

Unit Title

LA39 First Line Housing Legal Advice

Summary

This Unit is designed to equip you with a broad understanding of the knowledge required to provide clients with direct housing information and advice at the point of initial contact with the service and to decide when to refer a client on to more specialist sources of advice.

This is a new Knowledge Unit that has been developed for the independent Legal Advice sector. This Knowledge Unit supports the generic National Occupational Standards for Legal Advice.



To meet the National Standard, you must be able to:

- a) Identify and explain the legislative framework affecting the provision of and entitlement to both private and social housing and describe how to access more detailed information
- b) Describe the legal rights and responsibilities of landlords and tenants and explain how the rights of individual occupants may be affected by different forms of tenure
- c) Explain the implications of legislation on environmental health and health and safety requirements as they relate to housing
- d) Explain how to select housing options based on circumstances and eligibility, which are appropriate to the needs of individuals seeking advice
- e) Explain definitions of homelessness, eligibility criteria in relation to it and the alternative options available
- f) Explain the relationship between housing and entitlement to a broad range of benefits
- g) Define the roles and responsibilities of individuals and agencies providing, regulating and monitoring housing
- h) Describe the procedures for possession in both private and social housing
- i) Explain the key principles of complaints procedures for housing organisations and when to apply them

Knowledge and Understanding

You must show that you know and understand:

1. The legislative framework affecting provision and entitlement to private and social housing with particular reference to:
 - Types of tenure and their implications for tenants and landlords:
 - the difference between licences and tenancy
 - main forms of tenure and the rights that occupants have under each
 - rights and responsibilities of landlord and occupants
 - Housing standards as they relate to residents:
 - terms of tenancy agreement relating to disrepair
 - expressed terms
 - implied terms (basic standards of repair)
 - environmental protection legislation, including local authority duties and powers
 - Health and Safety regulation
 - local authority powers and duties relating to the enforcement of housing standards
2. Statutory housing allocation, including:
 - Eligibility
 - statutory scheme
 - local scheme
 - local arrangements for access and eligibility
 - Help with applications
 - Right to a written decision and time limits for challenge
3. Rights and entitlements in relation to harassment and eviction:
 - Harassment/illegal eviction by landlord
 - Security of tenure (e.g. exclusive occupation) in relation to harassment and illegal eviction
4. The implications of environmental, health and safety requirements and their impact on housing
5. Housing options available based on circumstances and eligibility, with particular reference to:
 - Residency status of the client
 - Recognising emergency situations
 - Giving options to clients:
 - private
 - private rental
 - home ownership
 - shared ownership
 - friends and family
 - housing options for specific client groups

- social housing
 - housing register schemes
 - registered social landlords (RSL)
 - housing co-operatives
 - sheltered housing
 - transfer, exchanges, mobility
 - emergency housing (hostels, refuges)
 - housing options for specific client groups
- client options in the event of relationship breakdown
 - stay in the accommodation temporarily and options
 - leave the accommodation permanently and options
 - leave the accommodation temporarily and options
 - homelessness application
 - accessing emergency accommodation (e.g. refuges, hostels)
- tests for local authority duties
 - eligible for assistance
 - statutorily homeless
 - in priority need
 - intentionality
 - local connection

6. Definition of homelessness and services available:

- Homelessness criteria:
 - no legal right to occupy
 - no permission to occupy
 - threatened with homelessness within 28 days
 - not reasonable to continue to occupy
- Statutory help and decision-making processes
- Local arrangements for access and eligibility
- The process and time limits for challenging decisions
- Local authority advice and assistance duties for non-priority cases and practical services for temporary accommodation
- Temporary accommodation
- Other available housing options

7. A broad general understanding of the benefits system, over and above housing benefit, that affects the ability to access and retain housing:

- Directly relating to paying for housing
- Maximising income

8. Procedures for possession in both private and social housing:

- By landlord
- By mortgage provider
- How to recognise notice/possession orders/warrants and their implications for clients

9. Complaints procedures up to and including the role of the Ombudsman

