

## What to do if you are homeless

The numbers of Irish women who are homeless in London has increased dramatically in recent years. Too many women are unaware of their rights or simply put off by the hard struggle to assert those rights. This leaflet is intended for Irish women who emigrate and who are entitled to help from Local Authorities under Part 3 of the Housing Act 1985. If you are homeless or about to become homeless it is important that you are aware of the legislation that is relevant to homeless people as well as the policies and practices of individual Local Authorities.

**If possible you should contact an Advice Agency or Law Centre before approaching your Local Authority in order to find out how that Council interprets its legal duties towards homeless people.**

It is also important that all Irish applicants who are homeless or in need of housing should register on the Local Council's waiting list regardless of whether or not you meet the criteria for obtaining accommodation under Part 3 of the Housing Act 1985. This information may come in useful at a later date when the Council is trying to establish whether you have a local connection or not. In any case Local Authorities and Central Government should be made aware of the scale of the housing crisis and the disproportionate numbers of Irish people who are affected by it.



## The Homeless Persons Section

If you are homeless and think you may be entitled to help with accommodation you should go to your Local Council's Homeless Persons Section. The opening times and whereabouts of the Homeless Persons Section can be obtained from the Town Hall or from local advice agencies and libraries. There should also be an emergency number available from the Town Hall if you need help outside office hours. Be prepared for a long wait before you are actually interviewed in the Homeless Persons Section and bring food and drink if possible as most offices have few if any facilities. If the Homeless Persons Section is shut, this could be a breach of the Council's statutory duty. Seek legal advice in this event.

## The Local Authorities' duty towards you



**The Local Authority has a legal duty to provide accommodation for you if:**

- **you are homeless or threatened with homelessness within 28 days.**
- **you are in 'priority need'.**
- **you have not made yourself homeless 'intentionally'.**

When you are interviewed at the Homeless Persons Section the officer will assess whether they have a legal duty towards you. If they consider that you are homeless and in priority need they must provide you with suitable accommodation. They will then make further enquiries to determine whether you are intentionally homeless or not. The length of time taken by Local Authorities in reaching their final decisions on individual housing applications varies from Borough to Borough.

## What is homelessness?



**Legally you are considered to be homeless if any of the following apply:**

- **you have no accommodation you are entitled to occupy.**
- **you are likely to have no accommodation within 28 days.**
- **you have a home but are in danger of violence from someone living there or it is not reasonable for you to remain there.**
- **you are living in 'emergency' accommodation, e.g. nightshelter, refuge.**
- **you are a family who are normally together but are now living in separate homes because you have nowhere to live together.**
- **your accommodation is movable, e.g. a caravan or houseboat, and you have nowhere to place it.**

If any of these conditions apply, you should approach the Local Authority for help. They will then assess whether you are eligible for accommodation or not. Local Authorities will use their own discretion in deciding whether you meet the legal criteria for being homeless. The Department of Environment also issues guidelines



which Local Authorities are meant to use when considering who is entitled to help. Women who run the risk of violence if they remain where they are should insist that it is unreasonable for them to remain in their accommodation if anyone at home has assaulted or threatened violence against them.

Lesbians should argue that it is unreasonable for them to remain in their home if they have been attacked or threatened by people who are prejudiced against them. Travelling women and others who are being racially harassed should do likewise. Some Local Authorities have accepted as 'homeless' women from Northern Ireland who are deemed to be victims of sectarian violence or harassment.

**If you think the Local Authority is wrong in their assessment of your homelessness you should contact a local Agency for help in challenging their decision.**

## What is priority need?



**The legislation states that a woman is in priority need if one or more of the following apply:**

- **you are pregnant.**
- **you have a dependant child. This means a child under 16 or under 19 if they are still in full time education or training. The child need not be your own but must live with you.**
- **you are vulnerable because of old age, poor mental health, have learning difficulties or a physical disability.**
- **you are homeless or threatened with homelessness because of fire or flood.**

The DOE Code of Guidance suggests that Local Authorities include young people who are 'in danger of sexual or financial exploitation' in their definitions of what constitutes 'vulnerability'. If you are young and have experienced actual or threatened sexual or physical abuse, make sure you inform the officer of this. The Children Act 1989 places a housing duty on local Social Services to assist children and 16-18 year olds. If you are refused help by the Homeless Persons Section, it is possible that Social Services may have a legal duty to assist. Again, get help from an advice agency or law centre if you think you are being treated unfairly.

