

HOMELESS IN RYEDALE



This leaflet is intended to help you if you are homeless or likely to become homeless. It provides a brief description of the law and the Council's practices in relation to homelessness and general information for anyone using our services. On 31st July 2002, the law in relation to the Council's duties towards homeless applicants changed. This leaflet refers to current housing law.

Once you have approached the Council as homeless, we will carry out an interview and make a decision on whether to provide 'interim accommodation' pending the outcome of our investigations of your application. We will investigate your homeless application and make a final decision on whether the Council accepts a duty towards you and how we will discharge that duty.

If the Council accepts a duty to provide you with temporary accommodation, we will ensure that it is available to you, and assist with storage of your furniture.

If we are unable to accept a duty towards you, we will explain the reasons why and provide you with advice and assistance to help you find alternative accommodation.

If you require more detailed information on the areas covered by this booklet, please contact the Housing Services department.

The law that relates to homeless people can be very complicated. We hope that the information we have set out in this booklet is clear, and answers most of your questions.

We can also be contacted by:

- Telephone on 01653 600666
- Fax on 01653 600764
- E-mail at: housing@ryedale.gov.uk

Homelessness Law and Your Rights

The Housing Act 1996, Part VII (Homelessness Act 2002) sets out the legal duties that all local authorities have towards people who are homeless or about to become homeless.

Under this Act the Council has a legal duty to make sure you have somewhere to live if:

- You are homeless; and
- You are eligible for assistance; and
- You have a priority need; and
- You are not intentionally homeless.

HOMELESS?

The Council will consider you to be homeless if:

- You have nowhere to live. You have been living somewhere, but you have no legal right to stay there and have been told to leave.
- You have somewhere to live, but cannot get into the accommodation.
- You have somewhere to live, but someone else who lives there has been violent towards you, or is likely to be violent towards you.
- There is a reason why it is not suitable to continue to stay at your property.
- Your home is a caravan, or a houseboat and you have nowhere to legally park it, or moor it.
- You have somewhere to live, but nowhere to accommodate the people who normally live with you.
- You have been made homeless as a result of an emergency, such as fire, flood or some other disaster.

If you are about to become homeless:

You are entitled to help from the Council if you are likely to become homeless within the next 28 days because, for example:

- You have been taken to court by your landlord and the court has said you must leave.
- You have been living with friends or relatives who have told you to leave.

'ELIGIBLE'?

Certain categories of person are not 'eligible' for assistance under the homelessness legislation because they do not usually live in the UK or are subject to some form of immigration control. You are likely to be eligible for assistance if:

- You usually live in the UK and are not subject to any form of immigration control.
- You usually live in the UK and are subject to immigration control, but your right to stay here is not subject to any time limit or condition(s).
- You have been given refugee status, or exceptional leave to remain here, as a result of an application for asylum.
- You are an asylum seeker who applied at port of entry when you first came to the UK and have not yet received a decision on your asylum application.
- You are an asylum seeker who applied for asylum prior to 5th February 1996.

IN 'PRIORITY' NEED

You may be a 'Priority' homeless person or household if:

- You have dependent children who are under 16 or under 19 if they are in full time education, who live with you.
- You, or any member of your household is pregnant.
- You are at risk of violence.
- You have been made homeless as a result of fire, flood or some other disaster.
- You are 'vulnerable' because of old age, mental illness, disability, physical illness, or other special reasons.
- A person aged 16 or 17 who is not a relevant child or a child in need to whom a local authority owes a duty under Section 20 of the Children Act 1989.
- A person under 21 who was (but is no longer) looked after, accommodated or fostered between the ages of 16 and 18 (except a person who is a relevant student).
- A person aged 21 or more who is vulnerable as a result of having been looked after, accommodated or fostered (except a person who is a relevant student).
- A person who is vulnerable as a result of having been a member of Her Majesty's regular naval, military or air forces.
- person who is vulnerable as a result of:
 - i) having served a custodial sentence,
 - ii) having been committed for contempt of court or any other kindred offence,
 - iii) having been remanded in custody.

INTENTIONALLY HOMELESS

The Council may consider you to be intentionally homeless if you have become homeless as a result of something you have deliberately done, or failed to do. There are two areas the Council may consider:

The first area is:

- The applicant must deliberately do something, or have failed to do something, the consequence or likely result of which is that s/he has ceased, or will cease, to occupy accommodation that was or is available.
- It must have been reasonable for the applicant to have continued to occupy accommodation, and
- The applicant must have been aware of all the facts before deliberately taking, or failing to take, the actions referred to in A above.

