



A survival guide to

---

what to do if  
you are homeless

---

**advice**now

Making sense of the law and your rights

## About this guide

If you are homeless you may be feeling anxious and may have given up hope. You might feel that you don't have the energy to go and get help. Start by reading this guide. Perhaps a support worker, friend or relative can read through it with you and help you take the next steps.

This guide is for you if you are homeless, you live in England and you have British citizenship or the right to remain in the UK.

It is also for people supporting others in this situation, for example, housing support workers and advice workers as well as relatives and friends.

### This guide explains

- When you are homeless according to the law.
- When and how to contact the council for help.
- When you can get accommodation straight away.
- How the council works out if you are entitled to help with housing (known as the eligibility assessment).
- What the council must do to help you when you are homeless - known as the 'Relief duty'.
- What your Personalised Housing Plan is and how to get it updated if you already have one.
- What suitable accommodation is.
- How to avoid being classed as intentionally homeless.
- What 'deliberate and unreasonable refusal to cooperate' means.
- What happens when the 'Relief duty' comes to an end.

We give you tips to help you make the best case you can to the council about your housing problem.

We try to explain any legal language as we go along but there is also a section at the end of the guide called '**What does it mean?**' that explains some key legal language we have used.

## Contents

<b>When you are homeless according to the law</b>	<b>4</b>
<b>When and how to get help from the council</b>	<b>5</b>
<b>Stage 1 - the duty to provide you with accommodation straight away</b>	<b>9</b>
<b>Stage 2 - the eligibility assessment</b>	<b>12</b>
<b>Stage 3 - the help the council has to give you - the 'Relief duty'</b>	<b>14</b>
<b>Your Personalised Housing Plan - how to negotiate what you need or get it updated</b>	<b>16</b>
<b>What is suitable accommodation?</b>	<b>19</b>
<b>How to avoid being classed as intentionally homeless</b>	<b>20</b>
<b>What does 'deliberate and unreasonable refusal to cooperate' mean?</b>	<b>21</b>
<b>What happens when the Relief duty comes to an end</b>	<b>22</b>
<b>More help and advice</b>	<b>24</b>
<b>What does it mean?</b>	<b>25</b>

# When you are homeless according to the law

You are homeless if you have no accommodation that you are legally entitled to live in, which is available for you to live in and is reasonable for you to live in. This includes you and anyone else who may reasonably be expected to live with you, such as any children under 18.

For example, you are classed as homeless if:

- you are sleeping on a friend or family member's sofa,
- you are sleeping rough on the streets or staying out all night for example on night buses,
- you have a home but it is unreasonable for you to occupy it, for example, because it is in a very poor state of repair or because it is so overcrowded,
- you are at risk of abuse or violence at your home if you go back to it.



# When and how to get help from the council

When and how to get help from the council

As soon as you are homeless you need to contact your local council's housing department. If the council doesn't know about you or your housing problems it has no duty to help you. It is only by contacting the council that you can start getting some help.

You can apply to any council for help but it makes sense to apply to your local council. This is because if the council you apply to decides, later on, that you have a stronger connection to another area they can refer you to the council there. This will cause you delay.

You might have already received help from the council when you were threatened with homelessness but you have still ended up homeless. If you are already in touch with the council you can skip this bit and go to the section called 'The Relief duty - what it is and how long it lasts' on page 14.

It may be that someone who is already helping you, such as a social worker or probation officer, will tell the local council about your housing problem. They can only do this if you give them your permission. This is called a referral.

If you agree to someone else making a referral for you it is important you check it contains everything the council needs to know about your situation. Ask to see the paperwork to be sure and get a copy for your own record. The council cannot make an accurate decision about your case without all the information that shows you are vulnerable. We explain more about this in the section called **Stage 1** on page 9.

Unless you agree to someone making a referral for you, you will need to call and then go and see the council yourself as soon as you can.

You can ring the housing department and arrange an appointment for another day - this can be the best way forward as it means you probably won't have to wait so long. Or, you might prefer to go straight to the council's housing office without an appointment but they may ask you to come back another day or you may have to wait for many hours to be seen.

