

# **Homelessness and Housing Options in Sandwell**

For further help and support visit our website:

[www.sandwell.gov.uk/housing](http://www.sandwell.gov.uk/housing)

If you are using this document on paper, then use your search engine to search for 'Sandwell Council Housing Solutions'

## Contents

	Page
Introduction and homelessness	2
How do I apply for Council Housing	3
What other options are available to me?	7
Private Rented Sector Options	9
Discretionary Housing Payments	13
Section 21	14
Section 8	16
Housing Hunting Tips	17
Owning your own home	18
Coping with mortgage arrears	19
Your parent or relatives have asked you to leave	21
Relationship Breakdown	22
Social Housing	23
Supported Housing	24

## Introduction

This information pack has been put together to help you explore your housing options. If you need to move for any reason, are homeless or at risk of becoming homeless it can be a very stressful time.

The most important thing you can do is contact Housing Solutions as early as possible as the more time we have to help you, the greater the chance we can help secure housing without the need for temporary emergency accommodation.

**Call us on 0121 368 1166 (option 2) or register directly to the service on <https://live.housingjigsaw.co.uk> as soon as you realise you need help**

There are a lot of myths surrounding homelessness, council housing, private sector housing and temporary accommodation. This information pack aims to address these myths and to help you understand your choices and what help is available to you.

### **What to do if I am at risk of or already homeless?**

The Housing Solutions Service is here to help you if you are at risk of or already homeless. In 2018 new legislation came into effect (Homelessness Reduction Act) and brought with it the biggest change to homelessness duties for councils in 30 years.

The intention of the Act was to ensure that prevention took priority over supporting at the point of crisis and as such, new duties were introduced:

- Improvements in the quality of advice and information,
- Prolong the period during which you are classed as being “threatened with homelessness” from 28 days to 56 days,
- An increase in the responsibility for councils with regard to tackling homelessness, and
- The development of personalised housing plans outlining the steps to be taken by you and us in order to secure accommodation

### **What does this mean for you?**

This means we want you to contact us as soon as you realise you are at risk of becoming homeless. We are here to help and this information pack will talk you through some of the options you have to help yourself and the tools we will use to help either keep you in your current home or help secure a new home for you.

The best solution is for us to help keep you in your current home. This will be less disruptive for you, your family and those people who support you. It will also cost you less in moving costs, decorating and other associated costs. This is always our preferred approach if there is time to prevent your homelessness.

If we cannot help you stay where you are, we will work with you to secure alternative accommodation before you are made homeless from your current home. The last thing we want to do is to place you in emergency accommodation. The temporary accommodation (TA) we have can include hostels, some of our own flats and bed and breakfast, including those with shared bathrooms and kitchens. If you are placed in these, it will be for a short time period and will not be as comfortable as a more permanent home. Most will have less rooms than a longer-term home will have and B&B’s tend not to have cooking facilities. Furthermore, there is little choice over the TA available and you could end up placed in a completely different area from where you live now. The TA we have has basic furnishing and is not suitable for long periods of stay.

It is important to point out that being in TA will not necessarily increase your chance of getting a council house as there are a lot of factors that influence your banding. This is explained later on in this pack.

**Call us on 0121 368 1166 (option 2) as soon as you realise you need help**

## How do I apply for council housing?

Before considering applying for council housing there are some things you need to understand and there are criteria you will need to meet to be eligible.

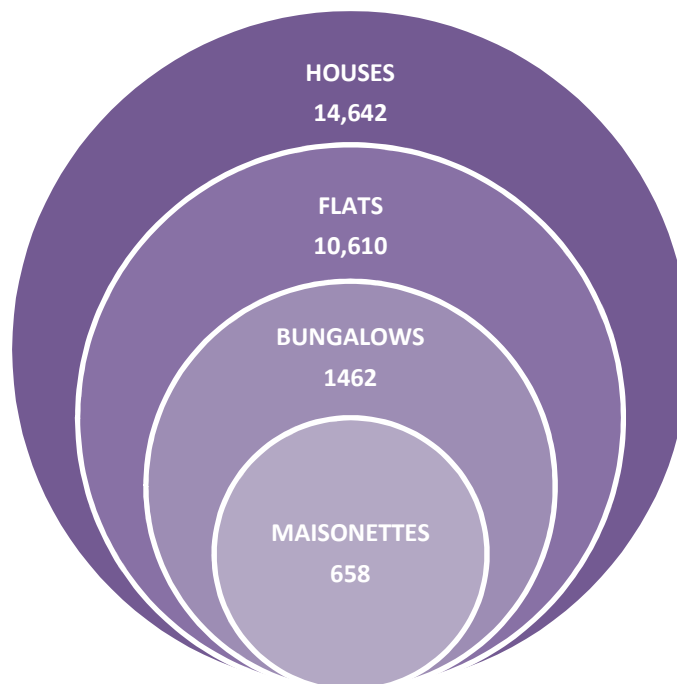
It is important you understand the likelihood of getting a council house and how long it may take. This may influence your decision around your housing options and if you are at risk of or already homeless, then it is not likely going to be a solution for you in the short term.

