

**THE FIGHT
FOR HOME
STARTS HERE**



HOMELESSNESS PREVENTION



Last reviewed: July 2023

INTRODUCTIONS

- About us
- Tells us about you



AIMS AND OBJECTIVES

- Understand homelessness legal process
- How to get help from the council
- Understand what barriers families are facing in accessing suitable accommodation



MANAGING EXPECTATIONS

- There is **a long wait** for local authority housing. This is not an immediate solution and sometimes the client will not get the band/points they want.
- An applicant can be granted a high number of points and still be expected to wait a long period of time.

9,000+

Households on the waiting list for social housing in Waltham Forest as of 2023

200

Approximate number of properties that become available on the housing register per year.

5-10 YEARS

Average waiting time for a household with a 'reasonable preference'

**WHEN IS SOMEONE
HOMELESS**



WHEN IS SOMEONE HOMELESS?

They have no accommodation that they are legally entitled to occupy

They have accommodation they are legally entitled to occupy, but it is not reasonable for them to continue to occupy the accommodation

THE HOUSING EMERGENCY; ROUGH SLEEPING IS JUST THE TIP OF THE ICEBERG

↑
38%
In hidden homelessness in the last 5 years.

2 million
Working renters are now worried about
losing their home.

120,000
Children living in temporary
accommodation.

The housing emergency:
Rough sleeping is just
the tip of the iceberg

3,500

people slept on the streets
on any given night in 2020

113,000

households live in temporary
accommodation – lacking a
decent, permanent home

MILLIONS

are at risk of homelessness,
denied a safe home, or are
threatened with losing it

UNREASONABLE TO CONTINUE TO OCCUPY?

Spot the example that would **not** make the accommodation unreasonable to continue to occupy.

A

I've lost my job and can't afford the rent

C

I'd like a garden so that my children can play outside

B

My house was flooded, and everything is wet and mouldy. I've got really bad asthma.

D

I can't cope living with my partner anymore. I'm afraid all the time of doing something wrong

**WHY DO YOU THINK
PEOPLE BECOME
HOMELESS**



MAIN CAUSES OF HOMELESSNESS



Family or friends no longer willing or able to accommodate



Eviction



Relationship breakdown (violent or non-violent)



Leaving an institution (e.g. hospital, prison, etc)



Rent increase and debt



Health problems

THREATENED WITH HOMELESSNESS




A person is **threatened with homelessness** if:

- it is likely that s/he will become homeless **within 56 days.**

OR

- **where a valid notice under Section 21** of the Housing Act 1988 has been served and of which expires **within 56 days**


Ministry of Housing,
Communities &
Local Government

FORM 6A
Notice seeking possession of a property
let on an Assured Shorthold Tenancy

Housing Act 1988 section 21(1) and (4) as amended by section 194 and paragraph 103 of Schedule 11 to the Local Government and Housing Act 1989 and section 98(2) and (3) of the Housing Act 1996.

Please write clearly in black ink. Please tick boxes where appropriate.

This form should be used where a no fault possession of accommodation let under an assured shorthold tenancy (AST) is sought under section 21(1) or (4) of the Housing Act 1988.

There are certain circumstances in which the law says that you cannot seek possession against your tenant using section 21 of the Housing Act 1988, in which case you should not use this form. These are:

- (a) during the first four months of the tenancy (but where the tenancy is a replacement tenancy, the four month period is calculated by reference to the start of the original tenancy and not the start of the replacement tenancy – see section 21(4B) of the Housing Act 1988);
- (b) where the landlord is prevented from retaliatory eviction under section 33 of the Deregulation Act 2015;
- (c) where the landlord has not provided the tenant with an energy performance certificate, gas safety certificate or the Ministry of Housing, Communities and Local Government's publication "How to rent: the checklist for renting in England" (see the Assured Shorthold Tenancy Notices and Prescribed Requirements (England) Regulations 2015);
- (d) where the landlord has not complied with the tenancy deposit protection legislation;
- (e) where a property requires a licence but is unlicensed – see section 75 of the Housing Act 2004 which relates to Houses in Multiple Occupation (HMO); or
- (f) where the landlord is prevented under section 17 of the Tenant Fees Act 2019. (No section 21 notice may be given in relation to a tenancy where a landlord has breached section 1(1) or Schedule 2 of that Act so long as all or part of the prohibited payment or holding deposit has not been repaid to the relevant person or applied to the rent or deposit with the consent of the relevant person.)

Landlords who are unsure about whether they are affected by these provisions should seek specialist advice.