## What is intentionally homeless?



**Legally you are considered to be 'intentionally homeless' if any of the following apply:**

- **you did something deliberately or failed to do something.**
- **you became homeless as a consequence of your act or failure to act.**
- **your accommodation was available for you to occupy at the time.**
- **it was reasonable for you to occupy your accommodation.**

Even if Local Authorities accept that you are homeless and in priority need they still have to satisfy themselves that you are not intentionally homeless. Although the Housing Act only applies to England, Scotland and Wales, it allows Local



Authorities to apply the 'intentionality tests' to people whose last settled accommodation was 'overseas' and where it is 'practicable' for such enquiries to be made. Almost all Councils apply the 'intentionality' tests to people coming from the Republic of Ireland and from Northern Ireland.

No uniform policies exist and there is wide variation in the way that Local Authorities interpret 'intentionally homeless'. Generally Local Authorities do not accept that people who have left their homes in Ireland in order to find work have grounds for rehousing. It is important that you consider carefully how the criteria above apply to your own situation and seek advice from an Advice Agency before approaching the Homeless Persons Section if possible. If you have experienced or been threatened with violence or abuse for example, make sure you inform the officer of this at your interview as it was clearly 'unreasonable' for you to have remained in your accommodation. If you were evicted because of rent arrears through no fault of your own make sure you explain this fully at your interview.

Local Authorities can investigate the circumstances in which you left your last 'settled accommodation' as far back as 5 years. They are likely to phone (County Council and Corporation Housing Departments, the Department of Social Welfare etc.) in the course of their enquiries.

## The local connection

Local Authorities can in certain circumstances decline to take responsibility for securing accommodation for homeless people who are in priority need and who are not homeless intentionally. If you do not have a local connection with the Local Authority to which you have applied they can refer the responsibility for securing you accommodation to another Local Authority in England, Scotland or Wales providing that the following apply:

- you have a local connection with the other Local Authority.
- no member of your household runs a risk of violence in being referred there.

**If no-one in your household has a local connection with any other Local Authority in England, Scotland or Wales, the Authority to which you have first applied must accept responsibility for securing you accommodation.**

## What is local connection?

There are guidelines in the Housing Act and in Local Authority agreements for Local Authorities to use when deciding whether applicants have a local connection.



**Again, the policies and practices of Authorities differ but generally you must fulfil *one* of the following criteria:**

- you must 'normally reside' in the area (i.e. have lived in the area for at least 6 of the previous 12 months or at least 3 of the previous 5 years).
- you must have employment in the area.
- you must have familial links (i.e. have immediate relatives who have been resident in the area for at least 5 years).



Local Authorities who have accepted responsibility for securing accommodation for homeless people with no local connection frequently rehouse them outside the immediate Borough. If you are made an 'unsuitable' offer of accommodation you should contact an Advice Agency or Law Centre. It may be possible for them to challenge the Local Authority's decision if it can be shown that they have misinterpreted the law, reached a grossly unreasonable decision or not taken proper account of all the facts.

## Other duties of the Local Authority



**If you are homeless and in priority need but intentionally homeless the Local Authority is required:**

- to secure *temporary* accommodation for a period which will give you reasonable opportunity of securing accommodation.
- to provide advice and appropriate assistance.

**If you are homeless but not in priority need the Local Authority is required:**

- to give you advice and appropriate assistance.

If you are offered or refused accommodation by the Local Authority you have a right to be notified of their decision and their reasons for it in writing. This is called a Section 64 Notice. If you want to challenge this Notice, get legal advice quickly, as there are strict deadlines in 'appealing' Council decisions.

Once the Local Authority has accepted responsibility for securing you suitable accommodation they have a duty to protect your property.