The second area of intentionality is:

- The applicant enters into an arrangement under which s/he is required to cease to occupy the accommodation.
- It must have been reasonable for the applicant to have continued to occupy the accommodation.
- The purpose of the arrangement is to enable the applicant to become entitled to assistance under Part VII of the 1996 Act, and
- There is no other good reason why s/he is homeless or threatened with homelessness.

The Council is unlikely to consider you intentionally homeless if it decides that:

- It was not reasonable for you to stay in your last home.
- You left home because of domestic violence or fear of violence.
- Your home went with your job and you lost it through no fault of your own, or you gave it up for good reason, because you did not know your rights.

This is a very complicated area and each application is looked at individually by the Housing Services department.

WHAT IS A LOCAL CONNECTION?

The Council also has to establish if you have a 'local connection' with Ryedale. If not, we have to establish if you have a 'local connection' with any other area in England, Scotland or Wales.

Local authorities have agreed guidelines to help them decide whether you have a local connection with their area. You may have a local connection if:

- You have lived in the district for 6 out of the last 12 months, with the exception of interim or temporary accommodation provided to you by another local authority.
- You have lived in the district for 3 out of the last 5 years, with the exception of interim or temporary accommodation provided to you by another local authority.
- You have permanent employment in the district.
- You have a close relative who has lived in the district for the last 5 years (eg mother, father, sister, brother, son or daughter).
- Ryedale may refer you to another Council and ask them to assist you, if:
 - You have no local connection with Ryedale, but do have a local connection with the other Council
 - You made a homeless application to another local authority in the last 5 years and were placed in Ryedale by that local authority.

Ryedale has to make sure that the other Council has agreed to assist you before sending you there. While these arrangements are being made, Ryedale has a duty to offer you interim accommodation if this is required. (Interim accommodation is accommodation provided whilst the Housing Services department is carrying out their investigations).

Ryedale will not force you to return to an area where you have experienced, or are likely to experience, violence.

If you have no connection with any area, Ryedale may still have a duty to house you or help you to obtain accommodation.

TYPES OF ASSISTANCE THE COUNCIL CAN GIVE

What assistance can you give me if my application is denied?

If the Housing Services Department is unable to assist you with interim or temporary housing because you do not come under one of the areas listed above, we will give you advice and assistance on how you may find a place to live.

If you receive a negative decision on your application, you will be informed of how you can appeal against this.

What assistance can you give me if my application is accepted?

If the Housing Services department accepts a duty towards you, we will provide you with suitable temporary accommodation until an offer of permanent accommodation is made.

Approaching the Council for help if you are homeless

If you are homeless or know that you are about to become homeless within the next 28 days, you should contact the Council at:

Ryedale District Council

Ryedale House
Old Maltongate
Malton

The Housing Services department is open to clients:
Monday – Friday 9.30am - 4.30pm

TELEPHONES

Telephone service is available:
Monday – Thursday 9am-5pm
Friday 9am-4.30pm
Telephone: 01653 600666
Fax: 01653 600764
E-mail: housing@ryedale.gov.uk

APPOINTMENTS

Do I need to make an appointment before going to the Council for my first visit?

Not if it's an emergency - we suggest you come to the Council as early as possible in the morning ie 9.30am.

If it is not an emergency, the Housing Services Department will normally give you an appointment for your first visit. You can arrange a convenient time by telephoning the office.

VISITS

Can I arrange for someone to interview me outside the office

We can arrange an interview outside the office, for example, if you have no transport to get you to the Council, or you are in hospital.

FUTURE VISITS

What happens if I need to go back to the office?

If you need to come back to the office to see an Officer, please contact the Council to make an appointment to ensure they are available to see you. This will also save you time as they will be able to inform you what you need to bring with you, and may save you unnecessary visits.

What happens if I need to see someone in an emergency?

You can come along to the office and explain the situation. In the case of an emergency, you will, whenever possible, always be seen.

'OUT OF HOURS' SERVICE

What do I do if I'm homeless when the office is closed?

For people who become homeless when the office is closed, the Council operates an 'Out of Hours' Service.

The service is for emergencies only.

You can contact the 'Out of Hours' service after 5pm each weekday, or anytime at weekends and bank holidays by telephoning 01653 697737. The person who answers the telephone will ask you a number of questions to make sure that you are put in touch with the correct Officer.

You will also be asked for a contact number where the Officer can telephone you.

The Interview with the Council

Who will see me and what will they ask me?

On approaching the Council, the receptionist will take your name and inform an Officer from the Housing Services department that you wish to see them.

Can I be seen by a female Housing Officer?

Yes. Let the receptionist know and we will arrange this for you.

Will the interview take place in private?

Yes. All interviews take place in a private interview room.

How long will the first interview take?

The first full interview could take ½ hour to 1½ hours, depending upon your personal circumstance. It is a long interview, but it is important that we collect as much information as possible to make a final decision on your application as quickly as possible.

