



# Right Track Pack

A Youth Practitioner's Guide to  
Housing and Homelessness



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# The Right Track Pack

## A Youth Practitioner's Guide to Housing and Homelessness

The Right Track Pack is an information resource for Youth Practitioners in Wales. It provides information on a range of housing issues facing young people: from emergency accommodation to securing a tenancy.

This pack is a source of practical, basic information and guidance on when and where to seek specialist help.

The Right Track Information Pack is not designed to make you an expert in housing law, but to help you identify problems and offer solutions.

**For further advice call Shelter Cymru's expert housing advice helpline on 08000 495 495. Please note the telephone advice service operates between 9.30am - 4pm, Monday to Friday. You can also email Shelter Cymru and an adviser will respond to your emails within five working days.**



Llywodraeth Cynulliad Cymru  
Welsh Assembly Government



# Shelter Cymru's Vision, Mission and Values

**Shelter Cymru is the people and homes charity in Wales.**

## Our vision

Everyone in Wales should have a decent and affordable home: it is the foundation for the health and well-being of people and communities.

## Our mission

Shelter Cymru's mission is to improve people's lives through our advice and support services and through training, education and information work. Through our policy, research, campaigning and lobbying, we will help overcome the barriers that stand in the way of people in Wales having a decent affordable home.

## Our values

Be independent and not compromised in any aspect of our work with people in housing need.

Work as equals with people in housing need, respect their needs, and help them to take control of their own lives.

Constructively challenge to ensure people are properly assisted and to improve good practice

## Disclaimer

These materials should not be used in isolation when giving legal advice to people. It is essential to ensure that up to date relevant legislation is checked before giving advice. No responsibility can be accepted for any errors or omissions.

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# Emergency accommodation

This section provides advice and information for young people who are in danger of losing their accommodation or who are homeless. It covers:

- A** Becoming homeless
- B** Being in danger at home
- C** Sources of help
- D** Sleeping rough

A young person does not have to be sleeping on the streets to be considered homeless. Even if they have accommodation that they have a legal right to live in and no one is trying to get them out, it may not be reasonable, for a number of reasons, for them to stay there.

# A- Becoming homeless

## Living with friends and family?

A young person who is still living with their parents has no legal right to stay if they are told to leave. If they are under 16 their parents will of course still have a duty to look after their children but once they have reached the age of 16 they no longer have to provide accommodation

If someone's parents ask them to leave, or kicks them out of their home the young person's only option is to talk to their parents, possibly with the help of a trained mediator, to persuade them to let the young person stay on.

Young people who are being accommodated by friends, such as people who are "sofa surfing", are in the same situation and have no rights to stay if asked to leave.

## Tenants or owner occupiers

Young people who own their own home or who are tenants have more rights to stay where they are. If a landlord is trying to evict someone, or a bank is attempting to repossess a property, they must follow a strict legal procedure and cannot just throw the young person out of their accommodation.

Tenants and owner-occupiers can only lose their accommodation if there is a court order instructing them to leave.

Anyone whose landlord is trying to evict, or mortgage lender is trying to repossess, should seek legal advice immediately. See section 6 for further information or contact Shelter Cymru immediately.

## Relationship breakdown

Some young people lose their accommodation when the relationship they are in breaks down. Contrary to popular belief there is no such thing as 'common law marriage' so people who are not married or in a civil partnership rarely have automatic rights over their ex's accommodation and will usually have to apply for a court order to get such rights.

If the couple are joint tenants, i.e. both people's names are on the tenancy agreement, or they are joint owners then both people have rights to stay. Disagreements about who is going to stay and who will leave are best resolved by mutual agreement; advice should be sought if agreement cannot be reached (contact Shelter Cymru).

Young people who are married, are civil partners, or have a child together may have rights over their partner's accommodation even if they are not joint tenants or owners. They should seek legal advice about staying in their home.

# B- Being in danger at home

## Domestic abuse

Some young people may be afraid to go home, they may feel unsafe or be in danger at home.

The first priority for anyone is their personal safety; they must be careful not to put themselves in a position of danger.

If the young person is in immediate danger or has been abused they should be encouraged to either report the perpetrator to the Police or get in touch with an appropriate organisation (see contacts).

If the young person wishes to stay it may be possible to take action against the person who is causing them distress, however they must seek advice immediately.

People who are at risk of violence or abuse at home and wish to leave can seek help from their Local Authority or can get help from voluntary groups (please see contacts for Welsh Women's Aid and Shelter Cymru) or follow this link <https://gov.wales/live-fear-free?how-to-get-help/>

## Violence or abuse from other people

If the young person is having problems caused by someone living in their area they should take advice before taking any action. There are a number of different ways it might be possible to solve the problem, but they should never put themselves in danger.

## Leaving in a hurry

There may be some situations where there is no alternative for the young person but to leave where they are living in a hurry. This is most common in situations of domestic violence, harassment from a landlord or relationship breakdown, but can arise in other situations.

Whenever someone leaves home in a hurry they should make sure they take some essential items with them such as:

- A change of clothes
- Toiletries and any medication they take regularly
- Important documents, such as passport, credit cards and legal papers.

The council may have a duty to help where someone needs to leave home in a hurry (see council contacts on page 74).

# C- Sources of help

## Local Authorities and homelessness

If a young person has nowhere to stay or they cannot continue to live where they are, the council may have a duty to help.

A young person does not have to be sleeping on the street to get help and applying as homeless isn't the same thing as going on the waiting list.

The help available to a young person who is homeless or threatened with homelessness varies according to their particular circumstances.

In order to work out what the law says the council must do, the council will assess their case and then inform the young person of their decision (see "What happens next" on this page).

A young homeless person should not be turned away by the housing department and told to go to social services. The housing and social services offices should work together to provide help for young people.

## Who can apply as homeless?

The council has to accept an application for help from any person over the age of 16 who appears to be homeless or is likely to become homeless within 56 days.

The council cannot accept homeless applications from people who are too young or whose mental capacity is too limited to be able to decide whether to accept an offer of accommodation or not. All other people who are homeless or likely to become homeless within 56 days are entitled to make an application and to receive written confirmation of the council's decision about their application.

If the council won't let them make an application, the young person can ask for written reasons why. They should seek immediate advice and may be able to challenge the Local Authority and get them to accept their application.

## How to apply

Councils have to accept homeless applications in any form. This means that a young person will be able to apply:

- in person
- by telephone
- in writing

Where it is not possible for a young person to make an application themselves (for example, they are ill or in prison) then the council should accept an application made by someone on their behalf, such as a social worker or relative.

Most councils prefer homeless people to apply in person at the council offices so that they can be interviewed. If the council is insisting that the young person applies in a certain way and they are unable to do so for any reason, the council may be acting illegally. Get advice (contact Shelter Cymru).

## What happens next?

Once someone has made an application the council will assess their case and will look at a number of points:

- The circumstances that have caused them to become homeless.
- Their housing needs.
- The support they may need to maintain accommodation.
- Whether the council has a duty to help them.





Once the council has assessed the applicant's situation they must inform them in writing of the outcome.

The decision letter must explain:

- The outcome of the assessment and what help the council will offer (see duties flowchart page 23).
- If the decision is not in their favour, how the council made their decision and the reasons for it.
- Information about how the applicant can challenge the Council's decision by requesting a review.

## Does the council have to provide emergency accommodation?

In urgent cases – for example, if the young person has nowhere to stay - the council may need to provide emergency accommodation before they have finished their assessment. The law calls this 'interim accommodation'.

Interim accommodation is usually some form of temporary accommodation such as a bed and breakfast or a hostel, but it must be suitable for the young person and their household. If the young person believes the accommodation is not suitable, they should get advice from Shelter Cymru.

For 16 and 17 year olds, the Welsh Government doesn't consider bed and breakfast to be suitable other than in exceptional short-term circumstances where no alternative accommodation is available.

The council only has to provide interim accommodation if they believe the applicant may be:

- eligible for help (see page 16: Who is eligible for help?)
- homeless (see page 17: Who is homeless?) and
- in priority need (see page 18: Who has a priority need?)

At this stage the council doesn't need to be completely satisfied that the young person is eligible, homeless and in priority need, just that they may be.

If the council refuses to offer this help get advice immediately (contact Shelter Cymru).

## What kind of help does the council have to give people who are homeless or threatened with homelessness?

### Help for people threatened with homelessness

Once the council has completed their assessment, if they decide a young person is threatened with homelessness within 56 days (see page 17), and eligible for help (see page 16) they will have to help to prevent them from becoming homeless. This could mean helping them to keep the accommodation they are living in or helping them to make a planned move to other accommodation without becoming homeless.

### Help for people who are homeless

If a young person is already homeless and eligible for help the council will have to help to secure that accommodation is available for them. This does not mean they have to provide accommodation for them but that they do have to help them to find somewhere to live.

A young person does not have to have a priority need to get this help from the council and it should be provided regardless of why they are homeless or threatened with homelessness.

It is only if the council is unable to help to prevent a young person from becoming homeless and unable to help them to secure accommodation that it may have to provide accommodation for them (see when does the council have a duty to secure accommodation, page 14).

### How can the council help to prevent homelessness or help to secure accommodation?

The ways in which the council must help people who are homeless and those who are threatened with homelessness are very similar.

The council must take 'reasonable steps' to help to prevent someone from becoming homeless or to help them to secure accommodation.

Although the council can provide accommodation (including council and housing association accommodation) to help to prevent homelessness or to help to secure accommodation, it does not have to.

The council can help by:

- Arranging for someone else to provide something – they may ask other organisations to help, if they believe their services may be of help to prevent homelessness or to secure accommodation. For example, mediation services or housing support that may enable a young person to keep their current accommodation.
- Providing something itself – the Council may provide some services itself such as a welfare rights or housing support service. Some councils may offer help with tenancy deposits or have rent guarantee schemes.
- By providing something to someone other than the applicant – for example, a council could help someone by paying a tenancy deposit or a bond directly to a landlord.

## What are reasonable steps?

Reasonable steps could be anything that can help to prevent someone from becoming homeless or can help them to secure accommodation and could include any of the things listed below:

**Mediation** - to try and resolve disputes between family members, partners or neighbours that have caused or are causing the accommodation to be lost.

**Payments through a loan or a grant** – this could be through a homelessness prevention fund and used, for example, to pay off rent arrears to prevent the loss of accommodation, or to pay a deposit to secure new accommodation.

**Guarantees that payments will be made** – for example, rent guarantee schemes.

**Support in managing debt, mortgage arrears or rent arrears** – this may be provided by the housing authority itself or by a referral to a specialist advice agency.

**Advocacy or other representation** – for example referral to an advice agency or a solicitor who can represent a young person in possession proceedings to try and help them keep their home.

**Accommodation** – including supported and hostel accommodation, shared housing and/or houses of multiple occupation, accommodation arranged with family or friends, supported lodgings, social housing and private rented accommodation.

**Information and advice** – this should be available on a wide range of housing and related subjects and tailored to the young person's specific circumstances.

**Other services, goods or facilities** – examples could include providing a furniture pack or help to make applications to the Discretionary Assistance Fund or a referral to housing support services, specialist domestic abuse services or anti-social behaviour prevention services.

The law makes it clear that these are just examples and not an exhaustive list.

When deciding what may be reasonable steps in a particular young person's case, the Council should consider their circumstances, and which steps are most likely to lead to a positive outcome.

## Personal housing plans

The council may use a 'personal housing plan' which includes a list of the reasonable steps that it is going to take to help the young person and any steps they are expected to take themselves. The plan and the reasonable steps should be agreed between them.

If the council doesn't use a personal housing plan it should tell the young person in writing what reasonable steps they will be taking to help. This will probably be included in the letter they give them telling them the outcome of their assessment.

There will be an expectation that the young person is involved as much as possible in the reasonable steps. For example, they may be asked to attend appointments with other organisations, such as an advice or support agency, or take part in mediation or look for accommodation.

## What about local connection?

If a young person is homeless and the council believes that they would have a duty to help them to secure accommodation but they don't have a local connection, they can look at whether they can refer the duty to another Council (see local connection, page 20).

If the young person is not yet homeless, but is threatened with homelessness in 56 days, the council must provide help to prevent them from becoming homeless even if they do not have a local connection.

## What if someone does not have a local connection?

The council must not turn away young people without a local connection. The council must still accept their application and investigate their case.

If the council finds that a young person is homeless but does not have a local connection, the council can assess whether they can refer the duty to help them to secure accommodation to another local authority where they do have a local connection. They can only refer them to another local authority if they also believe they have a priority need and are not intentionally homeless (see page 19).

They must not refer a young person to another local authority if they are at risk of violence in that other area and must provide them with accommodation until the other council has accepted the referral.

If the council decides that a young person does not have a local connection they must inform them in writing and the young person may be able to challenge the council's decision.

## How long does the council have to provide help for?

**If the young person is threatened with homelessness the council must continue to provide help to prevent homelessness until one of the following happens:**

### The young person becomes homeless

If the young person becomes homeless, the duty will end because it is no longer possible to prevent them from losing their home.

If this happens, the council must review their assessment. It is likely that the council will now have a duty to help them to secure accommodation because they are homeless (see page 14: Duty to help to secure accommodation).

The review of the assessment should look at what further reasonable steps can be taken to help the young person to secure accommodation. If the young person meets certain criteria, the council may also have to provide emergency accommodation.

## The young person is no longer threatened with homelessness

The duty to help to prevent homelessness will end if the council is satisfied that the person is no longer threatened with homelessness. This could come about as a result of the help that the council have given or not. For example, the council may have negotiated with a landlord who has agreed to allow a tenancy to continue or there has been successful mediation between a young person and their parents and they are allowed to stay in the family home.

The duty will only come to an end for this reason if the accommodation is suitable and it is likely to be available for at least six months. For example, if the young person is staying with a friend or a family member, the council must check with them to make sure that the arrangement is likely to last for at least six months.

If the accommodation is not suitable or isn't likely to last 6 months, then the duty will continue and the council will have to continue to take reasonable steps to help to prevent homelessness.

## The young person refuses an offer of suitable accommodation

If a young person refuses an offer of suitable accommodation, the council's duty to help to prevent homelessness will come to an end, but they must have been warned in writing beforehand of the possible consequences of either accepting the offer or refusing it.

The duty will only end if the council is satisfied that the accommodation is suitable and it is likely to be available for at least 6 months.

If a person is offered a place in hostel or other temporary accommodation, the council must make sure that it is likely that they can stay there for at least 6 months, even if they have a licence agreement rather than a tenancy.

