

A survival guide to

what to do
if you are
threatened with
homelessness

advicenow

Making sense of the law and your rights

About this guide

If you are worried that you may be made homeless soon you are likely to be feeling stressed or anxious. You might feel that you don't have the energy or don't know how to get help. But, the sooner you do the sooner things are likely to get better. 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 is **not** for you if:

- You live outside England - (the law is different in Wales, Scotland and Northern Ireland).
- You are not entitled to housing assistance - see page 8 to check this.

This guide explains:

- When the council must treat you as threatened with homelessness.
- When and how to contact the council for help.
- How the council will work out if you are entitled to help - known as housing assistance.
- What the council must do to help stop you from becoming homeless - known as the 'Prevention duty'
- How the council works out how to help you and what your Personal Housing Plan is.
- What you should do if the council doesn't agree to help you.

We try to explain any legal language as we go along but there is also a jargon buster called 'What does it mean'? at the end of the guide.

We have written other guides about homelessness to help you. See if any of these are useful too:

- A survival guide to what to do if you are homeless
- How to challenge the decision about your homelessness application
- How to deal with a section 21 notice

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What does being threatened with homelessness mean?

You are threatened with homelessness if you are likely to be homeless within the next 56 days (8 weeks). You are also threatened with homelessness if you have been served with a valid section 21 eviction notice which ends in 56 days or less.

If you have been served with a section 21 eviction notice read our guide **How to deal with a section 21 notice** for more help.

To understand if you are threatened with homelessness you need to know what counts as being 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 your young children.

For example you are classed as homeless if

- you are sleeping on a friend'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,
- you are at risk of domestic abuse or violence at your home if you go back to it.



When and how to get help from the council

As soon as you realise you may become homeless in the next 56 days (8 weeks) you need to contact your council's housing department.

Someone who is already helping you, such as a social worker or probation officer, can tell the local council about your housing problem for you as long as you give your permission to them to do this. This is called a referral.

Unless someone refers you to the council, you need to call and make an appointment at the council as soon as you can.

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. This is because the council cannot make an accurate decision about your case without all the information about your situation.

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 ring the housing department and arrange an appointment for another day - this can be best because you probably won't have to wait so long.

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.

Local council housing departments are very busy places so it is important to get there early in the day if you haven't made an appointment. You may have to wait to be seen for several hours.

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

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 council housing department for help, staff must help you if they believe you are threatened with homelessness. Everyone has the right to make an application for help with a housing problem. You might not get help because of your immigration status. For more on this see the section called '**Eligibility assessment**' on page 8.

You need to make sure you get to see a housing officer. Lots of councils now have such a shortage of housing that the receptionist will often try and send you away as soon as you arrive. Make sure you stand your ground and explain that you know you have the right to make an application for help with housing.



If you can ask someone to go with you to give you some moral support this would be a good idea.

First the housing officer will ask you various questions to work out if you are entitled to housing assistance.

When and how to get help from the council

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 should give you.

You should take:

- 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, or a letter from the adult you live with stating they have asked you to leave,
- Proof of your income, such as bank statements, pay slips and all benefits,
- 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 don't have this you need to read the section called **'Eligibility assessment'** on page 8 to work out what to do next.

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,
- Your health,
- What has led you to be threatened with homelessness.

Top tips for going to your council for help

- ✓ **Try to stay calm and polite, but be firm too about getting the help you need.**
- ✓ Before you go try and think about what you want to ask the council to do to help you. See page 12.
- ✓ 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 housing officer you speak to. If you take a friend they could help with this.
- ✓ 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 or address of a friend or family member where post can be sent safely.



Eligibility assessment

If the council thinks you are threatened with homelessness, the first 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.

You must have the right to stay in the UK if you want to get help with housing. There are lots of detailed rules about this. You can find further information about these rules here: [england.shelter.org.uk/housing_advice/homelessness_rules/immigration_and_residence_restrictions_on_homelessness_help](https://www.england.shelter.org.uk/housing_advice/homelessness_rules/immigration_and_residence_restrictions_on_homelessness_help)

If you are told you are not entitled to housing assistance because of your immigration status you should get more help and advice to see if this decision is correct.

You might well be entitled to free legal help about your housing issue. Go to [gov.uk/civil-legal-advice/](https://www.gov.uk/civil-legal-advice/) to find out.

- You will need this information to go through the assessment: Your income - wages, pension, maintenance and benefits.
- Your outgoings - rent or mortgage, maintenance, childcare costs, monthly contribution order payments (if you have to pay towards any criminal legal aid costs).

