

Homelessness and Coronavirus

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Introduction

As promised, we have tried to group the questions into broad themes. As with the webinar itself, this is not legal advice and no reliance is to be placed on our answers. We are simply two people who enjoy the intricacies of homelessness law and are thinking out loud about how the current pandemic impacts on the legislative scheme.

Stop-press

New paragraphs 8.44 and 8.45 of the English Code of Guidance on priority need and coronavirus (see [here](#)). It's rather less detailed and less progressive than in Wales, but it is at least something.

Eligibility

Many of you were concerned about what would happen once the pandemic had passed and (it was assumed), local authorities went back to applying a more rigorous eligibility test. The problem, as we noted in the talk, is that is only part of the question. You cannot separate s.185 eligibility from an analysis of what power is being used to provide housing.

That said, it is most likely to be relevant in those cases where someone plainly isn't eligible (so the duties under s.188, 189A or 189B don't arise). If it appears that they are (or may be) eligible, then the answer is to provide housing and assess that question as part of your s.188 inquiries.

There is a real difficulty in relying on non-statutory letters from Ministers. Those letters do not amount to statutory guidance. They do not disapply s.185 and the regulations thereunder. At some stage, someone is going to come unstuck on this issue.

Homelessness

There were also various questions about a variety of scenarios which lead to someone claiming that it is not reasonable for them to continue to occupy a property (*e.g.* because of the difficulty of self-isolating, the behaviour of house-mates in a shared house *etc*). There is no change here.

It's still a question that the authority needs to consider in the round, taking account of all the relevant factors *etc.*

Likewise, there were questions about whether someone could be homeless if they had accommodation available in another country but could not travel there because of coronavirus. Such a person is homeless. That property is not physically available to them.

Re-applications

A handful of people queried whether the pandemic was a material change of circumstances which could justify a re-application. We tend to the view that it is.

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