The offer of accommodation could be from any person and can include offers from friends and family, private accommodation, supported and/or hostel accommodation as well as council and housing association accommodation, provided it is likely to last at least 6 months.

## If the young person is homeless

Once the council have accepted a duty to help a young person secure accommodation it will continue until one of the following happens:

### 56 days comes to an end

If 56 days have passed since the young person was told in writing that the council has a duty to help to secure accommodation for them, then the duty will end. This will be the case even if the council has been unable to help them to secure accommodation.

This is because the duty to help to secure accommodation lasts for a maximum of 56 days.

During the 56 day period, the council should have been working with the young person to take reasonable steps to help them to secure accommodation. They must not simply wait out the 56 days and then end the duty.

If the council is ending the duty because 56 days has ended, it must write to the young person and tell them why it believes the duty has come to an end for this reason. The letter must also include the reasonable steps that were agreed and taken to help them to secure accommodation and the reasons why they were not successful.

If the duty is brought to an end for this reason, the council must review the person's assessment. If they meet certain criteria the council will have a duty to secure accommodation for them. This is sometimes known as the 'final duty' and involves the council providing accommodation.



If they do not meet the criteria for the duty to secure accommodation, the council does not have to give them any further help.

If the young person does not agree that reasonable steps were taken to help them to secure accommodation, or does not agree with a decision that they are not owed the final duty, they can ask for a review of the decision. The review must be requested within 21 days. They may wish to get specialist housing advice from Shelter Cymru to help with the review.

### **56 days have not ended but all reasonable steps have been taken**

The duty to help to secure accommodation will end if a period of 56 days has not ended, but the council is satisfied that it has taken all reasonable steps to help the young person to secure accommodation.

This could happen, for example, if the council had first tried to help to prevent the young person from becoming homeless and a number of reasonable steps were taken before they became homeless. As a result of this there may be limited further steps that could be taken to help to secure accommodation once the young person was homeless.

To end the duty for this reason, the council must be sure there are no other reasonable steps that could be taken to help to secure accommodation within the remainder of the 56 day period.

If the council is ending the duty because they believe all reasonable steps have been taken, it must write to the young person and tell them why it believes the duty has come to an end for this reason. The letter must also include the reasonable steps that were agreed and taken to help them to secure accommodation and the reasons why they were not successful.

If the duty is brought to an end for this reason, the council must review the young person's assessment. If they meet certain criteria the council will have a **duty to secure accommodation** for them (see page 16). This is sometimes known as the 'final duty' and involves the council providing accommodation. If the council decide that they do not have a duty to secure accommodation for the young person, they do not have to provide any further help.

If the young person does not agree that all reasonable steps were taken to help them to secure accommodation, or does not agree with a decision that they are not owed the final duty, they can ask for a review of the decision. The review must be requested within 21 days. They may wish to get specialist housing advice from Shelter Cymru to help with the review.



## **The young person has suitable accommodation likely to be available for at least six months**

If the council is satisfied that the young person has suitable accommodation that is likely to be available for at least six months the duty will come to an end. It doesn't matter whether the accommodation was secured as a result of the council's help or not.

If the person does not agree with the decision that the accommodation is suitable, and/or that it is likely to be available for at least 6 months, they can request a review of the decision that the duty has ended within 21 days.

## **The young person has refused an offer of suitable accommodation**

If the young person refuses an offer of suitable accommodation the duty can be brought to an end. They must have first been notified in writing of the possible consequences of accepting or refusing the offer of accommodation for the duty to be ended in this way.

The accommodation offered must have been suitable for the person and any members of their household and must have been likely to be available for at least six months. The offer of accommodation could be from any person and can include offers from friends and family, supported and/ or hostel accommodation and private accommodation, as well as council and housing association accommodation, provided it is suitable and likely that it would have been available for at least 6 months.

If the person does not agree with the decision that the accommodation they have refused was suitable, and/or that it was likely to be available for at least 6 months, they can request a review of the decision that the duty has ended within 21 days.

An offer of accommodation can be accepted and a review requested of its suitability at the same time. By doing this, if the review is not successful the young person still has the option of taking up the accommodation offered, even if only for a short time until they can find something else.

If an offer of suitable accommodation is refused, the council can end their duty and won't have to provide any further help. If the young person is occupying interim accommodation, it is likely that they will be asked to leave this too.

## **When does the council have a duty to secure accommodation?**

A council has a duty to secure accommodation for people who are homeless in limited circumstances. This is sometimes known as the 'final duty'.

The duty to secure accommodation will be owed if:

1. The duty to help to secure accommodation ended because either: (a) 56 days had passed, or, (a) 56 days hadn't passed but the council is satisfied that all reasonable steps to help secure accommodation had been taken, AND
2. The person does not have suitable accommodation available for their occupation, or, they do have suitable accommodation, but it is not likely that it will be available for at least 6 months, AND
3. They are eligible for help (see page 16), AND
4. They have a priority need for accommodation (see page 18), AND
5. They are not intentionally homeless. Not all councils consider this but most do (see page 19)



## What sort of housing could they be offered?

Under the 'final duty' the priority of the council should be to find long term settled accommodation for the young person. This could be it's own accommodation, or with a housing association or private landlord.

If the council are unable to find somewhere settled straightaway then they should offer interim accommodation in the meantime.

The type of interim accommodation provided varies from council to council and could be a hostel, refuge or bed and breakfast.

A young person could be in interim accommodation for some time before somewhere more settled is found. Interim accommodation must be suitable.

## Bed and Breakfast

The young person will probably have one room to themselves and may well have to share facilities with other residents.

There are regulations about the quality of accommodation offered here and how long a young person should have to stay. The bed and breakfast may have rules about what time the young person must be in at night, whether they can have guests and the use of alcohol and drugs. Local Authorities should take steps to ensure that the young person has access to the room throughout the day.

The Welsh Government does not consider bed and breakfast accommodation to be suitable for young people aged 16 and 17 and they have provided guidance to local authorities about the use of bed and breakfast. If a 16/17 year old is placed in bed and breakfast accommodation, it should be on a short-term basis only, with a plan in place to move to more suitable accommodation as soon as possible. Support should be available for the young person 24 hours a day.

## Hostel

Hostels can be run by the council, a Housing Association or a charity. The council may place a young person in any of these. As with bed and breakfast accommodation there are often rules about what time the young person must be in at night, whether they can have guests and the use of alcohol and drugs. Residents can be evicted for breaking the rules.

## Refuge

Young women escaping domestic violence may be offered accommodation in a refuge.

## Flat or house

It is unlikely that the young person will be offered a flat or a house straight away; most people will spend some time in other types of accommodation first.

## Supported housing

Supported housing offers accommodation for vulnerable young people. Most supported housing has staff who provide high quality support and operate within professional boundaries and guidelines.

Young people who live in supported housing accommodation are motivated to gain the necessary skills to move towards independent living.

## Accepting an offer of accommodation

The final duty will come to an end if a young person accepts an offer of:

- suitable long-term social housing, for example from a local authority or a housing association, or
- suitable accommodation under an assured tenancy including an assured shorthold tenancy (this includes an offer from a private landlord).

An offer of long-term social housing is an offer of accommodation under the council's allocation scheme - that is, Part 6 of the Housing Act 1996 – often known as the 'housing register' or 'housing waiting list'. It means either:

- being offered a secure or an introductory tenancy in housing authority accommodation, or
- being nominated for and offered an assured or a starter tenancy in accommodation owned by a registered social landlord, for example, a housing association.

If the council is offering the young person a tenancy in the private rented sector it must be for a fixed term of at least six months.

The property must be suitable for the person and their household's needs.

## Refusing an offer of offer accommodation

Once the council has accepted that they have a duty to secure accommodation, if the young person refuses any offer of suitable accommodation the council can bring the duty to an end

Suitable accommodation could be:

- an offer of suitable interim accommodation (temporary accommodation offered whilst the council are looking for longer term accommodation)
- a private rented sector offer (including an offer of a 6 month assured shorthold tenancy)
- an offer of suitable social housing made from the council's allocations scheme.

The duty would only end in these circumstances if the young person had been informed in writing of the possible consequences of refusing or accepting the offer and told about the right to request a review of the suitability of the accommodation.

## Becoming intentionally homeless from interim accommodation

If the young person becomes intentionally homeless from the interim accommodation the council can decide that the final duty has ended and they don't have to find settled accommodation for them.

Becoming intentionally homeless means that the young person has deliberately done something or failed to do something that has caused them to become homeless. For example, being asked to leave due to anti-social behaviour or not paying the rent.

## Voluntarily leaving interim accommodation

If a young person stops living at the interim accommodation the council has provided, they can decide the duty to secure accommodation has ended and they don't have to find longer-term settled accommodation for them.

## Who is 'eligible for help'?

Certain people subject to immigration control, and some other people from abroad, are not eligible for homelessness help from the council:

- Asylum seekers are not eligible, but once they have been granted refugee status they become eligible
- Workers from countries within the European Union are usually eligible
- Most EU citizens who are 'habitually resident' are also eligible
- Most other people from abroad are not eligible unless they have 'leave to remain', or have been given 'humanitarian protection', without a clause barring them from access to public funds.



### Key points

- The rules are complicated and it is wrong to assume that anyone who is not a UK citizen cannot be helped
- If someone is told they are not eligible they should seek advice, they may need to see someone who can give specialist advice about immigration
- All applicants should be treated as if they are eligible until they have been fully assessed and found to be otherwise. The council must not postpone its investigations or duties until immigration status has been confirmed as this can take some time.

If the council decides that a young person is not eligible because of their immigration status or because they are a person from abroad they must inform them in writing. The council must also provide them with advice and information about finding accommodation.

If a young person is told they are not eligible they may be able to challenge the council's decision.

### Who is considered homeless?

A young person is homeless if they do not have anywhere they can legally live or it is not reasonable for them to live where they are

This could include young people who are

- sleeping rough
- being put up temporarily by family
- squatting
- Sleeping on a friend's floor or "sofa surfing"
- sleeping in a car
- unable to gain entry to their home
- have been illegally evicted by their landlord
- living in a mobile home but they have nowhere to legally place it

The law says that it is not reasonable for a young person to stay in their home if they are:

- at risk of violence or abuse (domestic or otherwise) in their home
- living in housing which is a risk to their health
- living in very insecure housing (such as a short hostel, night-shelter or domestic abuse refuge)
- living in severely overcrowded conditions.

### What does 'threatened with homelessness' mean?

A young person should be considered to be threatened with homelessness if they are likely to become homeless within the next 56 days, for instance:

- Their private sector landlord has given them valid notice which runs out within 56 days.
- Their landlord or mortgage lender has obtained a court order to evict them which takes effect within 56 days.
- The young person is due to be discharged from an institution (e.g. hospital or prison) within 56 days and has nowhere to go.
- They have been asked to leave by family or friends within 56 days.

If it is unlikely that the young person will become homeless within 56 days, the council only has to give them advice and information about finding somewhere to live.

**Take note:** Some supported housing providers can give advice and support even if the young person has not yet been made homeless.

### Key points

- You do not have to be 'roofless' to be homeless
- Many homeless people may not realise they are legally defined as homeless
- Do not forget that some people may be threatened with homelessness
- Everyone, even those who are not homeless, must be given information and advice about homelessness
- Young people can apply to supported housing providers before leaving their accommodation.

### What if someone is not homeless or threatened with homelessness?

If the council decides that a young person is not homeless or threatened with homelessness they must inform them in writing. The council must also provide them with advice and information about finding accommodation.

If a young person is told they are not homeless or threatened with homelessness they may be able to challenge the council's decision.

### Who has a priority need?

Remember, a young person does not have to have a priority need for the council to help to prevent them from becoming homeless or to help them to secure accommodation.

However, the council will consider whether a young person has a priority need when they are assessing whether they have a:

- Duty to secure interim (emergency) accommodation
- Duty to secure accommodation if it has been unable to help the young person secure accommodation for themselves.

The law says someone is priority need if they, or anyone they could reasonably expect to live with, falls into any of the following categories:

- **Pregnant.** Any stage of pregnancy counts
- **Have a dependant child.** This can be any child up to 16, or 18 if in fulltime education, who is dependent upon someone in a parenting role
- **Care leaver aged 18 to 20. Any amount of time spent in care at any age counts but the young person must be under 21 at the time they apply**
- **Young person aged 18 to 20 who is at risk of sexual or financial exploitation.** The young person must be under 21 at the time they apply
- **Young person.** Anyone who is 16 or 17 years old
- **Homeless due to an emergency.** For example, from a fire or flood
- **Homeless as a result of domestic abuse.** This also includes those at risk of domestic abuse or who would be if they returned home
- **Homeless since leaving the armed forces.** It does not matter how long ago they were discharged, but they must have been continually homeless since discharge.
- **Vulnerable as a result of time spent in custody.** It does not matter how long ago they were in custody but they must be vulnerable as a result of the time spent there. They also need to have a local connection in the area.
- **Vulnerable.** This broad group can include anyone who does not fit into any of the categories above but is vulnerable due to:
  - A history of being in care
  - A mental, or physical, illness or disability.
  - Other special reason, such as rough sleeping, or serious drug/alcohol problem.

### Key points

- Priority need is not always obvious Some people may be embarrassed, or reluctant to talk about something that may have a bearing on their priority need
- Even where someone is not in priority need, the council still has some important duties to them.

## Intentional homelessness

The question of whether someone is intentionally homeless may arise in two circumstances:

- When the council are assessing whether they have a duty to secure accommodation..
- Where the council had a duty to secure accommodation and the young person has lost the accommodation.

Councils can now choose whether or not they are going to consider if a certain group of people can be intentionally homeless.

The council must publish a notice informing the public of which groups they are going to consider intentional homelessness for.

Most people are not intentionally homeless but the council may argue that someone is intentionally homeless in the following circumstances:

- Evicted for rent arrears when they could afford to pay the rent
- Lost accommodation due to anti-social behaviour
- Evicted for damaging their accommodation
- Left accommodation that was available for them and the council thinks it was reasonable to stay.

A young person would not be intentionally homeless if:

- They fled violence or abuse
- They were evicted for rent arrears but were genuinely unable to afford the rent
- They gave up their home because they didn't know that they had a right to stay
- They were given bad or misleading advice which caused them to leave their home when they didn't have to
- They could not manage their own affairs
- The accommodation was not reasonable for them to stay in.

If the council think they might decide that a young person is intentionally homeless, before a final decision is made, they should let them know in writing they are minded to do this and give them the opportunity to put forward any supporting information that may be relevant. This is often known as a 'minded-to' letter.

