

The logo for the Legal Services Agency (LSA) is a red, downward-pointing triangle with the letters 'LSA' in white, sans-serif font inside it.

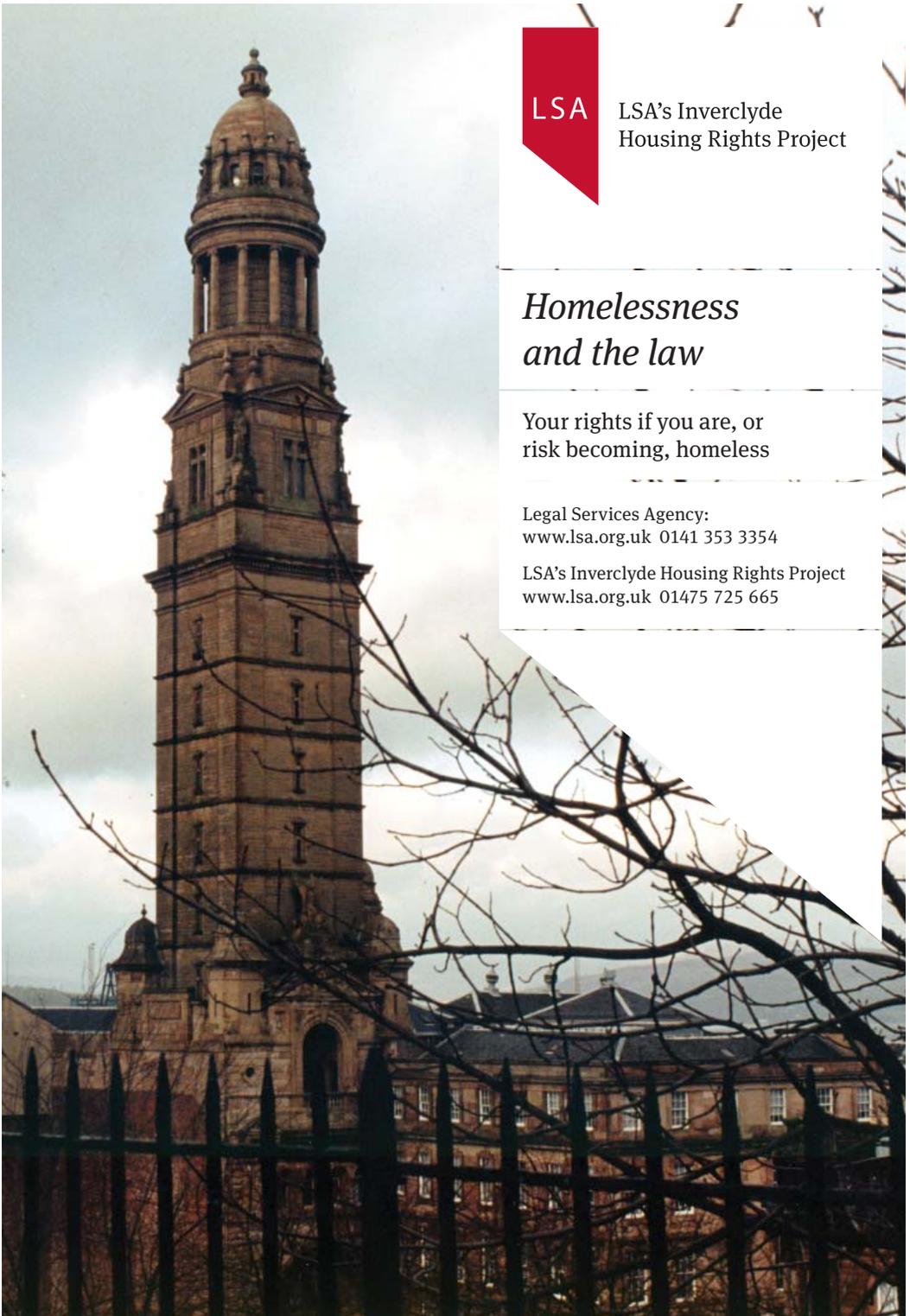
LSA's Inverclyde
Housing Rights Project

Homelessness and the law

Your rights if you are, or
risk becoming, homeless

Legal Services Agency:
www.lsa.org.uk 0141 353 3354

LSA's Inverclyde Housing Rights Project
www.lsa.org.uk 01475 725 665



Homelessness and the law

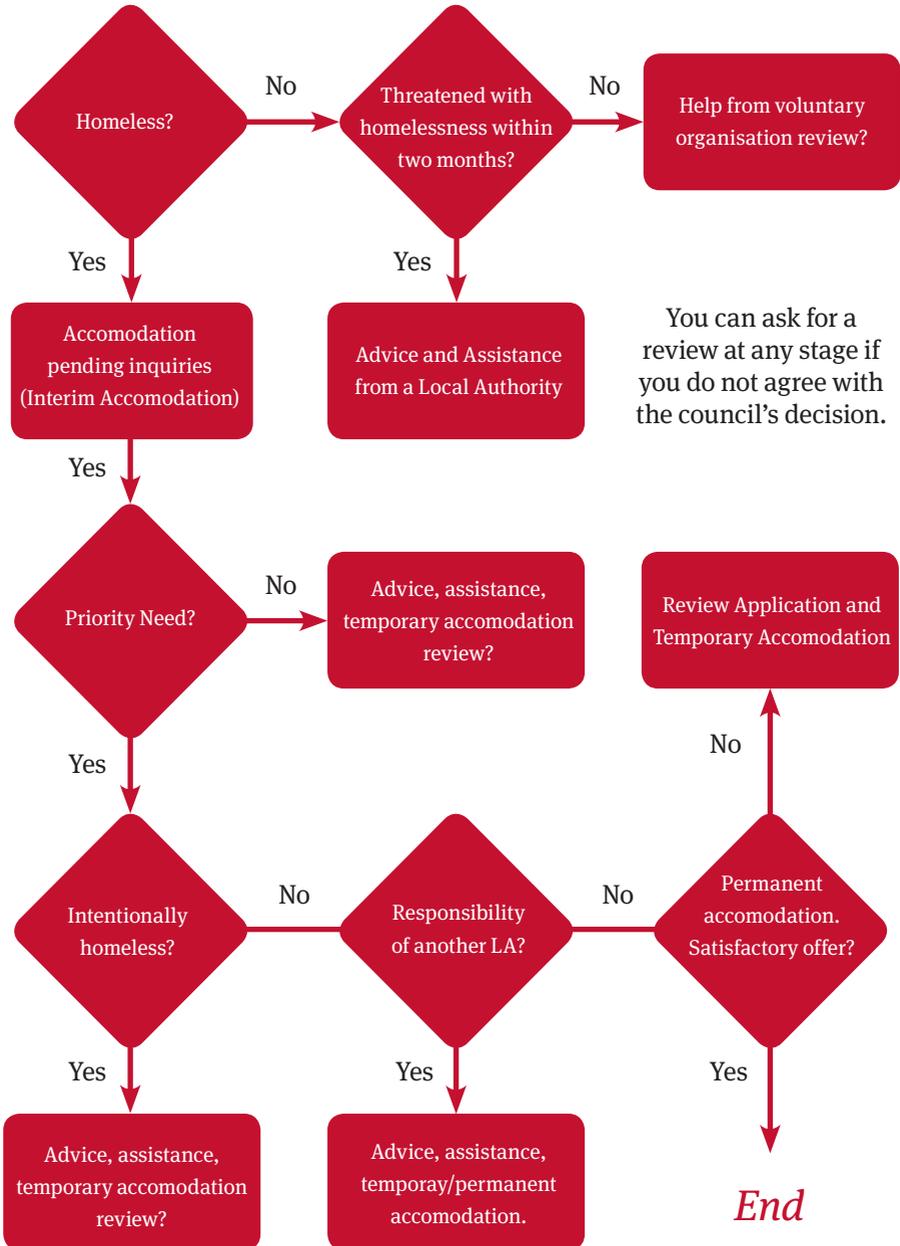
- If you are homeless or at risk of homelessness, you may have more rights than you think.
- Even if you think your situation is hopeless, there may be options you do not know about.
- The most important thing is to get advice as soon as possible.

Main points:

- ‘Homeless’ does not just mean having nowhere to stay. You may be homeless if your house is unsuitable, for example because it is in very bad condition; or because someone in your family is disabled and the house is not accessible; or because of violence or threat of violence.
- If you are, or might become, homeless contact your council.
- Everyone who is homeless has a right to temporary (short-term) housing from the council even if they were evicted from their home. Many people also have the right to permanent (settled) housing.
- Everyone has a right to make a homeless application to the council: you can include anyone else you plan to live with in the application.
- If you are threatened with homelessness within two months, you have a right to free advice and assistance (help) from your council. You can also get this from an independent advice service (see page 9 onwards). The council may have to help you stay in your home. But if you end up losing it, you still have the right to make a homeless application.