To find your council's contact details and address search here:

**[england.shelter.org.uk/housing\\_advice/homelessness/guide/homeless\\_get\\_help\\_from\\_the\\_council/how\\_to\\_ask\\_the\\_council\\_for\\_help](http://england.shelter.org.uk/housing_advice/homelessness/guide/homeless_get_help_from_the_council/how_to_ask_the_council_for_help)**

When you go to your local council housing department for help, staff there must help you if they believe that, based on what you tell them, you may be homeless. Everyone has the right to make an application for help with a housing problem. You might not get help because of your immigration status. We talk more about this in **Stage 2** on page 12.

**You need to make sure you get to see a housing officer. Lots of councils now have such a shortage of housing and resources generally that the reception staff will often try and send you away as soon as you arrive. Make sure you explain politely that you know you have the right to make an application for help with housing.**



First the housing officer will ask you questions to work out if you are eligible for housing assistance. Housing assistance just means help from the council with your housing problem.

Local council housing departments are very busy places so if you decide to go without making an appointment first it is very important to get there early in the day. You may have to wait to be seen for several hours or more. If you can ask someone to go with you to give you some moral support this would be a good idea.

Make sure you take as much evidence of your situation as you can find. The housing officer will need as much information as possible to make a decision about what type of help the council must give you.

You need to take these documents with you:

- Proof of identity such as your passport, ID card or driving licence,
- Eviction notice and tenancy agreement if you have been told to leave your home by your landlord,
- If you have been asked to leave by a friend or family member, a letter from them saying when you have to leave by,
- Proof of your income, such as bank statements, pay slips and all benefits (for example a recent benefits letter),
- Proof of your children's identity, such as their birth certificates and your child benefit letter,

- Proof of your pregnancy, such as a letter from your midwife or your MATB1 form,
- Proof of any medical condition you have, such as a letter from your doctor or hospital or copies of your prescriptions.
- Proof of your immigration status such as a passport or other document that shows you have the right to live in the UK.

If you do not have any of these things the council must assess you anyway – they can't send you away just because you haven't got documents. But it will make your application more likely to succeed if you take as much as you can.

To work out if your local council has a duty to help you or not they will need to carry out an assessment. This assessment might be done on the day you first visit or you might get asked to go back another day. The assessment can take a couple of hours. You will be asked questions about:

- Yourself and your family,
- Your immigration status,
- Your address history – usually the council will want a list of addresses to cover the last 5 years,
- Your health,
- What has led you to become homeless.

## Top tips for going to your council for help

- ✓ Read this guide through a couple of times so you know what your rights are before you get there.
- ✓ Before you go try and think about what you want to ask the council to do to help you. See page 17.
- ✓ Get there early or, better still, call in advance and book an appointment.
- ✓ If you get an appointment make sure you are there on time.
- ✓ Make sure you can stay there all day if you need to, for example, by making arrangements for your children to be looked after by someone else.
- ✓ Take all the evidence you possibly can - see page 6.
- ✓ Take someone with you for support if you can.
- ✓ Take notes on everything you are told and get the full name and contact details of the council officer you speak to.
- ✓ Try to stay calm and polite, but be firm too about getting the help you need.
- ✓ Before you leave make sure you understand what will happen next.
- ✓ Make sure the council always has your up to date mobile number and email and address of a friend or family member where post can be sent safely.
- ✓ Thank the person for meeting with you because you really need their help!

To find out if you can get help from the council you need to go through different stages. We talk about these next.

When and how to get help from the council





# Stage 1 - The duty to provide you with accommodation straight away

The Council **must** provide you with accommodation straight away if they think you:

- **may** be homeless,
- **may** be entitled to housing assistance (see Stage 2 on page 12), and
- **may** be in priority need.

They cannot delay this for any reason. It is very important that you persuade them to give you this if you can. The key thing you need to do to get accommodation now is to show you are in priority need.

If you are accommodated by the council at this early stage it is likely they will take their duty to help you (called the **Relief duty**, see Stage 3 on page 14) much more seriously.

