



Homelessness

Homeless or Threatened with Homelessness?

If you have nowhere to stay, or are about to lose your home, this leaflet outlines what the council can do. It is intended only as a plain language summary of your legal rights; it is not a precise statement of the law.

The Council is generally referred to as “we” throughout this leaflet. Tenants are normally referred to as “you”.

Before we start to explain a homeless person’s right to help, we will explain what we mean by the terms ‘homeless’ or ‘threatened with homelessness’.

Being homeless doesn’t just mean you have no accommodation or no legal right to live in your accommodation. It could also mean that you have accommodation, but someone or something is stopping you from living there. For example, your landlord may have changed the locks, stopping you from getting in. Or you could be made homeless as the result of an emergency situation such as a fire or a flood.

Being ‘threatened with homelessness’ means you still have somewhere to stay but may have to leave. For example:

- You are in arrears with your mortgage and your building society is taking action to repossess your house.

Being homeless or threatened with homelessness means you have the right to free advice and assistance from your local authority. For some people advice may be enough to solve their housing problem. Others may need a little bit more assistance.

The law treats someone as threatened with homelessness if s/he is going to be homeless within two months. However, you should still contact Housing Services for advice whenever you have any housing problems. For instance, where you might lose your accommodation in the future even though it is longer than two months.

The fact that you may be homeless or are threatened with homelessness does not automatically mean you will be re-housed.

There are three conditions the council has to consider before they offer someone permanent re-housing under the law:

- Are you homeless?
- Have you made yourself homeless intentionally?

- Do you have a local connection with Orkney?

In the near future the law will change to reduce the number of conditions a homeless household has to meet before being offered permanent re-housing; in some circumstances the three conditions may be removed altogether. Nevertheless, until the changes in homelessness law come into force, the three conditions are explained below.

Homeless?

- You have no accommodation, or you and your family have nowhere to stay together.
- It is not reasonable for you to stay in your house, for example, because of its condition.
- You have accommodation but:
 - You can't gain entry to your house, for example because the landlord has changed the locks.
 - Living there could lead to violence, or threats of violence, for example, from someone living with you or from someone you used to live with.
 - You have a moveable home such as a caravan but nowhere to put it.
 - Your house is overcrowded and affecting your health.
 - Your accommodation has been provided by the council only temporarily.

Intentionality

The second condition to consider is whether you are homeless/or threatened with homelessness intentionally. You are intentionally homeless if you:

- Did something which meant you were unable to remain in your home.
- You were aware of all the facts.
- Your accommodation was reasonable for you to live in.

Local Connection

The final condition is if you have a local connection with the local authority. To meet this condition you have to:

- Have lived in Orkney for at least six out of the last twelve months; or three out of the last five years.
- Have employment in Orkney.
- Have close relatives in Orkney.
- Have other special reasons that the council should be aware of and take into consideration.

You do not need a local connection if you are fleeing domestic abuse.

In the near future there will be changes to the law. This will mean that more homeless people will qualify for permanent re-housing.

Contact Details

If you would like to talk about any of the issues in this leaflet or you need further advice, please contact our Homelessness and Advice Section of Housing Services by calling 01856873535.

Alternatively, you can call personally to our office at Orkney Islands Council, Council Offices, School Place, Kirkwall, Orkney, KW15 1NY.

If you need assistance in an emergency and it is outwith office hours we can be contacted 07921582962 (mobile phone).

We can also help you contact a range of other agencies that may be able to assist you.

This leaflet can be made available in a range of other languages and formats as required.