## Accommodation for homeless people

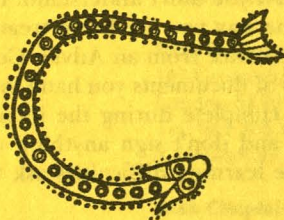
If you are homeless, in priority need and not intentionally homeless the Local Authority has a legal duty to secure 'suitable accommodation' for you. Legally, Councils can offer 'suitable' accommodation to people even if it is outside the area. The accommodation which is initially offered to homeless people is temporary and is usually bed and breakfast, hostel or substandard council or Housing Association property. You can be kept waiting in this for several months and even longer. It is important to keep in contact with the Local Authority Housing Department and to enlist the help of advice agencies and Councillors in pressurising the Local Authority for an offer of permanent accommodation. You will also need to register with a local GP and to find places for your children in local schools. This can be a difficult struggle and you may need to contact agencies and pressure groups who can support you in asserting your rights. If you have problems registering with a local GP you can appeal to the Family Practitioners Committee who can insist on a GP accepting you. Likewise if your children are refused entry to local schools you can appeal to the Local Authority and demand that a place is found for your child.

The list of agencies and groups at the back of this leaflet includes those places where help is offered to homeless people. The list is by no means exhaustive and Local Authorities' libraries will have addresses of places in the immediate area where help and advice is available.



## Advice and assistance for 'non priority' homeless people

The amount of advice and assistance offered to 'non priority' homeless people varies from Borough to Borough. Some Councils have a section of the Housing Department dealing specifically with 'non priority' homeless people. Some give out lists of local bed and breakfast accommodation, hostels and nightshelters. Some Local Authorities will allow you to use their phones in order to find accommodation. It is worthwhile getting as much help as you can from Local Authorities but if their 'advice and assistance' is unsatisfactory you will need to approach local advice agencies and Irish and Women's Centres for help. Some of these agencies are listed at the back of this leaflet. Details of others can be found in local libraries.



## **GENERAL ADVICE FOR WOMEN WHO APPROACH LOCAL AUTHORITY HOMELESS PERSONS SECTIONS**

### **Interview**

The interview at the Homeless Persons Section can be a daunting experience and there are a few useful tips worth remembering. Firstly, the officers are meant to explain the legislation they are applying to you during the course of your interview. Don't be afraid to ask for things to be explained if you don't understand. If you are still confused or dissatisfied with the way you are being treated ask to speak to the Section Head or seek advice from an Advice Centre.

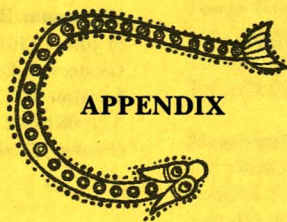
Always keep copies of documents you hand in to officers and ask for copies of forms you complete during the interview. Take your time answering questions and don't sign anything until you have read it carefully. If you have learning difficulties ask the officer to read the document to you.

### **Information to bring with you to the Homeless Persons Section**

If possible come prepared for your interview, although if Local Authorities consider you to be homeless and in priority need they should accept you on your word and at least provide temporary accommodation until further investigations have taken place. Essential papers to bring with you to the interview include the following:

- **Pregnant women; certificate or letter from GP confirming your pregnancy.**
- **Women with children; your children and their birth or baptismal certificates.**
- **Women facing eviction; your eviction notice from the landlord.**
- **Victims of violence; injunctions, solicitor's letters, GP's, police and hospital records. Phone numbers of any officials who will confirm that you have suffered violence or are threatened with violence.**
- **Women who are vulnerable through ill health; GP's or hospital letters or the address and telephone of these. If you or any member of your family is ill, make sure you inform the housing officer of this and ask if you can submit a medical assessment form.**





## APPENDIX

### IRISH ADVICE AGENCIES

#### **Brent Irish Advisory Service**

Electric House  
296 Willesden Lane  
London NW2 5HW  
Tel: 081 459 6286  
(*Willesden Green Tube*)

