



Knowing your rights  
and where to turn



## What this guide is about

**You might be surprised by who's considered homeless – it doesn't only mean those sleeping rough. Legally, you're considered homeless if you don't have a place to stay, or if it's no longer reasonable or safe for you to stay there.**

This could be because:

- your tenancy is ending or you're facing mortgage repossession
- you're experiencing a relationship breakdown
- you're living in a home that no longer meets your needs
- you're staying in crisis accommodation such as a hostel or refuge, or on a friend's sofa.

If this is you, or if you're at risk of being made homeless, you should contact the council. They're legally responsible for helping people who are homeless or at risk, but not everyone is entitled to help. This guide covers who's entitled, what help you might get, and what to do if something goes wrong.

Once you've read this guide, you can read our more detailed factsheets if you need more information:

- **Homelessness**
- **Preventing evictions**



## Next steps

It's a good idea to find out the number for your local council. They'll be able to provide a lot of the support and information mentioned in this guide.

**My local council phone number is:**

## Contacting the council

If you feel you need support, you should contact the housing department of your local council (this could be your district, borough or city council, depending on where you live).

You can find your local council by searching on the GOV.UK website at [www.gov.uk/find-local-council](http://www.gov.uk/find-local-council). Advice and assistance should be available at all times during normal office hours, with arrangements in place for 24-hour emergency cover.

The council must help you if you meet two criteria:

- **You're homeless or at risk of homelessness.** Homelessness includes your home not being reasonable for you to stay in anymore. Being at risk of homelessness means you're likely to become homeless within eight weeks.
- **You're 'eligible for assistance'.** This concerns your nationality and immigration status. British citizens are usually eligible, but you may not be if you've recently returned from living abroad.

If you're a private tenant and you've received a valid **section 21 notice** that's due to expire within eight weeks, you're automatically considered at risk of homelessness.



A **section 21 notice** is a legal notice that a landlord can use to begin the eviction process. Once the notice expires, the landlord can take the case to court for a decision on whether you must leave. This is for an assured shorthold tenancy – most private renters have this type of tenancy. The landlord can only serve a section 21 notice after the first six months of your tenancy or at the end of a fixed term.

## Opening a case

The council must look into your case and decide whether you're entitled to help if it has 'reason to believe' you may be homeless or at risk. This is a low bar for taking action – the council shouldn't turn you away on the basis of a first impression, or without giving you a formal written decision, unless it's very clear that you don't meet the criteria.

Let the council know if you need a place to stay urgently. They must provide emergency accommodation while they look into your case if they have 'reason to believe' you're homeless or at risk, eligible for assistance and 'in priority need'.

Emergency accommodation is likely to be a bed and breakfast or hostel, although the council should take your circumstances into account when deciding what would be suitable.

All the details you need to contact your council should be publicly available, including how to contact them in an emergency. This is likely to be found on the council's website.

If the council refuses to look into your case or to give you emergency accommodation, then you should seek advice from Shelter (page 11), an advice agency such as a local Age UK, or a local law centre.

### Good to know



You're considered 'in priority need' if you'd be particularly vulnerable to the effects of homelessness due to your age, health or other circumstances. This means finding a new home would be particularly challenging for you, or you'd be at greater risk of harm if homeless.

## Reaching a decision

Once you've contacted the council and a case has been opened, you should then have an interview. This is so the council can decide whether you meet the necessary criteria for getting help – being homeless or at risk of homelessness and eligible for assistance. You may be interviewed more than once.

It's the council's responsibility to gather the information they need to make a decision – this may include contacting relevant people such as your landlord or a family member you live with.

Whatever information is gathered, you should have the opportunity to make your own case and challenge any findings you disagree with. It's a good idea to tell the council anything you think is relevant upfront.

At this stage, it doesn't matter why you're homeless or at risk. Unless you're looking for emergency accommodation, your personal circumstances, such as your level of vulnerability, shouldn't matter either.

The law is very clear – the council must support you if they're 'satisfied' that you're homeless or at risk and eligible for assistance. This means they agree you meet these criteria. The council must give you a decision in writing, giving clear and full reasons if they don't think the criteria are met. They must tell you how you can request a review of a negative decision and what the deadline is for doing this (usually 21 days).



## Remember the following when you contact the council:

- 1) **Homelessness doesn't just mean rough sleeping.** There are many different types of homelessness – the council shouldn't refuse to help you because you have a property or tenancy if it's not reasonable for you to stay there.
- 2) **Help should always be available.** Councils should run a full service during normal office hours, with arrangements in place for 24-hour emergency cover. Look on the council website or contact the local police if unsure.
- 3) **The bar for opening a case is low.** The council should interview you and make a formal decision on your case if it has 'reason to believe' you may be homeless or at risk. This is a low bar for taking action. The council should only turn you away without opening a case if it's very clear that you're not homeless or at risk.
- 4) **At this stage, it doesn't matter why you're homeless or at risk.** It's illegal for the council to refuse to open a case for you, or refuse to offer you any support, because it claims you are 'intentionally' homeless. It doesn't matter why you're homeless when you first approach the council. It doesn't matter whether you're in priority need either, unless you're looking for emergency accommodation.
- 5) **You can challenge a decision you're not happy with.** You can ask for an internal review of most decisions a council makes once it opens a case for you – for example, a decision that you're not entitled to emergency accommodation, or to any support at all. If the council refuses to open a case for you, seek advice. You can't ask for a review of this decision, but there are other ways to challenge them.