Sandwell Council, like most councils, does not have the same amount of properties it used to have. In 1980 the council had 55,000 properties and we now have less than half this number.

This section covers some key numbers that will help you understand the likelihood of getting a council property:

### Council property profile

The council has just over 27,300 properties. The types of properties can be seen in the diagram/ table below:



## Property profile by type and bedroom size

Property Type	Bedrooms								% of total properties
	0	1	2	3	4	5	6	8	
BUNGALOW	2	1291	155	12	2	0	0	0	5%
FLAT	43	5929	4365	273	0	0	0	0	39%
HOUSE - DETACHED	0	0	3	27	8	1	0	0	0%
HOUSE - TERRACED	0	2	1372	5167	192	9	3	0	25%
HOUSE - SEMI	0	0	1609	5323	399	0	0	0	27%
MAISONETTE	0	1	389	268	0	0	0	0	2%
TOWN HOUSE	0	0	0	526	0	0	0	1	2%

40% of the council stock are flats

54% of the council stock are houses

5% of the council stock are bungalows

Whilst the council has 27,300 properties, there are **over 6370 households on the waiting list** and last year the **council let 1810 properties**.

The council waiting list by band can be seen below:

Band	Total
Band 1	462
Band 2	750
Band 3	1757
Band 4	36
Band 5	3371

There is a lot of demand for council housing and even if no new applicants came forward, **it would take 3 and a half years to clear the current housing waiting list**. We see around 90 new applicants apply every week, so this number rarely reduces.

Given the fact we have 6370 people on the register and only 1810 lettings in 2019, this significantly affects how many people bid on a property and how long it will take for you to get a council property.

The table over the page shows the average number of bids per property type:

Property Type	Average Bids Per Property Type
Bungalow	19
Flat	26
House	175
Maisonette	89
Other	60

The lowest demand for a property is for Bungalows at 19 bids (however, bungalows tend to go to a specific group/ need including over 55's and medical priority) and the highest demand we see is for houses. The lowest demand for houses is for an end terraced town house at an average of 102 bids. The highest demand is for a semi-detached parlour house at 194 bids. This means that when you first register you are likely to be in a queue of between 26 and 194 households (when excluding bungalows).

Now you understand how many bids each type of property has; the table below shows the average wait time for all bands for each property type:

Property Type	Average no. of weeks to secure property
Bungalow	39.63
Flat	20.94
House	87.07
Maisonette	24.29
Town House	85.84

It is important to note that these timescales are the average for all bandings. It is also important to note that bungalows and low-rise flats are more likely to go to band 1 and band 2 people with medical needs and this will be affecting the average wait times for these properties.

The average wait would be 1 year and 9 months for a house and is dependent on your banding\*

Wait times for flats are shorter but are likely to be at least 6 months

If you are band 4 or 5 and are looking for a house, you will secure a house quicker in the private sector

\*this is the average wait for a house and is likely to apply to those people in higher bandings.  
If you are in band 4 and 5 your wait will be significantly longer

## BE REALISTIC ABOUT YOUR CHANCES OF SECURING A COUNCIL PROPERTY

- The shortest average wait time is 20 weeks and if you want a house, this increases to 1 year and 9 months.
- Large families – even in Band 2 will wait a few years to secure a council house
- All council properties are in great demand however houses are in greater demand than flats
- In some areas the average applicant will wait over 3 years to secure a property
- The average wait time is over a year for 11 of the 19 property types in the table above
- The lower your banding the longer the wait time will be and for those in band 4 and 5, it will be significantly longer than the table suggests

### Am I eligible and what banding would I be in?

To be eligible under the new policy you will need to meet the following criteria:

- Aged 18 years or over and [meet the qualification rules](#) or aged 16 or 17 years in specific circumstances

#### Qualification rules:

- Two-year local connection with Sandwell, or
- A social housing tenant living in Sandwell, or
- Serving in regular forces now or in last 2 years, or
- Armed forces and in urgent housing need, or
- Divorced/separated spouse/civil partner required to move out by MOD, or
- Care Leaver, or
- Persons moving-on from supported or refuge accommodation who meet various requirements

**Non- Qualification (you will not qualify if any of these criteria apply unless there are exceptional circumstances or a high level of risk. These exceptions will be on a case by case basis):**

- Person subject to immigration control
- Owner occupiers with no reasonable preference
- Owner occupiers with a reasonable preference but with equity to meet own housing needs
- Serious unacceptable behaviour
- Current/former rent arrears or housing related debt
- False information/withholding information

- Deliberately worsened housing circumstances

The table at appendix 1 will help you understand what band you are likely to be placed in (subject to assessment and evidence).

