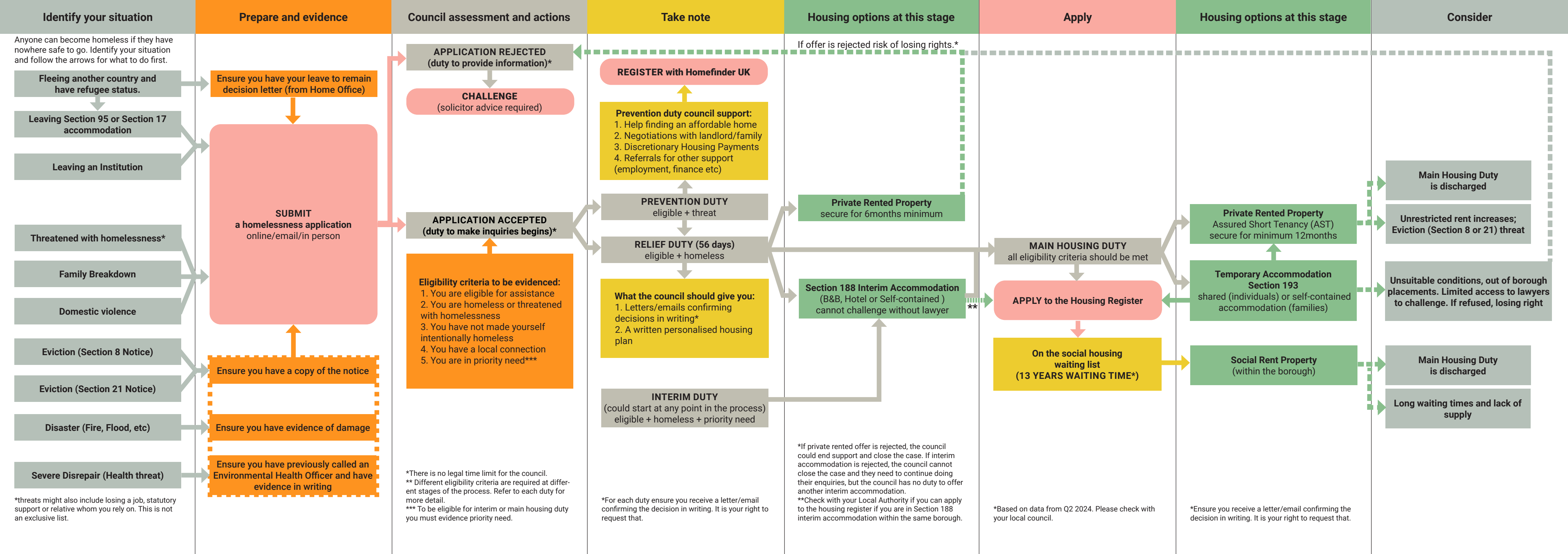






FACING HOMELESSNESS :
THE PATHWAY

Identifying your situation:

Section 95 Accommodation: The Home Office can provide housing and financial support under Section 95 of the Immigration and Asylum Act 1999 to a person who is seeking asylum and is destitute or is likely to become destitute within 14 days.

Section 17 Accommodation: Under section 17 of the Children Act 1989, local authority social services have an ongoing general duty to safeguard and promote the welfare of ‘children in need’ (and those of their families) in their area. This duty can include providing accommodation.

Institution: This could include prisons, hospitals, child care facilities, adult care facilities and mental health facilities.

Eviction (Section 8 Notice)

Your private landlord can give you a section 8 eviction notice if:

- you have an assured or assured shorthold tenancy (AST)
- they have a legal reason to evict you, for example, rent arrears

Eviction (Section 21 Notice)

A section 21 notice starts the legal process to end an assured shorthold tenancy (AST).

Your landlord or agent can give you a section 21 during either a:

- rolling periodic tenancy
- fixed term contract if there’s a break clause

The notice gives a date for you to leave your home. The date must be at least 2 months after your landlord gives you the notice.

for more visit: [england.shelter.org.uk](https://www.england.shelter.org.uk)

Help with actions:

If you need help with general advice:

- **Crisis**
Phone: 08000 384838
- **Shelter**
Free Webchat Service: available 9am – 5pm, Monday to Friday
Phone: 0344 515 1540 (9:30am – 6:00pm, Monday to Friday)
- **Community Links**
Phone: 0207 473 9681
- **Newway Project**
Phone: 07490 983777 (Monday – Friday, 9am – 2pm)

If you are an asylum seeker or refugee and need help with applications or general advice:

- **Welcome Newham**
Stratford Library, 1st Floor
3 The Grove, E15 1EL
every Thursday 10am to 3pm