#### **Camden Irish Centre**

52 Camden Square  
London NW1 9XB  
Tel: 071 916 2222  
(*Camden Town Tube*)

#### **Irish in Islington**

Roger Casement Irish Centre  
131 St John's Way  
London N19 3RQ  
Tel: 071 281 3225  
(*Archway Tube*)

#### **Haringey Irish Centre**

Pretoria Road  
London N17  
Tel: 081 365 1125  
(*Wood Green Tube*)

#### **Haringey Irish Community Care Centre**

72 Stroud Green Road  
London N4  
Tel: 071 272 9230/7594  
(*Finsbury Park Tube/BR*)

#### **Irish Welfare Bureau, Hammersmith**

55 Fulham Palace Road  
London W6  
Tel: 081 741 0466  
(*Hammersmith Tube*)

#### **Irish in Greenwich Project**

141 Greenwich High Road  
London SE10  
Tel: 081 305 2545  
(*Greenwich BR*)

#### **Irish Chaplaincy Scheme**

St Mellitus Church  
Tollington Park  
London N4  
Tel: 071 263 1477  
(*Archway Tube*)

#### **London Irish Women's Centre**

59 Stoke Newington Church Street  
London N16  
Tel: 071 249 7318  
(*Dalston Kingsland BR*)

#### **Irish Women in Islington Group**

12 Hornsey Road  
London N7  
Tel: 071 609 8916  
(*Holloway Tube*)

### SUPPORT TO IRISH PEOPLE IN TEMPORARY ACCOMMODATION

#### **King's Cross Homeless Project**

Gregory House  
48 Mecklenburgh Square  
London WC1  
Tel: 071 833 3775  
(*Russell Square Tube*)

#### **Field Lane Homeless Families Centre**

Gregory House  
48 Mecklenburgh Square  
London WC1  
Tel: 071 278 3873  
(*Russell Square Tube*)



**Irish Families Project**

South London Family Services Unit  
5 Baldwin Crescent  
London SE5 9LO  
Tel: 071 733 6291  
(Oval Tube)

**Young Irish Mothers Group**

Kingsgate Community Centre  
107 Kingsgate Road  
London NW6 2JU  
Tel: 071 372 1764  
(W. Hampstead Tube)

**Gloucester Drive Drop-In**

St Johns Church Hall  
Gloucester Drive  
London N4  
Tel: 081 802 7426  
(Finsbury Park Tube/BR)

**LAW CENTRES IN LONDON**

Law Centres have lists of solicitors who specialise in 'homelessness' casework.