**The information above demonstrates that average wait times for council properties are exceptionally high and we have limited stock becoming available.**

**Please bear this in mind when looking at your housing options and if you are considering joining the council's housing register. Where possible you should keep your options open, and always consider Private Rented Sector (PRS) housing (discussed in the next section). You can remain on the council's housing register in the relevant banding if you accept a PRS property as long as you change your address and are eligible (e.g. have not accrued arrears).**

## **What other options are available to me?**

We have explored how to apply for a council property, whether you are likely to be eligible and the likelihood of securing a property quickly.

To have the best chance of securing a new home, especially if you are at risk of or already homeless, we have provided some useful tips and advice for finding accommodation in Sandwell.

The information includes:

- What other housing options are available to you?
- What is available in Sandwell and how to access it?
- How we can help and offer advice so you can make the right decision for you?

If you are at risk of homelessness, the council will provide you with help and support to source accommodation; and by working together with your Housing Solutions Officer you will be able to explore your full housing options.

When beginning your search for alternative accommodation it is important to remember that there is a shortage of affordable accommodation both locally and nationally; therefore, it is important that you approach your search with an open mind. You will greatly increase your chances of finding a suitable property by following the tips set out in this pack, creating a plan and keeping an open mind about your housing options.

Throughout this booklet we will refer to Private Rented Sector (PRS) properties, which mean properties that are owned by private individual(s) and rented out to single people and/or families. The term 'Social Rented Housing' refers to properties that are owned and rented out by housing associations or the council.

It is important that you keep this booklet as it contains useful information and will form part of your Housing Needs Assessment and Personal Housing Plan.



If you have any questions about the information in this booklet please contact Housing Solutions for further help and support please visit our website at: [www.sandwell.gov.uk/housing](http://www.sandwell.gov.uk/housing) or call us on 0121 368 1166 (option 2)

## Private Rented Sector Options

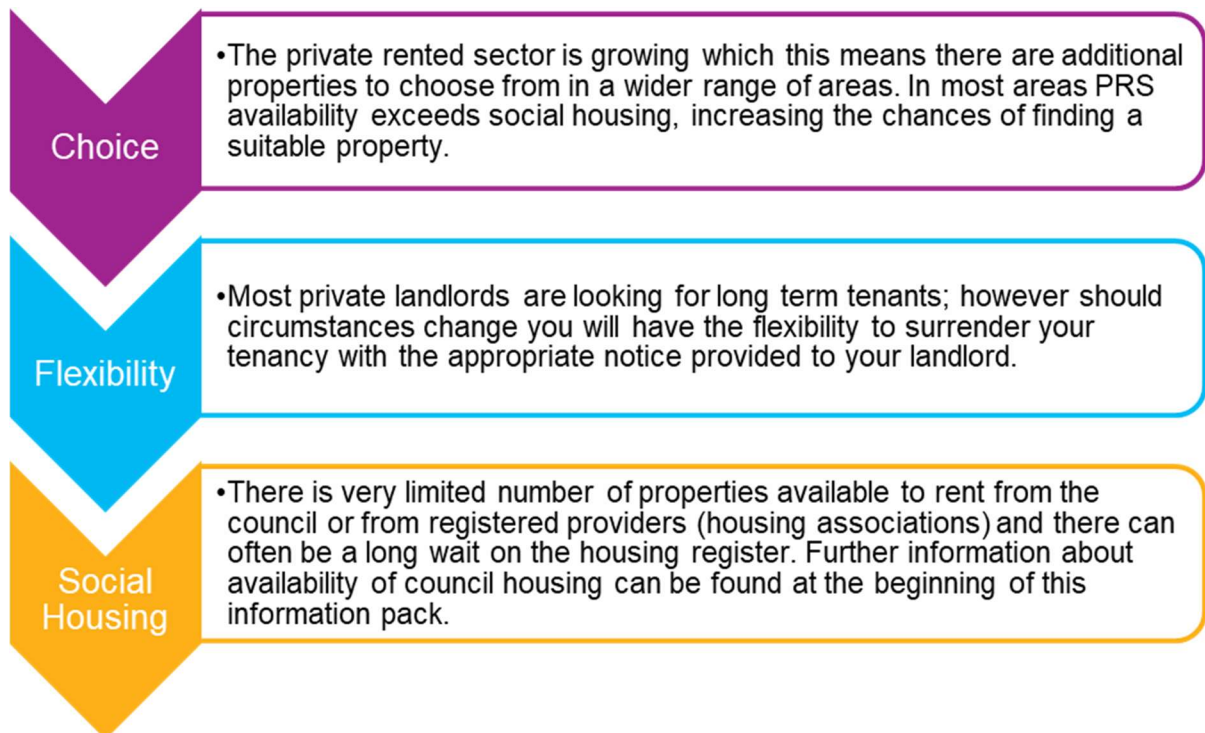
A Private Rented Sector property could be any type of residential property such as a house, flat, maisonette or bungalow. The property is owned by an individual or private company who then allows someone to live in it for a rental payment. In Sandwell we have a good supply of private rented properties.

