

**THE FIGHT
FOR HOME
STARTS HERE**



INTERIM DUTY & HOTEL ACCOMMODATION RIGHTS



Last reviewed: January 2024

AIMS AND OBJECTIVES

- Understand your rights when placed in hotel accommodation
- Identify what your options are and who to contact for support



INTRODUCTIONS

- About us
- Tells us about you



HOTEL ACCOMMODATION: WHAT IS IT?



INTERIM ACCOMMODATION

A local authority must provide interim accommodation while it makes inquiries into a homeless application if it has **reason to believe** that the applicant may be:

- homeless
- eligible for assistance
- in priority need

Interim accommodation is sometimes described as **emergency** accommodation.

BED & BREAKFAST ACCOMMODATION

Bed and breakfast is defined as accommodation which is **not separate, self-contained premises** and either:

- cooking facilities are not provided
- a toilet, personal washing facilities or cooking facilities are shared between more than one household

Bed and breakfast accommodation can only be suitable as **temporary** accommodation.



SUITABILITY OF B&B ACCOMMODATION

Suitability of bed and breakfast accommodation depends on the type of homelessness applicant.

The Homelessness Code of Guidance for Local Authorities sets out different rules on how long the applicant can stay in a hotel depending on:

- Age
- Household makeup
- How long they have been in the UK



FAMILIES OR PREGNANT WOMEN

Bed and breakfast/ hotel accommodation is not suitable for a household with family commitments and children.

- People whose household includes dependent children, or a pregnant woman must not be housed in bed and breakfast accommodation **unless there is no other suitable accommodation** available
- This can only for a **maximum of six weeks.**

RULES ON B&B USE FOR DIFFERENT GROUPS

Homeless person	Use of B&B suitable
pregnant women	in emergency, for maximum six weeks
family with children	in emergency, for maximum of six weeks
people aged 16 and 17 years old	unsuitable, even on an emergency basis
care leavers aged under 25	unsuitable, even on an emergency basis

**WHAT ARE
YOUR RIGHTS?**



NOTIFICATION

Where a hotel has been used to accommodate a person with family commitments, the authority **must notify the person** that it can only be for a maximum of six weeks.



CHARGES AND HOUSING BENEFIT

When you are placed in hotel emergency accommodation, you should receive a license to occupy letter that looks like this.

- Occupation charge is the rent, and it should be usually covered by housing benefit in full.
- You may have to pay additional charges known as service charge yourself, as this is not covered by Housing Benefit.

Dear Sir/Madam,

Licence to Occupy - Section 188 Housing Act 1996

Following your application to the Council for assistance in obtaining accommodation we shall be providing interim accommodation whilst we decide whether we have a duty to provide you with re-housing. To assist us provide interim accommodation to all homeless applicants the council have entered into arrangements with accommodation proprietors to provide self-contained accommodation, non self contained rooms and hotel accommodation which we let on a day to day basis.

Your interim accommodation will be:

Hotel accommodation at [REDACTED]

and will start on [REDACTED]

The Proprietor of the accommodation is [REDACTED]

Contact number: [REDACTED].

You will have to pay a charge for the accommodation; the details are now set out

	Weekly Charge	Daily Charge
(a)Occupation Charge	£200.73	£28.68
(b)Water and Sewerage	£1.47	£0.21
(c)Breakfast	£9.24	£1.32
(d)Cooking Facilities	£	£
(e)Services	£12.95	£1.85
Total	£224.39	£32.06

You may be entitled to housing benefit for the occupation charge. A member of staff will assist you to complete an application form for this before you are provided with

STANDARD OF ACCOMMODATION

Hotel accommodation is subject to the standards for health and safety and overcrowding that apply to Houses in Multiple Occupation (HMOs):

- Local authorities need to be satisfied that **fire safety regulations** have been adhered to.
- Landlords have a duty to carry out a **fire risk assessment** of the common parts and implement fire safety measures.



STANDARDS OF REPAIR

In hotel accommodation, standards of repair tend to be minimal:

- As a minimum, authorities should ensure that any accommodation is free of category 1 hazards and is **fit for human habitation**.
- The local authority is under no duty to carry out an inspection under the HHSRS even if the person complains about the conditions.

GET
REPAIRS
DONE.

PETS AND BELONGINGS

The local authority has a duty to protect a person's property if they owe them interim accommodation duty – this includes pets.

- The **Dogs Trust Hope Project** has compiled a list of hostels that will accept people with dogs.
- Homeless applicants may prefer to approach the **Dogs Trust Freedom Project** to find temporary foster care for their pet (other pets considered).
- Homeless applicants may also need to store their other belongings safely while in a hotel. We suggest contacting **Street Storage**.



**WHAT CAN I
DO?**



SPEAK TO YOUR HOUSING OFFICER

If you have been in a hotel for over six weeks, our suggested first step would be to contact your housing officer and ask them to move you to suitable accommodation.



LOOK FOR PRIVATELY RENTED ACCOMMODATION

The Local Authority should provide assistance to help you find private rented accommodation:

- Affordability assessment.
- Liaise with the landlord or managing agency once you have found a property.
- Cover the deposit or rent in advance.



CONSIDER MOVING OUT OF LONDON

You can join [Homefinder UK](#) or [Bridge Housing Solutions](#) to bid for permanent social properties outside of London.

They also have allocated caseworkers that may be able to make direct offers to families.



JUDICIAL REVIEW

A person does not have the right to request an internal review of the suitability of interim accommodation.

- If the accommodation offered is unsuitable, this can only be challenged **by judicial review in the High Court.**
- You will normally have to wait until the 6 weeks have passed before taking action.

Check if you are **eligible for legal aid.**

Find a **legal aid solicitor.**



COMPLAIN TO THE OMBUDSMAN

A person can complain to the **Local Government and Social Care Ombudsman** about the suitability of accommodation offered to them in the course of a homelessness application.



LIVED EXPERIENCE

Contact details

– **Fiona McLeod**

– fiona_mcleod@shelter.org.uk

– **07880 457 425**



HOMELESS AND HOMELESSNESS PREVENTION SURVEY

This survey will help us to understand:

- Who in Waltham Forest is affected by the housing emergency.
- The assistance made available by the local authority to relieve their circumstances.
- The ease with which people can access this support
- The housing outcomes for those who sought help.



**THAT IS THE END
OF THE
PRESENTATION...**

***BUT FIRST, ANY QUESTIONS?**

CONTACT INFORMATION

If you are homeless or need advice about your housing situation please call the London advice line 0344 515 1540

Lines are open 9.30-6 Monday to Friday



RESOURCES

- [SHELTER ADVICE WEBSITE](#)
- [OVERCROWDING RESOURCES](#)
- [TENANCY CHECKER](#)
- [SHELTER LEGAL](#)
- [NHAS FACT SHEETS](#)
- [LEGAL AID ADVISOR SEARCH](#)
- [FURTHER TRAINING](#)

SHELTER

shelter.org.uk

