?



Together we can help you



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1) How to ask for help

If you are worried about becoming homeless you should talk to Homelessness staff at Elgar Housing Association, as soon as possible.

Elgar Housing Association investigate all possible cases of homelessness on behalf of Malvern Hills District Council. The information is then passed to Malvern Hills District Council who then make the final decision as to whether you are statutorily homeless.

All references to the 'Association' in this booklet should therefore be read as the 'Elgar Housing Association' on behalf of the Council.

2) Introduction

This booklet explains how the Association may be able to help if you are either homeless or about to become homeless.

The law on homelessness can be complicated and this booklet aims to explain the law as simply as possible.

If you are about to be made homeless, you must try and get advice as soon as you can, before leaving your present home.

3) Your rights

If you can show that you are within the legal definitions of 'homeless' (see section 5) the Association must: -

- Immediately find you somewhere to stay if the association have reason to believe that you are in a priority need category (see section 7) from the time you make your application whilst your situation is investigated if you have nowhere to stay.

And then:

Find somewhere permanent for you to live if the Council decides that you are eligible for assistance, are in priority need, and you have not deliberately made yourself homeless (see section 10).

If you are homeless and eligible for assistance, but not in priority need, the Association must give you advice and assistance in finding you a home (see section 8).

If you are not eligible for assistance (see section 6) the Council has no statutory responsibility to you under homeless legislation other than to provide you with general housing advice and assistance.

4) Applying as homeless

To apply as homeless, contact the Association and request to speak to a Homeless Persons Officer. If an appointment is made with the Homeless Persons Officer, it may help to take a friend or adviser with you for support. Do not forget to take your relevant papers to the appointment such as Court orders, Notice to Quit etc.

If Elgar Housing Association offices are closed, and you feel your case is an emergency, you can contact the emergency number listed on page 13. You will be found somewhere to stay until you can see a Homeless Persons Officer during office hours.

5) Am I legally homeless?

You would be considered homeless if: -

- You have nowhere to live either in the UK, or anywhere else.
- You cannot live at home as a result of any form of violence, or threat of violence that is likely to be carried out.
- You have nowhere you can live together with all your family or anyone else who lives or could reasonably be expected to live with you, e.g. your children, partner, a carer or a housekeeper.
- You do not have the owner or tenant's permission to stay; e.g. you are a squatter.
- You have been locked out of your home and not allowed back.
- Your home is a boat, mobile home or caravan and there is nowhere you are allowed to put it.
- You have somewhere to live but it is unreasonable for you to remain there. This may be because of violence, the threat of violence, abuse or harassment from someone not actually living in your home, e.g. a neighbour, ex-partner or acquaintance; or possibly because of overcrowding or poor housing conditions.

You can also apply as homeless if you are likely to become homeless within 28 days. This includes where:

- Your landlord has taken you to Court and the Court has said you must leave within 28 days.
- You have been living with friends or relatives and they have asked you to leave within 28 days.
- You have been issued with a valid notice to quit by a private landlord.

If you have more than four weeks before you have to leave where you are living you should still contact the Association and get advice. If you are leaving hospital or prison, you can ask the hospital social worker or probation officer to help you apply to the Association.

6) Am I able to get assistance?

Most people are eligible for assistance. It is likely that you are not eligible for assistance if:

- You are an asylum seeker. Some asylum seekers may get temporary housing arranged by the Home Office.
- You are from abroad and have limits to your right to remain in the United Kingdom or you have stayed longer than the time you were allowed.
- You are from abroad and you are not entitled to claim 'public funds' e.g. Income Support.
- You are not normally resident in the UK.

You are in the UK illegally (the Association can investigate your immigration status and inform the immigration authorities if it thinks you came to the UK illegally).

- You are a European national with no right of residence in the UK.

The law in this area is very complicated so get advice, eg from CAB or your own solicitor, if you are in any of the above situations or think you might be.

7) Am I in priority need?

You are in priority need if:

- (a) You are aged 16 or 17.
- (b) You are a person under 21 who was (but is no longer) looked after or accommodated by Social Services or has been in foster care between the ages of 16-18
- (c) You are a person aged 21 or more who is vulnerable as a result of being looked after or, accommodated by Social Services or has been in foster care
- (d) You are responsible for dependent children (usually those under 16, or under 19 if they are in full time education or are unable to support themselves).
- (e) You or someone you live with is pregnant.
- (f) You or someone you live with is vulnerable, i.e. due to physical disability, learning disability, old age or other special reason. (g) You are homeless as a result of flood, fire or other disaster.
- (h) You are vulnerable due to having been a member of Her Majesty's Armed Forces.
- (i) You are vulnerable as a result of leaving custody as a prisoner.
- (j) You are vulnerable because you have had to leave accommodation because of violence from another person or because of threats of violence from another person you are associated with and these threats are likely to be carried out.
- (k) Other special circumstances

8) What happens if I am not in priority need?