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- If you are threatened with homelessness, for example because of violence in or outwith your home, rent or mortgage arrears or unlawful threats of eviction from your landlord, you may be able to sort this out without losing your home. Try to get advice as soon as possible.
 - You do not need to apply to the council in your area. You can apply to any council in the UK. But, if you have no ‘local connection’ (for example do not live or work or have family in an area) the council will probably not have to give you permanent housing, even if your application is successful. It may refer you to another area where you have a local connection for permanent housing. But, it cannot do this if you would be at risk of violence from someone you used to live with.
 - If you are not happy with the council’s decision or need any help or advice in dealing with it, contact an independent service as soon as possible (see page 9 onwards). You should get the decision in writing. You can ask for a review (see page 7). Remember there are time limits! There are certain limited court procedures available after a Review. These are known as ‘Judicial Review’. Get specialist advice (ie. from LSA) on this.

Start



You can ask for a review at any stage if you do not agree with the council's decision.

Independent help and advice

You can get free and confidential help from a Law Centre, a Citizens Advice Bureau, a Housing Aid Centre or Shelter Housing Aid Centre. There are also some useful telephone helplines (see page 9 onwards).

Legal Services Agency (LSA) can offer people in Glasgow and Inverclyde specific services (see page 13).

In an emergency, contact your local council (housing, homelessness or social work office). You can phone at any time.

What ‘homelessness’ means

You are homeless if you (and your family) have no home. Even if you have a roof over your head, you are homeless if you have no legal right to stay there or if the house is very unsuitable for you and your family (see page 1).

The right to stay in or return to your home

If you are homeless or worried about losing your home, for example through eviction, you may have a legal right to stay in or return to it. If this is the case, you must take action at once. Get help immediately.

The right to a new home if you are homeless

Depending on your situation, you may have a right to a new home. Most, but not all, have this right. The council will look at your circumstances. It will check whether or not you are in ‘priority need’ (see page 5); why you became homeless; and whether you are ‘intentionally homeless’ that is, whether you did or did not do something which made you homeless (see page 6).

Does everyone have the same rights?

Everyone has rights under the law but these vary. As the law has improved, more homeless people are seen as 'in priority need' with a right to permanent housing. People who are in 'priority need' are:

- pregnant women
- people with dependent children
- people who are vulnerable because of old age, mental illness, personality disorder, learning or physical disability, chronic ill-health, miscarriage/abortion, discharge from hospital/prison/armed forces or for some other special reason
- people who have a vulnerable person living with them, or if it is reasonable to expect them to do so
- people made homeless or threatened with homelessness because of an emergency such as flood, fire or any other disaster
- 16 and 17 year olds
- 18 to 20 year olds who were in care at or after school leaving age and/or at risk of sexual/financial exploitation and/or involvement in alcohol/drug misuse
- people at risk of violence or harassment because of religion, sexual orientation, race, colour, ethnic or national origin
- people at risk of domestic abuse

Your council may have other categories of priority need. If in doubt, get advice.

If you are not in 'priority need' you do not have the right to permanent housing under homelessness law. But you can apply to go onto the usual housing waiting list.

By 2012, all homeless applicants will have 'priority need' status and the right to permanent housing (unless they are 'intentionally homeless').

**Being responsible for homelessness
(intentionally homeless)**

A person is 'intentionally homeless' if they are responsible for bringing about their own homelessness. This could be because of 'anti-social behaviour', or they refused to act on advice which would have prevented the homelessness.

If you are seen as 'intentionally homeless', you are not entitled to permanent housing even if you are in 'priority need'. But you can apply to go onto the usual housing waiting list.

Get independent advice immediately if the council says that you are not in priority need or that it is your fault that you lost your home or that you did nothing about the behaviour of another family member (see page 7 on review).

How should the council help?

If you contact the council because you are homeless or worried about becoming homeless within two months, it must by law give you advice and assistance.

The council must give you somewhere to stay ('interim accommodation') while it finds out more about you.

After the council has made inquiries, it must by law give you temporary or permanent housing depending on what it decides about your situation.

Even if your application is unsuccessful, you have a right to stay in temporary housing for enough time to find somewhere else. During this time, the council must give you housing advice which takes into account local housing issues and your own situation. You can also apply for a house in the usual way.

