

Housing Support for People Living with HIV

A toolkit for seeking temporary
accommodation in England



Who is this toolkit for?

This toolkit is for people living with HIV and the people supporting them (clinicians, HIV support organisations, family and friends). This is not a substitute for legal advice but it serves as a starting place to understand:

- Temporary accommodation, how it works and who gets priority need
- The responsibilities of local housing authorities, and
- How to build a case for being considered priority need



The responsibilities of local housing authorities

Every local council has a responsibility to help prevent homelessness and take reasonable steps to provide advice and assistance to anyone who is eligible and:

- Is currently homeless
- Or at risk of experiencing homelessness

Local authorities have duties if the eligibility criteria are met

If an individual is facing homelessness within the next 56 days (8 weeks/2 months)	If an individual is currently homeless
The local authority must take reasonable steps to help prevent them from becoming homeless (Prevention Duty)	The local authority must take reasonable steps to help them find somewhere to live (Relief Duty)
This could include providing advice, assistance to find alternative accommodation or helping the individual to stay in their current accommodation by speaking to your landlord or resolving any disagreements that led to your risk of homelessness.	This could include providing advice, providing a bond guarantee, funding a rent deposit or working with a private landlord to make properties available.

Whether someone is homeless, or facing homelessness, the local authority should conduct a “Housing Needs Assessment”. This assessment records the individual’s housing needs. There should be at least one face to face interview during the assessment and as a minimum the assessment should record:

- The housing needs (ie what sort of accommodation you need, what size, shared/ non shared, supported/independent and in what location)
- The support needs (employment, disability, health)
- The reasons and context that led to homelessness, or risk of being homeless

This housing needs assessment should then be used to develop a personalised housing plan (a PHP) which sets out the next steps that should be taken both by the council and the individual.

What is temporary housing?

“Interim” or “emergency” temporary accommodation is a form of housing that is provided while a local housing authority carries out the Housing Needs Assessment, develops the PHP, and takes steps to help people find longer term accommodation.

If the council is unable to “prevent” or “relieve” homelessness during a period of 56 days, then they will need to decide whether they have a duty to provide longer term temporary accommodation under a “full duty”.

To be considered for either sort of temporary accommodation (interim or full duty) the council will need to consider various tests including whether there is a “priority need” for housing.

The test for interim temporary housing

The council MUST provide interim accommodation while they deal with your homelessness application if they have reason to believe that someone

- May be homeless and
- May be eligible and
- May have a priority need

The tests for longer term temporary housing under the full duty

The council will only provide this sort of temporary accommodation, if at the end of their assessment process and after they have tried to relieve homelessness, they are satisfied that someone is:

- Still homeless,
- Is eligible,
- Has a priority need, and
- Are not intentionally homeless



What does “eligible” mean?

Eligibility, in homelessness law, is determined by an individual’s immigration status.

British Citizens and Commonwealth Nationals with a Right of Abode are eligible. So are people who have specific types of leave to remain in the UK including:

- Indefinite Leave to Remain (which includes EU settled status),
- Refugee Status,
- and various types of discretionary leave so long as they do not have a “no recourse to public funds” condition attached.

The types of leave that mean someone can access housing assistance are set out in a finite list in regulations. So if an individual is not on that list (e.g. they have a visitors visa, or a student visa) then they will not be eligible for housing assistance.

If someone is ineligible:

- Housing authorities still have a duty to provide free advice on preventing homelessness even if they don’t have a duty to provide further support
- They may be able to get housing support through adult social care (Care Act 2014) if they have care needs arising from a mental or physical impairment or through Children’s Services (Children Act 1989) if they have a dependent child or children.

What does priority need mean?

Priority need is a key issue in a homeless application. Only those who may be in priority need can expect to be provided with accommodation. Priority need can be divided into two types.

1) Automatic priority need: applies when someone fulfils one of the following criteria.

- They are pregnant
- They have dependent child(ren) living with you
- They are 16/17
- They are 18-20 and have a history of being in care (even if was only for a very short period)
- They have become homeless as a result of domestic abuse
- They have become homeless as a result of fire, flood or other disaster

2) Priority need because you are vulnerable:

If none of the automatic eligibility criteria apply, someone may still be deemed as having a priority need due to vulnerability.

