

Homelessness statutory duties advice pack



Homeless or at risk of being made homeless?

You can ask for assistance online via our **Housing Advice Enquiry Form** found [here](#). Do not complete this form if you have an existing homelessness application open with Luton Borough Council.

Alternatively, you can contact the Housing Solutions Team via:

Telephone: 01582 510371 (Mon – Fri 9am to 5pm)

Email: homelessprevention@luton.gov.uk

If you become homeless outside of normal working hours (Mon – Fri 9am to 5pm) please contact our emergency out of hours service on **03007900342**

- **This service is for homeless emergencies only. It should NOT be used for normal casework enquiries or for enquiries that have been resolved during working hours.**

If you need to leave your home because of domestic abuse, sexual violence, stalking or harassment, please contact **01582 510371** immediately for assistance.

Your rights as a homeless applicant

1 Quick guide – The Law

We cannot class you as homeless if you have accommodation which is available, suitable to live in and is reasonable for you to occupy. **This includes accommodation abroad.**

The law around homelessness tells us that you have the right to make an application for housing assistance if you are homeless or threatened with homelessness within 56 days. Public bodies such as hospitals, prisons, probationary services and job centres can refer you to the council for housing assistance under the 'Duty To Refer' if you are homeless or threatened with homelessness within 56 days.

2 Our duties to you

For the council to help you must be eligible for assistance.

You are eligible if you are a British or an Irish citizen. You are also eligible if you have settled status under the EU settlement scheme, have indefinite leave to remain or have recognised refugee status.

Homelessness prevention duty: This is a duty owed if you are threatened with homelessness. Luton Borough Council will agree reasonable steps with you through a Personal Housing Plan (PHP) to prevent you becoming homeless. We will support you to stay in your current accommodation (if it is safe to do so) or if you are unable to remain in your home, we will assist you to secure an alternative.

The prevention duty continues for 56 days and can be ended by securing accommodation for at least 6 months or if you become homeless.



Homelessness relief duty: This is a duty owed if you are already homeless (roofless) or become homeless despite efforts made during the prevention stage. Luton Borough Council will complete or update your Personal Housing Plan (PHP) and agree reasonable steps with you to support you to secure accommodation. The relief duty lasts for 56 days unless ended in another way, for example if suitable accommodation becomes available for you to occupy for at least 6 months.

You will be entitled to Temporary Accommodation (TA) if you are homeless and in priority need. This is a temporary arrangement whilst a suitable longer-term accommodation becomes available. You are responsible for the housing costs of TA.

At the relief duty, if we assess that you do not have a local connection with Luton, and you have one with another area in England, we may refer your application to that area (if it is safe to do so).

Main housing duty: If homelessness is not successfully prevented or relieved, we will owe you the main housing duty if you are:

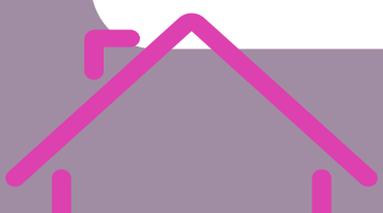
- Still homeless and eligible for assistance
- In priority need
- Not intentionally homeless
- Have a local connection with Luton

At the main housing duty, if we assess that you do not have a local connection with Luton though you do have one with another area in England, we may refer your application to that area (if it is safe to do so).

3 Do you have priority need?

You have priority need for housing if **ONE** of the following applies:

- You are 16 or 17 years of age
- You have a child or children in your household who are under 16 (or under 19 if they are in full-time education or training)
- You are a care leaver aged 18-20 years old
- You, or a member of your household is pregnant
- You are homeless because of fire, flood, or a similar disaster (If your home can be repaired, we will usually only give you somewhere to stay until the repairs are done)
- You or a member of your household who is eligible for assistance are **vulnerable** due to:
 - Old age
 - A person aged 21, or over, who was previously in the care of social services
 - Having been in this country's armed forces
 - Having been in prison or custody
 - Having left your accommodation because of violence or threats of violence
 - Mental illness or disability
 - Physical disability
 - Another special reason that puts you at a greater risk of harm than most people



4 Are you intentionally homeless?

You will owe a Prevention or a Relief Duty, however we will NOT owe you statutory duty to provide you with housing if you have become homeless intentionally, that is, you have become homeless because of something you have deliberately done or failed to do.

For example, if you have been evicted because you did not pay your rent when you could have done, or you have given up suitable accommodation without a good enough reason and have nowhere else to live.

If this applies to you, then the council can still assist during the prevention or relief duty period, and we will complete a Personal Housing Plan with you to agree the reasonable steps for you take to prevent you from becoming homeless. **We encourage households who may be found to be intentionally homeless to engage during the prevention and relief stage to avoid a negative final decision.**

5 Emergency and temporary accommodation

If you are homeless and have a priority need Luton Borough Council will offer you emergency/temporary accommodation whilst we investigate your situation and decide whether we have a duty to help you with longer term housing.

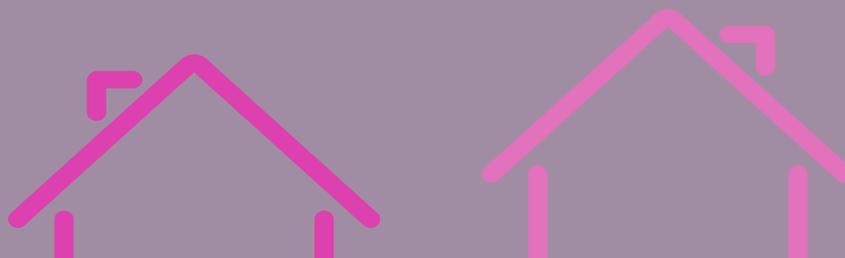
■ **Choices of emergency/temporary accommodation are severely limited and could be a room in a hotel, a bed and breakfast, a hostel or refuge, a self-contained flat or accommodation out of the borough. You are responsible for cost of this accommodation.**

If you refuse our offer of accommodation and there is not a good reason our duty will end, and we will not be able to offer you anywhere else. You will then have to find your own accommodation.

Temporary/emergency accommodation will be available while waiting for an offer of suitable accommodation for your household or if you find your own.

If you **refuse a suitable offer of accommodation from the council or breach the terms of your temporary accommodation** (fail to comply with your rental obligation or anti-social behaviour) then **this will end the housing duty to you**, and you will have to leave any temporary accommodation which has been allocated.

If you are asked to leave your temporary accommodation due to a breach of terms and disagree with this decision you will have the right to a review.



6 Further help

- If you already have a homeless application open with Luton Borough Council, please contact your assigned Housing Solutions Officer.
- If you are a tenant in council sheltered or temporary accommodation and wish to make an enquiry please use our Tenant Enquiry Form found [here](#).