If the Council refuses to provide you with accommodation straight away, you need to get help quickly to see if you can challenge the decision. Take a look at our guide **How to challenge the decision about your homelessness application** for more help.

Often at this early stage the council will try and turn you away if they don't think you have what is known as a 'local connection'. But you **don't** need a local connection to the council you ask for help from, so they should not turn you away.

If you are refused help at this stage because you do not have a local connection you must ask for that decision to be put in a letter. The council should then back down and open a file for you. However, if you can't show you have a local connection once the council has worked through your application they may well send you on to another area where you do have a connection. So, it is sensible to apply for help where you do have a connection.

## Local connection

You can show you have a local connection if:

- You normally live in the area, or
- You work in the area, or
- You have family links in the area, or
- There are other special circumstances that give you a local connection.

You might find that the council says you need to be living in the area for 6 out of the last 12 months or 3 out of the last 5 years. But these are only guidelines - these are not the law so you can try argue you have a local connection anyway.

If they accept your application, and later on try to refer you for this reason, you have the chance to argue about it then. For more help on this see our guide **How to challenge the decision about your homelessness application**.

Stage 1  
- the duty to provide you with accommodation straight away

The council must make arrangements with the council they are referring you to so that they can continue with your application.

Remember, even if you have no local connection to an area the council cannot send you back to where you were before if you are fleeing from abuse or violence.

## What is priority need?

Only certain people fall into the group of being in priority need. You are in priority need if:

- You are pregnant,
- You have dependent children,
- You are aged 16 or 17,
- You are aged 18,19 or 20 and a care leaver,
- You are homeless because of an emergency such as a fire.

You also count as being in priority need if you are vulnerable. It can be very hard to prove you or a member of your household are vulnerable. You may be classed as vulnerable if you:

- Are elderly,
- Are suffering from a serious mental illness,
- Are physically disabled or have a learning disability,
- Have spent time in care, prison or the armed forces,
- Are fleeing domestic abuse or violence.

You have to show the council that, because of one or more of these reasons, you are more vulnerable than the average person facing homelessness. To do this it is really important to get **as many** letters from any professionals you have contact with to support you in saying you are vulnerable. These letters could come from your doctor, social worker, mental health support worker or probation officer. Ask them to say in the letter that if you are made homeless you would be substantially more vulnerable than an ordinary person who was made homeless, because of one of the reasons above. Using that wording makes it harder for the local authority to ignore the letter.

## Emergency and temporary accommodation

If you are provided with accommodation straight away, it is likely to be called emergency accommodation. This only has to be suitable for a short stay and is often unsatisfactory. Do report any problems, but also try to be patient. After a while, depending on your situation, you should be moved to somewhere more suitable, which is usually called temporary accommodation.

Stage 1  
- the duty to  
provide you  
with accom-  
modation  
straight away

## Example

Iris is 17 years old and has fallen out with her sister who she was living with in Wolverhampton, where she was born. Her sister tells her she has to leave. So, with nowhere else to go in Wolverhampton she goes to Plymouth to stay with her grandmother. Unfortunately her grandmother is unwell and needs a carer to stay overnight. There is not enough space for Iris too.

She goes to the council for help. At first they tell her she must go back to Wolverhampton. But she reminds them she can go to any council for help with housing. She insists on a written decision letter as she is in priority need because of her age. The council put her in emergency accommodation. She explains her close relationship with her grandmother and they decide to accept that she has a local connection.

While she is in emergency accommodation the council help her to find somewhere to live. They should also refer her to social services. In the end she will be found somewhere to stay on a long term basis.



# Stage 2 - The eligibility assessment

The next decision the housing officer needs to make is whether or not you are entitled to housing assistance. This is to do with your immigration status.

If you have already been assessed by the council when you were threatened with homelessness and your immigration status has not changed you can skip this bit and go straight to the section called 'Stage 3 - the help the council has to give you - the 'Relief duty' on page 14.

You must have the right to stay in the UK if you want to get help with housing. Usually you will be entitled to housing assistance if you are:

- A British or Irish citizen living in the UK,
- An EU citizen working in the UK or with permanent residence,
- From outside the EU but allowed to claim benefits.