## Preparing for the interview

The thought of any interview can be daunting. But we've put together this short checklist of things to gather together that can help your application be dealt with faster and with a greater chance of success.

- Proof of identity and immigration status for all members of your household, e.g. birth certificates, passports or residence permits.
- Evidence of where you live or were living, e.g. your tenancy or licence agreement, utility or Council Tax bills in your name, or a letter from an official source addressed to you.
- Evidence of why you're homeless or at risk of homelessness, e.g. correspondence from your landlord, a mortgage lender, the court, or even family and friends (if living with them).
- Proof of income, e.g. benefit letters and wage slips.
- Letters from any of the professionals involved in your care, e.g. a doctor, social worker or domestic violence advocate.
- Crime reference numbers and copies of police reports (if relevant).

This checklist doesn't necessarily cover everything, so bring anything else you think might be relevant and helpful to your case.

However, don't worry if you can't bring everything on the list. It's up to the council to ask for the things they need. It isn't up to you to prove your case – although you must always be given the opportunity to fully explain your circumstances.





## The council's duty to you

If the council agree that you're homeless or at risk of homelessness, and eligible, then they have a duty to support you for a period of time – usually eight weeks under their homelessness prevention or relief duties. This support should be personalised, meaning it takes into account your specific needs and circumstances. Most people get advice and assistance, though you may get an offer of social or private rented housing.

To understand your circumstances and needs – and what support to provide – the council will carry out a full assessment. They'll look at the reasons for your homelessness, your housing needs, including what housing would be suitable, and what support you'd need to find and keep suitable housing.

They'll draw up a 'personalised housing plan' based on their assessment and take 'reasonable steps' to help you, linked to this plan. If you think you'll need significant support, tell the council and this should be reflected in your plan. You may be able to argue that the only reasonable step for them to take would be to make you an offer of housing, as you would find it difficult to find something suitable yourself, and that this should be social housing to give you more security.

In some cases, the council will have a full rehousing duty. This means the council must rehouse you and anyone you may reasonably be expected to live with.

There will also be things included in the plan that you'll be expected to do. The council can withdraw their support if you don't follow these steps.

As the plan is based on your circumstances, the outcome will be individual to you. However, these are some of the steps that the council might take to support you:

- Provide financial or other support to help you secure private rented accommodation.
- Provide a safe place to stay if you're at risk of violence or abuse or if you're sleeping rough.
- Attempt mediation if you've been asked to leave by family.
- Assess whether you might be entitled to anything that can help you pay rent.

Support is usually offered for up to eight weeks. However, this period may be shorter if the council are able to help you resolve your case quickly, or if something goes wrong – for example, you don't follow the steps required in your personalised plan. It may be longer in certain other circumstances. For more information, see our **Homelessness** factsheet.

## Good to know



If you're not happy with the steps the council are taking, you can ask for a formal review – but this has to be done within 21 days of being notified. You can't request a review of the steps you're asked to take. If you're in this position, seek advice from Shelter (page 11), an advice agency such as a local Age UK, or a local law centre.

# Useful organisations

## Age UK

We provide advice and information for people in later life through our Age UK Advice line, publications and website.

**Age UK Advice: 0800 169 65 65**

Lines are open seven days a week from 8am to 7pm.

**[www.ageuk.org.uk](http://www.ageuk.org.uk)**

In Wales, contact Age Cymru Advice: **0300 303 44 98**

**[www.agecymru.org.uk](http://www.agecymru.org.uk)**

In Northern Ireland, contact Age NI: **0808 808 7575**

**[www.ageni.org](http://www.ageni.org)**

In Scotland, contact Age Scotland: **0800 124 4222**

**[www.agescotland.org.uk](http://www.agescotland.org.uk)**

## Law Centres Network

Can help you find a community law centre in your area and signpost you to other legal providers.

Tel: **020 3637 1330**

**[www.lawcentres.org.uk](http://www.lawcentres.org.uk)**

## Shelter

Provides advice, information and advocacy to people in housing need.

Tel: **0808 800 4444**

**[www.england.shelter.org.uk](http://www.england.shelter.org.uk)**

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## What should I do now?

You may want to read some of our relevant information guides and factsheets, such as:

- **Preventing evictions**
- **Homelessness**

You can order any of our guides or factsheets by giving our Advice Line a ring for free on **0800 169 65 65** (8am-7pm, 365 days a year).

Our friendly advisers are there to help answer any questions.

All of our publications are available in large print and audio formats.

There's plenty of really useful information on our website, too. Visit **[www.ageuk.org.uk/housing](http://www.ageuk.org.uk/housing)** to get started.

If contact details for your local Age UK are not in the below box, call Age UK Advice free on **0800 169 65 65**.



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**[www.ageuk.org.uk](http://www.ageuk.org.uk)**



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