

Making a homelessness application

Homelessness code of guidance, chapter 18.

To make a homelessness application a person / household must:

Ask the local housing authority for help with getting housed,

AND

Give the council reason to believe they may be homeless

OR

likely to be homeless in the next 56 days.

Important to remember;

The Duty to Refer form does not trigger an application.

Applications can be triggered by supporting professionals

Always make applications in writing via email

Homelessness Application Myths;

- You can't make one if you don't have a local connection.
- You need to attend in person to the Housing Options Service.
- You need to fill in a specific form.
- You can't make one if you are intentionally homeless.

When can you make an application?

Someone is homeless or threatened with homelessness (and can therefore make a homelessness application) if they:

1) Have nowhere with a legal right to occupy, or,

2) Have somewhere with a legal right to occupy but can't access it (e.g. illegal eviction), or,

3) Have somewhere with a legal right to occupy but it is not reasonable to continue to occupy

(e.g. because of abuse, disrepair*, unsuitable for medical needs*, unaffordability), or;

4) Are likely to be homeless (under the 3 criteria) within 56 days.

Priority Need

Someone is automatically in priority need if they:

1) Are Pregnant

2) Have dependent children.

3) Are aged 16 - 17
(although they are better off approaching Children Services)

4) Are aged 18-20 and a former looked after child**

5) Have been made homeless by fire / flood / natural disaster

6) Have become homeless as a result of domestic abuse.

Someone is also in priority need if they are significantly more vulnerable than an ordinary, healthy and robust person would be if threatened with homelessness.

Priority Need

'Smith' Test:

1) What harm would this individual suffer if they were homeless?

2) Would an ordinary, healthy and robust person suffer this harm?

3) Would this harm make a noticeable difference to their ability to deal with homelessness?

Smith V Haringey

<https://nearlylegal.co.uk/2017/10/significantly-vulnerable-much-kind/>

Priority Need

'Thomas' Test:

1) Does the person have an identified existing issue that an ordinary person would not have?

2) Would the consequences of that issue be significantly exacerbated by the threat of homelessness?

3) Could those consequences include increased risk of harmful effects?

Thomas V Lambeth

<https://nearlylegal.co.uk/2017/10/vulnerabilitymedical-evidence-now-medical/>

Temporary Accommodation

A council has a duty to provide Temporary (AKA Interim) Accommodation if;

Someone asks for help with housing

AND

Gives them reason to believe that,

they **MAY** be homeless,

they **MAY** be eligible for assistance,

they **MAY** be in priority need,

Local Connection and Intentional Homelessness does not come into it.

Local Connection

Someone has local connection if they:

1) Have lived in the district in SETTLED accommodation for either;

a) 6 out of the last 12 months

b) 3 out of the last 5 years

2) Have close family who have lived in the area for the last 5 years.

3) Have a permanent employment contract in the area.

4) Receive specialist medical treatment unavailable elsewhere

If they have no local connection anywhere under this definition they effectively have local connection anywhere they stand.

NB

- Local connection criteria of the Housing Register is different to this (and usually much stricter)
- People can make applications anywhere but if they don't have local connection they will be referred to an area where they have a local connection if it is safe to do so (potentially after a spell in s.188 accommodation).

Intentional Homelessness

Someone is Intentionally Homeless if they satisfy all of the following criteria:

1) They deliberately do or fail to do something that causes them to lose their last settled accommodation.

2) The accommodation was available

3) The accommodation was reasonable to continue to occupy

NB

- **Intentional homelessness is irrelevant to the duty to provide initial temporary accommodation.**
- **If you are homeless, eligible and in priority need but intentionally homeless, the council still has a duty to house you for 2-3 months to give you time to find something else.**

Training

At JustUs, we believe that homelessness is a complex issue that needs a response that is both caring and intelligent to tackle it effectively.

Domestic Abuse and Homelessness Law

Challenging Council Homelessness Decisions

Homelessness Law
(CPD Accredited)

Getting people housed using Data Protection Law

Understanding Drug and Alcohol Use