The situation for EU citizens may change because of Brexit so do look at [england.shelter.org.uk/](http://england.shelter.org.uk/) if you are in this situation.

Other people from abroad may be entitled to housing assistance so do check the rules here [england.shelter.org.uk/housing\\_advice/homelessness/rules/immigration\\_and\\_residence\\_restrictions\\_on\\_homelessness\\_help](http://england.shelter.org.uk/housing_advice/homelessness/rules/immigration_and_residence_restrictions_on_homelessness_help) if you don't fit into one of the groups in the list above.

If you are told you are not entitled to housing assistance because of your immigration status you might want to get more help and advice to see if this decision is correct. The council must give you the decision in writing. If you aren't given this decision in writing make sure you ask for it.

In reality it is unlikely you will be given this letter on the day you see a housing officer. You will probably have to ask for it to be posted to an address where you can collect it or emailed to an email address you can access. Or you can ask when you can go back and collect it yourself.

You might be entitled to free legal help about your housing problem. Go to [gov.uk/civil-legal-advice](http://gov.uk/civil-legal-advice) to work out if you are. You can then call the Civil Legal Advice helpline for free legal help on some housing issues. Call charges apply when you ring CLA but you can get them to call you for free.

You can call Shelter for telephone advice about your housing problem for free.

You can also search for a solicitor who does housing law or a housing adviser here: [find-legal-advice.justice.gov.uk/](http://find-legal-advice.justice.gov.uk/).

If you think the decision the council makes is wrong, ask for it to be looked at again. For more information on this see our guide 'How to challenge the decision about your homelessness application'.

If the council decides correctly that you are not entitled to help because of your immigration status the housing department doesn't have any duty to help you. If you find yourself in this situation all the council has to do is give you very basic general information on how to avoid becoming homeless and how to find a new home. The housing department doesn't have to help you find somewhere to live.

You will need to go to the Home Office for help or your social worker if you have one. Unfortunately, the rest of this guide will not be useful to you. Instead of reading on you should take a look at these websites:

[praxis.org.uk/](http://praxis.org.uk/)

[refugee-action.org.uk/our-services/](http://refugee-action.org.uk/our-services/)

[refugeecouncil.org.uk/what\\_we\\_do/work\\_with\\_asylum\\_seekers](http://refugeecouncil.org.uk/what_we_do/work_with_asylum_seekers)

If you are entitled to help with housing then you go to the next stage where the council owes you what is called the 'Relief duty'. We will talk about what this is next.

Stage 2  
- the  
eligibility  
assessment



# Stage 3 - The help the council has to give you (the Relief duty)

If the housing officer decides that you are entitled to help with housing and that you are homeless then the council owes you the 'Relief duty'. This means that the council **must** help you find suitable accommodation. It does not mean that the council has to actually house you. At this point you may have been housed in emergency or temporary accommodation by the council or you may still be in the same situation you were when you first contacted the council for help.

The law sees suitable accommodation as accommodation that meets your housing needs and which is likely to be available to you for at least 6 months.

A housing officer has to carry out an assessment to work out what steps need to be taken by you and by the council, to help you. The steps are then written down in your Personalised Housing Plan. For more on this see page 16.

You can ask any council for help if you are homeless. That council must accept your application. They are not allowed to send you away. If they think you do not have a local connection to the area, then later in the process they may well refer you to another council and ask them to help you instead. But you will get a chance to dispute this if you don't agree.

The council must take into account your personal needs and circumstances when helping you to find accommodation. This might mean that, if you agree, your housing officer works with your support worker or social worker, if you have one.

The Relief duty lasts for up to 56 days (8 weeks) from the date the council decides you are entitled to help. That means the council has to help you for 56 days (8 weeks) to find somewhere to live but they don't have to provide you with actual housing. If you find somewhere to live before the 8 weeks are up the council's duty to help you ends then.

If you are still homeless when the 56 days (8 weeks) comes to an end you might actually get housed by the council. This is only if you meet certain conditions. We talk about this more in the section called '**What happens when the Relief duty comes to an end?**'

What has to happen during these 56 days (8 weeks) is set out in your Personalised Housing Plan.

