



may be allocated social housing in a housing association or Local Authority property or be referred to private rented accommodation.

The process for this is set out by a housing Code of Guidance, but the interpretation can vary between different Local Authorities. A Local Authority decision to offer accommodation must still be in line with the Housing Act, and relevant case law.

Local Authorities will have a team of people in place who can offer housing advice and assess your housing needs. The name of this department may vary e.g.: Housing options, Housing Assistance, or the Homeless Persons Unit. It is very important to make sure you are talking to the right team of people when presenting as an emergency. You will need to ask to speak to an assessor to make a Part V11 Housing Application. This is a specific assessment, and not undertaken by general administrative or reception staff, who will not be qualified to make a decision.

If you are applying for emergency accommodation, you do not need to make an appointment, but planning ahead is always wise. It is not recommended that you apply for housing on a Friday afternoon. You may take a friend or an advocate with you. Assessments should be conducted in a private room and not at a public counter.

If you are not able to leave your accommodation to present to a Local Authority, an assessor can upon your request, make a home visit to complete the assessment.

## The Part VII Assessment

A Local Authority housing assessor will ask the following five questions:

**Are you homeless?** - If you are in fear of violence in or near your home, you will be deemed homeless

**Are you eligible for social housing?** - This relates to your immigration status and ability to claim benefits and live in social housing

**Are you in priority need?** - Priority need is defined as a person being more vulnerable than the "average" person. It is usually not enough to be experiencing hate crime on its own. This question asks for additional information for example, how the hate crime affects you or your family's physical or mental health. It also asks if you are vulnerable as a result of a disability, health condition or other concerns, for example, anxiety, depression, panic attacks, eating disorders, substance issues, pregnant, child care responsibilities (as the primary carer) or other considerations, for example, being over 60, an ex- service person, or being under 18 (under 21 if a looked after child). A full list of who would be deemed as a priority is included in the local authority Code of Guidance (see further reading). Local authorities need to assess all this information together as conditions may have a cumulative effect.

Priority need relates to the applicant or a person with whom the applicant might reasonably be expected to reside. For example, a spouse or child.

## Are you intentionally homeless?

You will be asked to provide your housing history for the last five years. As long as you do not abandon your accommodation, have been evicted due to anti-social behaviour, fail to accept suitable accommodation or have rent arrears this is usually not a problem for victims of hate crime.

## Do you have a local connection?

If you are living in fear of violence likely to be carried out, this category is void, as remaining in your local area could increase the risk of further violence and abuse. As result, you can apply to any local authority irrespective of local connection.

## Impact Statement

You would not be expected to bring along every piece of evidence to support your application but being prepared certainly helps. Talking about hate crime to an assessment officer can feel uncomfortable. If you are able to, prepare a statement in advance and hand this to the assessor to consider as part of your application. Ideally that statement should include a log of incidents. The date, time and venue each incident took place, noting any witnesses. It should also include how the incidents affected you and where relevant, your family, both physically and emotionally. The opening paragraph should include the first, last and most serious incident.

## Interim duty to accommodate in a case of apparent priority need

If you are homeless, eligible for accommodation and in priority need, you should be offered interim accommodation on the day you present at the Local Authority. At this stage, the Local Authority only need to have *reason to believe* that you are homeless, eligible and in priority need to accommodate you.

The assessor will make further inquiries, giving you additional time to submit evidence to support your case. Their inquiries should be completed within six weeks at which point they should notify you in writing either offering you accommodation or giving you reasons why you have not been offered accommodation.

The vast majority of people who apply for emergency accommodation without seeking advice from a specialist housing advocate are turned down. If you are not offered interim accommodation contact a housing advocate.

If you are offered emergency accommodation via this route and it is clearly inappropriate for your needs, **do not turn this accommodation down**. We advise that you accept the accommodation in principal and contact an advocate for further advice. The advocate will submit a request for a suitability review. If the suitability is successful, you will be offered more suitable emergency accommodation.

We also advise that you do not give up your tenancy until you have been offered permanent accommodation. Whilst this process is taking place, it is possible to claim dual housing benefit, thus avoiding rent arrears.