It is often easier, quicker and more convenient to secure a private rented property rather than experiencing a long wait on the councils waiting list. You can remain on the councils housing register in the relevant banding if you accept a PRS property as long as you change your address and are eligible (e.g. have not accrued arrears).

There are many factors to consider when searching for a new property, the main three are:

1. Affordability
2. Location
3. How you will find a property

### Why Rent Privately?



## Deposits

Most Landlords or Estate Agents will require a deposit and a month's rent before you move into a property.

If you need help with a deposit, there are a couple of options which may be available to you:

### Discretionary Housing Payment (DHP)

Discretionary Housing Payment is a payment you may receive at the discretion of the local authority to help towards housing costs; however, you can only get it if you are entitled to Housing Benefit/Universal Credit (housing costs element). It is available to people who are not receiving enough to cover their rent.

It is also available for costs like a rent deposit, rent in advance or removal costs to help you move into a new home. DHP cannot be used to cover an increase in rent due to arrears or to make up the difference if an overpayment is being recovered.

For more information including how to apply please visit:

[http://www.sandwell.gov.uk/info/200154/housing\\_benefit/2170/problems\\_with\\_paying](http://www.sandwell.gov.uk/info/200154/housing_benefit/2170/problems_with_paying)

You can apply for a DHP via the Sandwell Council Website and creating a My Sandwell Account. Further information can be found in the DHP Factsheet later in this pack

<https://my.sandwell.gov.uk/ssauth/register>

### Homeless Prevention Fund

You may be able to access the Homeless Prevention Fund if you are homeless or threatened with homelessness. Homeless Prevention Fund can assist with preventing your homelessness by helping you remain in your current accommodation, or with securing new accommodation for example by contributing towards a deposit. For further information about the Homeless Prevention Fund please speak to your Housing Solutions Officer.

Your landlord must put your deposit in a government-backed tenancy deposit scheme (TDP).

In England your deposit can be registered with

- Deposit Protection Service
- MyDeposits (including deposit that were held by Capita)
- Tenancy Deposit Scheme

### The Tenant Fees Act 2019

The Tenant Fees Act came into force 1st June 2019 and applies to new or renewed tenancy agreements since this date.

From 1st June 2019, Landlords or letting agents can only ask for the following:

- Rent in advance up to 5 weeks
- A deposit up to 5 weeks
- A refundable holding deposit (to reserve a property) capped at no more than 1 week's rent
- Payments associated with early termination of the tenancy, when requested by the tenant

## Affordability

When considering renting a property you will need to work out how much you can afford to spend on rent each month. If you are on a low income you may be entitled to financial help with your renting costs through Housing Benefit or Universal Credit.

The amount of Housing Benefit paid to private tenants is capped at Local Housing Allowance (LHA) rates; and your LHA rate is worked out against your bedroom allowance (see table below).

The following bedroom entitlement is based on Local Housing Allowance rates:

- Two people over 10/under 21 are expected to share a room if they are the same sex;
- Two people under 10 are expected to share a room regardless of their sex;
- You are entitled to one bedroom for each single person or couple aged over 21.

The table below summarises current Local Housing Allowance room rates, valid until 31 March 2020. Please note that this is the maximum amount of LHA you will get – your actual benefit may be less depending on the amount of money you have coming in and if other adults apart from your partner live with you.

Number of Bedrooms	Category	Weekly Amount	Monthly Amount
1 bedroom with shared facilities	A	£60.00	£240.00
1 bedroom self-contained	B	£86.30	£345.20
2 bedrooms	C	£104.89	£419.56
3 bedrooms	D	£123.90	£495.60
4 or more bedrooms	E	£151.50	£606.00

These rates sometimes change so please follow the link below to see what the latest figures are <https://lha-direct.voa.gov.uk/search.aspx>

Remember, if you are struggling with a shortfall you can apply for a Discretionary Housing Payment from the Housing Benefit department. Please see earlier section in this booklet for further information.

