

Homeless?

Threatened with homelessness?



nihe.gov.uk
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Housing
Executive

This leaflet explains how we will assess your application and how to request a review in relation to any decision we make on your case.



Homelessness - how we can help

If you have no home or are in danger of losing your home you should seek help at your local Housing Executive office.

The level of help we can give you depends upon your particular circumstances. Some people need permanent accommodation; others have to be found temporary accommodation; while some require advice and assistance on finding somewhere to live.

Information we will need

We will have to make enquiries to establish what our responsibilities are in your particular case. You will be asked questions about yourself and your family and about your personal circumstances.

It is very important that you tell us all the facts so that everything relevant can be taken into account. Please make sure you bring any documents that might be of help. For example - confirmation of pregnancy, a rent book, a mortgage statement, or perhaps, where financial circumstances are relevant, details of income and debts. It may also be necessary to contact your doctor, social worker or health visitor.

What we will do

To help us to decide what we can do for you, we will need to establish:

1. Are you eligible for homeless assistance in Northern Ireland?
2. Are you homeless or about to become homeless?
3. Are you in priority need?
4. Are you intentionally homeless?

Are you eligible?

Firstly we will assess if you are eligible for homeless assistance in Northern Ireland. This will include investigating if you and / or any members of your household have been involved in anti social behaviour. We may also need to establish your eligibility for housing assistance under immigration / asylum rules.

Are you homeless?

You are homeless if you have nowhere to live in the United Kingdom or elsewhere. This may be because:

- You are afraid to go home because someone living there has been violent to you, and / or has made a threat of violence which they are likely to carry out.
- You do not have permission to live where you are staying, ie if you are living with friends or relatives and they have told you to leave.
- You have nowhere you can live together with all the people who normally live with you or wish to live with you.
- You have a home but you cannot gain access to it, for example because you have been illegally evicted.
- Your landlord has taken you to court and the date by which the court has said you have to leave has passed.
- Your home is a caravan or a boat and you have nowhere that you can legally park it or moor it.

Are you about to become homeless?

You are entitled to help if you are likely to become homeless within the next 28 days. This may be because:

- You have been taken to court by your landlord and the court has said you must leave.
- You have been living with friends or relatives who have told you to leave.
- Your home has been sold and you have nowhere else to move to.

Are you in priority need?

You are in priority need if:

- You have one or more dependent children, that is, children who are aged under 16 or under 19, and in full time education or Government training Scheme.
- You or your partner or any member of your household is pregnant.
- You or someone in your family is what the law calls 'Vulnerable' because of old age, mental illness, physical disability or other special reason.
- You have been made homeless as a result of a disaster such as fire or flood.
- You are at risk of violence at home.
- You are a young person at risk of sexual or financial exploitation.

Are you intentionally homeless?

You may be considered to be intentionally homeless (or threatened with homelessness) if your situation is because of something that you did, or failed to do.

We won't consider you to be intentionally homeless if:

- It was not reasonable for you to remain in your last home;
- You left home because of domestic violence or fear of violence;
- Personal or money problems that you could not avoid meant you lost your home because of rent or mortgage arrears: this may be because you lost your job, had a wage cut and did not claim all the benefits you were entitled to;
- Your home went with your job, which you lost through no fault of your own, or which you gave up for a very good reason;
- You lost your home because you did not know your rights: for example you did not know that your landlord needed a court order before you had to leave.

What happens next?

If we think you are:

Eligible, homeless and may be in priority need -

You may be placed, if you wish, in temporary accommodation until we have completed our enquiries.

If we decide that you are:

Not eligible for housing assistance, but you are homeless and have a priority need -

We will offer you temporary accommodation for a limited period only. However you will not be considered for social housing at that time, although you may be considered at a future date.

Eligible, but not homeless -

You can still apply for housing under the Housing Selection Scheme for consideration for Housing Executive and Housing Association accommodation. Staff will give you an application form and an information booklet.

Eligible, and homeless but not in priority need -

You will be given information to help you find your own accommodation. You may also apply for housing under the Housing Selection Scheme.

Eligible, and homeless and in priority need but intentionally homeless -

You may be placed, if you wish, in temporary accommodation for a reasonable period to allow you to find your own accommodation. You may also apply for housing under the Housing Selection Scheme.

Eligible and in priority need and homeless through no fault of your own -

You will be provided with a permanent home. If a permanent home is not immediately available, temporary accommodation can be provided.

You will be advised of our decision in writing.

Important information

If your circumstances change between the time you apply and when a decision is made, you must let us know immediately.

If, in support of your application, you deliberately make false statements or knowingly withhold information which you know to be relevant, you are committing an offence under the Housing (NI) Order 1988 and you are liable on summary conviction to a fine.

How to request a review of a decision

If you disagree with:

- any decision taken in relation to your homelessness application and / or
- the suitability of accommodation offered to you.

then you have the right to request a review.

You can request a review by providing your reasons in writing to the Regional Manager. The address which you should submit the request for review to is on your homelessness decision letter. If necessary your local office will give you the address or forward your letter for you.

The request for a review must be made within 28 days of receiving your homelessness decision letter. While there may be circumstances in which the Housing Executive will agree to extend this period of time it is important to understand that such an extension is not automatic. The time limit will only be extended, in writing, if we consider that you have demonstrated there is good reason for it to do so.

In certain circumstances you may be given the opportunity to make further written and/or oral representation to the Housing Executive in connection with the review.

If we have provided you with temporary accommodation we may consider that it is appropriate to continue to provide this accommodation pending the outcome of the review. If you are not in temporary accommodation provided by us and you require temporary accommodation you should contact your local Housing Executive office.

You will be advised of the outcome of the review of your case within 56 days.

If you are dissatisfied with the review decision you may appeal to the County Court on a point of law within 28 days of receiving the review decision. The Court may grant leave for an appeal to be brought after the end of the 28 day period only if it is satisfied that there is good reason for the Applicant being unable to bring an appeal on time.

In these circumstances, if the Housing Executive has provided you with temporary accommodation it may consider it appropriate to continue to provide you with accommodation pending the outcome of the appeal. If you are not in temporary accommodation provided by us and you require temporary accommodation you should contact your local Housing Executive office.

On appeal the Court may make such order confirming, quashing or varying the decision as it thinks fit.

Should you require any assistance in making your request for a review you may wish to contact the Housing Rights Service Tel: (028) 9024 5640 or your local advice centre.