## IMPORTANT

If you have a social tenancy issued from either from a Local Authority or Housing association, and approach the local authority for emergency housing, you may be offered private rented accommodation. You do not have to accept this offer but if you turn it down, it is unlikely you will be offered a second choice. Once again, do not give up your tenancy. Social housing tenancies are like gold dust as they offer affordable rents and good security of tenure. Assured Shorthold Tenancies (AST) are expensive and offer limited security of tenure. Social housing tenants have other options including home swaps and managed transfers. Deciding what the best move should be in this situation is difficult, especially if the living conditions are made intolerable by enduring daily hate crime. Having the option to discuss options always helps.

### Duty to provide accommodation

Housing assessors will investigate your case, and if you meet all five criteria, you should be offered temporary or permanent accommodation, although this duty could be discharged into the private rented sector, and this accommodation need not be in your area of choice.

### After a Part V11 Assessment

You should be offered emergency accommodation on the day of your assessment. You should also be issued with a written decision letter. This letter is called a Section 184 letter – relating to a section in the Housing Act.

This letter should outline how the five criteria have been met, and state that the local authority will accept a duty to house. The letter will also state what further steps need to take place by the Local Authority and by you.

### Reality check

In reality, most clients who approach local authorities without an advocate, are seldom given the correct assessment, are interviewed and told verbally that they have not met the five criteria, are not given a section 184 letter and are handed a list of numbers to call for support. If this is the case, please contact a housing advocate who will be able to support you making the application, and can challenge a negative section 184 letter.

If you are handed a negative section 184 letter, you may request a review of that how they made their decision within 21 days. Local Authorities will provide you with your case file and usually charge an administrative fee of £10. Once you have your file, you will be able to see how the assessor has investigated your case and what they have based their decision on.

We strongly recommend you request a legal advocate to conduct the review. Even if you are eloquent and feel confident to represent yourself, asking an advocate who is familiar with housing law is likely to achieve a better outcome.

Housing advocates from Shelter and Stonewall Housing offer free and confidential housing advice. If the local authority do not comply and your legal advocate believes you have grounds

for a judicial review, you will need to either apply for Legal Aid funding, ([www.gov.uk/check-legal-aid](http://www.gov.uk/check-legal-aid)) or fund the costs of the court challenge independently.

## Further reading

For an overview of homelessness legislation go to...

<http://www.legislation.gov.uk/ukpga/1996/52/part/VII>

For an overview of housing allocations guidance go to...

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/5918/2171391.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/5918/2171391.pdf)

## Free and confidential advocates can be found at:

National: Contact **Shelter** to find your local general housing advocacy service  
[www.shelter.org.uk](http://www.shelter.org.uk)

Greater London: **Stonewall Housing** The UK's only LGBT housing advice service for LGBT people of all ages. Contact the advice line on 020 7359 5767, email [info@stonewallhousing.org](mailto:info@stonewallhousing.org) or request advice online via [www.stonewallhousing.org](http://www.stonewallhousing.org)

For those people who are rough sleeping, contact No Second Night Out on 0300 500 0914 or go to the website <http://www.nosecondnightout.org.uk>

This information sheet was produced by Stonewall Housing, an LGBT charity providing housing advice, support for LGBT people in their own homes and supported housing for young LGBT people. It is a part of a series of 17 resources on hate crime for LGBT people and service providers, created on behalf of the National LGBT Hate Crime Partnership. Other useful information sheets include:

1. Glossary of Terms Relating to Hate Crime
2. Diary Sheets and Guidance on Keeping a Written Record of Hate Crime
3. Hate Crime Laws: A Guide for LGBT People
5. Non-Emergency Housing Options for LGBT People Facing Hate Crime
6. Financial Assistance Schemes: Help for LGBT People Experiencing Hate Crime
7. Talking to your Children about Bullying and Hate Crime: Advice for LGBT Parents
10. Tackling Biphobia: A Guide for Safety Services
11. Tackling Transphobia: A Guide for Safety Services
12. Complaints to Statutory Agencies: A Guide for Advice Workers
14. Hate Crime and Older Lesbian, Gay, Bisexual and Trans people in Care Settings
15. Housing, Disability and LGBT Hate Crime

Find out about our work at [www.stonewallhousing.org](http://www.stonewallhousing.org) and [www.lgbthatecrime.org.uk](http://www.lgbthatecrime.org.uk)