

# Applying as homeless: intentionally homeless

**This factsheet explains what it means to be intentionally homeless.**

If the council finds that becoming homeless was your fault, it can decide that you made yourself intentionally homeless. This will reduce its duty to you.

## **A deliberate act?**

There may be many reasons why you left your previous home, but if the main reason was as a result of something you deliberately did or failed to do, the council can decide that you made yourself homeless intentionally.

Examples would be if you:

- were evicted after not paying the rent or mortgage when you could have afforded to do so
- left accommodation that you could have stayed in
- lost your home because you went to prison for committing a criminal offence.

If you are homeless as a result of something beyond your control (eg you were evicted because you couldn't pay the rent after being made redundant) you should not be found intentionally homeless.

## **Was it reasonable to stay?**

The council cannot decide that you are intentionally homeless if it was not reasonable for you to stay in your home.

This could have been because:

- you could not afford to live there unless you went without food or heating
- you were a victim of domestic violence
- it was seriously affecting your health.

## **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 because you did not 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 knew about it but could not stop them doing it.

## **Collusion**

You can be found to be intentionally homeless if you arranged with someone to be made homeless in order to take advantage of the system.

## **Duty owed**

If the council decides that you are eligible for assistance (second factsheet) and have a priority need (third factsheet), but that you are intentionally homeless, it only has to house you for a short period. How long that will be depends on your circumstances, but often it is only for another 28 days.

If you have children and are found to be intentionally homeless, the council should refer you to social services as long as you agree to this. Social services can help you get accommodation, eg by helping you with a deposit. Sometimes social services say they will only house your children, and not you. Get advice immediately if they do this.

If the council decides that you are eligible for assistance, have a priority need and are not intentionally homeless, you will be owed a full housing duty. See the factsheet *Full duty: temporary accommodation*.

The council will then consider whether you have a 'local connection' to decide whether it will owe you the full housing duty, or whether it will refer you to another council. See the sixth factsheet for information on local connection. The council you applied to must continue to house you while it decides.

## **Negative decisions**

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.

## **Further advice**

You can get further advice from Shelter's free\* housing advice helpline (0808 800 4444), a local Shelter advice service or local Citizens Advice office, or by visiting [shelter.org.uk/advice](https://www.shelter.org.uk/advice) or [adviceguide.org.uk](https://www.adviceguide.org.uk)

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



Funded by  
UK Government

# Shelter

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Registered charity number 279057.

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