Stage 3  
- the help  
the council  
has to give  
you - the  
'Relief duty'

## Example

Maria goes to her local housing department on 19th December for help because, after breaking up with her partner, she has ended up sleeping on her friend's sofa.

The council decides she is eligible for housing assistance as she was born in England. The council decides she is homeless as she cannot stay at her friend's for long and has nowhere else to go. She is not in priority need which means the council doesn't have a duty to house her straight away in emergency or temporary accommodation.

The council has to help her find somewhere to live until 13th February (8 weeks from 19th December) that is suitable for her needs, but not actually find her housing. With help from the council for a deposit Maria finds a private rented flat she can afford on 10th February. The council's duty ends that day.



**Stage 3**  
- the help  
the council  
has to give  
you - the  
'Relief duty'

# Your assessment and Personalised Housing Plan

You may already have a Personalised Housing Plan. If you do you can skip this bit and go to the section below 'How to get your Plan updated' on page 18.

Your assessment to work out what needs to happen next can take around 1 - 2 hours and will usually be a face to face meeting at the housing office. Or, occasionally it might take place over the phone, if for example you are in hospital.

You will be asked about:

- Yourself and your household. This includes your partner, your children, and any relatives who would usually live with you if you were not facing housing problems.
- What has happened for you to be where you are, needing help?
- Your housing needs - for example, how many children you care for or do you need it to be accessible for a wheelchair user?
- What support you think you need to find somewhere new to live.

You need to prepare for your assessment so that you get the best Personalised Housing Plan for your needs.

## Top tips on how to prepare for your assessment

- ✓ Make sure you have all the information you can get to prove to the housing officer what your housing needs are. See page 6.
- ✓ Think about what you would like the council to do to help you. See some examples on page 17. Make a list and take it with you.
- ✓ Try to be as open as possible about your problems as this will help the housing officer to get a better understanding of your situation and fit the plan around you better.

Your Personalised Housing Plan - how to negotiate what you need or get it updated



The council should listen to what your wishes are about the type and size of accommodation you think you need and where you would like to live. The council must consider what is affordable for you and what special needs anyone in your household has. Depending on your situation the council will have firm rules on what size of accommodation you may be offered.

The council then has to tell you what practical and reasonable steps it will take to help you find somewhere to live. You will be asked to agree the steps you will take to help yourself to find somewhere to live.

These steps must be written down in what is called your Personalised Housing Plan.

If you can, you need to agree with the housing officer what steps are going to be taken by you and the council. If you can't agree, what goes in the plan is what the housing officer thinks should go in.

Some steps set out in the plan will be steps you have to take - known as mandatory steps. Others will be steps that it would be a good idea for you to take - known as recommended steps. The housing officer must make it clear to you which are the tasks that you have to do.

Examples of the type of help the council might give you:

- Support you by getting you help from specialist services,
- If you are sleeping rough, refer you to specialist services, or sometimes use a discretionary power to find you some accommodation,
- Help you to find supported housing,
- Help you find private rented accommodation,
- Pay a deposit or rent advance to help you get a private rented property.

Examples of the steps you might be asked to take:

- Get benefits or debt advice,
- Get support from a domestic abuse charity or advice from a family law solicitor,
- Take part in mediation,
- Look for a private rented property by going to local estate agents and looking online at sites like Rightmove and Zoopla,
- Apply to the council's housing register (also called the housing list).

If your situation changes the housing officer should make sure your Personalised Housing Plan is updated.

If your situation changes at all you can also ask for your Plan to be looked at again. This is useful as it means that you can get another chance to explain your situation and ask for different support that will hopefully make things better for you.

**Your  
Personalised  
Housing  
Plan - how  
to negotiate  
what you  
need or get  
it updated**

Do the things set out in your Plan! If you don't, the council can give you a warning notice and if you still don't do the things the Plan says you must do the council can end its duty to help you. For example, if the council asks you to look for private rented properties as part of your Personalised Housing Plan, it is a good idea to keep evidence of the efforts you have made to try and find private rented accommodation that you can afford.



