

*IF YOU ARE HOMELESS.....*

*THE LAW AND HOW THE COUNCIL CAN HELP*



**ROCHFORD DISTRICT COUNCIL**



This leaflet explains the Council's duties towards homeless people under the Housing Act 1996 as amended by other legislation.

If you are homeless or worried about losing your home contact the Homelessness & Housing Advice Team on 01702 318158/318157/318069.

If you are homeless or threatened with homelessness you may be entitled to help. How much help the Council can give will depend on your circumstances, and will range from giving you advice and assistance to securing accommodation for you.

If you make a homeless application the Council will assess each of the following matters in turn:-

- ❖ Are you eligible for assistance?
- ❖ Are you homeless or threatened with homelessness?
- ❖ Are you in a priority need group?
- ❖ Have you become homeless intentionally?

The Council may also assess whether you have a local connection with the Rochford Council area.

## **ARE YOU ELIGIBLE?**

Whether or not you are eligible for assistance will depend on your immigration status.

If you are not eligible you will only be entitled to advice and assistance on homelessness and the prevention of homelessness.

## **ARE YOU HOMELESS?**

You are homeless if you have no accommodation anywhere in the world that you can legally occupy and reasonably continue to occupy. Being threatened with homelessness means you are likely to be homeless within the next 28 days.

If you are not homeless then you will only be entitled to advice and assistance on homelessness and the prevention of homelessness.

## **ARE YOU IN PRIORITY NEED?**

You will be considered to be in priority need if:-

- ❖ If you have dependant children
- ❖ You are pregnant
- ❖ You are aged 16 or 17 and not a 'relevant child' (*you can ask for more details about this if you are unsure what this means*).
- ❖ You are under the age of 21 and previously (but not currently) you was 'looked after', 'accommodated' or 'fostered' when you was 16 or 17.
- ❖ You are vulnerable because of age, mental or physical disability, or if you are aged over 21 and have an institutional background, having been in care, served in the armed forces, been in prison, detention or custody or vulnerable through some other special reason.
- ❖ Your property has been damaged by fire, flood or some other disaster and you are unable to live there

If you are not in priority need the Council will only be able to give you advice and assistance to help you find your own home.

## **ARE YOU INTENTIONALLY HOMELESS?**

You may be considered to be intentionally homeless if you lost your last permanent home because of your actions or because you failed to do something. You can also be found intentionally homeless if you do not take up alternative accommodation that is available for your use or that the Council finds for you.

If you are intentionally homeless then even if you have a priority need the Council will only offer you temporary accommodation for a reasonable period to allow you time to find alternative accommodation. You will also be given advice and assistance.

## **DO YOU HAVE A LOCAL CONNECTION?**

You may be considered to have a local connection with the Rochford District Council area if:-

- ❖ You have lived in the area for 6 months in the last 12 or for 3 years in the last 5
- ❖ You currently work in the area
- ❖ your immediate family live in the area
- ❖ there is another special reason

NB There are exceptions for certain people e.g Forces and Service personnel

If you do not have a local connection with the Rochford District Council area your case may be referred to another Council where you do have a connection. This will not be done however if you will be at risk of domestic violence in that other Council's area.

## **WHEN WILL A DECISION BE MADE?**

It normally takes some time for the Council to investigate your homeless application. You can speed things up by providing any necessary documents or information quickly and by informing the Council of any changes in your circumstances. You will be notified in writing of the decision on your application.

## **WHAT IF YOU DO NOT AGREE WITH THE DECISION?**

If you do not accept the decision on your application you can ask for it to be reviewed. A request for review must be made within 21 days from the date you are notified of the decision.

The review will be carried out by a Senior Officer who has not previously been involved in your case. If you do not agree with the Review Officer's decision you can appeal to a panel of Councillors.

You also have the right of appeal to the County Court on a point of law.

## **FINDING A HOME**

If it is decided that you are eligible for assistance, homeless, in priority need and not homeless intentionally then provided your case is not referred to another Authority because you do not have a local connection then the Council has a duty to ensure you have accommodation until the duty to you ceases in a specified way.

If there is no suitable alternative accommodation available the Council will secure accommodation for you. This can be done in a number of ways but often the Council will provide you with temporary accommodation.

## **HOW DO YOU GET PERMANENT ACCOMMODATION?**

An offer of permanent accommodation can only be made through the Housing Register.

If the Council secures accommodation for you and you receive a suitable offer of permanent accommodation then the Council will have no further duty towards you in connection with your homeless application. If you refuse the offer you will not be entitled to continue occupying any temporary accommodation provided by the Council.

If you wish to discuss any issues raised in this leaflet or your particular case contact the Homelessness & Housing Advice Team on 01702 318158/318157/318069.

NOTE: The information in this leaflet should not be considered a definitive interpretation of the law. If you wish to take legal action you are advised to seek independent legal advice.

**Head of Housing, Health and Community Care**  
Hou/Homeless

If you require this leaflet in larger print please contact the Homelessness & Housing Advice Team on 01702 318069.