



# Homelessness

Telephone: 01372 732000

[contactus@epsom-ewell.gov.uk](mailto:contactus@epsom-ewell.gov.uk)

[www.epsom-ewell.gov.uk](http://www.epsom-ewell.gov.uk)

## About this booklet

Epsom and Ewell Borough Council has a legal duty to help people who are homeless or might become homeless.

The legislation that we work to is very detailed and is called the Housing Act 1996, Part VII amended and extended by Homelessness Act 2002. This booklet is intended as a general guide to the homelessness legislation and the way it operates in this Borough. It must be stressed that it cannot tell you what will happen in every case.

Please bear in mind that whilst the Council has a duty to provide housing advice to all homeless people, we do not have a duty to provide accommodation to all homeless people. The leaflet will help explain how we come to a decision as to those we can help with advice only and those we can actually help with accommodation.

### **Housing Options Advice**

We have a legal duty try to prevent homelessness wherever possible and we will arrange a Housing Options Assessment interview. By advising you of your housing rights and exploring your alternative housing options, it may be possible to solve your problem and prevent you from becoming homeless. You will be expected to take reasonable steps to keep the accommodation you have already got or to try to find alternative accommodation. If homelessness cannot be prevented and it is apparent that you have no other housing options, an appointment will be made for you to see a Homelessness Officer.

### **Preventing Homelessness**

If you are homeless on the day you first approach the Council, we will firstly double check that you are in fact homeless. In some cases people think they must leave accommodation when in fact they have rights to stay longer. If you are homeless from a friend or relative's accommodation, we will try to negotiate with them to help you for a while longer to give us more time to assess you situation and, if need be, arrange alternative accommodation. A home visit may be arranged within the notice period. This must be seen as reasonable and an expected period will be 28 days. In cases of homelessness exclusions from parents, relatives and friends a referral may be made to a mediation service to help resolve the immediate crisis so that a planned move can be made.

## The homeless application

A homeless application is an interview with a Council Officer who will ask you questions about your housing situation and details about your household. The Officer will write your answers on a form. At the end of the interview you will be asked to sign the form and sign a declaration that you have told the truth, agree to notify the Council of any changes in your circumstances and authorise the Council to make reasonable inquiries into your situation. If English is not your first language, please inform the Officer who is interviewing you, so arrangements can be made for an interpreting service to be used.

The more information you can provide on the day of the interview the sooner the Council will be able to let you know what help can be given to you. For example, if you are working bring along recent wage slips. If you are on benefits please bring along proof you are receiving benefit. If you are pregnant bring along proof of your pregnancy such as your hospital notes or a doctors letter. If you have dependent children, bring along your child benefit details. It is also important to bring any relevant paperwork to confirm why you have lost your home. Exactly what you need to bring will depend on the circumstances of the threatened homelessness, but it may include some of the following:

- your tenancy agreement
- notice to Quit
- court papers
- proof of where you have lived over the last five years
- pregnancy certificate
- mortgage details and associated correspondence
- passport or other proof that you are entitled to live in the UK.

## The purpose of the homeless application interview

The purpose of the interview is to help the Council establish whether you are homeless, eligible for assistance, in priority need, whether or not you are intentionally homeless and whether you have a local connection with the borough.

### 1. Who is considered homeless?

Examples of instances where a household may be considered homeless or threatened with homelessness include:-

- (1) Where parents, relatives or friends are no longer able or willing to provide accommodation (we will need to check this thoroughly and will usually require a 28 day written notice)
- (2) Where an eviction, or threatened eviction has resulted following either mortgage or rent arrears
- (3) Where a Valid Notice to Quit and/or Court Order has been served requiring you to leave your current accommodation
- (4) Loss of "tied" accommodation
- (5) When it is not reasonable for you to live in your accommodation due to severe overcrowding, disrepair or violence or threats of violence.

If you are not considered to be homeless we will not be able to provide accommodation for you but you will be given general advice about your housing options.

### 2. Who is Eligible for Assistance?

This is a complex area. Most people that apply as homeless are eligible for assistance. However, certain groups of people, even if homeless, are unlikely to be eligible for help with accommodation from the Council. These groups include:-

- (1) Asylum Seekers. Some asylum seekers may get temporary accommodation arranged by the Home Office
- (2) People from abroad who aren't entitled to 'public funds' such as income support and therefore accommodation under the homelessness legislation
- (3) You aren't normally resident in the UK.