## How to get your plan updated

You may already have a Personalised Housing Plan from when you went to the council for help before you ended up homeless.

Now that you are homeless your Personalised Housing Plan will need to be updated. The council must arrange another assessment meeting. This is your chance to tell the housing officer what has happened and what you now need help with. Take a look at our top tips for preparing for your assessment.



## Top tips for negotiating what you want in your Personalised Housing Plan

- ✓ **Try to remain calm and polite even when you feel stressed or frustrated.**
- ✓ The Plan is meant to be shaped around you so you can argue for things that are specific to you.
- ✓ Don't try to get the sympathy of the housing officer. Instead, calmly explain what you want.
- ✓ Try to be clear and firm when asking for what you want.
- ✓ Try and work out what it is you want before you go for your assessment - for example, help with a deposit and getting a private rented home.
- ✓ Make a list of the things you want to say so that you don't forget something important. For example, remember to tell them about the different needs of all the people who usually live with you.
- ✓ If you can find a housing adviser before you go to your assessment see if they can write you a letter saying why they think the council has a duty to help you and what help you need.
- ✓ Try to agree to the steps in the Plan - if you can't the council will make you take the steps the housing officer thinks are reasonable steps.

# What is suitable accommodation?

Accommodation that the council offers you, or that you find with help from the council, must be suitable for you and all the members of your household. Your household is made up of:

- people who usually live with you, or
- people who would usually live with you if you weren't homeless.

What 'suitable' means depends on how long you have to stay in the accommodation. If it is going to be somewhere you stay for one or two nights the standard is low. If it is for a week or two it is still not very high. If it is for much longer, the standard should be the same as long term accommodation. What is suitable depends also on your needs and situation. The council must take into account:

- space,
- location,
- how affordable the accommodation costs are for you,
- the state of repair and safety standards,
- any medical or physical needs you or members of your household have.

For example accommodation that is overcrowded or does not have proper fire safety arrangements in place is not likely to be suitable.

The location of the accommodation must be suitable for you - for example for your children's schools, your work.

If the accommodation is private rented and is being offered to you because you are in priority need it has to meet higher standards. The council must inspect the accommodation and check out a long list of requirements before you move in.

If you refuse this accommodation the council will no longer have a duty to help you at all. So, it is important to think very carefully before refusing an offer of accommodation – try to get advice from a housing solicitor or perhaps ring Shelter for free advice before doing so. It is almost always better to accept an offer of accommodation to start with whether or not you think it is suitable; you can challenge it after you accept it and hopefully get somewhere better. You can get more help on this in our guide **How to challenge the decision about your homelessness application**.



What is suitable accommodation?

# How to avoid being classed as intentionally homeless

The council can say you can't get help with housing or be provided with long term housing if it is your fault that you are homeless. This can either be because of something you did or something you failed to do that means you no longer have a home.

So it is really important to show the council you did not become homeless intentionally.

The council may say you have made yourself intentionally homeless if you:

- were evicted for rent arrears or anti - social behaviour,
- were violent to someone in your home and had to leave,
- refused an offer of accommodation and then asked for more help,
- left your home in another country to come to the UK,
- lost your home because you were in prison.

But, the law doesn't say these situations automatically mean you have made yourself intentionally homeless, so you can argue this with the council.

For example, you are not intentionally homeless if:

- you could not pay the rent, or mortgage, because you didn't have enough money.
- your previous home was not suitable for you or your household, because it was too small or in poor condition.

Even if the council is providing you with emergency or temporary accommodation, if the Relief duty comes to an end and you are not in permanent accommodation, the council can refuse to help you for much longer if you have made yourself intentionally homeless.

How to avoid being classed as intentionally homeless

# What ‘deliberate and unreasonable refusal to cooperate’ means

The council can decide that they no longer have a duty to help you if you deliberately and unreasonably refuse to cooperate with the steps set out in your Personalised Housing Plan.

To decide if you are deliberately and unreasonably refusing to cooperate the council must:

- Look at the Personalised Housing Plan again and check that the steps are reasonable,
- Check that you understand the steps in the plan,
- Check that you are not struggling to cooperate because of a mental health or communication condition,
- Check that any refusal to cooperate is actually deliberate and unreasonable given your situation. For example, if you missed house viewings because you had to go to a Job Centre Plus appointment the council would not see this as unreasonable.

