

Covid-19 Information Sheet – Homeless and Rough Sleepers

This information sheet has been produced by students from BPP's Pro Bono Centre under the supervision of legally qualified staff members for homeless persons and rough sleepers who are affected by the recent COVID-19 outbreak. The factsheet contains information on locating local councils, obtaining help for homeless persons and rough sleepers, self-isolation and the closure of services. The information contained in this document is accurate as of 15th April 2020.

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Homeless Persons

A **homeless person** is someone without a permanent home. This obviously includes people who are sleeping rough, but applies to a wider range of situations as described below.

What is the legal test for homelessness?

You are legally homeless if:

1. You have no legal right to live in any accommodation
2. You cannot get into your home
3. It is unreasonable to remain in your home, including as a result of violence, threats of violence or abuse

Therefore, there are several ways you can be considered legally homeless. For example:

- You have nowhere to stay and are living on the streets – you could still have a home but cannot secure entry (e.g. landlord has illegally evicted you, an ex has changed the locks or your children or other family members who usually live with you cannot stay there)
- You have been evicted or face eviction
- You have had your home repossessed or face having it repossessed
- You have been asked to leave by family or friends
- You are at risk of violence or abuse
- You are staying in a hostel, night shelter or refuge
- You cannot afford to live in your home – this involves not being able to pay for basic living expenses after paying your rent or mortgage
- You live in overcrowded or unhygienic conditions
- You are unable to live with your family or partner
- You have nowhere to put your boat or caravan

What if I am threatened with homelessness?

A person is threatened with homelessness if they are likely to become homeless within 56 days or have been served with a valid section 21 notice which will expire in 56 days, for the accommodation they are currently occupying.

The local council has a duty to assist you if you are homeless or threatened with homelessness.

How the Council assists you depends on other factors, including property need, but in every case they should ensure that no one is sleeping rough.

What is priority need?

If you are 70 years or older, or have a pre-existing condition that has been identified as increasing the risk of contracting a COVID-19 infection, you will be considered both to be in priority need and in need of accessing support. A list of non-exhaustive pre-existing conditions can be found on the NHS website: <https://www.nhs.uk/conditions/coronavirus-covid-19/advice-for-people-at-high-risk/>

In addition women who are pregnant, householders with children, care leavers, those vulnerable on other grounds and people made homeless due to fire flood or other disaster have a priority need.

What should you do if you are homeless?

You should **contact your local council** for help. Local authorities must try to prevent homelessness and, if they cannot, arrange for accommodation. They have a range of measures to assist, including financial support and discretionary housing payments for those unable to pay their rent.

Please refer to the "Further Information" heading below for details on how to find your local council.

The level of assistance you receive will depend on your eligibility, level of need and how you became homeless.

1. If there is no urgency

It is best to contact them by phone, whereupon they will decide on your eligibility. They will look at whether you became homeless through no fault of your own or if you are a member of priority need. Priority need persons are those that are pregnant, vulnerable (age, disability), have dependent children living with them or become homeless after a flood, fire or other disaster.

2. If there is urgency

If you are in urgent need of a place to stay tonight, you can attend their offices directly without an appointment. You should take your passport, ID, birth certificate, wage slips or proof of eviction if you have it with you. The local authority will then assess your situation and put you in an emergency accommodation.

Rough Sleepers

A **rough sleeper** is someone without a place to sleep. They include:

1. People sleeping, about to bed down (sitting on/in or standing next to their bedding) or actually bedded down in the open air (such as on the street, in tents, doorways, parks, bus shelters or encampments), and
2. People in buildings or other places not designed for habitation (such as stairwells, barns, sheds, car parks, cars, derelict boats, stations, or “bashes” which are makeshift shelters often comprised of cardboard boxes).

They do not include:

- people in hostels or shelters
- people in campsites or other sites used for recreational purposes or organised protests
- squatters or
- travelers

What should you do if you are a rough sleeper?

The same accommodation provider rules for homeless persons apply to rough sleepers.

You should **contact your local council** for help. Local authorities have teamed up with local partners to provide safe spaces to rough sleepers. Under the government’s national action plan, hotels, offices and other self-contained spaces are also expected to be converted into emergency safe spaces. Please refer to the “Further Information” heading below for details on how to find your local council.

You could also **visit the StreetLink website** to provide your location and information (age, gender) to connect you with support from your local authority or outreach service. You can also contact them at 07930 867 663 or 0161 234 500.

The government has asked local authorities in England to house all rough sleepers by 29 March 2020. £3.2million has been made available to councils around England to assist rough sleepers and those at risk of rough sleeping if they need to self-isolate.

Persons with No Recourse to Public Funds (NRPF)

What is NRPF?

