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Information for Homeless Applicants

Adult and Community Services Directorate

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Typetalk calls welcome

INFORMATION FOR HOMELESS APPLICANTS

Homelessness – Housing Act 1996 Part VII (as amended by the Homelessness Act 2002)

If you are homeless or concerned about the possibility of losing your home you can obtain advice and assistance from the Isle of Wight Council. Prior to seeing a Housing Officer you should try to obtain alternative accommodation yourself (Please refer to our leaflet “Finding your own accommodation”)

If you are homeless or are threatened with homelessness within 28 days you can ask the Council for assistance under the provisions of the homelessness legislation.

If you make a homeless application to Isle of Wight Council a Housing Officer will interview you to establish your housing situation.

List of documentation to bring a homeless interview

If you attend a homeless interview, it would be of great assistance for you to bring the following documentation with you:

- ID e.g. Birth Certificate, Passport
- Proof of Child Benefit and/or Pregnancy
- Proof of any welfare benefits (e.g. income support, disability living allowance)
- Documentation relating to why you may become homeless (e.g. notice from landlord, court order, Tenancy Agreement etc)
- Proof of Island residency (for the last 5 years)
- Any other information, which you feel is relevant to your housing situation.

The Housing Officer will then undertake enquiries into your application and make a decision on whether or not Isle of Wight Council has a duty to provide you with accommodation.

If you are making a joint application with a partner they need to also produce the same information and attend the homeless interview.

The enquiries undertaken will assist in establishing:

1. Is the applicant eligible for assistance?

Generally speaking applicants who are asylum seekers or subject to immigration control restricting their right to enter or remain in the UK may not be eligible for assistance.

If you are considered ineligible for assistance you will be given general advice and information.

2. Is the applicant homeless or threatened with homelessness?

Under homelessness legislation a person is homeless if they do not have anywhere to live in the UK or elsewhere. However, if you have a home you may be homeless or threatened with homelessness for reasons such as:

- You have been evicted or unlawfully evicted
- You are/may be subjected to violence if you continue to live in your home
- There are exceptional circumstances and it is not reasonable for you to remain in your home
- You have been issued with a Court Order to leave your property
- Loss of “tied” accommodation

3. Is the applicant in priority need?

You are considered to be in priority need if you or someone who normally lives with you, satisfy one of the following conditions:

- You or a member of your family is pregnant
- You/they have dependant children living with them under the age of 16 or 19 if in full-time education.
- You/they are homeless because of violence, fire, flood or other emergency
- Care leavers, armed forces or others with institutionalised backgrounds such as hospitals or prison.
- You are a person under 21 who was (but are no longer) looked after, accommodated in care, or fostered between he ages of 16-18.
- You are aged 16-17 years old and not being looked after by Social Services. Please note that all applicants from 16-17 year olds will be dealt with in conjunction with Social Services
- You/they are vulnerable due to old age
- You/they are considered to be vulnerable as a result of a long term physical or mental disability/illness
- You/they are considered to be vulnerable for other special reasons.

The Council will undertake investigations as to whether or not you are vulnerable due to one of the above reasons.

If you are homeless and have a priority need the Council will find you somewhere temporary to live. The Council will do this even if it has not finished making its enquiries into whether they are able to help you.

If you are considered to be homeless, but not in priority need, the Council will have a duty to advise and assist you, but will not have a duty to provide you with accommodation.

4. Is it the applicant's fault?

The Council is required to investigate why you are homeless or why you are likely to become homeless to help the Council establish whether you have deliberately caused your homeless situation.

Applicants who have become homeless or threatened with homelessness due to a deliberate action or failure to take appropriate action may be deemed to be intentionally homeless.

If the applicant is found to be intentionally homeless the Council may continue to provide temporary accommodation for a further 28 days in order to allow the applicant to find alternative accommodation, but will not have a duty to provide long-term accommodation. Advice and assistance can also be given.

5. Does the applicant have a local connection with the Isle of Wight?

Applicants may have a local connection with an authority if they:

- Have lived in the area for at least 6 months out of the last 12 months, or 3 years out of the last 5 years
- Have permanent employment in the area (excluding employment with the armed forces)
- Have close family living in the area, e.g. parents; who have lived in the area for at least 5 years.

If the applicant does not have a local connection to the Isle of Wight, arrangements will be made to refer the applicant to the Council where the applicant does have

a local connection, provided they will not be subject to violence.

How long does it take the Council to investigate each homeless application?

Your Housing Officer will complete the investigation work as quickly as possible. The Council will do its best to carry out the investigation work within 30 working days; and inform you of our decision within the next 3 days. However if your homeless situation is very involved this may take longer. In order to assist the Council in investigating your situation you should provide any documentation requested, this will enable your Housing Officer to make a decision on your application.

You will receive a letter stating the decision which has been made and if this decision is unfavourable the reasons for the decision and advice on the right to appeal.

Making a decision on your homeless application

If the Council is satisfied that the applicant is eligible, threatened with homelessness, in priority need and not intentionally homeless with a local connection to the Isle of Wight then Isle of Wight Council can accept you as statutorily homeless and a letter of acceptance will be issued.