If you are considered ineligible for assistance you will not be provided with accommodation but you will be given general advice and information.

### 3. What is Priority Need?

You are considered to be in priority need if you, or someone who normally lives with you, satisfy one of the following conditions:-

- (1) You or a member of your household is pregnant
- (2) You have dependent children living with you under the age of 16 or 18 if in full-time education
- (3) You are homeless because of violence (including domestic violence), fire, flood or other emergency
- (4) You are a 16 –17 year old and are not owed accommodation duties by social services
- (5) You or a member of your household is elderly and vulnerable
- (6) You or a member of your household are considered to be vulnerable as a result of physical or mental disability/illness.

In addition to the above, some people who have left prison or the armed forces may be considered to be vulnerable depending on the individual circumstances of the case.

In assessing priority need in some of the above cases, the Council may seek the advice of an independent medical adviser.

If you are considered to be homeless, but not in priority need, you will not be provided with accommodation but you will be given advice on alternative housing options.

If you are considered to be homeless and in priority need, it will then be decided whether you are intentionally homeless.

#### 4. Intentionally Homeless

We have to consider the reasons for your homelessness. The homelessness legislation says that someone is homeless, or threatened with homelessness, “intentionally” if either:-

- (1) You deliberately do, or fail to do anything, which causes, or is likely to cause you to lose accommodation which it would have been reasonable to continue to occupy. In other words, whether you have caused your homelessness
- (2) You arrange to be made homeless to take advantage of the system and there is no other good reason for your homelessness

Examples would include:

- Choosing to leave a home you could have stayed in
- Losing your home due to anti-social behaviour
- Losing your home as a result of not paying your rent or mortgage when it was affordable for you to do so

If you are considered to be priority need but intentionally homeless, you will be given advice and assistance on alternative housing and the Council will ensure that accommodation is available for a reasonable time (usually 28 days) to allow you to find your own accommodation. If you have dependent children the Council will ask you if you would like us to refer you to Social Services for help and assistance.

If you are found to be homeless, eligible for assistance, in priority need and not intentionally homeless, it will then be decided whether you have a local connection with this Borough.

## **5. What is a Local Connection?**

You have a local connection with the Borough if:-

- (1) You have lived in the borough for 6 months out of the last 12 months, or 3 years of the last 5 years
- (2) You have permanent employment in the borough
- (3) You have immediate family eg parents, adult brother(s), sister(s) who have lived in the borough for the last 5 years
- (4) Other special reasons can be considered.

If you have no local connection with this Borough, you will be referred to another Council where you have a connection. You will not be referred to another Council if you would be under threat of violence in the Council's area. We may need to provide you with advice.

## What happens next?

### **If you are entitled to assistance**

Following the homeless interview, enquiries will be carried out regarding your application. If the Council is satisfied that you are homeless or are about to become homeless; that you are in a priority group; that you did not become homeless intentionally and that you have a local connection; you will be told in writing that the Council is satisfied about those things.

### **How long will all this take?**

It will depend on the circumstances of the case: for example how many enquiries have to be made and how quickly the answers come. We would normally expect to be able to give you a firm answer within 33 working days of your application. It would normally be quicker but it could be longer if the circumstances are complicated.

It will speed things up if you provide as much as possible of the detail we need from the beginning. The cases that take the longest are the ones where information becomes available gradually over a period and where things could have resolved much more quickly if only we had all the details to start with.

If we decide that we do not have a duty to provide you with accommodation, the reasons for the decision will be given. If you think the decision is wrong, you have a right to ask us to review the decision. Your decision letter will inform you of this right and there is a separate leaflet that explains how a review is conducted.

### **Interim Emergency Temporary Accommodation**

If it has been established that you are eligible, homeless, in priority need and have no where to stay whilst your application is being processed you will be offered interim temporary accommodation until a decision has been made on your application. This will be what is available at the time and is considered suitable for the needs of your household. This could be a refuge, hostel or bed and breakfast accommodation.

