# Homelessness advice and information for professionals

The basis of Homelessness Law is part 7 of the Housing Act 1996, which has been amended by the following:

* Homelessness Act 2002
* Localism Act 2011
* Homelessness Reduction Act 2017

## The Housing Act 1996

Contains the principal criteria for determining which duties a local authority will owe to a homeless applicant

* Is the applicant eligible
* Are they homeless
* Do they have a priority need
* Do they have a local connection
* Are they intentionally homeless?

States that the local authority has a duty to make inquiries into an application

Sets out when and how an applicant should be notified of a decision

Describes the main accommodation duties and how they can be discharged

Explains how a decision can be challenged.

## Amendments to the Housing Act 1996

## The Homelessness Act 2002

Added the duty to assess the levels of homelessness in the district and create a strategy to address them.

## The Localism Act 2011

Gave local authorities the power to end the main housing duty by arranging an offer of suitable accommodation in the private rented sector.

## The Homelessness Reduction Act 2017

In April 2018 the Homelessness Reduction Act (HRA) came into force. It aims to ensure that everyone who is eligible receives meaningful help regardless of any other duty that may or may not be owed them.

It added two new duties to existing ones: to prevent homelessness and to relieve homelessness.

It increased the timescale within which someone should be thought of as homeless from 28 to 56 days.

It gave a responsibility to applicants to be an active rather than passive part of the process.

## In practice

### Prior to the HRA 2017

An applicant would have an initial interview with an officer where they would explain the situation, if the officer had reason to believe that they were eligible, homeless and in priority need they would receive an offer of emergency accommodation. They would then be given an appointment for a full interview where they would make an official statement regarding the situation and be asked to provide evidence. The officer would then make inquiries with relevant parties and make a decision about whether the applicant was owed a full main housing duty. If they were owed a full main duty the council was then expected to find them accommodation, which up until the localism act would be a social housing property. After the localism act this could be a private tenancy as long as it was for a period of 12 months.

### Post HRA 2017

Customers are asked to register with the Council through [www.amhomfinder.co.uk](http://www.amhomfinder.co.uk) and complete a homelessness triage assessment. An officer will then contact the applicant to carry out further assessments. This will include the initial assessment to find out if there is a duty to provide emergency accommodation. A Personalised Action Plan (PHP) will also be created through collaboration between the officer and the applicant with both having actions to complete in order to resolve the situation.

If the applicant is not yet homeless but is at risk, they will receive assistance under the prevention duty. If they are already homeless; they will receive assistance under the relief duty. Under both of these duties the applicant is expected to actively look for all types of housing and the officer can end the duty owed if the applicant does not cooperate.

If the customer is receiving support under the prevention duty and becomes homeless, they can be transferred to the relief duty and their PHP will be reviewed.

If after 56 days of support under the relief duty the applicant’s situation has not been resolved the officer will make a main duty decision to determine if the applicant is in priority need etc. and if the council has a responsibility to find the applicant housing. If they are awarded a main duty this duty can be discharged with an offer of a 6 month assured short hold tenancy. Additionally, if they failed to cooperate under the prevention and/or relief stages they will only be entitled to an offer of private rented accommodation.

These changes mean that it is important for the customer to engage with the process so that they are not homeless for any longer than is necessary.

## As a professional working with a person who is homeless or potentially homeless you can do many things to help them.

Firstly, encourage your client to be open and honest with us so that we can provide them with meaningful advice. It is a very stressful time for them meaning that some can tell us what they think we want to hear which can lead to us providing wrong advice and information.

Ensure that they are **registered with Homefinder**. This does not mean that they will be offered a council or housing association home but will provide the officers with their basic information. Once registered ensure that they have **completed the Homeless Triage Form** which appears at the bottom of their Homefinder Account Homepage. It is important that they provide any information requested and that they **provide a copy of their ID** before an officer will be able to help. The best way to do this is to upload a copy to your application when you have completed the Triage Form.

Once the customer has completed the triage assessment their case will be allocated to an Early Intervention Officer. The officer will be in touch to **complete a PHP** which you can be part of, you will then know what the customer is being asked to do and provide them with any support they may need.

If the customer has nowhere to stay that night please call the team on 01623 450000 (select option 1 then select option 6), who will assess the situation to determine if the council can provide accommodation in an emergency. To determine this, it is important that you let the officer know the needs and abilities of the customer (see providing information regarding Priority Need).

If the customer has a **medical and/or welfare need** which means that their current home is unsuitable for them, you can help them to complete a form on their homefinder account to explain the situation. They will need to provide supporting evidence. This may be a letter from yourself, a doctor or other professional who is aware of their needs.

**Self-help packs** are available on the homelessness parts of the ADC website which you can go through with your client to help them to resolve the situation. These include, Section 21 Notices, Parental or Family Eviction and looking from private rented accommodation. We strongly advise that you support your client to take the actions in the Looking for private rented guide as this is the quickest way to get housed.

Help your client with their **budget**, there are tools and information to help with this on the Money Saving Expert website: [moneysavingexpert.com- budget-planning](https://www.moneysavingexpert.com/banking/budget-planning/) .

Does this budget balance? If not talk to your client about ways to reduce their outgoings, for example eliminating non-necessary expenditure and negotiating reduced payments for non-priority debts.

## Providing information for priority need

If you are providing your client with a letter in support of their application, the council is looking for you to let them know why your client is vulnerable. It might be that they have a medical condition (such as depression and anxiety) which causes various degrees of effect so please elaborate on their diagnosis by letting us know what treatment, medication or therapy they receive, have they had an recent admission to hospital and were they there voluntarily, what can your client do on a good day and on a bad day, how many bad days do they have compared to good days, has this ratio changed due to their current situation?

## Providing information for local connection

The officer will look at whether your client:

* has lived in the area for a length of time (6 out of the last 12 months or 3 out of the last 5 years)
* is working in the area (type and length of contract)
* has close family in the area (adult family)
* has other special reasons to needing to live in the area.

A person does not need a local connection to ask the council for help under the prevention duty.

A local connection is not needed if the person is relocating due to domestic violence. In this case the applicant can approach the council in an area where they will be safe.