



Working for Health

Homelessness

Introduction:

This is K203 Working for Health, Audio CD Three. In Part 1 “Homelessness and Health” you will hear from a variety of people in Brighton talking about homelessness. They range from Big Issue sellers to people who have a statutory role or work directly with homeless people. We look at the official definitions of homelessness. First Patrick, a Big Issue seller tells us how he became homeless

Patrick

I trusted someone, I came up to England to work, I worked for 15 months on the channel tunnel but I had been made redundant back in Ireland so I invested a lot of my money with a friend in a trucking business and while I was over here he was setting up to sell the whole business. I was left with absolutely nothing, I owed money which I, I had written a few cheques which I thought the money was there to cover and they didn't so, just kind of went, I didn't go on the run but I just didn't, didn't really know, I was aimless in life. So I started writing my poetry. I was homeless for roughly 6 months just moving around England, London around then I came to Brighton then I got into a hostel for roughly 3 years. Then I started doing the Big Issue when I was in the hostel so I got the money together to get a deposit down which is the biggest problem and I've been staying where I am for the past 4 years

Presenter

Abraham Ghebre-Ghiorghis is a senior lawyer with Brighton and Hove Council. He explains the legal definition of homelessness and the statutory obligations of the Council

Abraham Ghebre-Ghiorghis

The concept of homelessness covers a wide range of situations, ranging from rooflessness to precarious accommodation but the legal definition is more precise and is contained in Section 175 of the Housing Act 1996 and it defines homelessness or a person as being homeless if the person has no accommodation in the United Kingdom or elsewhere. And the word elsewhere was introduced by the 1996 Act so that it's not only accommodation in the United Kingdom that counts but also accommodation that the person may have anywhere in the world. The availability of accommodation is subject to two further tests the first one is that the accommodation has to be reasonable to continue to occupy. Secondly if there was any evidence of domestic violence as a result of which the person is unable to occupy that accommodation then it will not be treated as being available. Subject to those two tests any accommodation in the United Kingdom or elsewhere if its available it would be treated as available for the applicant and therefore the applicant will be treated as being homeless. The local authority's legal obligation depends on, four specific factors. First of all whether the person the applicant is eligible for assistance, secondly whether the person is in priority need, thirdly whether they became homeless intentionally and finally whether the applicant has suitable alternative accommodation which is available for them. Eligibility depends largely on whether the person is a British citizen or, or a member of a European Union country or a national of a commonwealth country with rights of abode in the United Kingdom. If the applicant is eligible but not in priority need it is also limited to providing advice and assistance and the concept of priority need is also contained in the Housing Act 1996 section 189. It includes a group of people who could be described as being vulnerable and there are specific categories under the Act including pregnant women adults with children and persons who are vulnerable as a result of old age, mental illness or some other special reason. It also includes persons who become homeless as a result of emergencies such as floods or, or earthquakes if you come within one or more of those categories you are in priority need. If you do not

come within those categories you are not in priority need and the councils duty towards you is limited to providing advice and assistance but no duty to provide accommodation.

Presenter

Marie is a Big Issue vendor in Brighton

Marie

I've been on the streets for about five months 'cos I was evicted from my flat in Exeter and I thought if I came down to Brighton a lot of people told me it would be easier to get a place down here. So I came down here and I went to the council and they told me that I intentionally made myself homeless, which I didn't, and I've been through courts and I'm going to court again but they said I made myself intentionally homeless so I'm just on the streets. When I was in my flat I was not getting on with the landlord because he used to let himself in when he felt like it and do, well he was sexually harassing me. So well I didn't get on, I mean he gave me an eviction order but I left before the eviction order was up so the council are saying I made myself intentionally homeless. Abraham explains the complex issue of being intentionally homeless.

Abraham Ghebre-Ghiorhis

If the applicant is in priority need but became homeless intentionally then the council's duty is limited to providing advice and accommodation for a reasonable period and the term reasonable period is usually in practice interpreted to mean accommodation for about 4 weeks. After that the council has no further duty. The concept of intentionality in the Act is different from what people would understand to, to mean in the normal sense of the word in the English language. Intentionality under the Housing Act 1996 depends on whether the person became homeless as a result of a deliberate act. For instance if a tenant fails to pay the rent as a result of which the landlord evicts them and they present themselves to the council as homeless applicants the council would be entitled to take the view of that because their homelessness was the result of their failure to pay the rent they would be deemed to be intentionally homeless. If a person is in priority need but not intentionally homeless then the council would have a duty to provide accommodation for up to 2 years. Before the Housing Act 1996 came into force the council would normally have provided permanent accommodation either in a, a council flat or in, a housing association accommodation but the Housing Act 1996 took the councils power, to do that and limited the councils ability to provide accommodation to only 2 years. If the council wants to continue to provide the accommodation at the end of the 2 years it has to review the case and be satisfied that the person is would still be homeless, would still be in priority need. Finally, even if the person is in priority need and not intentionally homeless before they can be offered accommodation the council needs to be satisfied that there is no suitable alternative accommodation which is available for them. If the council taking into account the availability of accommodation in this area also the financial and other circumstances of the applicant if the council thinks that there is alternative suitable accommodation available for the applicant the council's duty is limited to providing support to the person to enable them to secure the accommodation there would not be any duty to provide accommodation.