

help with **housing problems**

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My home goes with my job, what happens when I leave the job?

I rent a flat and my landlord has just given me notice to quit. Do I have to leave immediately?

I've split up with my partner and have nowhere to live. Where can I go?

If I am homeless, will anyone be able to help?

The place I'm living in is falling apart – how can I get the landlord to do repairs?

I can't afford to buy a house, what can I do?

Can I get a mortgage if I'm self-employed?

Many people face problems like this. If you are one of them, or if you've got other questions about housing, this leaflet may be able to help.

My home goes with my job, what happens when I leave the job?

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TIED ACCOMMODATION

A lot of people who work in the licensed trades live on the premises. This can cause problems if you change jobs or retire.

If I leave my job or lose it, do I have to leave my home?

You may have to leave, but not immediately. It's against the law for anyone to harass you, change the locks, or just throw you out.

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Whether you can stay in your home depends on the nature of your job

Are you employed or self-employed?

Do you have any **choice** about living where you do when it comes to doing the job?

- If you're **employed**, and **must** live where you do **in order to do the job**, then you will have to leave your home when the job ends. This doesn't mean you can just be thrown out on the street straight away.

Your employer will have to give you proper notice. He may have to prove to a court that he needs the accommodation for the next person who is going to do the job. But in the end, you will almost certainly have to find somewhere else to live.

- If you are **employed**, and it is **convenient** for the job that you live there, but **not essential** – if you could do the job just as well, but with a bit more hassle, if you lived somewhere else - then you will have more rights. You may be able to stay there longer.
 - It is against the law for your employer to harass you or make you leave by force.
- If you are **employed**, and your rent is paid but you have a separate tenancy agreement with a landlord, then you will have some rights. Even if you are asked to leave, the landlord will have to
 - give you proper notice to quit
 - get a possession order from a court before he can evict you.
- **If you're self-employed and you've got a business lease**, then you're a business tenant. The Landlord and Tenant Act 1954 (Part 2) provides some important legal protection. You may have the right to renew the tenancy when it comes to an end. However, if the landlord has asked you to "contract-out" – in other words to exclude security of tenure from the lease – and you've agreed, then you will have given up your rights under this act.

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If you are in any of these situations, get advice – see the list at the end.

I rent a flat and my landlord has just given me notice to quit. Do I have to go?

PRIVATE RENTED ACCOMMODATION

You need to find out what kind of tenancy you have got.

This may depend on:

- how long you have been in the accommodation
- whether the accommodation is self-contained
- whether the agreement is for a fixed term
- whether the landlord lives on the premises

If you have a written agreement with your landlord, then that should tell you what kind of tenancy you have. If you have nothing in writing, **get advice**.

- If you are an **assured tenant**, you will have the right to stay in your home unless the landlord **can prove to a court** that you have broken the terms of your agreement, by
 - not paying rent
 - damaging the property
 - some other serious breach of the tenancy agreement
- If you are an **assured shorthold tenant**, and your tenancy is for a **fixed period** of 6 months or more, then at the end of that time the landlord may renew the agreement with you, or may ask you to leave.

In this case, the landlord must

- give at least 2 months' notice

• get a possession order from a court if you haven't left at the end of the notice period

You cannot be asked to leave **before** the end of the fixed term unless you have broken the terms of your agreement, by

- not paying rent
- damaging the property
- some other serious breach of the tenancy agreement

- If your tenancy began before 15 January 1989, you may be a **protected tenant**. If so, you will have very strong rights to stay in your home.
- If your landlord lives on the premises, then you may have **basic protection**. **This gives you very limited rights**.

Whatever your tenancy, you don't have to leave immediately. The landlord has no right to harass you, change the locks or throw you out by force. If you are asked to leave your home, then get advice.

I've split up with my partner and have nowhere to live. Where can I go?

HOMELESSNESS

There are lots of reasons why you might find yourself with nowhere to live:

- your home went with your job and you've had to move out
- you have split up with your partner and have had to move out
- you have had to leave rented accommodation and have nowhere to go.

You may be able to get help from your local housing authority. It depends on your personal situation and why you have nowhere to live.

Can you answer yes to any of the following questions?

- **have you got any children?**
- **are you pregnant?**
- **are you elderly?**
- **are you sick or disabled?**
- **are you 16 or 17 years old?**
- **are you homeless because of an emergency, like a fire or a flood?**

If you can, then the local council may have to re-house you, even if it is only on a temporary basis. You will need to have some links to the local area.

If the council think you have done something to make yourself intentionally homeless, then you may only be offered very short-term accommodation, perhaps in a hostel or B&B. But it should be enough to stop you sleeping on the streets.

If you can't answer yes to any of these questions, then the council is unlikely to help. Unless you can stay with friends or family, or you have enough cash to rent somewhere, your best hope is a hostel. You will find these in most big towns and cities, but in country areas it is more difficult.

If you are able to get somewhere to rent in the private sector you may be able to get help with your rent. Contact your Local Authority for information on Housing Benefit.

If I am homeless, will anyone be able to help?

If you are homeless and have nowhere to go, seek advice – see end of leaflet for organisations that may be able to help.

The place I'm living in is falling apart – how can I get the landlord to do repairs?