It is an immigration condition that prohibits access to:

- Certain benefits
- Homelessness assistance
- A local authority allocation of social housing

A person will have NRPF when they are a national of a non-EEA country and have:

- Leave to remain with the NRPF condition
- Leave to remain subject to a maintenance undertaking
- No current immigration permission

EEA nationals and their family members are not subject to the NRPF condition but may be unable to claim benefits and housing assistance if they have not obtained settled status under the EU Settlement Scheme and are not economically active.

What should you do if you have NRPF status?

You should **contact your local council** for help . On 26 March 2020, the Minister for Local Government and Homelessness set out the basic principles that local authorities are to utilise alternative powers and funding to assist those with no recourse to public funds who require shelter and other forms of support due to the COVID-19 pandemic. Please refer to the “Further Information” heading below for details on how to find your local council.

Some of the measures introduced by the Government to assist people during loss of employment during this time can be accessed by those with NRPF, but if they are unable to meet this demand, the local authority may be required to fill the gap and provide accommodation and/or financial support.

Families and adults with care needs who have no recourse to public funds may request assistance under section 17 of the Children Act 1989 or the Care Act 2014, due to being homeless, at risk of homelessness or unable to afford to meet their basic living needs.

Alternatively, you could **contact Shelter** for assistance or access <http://www.nrpfnetwork.org.uk/Documents/coronavirus-factsheet.pdf> for further information.

What happens if I refuse to self-isolate?

From 23 March 2020, where persons do not self-isolate, the police can:

- Ask you to leave the area
- Ask you to go home
- Arrest you

However, if the police believe that you have broken these rules, or if you refuse to follow their instructions, a police officer may issue you with a fixed penalty notice for £60 (reduced to £30 if paid within 14 days). If you already received a penalty notice, they can double the amount to £120 and so on.

There is an exception for people who are homeless, but they may direct you to the local council or other services.

What do you do if your service is closed?

The current government guidance is that shelters/charities providing services for homeless/rough sleepers should remain open as they provide essential voluntary or public services.

Such shelters/charities may have changed the way they offer these services in accordance with the government’s social distancing guidelines. This may include moving support services to contactless/remote means, offering takeaway options for food and/or reducing operating hours.

1. Contact Your Local Council

If you are experiencing problems with accessing services, you should contact your local council for further advice. Local authorities have teamed up with partners over the weekend of 28th and 29th March 2020 to provide self-contained accommodation, food and care to homeless persons and rough sleepers. Please refer to the “Further Information” heading below for details on how to find your local council.

2. Seek Legal Advice

If local authorities refuse to assist you and/or you still cannot access services, you should seek legal advice immediately as there has been clear government advice that local authorities must help you. Please contact Shelter at 0808 800 4444 (8am-8pm on weekdays, 9am-5pm on weekends) or visit <https://www.lawcentres.org.uk/> to obtain assistance from your local law centre.

Further Information

BPP Pro Bono Centre has produced a series of Factsheets looking at how COVID-19 impacts on a range of different people. All of our factsheets can be viewed on the Pro Bono Centre Blog here: <http://probono.bppuniversity.ac.uk/blog/>

How can you find your local council?

1. Visit <https://www.gov.uk/find-local-council> to locate your local council.
2. Enter the postcode in which you currently reside. It will direct you to the website of your particular council.
3. Once you enter the local council website, locate the tab labelled ‘Contact Us’. This may be found as a tab at the top, or at the very end of the page on the footer. This page will provide you with relevant details such as a phone number and location to visit.

If you do not have access to a mobile phone to search this, try to locate the nearest BT In Link kiosk which has free public wifi.

Help and Advice

Shelter – 0808 800 4444 (8am-8pm on weekdays, 9am-5pm on weekends)

Civil Legal Advice – 0345 345 4 345 (9am-8pm on weekdays, 9am-12:30pm on Saturday)

Law Centres Network - <https://www.lawcentres.org.uk/>

Crisis - <https://www.crisis.org.uk/get-help/> or 0300 636 1967

24-hour National Domestic Violence Freephone Helpline – 0808 2000 247

Information and Updates

The UK Government publishes a number of documents and updates as part of the ongoing response to COVID-19. These can be found on the UK Government website here: <https://www.gov.uk/coronavirus>

Shelter also publishes an updated overview of emergency measures introduced to deal with COVID-19: https://england.shelter.org.uk/legal/housing_options/covid-19_emergency_measures/homelessness#1

Wellbeing

This is an extremely difficult time for everyone. There is much uncertainty and a lot of anxiety. Along with your physical health, it is important to look after your emotional wellbeing during this period. There are a number of organisations that can help you during this difficult time.

Mind – 0300 123 3393 (Monday to Friday, 9am to 6pm) www.mind.org.uk