From representative to council homelessness team
Homelessness application & request for interim accommodation by representative on applicant's behalf

[ADDRESS OF HOMELESSESS ASSESSMENT TEAM]

[DATE]

By first class post and email to [EMAIL ADDRESS]

Dear Sir/Madam

URGENT – HOMELESSNESS APPLICATION
REQUEST FOR INTERIM ACCOMMODATION
[NAME AND ADDRESS OF CLIENT]
Housing (Wales) Act 2014, Part 2, Chapter 2

We write on behalf of the above named.

We hereby confirm that [NAME] wishes to apply for accommodation and for help in obtaining accommodation on grounds of homelessness.

Facts

[*Set out facts in relation to eligibility, e.g.*] [NAME] is a British citizen who has resided in the United Kingdom since birth.

[*Set out facts in relation to homelessness status, e.g.*] On [DATE] [NAME]'s mother asked [him/her] to leave the family home at [ADDRESS] [*OR*] On [DATE] [NAME]'s landlord excluded [him/her] from [his/her] accommodation at [ADDRESS].

[*Set out facts in relation to priority need status, e.g.*] Following [NAME]'s exclusion from [ADDRESS] on [DATE] [s/he] has not had any accommodation whatsoever available to [him/her]. As such it appears clear [s/he] falls within the 'street homeless' definition at sections 70(1)(k) and 71(2) of the 2014 Act.

[NAME OF HOUSEHOLD MEMBER] has the following children who are dependent on [him/her]: [NAME] (Date of birth:[DOB]) and [NAME] (DOB: [DOB])

[*OR*] [NAME OF HOUSEHOLD MEMBER] is [18 / 19 / 20] years old and was [accommodated/fostered] while [s/he] was [16 / 17] by [NAME OF LOCAL AUTHORITY] Council.

[*OR*] [NAME] suffers from schizophrenia. We enclose a supporting letter from [his/her] doctor. You will see it confirms [NAME]'s conditions, the anticipated adverse impact of homelessness on those conditions, and the doctor's opinion that [s/he] is vulnerable. In particular we draw your attention to the doctor's observation that, if street homeless, the inevitable stress and anxiety will exacerbate [NAME]'s paranoia and delusions, [s/he] is likely to suffer a psychotic episode and that [s/he] is less able than an ordinary person to cope

with the consequences of homelessness, such that [s/he] will most likely suffer a prolonged period of homelessness.

Availability for interview

[NAME] informs us [s/he] is available for interview today, either in person at your offices or by telephone. [His/her] telephone number is [TEL NO].

The law

You will be aware that under section 62(1) of the 2014 Act a local housing authority must carry out an assessment of a person's case if they apply for accommodation or for help with retaining or obtaining accommodation, and it appears to the authority that they may be homeless or threatened with homelessness.

In addition section 68 provides that the authority must secure suitable interim accommodation if there is reason to believe that the applicant may be homeless, eligible for help and may have a priority need.

The above test – _reason to believe_ the applicant _may be_ homeless, eligible and priority need – provides a very low threshold and is triggered by a low level of 'evidence' (_R (Kelly & Mehari) v Birmingham CC_ [2009] EWHC 3240 (Admin)).

Further, where the statutory conditions are met, the obligation to secure interim accommodation arises irrespective of any inability on the part of the authority to arrange an immediate interview in person, for example because of an absence of an appointment being available that day.

Interim accommodation must be secured until one of the circumstances set out in section 69 or section 79 applies (s.68(1)).

Request for interim temporary accommodation

We request that interim accommodation is provided from today.

The section 68 threshold is clearly satisfied because [_insert reasons, e.g._] [NAME] comes within the statutory 'rough sleeper' definition [_OR_] has dependent children who reside with [him/her]. [S/he] therefore has a priority need by virtue of section 70(1)(b) of the 2014 Act [_OR_] [NAME] is a care leaver within the meaning of the definition set out in section 70(1)(h) of the 2014 Act. [_OR_] The information provided by [NAME]'s doctor confirms that [s/he] will be less able to fend for [himself/herself] when becoming street homeless than the ordinary person becoming homeless due to [his/her] mental illness, with the result that [s/he] would suffer more harm than would be suffered by the ordinary person.

Request for response

Please confirm in writing by [_insert date and time, e.g._] 4.00p.m. today that:
1. The Council has taken a homeless application under section 62 of the 2014 Act.
2. The Council will be conducting an assessment under section 62 (1).

3. The Council will be securing interim accommodation under section 68.

4. The address of the temporary accommodation.

Alternatively, if the authority is refusing to carry out an assessment or refusing to secure interim accommodation, please forward written confirmation of your reasons.

Please forward to us, upon the completion of the assessment, a copy of the notification of the outcome of the assessment, so that we may advise our client. We enclose signed authority for us to act on our client's behalf and for the disclosure of confidential information.

If we do not receive a response by [*insert date and time, e.g.*] 4.00p.m. today we will assume that you are refusing to accept a duty to assess and refusing to secure interim temporary accommodation.

[*If agency does not provide legal advice*]

We would then refer our client to solicitors so that [s/he] may be advised and assisted in commencing judicial review proceedings against the authority.

[*If agency provides legal advice*]

In these circumstances we are instructed to commence judicial review proceedings against the authority. We would accordingly forward a letter before claim in accordance with the pre-action protocol for judicial review claims.

We trust that this will not be necessary and look forward to hearing from you.

Yours faithfully

[NAME]
[JOB TITLE]

Enc: Signed authorisation for [AGENCY] to act on [NAME]'s behalf