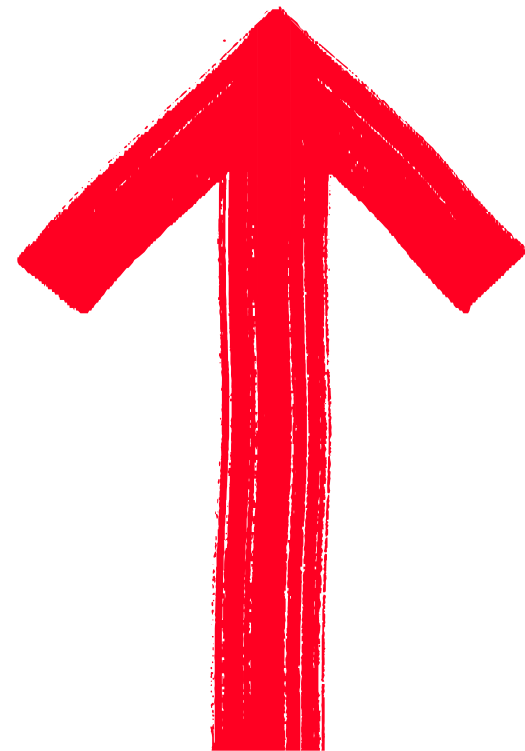
This form must be used for all ASTs created on or after 1 October 2015 except for statutory periodic tenancies which have come into being on or after 1 October 2015 at the end of fixed term ASTs created before 1 October 2015. There is no obligation to use this form in relation to ASTs created prior to 1 October 2015, however it may nevertheless be used for all ASTs.

1
Form 6A

HOW DO I ACCESS SUPPORT?

If you are homeless or at risk of homelessness, you should approach your local authority to let them know. This is called making a **homelessness application**.

- In Waltham Forest, the process can be done online by filling out a form, which can be found here: **[Worried about becoming homeless | London Borough of Waltham Forest](#)**
- You can also call the local authority on 020 8496 3000.



HOMELESSNESS APPLICATION

THE FIVE TESTS OF HOMELESSNESS

ELIGIBILITY

- Do you have Recourse to Public Funds?
- What's your Immigration Status?
- Do you satisfy the Habitual Residence Test (HRT)?

HOMELESS OR THREATENED WITH HOMELESSNESS?

- Legal Right to Occupy?
- No Tenancy or Permission to stay?
- Been Evicted (lawfully)?
- Is it unreasonable to continue to stay?



PRIORITY NEED?

- Living with dependent children
- Pregnant
- Experiencing domestic abuse
- A care leaver aged 18 to 20
- Homeless due to a fire or flood
- Vulnerable*



YOU COULD COUNT AS VULNERABLE IF:

- old age or ill health
- physical or learning disabilities
- mental health problems
- time spent in care, prison or the armed forces
- any other special reason

INTENTIONALLY HOMELESS

The council will also check whether the applicant deliberately did, or failed to do, something which caused them to lose their accommodation.



LOCAL CONNECTION

- In some cases, a Local Authority may refer a duty to another.
- However, this would never mean an individual can't apply to that Authority.



HOMELESS?



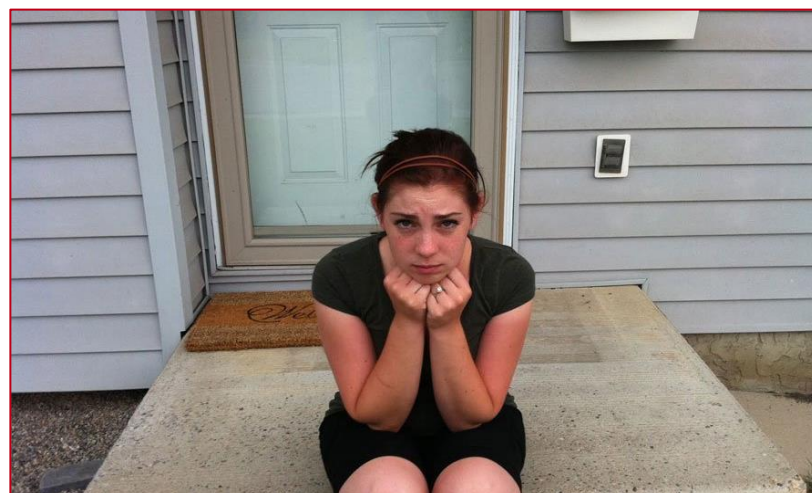
John is sleeping rough and has nowhere else to go.



Sarah has just left the army and is living with her friend Mary in a squat.



Lian lives at her parents' home with her 3 month old baby but they have asked her to leave today.



Sophia's landlord has changed the locks whilst she was out and put her belongings in the garden. She now can't get in.