Decisions

How long will it take to make a decision?

If you are approaching us while living with friends or relatives, we will need to arrange a visit to this address to confirm that you are homeless before making a decision on your application. The Council will ensure a decision is made within 33 days from when you informed us you were homeless.

How can I help speed up the decision on my application?

You can help in a number of ways. To make a decision on your case we have to ensure that all the information is available so as to meet the requirements set out in the Housing Act. To do this we have to see documentation and make enquiries of all the relevant people.

Who makes the decisions on homelessness applications?

The decisions are made at a homeless meeting by the Senior Housing Services Officer in consultation with the Chair of the Community Services and Licensing Committee.

How will I know what the decision is?

When a decision is made on your application, we will write and tell you what our decision is.

If the decision is not to accept any duty towards you, or to refer you to another Council, the letter will set out the reasons for this.

APPEALS AGAINST THE DECISION

Can I appeal against the homelessness decision?

Yes. If you are unhappy with the final decision you can ask for a review of it. When you receive your decision you will also receive information on how a review will be dealt with.

How will my review be dealt with?

We will consider the information contained on the review form completed by you and consider all the information held on our files. The Housing Services Manager who deals with your review, will not have been involved in your original decision.

Once the Housing Services Manager has carried out the review of your case, he will write to you setting out the decision and giving reasons for it.

If you are still dissatisfied with the decision of the review, or, you were not notified of the decision within the time prescribed, Section 204 of the Housing Act 1996 provides you with the right of appeal to the County Court. You will be able to obtain assistance with reviews and appeals to the County Court via:

Citizens' Advice Bureau	01653 692740
	01653 692809 (fax)
Housing Advice Resource Project	01609 761772

If you send in additional information you would like us to consider, we may not treat this as an appeal. We may consider this new information and inform you whether it would enable us to accept a duty towards you.

Do they ever change the decision?

Yes. A number of decisions have been changed following a request for an appeal and further consideration of all the information. In some cases the Officer dealing with the appeal has asked the Assessment Officer to make further investigations.

HOME VISITS

How long does it take to make a visit?

We make the majority of our home visits within 48 hours of your interview. The exception to this is weekends, or bank holidays.

We may go to see the people you have been staying with eg relatives, landlord, friends, etc. It is not necessary for you to be present.

What do the Officers do?

They will undertake an interview to confirm your homelessness, and where appropriate, discuss alternative ways of assisting in resolving your housing problems.

The Officer will not discuss any personal details with your landlord, other than your living arrangements.

MEDICAL ASSESSMENT

Will a medical assessment delay my decision?

This depends on the reason for the medical assessment. In some cases the medical assessment will determine whether you are a priority homeless person, and in such cases we will need to wait until this is complete before we are able to make a decision on your application.

If the assessment is being carried out to assist us with any decisions relating to your long term housing need, we may not have to wait until it is completed.

How does the Council carry out a medical assessment?

The Council asks your doctor to complete a medical questionnaire and return the form to us as soon as possible.

Do I need to pay my doctor for completing this Medical Assessment Form?

No. Ryedale District Council covers any costs incurred as a result of requesting any supporting

medical information.

Interim and Temporary Accommodation

What help will you give me with somewhere to stay whilst you are making your decision? (This is the Council's interim duty).

If the Council believes that you are homeless, eligible and in priority need, we have a legal obligation to arrange accommodation for you, until a decision is reached on your application.

What help will you give me if the Council approves my application? (This is the Council's temporary duty).

If the decision we make is to accept a duty to house you, temporary accommodation will be made available until permanent accommodation is provided, or we refer you to another Council for assistance.

Our duty may cease for a number of reasons; the most common ones are:

- You find alternative accommodation
- You receive an offer of other suitable accommodation
- You become homeless from temporary accommodation intentionally
- You or the person giving you priority stops being eligible, eg their asylum application being rejected by the Home Office.

What sorts of temporary accommodation do you have?

Hostel

Ryedale has one homeless hostel that consists of eight self-contained one and two bedroom flats.

The hostel is owned by Ryedale Housing Association, but is managed by Ryedale District Council and an Officer from the Housing Services department visits the accommodation each week day.

Private Accommodation (single people)

The Council uses private accommodation with shared facilities in certain instances where we feel it is appropriate.

Temporary Flats/Houses

These are properties allocated under an Assured Shorthold Tenancy and let to homeless households. They are managed by Ryedale Housing Association.

Bed and Breakfast

Bed and breakfast accommodation is only used in an absolute emergency (outside normal hours). If you are placed in this accommodation we will ask you to move to other temporary accommodation as soon as it is available.

What happens if I refuse the interim or temporary accommodation?

If for any reason you wish to refuse the accommodation, you will need to tell us why.