## Other Costs

Your Housing Solutions Officer will complete an income and expenditure form with you which can be used to help you take control of your financial situation. Once you know where you're spending your money, you can start to alter and prioritise what you do with your money to enable you to stick within your means and budget effectively.

Renting a home involves more than just being able to pay your rent. Below is a list of the most common bills you should expect to pay as a tenant:

- Water bills (usually paid monthly)
- Service charges (in some properties – paid monthly or annually)
- Council Tax

- Gas and Electricity bills (either by a pre-payment meter, monthly by Direct debit)
- TV Licence – monthly or Direct Debit

### How to Search For a Property

Below is a list of some online websites which could help you begin your property search:

[www.rentswellinsandwell.co.uk](http://www.rentswellinsandwell.co.uk)

[www.mlas.org.uk](http://www.mlas.org.uk)

[www.gumtree.co.uk](http://www.gumtree.co.uk)

[www.connells.co.uk](http://www.connells.co.uk)

[www.rightmove.co.uk/](http://www.rightmove.co.uk/)

[www.zoopla.co.uk](http://www.zoopla.co.uk)

[www.dssmove.co.uk](http://www.dssmove.co.uk)

[www.spareroom.co.uk](http://www.spareroom.co.uk)

You can also visit a Lettings Agents who advertise homes for rent on property websites and in their offices.

Try the local high street in the area of Sandwell you would like to live for Estate/Letting Agents.

You can also try shop windows or noticeboards for rooms or properties to rent. Landlords sometimes advertise their properties in local newspapers.

The council may also be able to help put you in contact with landlords.

**IT IS IMPORTANT TO NOTE THAT THE COUNCIL CAN DISCHARGE ITS HOMELESSNESS DUTY TO YOU THROUGH THE OFFER OF A SUITABLE PRIVATE RENTED PROPERTY AND WE WILL DO THIS WHERE IT IS APPROPRIATE.**

## Discretionary Housing Payments (DHP)

Discretionary Housing Payments (DHP's) are payments made by the council to people who need extra help with their 'housing costs'. DHP's are not Housing Benefit or Housing Costs (Universal Credit), but you must be in receipt of one or both of these benefits to be able to claim.

DHP's are paid for a limited period and are intended as a short-term measure to alleviate poverty or difficult circumstances. You may be able to get DHP to help with a deposit for a private tenancy or towards removal costs to relocate. Awards are made on individual circumstances and you will be expected to fully explain your finances, debts and any other reasons why you are finding it difficult to meet your housing costs. You cannot claim DHP to cover the shortfall due to benefit sanctions or reductions, or suspended payments of Housing Benefit/Universal Credit.

DHP does not cover services such as heating or water rates charges which may be added to your rent.

### Who can apply?

If your Housing Benefit or Council Tax Benefit does not cover your full rent or council tax, leaving you struggling with an amount to pay, you may be able to get a 'top up' of DHP. If your Housing Benefit or Council Tax Benefit covers all your rent and council tax then you will not qualify for any DHP. If you are in receipt of Disability Living Allowance (both care and mobility components), Attendance Allowance, Personal Independence Allowance and Carers Allowance this income will be fully disregarded when assessing your claim. If you are a claimant in receipt of these benefits who is applying for a DHP due to bedroom tax, you will be awarded a DHP equal to the bedroom tax reduction (i.e. 14% or 25% of the eligible rent). Each application is considered on its own merits.

### How do I apply?

You can claim DHP via an online form at [www.sandwell.gov.uk](http://www.sandwell.gov.uk).

## Eviction – Section 21 2 minute Guide

### I am being evicted, what do I do?

If you live in a private rented property and your landlord has said you have to leave, in most cases they have to serve what is called a section 21 notice. This is the notice that can start the legal process to end an assured shorthold tenancy – which most people in a private rented property have.

A section 21 notice should be issued to you on something called a form 6A (a copy of a form 6A is attached to this guide so you know what to look out for).

It will set out your tenancy address, your name and should be signed and dated. The landlord cannot just send you a text, letter or email telling you that you have to leave and cannot specify just any date. They have to follow the rules set out below about your notice period.

Your landlord doesn't need to give a reason for wanting you to leave but they must follow certain rules if they want to give you a section 21. For example, protect your deposit and give you a gas safety certificate.