The council has to give you a warning notice to remind you of what you need to do. If you still don't do it the council is allowed to end its duty to help you with your housing problem. You can challenge this – see our guide **How to challenge the decision made about your homelessness application**.

So, it is really important to do the things agreed in your Personalised Housing Plan otherwise you might find that the council decides it no longer has to help you with your housing needs.

What does ‘deliberate and unreasonable refusal to cooperate’ mean?

# What happens when the Relief duty comes to an end

You might find that, after the Relief duty comes to an end, 56 days (8 weeks) after you applied to the council about your housing problem, you still haven't got somewhere to live.

To actually get housed by the council (sometimes called the 'full duty') at the end of the 56 days you need:

- to be assessed as homeless,
- to not have made yourself intentionally homeless,

to be in priority need (for a reminder on this go to **Stage 1 on page 9**).

If you do not have a local connection, the council can and probably will pass the duty to house you to another council where you do have a local connection.

The accommodation might be social housing or private rented accommodation with a tenancy of at least 12 months.

The council doesn't always make a decision at the end of the 56 days so make sure you keep a note of the date when the 56 days are up - in the calendar or reminders in your phone - so that you or your support worker or solicitor can contact the council.

Sadly, at the end of the 56 days if you are still homeless but you are not classed as being in priority need, or are found to be intentionally homeless, the council has no duty to house you. But you should receive reasonable notice if you are in emergency or temporary accommodation - usually around 28 days.



What happens when the Relief duty comes to an end



## Example

Tom and Mary and their two young children have been housed in emergency accommodation in Bristol after Tom's parents asked them to leave their house. For 56 days (8 weeks) the council must help them with their housing problem under the duty called the 'Relief duty'.

At the end of the 56 days they are still in emergency accommodation and have not had any information from the council about what happens next. Mary has to call them and ask what happens next. They explain that they have only just finished their assessment of the family's situation. They have decided they are:

- entitled to housing assistance (as they are both from the UK),
- they are still homeless,
- they are in priority need because they have two young children,
- they are not intentionally homeless - Tom's family could no longer put them up,
- they have a local connection as they both grew up in Bristol (this means that they should not be referred to another council).

So, this means they must be offered accommodation by the council under what is sometimes called the 'Full' duty. But, it doesn't mean they will be given permanent accommodation straight away, because there is a shortage of housing. The family could stay in temporary accommodation for months or even longer.

What happens when the Relief duty comes to an end

# More help and advice

Start by contacting **Shelter**. You can call Shelter's free housing advice helpline on: 0808 800 4444. The line is open from 8am – 8pm on weekdays and 9am – 5pm on weekends, 365 days a year. Calls are free from UK landlines and all major UK mobile operators. There's also a 'chat with us' service on their website.

Shelter also has advice centres in England where you can go to get personal, face-to-face advice from a housing specialist. To find your nearest centre see [england.shelter.org.uk/get\\_help/local\\_services](http://england.shelter.org.uk/get_help/local_services)

To find a **lawyer** that specialises in housing law and to find out if you are eligible for legal aid look at these websites:

[hpa.org.uk/cms/find-a-housing-lawyer/](http://hpa.org.uk/cms/find-a-housing-lawyer/)

[find-legal-advice.justice.gov.uk/](http://find-legal-advice.justice.gov.uk/)

[checklegalaid.service.gov.uk/find-a-legal-adviser?category=housing/](http://checklegalaid.service.gov.uk/find-a-legal-adviser?category=housing/)

**Civil Legal Advice** is a service that provides some free legal advice over the phone, funded by the government. To see if you qualify go to [gov.uk/civil-legal-advice/](http://gov.uk/civil-legal-advice/) You need to be on a low income with either a small amount or no savings to be entitled to this help.