The law on homelessness sets out some factors for assessing vulnerability:

- physical disability;
- mental illness or learning disability;
- old age;
- having previously been in care;
- having been in the armed forces;
- having been in custody;
- violence or threats of violence from someone who is not a partner or relative; or
- any other special reason.

What is vulnerability?

The law does not say what “vulnerability” is. But there is guidance that councils have to follow — they must ask themselves whether if homeless, the individual would be **significantly more vulnerable than an ordinary person** would be if they became homeless. To prove this, it must be shown that:

- they would suffer or be at risk of suffering harm or detriment,
- an ordinary person would not suffer or be at risk of suffering the same type of harm, and
- the harm or detriment would make a noticeable difference to their ability to deal with the consequences of homelessness

An individual living with HIV does not automatically qualify for priority need for housing. However, someone’s HIV status can be considered as part of the assessment of vulnerability and harm.

For example, if we applied the test above to some people living with HIV:

- The harm would be not adhering to treatment, disengaging from HIV care and the results on a person’s mental and physical health
- The ordinary person is not living with HIV so do not need to worry about access to treatment and monitoring their health in the same way
- Becoming ill due to non-adherence to treatment and disengagement from care would make it harder to find accommodation, stable employment and do any tasks to work towards exiting homelessness without support

Establishing vulnerability

It is important that the council knows about an individual's HIV status and any other health if it is likely to affect the person's ability to cope with the effects homelessness.

The information should be shared during the initial interview and any further interviews that help to develop the Housing Needs Assessment and Personal Housing Plan.

When providing information on forms, these should include full details of health conditions, treatment, difficulties managing the condition, other difficulties experienced, any support network, specific housing needs (for example, access and mobility).

It is particularly important to share the following information:

- Any symptoms difficulties experienced with daily living tasks, such as:
 - gastrointestinal problems
 - anxiety that makes it difficult to complete tasks
 - nerve pain or damage
 - It is okay if your symptoms fluctuate and are not present all the time. Symptoms can change from day to day. If this applies to an individual, explain the affect of symptoms when they occur, how often they occur, and any difficulties they cause with everyday activities.
- Information related to ongoing engagement in HIV care, such as:
 - Whether someone as had periods of time not in HIV care
 - Struggles in taking HIV treatment as needed (whether someone is on daily pills or injectable treatment)
 - Whether any struggles relating to HIV treatment were related to being homeless or at being risk of homelessness previously, or financial difficulties
 - What the impact has been on the individual's health of any periods when they were not in HIV care
- Whether HIV stigma has impacted their ability to find or stay in housing, such as:
 - experiences of discrimination in previous housing
 - If experienced HIV stigma has made it harder to maintain relationships meaning that there is a reduced support network such as friends or family who could provide support
- Whether there is any other diagnosed conditions that someone is managing — such as diabetes, kidney disease, mental health conditions such as anxiety or depression
 - If so, set out whether and how homelessness would make it harder to manage those conditions and impact their ability to access therapy, appointments
- Whether there are any other issues that should be taken into account when assessing priority need. These could include factors such as:
 - The fact someone has recently left prison,
 - That they are also accessing drug and alcohol support services, or
 - That they are trying to leave a partner who has been verbally or physically abusive

Stating you are living with HIV is not enough to qualify for priority housing need. You have to show that living with and managing their HIV (and any other relevant issues and factors) would mean that homelessness would cause you **more harm than others**. Many local authorities may not understand the impact of people living with HIV disengaging from care or treatment. It's important to explain the impact on both mental and physical health.

For example, being homeless creates a risk of disengaging from care. If you then argue homelessness would be a barrier to taking their medication, you should point out how disengaging would lead to your immune system becoming weaker. This can be considered an example of harm that the average person would not experience if they became homeless. Your individual circumstances (including their lived experience of discrimination, health, support needs) should all be considered as part of this assessment.

Supporting evidence

Many local councils will ask for confirmation of any diagnosed conditions from a healthcare professional. This could be provided by a GP, but other evidence can also be put forward including from support charities, carers and other relevant support organisations and individuals.