Notice periods have changed several times because of coronavirus and how much notice you're entitled to depends on when you were given notice:

When you were given notice	Minimum notice period
On or after 1 October 2021	2 months
Between 1 June 2021 and 30 September 2021	4 months
Between 29 August 2020 and 31 May 2021	6 months
Between 26 March and 28 August 2020	3 months
Before 26 March 2020	2 months

From 1 October 2021 all section 21 notices must give at least 2 months' notice and your landlord can only apply to court after the notice period ends.

### I haven't had a section 21

If you have not had a section 21 (or a section 8) from your landlord and they are asking you to leave, you must not leave the tenancy or hand the keys over unless you have somewhere else to go. If you do, you may be classed as intentionally homeless when you come to us for help.

Instead, contact your landlord or agent and advise them that they must follow the section 21 process and any notice aside from this is not valid. If the landlord or agent wants to speak to us about it, we have a team dedicated to helping landlords meet their requirements. Please pass on the mobile number to them 07586 622202.

## Eviction – Section 21 2 minute Guide

It's an illegal eviction if you're forced to leave without the legal process being followed and we would advise you not to leave the property or hand the keys in before the date of the notice expiring. If you do, you could be making yourself intentionally homeless and may struggle to get further help.

If they attempt to carry out an illegal eviction, call the mobile number above and a member of the team will help by contacting the landlord – do not leave the property or hand over keys until you have spoken to us. If the landlord still proceeds with an illegal eviction, we will consider prosecuting them.

### **I have had a section 21**

If you have been served with a section 21, your notice should be in line with the table above.

The first thing you should do is go on to a **search engine and search for Housing Jigsaw Sandwell. Once you find the site, you can register as at risk of homelessness with Sandwell council.** This is the quickest way to let us know you are at risk of homelessness and will ensure that your case comes through to us. This will create a case with us and ensures that we have more time to help prevent your homelessness and to help find you a new home if you cannot stay where you are. The sooner you come to us for help, the more chance we have of preventing your situation from getting worse.

If you do not have access to the internet, then please call us on 0121 368 1166 and select option 2.

### **What happens if I do not leave by the section 21 notice date?**

Your landlord can apply for a possession order if you stay past the date on the notice and in this case, the landlord will have to take the case to court. This will incur court costs but legally, you do not have to leave before the case has been seen.

There may not be a hearing if your landlord uses the 'accelerated procedure' so it's important to return a defence form should you not agree with the reasoning for eviction. The relevant defences are quite complex so we would advise seeking help from your local Citizens Advice or Shelter office if you need help with this.

The court can only stop an eviction if there's a problem with the section 21 notice



## Section 8 of Housing Act 1988

A landlord will be able to use this ground for possession if you owe rent lawfully due of an amount equal to or more than :-

- 8 weeks rent if rent is payable weekly or fortnightly
- 2 months unpaid rent if rent is payable monthly

This ground can be used to claim possession of an assured short-hold tenancy including during a fixed term.

The landlord must serve a notice seeking possession and it must contain the correct information:-

- The landlord is seeking possession under ground 8
- The landlord will not start possession proceedings earlier than 2 weeks from the date the notice was served

A notice is valid for a period of 12 months from the date it has been served.

If you receive a Notice Seeking Possession from your landlord you do not have to leave the property. After the notice period has passed your landlord must apply to the Court to start a claim for possession of the property. The Court will decide whether to make a possession order requiring you to leave the property.

## House Hunting Tips

Looking for private rented accommodation in Sandwell can seem quite daunting, so we have put together some tips below to help you with your search. Always bear in mind that landlords and lettings agents will be looking for reliable tenants; who will pay the rent on time and keep the property in good condition.

**Reliable**  
To Pay Rent on  
Time

**Resilient**  
In your Search

**Ready**  
To Move In

- Phoning landlords and lettings agents can be time consuming and it is likely you will need to make several calls before you will have properties to view.
- Wherever possible visit lettings agents in person; they are working on behalf of the landlord.
- Present yourself well and be prepared to tell them a little about yourself and show them any references you may have.
- Don't just contact one or two lettings agencies. Keep regular track of all the agencies that serve the areas you want to live in, and make sure you're checking local newspapers, websites, community noticeboards, shop windows etc. The wider your search is, the more likely you will be successful.
- When you have viewings of properties be on time, be friendly, look presentable and make sure you have your particular questions written down and ready to ask; also take ID with you such as a passport, driving licence or utility bill.
- If you have previous landlord references or something similar to show that you're a good tenant, make copies of them and provide them to landlords and agents.
- Before signing anything, always view a property and raise any questions or concerns you have, making sure these are answered.
- You should select as wider range of areas as possible when considering where you would like to live to give yourself a better chance of finding somewhere suitable. Consider areas on the outskirts of Birmingham that have good transport links.
- When your tenancy begins you should be provided with: a gas safety certificate, energy saving certificate, details of your deposit scheme and a copy of your tenancy agreement.
- Where possible pay your rent by card or bank transfer and clearly label the transaction. If you do not have access to this, your landlord should provide a rent book. Please ensure that payments are signed.