### Key points

- Intentional homelessness will only be considered in certain limited circumstances;
- Council's do not have to consider intentional homelessness, but most do;
- Intentional homelessness is a complex area, it is often difficult to make a quick decision;
- Do not make assumptions about intentional homeless, not everyone who is evicted is intentionally homeless.
- A 'minded-to' letter should be sent before a final decision is made on intentional homelessness
- Even if someone is intentionally homeless, the council will have a duty to provide advice, information or assistance, and may have a duty to provide temporary accommodation.

## What if someone is intentionally homeless?

If the council decides that a young person is intentionally homeless it must inform them in writing, and provide them with advice and information about finding accommodation. If the young person has a priority need then the council may also have to provide them with temporary accommodation for a sufficient period to allow them to secure their own accommodation.

If a young person is told they are intentionally homeless they may be able to challenge the council's decision.

## What is a local connection?

A young person can have a local connection with the council by one or more of the following reasons:

- They live there. This means they have been living in the council's area for at least 6 months during the previous 12 months, or for not less than 3 years during the previous 5 years.
- They work there. The job does not have to be full-time, or permanent, as long as it is based within the council's area and is not 'casual'.
- Their family lives there. The young person will have to have parents, adult children or brothers or sisters currently residing in the area for a minimum of 5 years, and the applicant indicates a wish to be near them.
- Special circumstances. The council can decide that there are other good reasons to give someone a local connection. For example :
  - they are returning to an area where they were brought up or had lived for a considerable period of time in the past.
  - They have a particular need for support from someone who does not fit the family association definition.
  - they need to be near a specialist support service which is not available elsewhere.

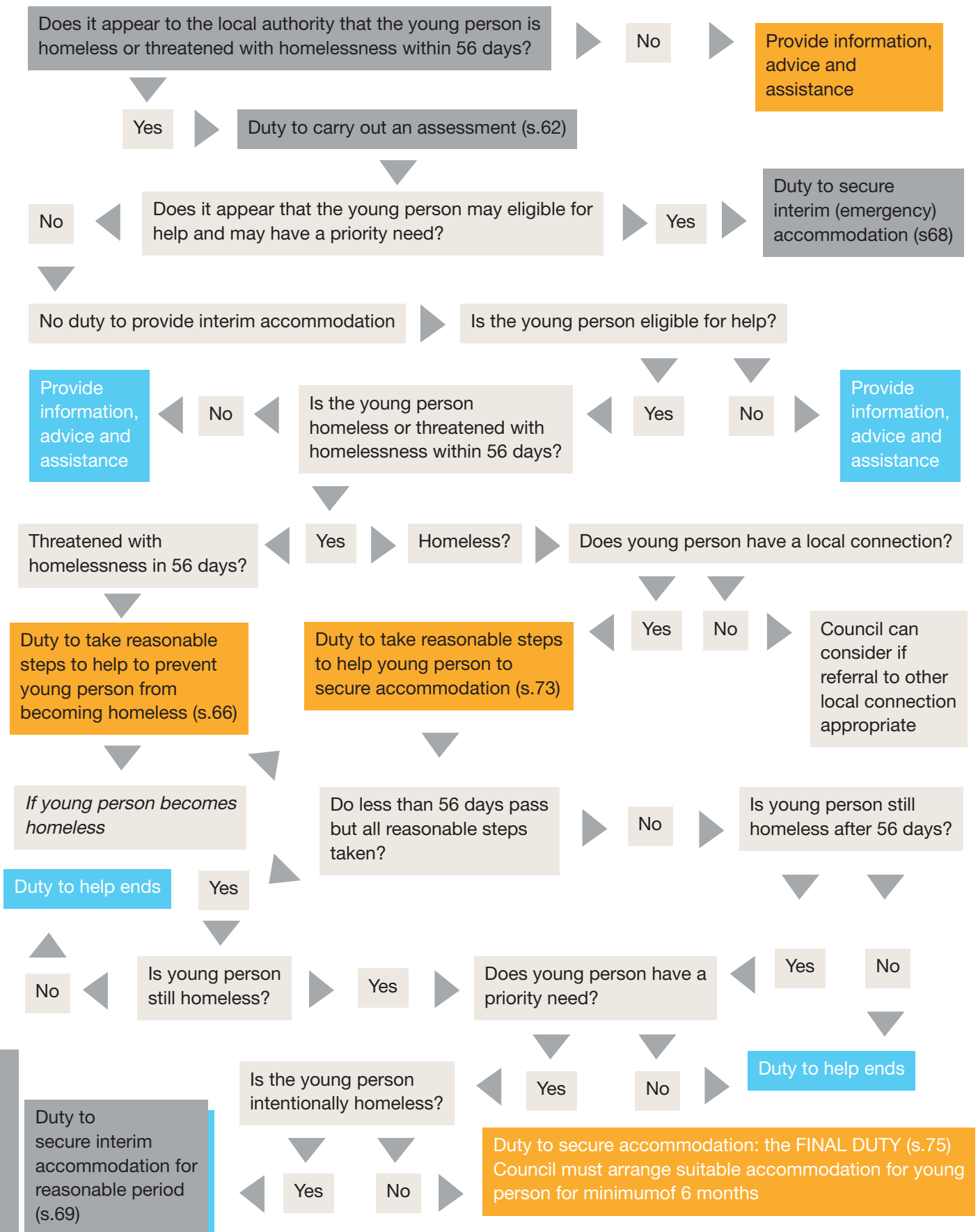
## What if you don't agree with the council's decision?

If a young person thinks the council have made the wrong decision or do not think that the accommodation provided is suitable they may be able to challenge the council.

If the council has informed the applicant of their decision in writing the young person has 21 days from being notified to ask for the council to reconsider its decision, this is called a review. It is important that they inform the council within this time otherwise they may lose their right to review. Councils must consider requests for review made after 21 days but they do not have to agree to carry out the review.



### The council's responsibilities



## Help from social services

### Who do social services have to help?

Young homeless people who are under 18 are probably entitled to housing and/or financial support from social services if:

- They have been in care in the past
- They are disabled
- They are classed as being a child in need.

When a homeless young person approaches social services for help because they are homeless they should not be automatically referred to the housing department. The social services department should carry out an assessment under the Social Services and Well-Being (Wales) Act 2014. This Act has replaced the Children Act 1989 to establish what the young person's care and support needs are.

Social services can ask for help from the housing department to exercise its functions but this does not give it the right to avoid its responsibilities and "pass the buck".

### What if social services won't help them?

The young person may not be offered the kind of accommodation or services they need. They can make a complaint if:

- The accommodation and services they are offered are not suitable
- Social services refuse to look into the young person's situation to check whether they are entitled to help.

Every council will have a complaints procedure and there are also legal rules about how complaints should be dealt with. The young person should get advice from Shelter Cymru, Citizens Advice or other local advice centres before making a complaint.

## Welsh Women's Aid

Welsh Women's Aid groups operate across Wales and provide services aimed specifically at helping vulnerable women and children who are experiencing

domestic violence and abuse.

Welsh Women's Aid groups provide:

- Emergency temporary accommodation ('refuges')
- Information and practical support on the law, benefits, housing, children's issues and other matters related to the experience of domestic violence and abuse
- Outreach services within local communities
- 24-hour Live Fear Free help-line.

A young person who is fleeing or experiencing domestic abuse can contact a Welsh Women's Aid group directly or they may be referred to Welsh Women's Aid by the council (see contacts on page 75).

## Hostels

Hostels provide temporary accommodation for people in an emergency; they are not designed to be somewhere to stay long term. Young people placed in a hostel should be provided with help and support to find more suitable long-term accommodation.

### Accessing hostels

If a young homeless person makes a homelessness application to the council they may initially be offered accommodation in a hostel. Hostels run by the council are usually only available to people who make homeless applications.

Hostels run by Housing Associations or voluntary organisations often take referrals from councils but can also be approached directly. Contact the council or Shelter Cymru to find your local hostel.

### What to expect?

Hostels accommodate a number of people at the same time who will often have to share some facilities.

Sometimes hostel accommodation may not be available locally so the young person will have to stay in a different town.

Most hostels have rules about visitors, opening hours, how long you can stay, and about drink and drugs. Someone staying in a hostel may be asked to leave if they do not stick to the rules.



# D - Rough sleeping

If a young person has nowhere to stay tonight their first stop should be the council's housing department (see page 74). If the council will not help, contact Shelter Cymru for some emergency help or contact a hostel directly.

If however the young person finds themselves sleeping on the streets, make sure they stay safe.

## Health and safety on the street

Sleeping on the streets can be dangerous. It should only be done as a last resort if there is absolutely no other option available. This section gives practical advice on what to do if the young person has no choice but to sleep on the streets.

## Keeping warm

A young person on the streets should:

- Try to find somewhere sheltered
- Protect themselves against the cold by having a sleeping bag and/or blankets
- Avoid sleeping directly on the ground, for example, by putting cardboard or blankets down first.

## Safety

It is better to stay where other people are sleeping, as there is safety in numbers. However sleeping in a visible place may put you at risk from the general public. Young women may be more at risk if they are in an area where there are people they don't know.

There are outreach teams in some, but not all, areas. They visit the places where they know people are sleeping. The outreach teams may be able to get the young people into a hostel or night shelter. They can also give information about day centres available.

## Health

Although people sleeping on the streets have a right to register with a doctor, it can be difficult to get medical treatment. The young person may be offered temporary registration for three months. This will not however enable them to get a medical card.

They can only get this if a doctor accepts them as

a permanent patient. The young person does not need an address to register; they can use a 'care of' address, such as a friend or day centre.

In cities and large towns, there may be drop in surgeries for people sleeping on the streets. Health service staff also visit day centres and offer check ups and treatment.

Some day centres employ staff to help people with mental health problems or drink and drug problems. Many day centres do not allow drink or drugs on the premises.

## Staying in touch

Young people sleeping on the street may lose touch with friends and family if they are moving from place to place. At the same time, friends and family may need to get in contact. Listed below are some ways of keeping in touch:

- Some day centres will accept mail on behalf of young people sleeping on the streets who use the day centre on a regular basis
- Through outreach teams
- The national missing persons help-line
- There are internet sites set up by homeless people for homeless people
- Wifi is offered by some public libraries and cafes if you want to send and receive emails.
- Through The Big Issue.

## Meals

Soup runs visit the places where they know people sleep. They distribute free food and drinks, usually on a daily basis. Day centres may provide free cheap meals to street homeless people.

## Belongings

If the young person is concerned about their belongings they can be advised that some day care centres can store them.

## Pets

If the young person has a pet, they can get free or cheap treatment through an animal charity. They may have to provide proof that they are claiming benefits and that they have nowhere permanent to live.

It is important to advise that most hostels will not accept pets. It is always best to check in advance.

# Preparing to leave home

This section will provide information on the following issues:

- Ⓐ When can a young person legally leave home?
- Ⓑ They have decided to leave home – what next?
- Ⓒ Leaving home checklist

Leaving home is a massive step to take, and good preparation is the key to avoiding problems further down the line.

Firstly, the young person should not feel obliged to move out until they are ready, unless of course they feel unsafe at home (you can refer them to “Being in danger at home” in section 1).

They should be advised to consider all the down sides of having their own place – rent, bills, no-one to do their washing, etc. If you know anyone who has recently left home advise the young person to talk to them about their experiences and it might be advisable for the Youth Worker to attend this meeting.



## A- When can a young person legally leave home?

### Under 16

Any young person under the age of 16 has no rights to leave home. However if they are unhappy and can't talk to anyone in their family you could suggest they talk to a teacher or friend's parent. If they are not happy with this you can suggest they contact ChildLine or the NSPCC (contacts on page 75).

### 16 and 17 year olds

If a 16 or 17 year old wants to leave home they need official consent. If they leave home without it they are unlikely to be ordered back unless they are in danger. Young people should be advised that leaving home without permission is not necessarily a good idea, unless of course they are at risk of abuse or are in danger at home.

16 and 17 year olds are not legally entitled to a tenancy but they can still rent a property and are covered by certain rights. The young person should take advice if they are worried about their accommodation rights.

### 18 years old and over

Once they are 18 the law says they can leave home without their parents' or guardians' permission.

## B- They've decided to leave – what next?

If a young person has decided to leave home they should be advised to talk to their family to explain and discuss their reasons why. Their family may be able to resolve any reasons why the young person wants to move out or may be able to help find them a new home or lend a hand to get together all the things they will need to set up a new home.

### Sorting out finances

The best first move for a young person when considering a new home is to draw up a budget. It will help them work out what kind of accommodation they can realistically afford. From this they will realise that they need to start saving. There are lots of things they will need to buy or spend money on when they have their own place. If they are moving into rented accommodation they will probably need to pay a deposit and one month's rent up front. They may also need to buy furniture and household goods for their new home.

Moving into a new place is always more expensive than people think. If the young person doesn't have enough money to buy furniture and other essential items they can apply for a budgeting loan to help spread the cost. If they are leaving care or are disabled they may be able to get help with the expense of setting up home.

If the young person is on benefits or a low income you can refer them to a furniture project, which can help kit out their new home. You can find out more information about these projects from your local Shelter Cymru adviser.

### Finding somewhere to live

First and foremost, the young person needs to find new accommodation before they leave home. They may have a romantic notion of "sofa surfing" but finding suitable accommodation could take longer than they think, and it's not a great feeling to think that you're getting in people's way. The young person needs to think about the type of place they would like, what is affordable and also if they are going to share with friends, boyfriends or girlfriends.

See section 3. Finding a place to live, on page 36 for information about different types of housing and how to access them.

# Leaving home checklist

Things they will need	Provided in accommodation	Need to buy
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## Kitchen

Cups, plates and bowls		
Saucepans and frying pan		
Knives, forks and spoons		
Kettle		
Toaster		
Oven		
Fridge		
Washing up liquid and tea towels		

## Bedroom

Bed		
Duvet, pillows, sheets and blankets etc.		
Wardrobe / cupboard, chest of drawers		

## Living room

Easy chair		
TV		

Bathroom		
Toiletries		
Towels		
Toilet roll		

Other		
Cleaning Equipment		

The above items may be expensive so check out the following:

- Second-hand shops and charity shops
- Furniture shops
- Furniture recycling schemes
- Car boot sales
- Jumble sales
- Adverts in local papers
- Adverts in supermarkets and newspapers
- Freecycle and Freegle – online groups where people can offer or request unwanted items for free.

They may find some bargains, and it is likely to be much cheaper than buying everything new.

