



Factsheet 1: Homelessness & the Law

What is Homelessness?

You are homeless if you have no accommodation available to you in the United Kingdom or elsewhere or if you have accommodation available to you but:

- It is not reasonable for you to live there with the people who would normally live with you as members of your family. This includes partners, children and carers.
- You are not legally entitled to occupy the property because you have had a court order requiring you to leave, or you are a tenant with no right to remain where you are.
- Your accommodation is not reasonable for you to occupy. For example, it is in poor physical condition and is beyond reasonable repair, or you cannot get it repaired for a good reason.
- You are at risk from violence in the property.
- You have a boat, caravan or mobile home but you have nowhere to put it.



Circumstances where you might find yourself homeless or at risk of becoming homeless.

- Family / Relationship Breakdown,
- Debt
- Rent / Mortgage Arrears,
- Mortgage Repossession
- Loss of Accommodation – Notice Requiring Possession..
- Domestic Abuse,
- Physical Violence & Harassment,
- Drug & Alcohol Misuse
- Mental Health issues
- Leaving the Armed Services
- Leaving Care (16/17 year old).

Homelessness – The Law

The law which governs all of our decisions is the Housing (Wales) Act 2014.

It is summarised here.

The Council must inform the applicant what duties, if any, are owed under this Section. The duties that the Council have are:

- Section 60 - Duty to provide advice and assistance,
- Section 62 – Duty to carry out an assessment of eligibility and if eligible consider the circumstances, housing and support needs of



the applicant.

- Section 66 - Duty to help to prevent homelessness,
- Section 68 - Duty to provide temporary accommodation,
- Section 73 – Duty to help to secure suitable accommodation,
- Section 75 – Duty to provide settled accommodation

Eligibility - Help & Assistance:

Under Section 60 of the Housing (Wales) Act 2014, the Council has a legal duty to provide access to advice and assistance to everyone, however, not everyone is eligible for help to prevent their homelessness, for example those who do not usually live in the UK. To be eligible you will

- Usually live in the UK and immigration control does not apply to you.
- Usually live in the UK and immigration control does apply to you but your right to stay is not based on conditions.
- Have been given refugee status as a result of an asylum application.

If you are found to be eligible the Council must carry out an assessment to determine whether you are homeless or threatened with homelessness (see The Homelessness Assessment section, below).



If you are not eligible for help, we will still give you advice on housing options and will advise you to seek assistance from agencies such as NASS (National Asylum Support Service).

Section 62 - The Homelessness Assessment

You will be required to complete a homeless assessment and asked to provide information and documentation which will help us to decide whether you are eligible and threatened with or are homeless.

The type of the information required will depend on your housing circumstances, some examples of the information and documentation you may be required to produce are shown below

Proof of your identity:

- Your birth certificate;
- Your passport;
- A document confirming your National Insurance number;
- Your driving license;
- Your medical card;
- A recent utility bill

Details of you income:

- Savings: In the form of bank statements, Building Society book, savings accounts etc;
- Employed: Your last five weeks payslips (or last 2 months payslips) or a letter from your



employer giving the gross pay over the last five weeks;

- Unemployed or retired: You will need to confirm what you are receiving. The award letter showing the amount of benefits / pension you receive will be sufficient.

If you have children:

- Full birth certificate for any children under the age of five who are included in your application for housing, and either a short or full birth certificate for those over five;
- Any divorce or separation papers that show arrangements concerning the children.

If you are pregnant:

- Your maternity certificate or hospital notes confirming your pregnancy, this should show the estimated due date.

Where possible the Housing Options Team will help prevent you from becoming homeless, this could involve working with you to keep you in your existing home or find you alternative accommodation and depending on your circumstances and eligibility, they can offer you temporary accommodation. However, there is **no duty to provide accommodation for everyone** and it is not always possible for them to help you in the way you would like. To determine whether the Council has a duty to provide temporary



accommodation you will have to satisfy five tests.

The five tests are:

1. Are you Homeless?
2. Are you eligible for assistance?
3. Are you in priority need?
4. Are you intentionally Homeless?
5. Do you have a local connection to Monmouthshire?

If we find that you are homeless, eligible for assistance; in priority need and not intentionally homeless then you will be offered temporary accommodation.

For further details on the tests please go to the Council's web page

<https://www.monmouthshire.gov.uk/homelessness-prevention-and-housing/homelessness/dyletswydd-dros-dro-sicrhau-llety-ar-gyfer-ymgeiswyr-digartref/>

How can I get Help?

If you are at risk of homelessness within the next 56 days, **you should contact the Housing Options Team immediately** on 01633 644644 or visit one of the Community Hubs. The Housing Options Officers will ask you some questions to determine whether you are eligible for help to prevent your homelessness.

Please see Factsheet 2 for details of the services available that offer you support and help.