To find a housing law adviser you can get help from **AdviceUK** which is a network of advice centres. You can search for your nearest advice centre here: [adviceuk.org.uk/looking-for-advice/](http://adviceuk.org.uk/looking-for-advice/)

**Citizens Advice** is the national body for Citizens Advice Bureaux (CAB). Scroll down their homepage to search for a CAB near you: [citizensadvice.org.uk/](http://citizensadvice.org.uk/).

You can also get help from **law centres** who employ solicitors and other workers who specialise in helping people with housing, employment, immigration, education, community care, and benefit problems. You can search for your nearest Law Centre here: [lawcentres.org.uk/i-am-looking-for-advice\\_](http://lawcentres.org.uk/i-am-looking-for-advice_)

**LawWorks** is a charity that connects people in need of legal advice and assistance with lawyers willing to meet those needs for free. It supports 170 legal advice clinics across England and Wales. Most of these law clinics take place in the evening and provide free initial advice to people about social welfare issues, employment law, housing matters and consumer disputes. You can find a clinic here: [lawworks.org.uk/legal-advice-individuals/find-legal-advice-clinic-near-you](http://lawworks.org.uk/legal-advice-individuals/find-legal-advice-clinic-near-you)

**Community organisations** – some local community organisations offer housing advice, and sometimes in languages other than English. If there's a community organisation near where you live, it's worth asking them if they can help. If you don't know whether there is one, ask your local council if they know of any.

You can also use Advicenow's Help Directory to find help: [advicenow.org.uk/guides/help-directory](http://advicenow.org.uk/guides/help-directory)

More help  
and advice



# What does it mean?

**Intentionally homeless** – This means that the council decides it is your fault that you are homeless, either because of something you have done or because of something you have failed to do.

**Local connection** – you have a local connection to the area if you usually live there, you are employed there, you have family links there or there are other special circumstances giving you a local connection.

**Full homelessness duty** – this is a name sometimes used for the duty that the council has to house you if you are homeless, not intentionally homeless, in priority need and have a local connection to that area.

**Housing assistance** – this is the help the council has to give you in relation to your housing problem.

**Priority need** – you are in priority need if you are pregnant, aged 16 or 17, aged 18, 19 or 20 and a care leaver, homeless because of an emergency or classed as vulnerable.

**Relief duty** – this is the name given to the help you are entitled to from the council if you are homeless and you go to the council for help. The duty to you is to help you end your homelessness not to actually house you. That duty is sometimes called the 'Full homelessness duty'. It lasts for 56 days (8 weeks) and ends when you find new accommodation or it is decided that the council does not have a duty to house you under the 'Full homelessness duty'.

What does  
it mean?

# Notes

# Notes

The information in this guide applies to England and Wales only. The law may be different if you live in Scotland or Northern Ireland.

The law is complicated. We have simplified things in this guide. Please don't rely on this guide as a complete statement of the law. We recommend you try and get advice from the sources we have suggested.

The cases we refer to are not always real but show a typical situation. We have included them to help you think about how to deal with your own situation.

# advicenow.org.uk

If you would like this guide in another format please email [guides@lawforlife.org.uk](mailto:guides@lawforlife.org.uk)

Advicenow would like to thank David Thomas for his assistance and feedback on this guide and all those who took part in the pilot.

This guide was written by Advicenow with funding from the TDS Foundation.

Published by Law for Life – May 2019.



## Can you help us?

We hope you found this guide helpful. Can you support this guide with a donation? To donate just go to [www.advicenow.org.uk/donate](http://www.advicenow.org.uk/donate).

We are always trying to improve our service. If you have any comments on what you like or don't like about this guide please go to [www.advicenow.org.uk/feedback](http://www.advicenow.org.uk/feedback)



Advicenow is an independent, not for profit website providing helpful information on rights and legal issues ([www.advicenow.org.uk](http://www.advicenow.org.uk)).

Advicenow is part of Law for Life. Law for Life is a charity dedicated to ensuring that people have the knowledge, confidence and skills needed to deal with law-related issues.

Law for Life: the Foundation for Public Legal Education is a company limited by guarantee, registered in England & Wales no. 07695486. Charity no. 1143589. Registered office: China Works, 404 Southbank House, Black Prince Rd, London, SE1 7SJ.

