

## Homeless Assessment: A Guide for Applicants

This leaflet explains how we will assess your application for homeless priority and how we reach our decision. Our assessment aims to clarify if you are homeless or likely to be homeless soon and what legal responsibilities the Council has to you.

To be entitled to permanent housing, you have to meet the following four conditions, which are set out by law.

- You must be homeless or at risk of becoming homeless
- You must be in priority need
- You must not have become homeless or at risk of becoming homeless intentionally
- You have a local connection

Under each of these conditions there are a number of definitions saying what each actually means – these are explained below.

### Are you Homeless?

You don't have to be living on the streets to be homeless. You are homeless if:

- You are living with friends or relatives and they have asked you to leave
- You are sleeping rough
- You are unable to get access to housing
- You live in a night shelter, refuge or other emergency housing
- You are experiencing violence or are threatened with violence from someone you live with or used to live with
- You live in a mobile home or houseboat and there is nowhere for you to pitch or moor it
- You are legally overcrowded and this is causing physical or mental health problems

- Your entire family are forced to live apart
- You have somewhere to live but it is unreasonable for you to do so, for example your house is in a poor state of repair or you can no longer afford to live there

You are at risk of becoming homeless if you are likely to fall into one of the above categories in the next two months.

### Are you in Priority Need?

We may find you to be in priority need if:

- You have dependent children living with you
- You or a member of your household are pregnant
- You or a member of your household are 16 or 17 years old
- You have lost your home because of an emergency such as a fire or flood
- You are vulnerable due to old age (60 years or older)
- You are experiencing or are at risk of domestic abuse
- You are under 21 years old and were in care on or after your 16th birthday
- You or a member of your household are mentally ill or physically disabled or vulnerable for another reason.

If you are homeless, but not in priority need, you have a right to temporary housing (if you need this) and specialist advice and assistance to help you find somewhere else to live.

## Are you Intentionally Homeless?

If you are homeless and in priority need, we may have to find you somewhere to live but this will depend on whether or not you have made yourself intentionally homeless.

You may be intentionally homeless if:

- Your house was taken away from you because of your own actions, for example, not paying your rent or mortgage or behaving in an anti-social way
- You voluntarily left your house without a good reason
- You were aware that your action would make you homeless

If we decide that you are in priority need, but that you are intentionally homeless, we have a duty to give you temporary housing (if you need this) and advice and assistance to help you find somewhere else to live.

## Do you have a Local Connection with the Falkirk Council Area?

As a general rule, you will have a local connection with the Falkirk Council area if:

- You have lived in this area for a significant length of time
- You work in the Falkirk area
- You have close family links in the Falkirk area
- You have special circumstances, for example you are escaping domestic abuse

If you are in priority need but have no local connection with the Falkirk Council area and there are no special circumstances, we will ask if you want to be referred to another Council area. However, we must give you temporary housing until the other Council agrees to help.

## Assessing your Homeless Application

We must let you know, in writing, what our duties are towards you under homeless legislation. We aim to assess your situation within 28 days of the date of your application. This may sometimes take longer depending on the circumstances of your homeless application. While we are assessing your case you have the right to temporary housing if you need this.

## Offer of Permanent Housing

If our assessment finds that you are homeless, in terms of the law, which means that you:

- have a priority need
- are unintentionally homeless and
- have a valid local connection

you will be awarded Homeless Points within the Council's Allocations framework.

Homeless Points will be added to your registration, area preference and any medical points you have. All other points will be removed.

To help you get an offer of permanent housing as quickly as possible, you will need to select at least 20 allocation areas and all house types and sizes. This rule will only be relaxed in exceptional circumstances on the recommendation of your Assessment Officer from the Accommodation Resource Centre. This may happen for example if you have certain medical needs.

You will receive 60 Homeless Points for the first 10 allocation areas you choose and 50 points for the remaining areas. If we have not offered you a house within eight weeks, 10 extra points will be added to all the other allocation areas you have chosen.

We may also put your name forward to a local Housing Association.

## How many offers will I get?

If you have been awarded Homeless Points, you can be made two offers with these points. If you refuse both these offers, the priority points will be removed and you will find that you are less well placed on the housing list.

Three more offers can be made with the lower points level. However if you refuse five offers, your application will be suspended for 12 months. Your application will be reinstated automatically at the end of the 12-month suspension period.

It is important to note that if you have been provided with temporary housing and you refuse two offers of housing, Falkirk Council will have met its legal obligation to you and you will have to leave the temporary housing and find a place to stay without the help of the Council.

## Homelessness Appeals Process

If you don't agree with our decision, for example, if it has been decided that you are not in a priority need group, you can ask for the decision to be reviewed. A separate leaflet called the "Homelessness Appeals Process" explains how the appeals process works. You can get this form from the Accommodation Resource Centre, 21-15 High Street, Falkirk, FK1 1ES. Tel: 01324 503600 or Freephone 0800 587 4440. You can also download the form from the Council's web site [www.falkirk.gov.uk](http://www.falkirk.gov.uk)

## Independent Advice

At any time during your homelessness assessment you can seek independent advice from a solicitor, Citizens Advice Bureaux or Shelter. The local contact details are listed below.

### Citizens Advice Bureaux

#### *Falkirk CAB*

27 - 29 Vicar Street  
Falkirk  
FK1 1LL  
Tel: 01324 611244

#### *Denny and Dunipace CAB*

24 Duke Street  
Denny FK6 6DD  
Tel: 01324 823118

#### *Grangemouth and Bo'ness CAB*

1 Kerse Road  
Grangemouth FK3 8HW  
Tel: 01324 483467

## Legal Advice

### *Shelter Housing Aid Centre, (Covers the Falkirk area)*

1 Courthouse Square  
Dundee DD1 1NH  
Tel: 0844 515 2528

Can give free, independent and confidential advice on all housing matters.

### Local Solicitors

A list of local solicitors can be found in the "Yellow Pages"

Local solicitors with knowledge of housing law can be found by contacting:

#### *The Law Society of Scotland*

26 Drumsheugh Gardens  
Edinburgh EH3 7JR  
Tel: 0131 226 7411

