

Coronavirus and homelessness – Part 2

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The recording may be accessed [here](#).

Before we begin...

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Introduction

Pick up where we left off...

- Intentional homelessness
- Priority need
- Local connection
- Discharge
- Questions

Intentional homelessness

s.191, HA 1996

A person is intentionally homeless if he deliberately does or fails to do anything in consequence of which he ceases to occupy accommodation which is available for his occupation and which it would have been reasonable for him to continue to occupy

What acts/omissions

- leaving a property due to Covid-19 fears?
- Failure to pay rent? *Cf* non-statutory guidance about approaching LL early and attempting to renegotiate. What about *Viackiene v Tower Hamlets LBC* [2013] EWCA Civ 1764; [2014] H.L.R. 13?

Priority need

S.189

- Particularly:
 - “a person who is homeless or threatened with homelessness as a result of an emergency such as flood, fire or other disaster” (s.189(1)(d)).
 - “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.” (s.189(1)(c)).

Priority need (2)

- Vulnerability
 - Significantly more vulnerable than the ordinary person who is need of accommodation as a result of being rendered homeless (*Hotak and Anor v Southwark LBC; Johnson v Solihull MBC* [2015] UKSC 30).
 - “more at risk of harm from being without accommodation than an ordinary person would be (per Lady Hale at [93]).
 - “such that the harm or detriment would make a noticeable difference to their ability to deal with the consequences of homelessness” (Code, 8.15).

Priority need (3)

The comparator is an ordinary person who is in normal health and does not have any other physical or mental illness, or disability of the type that might render them vulnerable (*Guiste v Lambeth LBC* [2019] EWCA Civ 1758).

Priority need (4)

Wales - statutory guidance:

- “The Covid-19 pandemic presents a grave and exceptional risk to...persons who are homeless. Such persons may be unable to adhere to health advice, to self-isolate or socially distance, or to maintain the necessary hygiene arrangements.”
- “...not a risk to which an ‘ordinary homeless person’ is exposed...”
- “almost inevitable that a person who is either street homeless or faced with street homelessness is less able than an ordinary homeless person to fend for himself...and would suffer more harm than an ordinary homeless person would suffer.”

Priority need (5)

s.189(1)(d):

- “a person who is homeless or threatened with homelessness as a result of an emergency such as flood, fire or other disaster.”
- Covid-19 is a public health emergency.
- Causal requirement – “...as a result of...”
- Example – licensee asked to leave by persons wishing to self-isolate or merely wishing not to share because of risks posed by virus.

Local connection

- Referral is discretionary
 - What is your approach when the “second wave” hits and hits on a regional basis?

Discharge

- Getting paperwork in order.
 - Notifying s.189A assessment & plan.
 - Notifying end of duty, including discharge ground etc.

Q&A

We will now answer as many questions as possible.

Please feel free to continue sending any questions you may have via the chat section which can be found along the top or bottom of your screen.

Thank you for listening

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