

Applying as homeless: intentionally homeless

This factsheet explains what it means to be intentionally homeless.

The council may decide you are intentionally homeless. This means it's decided that it's your own fault you're homeless.

A deliberate act?

If the main reason you lost your home was because of something you deliberately did or failed to do, the council can decide that you made yourself homeless intentionally. Examples are if you:

- were evicted after not paying the rent or mortgage when you could afford to
- left accommodation that you could have stayed in
- lost your tenancy because you went to prison for a criminal offence
- were evicted for antisocial behaviour.

If you are homeless as a result of something beyond your control you should not be found intentionally homeless, for example if you couldn't pay the rent after being made redundant or becoming ill.

Was it reasonable to stay?

The council can't decide you are intentionally homeless if it was not reasonable for you to stay in your home. This could be, for example, because you:

- couldn't afford to pay your rent unless you went without food or heating
- were a victim of domestic violence
- had serious health problems connected to living in your home.

Unaware of the facts?

The council should not decide that you are intentionally homeless if you acted reasonably and in good faith, or because of something you did not know about. This might be the case if you:

- left accommodation because you didn't know that you had a right to stay
- were given bad advice that caused you to leave your home
- lived with someone who did something that made you homeless but you didn't know about it, or you could not stop them doing it.

What the council must do

After you apply for help, the council must draw up a plan setting out the steps you and the council will take over the next 8 weeks to try to find you somewhere to live if you:

- are homeless, and
- meet immigration/residence conditions.

If the council also thinks you may have a 'priority need', it must provide you with emergency accommodation while it tries to help you find somewhere.

If after 8 weeks you haven't found a place to live, and the council decides you have a priority need but are intentionally homeless, it will only have to house you for a short time. How long depends on your circumstances, but often it's only for another 28 days.

If you have children, the council should refer you to social services (if you agree to this). Social services could help by helping you with a deposit for accommodation. Get advice immediately if social services say they will only house your children, not you.

If after 8 weeks you have not found somewhere to live, and the council decides that you meet immigration and residence conditions, have a priority need and are **not** intentionally homeless, you will be owed a full housing duty.

Challenging the decision

You have the right to request a review of any decision that goes against you. Your request must be made within 21 days of when you receive the decision. If your review does not succeed, get advice about whether you can appeal to the court. If you are on a low income you may qualify for [legal aid](#) to help you challenge the council's decision.

Further advice

You can get further advice from england.shelter.org.uk/housing_advice, local Shelter advice service or local Citizens Advice. If you have nowhere to sleep tonight, are at risk of harm or losing your home within the next 2 months, call Shelter Helpline on **0808 800 4444** for advice and information on your options.*

*Calls are free from UK landlines and main mobile networks.



Funded by UK Government



Registered charity in England and Wales (263710) and in Scotland (SC002327).

Note
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