# Moving home checklist

Use this checklist to help you think about who needs to be told that you are moving

Utilities	Old home	New home	Benefits	Old home	New home
Council tax			Child Benefits		
Electricity			Council Tax Reductions		
Electoral register			Disability Living Allowance		
Gas			Employment Support Allowance		
Internet provider			Housing Benefit		
House insurance			Income support		
Mobile			Jobseekers Allowance		
Phone			Personal independence Payment		
TV licence			Tax Credit		
Water					
Money	Old home	New home	Health	Old home	New home
Bank			Doctor		
Building society			Dentist		
Catalogue			Hospital		
Credit card			Optician		
Hire purchase			Counsellor/support worker		
Loan provider			Local services	Old home	New home
Pension			Library		
Your employer			School		
Partner's employer			Nursery/childminder		

# Finding a Place to Live

There are lots of different types of housing available. This section gives some information about what to expect and how to access housing provided by:

- (A) Private rented housing
- (B) Housing associations
- (C) Council housing
- (D) Buying your own home
- (E) Halls of residence
- (F) Supported accommodation

For more detail on issues covered in this section, visit the Get Advice pages on [www.sheltercymru.org.uk](http://www.sheltercymru.org.uk)

## Disclaimer

This section should not be used in isolation when giving legal advice to young people. It is essential to ensure that up to date relevant legislation is checked before giving advice. Shelter Cymru accepts no responsibility for any errors or omissions.

# A- Private rented housing

Private rented housing is generally the most expensive type of housing rental available and Housing Benefit or Universal Credit does not normally cover all the rent. Young people have their Housing Benefit or Universal Credit Housing Costs capped at a rate to cover the cost of a shared room.

Private tenants can be evicted easily, even if they have done nothing wrong (see section 6).

Although many private landlords are responsible and keep their properties in good condition, some tenants can experience problems with their landlords such as not carrying out repairs.

The law protects all private tenants whether or not they have a written contract, so contact an advisor if any problems arise (contact Shelter Cymru).

## Landlord registration and licensing

All private landlords of 'domestic tenancies' in Wales must be registered with the Rent Smart Wales scheme. This means that if a young person has an assured shorthold tenancy, an assured tenancy or a regulated tenancy their landlord should be registered. If he/she is not registered then they will be committing an offence and can face penalties.

In addition, any person who lets or manages a 'domestic tenancy' in Wales must have a licence from the Rent Smart Wales scheme. This includes landlords who self-manage their properties and letting agents who may have been appointed by the landlord.

This means that if a young person has an assured shorthold tenancy, an assured tenancy or a regulated tenancy their landlord or their letting agent should have a licence.

If they do not have a licence they might be committing an offence and could face penalties.

## The 'fit and proper person'

When Rent Smart Wales receives an application for a licence from a landlord or agent, it will have to decide whether or not they are a 'fit and proper person' to let out property.

In deciding whether an applicant is 'fit and proper' Rent Smart Wales can consider information showing that the applicant, or anyone associated with them, has done any of the following:

- committed a criminal offence
- discriminated against someone in any business activity
- broken any other laws in relation to housing.

A criminal conviction doesn't necessarily mean that an applicant won't pass the test. The council will have to look at every case individually and decide whether the information received will affect the person's ability to be a good landlord or agent. It can also consider anything else that is relevant.

## What training does a landlord or agent have to do in order to get a licence?

Before they can be given a licence a landlord or agent must show evidence that they have been on relevant training, covering the main rights and responsibilities of renting and managing properties in Wales.



## How to find out if a landlord is registered and/or licensed?

A young person can check that a landlord and/or agent is registered and/or licensed before they agree to move in or sign a tenancy agreement. They can do this by checking the public register online or by phoning 03000 133344. They will need either the landlord or agents name and the address of the property.

If a landlord and/or agent is licensed but there are concerns about their conduct this can be reported to Rent Smart Wales who will investigate the problem.

## What if a young person's landlord isn't registered or their landlord/agent has not yet got a licence?

If a current landlord hasn't applied to register, or an landlord/agent has not applied for a licence, a young person should make sure they let them know that they should do so – it's possible that they may not have realised yet.

Landlords or agents that are not registered and/or licensed can be prosecuted. They may also face one of the following penalties:

- **a fixed penalty notice** – giving landlords or agents the option to pay a fixed penalty of £150 or £250 (depending on the offence) rather than have a conviction
- **a rent stopping order (RSO)** – stopping rent being paid by the tenant for a period
- **a rent repayment order (RRO)**– requiring landlords or agents to repay any rent, housing benefit or universal credit paid to them for a period.

It is up to the council or Rent Smart Wales to decide what action to take if a landlord or agent does not register or get the right licence. A young person can contact their council's public protection department or Rent Smart Wales directly if they are concerned. RSOs and RROs can only be made by a residential property tribunal. In some circumstances, tenants can apply to the tribunal themselves for an RRO. If a young person wants to do this contact the Residential Property Tribunal Wales.

If a young person has an assured shorthold tenancy and their landlord or agent is not registered or properly licensed, any section 21 notice that they may have given to end the tenancy cannot be relied on to evict them.

Rent Smart Wales has produced a useful Guide for Tenants in Wales, which sets out the rights and responsibilities of landlords, agents and tenants in Wales, including more information about licensing.

## Finding private rented housing

There are various places young people can look for rented accommodation. Here are a few suggestions:

### Letting agents

Most estate agents have residential letting departments and print a list of property for rent (usually updated bi-weekly or monthly). However, renting from a recognised letting agent may prove costly because they will take a percentage of the rent before it gets to the

landlord. This means the landlord may bump up his or her rent to cover this cost.

The advantages of having a letting agent come into play if the tenant has any disputes with the landlord or if there are repairs that need carrying out.

Letting agents may try and charge letting fees for finding a place. Since the 1st September 2019 such fees are banned in Wales and a landlord or letting agent can be prosecuted or fined if they try to charge them. Don't pay any fees before you have been offered a place. If in doubt about whether the fee is banned fees, contact Shelter Cymru.

## Newspapers and Newsagents

Private landlords sometimes advertise properties for rent in the small ads of local newspapers or on cards placed in shop windows. These adverts change quite frequently and may only appear in one paper or window, so look in as many places as possible and keep going back to check every week. These landlords will probably rent direct to the young person without using an agent so their accommodation can be cheaper.

## Social media

Websites such as Facebook or Gumtree often have local groups advertising properties for rent in an area.

# B- Housing Associations

Housing associations run waiting lists for people who want a place to live.

If a young person is housed in housing association accommodation their tenancy is usually more secure than a private rented place.

Housing association rents tend to be cheaper than private housing, however:

**1.** Tenants living in housing association accommodation will have a reduction in their Housing Benefit or Universal Credit Housing costs if they are over accommodated i.e. they have more bedrooms than they need. This is sometimes known as the 'bedroom tax'.

There are exceptions to this rule if they are disabled and need an extra room for a carer, or if they are unable to share a room with a partner due to disability.

**2.** Housing benefit or universal credit Housing costs are capped at Local Housing Allowance rates. This means that single young people may have to make a contribution towards their housing costs even if they are not over accommodated and are not in receipt of any earned income.

Housing association flats and houses are not available in every town, but in some areas there may be more than one housing association working so the young person may have to visit each one. It is always a good idea to apply to the council as well in order to improve the chances of getting a place soon. In some places a combined list is operated for housing associations and the local council in which case the young person will only have to apply once.

## Who can apply?

Anyone over the age of 16 can apply for a housing association property. Some housing associations run schemes or specialise in providing housing for certain groups so this needs to be checked before applying.

All housing associations work in different areas of the country and most will have rules about living in the area for a certain amount of time. Ask about this when applying.

All housing associations will also have rules about people who they will not house and the rules are different for each association. These sorts of rules may exclude people who have been evicted by another landlord recently, have a history of rent arrears, anti-social behaviour or criminal offences. If a young person is told they cannot apply seek some help (contact Shelter Cymru).

## Applying for a Housing Association house or flat

The young person will have to fill out an application form, which may ask about:

- Their previous and current housing situation
- Who lives with them
- Their income
- Previous convictions or evictions. All the questions on the forms must be answered in full, providing evidence wherever possible. The Housing Association may want to visit the young person in the place they are living at present to go through their application form and ask some more questions.

When someone is applying to a Housing Association they should make sure they tell the truth and do not withhold any information. People who lie on their application can be evicted at a later date.

Applicants who are willing to live in hard-to-let areas may be able to get accommodation very quickly.

It is important to tell the young person that if their circumstances change in any way, they should let the council/Housing Association know as it may affect the number of points they have on the waiting list.





## How long will the young person have to wait?

Each housing association has its own points system and criteria. This means that the points or priority awarded could be different from one housing association to another.

According to the information supplied in their application the young person will be assessed and placed on a waiting list or a housing register. How long they will have to wait will depend on their particular circumstances and how the register is operated. This means that it is very difficult for the association to give a precise date when a flat or house will be offered.

Associations decide who will get accommodation first by awarding each applicant priority points. This could be in the form of points, or sometimes associations use a banding system. Those with the most points will get first priority and are likely to be housed more quickly, but there could still be a long wait.

Priority points will usually be awarded for things such as:

- Having a child
- Being pregnant
- Having a disability or health problems
- Leaving care
- Living in disrepair or over crowding
- Being unemployed
- Living in the area already.

When someone applies for housing they will be asked which areas they want to live in. If an applicant restricts their choice to a small area

they may have to wait longer than if they wished to be considered for a number of different areas.

## Being allocated a house

There are different ways housing associations allocate houses to people on their waiting lists.

## Old style allocation schemes

Some housing associations and councils run old style allocation schemes. The waiting

list is not first come first served, people in greatest need will have the highest points and should get housed sooner than someone in less housing need.

When they get to the top of the list the association will contact the young person and make them the offer. The young person will get an opportunity to view the property before making up their mind whether to accept or not. If an offer is rejected they might not get another offer made for a set period of time so ask about this before a decision is made.

It is not possible to say for sure how long anyone on the list will have to wait. Later applicants may have more points and therefore push everyone else “down” the list.

## New style allocation schemes

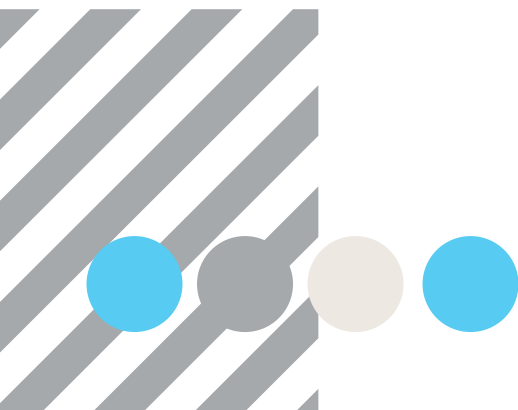
Some housing associations and councils now allocate housing by advertising all their properties in a brochure. A new brochure will be sent to all applicants regularly, usually once a month.

If they want to be considered for a property that has been advertised they will need to complete a voucher given to them by the landlord, or asked to bid for the property online. These are often called choice-based lettings, because applicants have a choice over which properties to bid for.

The applicant with the highest needs and therefore the highest number of points will be allocated the property.

The successful applicant will be contacted and invited to view the property. If they accept the property, a moving-in date will be agreed, contracts will be signed and arrangements made to collect the keys.

If, however, the young person is not happy with the property, they should inform the landlord why the accommodation is not suitable for them. If they are penalising them for refusing a property, seek advice (contact Shelter Cymru).



# C- Council housing

Councils run waiting lists for people who want a place to live. Council housing tends to be the cheapest accommodation and is the most secure. Someone wanting a council house or flat will have to make an application to the waiting list, which can be very long. Anyone over the age of sixteen can apply.

If someone puts their name on the council waiting list they may get offered a council or housing association property as the two often work together. In some areas councils run combined waiting lists with housing associations so a young person who applies to the council will be considered by all housing associations in their area as well. Housing benefit and universal credit housing costs run in the same way for council tenants as housing association tenants.

## Who can apply

Anyone aged 16 or over can apply for council housing; you do not even have to be living in the area. Once someone has applied though they may be told they are not eligible to go on the waiting list, even though they are in need of housing.

There are only very limited reasons why a council can find that someone is not eligible to go on the housing register, such as:

- They are an asylum seeker or other type of immigrant
- They have been guilty of serious unacceptable behaviour which makes them unsuitable to be a council tenant. For example, they have been evicted for rent arrears or anti-social behaviour in the past or are guilty of anti-social behaviour or some criminal offences

In some cases, instead of deciding a young person is not eligible, the council put them on the housing register, but not give any priority when deciding who to house.

If a young person is told they are not allowed on the waiting list or are not allowed to apply they should seek advice immediately (contact Shelter Cymru).

## Applying for a council house

Applying for council housing is very much like applying to a Housing Association (see page 26).

## How long will they have to wait?

Council waiting lists work very much like those for Housing Associations. However, there are certain groups of people who must always be given priority. The law calls this 'reasonable preference':

- People who are homeless or about to lose their home
- People living in very poor conditions
- People who have health problems which is affected by their housing
- People who need to move on welfare grounds
- People who need to live in the area to avoid hardship

## Being allocated a house

There are different ways councils allocate houses to people on their waiting lists. Councils and Housing Association work in very similar ways.

## Transfer and exchange

If a council or Housing Association tenant wishes to move house, they can do so by using one of the following methods:

- Apply for a transfer to a different council property (same system as that described above) or Housing Association property
- Exchange their home (swap) with another council or housing association tenant.
- Council tenants can also make an application to move to another area of the country. Application forms and further information can be obtained from the council's housing department.

## D - Buying your own home

Most people in Britain are owner-occupiers paying a mortgage, but that means raising a deposit, often thousands of pounds, and keeping up the monthly payments.

If the young person is thinking of buying their own home, particularly if it's for the first time, they need to consider their options carefully. Most households in the UK own their own home, and enjoy the extra security and freedom it brings. Many people have seen their homes alter in value over the years, and very few would choose to go back into rented accommodation. However, buying isn't necessarily the best option for everyone. If the young person is thinking of buying, some things they should consider are:

- Finding a place to buy. Most people use estate agents, but it is also possible to find a property through a private sale or a property auction. Most buyers have a clear idea of the type of property they are looking for, but it may be difficult to find the ideal home. It is usually easier to decide if somewhere is suitable if they have worked out in advance exactly what they are looking for in a property.
- The cost of buying - buying a home is probably the most expensive purchase a person will ever make. It's a long-term financial commitment and they will need a regular income. They will have to pay a number of fees and other expenses before the sale is final, and will have to make regular payments (usually monthly) after they move in.