## Owning Your Own Home

If you have savings or a suitable deposit, you should consider whether buying a property is an option for you. There is a range of support available to help people buy their own home through Help to Buy schemes.

If you can't quite afford the mortgage on 100% of a home, there are government schemes that can assist you. For example, 'Help to Buy: Shared Ownership' is a part-buy, part-rent scheme which allows you to buy a percentage of your home (between 25% and 75% of the home's value) and pay rent on the remaining share. You can then buy the rest of the new home if and when you want to.

You could buy a home through Shared Ownership in England if:

- your household earns £80,000 a year or less;
- you are a first-time buyer, you used to own a home but can't afford to buy one now, or you are an existing shared owner looking to move.

With 'Help to Buy: Shared Ownership' you can buy a newly built home or an existing one through resale programmes from housing associations. You'll need to take out a mortgage to pay for your share of the home's purchase price, or fund this through your savings.

An alternative scheme is 'Help to Buy: Equity Loan' which could be suitable for you if you want to own a newly built home in England. Through this scheme you could borrow up to 20% of the purchase price from the government and you'd only need a 5% deposit.

The link below will walk you through a number of simple questions/stages to help you review the best option for you if you are considering owning your own home: <https://www.ownyourhome.gov.uk/>.

### **You may be able to get financial help from the government to buy a home.**

These options include:

- Help with Savings through a help to buy ISA
- Assistance with a low interest equity loan
- Buying a home through shared ownership
- Buying your council or housing association property

More detailed information regarding these options is available at [www.gov.uk/affordable-home-ownership-schemes](http://www.gov.uk/affordable-home-ownership-schemes)

# Coping with Mortgage Arrears

If you find yourself falling behind with your mortgage or you think you might have difficulty paying your mortgage because of a change in circumstances then you need to act quickly. Your mortgage is a 'priority' debt which means you should consider paying your mortgage before paying other 'non-priority' debts.

Changes such as:

- Illness
- Relationship breakdown
- Losing your job/Reduction in hours
- Reduction in your income may leave you struggling to pay your mortgage

The first thing to do is speak to your lender. Your mortgage lender will have procedures for dealing with cases like yours.

- Negotiating with your lender
- Refer you to Money Advice
- Refer you to Welfare Rights
- Preparing for court
- What to do in court

**DO NOT ignore mortgage arrears – keep your lender informed and get some help.**

Useful web sites:

[www.citizensadvice.org.uk](http://www.citizensadvice.org.uk)

[www.nationaldebtline.co.uk](http://www.nationaldebtline.co.uk)

[www.direct.gov.uk](http://www.direct.gov.uk)

# Standard mortgage court process

## The process:

### Summons for Possession

This is the first stage in the repossession process. A date and time is given for the hearing. The basic details of the lender's claim are given. The papers are issued by the court, and include a reply form which can be completed and returned to the court. Shortly before the hearing, the defendant (borrower) will receive an affidavit (again sent by the court) in which the lender details the full particulars of their claim (amount outstanding, arrears, details of payments, interest rates etc.)

### The Hearing

Mortgage possession hearings tend to be held in private. This means the only people present are the judge, the defendant and the plaintiff's solicitor. The hearing is taped and **one of the following orders are made:**

#### 1. Adjournment

In most cases an adjournment will be for a 4 – 6-week period, with a new hearing set for the first available date after that time has lapsed. A judge will normally adjourn a case where one side (usually the defendant) is asking for information or time to negotiate with the other party

#### 2. 28-day Possession Order

This is the usual outcome where the defendant does not turn up at the hearing or submit any kind of proposal to the court. If vacant possession has not been given to the plaintiff at the end of the 28 days, then they can apply to the Court for a Bailiff's warrant.

#### 3. 56-day Possession Order

Where the defendant has no long-term proposal for the court, but is asking for more time, or is perhaps hoping to sell then the court has the discretion to extend the time. Although the most usual is 56 days (2 months), they are sometimes prepared to give up to 6 months. At the end of the specified period if the plaintiff has not given vacant possession then they can apply for a Bailiff's warrant.

#### 4. Suspended Possession Order

This is the most common type of order made by the court at the hearing. Basically, the defendant puts a proposal to the plaintiff/court to make certain payments on a regular basis. The court orders that as long as these payments are made no further action can be taken by the plaintiff. If the defendant misses even one of the agreed payments, then the plaintiff has the right to apply to the court for a Bailiff's warrant.

