

Housing Advice



Are you homeless?

Housing Act 1996 Part VII (as amended by the Homelessness Act 2002)

This is a guide to the assistance that can be provided under the 1996 Housing Act (as amended by the 2002 Homelessness Act). It sets out the legal duties that all local authorities have, where they are satisfied that a household:

- is homeless
- is eligible
- has a priority need
- and is not intentionally homeless

We will consider you to be homeless if:

- you have nowhere to live
- you have been living somewhere, but you have no legal right to stay there and have been told to leave
- you have somewhere to live, but someone else who lives there has been violent towards you, or is likely to be violent towards you
- you have somewhere to live, but nowhere for the people who normally live with you
- you have been made homeless as a result of an emergency, such as fire, flood or some other disaster

We will consider you to be threatened with homelessness if you are likely to become homeless within the next **28 days**.

This may be because:

- you have been taken to court by your landlord and the court has said you must leave
- you have been living with friends or relatives who have told you to leave

Certain categories of people are not 'eligible' for assistance under the homelessness legislation, because they do not usually live in the UK or are subject to some form of immigration control. You are likely to be eligible for assistance if:

- you usually live in the UK and are not subject to any form of immigration control
- you usually live in the UK and are subject to immigration control, but your right to stay here is not subject to any time limit or condition's
- you have been given refugee status, or exceptional leave to remain here, as a result of an application for asylum

You may be in priority need for accommodation if:

- you are 16 or 17 years old
- you are 18 to 20 years old and were looked after by a local authority, or fostered between the ages of 16 and 18
- you have dependent children who are under 16, or under 19 if they are in full time education, who live with you
- you, or any member of your household is pregnant
- you are at risk of violence
- you have been made homeless as a result of fire, flood or some other disaster
- you are vulnerable

You may be 'vulnerable' because:

- you are an older person (over 60 years old as a guide)
- you suffer from mental illness, disability, or physical illness (when homeless, the applicant would be less able to fend for himself than an ordinary homeless person)
- you are at risk of domestic or other violence
- you have been in prison
- you have been a member of Her Majesty's regular forces - army, navy or air force

Intentional Homeless

We may consider you to be intentionally homeless if you have become homeless as a result of something you have deliberately done, or failed to do. There are two areas we may consider.

The first area is:

- you have deliberately done something, or have failed to do something, the consequence of which is that you have lost or are likely to lose accommodation which was or is available
- it must have been reasonable for you to have continued to occupy accommodation, and
- you must have been aware of all the facts before deliberately taking, or failing to take, the actions referred to above

The second area is:

- you have entered into an arrangement under which you are required to cease to occupy the accommodation
- it must have been reasonable for you to have continued to occupy the accommodation
- the purpose of the arrangement is to enable you to become entitled to assistance under Part VII of the 1996 Act, and
- there is no other good reason why you are homeless or threatened with homelessness

We are unlikely to consider you intentionally homeless if we decide that:

- it was not reasonable for you to stay in your last home
- you left home because of violence or fear of violence
- your home went with your job and you lost it through no fault of your own

Each application is looked at individually.

Local Connection:

We also have to establish if you have a 'local connection' with North West Leicestershire District Council. If not, we have to establish if you have a 'local connection' with any other district in England, Scotland or Wales. Local authorities have agreed guidelines to help them decide whether you have a local connection with their district. You may have a local connection if:

- you have lived in the District for six out of the last 12 months, with the exception of interim or temporary accommodation provided to you by another local authority
- you have lived in the District for three out of the last five years, with the exception of interim or temporary accommodation provided to you by another local authority
- you have permanent employment in the District.
- you have a close family member who has lived in the District for the last five years (e.g. mother, father, sister, brother, son or daughter)

We may refer you to another council and ask them to assist you, if:

- you have no local connection with North West Leicestershire District Council, but do have a local connection with the other council
- you made a homeless application to another local authority in the last five years and were placed in the District by that local authority

We have to make sure that the other council has agreed to assist you before sending you there. While these arrangements are being made, North West Leicestershire District Council has to consider whether to offer you interim accommodation if this is required. (Interim accommodation is accommodation provided whilst we are carrying out our investigations).

We will not force you to return to an area where you have experienced, or are likely to experience, violence.

Contact Details

For more information contact the Housing Advice Team at North West Leicestershire District Council.

Visit us (Monday to Friday 8.45am-5pm):

Housing Advice
North West Leicestershire District Council
Council Offices,
Coalville
Leicestershire
LE67 3FJ



Write to us at:

Housing Advice
North West Leicestershire District Council
Council Offices
Coalville
Leicestershire
LE67 3FJ



Telephone:

01530 454811 (Monday to Friday 8.45am-5pm)
01530 454789 - Out of Hours and weekends 24 hours
seven days a week **Emergency only**



E-mail:

housing.advice@nwleicestershire.gov.uk



Website:

http://www.nwleics.gov.uk/pages/housing_advice

COUNCIL'S VISION

North West Leicestershire will be a place where people and businesses feel they belong and are proud to call home

North West Leicestershire District Council,
Council Offices, Whitwick Road, Coalville,
Leicestershire, LE67 3FJ.

This document is available in other formats on request