

## THE 5 TESTS:

### 1 Are you homeless?

This includes people who will become homeless within the next 28 days or are badly or unsafely housed as well as those who are on the streets (e.g. if you can't stay in your home because you are experiencing violence there).

### 2 Are you eligible?

Does your immigration status allow you to be housed by a public authority? Do you have recourse to public funds?

### 3 Are you in priority need?

Some people are automatically in priority need – e.g. pregnant women, people with children, 16 & 17 year olds, 18-20 year olds who have been in care and people who have been made homeless by an emergency such as a flood. Others will have to show that their problems make them 'vulnerable' – e.g. someone who has serious mental health problems, or someone who is elderly may be vulnerable.

### 4 Are you intentionally homeless?

If the Council think it is your fault you are homeless, then they may only have to house you for a very short time while they help you find your own accommodation.

### 5 Local Connection

This is the LAST thing a council should consider and not the first! If you don't have a local connection with the borough where you are applying and you have one with somewhere else, the Council may tell the borough where you have a connection to house you. But they can only do this AFTER they have investigated your case and made a decision about whether you pass the first 4 tests.

## WHAT THE COUNCIL SHOULD DO:

If the council has *reason to believe* you may be homeless now or within the next 28 days, they **MUST** take your application and start investigating the 5 tests. This application is not the same thing as being put on the housing register. At the end of their investigation they **MUST** give you a written decision about your case.

If the council also *has reason to believe* you may be eligible and in priority need, then they **MUST** house you while they look into the 5 tests in more detail.

"Reason to believe" is not the same as proof or evidence. A recent case in the high court said that if a person goes to a Homeless Persons Unit to get help, this is enough in itself to give the Council reason to believe the person may be homeless.

## WHAT THEY ACTUALLY DO:

Councils often do everything they can to refuse to or delay in housing people even if there is clearly reason to believe they may be homeless, eligible and in priority need. These are some of the things council's say to try to turn you away:

- They can't help until they've done a home visit sometime in the future
- They can't help until you've actually been evicted by the bailiffs
- They won't help until you bring in a doctors report
- They won't help until you've gone through mediation (for example with your parents to see if they will change their mind about throwing you out)
- They won't help until you show a police report about the violence you've been suffering

## WHAT YOU CAN DO:

Most of these tactics are unlawful. If this happens to you – stand firm and tell the Council that you know your rights and that you won't be turned away! If they still refuse to help, ask for a written decision letter telling you why they won't help and take this to an advice agency or contact us.

### **London Coalition Against Poverty (LCAP)**

We are coalition of local community activists and individuals working in advice. We believe that by coming together to combine advice work with direct action within our communities we can access the rights that we are often denied. These rights are not enough but at least they're a start. If you want to get involved or think we can help you with accessing your rights,

*Contact us: 07932 241 737*

*[londoncoalitionagainstpoverity@gmail.com](mailto:londoncoalitionagainstpoverity@gmail.com)*

We are all volunteers, we can offer support and action, but not act as full time legal advisors. If a full time legal advisor is what you need, we can help you find one.

# Homeless? Get Your Rights!

Council Homeless Persons Units (HPUs) are famous for trying to turn away as many people as they can – telling them they don't fit the criteria to be housed. In reality many of these people *are* entitled to help - and this might include you.

There are **5 TESTS** that the council must look at to sort what type of help you are entitled to. If you satisfy all of the tests you will be entitled to temporary housing and some priority on the housing register for a permanent home. Even if you don't meet all the tests, you may have the right to some help with housing.