#### 5. Bailiffs Warrant/Warrant for Possession/Eviction Order

This is the stage at which someone could be forcibly removed from their home by the Court Bailiff. Defendants are usually given about 14 days notice of the appointment.

## Your parents or relatives have asked you to leave

If your parents or relatives have asked you to leave you should contact us as soon as possible.

We will contact your parents or relatives to ask them their side of the story. If you do not want us to contact your parents or relatives we will need to know why.

We can refer you to our mediation service. Our mediators have lots of experience of dealing with family relationships and they may be able to help you remain at home, or at least negotiate staying at home whilst you find somewhere else to live.

If you are aged between 18-25 years old and would benefit from supported housing we may be able to refer you to suitable accommodation. If you are aged 16 or 17 we may need to refer you to Children's Social Services for support and assistance.

Getting your first home is a big step and we know that if the move to your first home is planned you will be in a better position to enjoy it. We can give you advice on where best to find accommodation and how to get help with the costs of setting up and keeping a home.

# Non-violent relationship breakdown housing advice

Housing rights in a relationship breakdown can be complicated and you may need to seek legal advice.

If you have a joint tenancy or own a property with your ex-partner you may still have rights to occupy the place you are living in together. Find a legal advisor in your area.

## Where else can I go for housing help and advice?

There are several places you could visit:

- Shelter has produced a guide for people who have experienced a relationship breakdown and what their housing rights are after splitting up. Shelter can also be contacted by telephone: 0344 515 1944.
- Citizens Advice - for general and legal advice and help. Telephone: 08444 111 444.
- Sandwell's Housing Solutions Service - If you've decided that you need to find a new home, our website has information helping you with the different options for looking for a new home. The Housing Solutions Service can also be telephoned on: 0121 368 1166.

## Social Housing

In Sandwell there is a lack of social housing and a massive demand for social housing stock as mentioned in the first section of this pack. The social housing stock is made up of blend of council owned homes and homes provided by housing associations and registered providers.

You can contact housing associations directly as not all of their properties are allocated through the councils registration/Choice Based Lettings Scheme.

Some associations also advertise properties to let on the Homes Direct website at <http://www.homesdirect.org.uk/> and we would strongly advise that you register on the site.

In Sandwell there are over 20 Housing Associations managing over 5000 houses. Some offer specialist accommodation to people with particular support needs.

A list of housing associations (to search for on google if you do not have this document electronically) and links to their webpages can be found below:

- [Accord Housing Association](#)
- [Anchor Trust](#)
- [ASRA Midlands Housing Association](#)
- [Black Country Housing](#)
- [Bromford Carinthia Housing Association](#)
- [English Churches Housing Group](#)
- [Family Housing Association Ltd](#)
- [Hanover Housing Association](#)
- [Harborne Parish Lands Charity](#)
- [Harden Housing Association](#)
- [Housing 21](#)
- [Jephson Homes Housing Association](#)
- [John Grooms Housing Association](#)
- [Mercian Housing Association](#)
- [Midland Heart](#)
- [Servite Homes](#)
- [Touchstone Heart](#)
- [Trident Housing Association](#)
- [Urban Heart Housing Association](#)
- [Waterloo Housing Association](#)



## Supported Housing

Supported housing exists to ensure those with support needs can lead a healthy and fulfilling life within their own home and community. While the services range widely, they all play a crucial role in providing a safe and secure home with support for people to live independently.

This includes:

- Providing the support older people need to maintain their independence.
- Working with homeless people with complex and multiple needs to help them make the transition from life on the street to a having a settled home, education, training or employment.
- Supporting people with mental health needs to stabilise their lives, recover and live more independently.
- Supporting ex-servicemen and women to find a stable home, including support for those with mental health and physical disability needs.
- Supporting people with learning disabilities in the longer term to maximise their independence and exercise choice and control over their lives.

If you require supported housing your Housing Solutions Officer, can help you get in touch with supported housing providers.

### Do you need further information or advice?

If you require any further information please visit our website [http://www.sandwell.gov.uk/info/200223/housing/2487/housing\\_help\\_and\\_advice](http://www.sandwell.gov.uk/info/200223/housing/2487/housing_help_and_advice) or alternatively you can contact your Housing Solutions Officer.

If you have visited the Housing Solutions Team for support as you are homeless or threatened with homelessness, please remember to keep a copy of your Personal Housing Plan and work through the actions that were agreed with your Housing Needs Officer. It is important to keep in contact with your officer and let us know if your circumstances change.