



Knowing your rights  
and where to turn



## What this guide is about

**You might be surprised by who's considered homeless – it doesn't only mean those sleeping on the streets. Legally, you're considered homeless if you don't have a place to stay, or if it's no longer reasonable or safe for you to stay there.**

This could be because:

- your tenancy is ending or you're facing mortgage repossession
- you're experiencing a relationship breakdown
- you need to leave somewhere that isn't safe due to violence or abuse
- you're living in a home that no longer meets your needs
- you're staying in crisis accommodation such as a hostel or refuge, or on a friend's sofa.

If you're in a situation like this, you should contact your local council. They're responsible for helping people who are homeless or at risk – but not everyone is entitled to help.

This guide explains who's entitled to help, what support you might get, and what to do if something goes wrong. If you need more information after you've read this guide, you can read our more detailed factsheets:

- **Homelessness**
- **Preventing evictions**

**“It wasn't possible for me to keep living at home, so I got in touch with the council.”**

Trevor, 63



## **Next steps**

It's a good idea to find out the number for your local council. They'll be able to provide a lot of the support and information mentioned in this guide.

**My local council phone number is:**



## Contacting the council

If you need support, contact the housing department of your local council (this could be your district, borough or city council, depending on where you live).

You can find your local council by searching on the **GOV.UK** website at [www.gov.uk/find-local-council](http://www.gov.uk/find-local-council). Assistance should be available during normal office hours – and there should be arrangements in place for 24-hour emergency cover.

The council must help you if you meet 2 criteria:

- **You're homeless or at risk of homelessness.** Homelessness includes your home not being reasonable for you to stay in anymore (see page 2).
- **You're eligible for assistance** through your nationality and immigration status. British citizens are usually eligible.

If you're a private tenant and you've received a valid **section 21 notice** that's due to expire within 8 weeks, you're automatically considered at risk of homelessness.



A **section 21 notice** is a legal notice that a landlord can use to begin the eviction process. Once the notice expires, the landlord can take the case to court for a decision on whether you must leave. This is for an assured shorthold tenancy, which most private renters have. The landlord can only serve a section 21 notice after the first 6 months of your tenancy or at the end of a fixed term.

## Opening a case

Contact the local council and say you want to make a homelessness application. They might have an office or a drop-in service you can visit. Alternatively, you can call them or apply online. You don't have to apply in writing – but it's a good idea to have a record of what's been said.

Your council's contact details should be publicly available – you can often find them on the council's website.

If the council has 'reason to believe' you may be homeless or at risk of homelessness, they're required to look into your case. The council shouldn't turn you away on the basis of a first impression or without giving you a formal written decision unless it's very clear that you don't meet the criteria.

Let the council know if you urgently need a place to stay. They must provide emergency accommodation while they look into your case if they have reason to believe you're homeless, eligible for assistance, and 'in priority need'.

In areas of high demand, emergency accommodation is likely to be a B&B or hostel – although the council should take your circumstances into account when deciding what would suit.

If the council refuses to look into your case or give you emergency accommodation, contact Shelter (page 11), an advice agency such as a local Age UK, or a local law centre.

### Good to know



You're considered to be 'in priority need' if you're particularly vulnerable due to your age, health or other circumstances.

## Reaching a decision

Once you've contacted the council and they've opened a case, you should then have an interview (see page 8). This is so the council can decide whether you meet the necessary criteria for getting some initial help under their homelessness prevention or relief duties – that is, you're homeless or at risk and eligible for assistance. You might be interviewed more than once.

It's the council's responsibility to gather the information they need to make a decision – this can include contacting relevant people such as your landlord or a family member you live with.

You should also have the opportunity to put forward information and challenge any findings you disagree with. It's a good idea to tell the council anything you think is relevant upfront – such as information about who's in your household.

At this stage, it doesn't matter why you're homeless or at risk – the council will ask about this later. Unless you're looking for emergency accommodation, it also shouldn't matter whether you're considered to be in priority need.

The law is very clear. The council must support you if it agrees you meet the criteria of being homeless or at risk of homelessness and eligible for assistance. The council must give you a decision in writing, giving clear and full reasons if they don't think you meet the criteria. They must tell you how you can request a review of a decision and what the deadline is for doing this (usually **21 days**).

## It's good to bear these things in mind when you contact the council:

- 1) **Homelessness doesn't just mean rough sleeping.** There are many different types of homelessness – the council shouldn't refuse to help you because you have a property or a tenancy if isn't reasonable for you to stay there.
- 2) **Help should always be available.** Councils should run a full service during normal office hours, with arrangements in place for 24-hour emergency cover. Look on your council's website or contact the police on **101** if you're unsure.
- 3) **The threshold for opening a case is low.** The council should interview you and make a formal decision on your case if it has 'reason to believe' you may be homeless or at risk of homelessness. This is a low threshold for taking action. The council should only turn you away without opening a case if it's very clear that you're not homeless or at risk.
- 4) **At this stage, it doesn't matter why you're homeless or at risk.** It's illegal for the council to refuse to open a case for you, or refuse to offer you any support, because it claims you are 'intentionally' homeless. It doesn't matter why you're homeless when you first approach the council. It doesn't matter whether you're in priority need either – unless you're looking for emergency accommodation.
- 5) **You can challenge a decision you're not happy with.** You can ask for an internal review of most decisions a council makes once it opens a case for you – for example, a decision that you're not entitled to emergency accommodation, or to any support at all. If the council refuses to open a case for you, seek advice. You can't ask for a review of this decision, but there are other ways to challenge them.

