

Losing your home

Help if you are homeless or facing eviction

*What can I do if I'm
threatened with eviction?*

*Will the council find
me somewhere to live?*

*What if I can't afford
the deposit on a flat?*



The Legal Services Commission manages the Community Legal Service and Community Legal Service Fund (legal aid). To find out more about us, visit www.legalservices.gov.uk

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community
legal advice

0845 345 4 345

www.communitylegaladvice.org.uk

See page 10 for useful phone numbers and website addresses

A free and confidential advice service paid for by Legal Aid

community
legal advice

The Community Legal Service

This guide has been produced by the Community Legal Service (CLS), an organisation that has been set up by the government to help you find the right legal information and solve your problems.

The CLS provides leaflets on a range of subjects, and can help you find people and organisations that can help you with your legal problems.

To find out more about how the CLS can help, call us or visit our website.

0845 345 4 345

www.communitylegaladvice.org.uk

Community
Legal Service



What can I do if I think I'm going to be evicted?

The thought of having nowhere to live is terrifying for anyone. But there are laws to help you if:

- you're being unfairly evicted by your landlord
- you're living somewhere that's not safe for you or your children, or
- you face being homeless for other reasons.

There also organisations that can give you free, confidential advice.

This leaflet looks at some common questions and concerns about becoming homeless, and your rights if you're threatened with eviction from your home.

To find out where to get more information and advice, see 'Where can I get help and advice?' on page 10 of this leaflet.

Does the council have to find me somewhere to live if I'm homeless?

This depends: there are rules about when the council must find you somewhere to live, either for a short time or in the longer term.

The rules describe when the council must help you, and basically cover people in the most need, for example if:

- you have children, or are pregnant
- you or someone you live with has a disability or mental illness or is elderly
- you are 16 or 17
- you're homeless because of an emergency, such as a flood or fire.

There are other situations in which the council must find you a home, but the rules for these are complicated. They also differ slightly between England and Wales.

Even if you fit into one of the groups that the council must help, if you made yourself homeless the council may find you somewhere to stay for only a short time. This could happen if, for example, you moved out of your home because you didn't like it, or you were evicted for not paying rent, even though you could afford to.

If you're homeless, or think you could lose your home, call **Community Legal Advice 0845 345 4 345** quickly: its advisers will be able to tell you whether the council should find you somewhere to live.

I'm behind with my mortgage payments and worried I'll lose my home. What can I do?

If you don't pay your mortgage, your mortgage lender may have the right to evict you and take back your home. But it must follow a set procedure to do this, called 'possession proceedings'. This procedure is quite long, and you should have enough time to take steps to keep your home.

If you can't pay your mortgage, don't just ignore the problem – the sooner you ask for help, the easier it will be to help you. You should be able to negotiate with your mortgage lender so that you pay what you can afford, at least in the short term. For confidential help and advice on doing this – and dealing with other debts you may have – contact **Community Legal Advice** or visit www.communitylegaladvice.org.uk or **National Debtline** phone **0808 808 4000** free, or visit www.nationaldebtline.co.uk

I'm behind with my rent and my landlord is threatening to evict me – how can I stop him?

If your landlord wants to evict you for not paying your rent, in most cases they must follow a procedure called 'possession proceedings' before they can make you leave.

During this process, you should have the chance to pay the money you owe or come up with a plan to pay it. If you can do this, your landlord may not be able to evict you.

However, your rights in this situation, and the procedure that your landlord must follow if they want to evict you, depend on the type of tenancy you have.

If your landlord threatens to evict you, or if you receive a notice to leave, read your tenancy agreement to see what sort of tenancy you have, and get advice straight away. The sooner you seek advice, the easier it will be to help you. A good place to start is **Community Legal Advice** phone **0845 345 4 345** or visit www.communitylegaladvice.org.uk

What can I do if my landlord is harassing me and threatening to change the locks?

It's against the law for your landlord to harass you (which can include changing the locks), and they cannot evict you without going through the proper procedure.

Contact the person at your local council who deals with harassment and illegal evictions – sometimes they're called the 'tenancy relations officer', but they might have another title in your council. Look in your phone book or on the council's website for contact details.

This person at the council should try and deal with the harassment, and make sure your landlord understands what the law says he or she must and must not do for you. The council has the power to prosecute the landlord for harassment, but councils don't often do this.

If the council can't or won't help, you have the right to take court action yourself to make the landlord obey the law. Obviously, this is a serious step, and you'll need expert legal help to do this – see 'Where can I get help and advice?' on page 10.

I've received a bailiff's warrant for eviction – how can I stop being evicted?

You may be able to stop the eviction by getting the court that issued the warrant to suspend it (stop it temporarily). But you must have a good reason for this. For example, if the eviction is because you have not paid your rent, you will have to explain to the court why you have not paid, and show how you plan to pay it.

You need to get expert advice urgently to see what you could do to avoid being evicted – call **Community Legal Advice 0845 345 4 345**.