The law says that landlords have to keep the following in good repair:

- the outside of the building, including pipes, drains and gutters
- water and gas pipes
- electric wiring
- basins, sinks, baths and toilets
- fixed heaters and water heaters

The landlord is also responsible for seeing that any gas appliances and fittings are safe. They must be tested at least once a year.

If you have a tenancy agreement, this may list other repairs that the landlord is responsible for.

This sounds straightforward, but it may not be. If you hassle your landlord to do repairs, then it is possible that he may want you to move out, or refuse to renew your tenancy at the end of the lease.

If you have a problem with repairs, seek advice.

OTHER PROBLEMS WITH PRIVATE LANDLORDS

• Can the landlord put the rent up?

This depends on the kind of tenancy agreement you have. You have to pay the rent that was agreed when your tenancy began. There may be something in your tenancy agreement that says when and how this rent can be put up.

- If you query rent increases, then the landlord could try to get you out.
- He can also evict you if you do not pay your rent.
- If you cannot afford to pay your rent, you may be able to get housing benefit. You may also be able to get other benefits.

If you have problems with your rent, seek advice.

• What can I do if the landlord keeps my deposit?

When you leave rented accommodation, the landlord can keep money from your deposit to cover things like rent arrears or damage or necessary cleaning.

- He cannot deduct money for fair wear and tear.
- If you don't get your deposit back, and you think that is unfair, then try and negotiate with the landlord.
- If that doesn't work, you could consider taking him to court.

I cannot afford to buy a house, what can I do?

LOCAL AUTHORITY / SOCIAL HOUSING

• **How can I get a council house?**

All councils keep a housing register. This is a list of people who have applied for a council house. Ask the council if you are entitled to go on the list and how to go about it.

If you've got particular needs, you may move up the list, these include:

- living in overcrowded or unhealthy housing conditions,
- families with children
- people with special needs -for instance, illness or disability
- older people

If your circumstances change once you are on the list, for example if you have another baby, or someone is sick or disabled, make sure you tell the council.

Some areas also have other housing associations that provide homes. Ask your local council about this.

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Can I get a mortgage if I'm self-employed?

BUYING YOUR OWN HOME

• **Can I get a mortgage if I am self-employed?**

Normally three years business accounts will be asked for – if you can provide these and have a good financial track record and have some money for a deposit then you will probably be able to get a standard mortgage.

But for some self-employed people it can be difficult finding a standard mortgage lender who is prepared to offer a mortgage. In this case, a self-certification mortgage may be the one for you. An SCM is offered on the basis of you stating what you earn rather than providing documentary evidence. You will almost always have to put down a higher deposit, which may be as much as 25%, and you may have to pay a higher interest rate than for a standard mortgage. If you decide this type of mortgage is right for you, be sure to use a reputable firm that is regulated under the mortgage code.

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• **Can I get a mortgage if I am retired?**

This is getting easier. Lenders used to have age limits, but many of them have now removed these. If you can prove you will have enough retirement income to cover repayments, you may be able to get a mortgage. Monthly repayments are likely to be high, as you will have to pay back the loan over a shorter than average time.

There are also schemes where you can release the equity from your home without having to pay money back on a monthly basis. The loan, plus interest, has to be paid from the sale of the house when you die. This can sound attractive, but may have hidden traps.

If you are thinking about this, you need to seek financial advice.

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• **What is shared ownership?**

This is a scheme where you buy a share of a property from a housing association and pay rent for the rest. As your financial situation gets better, you may be able to increase your share until you own the whole property.

If you cannot afford to take out a full mortgage, but have got enough money to keep up payments of a part mortgage, as well as pay some rent, this may be ideal for you.

Different housing associations have different guidelines. You will have to contact people locally to find if there is a scheme you can join.

Most housing associations have a list of priorities, including:

- people on the council waiting list
- first-time buyers,
- people in particular jobs (nurses, teachers etc)
- people with particular housing needs.

If you have a County Court Judgement against you, or you are in rent arrears, you probably will not be able to join a shared ownership scheme.

WHERE TO GO FOR HELP

Citizens Advice Bureau

You will find one in most towns. These bureaux give free, practical, up-to-date advice. They are meant to be non-judgemental and work confidentially. You can find their address and phone number in your local phone book or at www.adviceguide.org.uk

Housing Corporation

0845 230 7000

Government agency that funds new affordable housing and regulates Housing Associations in England

Website: www.housingcorp.gov.uk

LSC Housing solicitor

0845 608 1122

In many areas there is a legal services commission solicitor who will be able to give you free advice and support on housing if you're eligible.

Websites: www.legalservices.org.uk www.clsdirect.org.uk

Local authority housing dept

They can provide help and advice on housing issues, and homelessness, contact details can be found in the phone book.

Shelter

0808 800 4444 8am-midnight, seven days a week.

Free housing advice.

Website: www.shelter.org.uk

for information and e-mail advice.

MORE HELP FROM THE LICENSED TRADE CHARITY

More information and support is available from the Licensed Trade Charity.

- There are further 'help with' leaflets including '**Planning for Retirement**', '**Problems with Alcohol**', '**Debt**', and '**Relationship Breakdown**'.
- Our website details other ways in which the charity may offer support. www.licensedtradecharity.org.uk
- Call our welfare department on **01344 884440**

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