

Homelessness –bitesize training

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Aims of Today

- To understand homelessness in more detail
- To understand the Council's legal duties
- To understand how to challenge decisions

Agenda

- How to apply as homeless
- Where to apply as homeless
- The legal duties owed to homeless applicants
- Offers of temporary accommodation
- Other housing options
- Offers of permanent housing
- Update on Renters Reform Act & Awaab's Law

Introductions

- Name and Organisation
- What are the issues you experience in your community?



Disclaimer

Although Citizens Advice Wandsworth trains volunteers to identify local residents in need of advice and refer residents to local services, no liability attaches to Citizens Advice for any assistance or service offered by other organisations.

Equally as volunteers, we are not training you to be advisers. The additional training helps us to better understand guest's needs and refer them on to the right places for support, advice and further help.

How to contact CAW



Call AdviceLine free number 0808 278 7833
Mon-Fri 10am-4pm



Fill in online enquiry form
<https://cawandsworth.org/contact-us/>



Visit Battersea or Roehampton office.
Only if not possible to call/use the form



Via one of our projects (Crisis)
<https://cawandsworth.org/crisis-project-referral-form/>

How to make a homeless application?

How to apply as homeless

- Contact Council and ask to make a homeless application. You can apply to any Council regardless of local connection.
- If applying to Wandsworth Council, complete online form at http://www.wandsworth.gov.uk/info/200369/homelessness/2375/our_homelessness_duties/3
- Can complete online form at Wandsworth Council offices
- If not able to complete form, should be given an appointment for support with form
- Wandsworth Council office is open between 9am and 4.30pm (Monday to Friday). Outside of these hours you can contact 020 8 871 6000
- There is a referral form for statutory agencies to refer clients at <http://www.wandsworth.gov.uk/info/200369/homelessness/2223/homelessness-referral-form>

Who can be included in an application?

- family members who usually live with the applicant
- any other person who might reasonably be expected to reside with them. For example, carer

Council responsibilities

What are the Council's legal homeless duties?

- **Prevention duty** - If eligible and threatened with homelessness within 56 days, the council will work with you to prevent homelessness e.g. Negotiate with landlord, assist to find you private rented.
- **Relief duty** - If the council cannot prevent a person from becoming homeless, it should then take steps to help find suitable accommodation for at least six months. e.g. advice on finding accommodation . Duty is for a minimum of 56 days.
- **Personalised housing plan (PHP)** - if above duties accepted, the Council must produce a PHP which sets out the steps the Council and client must take to prevent or relieve homelessness ..
- **Main duty** - If the council is not able to prevent or relieve homelessness, they must assess whether they owe a duty to provide long-term temporary housing . Wandsworth Council places applicants on the Housing Register for permanent housing.

Emergency accommodation

The Council must provide emergency accommodation (whilst it assesses an application) if it has reason to believe a person **may**:

- be homeless
 - be eligible based on their immigration status
 - have a priority need.
 - If the Council refuses, refer client to a solicitor to challenge decision.
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- The threshold is low

Who qualifies for long-term housing?

To qualify for long-term housing, you must be:

- Legally homeless
- Eligible for help
- Have a priority need
- Not be intentionally homeless
- Have a local connection.

This called the '**main housing duty**'.

Who is legally homeless?

You are threatened with homelessness if you are likely to become homeless within 56 days or you've been given a valid Section 21 Notice which expires within 56 days.

You are legally homeless if you:

- Rough sleeper
- Have no accommodation available to occupy
- Are at risk of violence or domestic abuse
- Not reasonable to occupy, for example, serious disrepair
- Cannot secure entry, for example, landlord has changed locks
- No legal right to occupy
- Live in a mobile home or houseboat and have no place to put it.

Check if someone is homeless by using the Shelter tool at:

https://enland.shelter.org.uk/professional_resources/legal/homelessness_applications/homelessness

Who is eligible for homeless assistance?

You must meet the immigration conditions to get homeless help.

- You could get homeless help if you have:
- British or Irish citizenship
- EU settled status
- Some EU citizens with pre-settled status also qualify
- indefinite leave to remain (ILR)
- refugee status or humanitarian protection
- leave to remain with recourse to public funds
- limited leave to remain as a victim of human trafficking or slavery
- Use the homeless rights checker on Shelter at:
https://england.shelter.org.uk/professional_resources/legal/homelessness_applications/homeless_rights_checker

Who is Eligible: EU citizens with pre-settled status

You will need to show that you're in one of the following situations:

- working or self employed
- unable to work because of ill health
- pregnant or have recently given birth
- looking for work after working in the UK
- living with a child at school in the UK.

Who is Eligible: 'Recourse to public funds'?

People with EU settled status, refugee status or humanitarian protection all have recourse to public funds.

- Other examples include:
- Ukraine family scheme visa
- Homes for Ukraine sponsorship visa
- the Afghan relocations and assistance policy or the Afghan citizens resettlement scheme
- 'migrant victims of domestic abuse concession' for some people who cannot live with their sponsor due to domestic abuse

What help is there if not eligible?

- People who are not eligible for homeless assistance from the Council might be able to get help from social services if they have children or care needs.
- People are seeking asylum should be eligible for assistance from the Home Office.

Exercise 1 – Eligible or not?

What is priority need?

- The Council has a duty to provide accommodation to a person in priority need.
- Some people are automatically in priority need.
- Other people are only in priority need if they or someone they live with is vulnerable for some additional reason. For example, someone who is vulnerable because of a health condition. The Council must decide if the person is significantly more vulnerable than an ordinary person would be if they were homeless.

Who is automatically in priority need?

