

# Homelessness Prevention



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# Preventing Homelessness



We are Advice for Renters.

Our founder, Jacky Peacock and a group of Brent residents set up the organisation in 1986, as “Brent Private Tenants Rights Group”. This was largely formed as a campaigning organisation to improve housing for private renters in Brent.

Since then, we have continued to grow steadily and whilst campaigning is still a large part of our mission, we also offer housing advice and assistance to our clients alongside other services.



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We believe that safe and secure housing is a basic human right and work vigorously to ensure that private renters have the same life outcomes as everyone else.

To this end, we try to offer a holistic service to our clients. Our related services are Mentoring & Befriending, Financial Inclusion Services through our “Advice for Renters Money” team which includes budgeting advice and coaching to improve financial stability and tackling fuel poverty.



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## *What We Do*

By far the largest part of our operation is our Housing Advice Services.

### ***HOUSING ADVICE CENTRE***

We have a legal aid contract in Housing and Debt which (subject to means and merits) enables us to carry out work which falls within the scope of legal aid which includes:



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- Defending Possession and Eviction cases
- Unlawful Eviction and/or Harassment by Landlord
- Homelessness issues
- Disrepair where there is a risk to the health and safety of the tenant or other household members due to the conditions in their home.



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Advice for Renters Housing Advice Team is a team of four solicitors and one very experienced, legally qualified housing advisor (who is, fingers crossed) very soon to qualify as a solicitor.

We specialise in providing advice to private sector tenants, but advise and assist tenants in all tenures, public and private and we have lots of experience advising and representing the homeless



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We can provide both advice and assistance under the “Legal Help Scheme” as well as representation at Court where necessary under a “Legal Aid Certificate”.

This service is funded and paid for by the Legal Aid Agency which means that our clients can obtain these services for free if they are on a passported benefit (such as universal credit) or are on a low income and do not have significant savings or assets.



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## ***GREEN LIGHT LAWS***

We also operate a grant-funded service for some areas outside of the scope of legal aid under our “Green Light Laws” project. The type of work we cover under this project includes:

- Tenancy Deposit issues such as return of deposit and claim for compensation due to failure of private landlords to comply with deposit protection rules.



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- Assistance with making an application for a Rent Repayment Order in cases where, for example, a landlord has failed to comply with a Local Authority Notice in respect of a property or is in breach of Licencing Laws.

This service is also keen to test new or underused areas of law, such as the relatively new obligation on landlords to ensure that a property is fit for human habitation at the start of the tenancy and throughout and meets the energy efficiency standards.



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*WORKING WITH PARTNERS AND COMMUNITY LEADERS*



We believe we have an excellent reputation in the Brent and surrounding areas and many of our clients approach us directly as a result, or through word of mouth.

We also have close bonds with a number of local organisations and community leaders who supply us with a constant feed of clients who are in need of housing advice.



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Despite this, we know that many, many people still struggle to access housing advice for many different reasons, so we are always proactively seeking to widen our reach to those in need of our services.

We therefore welcome new partnerships and are very happy to explore the ways we can work with new partners.



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One definition of homelessness prevention is:

*“The first option to be explored with the [client] should be enabling them to remain in their current home, where suitable.*

*Where this is not possible, the focus should be on helping to secure alternative accommodation that the [client] can move into in a planned way.” Homelessness Code of Guidance (“CoG”)*

*for Local Authorities para 12.4*



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This is a good description of much of what our work is about, trying to keep our clients in their homes, or where this is not possible, trying to put them in a position where they can move from one home to the next in a planned way.



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The latest homelessness statistics from the Dept for Levelling Up, Housing, and Communities show that the leading cause of homelessness and threatened homelessness is landlord evictions from Assured Shorthold Tenancies. This accounted for approx. 36.6% of all homeless applications between October and December 2021, which is up on the previous quarter. Another significant cause of homelessness is the ending of non-AST private sector tenancies.



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*The main reasons given by landlords for evicting was a bit of a non-answer – they wanted to re-let the property.*

An educated guess is that an underlying reason for many of the AST evictions is rent arrears or a desire on the part of the landlord to rent the property to new tenants at a higher rent.



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There are some recurring themes that we see time and again in cases where our clients are facing eviction. One major cause of rent arrears is benefit problems. Another common theme is that where there are rent arrears, there are often other debts. It is also a struggle for many to afford rents in London even when there are no other issues. These observations probably will not come as a surprise to anyone.



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A multidisciplinary approach to tackling these issues is very beneficial for our client. As well as housing lawyers, the input of benefit and debt advisors is needed. Advice for Renters is happy to work with external organisations but is also building expertise internally.

A few case studies might best illustrate our approach.



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## Case study 1

Client A came to A4R about 4 days before a scheduled eviction. An outright possession order was made several months before, when the arrears were over £5,000. By the time of the scheduled eviction, they were over £10,000.00 as no rent had been paid for over 2 years.

Client A was disabled and did not understand why all benefits had stopped (except for DLA/PIP), as there had been no change in circumstances. We made an application to Court to stop the eviction citing the Equality Act as a defence and also the fact that a benefits advisor was by then working with Client A to resolve the benefit issues. [The Equality Act defence is relevant where a disability is what has led to the eviction.]



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Housing benefit had stopped automatically when Client A's income benefits stopped. The benefits advisor asked for a revision of the decision to stop/suspend client A's housing benefit. Evidence was also provided that showed that client A continued to have an underlying entitlement to housing benefit throughout the period of stoppage. Housing benefit was paid for the whole period, eliminating the arrears. The benefits advisor was also able to resolve the income benefit issues and get these back in payment.