**Brent Community Law Centre**

190 Willesden High Road  
London NW10 2PB  
Tel: 081 451 1122

**Central London Law Centre**

47 Charing Cross Road  
London WC2  
Tel: 071 437 5854

**Brixton Law Centre**

506/508 Brixton Road  
London SW9 8EN  
Tel: 071 373 0440

**Ealing Law Centre**

11b King Street  
Southall  
Tel: 081 574 2434

**N. Lewisham Law Centre**

28 Deptford High Street  
London SE8 3NU  
Tel: 081 692 5355

**Greenwich Law Centre**

187 Trafalgar Road  
London SE10  
Tel: 081 853 2550

**N. Islington Law Centre**

161 Hornsey Road  
London N7 6DU  
Tel: 071 607 2461

**Hammersmith and Fulham L.C.**

106/108 King Street  
London W6 0QP  
Tel: 081 741 4021

**Brent Young People's Law Centre**

272 Willesden High Road  
London NW10 2PB  
Tel: 081 451 2428

**Camden Community Law Centre**

2a Prince of Wales Road  
London NW5 3LG  
Tel: 071 485 6672

**Hillingdon Law Centre**

12 Harold Avenue  
Hayes, Middlesex UB3 4QW  
Tel: 081 561 9400

**Hounslow Law Centre**

51 Lampton Road  
Hounslow, Middlesex  
Tel: 081 570 9505

**Hackney Law Centre**

236/238 Mare Street  
London E8 1HE  
Tel: 081 986 8446

**S. Islington Law Centre**

131/132 Upper Street  
London N1 1QP  
Tel: 071 354 0133



**North Kensington Law Centre**

74 Golborne Road  
London W10 5PS  
Tel: 081 969 7473

**North Lambeth Law Centre**

381 Kennington Lane  
London SE11 5QY  
Tel: 071 582 4425/4373

**Newham Rights Centre**

285 Romford Road  
London E7 9HJ  
Tel: 081 555 3331

**Paddington Law Centre**

439 Harrow Road  
London W10 4RE  
Tel: 081 960 3155

**Southall Law Centre**

11b King Street  
Southall  
Tel: 081 574 2434

**Southwark Law Centre**

22 Lordship Lane  
London SE22 8HW  
Tel: 081 299 1024

**Tower Hamlets Law Centre**

341 Commercial Road  
London E1 2PS  
Tel: 071 791 0741

**Plumstead Law Centre**

105 Plumstead High Street  
London SE18  
Tel: 081 855 9817

**Stockwell and Clapham L.C.**

57 Old Town  
London SW4 0JQ  
Tel: 071 720 6231

**Tottenham Law Centre**

15 West Green Road  
London N15 5BX  
Tel: 081 802 0911

**West Hampstead Law Centre**

59 Kingsgate Road  
London NW6 4TD  
Tel: 081 574 2434

**OTHER ADVICE/INFORMATION AGENCIES****WOMEN SEEKING REFUGE FROM  
DOMESTIC VIOLENCE****Women's Aid**

Tel: 071 251 6537

**Saint Ursula's**

Tel: 071 831 3927 (single women)

**CHILDREN****Children's Legal Centre**

Tel: 071 359 6251

**Childline**

Tel: 0800 1111 (24 hours)

**SQUATTERS****Advisory Service for Squatters**

Tel: 071 359 8814

**LESBIANS****London Lesbian & Gay Switchboard**

Tel: 071 837 7324 (24 hours)

**Lesbian Line**

Tel: 071 251 6911 (7-10pm)

**Gay & Lesbian Legal Advice**

Tel: 071 253 2043 (7-10pm)

**WOMEN WITH DISABILITIES****Greater London Association for Disabled  
People (GLAD)**

Tel: 071 274 0107

**EX-OFFENDERS****Women Prisoners' Resource Centre**

Tel: 081 968 3121



## **TRAVELLERS**

### **London Gypsy & Traveller Unit**

(Camden, Hackney, Haringey)

Tel: 071 267 6723

### **Brent Travellers Support Group**

c/o Brent Irish Advisory Service

Tel: 081 459 6286

### **Travellers Education Team**

(Southwark, Greenwich, Lewisham, Hackney)

Tel: 071 237 1174

### **Southwark Race Equality Unit**

Tel: 071 525 7190

### **Haringey Travellers Support Group**

c/o Haringey Irish Community Care Centre

Tel: 071 272 9230

### **London Irish Women's Centre**

Tel: 071 249 3318

## **HEALTH SERVICES**

### ***Alcohol/Drugs***

#### **Women's Alcohol Centre**

Tel: 071 226 4581

#### **Alcohol Recovery Projects**

Kings Cross – Tel: 071 837 2686

Lambeth – Tel: 071 735 6217

Lewisham – 081 691 2886

### ***HIV/AIDS***

#### **Positively Irish Action on AIDS**

Tel: 081 983 0192

#### **Positively Women**

Tel: 071 490 5515

#### **Terrence Higgins Trust**

Tel: 071 831 0330



The Irish Women's Housing Action Group was established at the Fourth London Irish Women's Conference in April 1988. In addition to producing this leaflet we campaign on all housing issues that are relevant to Irish women. Our group is co-ordinated by the London Irish Women's Centre and meets on a regular basis. We would like to thank the DION/Irish Government Allocation for Irish Emigrant Welfare Services for funding the production of this leaflet.

If you would like further information about the Irish Women's Housing Action Group, please contact the London Irish Women's Centre on 071 249 7318 or write to Angie Birtill, IWHAG, PO Box 85, c/o 59 Stoke Newington Church Street, N16.