**An Overview of Certain Types of Provisional Accommodation provided by the Local Authority**

**Introduction**

This factsheet is to help developing a better understanding of the different type of provisional accommodation residents might find themselves in .

It will explore some of these accommodation, the reasons why such accommodation may be provide, common problems and remedies (if any).

 1- Emergency Accommodation

 2- Relief Accommodation

 3- Interim Accommodation

 4- Temporary Accommodation

1. **Emergency accommodation**

**When and Why?**

Emergency Accommodation is provided

* when people find themselves homeless
* because of an emergency

 - Such as a natural disaster (flooding)

 –Fire- (Grenfell tower)

 - Structurally unsafe home

**Type of Accommodation**

The most common the type of emergency accommodation provided is B&B.

**Length of provision of Accommodation**

How long someone will need to remain in this type of accommodation will depend on an applicant’s personal circumstances.

* For E.g. An applicant may be moved to a hotel/hostel due to their home not being safe. The property could be made safe in short period of time allowing people to return quite quickly.
* Alternatively it might turn out that an applicant cannot return at all or a date cannot be set for their return then the applicants will have to make a homeless application and the local authority assess whether there is any duty to provide accommodation or not.

**2- Relief Accommodation**

**When and Why?**

A Local Authority has a duty to relieve homelessness

When a local authority is satisfied that an applicant is homeless and eligible, it must take reasonable steps to help the applicant secure that accommodation becomes available for at least six months.

One of that reasonable step is to provide accommodation and this is applicable if an applicant:

* already has no accommodation( for example, sofa surfing, sleeping rough)
* or
* all efforts to prevent homelessness during the 56-day prevention duty have failed

 **The Local Authority will owe the application a ‘Relief Duty’.**

**Type of Accommodation**

Relief Accommodation is uusually in B&B or hostel accommodation

**Length of provision of Accommodation**

**The relief duty lasts for 56 days**. It cannot usually end sooner than this.

The relief duty:

* can only be ended in specific circumstances allowed in the legislation
* in some circumstances may end automatically, but in most cases a local authority will have to serve a notice to end it.

**3. Interim Accommodation**

**When and why**

A local authority must provide interim accommodation while it makes inquiries if it has reason to believe that the applicant may be:

* homeless
* eligible for assistance, and
* in priority need.

The duty to provide interim accommodation can arise at any point after the applicant has applied as homeless, including while the authority is subject to the relief duty.

All interim accommodation provided must be suitable. However, what is unsuitable in the long-term may be considered suitable in the short-term. Therefore, a lot of interim accommodation is B&B or hostel accommodation.

When B&B accommodation is used to house someone who is pregnant or has children then it will not be suitable except for up to six weeks when there is no alternative accommodation available. In reality, it will be a longer.

**3. Interim Accommodation continued**

**Length of provision of Interim Accommodation**

The applicant will be accommodated under the interim duty until the council have concluded their enquiries and made a decision regarding their homeless application.

**Common Problems faced by applicants**

* The local authority takes no account of the local connection provisions and therefore likely to be out of borough
* Once the council have concluded their enquiries and if they believe that no further duties are owed to the applicant then they can be evicted from their current accommodation without requiring a court order.
* As most interim accommodation is B&B or hostel accommodation provided on nightly let basis eviction can be carried out very quickly

**Remedies**

* You can only challenge the **suitability** of interim accommodation by way of **Judicial Review**
* if an applicant **appeals/ seeks a review of the homeless decision** they can ask for accommodation pending the conclusion of the review. The local authority do not have an obligation to provide accommodation pending the review but have powers to do so.

**4-Temporary Accommodation**

**When and Why?**

A local authority has a duty to provide temporary accommodation to applicants who are

* homeless
* eligible for assistance,
* in priority need, and
* unintentionally homeless
* And the duty to relieve homelessness has ended. This duty continues until it is ended by one of the circumstances set out in section 193 of the Housing Act 1996

**Type of Accommodation**

Any accommodation secured under the main duty must be **suitable**.

Any accommodation must be sufficient to accommodate **the applicant and anyone who normally resides, or might reasonably be expected to reside with**.

**4-Temporary Accommodation continued**

Normally this duty will be met by the provision of a single unit of accommodation, but it could be met by the provision of two separate units of accommodation (such as two adjoining flats or two separate rooms in a hostel, whether self-contained or not), if they are located to enable the family to live together in practical terms.

**Length of provision of Temporary Accommodation**

The duty is ongoing, so if temporary accommodation is offered, the authority will be under a duty to find somewhere else for the applicant if and when it comes to an end. A series of different offers of accommodation of a temporary nature can be made before the duty ceases.

This duty continues until it is ended by one of the circumstances set out in section 193 of the Housing Act 1996

<https://www.legislation.gov.uk/ukpga/1996/52/section/193>

**Common Problems faced by applicants**

* Although it is called temporary accommodation, it can be years before applicants are finally provided with permanent accommodation. Again what is considered to unsuitable in the long term can considered to be suitable in the short-term (temporary basis)?
* Most temporary accommodation provided by LBTH is outside the borough. It is unfurnished. The local authority only have to provide sleeping space in temporary accommodation. Therefore, every room in the property, apart from the kitchen is considered a bedroom.
* A two bedroom flat would be considered to have 3 sleeping rooms. Applicants have difficulty grasping that concept that no living room has to be provided, especially for applicants who have been living in temporary accommodation for a number of years

**Remedies**

The suitability of temporary accommodation can be challenged at any time. Accommodation that is considered suitable at one time may become unsuitable over time.

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[**http://thcan.org.uk/housing-advice/**](http://thcan.org.uk/housing-advice/)