If the Council decide you are not in priority need, the Association must still give you advice and assistance to help you find somewhere else to live or to help you keep your home.

Before advice and assistance is provided, an assessment of your needs must also be carried out.

The advice and assistance provided must include information about the availability, location and sources of accommodation appropriate for your needs.

You should be able to put your name on the Council's statutory waiting list. If you are told that you cannot go on the waiting list, ask for the reasons to be put in writing. You may also be given assistance in finding accommodation in the private sector by being given a Rent Deposit Guarantee.

9) What happens next?

If you are homeless, eligible for assistance and in priority need the Association will have to check:

- That you are not intentionally homeless (see section 10) and usually:
- Whether you have a local connection in the area (see section 11)

While the Association makes enquiries it must make sure that you have somewhere to live immediately and in the short term. This may mean accommodation in a bed and breakfast establishment or a hostel. If you think this is unsuitable you should tell the Association why. Do not refuse the offer without getting advice first. Bed and Breakfast accommodation will only be provided if you have no other accommodation available, eg with friends or relatives. The Council has a duty to look after your possessions and may make a reasonable charge for this if they do so. The Association will organise the securing of your possessions.

When the Association finishes its enquiries the Council must inform you in writing of its homeless decision and give you reasons for the decision.

10) What if the Council says I am deliberately homeless?

This means the Council has decided that one of the following applies:-

- You chose to leave a home which you could have stayed in
- It was your fault you lost your home
- You arranged to be made homeless to take advantage of the system
- The Council or the Association helped you get suitable accommodation, which you didn't take up.

If the Council says you are intentionally homeless, get advice, eg from CAB or from your own solicitor.

There may be reasons, which you can suggest that the decision that you are intentionally homeless is wrong, eg:-

- It was unreasonable for you to remain in your last home e.g. because of serious disrepair, overcrowding or the high cost of your rent or mortgage.
- You left home because of violence or fear of violence.
- You lost your home because of rent arrears, which built up because of circumstances beyond your control, e.g. job loss, wage cut or problems with Housing Benefit.
- You sold your home because you got into mortgage arrears through financial difficulties beyond your control and you were going to lose your home if you didn't sell.
- Your home went with your job and you lost your job through no fault of your own
- You lost your home because you didn't know your rights, e.g. you didn't know that your landlord needed a Court order to get you out, or that you could get Housing Benefit to help pay your rent.
- Someone else's actions made you lose your home and you didn't know what they were doing, or didn't agree with what they were doing but couldn't stop them.

If the Council says you are intentionally homeless and you are in priority need, and you have no accommodation, the Association must find you temporary accommodation. But this will only be for long enough to give you a reasonable chance of finding somewhere else to live. The Association will also advise you about finding somewhere to live. You might be able to put your name on the housing waiting list.

11) Do I have a local connection?

If the Council decides you are homeless, eligible for assistance, in priority need and not intentionally homeless, there will be a requirement to see if you have a local connection. If you do, the Association must make sure you have somewhere to live.

You have a local connection with Malvern Hills if you (or someone in your family):

- Live, or have lived, in the area for some time – usually for at least six months in the last year or three years out of the last five years.
- Have a job in the area.
- Have a relative (usually parent, adult child, brother or sister) you wish to live near to, who has lived in the area for some time – usually five years.
- Need to live in the area for some other special reason.

Make sure that the Association knows of any special reason why you need to live in its area. Time spent in the armed forces, college, prison, hospital, or special accommodation such as a refuge will not usually count as a local connection

I do not have a local connection

You have the right to have a homeless application assessed by any Council whether or not you have a local connection with it. Councils should not send you away simply because you have no local ties. However, once your application has been assessed the Council can look at whether a different Council should take responsibility. If the Council won't accept your application get advice, ie from CAB or your own Solicitor.

I have got links with another area

If the Council decides that you are homeless, eligible for assistance, in priority need but don't have a local connection with its area; it can ask another Council to help you. But there are special steps that must be taken when one Council is going to ask another Council to provide you with assistance.