A person automatically has a priority need if they

- are at risk of domestic abuse
- are a pregnant woman or live with a pregnant woman
- have dependent children living with them or who are reasonably expected to live with them
- are 16 or 17 years old and are not looked after by social services
- are 18, 19 or 20 years old and spent time in care while between 16 and 18
- lost their accommodation because of an emergency such as a flood, fire or other disaster.

Priority need of vulnerable people

A person has a priority need if they or someone they live with is vulnerable because of:

- old age
- a mental health condition
- being a disabled person
- some other special reason
- Other special reasons could include if someone is vulnerable as a result of being victim or trafficking or modern slavery, or because they are a young person without support.

Priority need of vulnerable people

A person also has a priority need if they are vulnerable because they:

- were in the regular armed forces
- have been in prison
- are over 21 and spent time in care
- left their accommodation because of violence or threats of violence
- A person might be vulnerable for one of these reasons or a combination of them

Exercise 2 – who is in priority need?

What is intentional homelessness?

Intentional homeless is a legal term. It means you're homeless because of a deliberate act or omission.

Examples may include:

- Non-payment of rent
- Anti-social behavior
- Failure to apply for benefits to help pay the rent
- Leaving a home which was reasonable to continue to occupy.

What is a local connection?

A person can have a local connection on grounds of:

- normal residence – defined as six months' residence in the area during the past 12 months or three years residence during the previous five years
 - employment
 - family association
 - special circumstances, for example, medical reasons
 - leaving care.
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- Where someone does not have a local connection, they can be referred to another Council.

Challenging a negative decision

- You can ask for an internal review of a negative decision to the reviews team.
- You must request a review within **21 days** from the decision date.
- You can request a review out of time, but you will need strong grounds for your delay.
- If the review decision is negative, you may be able to appeal the decision to the County Court within 21 days from the decision date on a point of law.
- Legal aid is available for internal reviews. Signpost client for legal advice.

Suitable offers of Accommodation

What counts as 'suitable' accommodation?

- All accommodation offered to homeless applicants must be suitable. This is a continuing duty.
- The Council must consider key factors such as:
 - location,
 - medical needs,
 - physical conditions,
 - affordability,
 - disruption to employment and education.

Challenging the suitability of emergency housing

- If you don't think emergency housing is suitable for your needs, speak to the temporary accommodation team and tell them why. They may make you another offer.
- The suitability of emergency housing can only be challenged by the process of judicial review. The housing would need to be highly unsuitable. Signpost client for legal advice.

Challenging the suitability of an offer of housing

- You can ask for an internal review of the suitability of an offer of temporary or permanent housing to the reviews team.
- You must request a review within **21 days** of the date of offer.
- You can request a review out of time, but you will need strong grounds for your delay.
- It is best to accept the offer and request a review as suitability is difficult to challenge.
- There is a risk in requesting a review. If you are successful and made another offer, it could be unsuitable for other reasons e.g. location.
- If you refuse an offer, the Council can discharge the main duty and you will be evicted from temporary housing and removed from the Housing Register.

Exercise 3

Housing Options once you have applied as Homeless

Other housing options if in temporary housing

- There is a long wait for permanent rehousing in the homeless queue.
- **Private sector** – Council will help with rent in advance and deposit. More expensive and reduced security of tenure.
- **Homefinder** – mobility scheme which helps homeless applicants find social housing outside of local area.
- **Bridge Housing Solutions** – help homeless applicants find social housing

Offers of permanent housing

- Where the Council have accepted the main duty, they place people in the Homeless queue for permanent re-housing.
- Properties are allocated on a time waiting basis.
- The Council can discharge the main duty by making an offer of permanent housing.
- Wandsworth has a one offer only policy.
- Clients can request a review of suitability within 21 days of receiving offer letter.

Housing Updates

Renters Rights Act 2025 – the main points

- Assured shorthold tenancies will become assured tenancies.
- Landlords will need grounds to evict assured tenants.
- All private tenants will have rolling tenancies e.g. monthly.
- Private landlords will only be able to increase the rent once a year using a set procedure.
- Increased protection against bad housing conditions and disrepair.
- Rules to prevent discrimination in the private sector.
- New private sector Ombudsman.
- Most of these changes will start from the 1 May 2026. Find more information on Shelter at:
https://england.shelter.org.uk/housing_advice/private_renting/renters_rights_act_changes_for_private_renters#table-the-main-changes

Renters Rights Act 2025 – the main changes

Before 1 May 2026	From the 1 May 2026
You can be given a section 21 eviction notice for no reason.	Your landlord will need a legal reason to evict you with a section 8 notice.
There are no limits on rent in advance.	Your landlord can only ask for 1 month's rent in advance.
Your landlord might pressure you to agree to a rent increase at any time.	Your landlord can only put the rent up once a year. They must give at least 2 months' notice.
You might have a fixed term tenancy which makes it hard to leave early.	You will have a periodic tenancy which makes it easier to leave by giving notice.
You can often give 1 month's notice to end a periodic AST.	You will need to give at least 2 months' notice to end a periodic assured tenancy.

Awaab's law

- From 27 October, 2025 Awaab's Law requires social landlords to investigate and repair emergency hazards within 24 hours
- Examples of emergency hazards might be no hot water, dangerous wiring, gas leak, significant damp and mould
- Requires landlords to provide tenants with a written summary of their findings within three working days of an investigation
- If repairs cannot be completed within the required timeframes, the landlord must provide and pay for suitable temporary accommodation.
- Tenants can take legal action or use other redress mechanisms, making a complaint, contact MP or take legal action. Housing Ombudsman Service.

Any Questions?



**Thank you for Your
Feedback**



Thank You