If we still consider it to be a suitable offer, we may no longer have a duty towards you. It is very important that you speak to us as soon as possible if you do not intend to stay there.

Please speak to one of the Officers at the Council if you do not feel the offer of temporary accommodation (not interim) is suitable. You can request a review of the suitability of this accommodation. Information on the way in which this will be carried out can be given to you by an Officer.

What do we do with the information you give us?

Is the information I give you confidential?

The Council has procedures in relation to confidentiality. We are however required to give information relating to your application to other Council's or departments, if you are placed in their area.

CHANGES IN YOUR CIRCUMSTANCES

What happens if some of the information I gave has now changed?

You must keep us informed about any changes in the information or circumstances that you have given to the Housing Services department.

If you are not sure if you need to tell us something, please speak to an Officer, who will be able to advise you. We suggest you take the view that it is better to tell us if you are not sure.

FALSE OR MISLEADING INFORMATION

You are required to sign a declaration on the application form which states that you will give us correct information and will not withhold relevant information, or mislead the Council in any way.

You must also keep us informed of any changes in your circumstances.

The declaration informs applicants that they will be liable to prosecution if any of the information is subsequently found to be false. The Council will prosecute, and if you are found guilty, you could be ordered to pay a fine of up to £5,000 as set out in Section 214 of the Housing Act 1996 Part VII.

Permanent Rehousing

How can I be permanently housed?

In order to be permanently housed into Housing Association accommodation, you must be on the housing register. You can obtain an application form from Ryedale District Council or Ryedale Housing Association.

How do I know if I'm on the 'Housing Waiting List'?

You can contact Ryedale Housing Association to ensure that your application is on the housing waiting list.

Once you are registered, you will receive a registration number and information about the housing waiting list.

If you feel there are any medical circumstances that we need to take into account, for example, a requirement for certain types of heating, inability to climb stairs etc, for any member of your household, you need to tell the Housing Association. Please put this information on your housing waiting list application form. You will also need to provide the Housing Association with supporting documents confirming what you have told us.

What happens if I don't accept an offer of a tenancy?

You may lose your temporary or interim accommodation and we may no longer have any duty towards you.

If you are thinking about doing this, you should seek legal advice as your decision may put you in a position where you have no place to live and the Council's housing department may no longer have

a duty towards you. If this happens, we will ask you to make your own arrangements and any interim or temporary accommodation we are providing will be cancelled.

Other Information

What happens to my furniture?

The Council may be able to assist you by helping with the storage of your furniture, whilst you are in interim or temporary accommodation.

If you need assistance with storage, you should speak to an Officer who will be able to arrange this for you. There may be a charge made for this service.

Once your belongings have been stored, you may not be able to gain access to them easily.

Can I take my pet into temporary accommodation?

No, unless it is a guide dog.

If you have any pets or other animals you should inform us. However, you will need to make other arrangements for them, eg to stay with friends.

Who does what?

During the time you are being dealt with by the Council as homeless, you may come into contact with different staff from the Housing Services department and possibly some Housing Association staff.

To assist you, we have set out below the Officers you are most likely to meet and a brief description of their roles in the Council.

HOMELESSNESS ASSISTANT

Where possible, the Homelessness Assistant will undertake your initial homeless interview.

The Homelessness Assistant is available at the main homeless hostel for advice every weekday morning between 10am – 11am.

HOUSING SERVICES OFFICER

Once an initial interview has been carried out, the report is passed to the Housing Services Officer who will check the information received. She may ask you to come for a further interview to clarify the information provided.

SENIOR HOUSING SERVICES OFFICER

In consultation with the Chairman of the Community Services and Licensing Committee, the Senior Housing Services Officer will make the decision on homeless applications.

HOUSING SERVICES MANAGER

The Housing Services Manager is responsible for undertaking reviews of all homeless applications where requested.

Your views on the service we provide are very welcome – they can be very useful in planning and developing service improvements. We would like to hear the good and the bad points along with any suggestions you may have for improving our service, and we will give all suggestions received full consideration.

If you have any views or comments, please write to us at the Housing Services Department at the address below.

Housing Services
P.O. Box 66
Ryedale House
Malton
North Yorkshire
YO17 7ZH

This leaflet is produced by the Housing Services department. If you would like advice or more information, please contact the Department at the address above.

For further details please telephone a member of Housing Services on 01653 600666 or e-mail: housing@ryedale.gov.uk

**HOUSING SERVICES
P.O. BOX 66
RYEDALE HOUSE
OLD MALTON ROAD
MALTON
YO17 7ZH**

**Opening Times
9.30-4.30 Monday to Friday**

Please contact us if you have any difficulties reading this as we may be able to help you.

A large print version of this leaflet is available.