A letter from a healthcare professional is most helpful when it includes information relating to an individual's wider health, needs, and gives a view on the impact of homelessness. The healthcare professional's role is to provide reliable evidence about health, care, support and likely consequences.

A letter from a GP or HIV clinician should include:

- History with treatment and HIV care
- Symptoms and side effects of treatment
- The importance of routine and stability on health
- The impact of homelessness on managing HIV (and other conditions))



Template letter 1: Asking for a letter of support from GP, HIV consultant or support charity

Dear [Recipient's Name – if this is your GP or HIV consultant, Dr [Last name]],

Re: Request for a Support Letter for Housing Priority Need Assessment

I hope you're doing well. I'm writing to ask if you'd be able to provide a support letter outlining my health needs in relation to housing.

This would help me to argue I should qualify for priority need for temporary accommodation from my local housing authority.

If possible, I'd appreciate it if the letter could include:

- The length of time you've supported me and the type of support you have provided me
- An overview of my HIV related and holistic support needs
- An explanation of why I would be more vulnerable than the average person because of my HIV (and other relevant factors) including risk of disengaging from care
- A clear statement recommending that I should have priority need for temporary accommodation due to my HIV and wider needs,

Please let me know if there's any information I can share with you to make it easier to write a letter of support. I'm happy to provide further details if needed.

Thank you for your time.

All the best,



Template letter 2: Healthcare professional

To whom this may concern,

Re: Medical evidence in support of [patient's name]'s housing application

I am [name and professional role] at [GP practice /HIV service] and have been involved in [X]'s care since [date/period].

I am writing to explain the potential impact that homelessness or unstable accommodation would have on [X]'s health and ability to manage their medical needs.

[Patient's name] has been living with HIV and receiving treatment and ongoing clinical care for [date]. In order to take care of their health and prevent their HIV from progressing, they must adhere to their antiretroviral treatment regularly and stay engaged with care. HIV is a chronic long-term condition and to maintain a good standard of health, [X]'s care requires they [describes other health-related needs including psychiatric support or support from a carer].

In my professional opinion, if [X] were required to continue to live in unstable or unsuitable accommodation, this would... [make it difficult for them to attend regular healthcare appointments and screenings/add to their stress worsen their mental health making it hard to regularly take their antiretroviral treatment as consistently/make it harder for them to access peer support/contribute to their stress and create barriers to adhering to their treatment].

[X]'s particular health needs mean that disruption to their treatment and clinical care could place them at increased risk of viral rebound which would make them more vulnerable.

They also could...

In my professional opinion, the combination of [health needs/treatment requirements/ financial and social needs/support requirements] means that homelessness would be likely to have a substantially greater impact on [X] than it would on an ordinary person. Based on my knowledge of [X] and their clinical needs, loss of stable accommodation would lead to difficulties adhering to their treatment. I would therefore strongly support their request for support to find stable, suitable accommodation as soon as possible.

Please contact me if further clinical information is required.

Yours faithfully,

Template letter 3: HIV support organisations and carers

To whom it may concern,

Re: Evidence in support of [service user's name]'s housing application

I am [name and professional role/relationship to X], and I have known/supported [X] since [date]. I am providing this letter to support the assessment of their housing needs and to explain the impact that homelessness or unstable accommodation would have on their health, wellbeing and ability to cope.

[X] is living with HIV and is currently [brief description of health to show vulnerability — are they adhering to treatment? What is their mental health like? Are they struggling to manage health]. Their...

I currently support [X] with [list services: benefit applications/appeals, housing applications, financial support, or other services]. The level of support they require is relevant to understanding their circumstances. Their need for this level of support demonstrates that they can have difficulty managing important aspects of daily life independently and that some of their needs remain unmet without ongoing assistance.

[X] experiences [use this space to describe symptoms or other conditions and how they impact your daily living]. Without appropriate support and a stable environment, these symptoms would prevent [X] from being able to cope reasonably with homelessness and find new accommodation without significant intervention.