If you disagree with the council's decision

If you disagree with the council's decision, you can ask it to review the decision. You must do this within 21 days. The council must give you somewhere to stay while it does this. Get the council's decision in writing and ask an advice centre or solicitor (LSA for example) for help (see page 9).

Where to get help with housing

Your council

All councils must offer advice. Contact the housing office or social work department for details.

For Inverclyde contact:-

- Inverclyde Centre – 01475 715 880 (24 hours)
- Social Work Standby – 0800 811 505 (24 hours)
- Family Protection – 0141 532 6121 (24 hours)
- Woman’s Aid – 01475 88 8505 (24 hours)
- Women’s Aid Sexual Abuse – 01475 888 110
(Tuesday to Thursday 10.00 am – 4.00 pm)

Where to get help with your application

Independent advice and representation

National telephone numbers:

- Shelter Line: 0808 800 4444
[www.scotland.shelter.org.uk/get advice](http://www.scotland.shelter.org.uk/get%20advice)
- Domestic Abuse Helpline: 0800 027 1234
- Childline: 0800 1111 (for young people leaving care: 0800 88 4444)
- Citizens Advice Bureaux or independent advice centres:
www.adviceguide.org.uk
- Citizens Advice Direct: advice helpline: 0844 848 9600

Where to get help with your application in Greenock and Inverclyde

Legal Services Agency provides free legal advice and representation on all housing problems for Inverclyde residents. The Project aims to prevent homelessness.

Legal advice and representation includes:

- Free advice and assistance to homeless applicants including reviews/appeals
- Defending eviction actions, including representation at Greenock Sherrif Court
- Advice on rent arrears and housing benefits issues
- Help for homeowners facing repossession including advice on the Mortgage Rights (Scotland) Act 2001 and court representation

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- Housing disrepair and landlord/tenant matters
 - Analysis of legal problems

Free drop in surgery (no appointment necessary)

LSA have a drop in surgery every Tuesday and Thursday from 10am to 1pm for free initial advice on all of the above matters (subject to availability).

Our office is located at 9 Sir Michael Street Greenock.

Otherwise, please phone 01475 725 665 for an appointment.

General Info/Advice/Advocacy Services

Inverclyde Advocacy Services: 01475 730 797

Social Work Info Teams: 01475 714 100

Money Matters Inverclyde (benefits/debts): 01475 715 965

Financial Fitness (benefits): 01475 729 239

Grand Central Savings Bank: 01475 884 389

Tail O'the Bank Credit Union: 01475 734 655

Crisis Loan: 0800 358 6284

Social Fund: 0845 608 8629

Inverclyde Council Customer Care Centre: 01475 717 171

Dept. for Work & Pension: 0845 608 8582

Disability Services Advice: 0800 882 200

LSA is one of Scotland's leading law centres. We undertake a wide range of casework in all courts and tribunals, organise seminars and publish leaflets on many topics. See also www.lsa.org.uk for full details of our work and how we can help you. We specialise in social welfare law including asylum, landlord and tenant disputes, homelessness, criminal injuries compensation, children's rights, mental health, community care, disability discrimination and dementia.

LSA's legal work is undertaken by a team of solicitors in the firm of Brown & Co.

Contacts

Legal Services Agency Glasgow

3rd Floor
Fleming House
134 Renfrew Street
Glasgow G3 6ST

Tel: 0141 353 3354

Email: lsa@btconnect.com

Legal Services Agency Edinburgh (mental health and dementia only)

3rd Floor
Princes House
5 Shandwick Place
Edinburgh EH2 4RG

Tel: 0131 228 9993

Email: Isaedin@lsa.org.uk

Legal Services Agency Greenock

Inverclyde Housing Rights Project
9 Sir Michael Street
Greenock PA15 1PQ

Tel: 01475 725665

Email: greenock@lsa.org.uk

Legal Services Agency at North Glasgow Advice Centre

LSA and Glasgow Central CAB run North Glasgow Advice Centre at
1169 Royston Road
Glasgow G33 1EY

Tel: 0141 770 7869

Email: ngac@btconnect.com

LSA's website www.lsa.org.uk

LSA is a charity and a company limited by guarantee.
It is community controlled.

Registered office: 134 Renfrew Street, Glasgow G3 6ST
Chief executive/principal solicitor: Paul D Brown

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Edited by Shirley Henderson

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