

Am I intentionally homeless?

The fourth in a series of five factsheets that considers the issues that a council will look at if you are homeless and apply to it for accommodation.

This factsheet looks at who is intentionally homeless.

The council will look into why you became homeless. If the council finds that becoming homeless was your fault, it can decide that you made yourself intentionally homeless.

A deliberate act?

The council must look at all the circumstances that led to you becoming homeless. There may be many reasons why you left your previous home, but if the main reason was as a result of something you deliberately did or failed to do, the council can decide that you made yourself homeless intentionally. Examples would be if:

- you did not pay the rent or mortgage when you could have afforded to
- you left accommodation that you could have stayed in.

However, if you got into rent or mortgage arrears because of financial difficulties that were beyond your control (eg you were made redundant), or you left home because of threats of violence, the council should not decide you are intentionally homeless.

Unaware of the facts?

The council should not decide that you are intentionally homeless if you acted reasonably and in good faith, or because of something you did not know about. This might be the case if:

- you left because you did not know that you had a right to stay there
- you were given bad advice that caused you to leave your home
- someone you lived with did something that made you homeless without your knowledge or you knew about it but you could not stop them doing it.

Reasonable to stay?

The council cannot decide that you are intentionally homeless if it was not reasonable for you to stay in your home. This could have been because:

- you could not afford to live there unless you went without food or heating

- you were a victim of domestic violence
- it was seriously affecting your health.

Collusion

If you arranged with someone to be made homeless in order to take advantage of the system, you can be found intentionally homeless.

Duty owed

If the council decides that you are eligible for assistance and have a priority need,* but you are intentionally homeless, it only has to house you for a short period. How long that will be depends on your circumstances, but often it is only for another 28 days. If you have children the council should, if you agree, refer you to social services. Social services can help you get accommodation, eg by helping you with a deposit. Sometimes social services say they will only house your children, and not you. If they do this get advice.

If the council decides you are eligible for assistance, have a priority need and are not intentionally homeless, it owes you a full housing duty. The council can then consider whether you have a local connection to decide whether they or another council will owe you that duty. It must continue to accommodate you while it considers this. We will look at what local connection means in the fifth factsheet.

Negative decisions

You have the right to request a review of any decision that goes against you. However, your request must be made within 21 days of being notified of the decision.

Further advice

You can get further advice from Shelter's free** housing advice helpline (0808 800 4444), a local Shelter advice service or Citizens Advice bureau, or by visiting shelter.org.uk/advice

* These terms have a special legal meaning which are explained in the relevant factsheet in the series.

** Calls are free from UK landlines and main mobile networks.



Specialist support on housing advice

A Shelter and Citizens Advice service. DCLG funded.



Registered charity number 279057.

Shelter

Registered charity in England and Wales (263710) and in Scotland (SC002327).