Having stable housing would provide a foundation from which they can manage their health, adhere to routine and then engage with the support. Homelessness or unstable accommodation would increase the risk the likelihood of them [disengaging from care, struggling to adhere to treatment or finding it difficult to re-engage with support]. In my opinion, they would be likely to experience significant harm and negatively impact them more than the average person.

Please contact me if any further information within my knowledge and role would be helpful, subject to [X]'s consent and appropriate confidentiality requirements.

Yours faithfully,

Asking for a review

If an individual disagrees with the decision following the housing needs assessment, they are entitled to have written explanation for their decision.

A review needs to be requested within 21 days (3 weeks) from the day they receive the decision.

An example request may look like this:

To whom this may concern,

Re: Review of homelessness support decision – [your name]

Following the decision made by [name of local council] issued [date you received the decision], I am asking for a review under section 202 of the Housing Act 1996.

The council decided that [include decision] on the basis of [include written explanation]. In this instance, I disagree with the decision because it does not acknowledge [include any arguments based on why you have higher need or mention anything they left out in written explanation].

Kind regards,

Legal Aid

Some people can access legal aid which helps cover costs of legal advice for your housing case if you need a solicitor.

If you successfully apply, you will be assigned a solicitor who can provide you free advice and represent you to the local authorities including in tribunals if needed.

You qualify for legal aid if:

- Your income is below £2,657 or get a income or unemployment benefit AND
- Your savings, investments and property are below £8,000

Your income and savings are calculated based on what you and any partner make or own.

You can apply online

(<https://www.gov.uk/legal-aid/check-legal-aid>) or call Civil Legal Advice (CLA) on 0345 345 4 345 (Monday to Friday, 9 AM–8 PM)

Other sources of advice

Shelter

0808 800 4444
(Monday–Friday, 8 AM–8 PM; weekends 9 AM–5 PM)

Citizens Advice

Adviceline: 0800 144 8848
(Monday–Friday, 9 AM–5 PM);
www.citizensadvice.org.uk/about-us/contact-us/nearby/

Terrence Higgins Trust

0808 802 1221
(Monday–Friday, 10 AM–8 PM)

Stonewall Housing

020 7359 5767;
info@stonewallhousing.org

Crisis

www.crisis.org.uk/about-us/contact-us/

Find your local Law Centre

<https://www.lawcentres.org.uk/list-of-law-centres>

Requirement for temporary accommodation to be suitable

The law says that any accommodation that is provided must be “suitable”. A Housing Needs Assessment should have key information in it which the council should refer to when deciding what sort of accommodation would be suitable. The guidance that councils must follow says they must consider suitability individually and keep suitability under review.

If accommodation has been provided, the council should be informed about anything that makes it unsuitable.

Factors that could relate to accommodation being unsuitable include:

- it being too far from someone’s HIV clinic or where they access HIV support services;
- if medication cannot be safely and confidentially stored;
- if there is a serious risk to safety or health from the house itself or other tenants;
- the accommodation is inaccessible and does not have the necessary disability modifications

For certain accommodation decisions there is a statutory right to request a review of suitability within 21 days of being offered it. This only applies to temporary accommodation when the full duty has been confirmed — there is no right to a review of the suitability of interim accommodation.

However if the interim accommodation is clearly unsuitable and it can be said that the decision to offer it to you is irrational, you may be able to challenge it by way of a judicial review — but you will need a solicitor to do this.

Glossary

Intentionally homeless

The council thinks you became homeless because of something you chose to do or did on purpose. For example, you left a home that you could reasonably have stayed in. It does not simply mean that you are homeless because things went wrong.

Housing needs assessment

When the council looks at your situation and what kind of housing you need. They may ask about where you are living, your health, your family, your money, and any problems that make it hard for you to find or keep a home.

Relief and prevention duties

The council has a responsibility to help you with homelessness.

- **Prevention** — helping you keep your home or find another home before you become homeless.
- **Relief** — helping you find a home after you have become homeless.

Vulnerable

A person needs extra help or support because of their circumstances. For example, you may have a disability, health problems, learning difficulties, or other serious problems that make it harder for you to cope with homelessness.

Detriment or harm

This means something that could hurt you, make your situation worse, or cause you serious problems. For example, living somewhere unsafe could cause you harm or detriment.

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