If you satisfy all but the local connection criteria your application may be referred back to an area where you do have a local connection.

If the Council decide to not accept you as statutory homeless the Council will normally only have a duty to advice and assist you, not to provide accommodation.

Whatever decision is made on your application, the Council will inform you of the outcome in writing.

If you are accepted as homeless

If the Council accepts you as homeless and you are unable to remain in your home, then the Council have a duty to find you suitable temporary accommodation until you are offered permanent housing.

In an emergency it is likely that this will be Bed & Breakfast accommodation, otherwise it is likely to be Temporary Accommodation – which could be owned by Housing Association, Council Privately Leased. Every effort will be made to provide accommodation within the area of your choice, but this cannot be guaranteed.

We will only make one suitable offer of temporary accommodation, so it is very important that you inform your housing officer of any special needs you have and think very carefully before refusing any offer.

Bed and Breakfast

When you approach the Council as homeless in an emergency and have a “priority need” you may be placed in B&B if there is no other accommodation available.

The Council recognises that having to live in B&B is far from ideal and it is only used as a last resort if there are no other accommodation options available. As we also subsidise the costs, it is very much in our interests, as well as yours, for you not be placed in B&B or if you are, for your stay to be as short as possible, for families with children this should not be any longer than 6 weeks. This is why we always encourage you, if at all possible, to make your own temporary arrangements to avoid you having to be placed in B&B.

What to expect in Bed and Breakfast

- Due to very limited B&B accommodation you may be

placed in accommodation that would not be your choice of area.

- You will be given a room or rooms depending on the size of your family.
- In some cases you will share the bathroom with other residents
- Cooking facilities will vary in each B&B from sharing a kitchen to having access to a few amenities.
- There are no rules saying you must leave each day at a certain time but there may be rules for being back by a certain time each night.
- The Proprietor has House Rules, for example cleaning your room, so please take time to read them, especially the fire safety rules.
- Those who do not respect the rules or act in an anti-social way will have their B&B booking cancelled and will have to leave.
- The B&B is your home for as long as you are placed there. Your bedroom will be furnished and bedding provided (although you are welcome to take your own).
- There are no laundry facilities in our B&B, so you should find out where the local laundrette is located.
- Breakfast is usually provided, but in some establishments you may be expected to prepare it yourself.
- You need to tidy up after each time you use the kitchen or bathroom and must keep the living room in a reasonable condition. You will be charged for any damage you cause to the communal area or your room(s).
- No pets or animals are allowed to be brought into or remain on the premises.
- If you decide to stay away from the B&B, even if just for one night, please inform the proprietor and the Council.

How do I pay my rent in B&B?

If you are not entitled to Housing Benefit you will be liable for the full charge, which will be notified to you. You can pay this with a swipe card, which will be issued, to you; payments can be made at any Post Office or Council cash office.

If you are on benefits or low income you will be encouraged to make a claim for Housing Benefit on the same day that your B&B is arranged. You can obtain assistance with completing claims at a variety of help centres around the Island, you can also submit your claim and proofs of information at these offices.

If you receive full benefit it will only cover the cost of the rent for the room(s) so there will still be a charge for the cost of breakfasts, heating, lighting and hot water which is not covered by benefit. You will need to pay these charges to the Council with the swipe card.

If you only receive some help from Housing Benefit you will need to pay the balance not covered.

If you fail to pay your contributions of rent or to make a claim for Housing Benefit, you will be asked to leave.

Storage of furniture and possessions if you are in B&B

The Council can assist with storage and removal of furniture by offering an interest free loan.

You should get three quotes from a removal company and then decide which company to use. The contract is between you and the removal company and the Council is only paying the account on your behalf. The removal company may offer you insurance cover for the value of your furniture and possessions. The Council are not liable for any loss or damage whilst in transit or storage.

You will be asked to sign an agreement to repay the Council by instalments. The Council will agree the level of repayments with you based on your income. You will be issued a swipe card to make your payments at any post office or Council cash office.

If payments are not maintained the Council will have no further obligation for any furniture or possessions in storage. Many people do not wish to incur this additional expense and make their own arrangements with friends and relatives.

What happens after B&B

When there is a vacancy in temporary accommodation you will be contacted by the Council.

Temporary Accommodation

Every effort will be made to move you into alternative temporary accommodation as soon as possible, but again this may not be in the area of your choice.

A tenancy date will be arranged and you will be expected to vacate the B&B and return the keys to the B&B proprietor.

Most of the temporary accommodation is in the main towns of Ryde, Newport, Cowes, Sandown and Shanklin. If you unreasonably refuse an offer of suitable temporary accommodation, the Council may not have a further duty to make another offer.

If you are placed into temporary accommodation with a Housing Association you will be required to pay rent to the managing Housing Association. In all other cases the Council will give you a non-secure tenancy and you will have to pay the rent to us.

The rental element of the charge is eligible for Housing Benefit. Once accommodation has been allocated any claim for Housing Benefit must be made immediately. **Failure to do so could result in the full charge being made.** If your Housing Benefit does not cover the full rent, you will be sent a swipe card to pay the difference.