What can I do if I can't afford the deposit on a flat I want to rent?

Before you move in, you'll probably have to pay a deposit on a house or flat, normally equal to a month's rent. Getting this money together can be hard, but if you can't pay you may be able to use a deposit scheme.

There are two basic types of deposit scheme:

- Some provide a guarantee that your landlord will be paid any money you owe when you leave the flat. If the scheme has to pay the landlord, say for damage you've caused, then you will have to repay the money to the scheme.
- Some are loan schemes run by councils, housing associations or charities.

To find out about deposit schemes in your area, ask your local council, or contact **Community Legal Advice**.

I don't have anywhere for me and my children to live – who can help?

You should contact the housing department of your local council. If you have children, by law it must find you and your children somewhere to live. To begin with, the council may house you in temporary accommodation, such as a bed-and-breakfast place, while it looks at your case.

But be careful – in some cases, the council may decide that you have made yourself 'intentionally homeless', which means it may not have to find you somewhere permanent to live, even if you have children. It may decide that you made yourself 'intentionally homeless' if, for example, you simply moved out of where you were living because you didn't like the house or flat.

If you can't get through to the council's housing department, or you don't know who to call, contact **Community Legal Advice** **0845 345 4 345**.

I'm not receiving my housing benefit payments – what can I do to avoid being evicted?

If you're not receiving the housing benefit that you should, perhaps because the council is taking time to process your application, or because your payments have been mistakenly stopped, then you shouldn't be evicted.

As a first step, contact the Housing and Council Tax Benefit department at your local council if there's a problem with housing benefit payments that you are due. Explain your problem, and that you urgently need payments to start. If the council can't or won't help – or if you're not sure whether you're receiving the benefits you should, seek advice from: **Community Legal Advice** or **Citizens Advice** (check the phone book for your nearest citizens advice bureau or visit www.citizensadvice.org.uk).

Where can I get help and advice?

Community Legal Advice

If you have a low income, including if you receive benefits, and qualify for legal aid, you can call us for independent advice about debt, education, benefits and tax credits, employment and housing problems.

If you do not qualify for legal aid, or if you have another type of problem, we can put you in touch with other organisations, helplines or local advice services that can help. We can also direct you to other legal information resources.

How to contact us

You can speak to our advisers in several ways:

- Call us on **0845 345 4 345** from 9am to 6:30pm Monday to Friday. Calls cost no more than 4p per minute from a BT landline. Calls from mobiles usually cost more. Worried about the cost? Ask an adviser to call you back.
- Request a callback through our website, at www.communitylegaladvice.org.uk
- Text 'legalaid' and your name to 80010 and we'll call you back within 24 hours.

Help on the internet

If you have internet access, our website www.communitylegaladvice.org.uk has lots of help, including:

- our online directory of advisers, organised by areas of law

- more information about legal aid and who can get it
- online factsheets and leaflets that you can download, on lots of topics, and
- links to specialist organisations, charities and support groups in your area.

Shelter

Shelter, the housing charity, can help with most kinds of housing problem – you don't have to be homeless. It offers advice and help through:

- a free helpline on **0808 800 4444**
- the Shelter website www.shelter.org.uk, which has information and advice on your rights, plus guidance on how to solve housing problems
- a network of local Housing Aid Centres. In England, visit www.shelter.org.uk, or phone **020 7505 4699**. In Wales visit www.sheltercymru.org.uk or phone **01792 469 400**

Can I get legal aid?

If you need help with the costs of legal advice, you can apply for legal aid. Whether you will get it will depend on:

- the type of legal problem you have
- your disposable (spare) income and how much disposable capital (money, property, belongings) you have, and
- whether there is a reasonable chance of winning your case and whether it is worth the time and money needed to win.

There is an online calculator on our website, at www.communitylegaladvice.org.uk/en/legalaid/calculator where you can see whether you could be financially eligible for legal aid.

What if I think I am eligible?

If you think you could be eligible for legal aid, you should speak to a legal adviser who can deal with legal aid cases. You can search our directory to find an adviser in your area, at the 'Find a legal adviser' section of our website www.communitylegaladvice.org.uk, or call our helpline 0845 345 4 345.

Help for other problems

This leaflet is one of a series of free leaflets produced by Community Legal Advice giving easy-to-read advice on a range of problem areas. The leaflets in this series are:

- C1 Dealing With Rent Problems
- C2 Domestic Abuse
- C3 Fair Treatment at Work: your rights if you are disabled
- C4 Your Rights At Work
- C5 Dealing with Debt
- C6 Losing Your Home
- C7 Claiming Benefits
- C8 Problems With School
- C9 Mental Health Laws

We'll be producing more leaflets in this series over the coming year. You can order any of these leaflets free by:

- phoning **0845 3000 343**, or
- emailing LSCleaflets@ecgroup.co.uk.

All of these leaflets are also available in Welsh, Braille and Audio.