By the time of the next hearing the arrears were cleared and the eviction warrant was suspended permanently.



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## Case study 2

Client B's landlord applied to the court for a possession order based on a s21 notice, having used the accelerate possession procedure. By the time of the first appointment with us, a mandatory outright possession order had already been made and an eviction date loomed on the very near horizon. It looked bleak for client B.

Contacting Client B's landlord they were implacably opposed to giving Client B any leeway as they owed about £8,000.00 in rent arrears.



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On looking at the case papers, it was clear that the landlord had made a catalogue of errors. The papers were a textbook example of almost all the mistakes it is possible for a landlord to make in serving a section 21 notice and applying to the court for possession.

So flawed were the papers that we made an application to court pointing out that the s21 notice was invalid for about half a dozen different reasons and this meant the judge had no power to make a possession order. The order was set aside.



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This gave a specialist benefits advisor time to resolve the benefits issues, which resulted in a lump sum payment of benefit sufficient to clear the arrears.

In both cases it was A4R's own benefits advisor who helped to prevent these evictions.



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## Case Study 3

Client C came to us when a date had been fixed for an eviction. Client C owed about £8,000.00 in arrears. We drafted an application to the Court for client C and represented client C at the hearing, where we secured an adjournment. Client C was the tenant of a social landlord. We noted that the landlord had an incentive scheme under which payments were made to tenants willing to transfer to a smaller property. We helped client C to apply for and be accepted (in principle) onto this scheme. This would clear a substantial part of the arrears.



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Before final approval could be given client C had to eliminate the rest of their arrears. We identified a fund making grants to people who had worked in a particular industry. We noted that Client C had worked in that industry. We helped client C to apply for a grant. The application was successful. The grant and the incentive payment allowed client C to move to a new, more suitable property debt free.



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## Case study 4

Client D came to A4R because their landlord had given them a notice asking them to leave their rented home because they owed rent arrears.

Client D first moved into the property with their partner and three young children. However, when the partner moved out and stopped paying the rent, client D fell into rent arrears because they could not afford to pay the rent on their own and had problems claiming benefits. Eventually, client D was able to claim UC however, the rent was much higher than UC would pay.



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The landlord brought possession proceedings to evict Client D, and for repayment of the rent arrears.

Client D wanted to move out of the property because even with benefits, they could not afford the rent, and their arrears were increasing – by that time they were more than £12,000.00.

After negotiations, we reached an agreement with the landlord whereby Client D would move out of the property voluntarily on a specified date, and in return the landlord would not pursue the court proceedings or any other claims against them in relation to the property, including not demanding repayment of the £12,000+ rent arrears. In addition, the landlord agreed to pay Client D the sum of £1,275 (half the tenancy deposit), in order to help them pay for the tenancy deposit for their next property. This enabled client D to move to more affordable accommodation.



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Often slowing the eviction process down can be vital to allow time for clients' problems to be resolved. A4R's money advisors are Financial Conduct Authority accredited debt advisors and in a recent case, they were able to work with a housing advisor to secure a debt crisis breathing space (this can delay debt enforcement action for up to 60 days).



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## Illegal Eviction

Unfortunately, some landlords do not bother with legal eviction notices and applications to the court for possession. They change the locks and either deny our clients access to their belongings or dump them outside the property in rubbish bags. In a number of cases we have been able to make urgent applications to the court to get injunctions requiring the landlord to re-admit the tenant, return their belongs and refrain from any further harassment.



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Sometimes it simply is not possible to prevent our clients from being evicted and a homeless application to the local authority becomes unavoidable. We can help clients when such applications do not go smoothly.



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## Case Study 5

Client E made an application as homeless to their local council, in west London after they and their partner and 9-year-old son were evicted from their private rented property. While the council were looking into the homelessness application, they placed them in emergency accommodation.

Client E came to A4R for advice when they were told that the council had cancelled their accommodation and had stopped paying for it. They later found out that around 18 months before, the council had notified them that they did not meet the criteria for being rehoused by the council and that they had let the family stay in the accommodation for a few months longer because of the pandemic.



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We helped Client E ask the council for a review the decision that the council did not have a duty to accommodate them and their family. However, the council refused to accept the review request because they said Client E should have made it within 21 days of the decision.

We eventually persuaded the council to accept Client E's review of the decision even though they made it 18 months late. Once the Council agreed, we made representations to them on client E's behalf explaining why the council had a duty to provide them with housing.

The council agreed that they did have a duty to rehouse Client E and their family and agreed to continue to provide them with accommodation so that Client E could bid for a property under the council's housing allocation scheme. (The council also agreed to pay the rent for the period when they had cancelled the accommodation.)



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## Case Study 6

Client F made a homeless application to a neighbouring borough. They confirmed that client F was entitled to the relief duty and prepared a personal housing plan for client F. The council found that client F was eligible, homeless and in priority need, but they were not owed the main housing duty because they were intentionally homeless. The council notified client F that the relief duty was at an end and that they were ending client F's temporary accommodation.



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We requested a review of these decisions and reviewed client F's housing file. On doing so, it appeared that there had been no relief activity by the council. We pointed this out to them. They accepted that this was correct and withdrew their decision that the relief duty had ended. Client F was offered a number of viewings of various flats. The temporary accommodation continued in the meantime.



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## *CONTACT US*

We are happy to discuss ways in which you think we can work together to achieve best outcomes for Brent residents facing housing issues.

Please feel free to contact us by one of the following methods:



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