In some cases it may be possible for applicants to make their own arrangements for temporary accommodation. However, this must be agreed with the Council first, otherwise it may be decided that you are not homeless.

Temporary Accommodation is unfurnished and you would be responsible for all the bills, unless the amenities are included in the rent, which is advised in the offer letter.

Unfortunately, the Council cannot predict how long you will be in temporary accommodation before an offer of permanent housing may be made from the Housing Register. If a reasonable offer of accommodation is declined, the Council may not have a further duty to make another offer.

If I am given Temporary Accommodation and I don't like it, will I be able to change?

No, you would not normally be able to change temporary accommodation. However, you could choose to change from Council to a private tenancy.

If I am offered temporary accommodation, what happens if I refuse it?

If you feel the temporary accommodation that we offer you is not suitable we will investigate the reasons. If we agree with your reasons then we will make you another offer which we feel will fulfil your needs. However, if we feel the property that we offered you was suitable, we will not give you any more offers and you will need to make your own arrangements.

If you wish to dispute a homeless decision

We will need to receive a written request within 21 days of a decision if you wish to dispute it.

Once we have received your request for a review, we will acknowledge your letter and arrange to gather any additional information needed. You may be asked or invited to supply more information.

At this first stage of a review a Senior Officer who was not involved with the original decision will look at the facts of the case and reach a decision. You will be notified of this decision in writing, usually within 56 days of your request.

In some cases you may be invited to attend a hearing where you will be able to put forward your views. You will be able to bring someone with you if you wish (for example a relative, friend, solicitor, support worker or other advocate acting on your behalf).

The Senior Officer will then make a decision and you will be notified in writing.

If you are homeless and your appeal is not successful then the Council's duty to provide temporary accommodation will cease. You will usually be given 28 days notice to leave the accommodation.

There is no further right of review within the Council but you can take things further by appealing to the County Court on a point of law. This cannot be undertaken without going through the above review process first.

Underlying both of these you do have the right at any time to appeal to the High Court for a judicial review; although this is unlikely to be considered without exhausting the above process.

Additionally you may also use the Council's complaints procedure if you have a grievance or you not happy with the service you have received.

Disputing suitability of accommodation

If we decide that we have a duty to provide accommodation to you under the homelessness provisions then the accommodation will be offered to you in writing.

You have the right to ask us to review this if you do not think the accommodation we have offered is suitable. You would need to send a written request within 21 days of the date of this letter if you wish to dispute it – irrelevant of whether you have moved in to the property or not.

The first stage of a review is where your case will be looked at again, and the decision checked that we have complied with the law and have acted reasonably and in accordance with our policies. A Senior Officer who was not involved with the original decision that was made, will review the decision.

If the Senior Officer upholds the original decision you can take things further by appealing to the County Court on a point of law. This cannot be undertaken without going through the above appeal decision first.

Underlying both of these you do have the right at any time to appeal to the High Court for a judicial review; although this is unlikely to be considered without exhausting the above process.

Please note however that the Council has a policy of making only one offer of accommodation – both temporary and permanent. If you appeal against the offer and it is decided that it was suitable for you and the accommodation is no longer available you will not be entitled to any further offer.

**These notes are not detailed or comprehensive.
For further information contact Housing Services,
7 High Street, Newport, Isle of Wight, PO30 1SS,
tel: 01983 823040, e-mail: housing@iow.gov.uk**

**This leaflet is available on request as an audiotape, in
large print, in Braille and in other languages. If you
require this service, please contact Housing Services on
01983 823040 or email Housing@iow.gov.uk**



**If you would like this document translated,
please contact us on 01983 823040**

Arabic

01983 823040 إذا رغبت في الحصول على نسخة مترجمة من هذه الوثيقة يرجى الاتصال بنا على

Bengali

আপনি যদি এই প্রমাণপত্র (ডকুমেন্ট) অনুবাদ করানো চান, তাহলে অনুগ্রহ করে আমাদেরকে।

01983 823040 নম্বরে যোগাযোগ করুন

Chinese

如果你希望翻譯這份文件，請與我們聯繫。聯係電話：01983 823040

French

Si vous désirez que ce document soit traduit, contactez-nous s'il vous plait au 01983 823040.

German

Falls Sie eine Übersetzung dieses Dokuments wünschen, wenden Sie sich bitte unter einer der folgenden Rufnummern an uns: 01983 823040

Hindi

Xid Awp es dEqwvyjæ kw Anuvwd cwhqy hYN, qo İ, Xw tyilPon nµbr 01983 823040 pr supké kIijE[

Italian

Se desiderate la traduzione di questo documento, contattateci allo 01983 823040

Punjabi

jkYr qusIN ies dsqwvyz dw Anuvwd cwhuudy ho, qW ikRpw krky tYlIPon nµbr 01983 823040 qy suprk kro[

Spanish

Si desea una traducción de este documento por favor llame al numero de teléfono 01983 823040

Urdu

اگر آپ اس دستاویز کا ترجمہ کروانا چاہتے ہیں تو براہ مہربانی ٹیلیفون نمبر 01983 823040 پر رابطہ کریں