If the Council says that you have a connection elsewhere and you don't want to move to that area or you don't agree with its decision, seek advice, (ir from CAB or you own solicitor). You cannot be referred to another Council until the proper steps have been followed and the other Council has agreed to help you.

I have got ties with more than one area.

If you have a local connection with the Council you applied to, it can't usually ask another Council to house you. If you have no local connection with the Council you first went to but have ties with more than one other Council it should ask you which of the areas you would prefer to live in before it asks one of those Councils to house you.

I have left because of violence or threat of violence

Even if you have no local connection with the Council you applied to it cannot send you back to an area where you would be at risk of violence.

I have got no local connection anywhere

If you don't have a local connection anywhere (maybe you've been in prison or hospital), the Council you apply to first must help you.

12) What happens if I am accepted as Homeless by the Council?

The Council's main homelessness duty is to secure suitable accommodation is available to you and remains available. The Association on behalf of the Council can discharge this duty in three ways as follows:-

- a. by securing that suitable accommodation is provided
- b. by ensuring that you obtain suitable accommodation from another person, eg nominating you for rehousing to another Housing Association, or
- c. by giving such advice and assistance as will help you to secure accommodation

Please note the Council must carry out or arrange for this duty to be carried out, but the duty will end if you:

1. Are no longer eligible for assistance;
2. Become homeless intentionally from temporary accommodation made available for you;
3. You are nominated to a Housing Association for an assured tenancy;
4. Voluntarily stop occupying any temporary accommodation given to you;
5. Accept an offer of secure accommodation by Elgar Housing Association or another Housing Association;
6. Refuse a final offer of suitable accommodation (having been informed of the consequences of such a refusal, and of the right to request a review of the suitability of the accommodation)
7. Accept a suitable offer of an assured tenancy from a private landlord;
8. Accept a suitable qualifying offer (i.e. an assured shorthold tenancy with a private landlord) and you have been told of the possible consequences of accepting such an offer. An offer is a qualifying offer where it is made by special arrangement between the Council, or Elgar Housing Association and the private landlord.

13) What will happen to my furniture?

The Association can arrange for your furniture to be stored if you are unable to arrange it yourself. You will be recharged for the reasonable costs of the storage.

You must let the Association know in plenty of time if you want your furniture stored so that the appropriate arrangements can be made.

14) What type of temporary accommodation will be offered and where?

In an emergency situation you may be given temporary accommodation pending completion of investigations into your homeless application. Temporary accommodation is usually Bed and Breakfast or Hostel accommodation. Wherever possible the Association will place you in Bed and Breakfast in Malvern but it may be necessary to place you in other areas of Worcestershire or Herefordshire. Hostel accommodation will be in Malvern.

15) How long will I be in temporary accommodation and who will pay for it?

The aim is to minimise your stay in temporary accommodation to a maximum of 5 weeks. However, in some situations the stay could be longer.

If you are placed in Bed and Breakfast accommodation, the Council is entitled to charge you for the full cost of the accommodation. If you are placed in Hostel accommodation you will be expected to pay a weekly rent (licence fee) for the time you are resident.

Depending upon your circumstances, some of the cost of temporary accommodation maybe met by Housing Benefit – however it is likely that you will need to make a contribution to the cost out of your own money and you will be asked to sign an agreement to say that you will pay the contribution.

16) What kind of permanent housing will I be offered and where?

If accepted as statutory homeless, the Association will aim to meet your immediate needs for housing as far as possible.

However, because your case will be treated as a priority, there cannot be a guarantee that the accommodation you are offered will be exactly what you would want and where you would like to live.

Only ONE offer of permanent accommodation is made. If you refuse the offer without reasonable grounds, the Council will have discharged its statutory responsibility to you and you will have to find your own accommodation.

17) What happens if I don't like the accommodation that I am offered?

If you wish to refuse the offer of accommodation made to you, you must put your reasons for refusal in writing to the Association. You can appeal against the offer even if you have accepted the tenancy. The Association will make their own comments on the refusal, and will pass your letter and the comments to the Council. The Council will then decide whether the property offered was suitable for your needs and whether it was reasonable for you to have accepted it. If the Council feel that another offer can be made, you will be notified of this in writing by the Council. The Association will contact you with regards another offer. If however, the Council decide that the offer was reasonable, no further offers will be made to you as a homeless applicant.

18) Can I appeal against the Council's decisions?

Yes – You can appeal against the decision made and against the suitability of accommodation offered.

When the Association has finished its enquiries and the Council has made its decision you will be notified of this in writing.