If you are a single mother with a child awaiting immigration status, and have no recourse to public funds:

- **The Magpie Project**
Grassroots Centre, Memorial Park,
Memorial Avenue, West Ham,
E15 3DB

If considering challenging a rejected application or have questions about your rights:

- **Newham Citizens Advice Bureau**
call on 020 3855 5233
<https://www.eastendcab.org.uk>

for more visit: www.newham.gov.uk

Eligibility criteria explained:

Eligibility for homelessness assistance depends on immigration and residence status. There are different rules for British and Irish nationals, and for people from abroad. :

Eligible for assistance:

- You have recourse to public funds
- Your nationality
- Your immigration status
- British and Irish nationals as well as some people from abroad are only eligible for assistance if they are habitually resident in the Common Travel Area which includes the UK, the Channel Islands, the Isle of Man and the Republic of Ireland.

Local connection eligibility:

You have a local connection (3Y in the last 5Y or 6 out of 12 months in the year) to the local authority you are applying to. If claiming via a relative, the connection has to be first-degree relative e.g. sibling or parent.

Priority need eligibility:

- If you have children
- If you are a victim of domestic abuse
- If you are homeless due to fire/flood
- If you are vulnerable (old age, ill health, physical/mental disability, mental health)
- If you are leaving care and are aged 18-20 years

for more visit: [england.shelter.org.uk](https://www.england.shelter.org.uk)

Council duties and other services:

Prevention Duty as a Primary Duty

The prevention duty applies when a local authority is satisfied that an applicant is:

- threatened with homelessness
- eligible for assistance

It is the primary duty of a local authority who are legally obliged to help prevent homelessness.

Interim Duty

A local authority must provide interim accommodation while it makes inquiries into a homeless application if it has reason to believe that the applicant may be:

- homeless
- eligible for assistance
- in priority need

Interim accommodation is sometimes described as emergency accommodation.

Personalised Housing Plan

Under the Homelessness Reduction Act 2017 section 189a and 189b, the local authority has a duty to assess every eligible applicant’s case and agree a plan. The plan can be reviewed many times and can be challenged without legal support.

Homefinder UK Housing Service:

The Homefinder UK service will help you find permanent social housing outside your local area.

Housing options explained:

Section 188 (emergency accommodation)

Section 188 of the Housing Act 1996 requires local authorities to provide emergency accommodation to eligible applicants who are homeless and in priority need. The duty to provide accommodation lasts until a final decision is made on the applicant’s application. Emergency accommodation can be a hotel, bed and breakfast or self-contained accommodation.

Families with dependent children or pregnant women should only be placed in B&B accommodation for a maximum of 6 weeks.

The standard of Section 188 accommodation may vary significantly.

Private Rented Property

Is a home that is rented out by a private landlord rather than a local council or housing association. It is often referred to as PRS (private rented sector). An affordability assessment should take place before a private rented property is offered to you to ensure that it is affordable considering your current circumstances. If the local authority makes an offer of a suitable and affordable private rented property, their duties will be discharged.

Main Housing Duty explained

Main Housing Duty

The main housing duty is a duty to provide temporary accommodation until such time as the duty is ended, either by an offer of settled accommodation or for another specified reason.

A local authority will owe an applicant the main housing duty when the duty to relieve homelessness has ended, and they are satisfied the applicant is:

- homeless
- eligible for assistance
- in priority need
- not intentionally homeless

Housing Register

The Housing Register is a list maintained by local councils of individuals and families who have applied for social housing. You have to apply through your local council and evidence local connection eligibility. You may be waiting on the housing register for more than 10 years as there is not enough supply of social housing to meet demand.

Housing options explained:

Temporary Accommodation Section 193

Section 193 (2) of the Housing Act 1996 states that the local housing authority must secure that accommodation is available for occupation by the applicant. This is the main housing duty, which is a duty to provide temporary accommodation until such time as the duty is ended, either by an offer of settled accommodation or for another specified reason.

Temporary accommodation can range from B&B and hotels, to private rented properties (including houses of multiple occupation) or purpose-built council accommodation. There is no single standard which applies to temporary accommodation.

Accommodation which is licensed as a house in multiple occupation (HMO) should adhere to the Newham Guidance on Accommodation Standards.

Temporary Accommodation which is offered in London should be following the Pan-London Setting the Standard II .

Social Housing / Social Rent Property

Social Housing is a form of rental accommodation provided by local councils or not-for-profit organizations like housing associations. It is designed to offer affordable, long-term secure, and well-maintained homes to those in need. Social housing allocation is governed by the Part 6 of the Housing Act.

This document has been prepared by the Newham Temporary Accommodation Action Group in 2024 and is aimed as a guide to people facing homelessness.