The young person needs to bear in mind that their monthly repayments may increase considerably if interest rates rise.

The process of buying. Once they have found a property, the sale usually involves:

**Step 1** - mailing an offer

**Step 2** - getting a valuation if the seller accepts your offer

**Step 3** - getting a survey or homebuyers report

**Step 4** - doing the legal preparation (conveyance)

**Step 5** - exchanging contracts and paying a deposit

**Step 6** - completing the sale and moving in.

**Buying with other people** - If they buy a home with another person, they need to decide how they will share ownership of the property. The decision they make will affect the rights they have if one of them dies, their relationship ends or one of them wants to leave.

**Home ownership schemes** - in some areas there are schemes that can help make home ownership more affordable, including

- Rent to Own – Wales
- Help to Buy – Wales
- Homebuy – Wales
- Shared Ownership – Wales

Ask your council about the schemes that are available locally.

# E- Halls of residence

Most colleges and universities have halls of residence. Students in halls of residence normally get a single room and share cooking, bathroom and toilet facilities with other students. Some halls provide meals and bed linen, however for the majority they are self catering. Most first year students are offered a place in halls before they start their course. If this happens they should be advised to read any paperwork they receive and return it completed and on time.

Students are not usually permitted to stay in halls of residence for the duration of their course so they will need to check out other options at a later date.

Rent levels in halls of residence are often a little cheaper than private rented housing and the conditions tend to be a lot better. Most students cannot claim Housing Benefit (see section 5).

Most halls of residence are owned by the college or university, however some are managed by private companies. If this is the case the college or university may still make the decision about who gets accommodation but the company is the landlord. It is responsible for collecting the rent and managing services such as cleaning and repair.

## Accessing halls of residence

Any student wanting to move into halls of residence will have to contact the accommodation office of the university or college they attend. They will have to apply to be considered and will be allocated accommodation according to their preferences, the availability of accommodation and the college's own rules.

If someone is given a place in halls of residence they will normally be allowed to stay for one academic year and will have to apply again for each year they wish to stay in halls.

It is not uncommon for students to have to apply for accommodation well in advance, and in some universities or colleges, halls of residence are not available to everyone. Ask at the accommodation office of the university or college for more information.



# F- Supported accommodation

Many young people might find themselves in the situation where they need more than just a roof over their head. They may need support, either for a short period, or for a longer time to help them with:

- Claiming benefits
- Managing money and debts
- Tenancy issues such as Housing Benefit, rent arrears, repairs, etc.
- Health issues such as finding a doctor
- Education/training/employment
- Learning independent living skills.

There are a number of organisations that provide “supported housing” to help young people.

## Who provides supported accommodation?

### Councils and housing associations

Most councils and housing associations run supported housing projects. These might be blocks of flats that are dedicated for young people where support workers are based and are on hand to work with the young people.

“Floating support” might also be available. This is where the young person lives in their own house or flat, provided by the Council, Housing Association or private landlord and a support worker comes to visit them.

Here are some examples of supported housing in Wales:

### Foyers

There are a number of foyers in Wales; run by a variety of organisations. Foyers provide temporary supported accommodation for young single homeless people, aged between 16 – 25, who wish to obtain or maintain education, training, volunteering or employment opportunities and wish to acquire the skills to live independently. Foyers aim to support young people to identify areas they wish to improve as part of their own personal development at a place and within a time frame that best meets their individual needs, so that when they move on they are able to sustain and or develop further their chosen education, training, volunteering or employment path.

### Supported lodgings

Supported lodging schemes put people who need accommodation in touch with people who have a room to rent out. They are usually run by Councils and can be cheaper than a hostel.

Some householders will also provide meals as part of the rent.

Supported lodgings are a good stop-off before a young person is ready to move into their own place, but the time you can stay in supported lodgings will vary depending on how long the room is available or how well they get on with the household.

Staff from the supported lodgings scheme keep in touch with the young person throughout their stay to help sort out benefits or any problems and help find a permanent place to live.

To find your nearest supported lodgings scheme, contact Shelter Cymru or your local council.



## The Renting Homes (Wales) Act 2016

In 2016 the Welsh Government passed The Renting Homes (Wales) Act. This Act will introduce lots of changes to tenancy laws in Wales, including :

- replacing many current tenancies with 2 kinds of 'occupation contract': a 'secure contract' and a 'standard contract'. The type of occupation contract will depend on whether the property is owned by a private landlord or a council or housing association. There will be some exceptions.
- tenants will be known as 'contract holders'
- the introduction of standard terms which must be included in every occupation contract
- a requirement that terms of occupation contracts must be set out in a written statement
- all rented properties must be fit for human habitation
- landlords will be prevented from evicting a contract holder in retaliation for any complaints they might make about repairs.

These changes are not yet in force but it is anticipated that they will be introduced over the next couple of years. When they are introduced they will apply to virtually all rented properties in Wales.

# Preparing to Move In

Before a young person agrees to move into a property it is important they do not get too carried away with the excitement of a new home. It would be advisable for them to make a few checks before moving in.

This section includes useful checklists of what the young persons needs and what they need to do before moving in.

- A** What they need
- B** Tenancy checklist
- C** A young person's rights and responsibilities

For more detail on issues covered in this section, visit the Get Advice pages on [www.sheltercymru.org.uk](http://www.sheltercymru.org.uk)

## Disclaimer

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# A- What they need

Setting up home can be expensive. Use the leaving home checklist on page 22 to help them plan.

## Viewing a property

Whether someone is considering moving into a house or flat with the Council, Housing

Association or private landlord, they should make sure it is right for them before they commit themselves.

Use the following checklist to help decide if the accommodation is suitable.

<b>Doors and windows</b>	Do they look secure? Do the locks work? Do they open properly?
<b>Damp and condensation</b>	Does it smell damp? Are there black spots or other signs of mould on the walls?
<b>Decoration and furniture</b>	What furniture comes with the flat/house? Will the tenant be allowed to decorate? Is the landlord planning to do any decorating?
<b>Heating</b>	Is there central heating? What fuel is used? Does the hot water work? How warm will it be in winter?
<b>Fire safety</b>	Has it got smoke alarms? Does it have a carbon monoxide detector/alarm? Where are the fire escape routes?
<b>Gas safety</b>	All gas appliances must be inspected annually by a Gas Safe registered inspector. Does the landlord have the latest annual safety certificate?
<b>Contract</b>	What type of contract will they be offered? How long will the tenancy last? What will happen if they want to leave?





<p><b>Who owns and manages the property</b></p>	<p>Who will they pay their rent to?                  Who do they contact if they need repairs done? What impression does the landlord / agent give, are they friendly, pushy, rude, helpful?                  If a private landlord, are they registered and, either licensed or appointed a licensed agent under the Rent Smart Wales scheme?</p>
<p><b>Services</b></p>	<p>Is there a phone line in the house?                  Is there internet connection?                  Are the gas, electricity and water connected?                  Are any bills included in the rent?</p>
<p><b>Lodgings</b></p>	<p>If someone is living with their landlord, check:                  What services will be provided?                  Can they have guests?                  Do they do their own laundry?</p>
<p><b>Money</b></p>	<p>Is a deposit needed, and how much is it?                  How much is the rent?                  How much rent in advance has to be paid?                  When and how is the rent to be paid?                  Does the landlord accept Housing Benefit?                  How much is Housing Benefit likely to pay?                  How much is the Council Tax on the property?                  How much are the bills likely to be?</p>
<p><b>Location</b></p>	<p>How near is the property to shops, friends and family?                  Is the accommodation on a public transport route?                  What does the area look like, is it the sort of place they would be happy staying in?</p>



# B - Tenancy checklist

If someone has decided to take a flat or house it is important to make some final checks with the landlord before they sign a tenancy agreement. Once the tenancy has been signed they have entered into a legal contract which might be difficult to get out of quickly, so make sure before anything is signed.

<b>Deposit</b>	<p>Check that the deposit is refundable.          Carry out a full inventory.          Get a receipt for any deposit or rent in advance.          Check which tenancy deposit protection scheme the landlord uses.</p>
<b>Tenancy agreement</b>	<p>Read through the tenancy agreement before signing.          Check the obvious things are correct – dates, names, rent amount, etc.          Get some help if you do not understand something.          Make sure all the tenant's responsibilities are understood.</p>
<b>Safety</b>	<p>Make sure your landlord has given you an up to date gas safety certificate.          This must be renewed every year          Check smoke alarms and carbon monoxide detectors are in working order          Ask for records of any electrical inspections.          Appliances must be safe and checks are recommended every 5 years</p>
<b>Gas and electric</b>	<p>Take meter readings</p>
<b>Energy Performance Certificate</b>	<p>A landlord should provide this before a tenant moves in. Not required for a house of multiple occupation</p> <p>If the landlord has agreed to carry out any jobs before moving in, get it confirmed in writing.</p>
<b>Repairs</b>	<p>If the landlord has agreed to carry out any jobs before moving in, get it confirmed in writing.</p>
<b>Contact details</b>	<p>All tenants are entitled to the full name and a UK address for their landlord.          Ask for this to be given in writing.</p>
<b>Insurance</b>	<p>Check what is covered by the landlord's insurance. The tenant may wish to take out their own contents insurance policy.</p>

## Inventories

An inventory is a list of the contents and condition of the property and any items provided within it, such as furniture or equipment. An inventory is drawn up at the start of the tenancy and then checked at the end to help solve any disagreements about damage to the property.

Ideally the inventory should be done before they move into the property. If there is not one in place get one drawn up as soon as possible. The landlord or letting agent should put the inventory together with the tenant present if possible. It should be signed by the landlord and tenant to show that they agree it is correct. The young person should always check the inventory thoroughly before they sign and then keep a copy for themselves

If the landlord refuses to do an inventory, advise the young person to do their own and get an independent witness such as a friend or support worker to sign it and send a copy to their landlord or agent.

# Inventory

This inventory may help avoid disputes between landlords and tenants over deposits. Attach extra pages if necessary. Both landlord and tenant should sign each page and keep signed copped with the tenancy agreement.

**Address of property:**

Entrance Hall		Quality/Conditions	Entrance Hall		Quality/Conditions
Flooring			Flooring		
Curtains/blinds			Curtains/blinds		
Walls/ceiling			Walls/ceiling		
Furniture			Table & chairs		
Gas/electrical			Other furniture		
Other fittings			Fridge		
Living Room		Quality/Conditions	Cooker		
Flooring			Microwave		
Curtains/blinds			Washing Machine		
Walls/ceiling			Other appliances		
Furniture			Cutlery		
Gas/electrical			Pots & pans		
Other fittings					
Bedroom 1		Quality/Conditions	Bedroom 2		Quality/Conditions
Flooring			Flooring		
Curtains/blinds			Curtains/blinds		
Walls/ceiling			Walls/ceiling		
Beds			Beds		
Other fittings			Other fittings		
Bathroom		Quality/Conditions			
Curtains/blinds					
Walls/ceiling					
Gas/electrical					
Cabinets/fittings					
Name of Tenant	Signature and Date		Name of Landlord	Signature & Date	

# C - Young person's rights and responsibilities

Landlords and tenants both have certain rights and responsibilities – even if they are not mentioned in the tenancy agreement or even where there is no written tenancy agreement. Some rights and responsibilities apply to all tenancies. Others are set out in the legislation that applies to the particular type of tenancy they have.

**Important:** If they have a licence rather than a tenancy, they may not have all of these rights. They should get advice if they are not sure whether they are a tenant or a licensee (contact Shelter Cymru).

## Tenants' responsibilities

Most tenants can be evicted if they don't follow certain basic rules. These include:

- Don't leave their home empty over any length of time
- Keep up to date with their rent
- Keep up to date with their bills
- Take care of their home
- Don't become a nuisance
- Be responsible for their household and visitors
- Criminal activity

## Landlords' responsibilities

If the young person is a tenant, their landlord has certain obligations. The rules and procedures vary depending on the type of tenancy they have, but certain basic rules are always the same. Landlords' responsibilities include:

- They must not unreasonably disturb the tenant
- They must follow the correct procedure if they want the tenant to leave
- There are certain repairs they must carry out
- The property must follow safety standards
- They must follow the rules on rent increases.

All landlords have to give their tenants their name and a UK contact address. If a letting or property agent manages the property, they must also provide the tenant with the landlord's name and a UK contact address. Any requests should be made in writing; failure to provide this information within 21 days is a criminal offence.



# Money Matters

For a young person to secure and sustain a tenancy it is crucial that they know how much it is going to cost them. This section provides advice on:

- A** Bonds and deposits
- B** Benefits and wider welfare
- C** Social fund grants and loans
- D** Budgeting

For more detail on issues covered in this section, visit the Get Advice pages on [www.sheltercymru.org.uk](http://www.sheltercymru.org.uk)

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# A - Bonds and deposits

## What is a deposit?

Most private landlords require tenants to pay a bond or deposit before they move in. Both these words are used to describe money given to the landlord and held to cover the cost of damage done to the property by the tenant. At the end of the tenancy the landlord should return the deposit to the tenant, minus any money the landlord has spent, or will have to spend, repairing damage.

It is good to advise any young person in rented accommodation that a landlord cannot take money out of their deposit to cover normal wear and tear.

## Help with bonds & deposits

In some parts of the country there are Bond boards, which can help people pay their bond. Each scheme works closely with tenants and landlords but some have rules about who they can help. To find out if there is a scheme in your area, contact your local council housing department or Shelter Cymru.

People in receipt of Housing Benefit or Universal Credit Housing Costs can ask their Local Authority for a Discretionary Housing Payment for rent in advance, deposits and other lump sum costs associated with moving home; for example removals costs.

Landlords can only withhold money to cover damage done to the property by the tenant, or if rent is outstanding. A landlord cannot withhold any more money than is required to cover this damage. Normal wear and tear to decorations, flooring and furniture, etc. are not payable out of a deposit.

## Tenancy Deposit Protection Schemes

All deposits taken by private landlords for assured shorthold tenancies must be protected in an approved Tenancy Deposit Protection Scheme. These schemes have been set up by the government to protect tenants against bad landlords and can help resolve any difficulties about repayment of deposits at the end of the tenancy.

There are three schemes available; each landlord can choose which scheme they wish to use. The landlord must tell the tenant which scheme they are using.

If the tenant has any concerns about their deposit they should contact their Tenancy Deposit Protection Scheme or Shelter Cymru.

