

**Are you homeless
or threatened with
homelessness?**

We're here to help

A decorative graphic consisting of three thick, curved blue lines that sweep across the page from left to right, ending in a white semi-circular shape at the bottom.

Homelessness

- Our duty to you

When you apply for help from a local Council because you are homeless or threatened with homelessness, this is called a **‘homeless application’**.

This factsheet has been designed to help you understand what to expect if you approach Tunbridge Wells Borough Council as homeless or threatened with homelessness.

Are you:

- **Eligible for assistance; and**
- **Threatened with homelessness within 56 days?**

If no, you will be offered advice but we may have no legal duty towards you.

If yes, the Council will assess your circumstances, housing and support needs.

In addition, we will make enquiries into the following 5 tests to determine what duties you may be owed:

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1) Are you eligible?

You are likely to be eligible for assistance unless:

- You are a person from abroad subject to immigration control; or
- You are not habitually resident in the UK, the Republic of Ireland, the Channel Islands or the Isle of Man.

Please note - You may still be eligible for assistance if you are within one of the classes of persons from abroad with ‘leave outside the rules’.

2) Are you homeless?

You are likely to be considered homeless if:

- You have no accommodation which you are entitled to occupy anywhere in the world; or
- You have accommodation but cannot gain entry to it; or
- You have a home but we consider that if you continue to live there it is probable that this will lead to violence against you or a member of your family; or
- You have a home but we consider that it is unreasonable for you to carry on living there.

3) Are you in priority need?

You are likely to have a priority need if:

- You have a dependent child who normally lives with you; or
- You or your partner are pregnant; or
- You are 16 or 17 years old; or
- You are 18, 19 or 20 years old and have previously been care; or

- We consider that you or someone living with you is 'vulnerable' due to mental illness/ disability or physical disability; or
- We consider that you are 'vulnerable' because you have suffered threats of violence; or
- You are homeless following a fire, flood or similar emergency; or
- You are homeless as a result of fleeing domestic abuse.

4) Are you intentionally homeless?

You are likely to be found intentionally homeless if:

- You have given up accommodation that you could have continued to occupy; or
- You have lost accommodation through your deliberate actions or inaction; and
- The accommodation would have been reasonable for you to continue to occupy.

5) Local connection to Tunbridge Wells

You are likely to have a local connection if you have:

- Lived in the borough for six months in the past year or three years in the last five years; or
- Permanent employment in the borough; or
- Immediate family who have lived in the borough for the last five years; or
- Other 'special connections' with Tunbridge Wells.

Our Duties...

Interim Accommodation Duty

The authority has a duty to provide interim accommodation (also known as emergency accommodation) if there is a reason to believe that you are:

- homeless; and
- eligible for assistance; and
- in priority need.

Preventing homelessness

If you are at risk of homelessness within 56 days or have a valid Section 21 notice, the Council has a 'Prevention Duty' to help you try to prevent your homelessness. The Prevention Duty requires the Council to take 'reasonable steps' to help to support you from becoming homeless.

This does not mean that the Council has a duty to directly provide accommodation. Instead, the Council will offer you support and advice to help you to secure your own accommodation.

Relieving homelessness

If you are homeless, the council has a 'Relief Duty' to help you try to relieve your homelessness and help you and your household try to find suitable accommodation. The Relief Duty requires the Council to take 'reasonable steps' to help you find accommodation.

This does not mean that the Council has a duty to directly provide accommodation. Instead, the Council will offer you support and advice to help you to secure your own accommodation.

Personalised Housing Plans

If you are owed the Prevention or Relief Duty, we will give you a personalised housing plan which will outline our assessment of your housing and support needs. The plan will detail the 'reasonable steps' that should be taken to prevent or relieve your homelessness.

Main Homelessness duty

If the steps to prevent and/or relieve your homelessness are unsuccessful, a decision will be made as to whether the council owes the Main Homelessness Duty to you. The Main Duty is owed to people who are:

- Homeless; and
- eligible for assistance; and
- in priority need; and
- are not intentionally homeless.

The main duty means that the authority has to secure temporary accommodation for you until the duty is ended.

Contact Us

You can contact the Council's
Housing Options Team by:



01892 526121



housingadvice@tunbridgewells.gov.uk