

Homeless?

- What you can expect from NKDC

MAKING A HOMELESSNESS APPLICATION

You can make a Homeless Application to North Kesteven District Council either in person, via email or by telephone to any of the Council Offices. You need to know that the Housing Needs Officers who deal with homelessness applications are based at the Main Offices in Sleaford, so if you present to any of our other offices your enquiry is likely to be passed on.

When people present themselves as homeless to their Council, it does not necessarily mean that the Council has to ensure they are housed. Every application from a homeless person will be dealt with based on their individual circumstances and in accordance with the Law, this is contained in the Housing Act 1996, Part VII (amended by the Homelessness Act 2002).

To help you understand the complicated law surrounding homelessness, the following information provides the basic facts which the Council must take into account when looking into your homeless application.

Should you have any other queries regarding homelessness, please seek further advice from a Housing Needs Officer.

INFORMATION ABOUT YOU

In each case of homelessness, the Council carries out detailed and thorough enquiries. Each case is looked at individually and will often involve contact with other agencies and people involved with your situation.

Our enquiries include asking you for personal information, it is important that you bring everything that is relevant to your situation to the homeless interview. This will ensure that your claim can be dealt with promptly and without any unnecessary delay, including:

- Your name and address;
- Names and ages of the people who normally live with you; (birth certificates should be provided for proof);
- Proof that your children live with you (benefit award letters would confirm this);
- Details of any medical condition (a copy of your prescription would really help);
- All previous addresses and type of tenure eg: private rented, sharing with family
- All income and capital, (wage slips, bank statements, benefit award letters ;)
- Employment details;
- All outgoing financial commitments (rent books, mortgage statements, loans, etc);
- Where violence is alleged, a report from police, solicitor and/or doctors would help;
- Where relevant, Home Office information if you are subject to immigration control, passport and visa documents.

ENQUIRIES WE WILL MAKE

Once a person has made a homelessness application to the Council we begin to make enquiries. The key areas of our investigation are:

- Eligibility
 - are you entitled to assistance, as prescribed by law
- Homelessness
 - is there anywhere you are entitled to live that is both reasonable and suitable for you to occupy
- Priority need
 - are you considered to be in a “priority” group, as prescribed by law
- Intentionality
 - did you deliberately do or fail to do something that led to you losing your home
- Local Connection
 - do you have a local connection to this Council area, if not, which areas do you have one

Once the Council is sure all enquiries have been completed, a decision will be made detailing the outcome of the Council’s investigations. We try to make these decisions as soon as possible aiming to do so within 30 days, so it is important that you work with us in providing all information and documents that we ask for. We will discuss the contents and implications of this letter with you. This decision letter is a requirement under S184 of the Housing Act 1996, Part VII (amended by the Homelessness Act 2002).

This decision letter will explain what assistance the Council has a duty to provide you, for example – duty to offer you accommodation OR accommodation but only for a reasonable period OR advice, information and assistance for your to find your own home.

You do have a right to request a review of this decision and it is important that you seek independent advice and assistance, see later in the leaflet. If your Section 184 letter states that you are not eligible for assistance, then you must seek advice urgently. (See information on other agencies offering advice)

Data Protection Act 1998

So we can complete our enquiries it may be necessary to approach other parties for information about you or your family. You will be asked to sign an authorisation to allow us to carry out this as part of the homeless enquiry.

We will not disclose any information about you to anyone else outside the District Council unless the law allows us to.

PROVIDING ACCOMMODATION & THE COUNCIL'S DUTIES TO ASSIST YOU

1) Pending Decision - Interim Accommodation

If you have approached the Council for assistance and help when you have no where to stay and the Council has reason to believe you are in priority need, then the Council has a duty to provide temporary accommodation whilst a full enquiry is made into your case.

Temporary accommodation can be provided in the form of hostels, shared accommodation, bed & breakfast or Council's own properties (furnished or unfurnished). If you are on a low income this accommodation may be eligible for Housing Benefit, if not you are responsible for the cost. You should complete a housing benefit claim immediately. The location of this accommodation can be anywhere within the North Kesteven district, occasionally we have placed households in neighbouring areas. We will ensure the accommodation is suitable and reasonable for your taking into account your household needs ie: location, facilities, size & type of property and any specific support or medical needs,

You will be asked to sign a document agreeing to work with a Housing Support Worker to help you maintain your temporary tenancy and other advocacy/signposting assistance.