Landlords who do not stick to the rules can be ordered to pay back the deposit plus compensation to the tenant. They will also be limited in how they can bring a tenancy to an end.

## Getting deposits back

The landlord can only keep all or part of the deposit if the young person has caused damage to the property or not paid the rent. To ensure that they get their deposit back at the end of the tenancy it is advisable they:

- Check their tenancy agreement says exactly what the deposit covers and when it will be returned.
- Speak to the tenancy deposit scheme if they have any problems or queries.

- Ensure they keep a detailed inventory of the property.
- Keep records of all rent payments
- Notify the landlord of any damage, and repair it if they caused it.

## Protecting deposits checklist

It is always a good idea to keep records, just in case! If there are problems getting the deposit back these could prove invaluable.

<b>Inventory</b>	Has one been written? Has the tenant checked it thoroughly? Has it been signed and dated by landlord and tenant?
<b>Photographs</b>	Take photographs of any damage at the start and end of the tenancy.
<b>Receipts</b>	Keep receipts for rent. If the tenant has replaced anything keep the receipt. Keep receipts for any repair work the tenant has carried out.
<b>Be a good tenant</b>	Remember tenants are liable for all damage they cause to their house or flat. Try to keep the place clean. Inform the landlord straight away of any disrepair or damage.
<b>Letters and phone calls</b>	Keep a record of all letters or emails to and from the landlord. If the tenant tells the landlord something by phone or in person, make a note of it and put it in a letter to the landlord as well.

## Rent in advance

A young person may be asked to pay rent in advance. If they can't afford to pay they may be eligible for :

- a budgeting loan from the social fund.. If they secure one of these (which isn't guaranteed) they will have to pay it back
- A budgeting advance through their universal credit. This is then repaid through future universal credit payments

- A Discretionary Housing Payment if they are in receipt of Housing Benefit or Universal Credit housing costs. Some bond boards also give people help with rent in advance.

Contact Shelter Cymru to find out what help is available locally.



## B- Benefits

If the young person is on low income they may be entitled to housing benefit or universal credit housing costs that will help them to pay the rent.

Working out what benefits a young person may be entitled to can be confusing and complicated and it is usually worth getting some advice to make sure they are receiving all the help they are entitled to in their circumstances.

This kind of help may be available locally through Citizen's Advice and local authority welfare benefits services. There are also some really useful online benefits calculators that can help such as Turn2us and Entitled To that will work out which benefits someone is entitled to.

### What if the young person is claiming housing benefit?

If the young person has made a new claim and they have given the Council all the information it needs they can ask for a payment on account after 14 days. This is likely to be less than the rent they owe but their landlord may be more likely to wait if they can see that the young person is doing everything they can to get the claim processed quickly. If someone's Housing Benefit is delayed or they have any problems they should seek help from Shelter Cymru or Citizens Advice.

### Shared Accommodation rate

Most single people between 16 and 34 and claiming housing benefit or universal credit housing costs will get help only up to the average of a single room in a shared house.

This applies to single people under the age of 35 who rent from a private landlord. It will also apply to council and Housing Association Tenants on housing benefit whose tenancy began on or after April 1st 2016. The cap will apply to every tenant in receipt of universal credit housing costs whenever their tenancy began.

This restriction, known as the "shared accommodation rate", previously "single room rate", means that if a young person has limited cash and their rent is due, they may have to make up the shortfall from elsewhere. Students who are at college may have a special hardship fund, which can help.

These rules don't apply to young people who are under 22 and have been in care or accommodated by the Local Authority since the age of 16. There are other exemptions to these rules.

### Local Housing Allowance

This helps towards housing cost for people renting from private landlords.

Local housing allowance (LHA) is housing benefit for people who are renting their accommodation from a private landlord.

The amount of LHA a person can get will depend on their income and savings, the size of their household and the number of bedrooms the council decides that they need. In each area, the LHA rates are set for different sized properties within nationally set maximum limits.

This means that a person can rent a property of any size but they will only get the LHA rate applicable to their situation – for example, a single young person under 35 will only get the 'shared accommodation rate' and a single parent or couple with 1 child would get the 2 bedroom rate.

The maximum LHA rate is for 4 bedroom accommodation. This applies even if the household needs a larger property.

If the rent is more than the LHA rate, they will have to make up the rent shortfall themselves.



## Bedroom Tax

Housing association and council tenants who are of working age (16-retirement age) will have their benefits cut by a certain percentage if they are deemed to have 'spare bedrooms'. Housing benefit is cut by 14% for one spare bedroom and 25% for two or more.

This is sometimes known by different names, including the 'bedroom tax', the 'under- occupancy charge', the 'social sector size criteria' and the 'removal of the spare room subsidy'.

Under the bedroom tax, children are expected to share rooms depending on age and gender. Children under the age of 10 are expected to share a bedroom regardless of gender. If two children are of same-sex they are expected to share a bedroom up to the age of 16 years.

Children with disabilities who cannot share a room because of their disability can be allocated a room each. This rule also applies to adult couples in receipt of a qualifying benefit.

Under the bedroom tax tenants may be unable to afford to make up the cut in their housing benefit and as a result could be at risk of becoming homeless.

## Non-dependant deductions

A 'non-dependant' is an adult, aged over 18 who is living in the same household as the person claiming housing benefit and could contribute to the rent. For example, adult children, relatives and friends living with the claimant would all be classed as non-dependants. Partners, joint tenants, people staying as guests on a temporary basis and lodgers are not counted as non-dependants.

The amount of housing benefit that someone can receive will be reduced if they have a non-dependant living with them. This is called a 'non-dependant deduction'. This will apply even if the person claiming housing benefit isn't actually receiving any money towards the rent from the non-dependant.

There are some exceptions for those under 25 receiving certain benefits, most full-time students and those away from home in prison or serving in the armed forces. If the person claiming housing benefit or their partner is disabled and meets certain criteria their housing benefit should not be reduced.

The amount of the non-dependant deduction will depend on the income of the non-dependant.

## Discretionary housing payments

If someone qualifies for housing benefit or universal housing costs, but are facing hardship because they cannot afford their housing costs, they may be able to get a discretionary housing payment (DHP) from their local council.

Each local council is given a pot of money each year to help people who qualify for housing benefit (or housing costs under universal credit) but are having trouble:

- paying their rent, or
- finding enough money to pay for the start-up costs of a tenancy

The council decides who should be given a DHP, how much and how often the payment is made. It may be paid weekly or can be a lump sum. Payments can also be backdated.

A DHP can be paid if:

- the person is already getting housing benefit/ housing costs help with their universal credit
- there is a shortfall between the housing benefit they receive and the rent they have to pay themselves, and
- they are having difficulty paying the shortfall.

This can include where help with universal credit housing costs or housing benefit has been reduced due to changes in the benefit laws, such as the 'bedroom tax', the 'benefit cap' or changes to the rules in local housing allowance. It may also be paid if housing benefit has reduced because of a non-dependent deduction being applied.

In certain situations, a DHP can also be paid to cover a rent deposit or rent in advance for a property that someone is yet to move into. A local council may make a payment to help avoid someone from becoming homeless. In some situations, payments can also be made to help with rent arrears.

A DHP is usually paid for a fixed period of time – if this is the case, the council should make it clear to the person when the payment will end. If their circumstances change whilst they are receiving DHP then they should tell the council about those changes so that they can review the payment.

Applications for DHPs are made to the housing benefit section of the local council.

## Payment of benefits

A local authority will usually pay housing benefit to the claimant but they can decide to pay directly to the landlord if the tenant doesn't pay their rent and they are over 8 weeks in rent arrears. The landlord can request this.

If there are other circumstances such as, the young person has a history of rent arrears, or can't manage money for some reasons, or if the landlord has agreed reduced rent to help them keep their home, direct payments can also be requested by the tenant or someone assisting them such as a support worker.

Universal credit is automatically paid direct to the claimant every calendar month, including any help towards housing costs. If the young person is not able to budget a monthly payment, they can request an Alternative Payment Arrangement (APA). This could include payments of housing costs direct to the landlord, more frequent payments, or split payments between partners.

APAs can be requested by the claimant, their support worker or their landlord. Payments of housing costs direct to the landlord are possible if there are one month's rent arrears, and mandatory if there are two months arrears.

## The benefit cap

The benefit cap is a limit on the total amount of benefits that most people of working

- age can claim. This includes all the benefits the person and their household receive, including housing benefit. The total amount of benefits that can be received by any individual or family living in Wales is capped at:
- £384.62 per week for single parents and couples with children (£20,000 per year)
- £257.69 per week for single people (£13,400 per year).

If the person's benefit entitlement, would be more than the benefit cap the extra will be cut from their housing benefit or universal credit.

Not everyone who gets benefits will be affected by the benefit cap. Families who work enough hours to claim tax credits or have enough earnings and are claiming Universal credit are exempt. If someone was in work

for 12 months or more and loses their job through no fault of their own, the benefit cap won't apply for the first 39 weeks of their claim. Disabled people or people with disabled children who receive certain benefits will also be exempt.

## Universal credit

Universal Credit (UC) is a monthly payment for people of working age, designed to top up income to a minimum level.

UC has replaced several older benefits, namely Jobseekers Allowance, Employment and Support Allowance, Income Support, Housing Benefit, Working Tax Credit and Child Tax Credit. It is a means-tested credit (based on how much income and capital someone has) All areas of Wales are now accepting new claims for UC .

Providing a person's income and savings don't go above certain limits, they can carry on claiming UC if they are working or out of work. You can get UC however many hours you work.

Claimants receive one monthly payment that will include money to live on as well as help towards their rent. Help with rent is called 'UC housing costs' and a separate claim is not needed in the way it is for housing benefit.

Many other benefits, including child benefit, carers allowance, personal independence payments and contribution based jobseekers allowance or employment and support allowance, continue to exist. Some count as income when UC is calculated, and others do not.

## Council Tax Reduction

Wherever the young person lives they may have to pay council tax, but they may be able to claim a reduction in the bill from their local council. This is known as the Council Tax Reduction scheme and replaced Council Tax Benefit.

Help with council tax is not available within UC, so it is important that UC claimants remember to make a separate claim for a council tax reduction directly to their Local Authority.

If they are a student, and only students occupy the place they live in, they probably won't have to pay council tax. They will need to fill in a form to get a certificate of exemption – they should contact their local council office to find out if they qualify for help with their council tax, and to get the forms they need.

### Key points

- The bedroom tax applies to local authority/housing association tenants who are considered to have spare rooms and be under-occupying their property.
- The 'benefit cap' sets a maximum amount of benefits that can be claimed by people of working age.
- Discretionary housing payments are available from local authorities for people claiming housing benefit or universal credit housing costs who may need additional help to meet their housing costs.



## C- Social fund grants and loans

The Welsh Government provides financial assistance in emergencies or, as a last resort, when people need to move home. This assistance is given through the Discretionary Assistance Fund (DAF) and there are 2 types of payments available:

- 1. Emergency Assistance Payments** - to help in an emergency or when there is an immediate threat to health or wellbeing. A payment could be made, for example, for general living costs following an emergency or disaster, if the young person doesn't have any other way of getting the help they need.
- 2. Individual Assistance Payments** to help people to remain, or begin, living independently in the community. Payments could be made for help in buying essential items needed to set up a home, especially if a young person has been homeless or is leaving supported accommodation. Usually, grants are made through a pre-paid card.

Both of these payments are grants and do not have to be paid back, but to be eligible, certain criteria needs to be met.

For an Emergency Assistance Payment, the person doesn't have to be receiving benefits but for Individual Assistance Payments they must be on certain benefits, or if leaving an institution within 6 weeks, likely to get one of those benefits within 6 weeks upon leaving.

An application to the DAF can be made in one of the following ways:

- By phone - 0800 859 5924 free from a landline or 03301 015 000, which is charged a local rate.
- Online at <https://gov.wales/discretionary-assistance-fund-daf/how-apply>
- By post - postal application form can be downloaded and printed from <https://gov.wales/discretionary-assistance-fund-daf-application-form> **Once complete it should be sent to:**

Discretionary Assistance Fund PO Box 2377

Wrexham LL11 0LG

## Budgeting loans

A young person may be able to get a Budgeting Loan to help with one off large expenses such as furniture or rent in advance. The young person has to be at least 16 to apply and they or their spouse or partner must have been on income support, Income based Jobseekers Allowance, income-related employment support allowance for at least 26 weeks.

Budgeting Loans can only be applied for to pay for certain items, including:

- Rent in advance
- Furniture and household equipment
- Improvement or maintenance of the home
- Travel expenses.

Budgeting Loans must be repaid; set amounts are deducted from the young person's benefits to pay the loan off, so make sure they will be able to afford the payments.

To apply, complete a SF500 form which is available from a local Jobcentre Plus or it can be sent to you by post if you phone 0345 603 6967. The form can also be downloaded from [www.gov.uk/budgeting-help-benefits/how-to-apply](http://www.gov.uk/budgeting-help-benefits/how-to-apply).

## Universal Credit Budgeting Advance

Universal Credit (UC) claimants can apply for a budgeting advance to help them with large expenses.

To get a budgeting advance:-

- You must have been getting UC for six months, unless the expense is a necessary expense related to your employment.
- You must be able to repay the advance, and your earnings must not be too high.
- The minimum you can borrow is £100, the maximum depend on your circumstances.

## Bills

Wherever a young person is living they will probably have to pay for gas, electricity, water, etc. If they are living with friends or family they may be asked to make a contribution to the bill payer, if they are lodging with their landlord these expenses are usually covered in the rent. When a young person has their own tenancy they will probably be the bill payer themselves and will be solely responsible for making sure everything is paid in full.

They should not ignore the bills that come in; they must take action before they get threatened with being cut off!

## Difficulty paying

If someone has difficulties paying their bills they should contact their utility supplier straight away. Most suppliers will be happy to arrange for large bills to be spread over a few payments.

Charities like SSAFA and the British Legion may also help if there is a family connection with the armed forces (consult your local voluntary service council or Citizens Advice for further information about financial assistance from charities).

Dwr Cymru have reduced tariffs for people on low incomes, or who use a lot of water due to the size of their family or their health problems. They also run a scheme to assist people who have got into arrears.

# D- Budgeting

Before a young person leaves home, when they are considering moving, or if their money situation is tight, they should work out a budget to see if they can afford everything they will have to pay for. They do this by subtracting what they spend their money on (outgoings) from the money they have coming in (income) and hoping there's some left!

Use the personal budgeting sheet below , or an online tool such as :

<https://sheltercymru.org.uk/get-advice/money-advice/budget-planner/>

to help work out where all the money goes and see if any savings could be made or any income is being missed.

