

Priority need homelessness

The following is an extract from the Homelessness Code of Guidance for Local Authorities. This is statutory guidance, issued by the Secretary of State for Communities and Local Government, to which local authorities must adhere in assessing the extent of their duty to assist people presenting to them as homeless or at risk of imminent homelessness.

The extract outlines the categories of homeless people who might be considered to be in 'priority need' within the meaning of the legislation.

Chapter 10.2

The main homelessness duties in s.193(2) and s.195(2) of the 1996 Act (to secure accommodation or take reasonable steps to prevent the loss of accommodation) apply only to applicants who have a priority need for accommodation. Section 189(1) and the Homelessness (Priority Need for Accommodation) (England) Order 2002 provide that the following categories of applicant have a priority need for accommodation:

- i) a pregnant woman or a person with whom she resides or might reasonably be expected to reside (see paragraph 10.5);
- ii) a person with whom dependent children reside or might reasonably be expected to reside (see paragraphs 10.6-10.11);
- iii) a person who is vulnerable as a result of old age, mental illness or handicap or physical disability or other special reason, or with whom such a person resides or might reasonably be expected to reside (see paragraphs 10.12-10.18);
- iv) a person aged 16 or 17 who is not a 'relevant child' or a child in need to whom a local authority owes a duty under section 20 of the Children Act 1989 (see paragraphs 10.36-10.39);
- v) a person under 21 who was (but is no longer) looked after, accommodated or fostered between the ages of 16 and 18 (except a person who is a 'relevant student') (see paragraphs 10.40-10.41);
- vi) a person aged 21 or more who is vulnerable as a result of having been looked after, accommodated or fostered (except a person who is a 'relevant student') (see paragraphs 10.19-10.20);
- vii) a person who is vulnerable as a result of having been a member of Her Majesty's regular naval, military or air forces (see paragraphs 10.21-10.23);

iii) a person who is vulnerable as a result of:

- (a) having served a custodial sentence,
 - (b) having been committed for contempt of court or any other kindred offence, or
 - (c) having been remanded in custody;
- (see paragraphs 10.24-10.27)

ix) a person who is vulnerable as a result of ceasing to occupy accommodation because of violence from another person or threats of violence from another person which are likely to be carried out (see paragraphs 10.28-10.29);

x) a person who is vulnerable for any other special reason, or with whom such a person resides or might reasonably be expected to reside (see paragraphs 10.30-10.35);

xi) a person who is homeless, or threatened with homelessness, as a result of an emergency such as flood, fire or other disaster (see paragraph 10.42).

10.12. A person has a priority need for accommodation if he or she is vulnerable as a result of:

- i) old age;
- ii) mental illness or learning disability (mental handicap) or physical disability;
- iii) having been looked after, accommodated or fostered and is aged 21 or more;
- iv) having been a member of Her Majesty's regular naval, military or air forces;
- v) having been in custody or detention;
- vi) ceasing to occupy accommodation because of violence from another person or threats of violence from another person which are likely to be carried out; or
- vii) any other special reason.

10.13. It is a matter of judgement whether the applicant's circumstances make him or her vulnerable. When determining whether an applicant in any of the categories set out in paragraph 10.12 is vulnerable, the local authority should consider whether, when homeless, the applicant would be less able to fend for him/herself than an ordinary homeless person so that he or she would suffer injury or detriment, in circumstances where a less vulnerable person would be able to cope without harmful effects.