If it looks like you might be entitled to free legal advice you can then call the Civil Legal Advice helpline. Or they can call you back. The contact details to do this appear on the website after you have put in your information about your financial situation. 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. See the section 'More help and advice'.

You can also search for a solicitor who does housing law or a housing adviser here: [find-legal-advice.justice.gov.uk/](https://www.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 help on this look at 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 except to give 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/](https://www.praxis.org.uk/)
- [refugee-action.org.uk/our-services/](https://www.refugee-action.org.uk/our-services/)
- [refugeecouncil.org.uk/what_we_do/work_with_asylum_seekers](https://www.refugeecouncil.org.uk/what_we_do/work_with_asylum_seekers)

If the council decides you are entitled to housing assistance it must help you. If the council accepts that you are likely to be homeless soon - in the next 56 days (8 weeks) - it has a duty to help stop this from happening. This is called the Prevention duty and the next section tells you all about it.

The Prevention duty - what it is and how long it lasts

If the housing officer decides that you are entitled to housing assistance and that you are threatened with homelessness, your local council has a duty to help prevent you from ending up homeless. This is known as the 'Prevention duty'. It does not mean that the council has a duty to actually house you.

Your local council must take reasonable steps to help prevent you from becoming homeless.

A housing officer has to carry out an assessment to work out what these steps are. The steps are then written down in your Personalised Housing Plan. For more on this see the section '**Your assessment and Personal Housing Plan**

- what is it and how to negotiate what you want'.

The first thing the council should do is look at how to help you stay in your current home. If this is not possible it will need to help you find new accommodation which you can move into in a planned way. This could mean the council helps you to stay in your current home for a bit longer while you find a new one to go to.

You can ask any council for help if you think you might be made homeless within the next 56 days (8 weeks). But it makes sense to ask for help from the council where you are living. If you ask a different council for help they may well send you back to the council where you have a local connection.

The
Prevention
duty - what
it is and
how long
it lasts



The council must take into account your needs and situation when working with you to prevent you becoming homeless. This might mean that, with your permission, your housing officer works with your support worker, if you have one.

Examples of your particular needs could be:

- If you have disabilities you will need accommodation you can access properly for example with a wheelchair.
- Enough bedrooms for your children so that the boys and girls don't have to share when they are aged 10 or over.
- Accommodation that is located near to a special school that your child needs to attend.

The Prevention duty lasts for up to 56 days (8 weeks) from the date the council decides you need help. Or, longer if you have been given a valid section 21 eviction notice and it is still in effect. If in this time you actually become homeless the duty the council has to you changes but carries on. For more information on this see **A survival guide to what to do if you are homeless**.



The Prevention duty can end sooner if the council decides you have:

- Refused suitable accommodation that it has offered to you - for more about this go to page 13.
- Made yourself intentionally homeless from accommodation that the council has provided - for more about this go to page 13.
- Refused to take a step set out in your Personalised Housing Plan - we talk about this in the next section.

So, it is really important that you try not to do any of these things as if you do the council can simply refuse to help at all.

The
Prevention
duty - what
it is and
how long
it lasts

Your assessment and Personal Housing Plan - what it is and how to negotiate what you want

The assessment can take around 1 - 2 hours and will usually be a face to face meeting at the housing department. Or, occasionally it might take place at your current home or sometimes over the phone, if for example you are in hospital.

You will to be asked about:

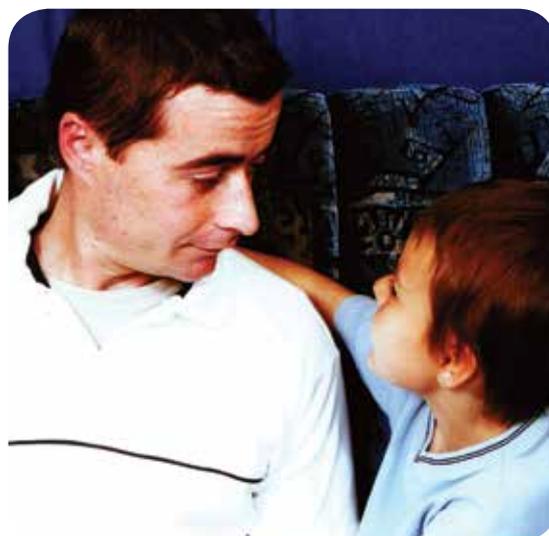
- Yourself and your household. This includes your partner, your children, and any relatives who live with you, or who would usually live with you if you were not facing housing problems.
- The circumstances that have caused you to be threatened with homelessness - what has happened for you to be where you are, needing help?
- What you need - for example, if you have children or you have a disability then you will have different housing needs to someone without any disabilities or children.
- What support you think you need to stay living where you are or to move to somewhere new.