## Outgoings

First, the young person should list all the expenses they think they might have. They should be realistic here, not forgetting the essentials such as rent, food and bills, but also the other things that make life liveable such as meeting their friends and watching TV.

If they find this hard, they could try writing down everything they spend this month and see how it adds up. They will soon be able to see their weak spots!

## Income

Next the young person should look at the money they have coming in. This could be:

- Wages
- Benefits
- Student loans
- Contributions from family.



## Personal Budget Sheet

Outgoings (Weekly)		Income (Weekly)	
Gas		Wages / salary	
Electricity		JSA / Income support	
Water		Child benefit	
Phone / mobile phone		Employment support	
Council Tax		Allowance	
Food and housekeeping		Maintenance	
Transport		Other income 1	
Insurance		Other income 2	
TV rental / licence			
Internet			
Childcare			
Laundry			
Clothing			
School meals			
Leisure/hobbies			
Rent arrears			
Court fines			
Other outgoings 1			
Other outgoings 2			
Other outgoings 3			
Other outgoings 4			
<b>Total outgoings</b>		<b>Total income</b>	



## Rent arrears and debt

It can be very easy for young people to get into debt or behind with the rent and not having much experience of budgeting and living on a low income doesn't help. Sorting out debts is really important, ignoring them and hoping they will magically disappear never works. Debts that are left to grow or not dealt with can lead to a young person losing their home, being taken to court or even sent to prison.

## Which debts to deal with?

Debts that have the worst consequences should be dealt with urgently. These are called priority debts and a young person should concentrate on paying these off first. They include:

- Rent – if it is not paid they can be evicted and could end up homeless.
- Council Tax – if this is not paid they may be taken to court and could be sent to prison.
- Utility bills – disconnection.

Non-priority debts still need to be dealt with but the consequences of not paying them are not so harsh. They include:

- Credit card bills & overdrafts – if these are not paid the bank will probably take the young person to court, but they cannot be evicted or imprisoned.

Payday loans are non priority

## Get advice

Getting help to sort out debts is vital. There are lots of things to consider when dealing with multiple debts; a good advisor will be able to help decide which debts to pay off first and where more help may be needed.

Contact Shelter Cymru for information about our debt advice services across Wales at <https://sheltercymru.org.uk/get-advice/money-advice/loans-debt-and-bankruptcy/where-to-get-help-with-debts/>. Other reputable agencies are Citizen's Advice, National Debtline, and Stepchange. Be aware that numerous agencies who charge for their services advertise online. A good source of advice on finding assistance is the Money Advice Service website which can direct you to both online, telephone and face to face advice.

# Problems With Landlords and Tenancies

This section will deal with some of the common problems with tenancies and landlords.

- A** Eviction/notice
- B** Getting out of a tenancy
- C** Repairs
- D** Harrassment

For more detail on issues covered in this section, visit the Get Advice pages on [www.sheltercymru.org.uk](http://www.sheltercymru.org.uk)

## Disclaimer

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# A- Eviction/notice

Whenever a landlord wants to evict a tenant, for whatever reason, they cannot just throw the tenant out. The landlord must follow the correct legal procedure, but what the landlord has to do, and when, differs for each tenant.

Most private landlords can evict a tenant without having a reason at all, whereas in council/housing association tenancies they usually have to have a reason such as rent arrears or anti-social behaviour.

In all cases though if the landlord wants to evict they must give the young person notice that they will have to leave.

## Does a landlord have to give notice?

Most tenants are entitled to a written notice to leave a property even if their landlord did not give them a written agreement to live there in the first place. The main exception to this is if the young person is an excluded occupier. This will be the case if they are sharing living accommodation such as a kitchen or bathroom with their landlord. In this case the landlord only has to ask them verbally to leave, unless they have an agreement that says a written notice must be given.

The information that is usually required in a notice includes:

- The young person's name and address
- Their landlord's name and address
- The date they have to leave
- The reason the landlord is evicting them (only required in certain circumstances)
- Information about where they can get advice.

## When can a landlord give notice?

When notice is given depends on the reason their landlord is evicting them and the type of tenancy they have.

## Council tenants

Most council tenants have a Secure Tenancy. The council can only give notice to a Secure Tenant if they have broken a term of the tenancy agreement such as:

- Not paying rent
- Causing a nuisance or annoyance to other people
- Damaging their home.

In most circumstances Secure tenants must be given 4 weeks' notice, but if there has been a very serious breach of the tenancy this can be reduced.

If someone has been a council tenant for less than 12 months they may be an Introductory Tenant. It is a lot easier for a landlord to evict an Introductory Tenant if there has been a breach of the tenancy agreement, but the landlord must still give four weeks' notice. An introductory tenant can ask the council to review their decision to evict them.

After the four weeks' notice has run, their landlord can go to court and ask the court to decide if the tenant should be evicted. As long as the council have followed the correct procedure, the court have to agree to the eviction and grant possession.

## Private sector tenants

Most private sector tenants and some Housing Association tenants have an Assured Shorthold tenancy. Their landlord must usually give two months' notice but does not have to have a reason to evict. This is often known as a 's21 notice' or a 'no fault' eviction.

A landlord can also serve notice if there has been a breach of the tenancy agreement, for example rent arrears, or anti-social behaviour, or there is another legal reason why they are entitled to ask for the property back. The length of notice required will depend on the circumstances but can be as little as 2 weeks, or even immediate if there has been serious anti-social or criminal behaviour. This is often known as a 's8 notice'.

If a young person has a fixed term tenancy (there is a start and end date in the agreement) they can only be evicted during the fixed term using the s8 notice procedure, if their landlord can give a valid reason and the tenancy agreement allows for this. The reasons their landlords could use are the same as for assured tenants (see Housing Associations on page 33).

After a notice has come to an end, a landlord still has to go to court to evict if the young person remains at the property (see “What if notice has been served?” on this page).

### **Lodging - living with the landlord**

If a young person is living in the landlord’s home they have far fewer rights. These people are often called lodgers, as they are not legally tenants. A lodger still has to be given notice by their landlord but there is no set amount of notice that must be given and the landlord does not have to go court. The tenant must leave when the notice has run its course. If a lodger is served with notice seek advice immediately.

### **Housing association tenants**

Most housing association tenants have assured tenancies. In most circumstances their landlord must give them either two months’ or 14 days’ notice depending on the reason they want them to leave. If the reason is because they have done something wrong the notice will be at least 14 days. If they are being evicted for any other reason the notice must be at least two months.

### **Housing association starter tenants**

If someone has been a housing association tenant for less than 12 months they may be a starter or probationary tenant. It is a lot easier for a landlord to evict these types of tenant but their landlord must still give two month’s notice.

After the notice has ended their landlord can go to court and ask the court to decide if the tenant should be evicted. The court must grant possession to the landlord, provided the right procedure has been followed. (see “What if notice has been served?” on this page).

### **Halls of residence**

Students in halls of residence run by university or colleges are normally known as occupiers with basic protection. This means that they can be evicted fairly easily but the college or university must give them at least 4 weeks written notice. They are also required to get a court order if the student does not leave at the end of the notice period.

Some housing associations or private companies also run halls of residence. These students will be assured shorthold tenants, the same as any other private sector tenant.

### **What if notice has been served?**

If a landlord has served notice on the tenant and they do not leave voluntarily at the end of the notice period, the landlord still has to get an “order of possession” from the court before the tenant can be evicted. It is best to seek advice at an early stage from Shelter Cymru if a tenant does not think they can move out at the end of the notice period. If the tenant stays after the notice has been given the landlord can apply to the court.

The tenant will then be sent some paperwork asking them if they have a defence, which could be that they disagree with the amount of rent arrears for example. A tenant should seek advice immediately in this situation and should not fill the form out without some help.

## **When does the young person have to leave?**

Unless the young person is living with their landlord they don't have to leave until the landlord gets a possession order from the court. This means that if they can't leave when the notice ends they have a bit more time to find somewhere else to live. If their landlord has to take them to court to make them leave, they may have to pay some costs.

If the young person receives a letter from their landlord asking them to leave, get advice immediately. They should find out whether they could do anything to prevent their landlord evicting them. If they can, they will not normally be expected to pay their landlord's court costs. They should talk to an advisor if they are planning to stay after their notice ends. Their landlord can apply for a possession order as soon as the notice ends.

## **Will the young person have to pay court costs?**

If they leave when the landlord asks them they will still have to pay rent up to when they leave.

If the tenant does not leave and the landlord goes to court they may be told by the court to pay court costs.

The landlord has to pay money to the court to get a possession order.. Costs can be added if the landlord uses a solicitor. If the landlord has to take the young person to court to evict them it is likely that they will end up having to pay the landlord's costs. If they do not or cannot pay they may end up with a court debt.



# B - Getting out of a tenancy

Most tenants will have no problem getting out of their tenancy agreement. This can be done in a couple of ways described below.

## Serving notice

Most tenants have the right to get out of their tenancy by giving their landlord at least four weeks' notice in writing. This can be done by writing a letter to the landlord explaining that they want to leave and clearly stating the date they will be leaving. The notice should come to an end on either the first or last day of a tenancy period. So, if a tenancy is weekly and runs from a Monday to a Sunday, the notice should end on either a Monday or a Sunday. If the tenancy is monthly, and say, runs from the tenth of each month to the 9th of the next, the notice should be at least four weeks in length and come to an end on either the tenth or ninth day of the month.

## Surrender

Some landlords will be willing to let someone leave their tenancy agreement during the fixed term (see below) or without having to give four weeks' notice. The tenant should ask the landlord if they are willing to do this. It is always best to get it put in writing so there can be no arguments at a later date.

## Fixed term tenants

Most fixed term tenants, mainly those in the private sector, will not have the right to get out of their tenancy whilst they are still in the fixed term. Their landlord may be able to hold them to the full duration of the tenancy and the rent they could expect from it. If someone is in a fixed term tenancy and their landlord will not let them get out of the agreement they should contact an adviser for help.

## Ending a tenancy reminders

- The tenant should keep a copy of their notice to the landlord for their own reference.
- Get written confirmation from their landlord if they have agreed to the surrender of their tenancy.
- Remember to carry on paying the rent up until they leave otherwise their landlord may recover keep it from their deposit.
- If someone changes their mind after giving their landlord notice or surrender the landlord does not have to let them stay, unless the notice was legally invalid.
- Make arrangements with the landlord to go through the inventory and make arrangements for the return of the deposit
- If the landlord refuses to accept a notice or surrender from the tenant they should seek advice from Shelter Cymru.



# C- Repairs

## What should a landlord repair?

Most tenants' landlords have a duty to keep in good repair the structure, exterior and installations of homes they let. This normally covers:

- Walls
- Drains, gutters and external pipes
- Roofs
- External woodwork and paint which protect the exterior from weather
- Paths and steps to access the accommodation
- Basins, baths and sinks
- Toilets
- Water, gas and electricity supply
- Windows
- Room heating
- Water heating
- Damp - only if not caused by condensation
- In addition, landlords must ensure that all gas appliances are safety checked on an annual basis.

## What are the tenant's responsibilities?

As a tenant, the young person will be expected to use their home in a responsible way. This includes:

- Keeping it reasonably clean
- Not damaging the property, and ensuring that their guests don't either
- Carrying out minor maintenance (e.g. checking smoke alarm batteries)
- Using the heating properly (e.g. not blocking flues or ventilation).

If the young person causes any damage to the property or the furniture, even if it is accidental, their landlord will probably be able to charge them for it. Often they can keep the deposit (or at least part of it) to cover the cost of any repairs or replacements.

The young person may have some extra responsibilities to carry out repairs if their tenancy agreement says so. They should check, but bear in mind that no matter what it says, their landlord is always responsible for certain things (see above).

## How does a young person report a repair problem?

If they notice anything wrong with the property, for example, a damp patch on the wall or a crack in the ceiling, they should report the problem to their landlord (or their landlord's agent), in writing, as soon as possible, even if they are not that bothered about getting it fixed. Most landlords do carry out repairs once they know about them. The young person should date their letter and keep a copy. It always helps to have a written record, proving that their landlord was aware of the problem, in case they have problems getting them to do the work.

## What if they don't know who their landlord is?

Reporting the problem to the landlord's agent will usually be sufficient at this stage. However, the young person does have a legal right to know the landlord's name and address. They should ask the person who collects their rent (e.g. the letting agent) to provide the details. They must do so within 21 days. If they don't, they are committing a criminal offence and can be fined.

You can also find the name of the owner of your property on the Land Registry but you will have to pay a £3 fee for this service.



## How quickly should repairs be done?

This depends on the type of repairs needed. There are no fixed time limits, but they should be carried out within a reasonable time. Certain repairs, such as blocked drains or problems with gas should be carried out urgently.

## What if the landlord agrees the young person can get repairs done?

If the landlord has agreed that the repairs need doing but hasn't done them yet, they may be happy for the young person to arrange for the work to be carried out. Ask the landlord to confirm in writing that they will pay for everything before the work is started. They may want estimates from more than one contractor before they agree to this.

## Does the young person have to let the landlord come in?

They must allow their landlord access to the property so they can assess what repairs are needed and to carry out the work. The landlord should give them reasonable notice (usually at least 24 hours) before coming round, unless it is an emergency.

Bear in mind that landlords only have the right to come into the parts of the home that need repair work done. If they need to fix the kitchen sink, for example, it does not mean that they can look round the rest of the home without permission. If they are using repairs as an excuse to snoop or come round all the time, they may be guilty of harassment, which is a serious offence.

Although the landlord should arrange the repairs, they may ask the young person to be at home to let in any contractors.

## When a landlord does not carry out repairs

Usually the landlord will carry out the necessary repairs. However if the young person needs to take any further action, they should collect all the evidence they can of the repairs that are needed, and what they have done to get their landlord to carry them out. They could:

- Take photographs of what needs repairing
- Keep belongings that have been affected (such as clothes damaged by dampness), or take photographs of them. Calculate how much they are worth
- Get an expert (e.g. an environmental health officer from the council) to inspect their home
- Keep copies of any letters they have sent to their landlord, and any written response they have received from them
- Always make a note of any conversations they have with their landlord. Include dates, and what was agreed
- Keep copies of any doctor's notes or hospital reports which show that their health has been affected by the problem
- Keep receipts for any money they need to spend because of the repair problem (e.g. if they have to replace clothes or furnishings because of mould)
- If a landlord fails, or refuses to take action in any of the above cases, obtain the opinion of an expert. Contact Shelter Cymru for further advice.