If you are not considered to be in "Priority Need", the Council does not have to provide you with accommodation whilst we investigate your application. We will provide you with information on emergency accommodation available such as hostels. Due to the rural nature of our district it is unlikely to be available locally. We will also provide you with information and assistance to access other accommodation providers this may involve making referrals and applying to waiting lists.

2) Following a Decision

The decision letter will explain what assistance the Council has a duty to provide to you, for example – duty to offer you accommodation OR accommodation but only for a reasonable period OR advice, information and assistance to find your own home.

Intentionally Homeless

If your decision letter states that you intentionally homeless, ie: you lost your home as a result of your actions by deliberately doing or not doing something, then you may only be given temporary accommodation for a limited period of time, this can be 28 days after which you must leave the temporary accommodation. You will be given assistance to try to secure somewhere else, but after the reasonable period the Council's housing duty has ended.

If you have children living with you, you should note that the Council will inform Lincolnshire County Council Children Services of your circumstances as they have a duty to assist you under the Children Act 1989.

Full Housing Duty

A Full Housing Duty is accepted by the Council, once we have decided that you are eligible for assistance, homeless but not intentionally, in priority need and that you have a local connection to North Kesteven. This means we will ensure accommodation is available to you, it might mean you have to stay in Temporary accommodation longer until a suitable property comes available.

If at any time you refuse the offer of suitable accommodation, the Council may state that they have discharged their duty, this means that you will not be offered another property and will have to make your own arrangements and find alternative accommodation.

The Council's duty to secure you accommodation will end if the following circumstances occur :

- You refuse an offer of alternative suitable temporary accommodation.
- You refuse an offer of suitable accommodation from the housing register.
- You accept an offer of an assured tenancy.
- You accept an offer of a qualifying assured short hold tenancy (Rent Assist Scheme).
- You cease to be eligible for assistance.
- You become homeless intentionally from your current accommodation.
- You voluntarily leave your current accommodation.

Never refuse an offer of accommodation without getting advice first. You can ask for a review about an offer of accommodation if you are not happy, which the Housing Needs Officer will explain to you.

No Housing Duty but Assistance to help you find your own

If the Council does not have to provide you with accommodation, it does not mean we will not help you at all. We will provide you with information, advice and assistance to help you find your own accommodation, please see Section "Other Assistance"

OTHER ASSISTANCE

The Council has a range of advice and practical assistance to help people either secure alternative accommodation or help them stay in their existing homes this includes but is not limited to:

- Information on other housing providers
- Arranging applications and interviews with other housing providers
- Information on renting in the private sector
- Paying rent in advance or providing a guarantee for deposits
- Paying administration or credit check fees for letting agents
- Arranging transport to access accommodation
- Referral to a Housing Support Worker
- Carry out security works recommended by the Police
- Negotiating with landlords, mortgage lenders, family and friends
- Referrals to Money Advice Service to help with debts and agreeing payments to lenders

REVIEWS AND COMPLAINTS

If you disagree with the decision, you have a right to request a review. This request must be made in writing within 21 days of the date on the decision letter. The Council may specify in writing a longer period of time. The Council must then complete a review and notify you of that decision under the review within 56 days of your written request.

If you are still not satisfied with the original decision, you have a further right to appeal to the County Court on any point of law arising from the decision. The appeal **MUST** be brought within 21 days of you receiving your notification of the review decision, you will probably need assistance to do this, please see who can help below.

INDEPENDANT ADVICE & ASSISTANCE

You should read all your letters and paperwork carefully, make sure you understand the contents. If you are not clear about anything you should contact the Housing Needs Officer dealing with your case.

You may want to also take independent advice either through the Citizens Advice Bureau, Shelter, another agency or from a Solicitor. (Please note, a solicitor may charge you for their advice).

Shelter
Tel: 0808 800 4444

Citizens Advice Bureau
Carre Street
Sleaford
NG34 7TW
0844 499 4199

Or Beaumont Fee
Lincoln
LN1 1UW
01522 828601

A Quick Guide to How We Process Homelessness Applications