COMFORT BREAK



SHELTER

THE COUNCIL'S DUTIES

Information and advice duty

Duty to make inquiries

Prevention duty

Relief duty

Main housing duty

Interim
duty

Temp
housing

DUTY TO PROVIDE INFORMATION AND ADVICE

The Council must provide information and advice on:

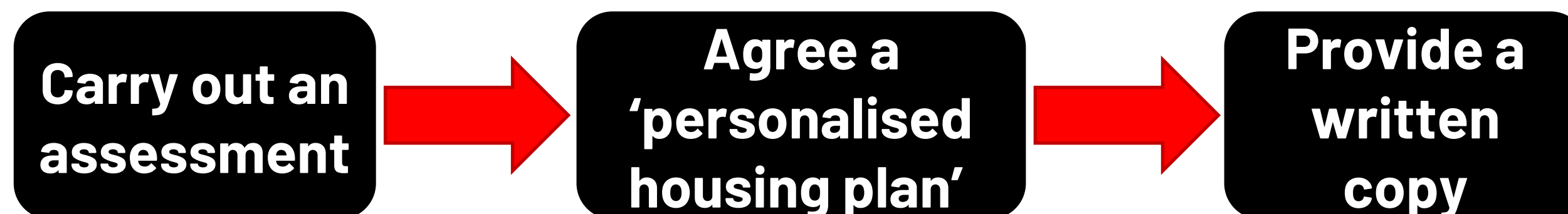
- Keeping accommodation
- Finding accommodation
- The council's homelessness duties
- What help is available from council and others
- How to get that help



DUTY TO MAKE ENQUIRIES

Every person who applies to the local authority for homelessness assistance and states that they are or are going to be homeless is entitled to an initial interview.

When the council is **satisfied** the applicant is eligible and homeless or threatened with homelessness, the council must:



PREVENTION, RELIEF AND MAIN HOUSING DUTIES

1. If the council are satisfied that a person is threatened with homelessness within 56 days and they are eligible for assistance, they will be owed **Prevention Duty**.
2. If a person is already homeless and eligible, they will be owed **Relief Duty**.
3. Once the Relief Duty has ended and the local authority is satisfied that the applicant is eligible, in priority need and not intentionally homeless, they will be owed **Main Housing Duty**.



QUIZ

Q1. Where the council is satisfied that an applicant is eligible and homeless, what duty is owed?

- A. Main Duty
- B. Prevention Duty
- C. Relief Duty

Q2. How many days could the prevention duty last for?

- A. 50 days
- B. 56 days
- C. 36 days

WHEN CAN THE COUNCIL STOP HELPING

The council can end their duty when you have found/been placed in suitable accommodation or for example if:

- You refuse a suitable housing offer from the council
- There is a reasonable chance that you will have suitable housing for at least 6 months
- You find somewhere else to live



RIGHT TO REVIEW DECISIONS (SECTION 202)

An applicant can request a review for a variety of local authority decisions, including:

- That they are not eligible for assistance
- Whether they are homeless, have a priority need or are intentionally homeless
- The steps taken by the local authority at prevention and relief stage
- The ending of the duty owed under prevention and relief stage
- Suitability of accommodation offered to discharge duties (except interim accommodation)



APPEALS TO COUNTY COURT (SECTION 204)

If a s202 review was unsuccessful, the applicant has a right to appeal to the county court on a point of law, where:

- The review decision is unfavourable
- They are not notified of review decision within 56 days

The appeal must be brought within 21 days of notification of decision and the Court has discretion to extend 21-day time limit, but only where good reason for applicant being unable to bring appeal in time.



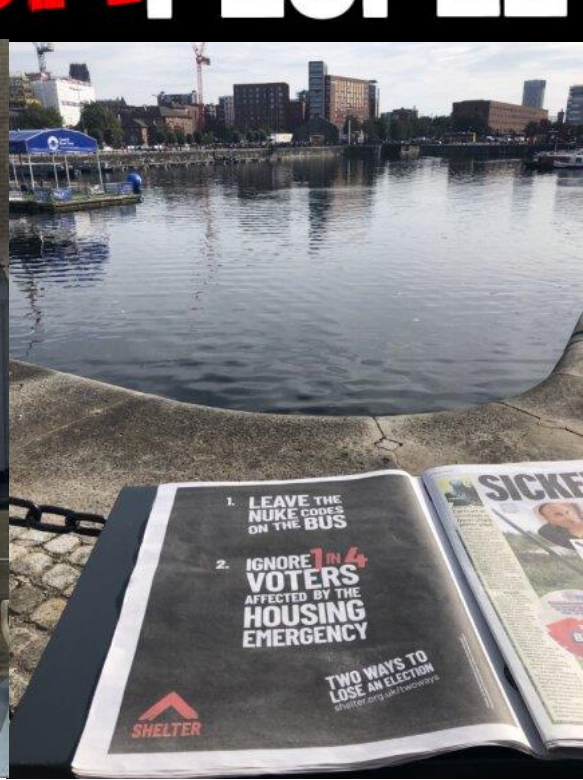


THE WAY HOME:
A MANIFESTO TO
REBUILD
OUR BROKEN
HOUSING SYSTEM



DEMAND
CHANGE AT THE
NEXT GENERAL ELECTION

HOW TO LOSE AN
ELECTION:
IGNORE
17.5M PEOPLE



THE HOUSING EMERGENCY IN LONDON

The figures can no longer be ignored:

- We now have **139,000 children** living in temporary accommodation, and nearly **59%** of those are in London.
- In London, **1 in every 53 people** is recorded as homeless, whereas in England overall, it is 1 in every 206 people.
- In fact, **19** of the worst affected 20 local authorities in the country are in the capital.

307,355

Number of households on social housing waiting lists (2022).

2,000

Children living in temporary accommodation (2023) (add % increase)

4,160

Households at risk of homelessness due to section 21 eviction notices (2022/2023).

WHAT ARE OUR MANIFESTO ASKS?

You can [read our manifesto in full here](#).

The 17.5 million people affected by the housing emergency across the country, we're demanding that the next government must:

- Build a new generation of social housing
- Make renting affordable
- Raise standards in rented homes
- Improve our housing rights and help to enforce them.

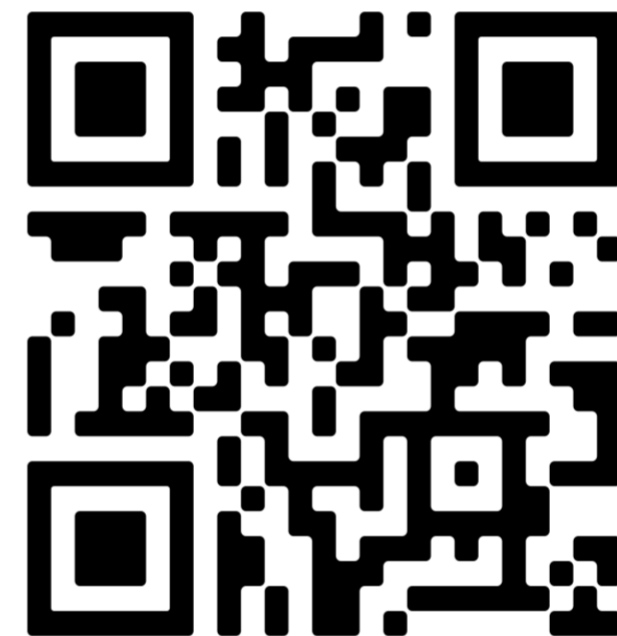
We can put pressure on our local MPs and candidates so they commit to these asks and pressure their party leaders to do the same nationally.

HOW CAN YOU GET INVOLVED?

Become a housing
campaigns HERO



Find out how bad
the housing
emergency is in
your area and email
your local candidate.



REGISTER TO VOTE

In order to vote:

- You have to be [registered to vote](#) by **18 June** in order to vote on 4 July. You will need to **register again** if you have changed address, name or nationality since you last voted.
- You will [need ID to vote](#) - and if you don't have photo ID you can [apply for voter ID for free](#) by **26 June**.



VOTE FOR HOME!

Additional information and support:

1. You can still [register to vote and get voter ID if you're experiencing homelessness](#)
2. You can get practical support with registering to vote from [your local electoral office](#) if you have additional needs or no digital access.
3. You can find voter registration information in different [accessible formats](#) on the EC website

There are three different ways to vote:

1. You can go to your local polling station on the day
2. [Apply to vote via post](#) – deadline is **19 June**
3. Apply to [vote via a proxy](#) (someone who can cast your vote for you on the day). – deadline is **26 June**

I'M VOTING FOR
HOME

**BECAUSE 142,000
CHILDREN IN TEMPORARY
ACCOMMODATION
DEMANDS IT**

LIVED EXPERIENCE

Contact details

– **Fiona McLeod**

– fiona_mcleod@shelter.org.uk

– **07880 457 425**



**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](#)

[TENANCY CHECKER](#)

[SHELTER LEGAL](#)

[NEARLY LEGAL S21 VALIDITY FLOW CHART](#)

[NHAS FACT SHEETS](#)

[NOTICES AND PRESCRIBED INFORMATION ON GOV.UK](#)

[LEGAL AID ADVISOR SEARCH](#)

[FURTHER TRAINING](#)

SHELTER

shelter.org.uk