## Preparing for the interview

The thought of any interview can be daunting – but here are some things to gather together that can help your application:

- Proof of identity and immigration status for all members of your household, such as birth certificates, passports or residence permits.
- Evidence of where you live or were living, such as your tenancy or licence agreement, utility or Council Tax bills in your name, or an official letter addressed to you.
- Evidence of why you're homeless or at risk of homelessness, such as correspondence from your landlord, a mortgage lender, the court, or even family and friends (if you're living with them).
- Proof of income, such as benefit letters and wage slips.
- Letters from any professionals involved in your care, such as a doctor, social worker or domestic violence advocate.
- Crime reference numbers and copies of police reports (if relevant).

This checklist doesn't necessarily cover everything, so feel free to bring anything else you think might be relevant and helpful to your case.

However, don't worry if you can't bring everything on the list. It's up to the council to ask for the things they need. It isn't up to you to prove your case – although you must always be given the opportunity to explain your circumstances and put forward information.



## The council's duty to you

If the council agrees that you're homeless or at risk and eligible for assistance, then they have a duty to support you for a period of time – usually 8 weeks. This support should be personalised, meaning it takes into account your specific needs and circumstances. Most people get advice and assistance, though you may get an offer of social or private rented housing.

To understand your needs and circumstances, the council will carry out an assessment. They'll look at the reasons why you're homeless, your housing needs (including what housing would be suitable), and what support you'll need to find and keep suitable housing.

They'll draw up a 'personalised housing plan' based on their assessment and take reasonable steps to help you follow it. If you think you'll need significant support, tell the council and this should be reflected in your plan. You might be able to argue that the only reasonable step for them to take would be to offer you housing as you'd find it difficult to find something suitable yourself, and that this should be social housing to give you more security.

In some cases, the council has a full rehousing duty – when you're homeless, eligible for assistance, in priority need and not intentionally homeless. This means the council must rehouse you along with anyone who might reasonably be expected to live with you.

There'll be things in the plan that you're expected to do. The council can withdraw their support if you don't do them.

As the plan is based on your circumstances, the outcome will be individual to you. However, here are some examples of steps that the council might take to support you:

- **Provide financial or other support** to help you secure private rented accommodation.
- **Provide a safe place to stay** if you're at risk of violence or abuse or if you're sleeping rough.
- **Attempt mediation** if you've been asked to leave by family.
- **Assess whether you might be entitled to anything** that can help you pay rent.

Support is usually offered for up to 8 weeks. However, this period may be shorter if the council are able to help you resolve your case quickly, or if something goes wrong – for example, you don't follow the steps required in your personalised plan. It may be longer in certain other circumstances. For more information, see our more detailed **Homelessness** factsheet.

## Good to know



If you're not happy with the steps the council are taking, you can ask for a formal review – but this has to be done within 21 days of being notified. You can't request a review of the steps you're asked to take. If you're in this position, seek advice from Shelter (page 11), an advice agency such as a local Age UK, or a local law centre.

# Useful organisations

## Age UK

We provide information and advice for people in later life through our Age UK Advice Line, publications and website.

**Age UK Advice: 0800 169 65 65**

Lines are open seven days a week from 8am to 7pm.

**[www.ageuk.org.uk](http://www.ageuk.org.uk)**

In Wales, contact Age Cymru Advice: **0300 303 44 98**

**[www.agecymru.org.uk](http://www.agecymru.org.uk)**

In Northern Ireland, contact Age NI: **0808 808 7575**

**[www.ageni.org](http://www.ageni.org)**

In Scotland, contact Age Scotland: **0800 124 4222**

**[www.agescotland.org.uk](http://www.agescotland.org.uk)**

## Law Centres Network

Can help you find a community law centre in your area and signpost you to other legal providers.

**[www.lawcentres.org.uk](http://www.lawcentres.org.uk)**

## Shelter

Provides advice, information and advocacy to people in housing need.

Tel: **0808 800 4444**

**[www.shelter.org.uk](http://www.shelter.org.uk)**

In Wales, contact **Shelter Cymru**

Tel: **08000 495 495**

**[www.sheltermcymru.org.uk](http://www.sheltermcymru.org.uk)**

# What should I do now?

You may want to read some of our relevant information guides and factsheets, such as:

- **Preventing evictions** factsheet
- **Homelessness** factsheet

You can order any of our guides or factsheets by giving our Advice Line a ring for free on **0800 169 65 65** (8am-7pm, 365 days a year).

Our friendly advisers are there to help answer any questions.

All of our publications are available in large print and audio formats.

There's plenty of really useful information on our website, too. Visit **[www.ageuk.org.uk/housing](http://www.ageuk.org.uk/housing)** to get started.

If contact details for your local Age UK are not in the below box, call Age UK Advice free on **0800 169 65 65**.



**0800 169 65 65**  
**[www.ageuk.org.uk](http://www.ageuk.org.uk)**



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