You need to prepare for your assessment so that you get the best Personal 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 12.
- ✓ Try to be as open as possible about the issues you face as this will help the housing officer to get a better understanding of your situation and shape the plan around you better.

Your assessment and Personal Housing Plan what it is and how to negotiate what you want



The council should:

- Listen to your wishes about the type and size of accommodation you think you need.
- Listen to you about where you would like to live and why. You are unlikely to be able to choose the area but the council should take into account things like where you work, children's primary schools or if you need to make regular hospital visits.
- Consider what is affordable for you.
- What special needs anyone in your household might have that will affect all your housing needs.

The council then has to tell you what practical and reasonable steps it will take to help prevent you from becoming homeless. You will be asked to agree the steps you will take to help yourself from becoming homeless.

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

If possible, 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 steps you must take.

Examples of the type of help the council might give you and put in your Plan are:

- Mediation with family who are threatening to make you leave your home,
- Assessing if you might be entitled to financial help with rent arrears,
- Advising you on benefits you might be able to claim,
- Giving you help to access private rented accommodation such as paying a deposit or first month's rent,
- Helping you negotiate with your landlord,
- Giving you help if you are suffering domestic abuse at home but want to stay living there.

Examples of the steps you might be asked to take and might be put in your Plan are:

- Getting debt or benefit advice - see our '**More help and advice**' section on p 16.
- Taking part in mediation with your family - the council should help set this up.
- Getting support from a specialist domestic abuse organisation or a family law solicitor - see our '**More help and advice**' section on this.
- Looking for private rented accommodation - the council should give you information on local agencies and you can use google to find sites like rightmove, and Zoopla.

Your assessment and Personal Housing Plan what it is and how to negotiate what you want

The housing officer will arrange for your Personal Housing Plan to be reviewed and talk to you about any changes in your situation so that the plan can be updated. 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.

It is really important you do the things set out in your Plan. If you don't, the council will remind you of what you need to be doing in a warning notice. If you still don't do the things in your Plan the council can end its duty to help you.

At this stage the council might offer you what it calls 'suitable accommodation'. This is accommodation that is available for at least 6 months. 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. You should try your hardest to find a housing law solicitor or housing adviser before you make this decision to get some legal advice. You can find one here [find-legal-advice.justice.gov.uk/](https://www.find-legal-advice.justice.gov.uk/). Or, you can contact Shelter online, by phone or in person. Find all their details in the section 'More help and advice'.



If under your Plan you do get offered accommodation which you accept but then something happens that means you leave, the council can say that it no longer has a duty to help you.

The council can decide that it is your fault that you are homeless, because of something you did or failed to do. The law calls this making yourself 'intentionally homeless'. Examples of situations where the council would probably say you have made yourself homeless intentionally are:

- When you could afford to pay your rent or mortgage but decided not to.
- When you have been evicted for anti-social or criminal behaviour.
- When you leave a job that comes with accommodation and have nowhere else to go.

You are not intentionally homeless if you don't pay your rent because you can't afford it. For more help on this see our guide [A survival guide to what to do if you are homeless](#).



Your assessment and Personal Housing Plan what it is and how to negotiate what you want

Top tips for negotiating what you want in your Personal Housing Plan

- ✓ **Remain calm and polite even when you feel stressed or frustrated.**
- ✓ The Plan should be about you - you should ask for things that would really help you to go into it.
- ✓ 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.
- ✓ If you can find a housing adviser or solicitor 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. Find a solicitor here find-legal-advice.justice.gov.uk/. Or, you can contact Shelter online, by phone or in person. Find all their details in our section 'More help and advice'.
- ✓ Try to agree to the steps in the Plan - if you can't the council will make you take the steps the housing officer think are reasonable steps.



Your assessment and Personal Housing Plan what it is and how to negotiate what you want

How to deal with the council if it won't accept your application

What to do if the council says you are not entitled to help

If the council says you are not entitled to help because of your immigration status you will only be able to get general help and information about homelessness.

