

Help with Homelessness



If you are homeless at the moment or are soon to be homeless you may find the information in this document useful. You can also visit our website on <https://www.aylesburyvaledc.gov.uk/housing/>.

If you are having problems accessing this information please contact the Housing Needs & Advice Team on 01296 585168.

Homelessness and the Law

We have a legal duty under the Housing Act 1996 (as amended by Homelessness Act 2002) & the Homeless Reduction Act 2017 to people who are homeless, or who are threatened with homelessness. This leaflet tells you if you might qualify for help and what that help may be. The notes are brief and are only meant as guidance. They should not be seen as an interpretation of the law.

If you have any questions about the following information please do not hesitate to contact the Housing Advice Team. They will be able to assist you with any concerns you may have.

Threatened with homelessness

If you need help from us because you are threatened with homelessness we will firstly look at whether it is possible to assist you to stay in your current home. For example, this could involve negotiating with a landlord who wants his property back or providing you with Housing Debt advice to stop you losing your home.

Whatever your housing difficulty we will always look at how your threat of homelessness can be prevented.

What we need from you

If you approach us for help because you are homeless, or are threatened with homelessness, we are required by law to investigate your circumstances. These investigations enable us to decide whether you are someone who may be eligible for help (this will be explained later on, in this leaflet), and also to decide, if you are eligible for help, what form this may take.

To assist us to complete any necessary investigations into your application you are required by law to help us by providing any information that we may need. If you fail to do this, or if you provide us with information which is untrue, you will be committing an offence and will be at risk of prosecution. Additionally, if you fail to provide us with information we have requested, or fail to make contact with us when you are asked to, we may treat your application as being withdrawn.

How to apply for help

If you are homeless, or think that you may become homeless in the near future, you need to get advice from the Housing

Needs and Advice Team. You can do this by telephone or emailing us. If you want to visit the office, if possible, please contact us beforehand, in order to make an appointment. Our address, telephone number and email address can be found at the end of this leaflet.

Do not give up your home before you approach the Council.

If: -

- Your landlord is asking you to leave
- You are having difficulties in paying the mortgage or rent

Are you homeless, or threatened with homelessness within 56 days?

Examples of people who are considered to be homeless are:

- People who have no accommodation which they are legally entitled to occupy in the United Kingdom or elsewhere.
- People who cannot return home because of violence or the threat of violence to them should they remain living there.
- People who, for some reason, cannot gain entry to their home.

A person is said to be “threatened with homelessness” if he or she is likely to become homeless within 28 days.

If the notice you have received is incorrect our Housing Advisors can contact your Landlord to advise him/her

on the correct procedures. Housing Advisors may be contacted on (01296) 585168 for further information.

If you are a homeowner, your mortgage lender will usually be required to obtain a Court Order for Possession.

If you are experiencing problems with either your rental or mortgage payments, please contact our Housing Debt Advice Team. They may be contacted on (01296) 585168 and can help you: -

- Negotiate with your Creditors
- Prepare a financial statement
- Work out a payment plan, prioritising your debts
- Claim any benefit you may be entitled to

If your landlord/mortgage lender gets a Court Order for Possession, they will have to obtain an eviction warrant before you have to leave your home. You should not leave before an eviction date has been set and you have made sure that you and your family have somewhere to go.

It is wise to take legal advice from a solicitor if you think that your landlord wants to evict you. A list is available from the Citizens Advice Bureau or the Council giving details of local solicitors working within the Legal Aid framework. We can also give you the address of your nearest Citizens Advice Bureau.

If you cannot return home because of violence or the threat of violence, you

can make a homeless presentation to any local authority, who will then investigate your application.

If you require any further information on the above, please contact the Housing Advisor or the Homelessness Team on (01296) 585168.

Notification of decisions

We will try and complete our investigations into your homelessness application as soon as we have obtained and assessed all relevant information.

All people who apply to us as homeless or threatened with homelessness will receive a letter giving you our decision about your application, together with our reasons for reaching that decision.

What to do if you do not agree with the Council's decision

In reaching our decision we will have carefully considered all the facts

provided by you and others you may have given us permission to contact, or who have provided information in support of your application. We make every effort to make sure that the decision is fair and reasonable in all respects.

Nevertheless, you have a legal right to request a review of any decision. A leaflet is available explaining the housing review and appeals procedure, please ask your Housing Advisor for a copy.

All letters notifying you of decisions we make will advise you of your right to a review and the need to request a review within 21 days of the date on the letter you receive.

Before requesting a review, you are encouraged to discuss your case with your Housing Advisor.

For other general housing needs enquiries see our website www.aylesburyvaledc.gov.uk/housing , email us housingneeds@aylesburyvaledc.gov.uk or call us 01296 585197 or 585168.



AYLESBURY VALE DISTRICT COUNCIL
The Gateway, Gatehouse Road, Aylesbury, HP19 8FF
Tel: 01296 585197/585168 E-mail: housingneeds@aylesburyvaledc.gov.uk
www.aylesburyvaledc.gov.uk