If you are considered to be homeless, eligible for assistance, in priority need, not intentionally homeless and have a local connection, the Council will have a duty to arrange accommodation for you.

This could be one of a range of things. Some of the possibilities are:

- continue to provide emergency temporary accommodation
- nomination to a private sector tenancy. In some cases we may also be able to help with a rent deposit guarantee
- nomination to a housing association tenancy for short term accommodation
- short term accommodation in a hostel centre. These have shared bathroom, toilet and kitchens, but exclusive use of rooms to live and sleep in
- short term accommodation in a refuge.

### **This is what you can expect from us:**

- if you are threatened with homelessness within 28 days you will be offered a Housing Options appointment as soon as possible
- if you have nowhere to stay on the day you approach the Council as homeless, an assessment will be made by a Housing Officer as to whether interim temporary accommodation can be provided, pending further inquiries
- if you are a victim of domestic violence, you can be interviewed by a Housing Officer of the same sex, if requested
- if English is not your first language, a telephone interpreting service is available
- Housing Services will aim to issue a written decision on your homeless application usually within 33 working days of enquiries being completed
- you will be dealt with politely and fairly and when accommodation cannot be provided you will be advised as to alternative accommodation options open to you
- personal information will only be disclosed to those agencies with the right to the information or if you give your permission. You will be asked to give permission for the Council to share information with Rosebery Housing Association who manage the temporary accommodation
- our opening hours are 10.00am – 4.00pm Monday to Friday and a duty officer is available. In cases of homeless emergencies outside of office hours, advice and assistance is available on 01372 732000 are you will be redirect to our Out of Hours Service
- if we have to provide B&B accommodation, you will not have to leave during the day.

## Further information

This is only intended as a brief guide to the provisions of the Housing Act 1996 (Part VII) and Homelessness Act 2002, and the assistance available from the Council. Should you require any further assistance, then please do not hesitate to contact the Housing Services.

This leaflet is not a statement of law. Should you require any further information on any of the issues raised in this booklet, then please do not hesitate to contact the Housing Services at the Town Hall.

Under Section 214 of the 1996 Housing Act it is a criminal offence for an applicant to knowingly or recklessly make a false statement or withhold information reasonably required by the Council. An applicant also has a duty to notify the Council of any material changes in facts which occur before a decision about the application is made. These offences are subject to fines of up to £5,000.

Every effort has been made to ensure that the information in this leaflet is correct at the time of publication. The leaflet will be reviewed annually but if you have any comments or ideas on how to improve the leaflet please let us know.

If you would like independent advice about your housing situation, you are advised to contact the Epsom & Ewell Citizens Advice Bureau (0844 4111444), Shelter Housing Aid Centre (01293 419255), Shelterline (0808 800 4444) or a solicitor.

If you are unhappy about any aspect of the homelessness service please contact the Housing Operations Manager on 01372 732000 or write to us at The Town Hall, The Parade, Epsom, Surrey KT18 5BY.

### **Housing Services**

Town Hall, The Parade, Epsom, Surrey. KT18  
5BY

tel 01372 732000

**If you would like a copy of this document in large print, on tape or in Braille, please contact 01372 732000**

**If you require a translation in your language, please contact:**

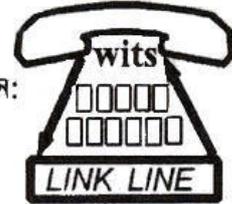
ਜੇਕਰ ਤੁਹਾਨੂੰ ਆਪਣੀ ਜ਼ਬਾਨ 'ਚ ਅਨੁਵਾਦ ਚਾਹੀਦਾ ਹੈ, ਤਾਂ ਕ੍ਰਿਪਾ ਕਰਕੇ ਸੰਪਰਕ ਕਰੋ:

જો તમને પોતાની ભાષામાં ભાષાંતર જોઈએ છે, તો મહેરબાની કરીને સંપર્ક સાધો:

**Se necessitar de uma tradução, contacte por favor:**

যদি আপনার নিজের ভাষায় অনুবাদ চান তাহলে অনুগ্রহ করে যোগাযোগ করুন:

اگر آپ کو ترجمہ اپنی زبان میں چاہئے تو براہ مہربانی رابطہ کریں۔



**01483 750548**