## Never withhold rent!

The young person should never withhold rent from the landlord. Stopping rent payment due to disrepair or any other reason can result in the landlord taking possession proceedings or could trigger illegal eviction.

However, if a young person withholds rent because of disrepair and their landlord is trying to evict them through the court due to rent arrears, they may have a defence and counterclaim. They will need to be able to prove that there is disrepair that the landlord is responsible for, that they reported the disrepair to the landlord, who has failed to take action within a reasonable time and they have suffered losses or damage as a result.

A young person who finds themselves in this situation should get advice from Shelter Cymru who may be able to offer them legal representation in court.



# D- Harassment

## What counts as harassment?

If the young person's landlord does something that interferes with their ability to enjoy living in their home in peace and is intended to make them leave their home or take away their rights, they could be guilty of harassment.

**Remember:** The fact that their landlord owns the home does not give them, or anyone else, the right to harass the young person.

Harassment can take on a number of different forms and could be carried out by the landlord or someone acting on their behalf. Harassment can include:

- Removing or restricting access to services such as gas, electricity or water, or failing to pay the bills so that the services are cut off
- Visiting the home regularly without warning, especially at night
- Interfering with the mail
- Threatening behaviour
- Sending builders around without notice
- Entering the home when there is no one there, or without permission
- Beginning disruptive repair works and not finishing them
- Harassing because of gender, race, religion or sexuality, etc
- Refusing to let anyone into certain parts of the home
- Stopping guests
- Intentionally moving in other tenants who cause a nuisance
- Forcing agreements that take away legal rights.

This behaviour may be intended to make the young person leave their home without their landlord having to follow the proper legal procedures, or it may be for other reasons. Harassment can be very distressing and might make the young person feel as though they

have no choice other than to move. This is not the case – harassment is in fact a serious criminal offence.

## What can the young person do about it?

If their landlord or agent is harassing them, they may be able to get help from the council, or take their landlord to court.

If someone is being harassed they should:

- Ask their landlord to stop their behaviour
- Keep a diary, notes and photographs of what happens
- Go to an advice centre, the Police, the council, or a solicitor for help
- Ask their landlord to put all communication with them in writing
- Write to them saying if the harassment continues they will take legal action
- They should have someone with them as a witness whenever they see their landlord
- Get together with other tenants who have the same landlord.

In an emergency, such as if the young person has been locked out, they should contact the council. There is usually an officer who deals with harassment and illegal eviction. If they are not available to help immediately or if violence has been threatened, the young person should also call the Police.



# Specific Groups

There are a number of young people who have specific requirements that may need to be addressed and considered before seeking to live independently. This section will provide you with information when dealing with these specific requirements.

- A** Care leavers
- B** Students
- C** BME groups
- D** Lesbian, gay, bisexual and transgender young people
- E** Disability and health

For more detail on issues covered in this section, visit the Get Advice pages on [www.sheltercymru.org.uk](http://www.sheltercymru.org.uk)

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# A- Care leavers

Leaving care is a big step for a young person so it is important that they are well prepared. Social services have a legal duty to help them and may be able to provide financial support, help them find a place of their own or provide accommodation for them.

If the young person is under 16 and thinking of leaving care their rights are very different because they are still considered a child. Talk to them to find out if they are experiencing any problems where they are living. If there is a potential for violence or abuse the young person may wish to speak to their social worker or may prefer to phone Childline.

## Does it matter how long the young person was in care?

Help is available to someone who has been in care for at least 13 weeks since the age of 14. The 13 weeks do not have to be concurrent. Any period the young person has spent being looked after by a charity, the local council, a Health Authority, Children's Home or Foster parents counts.

## Personal advisers

Personal advisers from social services will provide invaluable help and support to the young person leaving care. It is their job to assess the young person's requirements and help them live independently. Their assistance could include:

- Helping the young person to find and keep a home
- Contacting a local authorities housing department
- Helping the young person apply for a grant to help cover initial housing costs
- Finding specialist agencies that can advise the young person
- Making sure the young person has the necessary practical skills for independent living.

## Putting together a pathway plan

Either the youth worker or the personal advisor can help the young person put together a pathway plan detailing what help and support they may require after leaving care. This plan should include:

- Housing advice
- Financial advice
- Education, training and employment advice
- Any special support they may require.

The pathway plan should be reviewed regularly to see what progress is being made and to see if any other requirements are needed.

## What happens if the young person becomes homeless after leaving care?

If a young care leaver becomes homeless they should speak to their personal advisor for assistance. Both housing and social services departments of the council will probably have a duty to help a young care leaver. If however this is not an option suggest they contact Shelter Cymru or Citizens Advice. They may be able to find emergency accommodation whilst longer term options are made. What the young person is entitled to will depend on their age and circumstances.

Some older care leavers are eligible for accommodation from housing if they can prove they are priority need. For example, if the young person is vulnerable as a result of health problems, being in care, or if they have been sleeping rough.

## B- Students

Most students have to survive on very little money and most are not entitled to housing benefit/local housing allowance.

Most colleges and universities have accommodation offices and welfare officers who can help them find a place to live. You may also advise them to check the student notice boards for accommodation in shared housing. There are websites that specialise in student accommodation so you can advise them to check these out.

### **Students have the same rights as any other private tenant**

Most students, at some time or another, will rent privately. The quality and price of privately rented accommodation is variable. Unfortunately some landlords take advantage of students desperate or eager to find cheap private rented housing. Students can expect the same rights and level of service from their landlord as anyone else. If a student has any problems with their accommodation they should contact the university or student union welfare officer, Shelter Cymru, Rent Smart Wales or Citizens Advice.

# C- BME groups

## The Equality and Human Rights Commission

The Equality and Human Rights Commission works towards an integrated society where diversity is valued. They use both powers of persuasion and the power of the law to give everyone, regardless of their colour or religious beliefs, to have an equal chance to live free from fear, discrimination, prejudice and racism.

Despite variations between ethnic minority groups, many are more likely to experience housing deprivation than other groups. Overcrowding is a particular problem in the private rented sector. Racial harassment is a continuing reality for young people from ethnic minorities. If a young person from one of these groups is experiencing prejudice because of their background they should be advised to seek help from their nearest racial equality council immediately or the Equality Advisory Support Service Helpline.

## Forced Marriages

It is important to remember that the tradition of arranged marriage has operated successfully within many cultures and many countries for a very long time. A clear distinction must be made between arranged and forced marriage.

Individuals forced into marriage often become estranged from their families. Sometimes they become trapped in the cycle of abuse. Many young women forced into marriage suffer for many years from domestic violence. Isolation is one of the biggest problems facing victims of forced marriage especially when they have to leave their community to relocate.

Cases of forced marriage can involve complex and sensitive issues with far reaching and indeterminate repercussions. If you find yourself dealing with this type of situation you should refer the young person to one of the appropriate agencies (see contacts), or to the police, they will have a trained officer used to dealing with this type of situation.



# D - Lesbian, Gay, Bisexual and Transgender (LGBT) people

## Homelessness

Homelessness, due to family breakdown, will always be an emotional and harrowing time. If the breakdown is as a result of the young person's sexuality the situation may be greatly magnified.

Some Local Authorities have policies of mandatory mediation in situations where the young person is homeless because of family breakdown. However, this may be unsuitable in circumstances where parents may not be open about the reasons for the relationship breakdown. You may need to advise the young person to contact the lesbian, gay, bisexual, transgender helpline for further advice (see contacts page for LGBT Cymru helpline).

Lesbian, gay and bisexual and transgender the young people may suffer harassment, violence or eviction as a result of discrimination based on their sexuality.

Those who become homeless as a result of violence/ harassment have a priority need for accommodation and should seek immediate help from their local authority if faced with homelessness.

Emergency and temporary accommodation provided by Local Authorities for homeless lesbian, gay, bisexual and transgender young people can be inappropriate. They may be isolated and suffer abuse and violence from other residents. The Local authorities may be reminded that they have a duty to take into consideration any form of potential harassment when allocating appropriate accommodation.

## Civil partnerships

Civil partnerships allow same-sex couples the chance to enjoy the same rights and responsibilities as people who are married. Civil partnerships are only available to couples of the same sex.

Forming a civil partnership can affect their entitlements to benefits. They should be advised to contact their local advice centre if they are unsure of their entitlements.

### Who can form a civil partnership?

Two people can form a civil partnership if:

- They are of the same sex

- They aren't already married or in another civil partnership
- They are over sixteen (and have consent if they are under eighteen)

## Same-sex marriage

Same-sex marriage has been legal in the UK, with the exception of Northern Ireland, since March 2014.

## Splitting up with a partner

Civil partners who break up have the same rights as people who are married.

Couples in same-sex marriages also have the same rights as those in heterosexual marriages. If the relationship breaks down they will have the same rights as people who are married or in civil partnerships.

## Staying in the home if a partner dies

If the home is rented from the Council or Housing Association and the civil partner/ husband/wife sole tenant dies, their partner will usually have the right to stay in the home. This process is known as succession.

They may also be able to stay in their home if they rent from a private landlord. However, this depends on the type of tenancy they have.

## What about their benefits?

Civil partners are assessed in the same way as married couples. If the person is currently claiming as a single person they may have to file a new claim as a couple.

## Housing benefit/council tax reduction

If the young people are living as a same-sex couple their housing benefit will be viewed in the same light as that of a heterosexual couple. Their claim could be affected, even if they haven't formed a civil partnership. Only one person can make a claim for housing benefit and the resources of the other will be taken into account when working out their entitlement.

# E - Disability and health

The law gives basic rights to everyone who buys or rents a property. In addition to these basic rights, if the young person is disabled they have other rights that protect them against discrimination when buying or renting a property. Someone who rents or sells a property may be discriminating against them if they:

- Refuse to sell or rent a property to them
- Offer them a property for sale or rent on worse terms than they would to a young person who is not disabled
- They treat them less favourably on a waiting list than a person who is not disabled
- The young person renting is evicted or harassed for reasons connected to their disability.

## Living in their own home

If the young person is going to live independently there are three main considerations to remember:

- Will they receive the necessary support to make sure they can live as independently as possible?
- Do they have the necessary equipment to help them on a daily basis?
- Does their home need adapting?

The young person has the right for their needs to be assessed by the social services department of their local council. Following an assessment, an occupational therapist should recommend types of equipment and necessary modification to help the young person live as independently as possible.

Councils are required to give Disabled Facilities Grants to eligible applicants to make their houses suitable for disabled people. However, they may be expected to pay towards some of the costs, depending on their financial circumstances.

## Home Improvement Agencies

The young person may be able to get help and support from a home improvement agency. They are not-for-profit organisations, which are often managed locally by Councils or Housing Associations. They can:

- Give free advice about what work needs to be done
- Offer support to tenants who want to adapt their homes
- Arrange to have small adaptations and equipment installed
- Organise larger adaptation work
- Sort out finances
- Find a surveyor, architect or builder
- Keep an eye on how the work is progressing

Care and Repair Cymru is a national co-ordinating body for Home Improvement Agencies and can give you details of agencies in your area.

## A landlord's duty to make alterations for disabled people

If the young person is disabled, they may ask the landlord (or future landlord) to make certain changes to the property, and their policies, when this is necessary for them to live at the property. These changes are known as reasonable adjustments. Landlords who refuse to make reasonable adjustments, and who cannot justify their decision are being discriminatory and are therefore breaking the law.

### Reasonable adjustments can include:

- Providing aids and services, such as a copy of the tenancy agreement in Braille or a temporary ramp for a wheelchair user with a small step up for their flat
- Changing practices or procedures. An example of this would be to change the parking policy so that a disabled occupier who has difficulty walking can park in front of the building
- Changing a term in the letting agreement that says that tenants can't make improvements, so that a disabled person could make a disability related improvement. Another example would be changing a term that bans a pet for a disabled person who has an assistance dog.

### What is reasonable will depend on the individual circumstances including:

- The type and length of their letting
- How much difference the adjustment will make to them
- How much money their landlord has.

However, the landlord doesn't have to take any steps that involve the removal or alteration of physical features, for instance, putting a permanent concrete ramp or major works, which would involve serious alteration to the property.

A landlord cannot discriminate against a disabled young person, for example, by evicting them or increasing their rent because of the cost of the adjustment.

If the young person feels that they are being discriminated against or harassed by their landlord or being harassed by neighbours, they should seek advice immediately by contacting the Equality Advisory Support Service Disability Rights Commission's helpline (see contacts).



## Local Authority Housing Services contact list:

These phone numbers are for the housing departments within each Local Authority. If you experience any difficulties with these numbers please refer to the Local Authority's website for assistance.

Anglesey	01248 752168
Blaenau Gwent	01495 354600
Bridgend	01656 643643
Caerphilly	01443 873552
Cardiff	029 20570750
Camarthenshire	01554 899389
Ceredigion	01545 574123
Conwy	01492 576271
Denbighshire	01824 712936
Flintshire	01352 703777
Gwynedd	01286 685100
Merthyr Tydfil	01685 725452
Monmouthshire	01633 644644
Neath Port Talbot	01639 764692
Newport	01633 656656
Pembrokeshire	01437 764551
Powys	01597 827257
Rhondda Cynon Taff	01443 495188
Swansea	01792 533100
Torfaen	01495 742303
Vale of Glamorgan	01446 709523
Wrexham	01978 292919

## Useful Contacts

Shelter Cymru Live Advice	0345 075 5005
BAWSO (Black association of Women Step Out))	02920 644633
Citizens Advice Bureau	<a href="http://www.citizensadvice.org.uk">www.citizensadvice.org.uk</a>
Welsh Refugee Council	029 2048 9800
The Henna Foundation	02920 496920
Barnardo's	02920 493387
<b>Care &amp; Repair Cymru</b>	<b>0300 111 3333</b>
Childline	0800 1111 (freephone)
Cymorth Cymru – (the representative body for supported housing providers in Wales)	02920 553687
Equality Advisory and Support Service	Helpline: 0808 800 0082 Textphone: 0808 800 0084
LGBT Cymru helpline	0870 8508828
Llamau Youth Homeless Helpline	0800 328 0292
<b>National Missing Persons Helpline</b>	<b>0500 700700 (freephone)</b>
Mediation West Wales	01267 233123
NSPCC	0808 800 5000 (freephone)
Samaritans	08457 909090
Stonewall Cymru	0800 0502020
Tai Pawb (all Wales organisation promoting race equality in housing)	02920 537630
<b>Welsh Women's Aid</b>	<b>0808 8010800 (freephone)</b>





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