If you think the housing officer might have made the wrong decision about your immigration status you should try to get independent legal advice on this. For more information on this see the section 'Eligibility assessment' on page 8.

Make sure you ask for the decision on your eligibility to be put in writing. You then have 21 days from the date of that letter to ask for a review of the decision.



If you can, you should ask a housing law solicitor or housing adviser to do this for you. The solicitor or adviser is likely to get a quicker response and the council might change their mind if the solicitor or adviser makes it clear the decision is wrong in law. If the Council does not change its mind quickly, a more senior member of the council team will review the decision and then must tell you in writing the outcome of the review within 8 weeks.

If the review goes against you, you only have 3 more weeks to appeal to the county court. You cannot just appeal because you don't like the decision. Instead, you need to show errors of law were made by the housing officer. This is a difficult thing to do without proper legal advice from a solicitor who specialises in housing law or a housing adviser.

You should get independent legal advice to help you decide whether or not to

appeal. You can find a housing law solicitor or adviser here:
[find-legal-advice.justice.gov.uk/](https://www.find-legal-advice.justice.gov.uk/)

For more help on challenging the council's decision about your housing application see our guide **How to challenge the decision about your homelessness application**.

What to do if the council says you are not threatened with homelessness

When you go to the council for help the housing officer might decide that you are not actually threatened with homelessness in the next 56 days.

If the housing officer refuses to help at this point he or she must put this in writing. If you do not receive the decision in writing make sure you ask for it. You can ask for it to be sent to an address of a reliable friend or family member. Or you can go back and collect it yourself.

Once you get the decision in writing you have 21 days (3 weeks) to ask for a review of the decision. A more senior member of the council team will review the decision and then must tell you in writing the outcome of the review within 8 weeks.

If the review goes against you, you have 3 more weeks to appeal to the county court. You cannot just appeal because you don't like the decision. Instead, you need to show errors of law were made by the housing officer. This is a difficult thing to do without proper legal advice from a lawyer who specialises in housing law.

You can search for a housing lawyer here:
[find-legal-advice.justice.gov.uk/](https://www.find-legal-advice.justice.gov.uk/)

How to deal with the council if it won't accept your application

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

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/

find-legal-advice.justice.gov.uk/

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 <https://www.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/

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/.

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

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

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: www.advicenow.org.uk/guides/help-directory

More help
and advice

Debt advice

National Debtline offers you free advice over the phone.

Helpline: 0808 808 4000 – open Monday – Friday 9am-8pm, and Saturday 9.30am-1pm

They also have a useful online tool called my money steps - www.mymoneysteps.org/

Step Change - helpline: 0800 138 1111 - open Monday – Friday 8am-8pm, and Saturday 8am-4pm

Step change also have a useful online tool called Debt remedy - stepchange.org/debtremedy.aspx/

Domestic abuse support

The National domestic violence helpline offers Freephone 24 hour support - 0808 2000 247.

Women's aid has an online forum, information and resources, and a directory to find local free face to face support. Search online for 'women's aid'.

Refuge - www.refuge.org.uk/get-help-now/ - run refuges and have lots of information on their website about how to start thinking about getting help.

National Centre for Domestic Violence provides a free, fast emergency injunction service to survivors of domestic violence regardless of their financial circumstances, race, gender or sexual orientation. Call: 0800 970 2070. Or, you can text: NCDV to 60777 and they will call you back. Or, go to ncdv.org.uk/ for more information.

If you are a man and experiencing domestic violence or abuse you can contact the **Men's advice line** on 0808 801 0327. Open Monday - Friday, 9am - 5pm. If your first language isn't English, they can arrange access to a telephone interpreter. You can also email them at: info@mensadviceline.org.uk or go to mensadviceline.org.uk/ for their Web chat service.

More help
and advice

What does it mean?

Housing assistance - specific help given to you by the council in relation to a housing problem. To get this help you must be assessed by the council as being entitled. Your immigration status will affect whether or not you are entitled to this help.

Personal Housing Plan - this is the document that sets out in writing what the council and you will do to help you avoid becoming homeless.

Prevention duty - this is the duty on the council to help you for 56 days (8 weeks), from the date of your assessment, to stop you from becoming homeless.

Section 21 eviction notice - this is the name given to the paperwork your landlord gives you to tell you that they want you to leave their property and the date they want you to leave by. A section 21 notice gets its name from the section of the Act of Parliament that created it. You may also hear it called an 'eviction notice', a 'notice to quit' or a 'notice seeking possession'.



What does it mean?

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

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