
Homelessness legislation and C.A.S.S. service users

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All Local Authorities have a statutory duty to provide a housing advice/ homelessness service. They are governed by specific homelessness legislation, which places a general duty on them to ensure that advice and information about homelessness and preventing homelessness is available to everyone in their district free of charge. It also emphasises the need for joint working between Local Authorities and other statutory, voluntary and private sector agencies in tackling homelessness more effectively.

However, the legislation they have to adhere to is complicated as they are restricted to only being able to accommodate certain categories of households; those who are deemed to have a 'priority need'. Those who do not have a priority need are only eligible for advice and assistance. This is where C.A.S.S. service users are affected most by the legislation.

There are some obvious definitions of what a priority need is such as pregnant women or a person/ persons with whom dependent children reside. Then it gets confusing! A person can also be classed as having a priority need if the Local Authority deems them to be vulnerable. However, being classed as vulnerable is not straightforward as it is a matter of judgement as to whether the applicant's circumstances make him or her vulnerable. When the Local Authority are making this decision they have to consider whether, when homeless, the applicant would be less able to fend for him/herself than an ordinary person - whether he or she would suffer detriment or injury in circumstances where a less vulnerable person would not.

Intentional homelessness can also cause problems for some C.A.S.S. service users – this is where the Local Authority decides that a person has, in effect, caused their own homelessness. For the local authority to make the decision of intentionality they must prove that the applicant's homelessness was caused by a deliberate act or omission. Intentionality often arises when a person goes into custody.

For more detailed information on the relevant legislation - the [Homelessness Act, 2002](#) - click on the link on the left-hand-side.