You may not be happy with the decision, for example it may say that you are intentionally homeless.

If this is the case you can request a review of the decision. You must do this within 21 days from when you are told of the decision.

If you disagree with the review decision you can appeal to the County Court.

You can obtain a leaflet on the Council's homeless review procedure, from Housing, Revenue and Technical Services, The Library, Graham Road, Malvern. Worcs. Telephone 01684 862151.

19) Illegal Eviction

The law protects people living in residential property against harassment and illegal eviction. The Council investigate all such cases. If you have been illegally evicted or you are suffering harassment e.g. action which is taken by your landlord to drive you out of your home. turning off your electric on water supplies or being abusive to you please follow the advice set out below: -

Illegal Eviction and/or Harassment - What to Do if it Happens to You

1. Phone the Police
2. Tell the landlord/landlady or his/her agents that you have done so.
3. When the police arrive, take note of their names, numbers and the station they came from.
4. Inform the landlord/landlady and the Police of your intention to go to the Council with regard to pursuing a Criminal Prosecution under the Protection from Eviction Legislation.
5. The Police should take any details necessary in case they are asked to provide a statement by the Council.
6. Ask the landlord/landlady to let you back into the property until he/she has obtained a proper order for possession by the County Court.
7. Seek immediate legal advice.
8. Contact the Association on 01684 579579 or Malvern Hills District Council 01684 862151.

When appropriate, Malvern Hills District Council will always pursue a prosecution. Should you require further advice, contact the Housing Services Section at Malvern Hills District Council on 01684 862151.

20) Homeless Customer Charter

Every homeless applicant will be given a Homeless Customer Charter which outlines the Council's and the Association's commitment to provide you with a prompt and sensitive homeless service. The Charter also indicates how long it will take to process your application and how long it will take to re-house you if you are eligible for assistance. The Homeless Customer Charter is available from the Association offices, and from Malvern Hills District Council, Housing and Community Services Offices. Please see section 21 for addresses and telephone numbers.

21) Addresses and telephone numbers of useful agencies

- Elgar Housing Association
Partnership House
GroveWood Road
Malvern WR14 1GD.....Tel: 01684 579579

Mon/Tues/Thurs/Fri: 9am - 5pm, Wed: 10am - 5pm
Out of hours emergencies:.....Tel: 01684 579444
- Housing, Revenue & Technical Services
Malvern Hills District Council
The Council House, Avenue Road,
Malvern WR14 3AF.....Tel: 01684 862151
- Social Services
Customer Services Adviser
62 Albert Road North
Malvern WR14 2TL.....Tel: 01684 892211

Monday ñ Thursday 9am ñ 5pm, Friday 4.30pm
Out of hours emergencies:.....Tel: 01905 358116
- Age Concern.....Tel: 01684 560566
- Citizen Advocacy (South Worcestershire).....Tel: 01905 27525
- Police non Emergency (Police Control Room).....Tel: 08457 444888
- Citizens Advice Bureau Malvern.....Tel: 01684 563611
 Worcester.....Tel: 01905 611371
 Hereford.....Tel: 01432 266456
- Social Security Office Benefits Worcester.....Tel: 01905 720300
 Hereford.....Tel: 01432 363600
- Job Centres Malvern.....Tel: 01684 612500
 Worcester.....Tel: 01905 684600
- Worcestershire County Council Youth Services.....Tel: 01684 893508
- Police Domestic Violence Unit.....Tel: 08457 444888
- Rape and Sexual Abuse Advice Centre.....Tel: 01905 724514
- Samaritans.....Tel: 08457 909090
- Malvern Womenís Project.....Tel: 01684 891623

If English Is Not Your First Language OR YOU REQUIRE A COPY OF THIS LEAFLET IN ANOTHER FORMAT

You can get this Customer Charter in Braille, and in other languages. If required, it can also be made available in English on Audio Cassette.

Please the box next to the version you want.

- | | | | |
|---------|--------------------------|------------------------|--------------------------|
| Arabic | <input type="checkbox"/> | Bengali | <input type="checkbox"/> |
| Chinese | <input type="checkbox"/> | Gujarati | <input type="checkbox"/> |
| Punjabi | <input type="checkbox"/> | Somali | <input type="checkbox"/> |
| Urdu | <input type="checkbox"/> | Vietnamese | <input type="checkbox"/> |
| Braille | <input type="checkbox"/> | English Audio Cassette | <input type="checkbox"/> |

Please write in capitals:

Your Name:.....

Address:.....

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Tel No:.....Date:.....