

Housing guide



A page of advice on taking action to house yourself cheaply and know your rights, in a time when buying a property is beyond many people, council housing is being sold off, rents are rising and hundreds of thousands are homeless.

In the UK - the world's 4th richest country, 400,000 people are homeless. Meanwhile, over 700,000 properties lie empty¹. If you want to take direct action to house yourself, read on...

- ¹. Source: Shelter

Setting up housing co-operatives guide



Some tips on how to set up a housing co-operative. Co-ops can be an affordable way of housing yourself if you can't afford to buy, and you don't want to be beholden to or exploited by a landlord.

Many housing co-ops are state funded; the Housing Corporation puts up much of the funding, and therefore can, on the whole, call the tune. However; it is possible to set up a housing co-op which is totally independent.

Essentially, a registered housing co-op is a legal entity which is separate from its members, and it allows those members to co-operate to raise loans, even if, individually, they have limited access to money or credit. With these loans they can purchase secure housing which they themselves control. The members of an independent housing co-op are tenants paying rent, (and so are eligible for housing benefit), but are also their own landlord.

The 'housing' for a co-op could be chosen to exactly suit the needs of the members. It could include extra resources - space, land, workshops, gardens, extra children's spaces. It could be a large or small

shared house, flats, a small terrace, a residential mobile home park, a smallholding. It could be established just to provide housing, and an alternative to the low standards and constant insecurity of private rented accommodation. Or it could be set up with the intention of promoting wider aims, such as providing space for self-employment, supporting home education, giving a secure base for a group of people who are encouraged on a shared project, and it allows the members to tailor the property, once chosen, to exactly suit their special needs.

It may take some patience and determination to set up a housing co-op and see it through to fruition, but then the members can reap the reward of relative autonomy in an important area of life, and rents which can decrease over the years as loans are repaid, rather than constantly increase as all other rents do. Housing benefit acts as a conduit to channel public funds into the pockets of private landlords, and although it passes through the hands of tenants, it leaves them with no long-term improvement, and no control. A family on housing benefit could, over only five or six years, claim enough housing benefit to have BOUGHT a small house outright, but of course that benefit is actually accruing to the landlord, not the family in need. They can still be made homeless at four weeks notice, with all the knock-on problems that has for work, education and social networks, whilst the landlord has enlarged his asset base with public money and virtually no work.

1. Get a group of people who will commit themselves to working together to make their common idea become reality. Unless you come as a ready-made group, establishing that common idea is perhaps the hardest part. Contact existing co-ops, especially if there are any in your area. Gather information, ask for help from the co-op network. Send for the invaluable booklet 'How To Set Up A Housing Co-op' from Radical Routes, and contact the Catalyst Collective (both addresses at the end).

2. Register as an Industrial and Provident Society. This is done through the Registrar of Friendly Societies, and gives a group the legal structure that is required. The co-op needs to be defined as 'Not-for-profit' - members cannot make any financial gain out of it as individuals.

Limited Company - members do not carry personal liability for the debts of the co-op, (although of course they will lose their home if they don't pay the mortgage).

Fully Mutual - all tenants must be members and all members must be either present or prospective tenants.

Common Ownership - the property is owned by the housing co-op. The members may loan money to the co-op (and receive interest) but they do not own an individual share of the property if the property is sold, members cannot divide any 'profit' up amongst themselves -it must be used to buy another co-op property or passed to another not-for-profit organisation. Co-ops are about developing housing as a resource, not about treating it as a commodity with which to make money.

3. Work out how to raise the money. This is usually done by getting a 70% or 80% mortgage and raising the rest by issuing Loanstock (see below), and possibly getting a loan from some other group such as Radical Routes (see below). Many co-ops have got mortgages either from Triodos Bank or the Ecology Building Society: before presenting your idea to a bank or other funding source, ask around other independent co-ops to find out what the banks' loan criteria are, as they vary from one bank to another. Again, two major sources of advice and help are the Catalyst Collective and the Radical Routes network.

4. Find a property. Start looking at properties which will suit your aims and will be able to generate enough rent (at local Housing Benefit levels) to repay the mortgage and loans, and cover the running costs (maintenance etc.). Houses are more expensive in some parts of the country than others, but then Housing Benefit levels are generally higher in those areas. Even if most or all members are working, the bank will probably still want to see that the co-op could continue to meet the mortgage repayments if at a later date most tenants were having to claim housing benefit.

It is the co-op as a legal entity that gets the mortgage, not the individual members, so a sound cash-flow forecast is more important than whether all or any of the members are employed.

Loanstock

As a registered Industrial and Provident Society the co-op is allowed to raise money by issuing loanstock to both members and non-members. This is a way of borrowing money from sympathisers without relinquishing any control over the co-op to them. If members themselves lend to the co-op in this way, it ensures that the member who has £5000 to put in does not have any more stake or power in the co-op than the member who invested £50.

Radical Routes

Radical Routes is a mutual aid self-help network which has been responsible for much of the spade-work involved in establishing the route to independent tenant-controlled co-ops described here. Membership of Radical Routes is restricted to housing and worker co-ops actively working towards a shared social and political vision. The network has a solid knowledge of both the legalities and practicalities of setting up co-ops.

Radical Routes also operates an ethical investment scheme through which it can make loans to member co-ops, and it publishes various useful booklets, especially the vital 'How To Set Up A Housing Co-op'.

Catalyst Collective

Another source of help is the Catalyst Collective, who will give advice and also offer a registration service to see you through the process. They produce a pre-registration pack which includes a huge amount of useful information, from setting up a co-op to producing a cash-flow forecast and doing the accounts.

Housing co-ops - useful addresses

Radical Routes Email: inforadicalroutes.org.uk www.radicalroutes.org.uk

Catalyst Collective infocatalystcollective.co.uk also our postal address is: highbury farm, redbrook, monmouthshire, np25 4lx phone: 01600 775414 www.catalystcollective.co.uk

Registrar of Friendly Societies Victory House, 30-34 Kingsway, London WC2B 6ES, Tel .020 7437 9992

Triodos Bank Brunel House, 11 The Promenade, Bristol BS8 3NN

Ecology Building Society, 18 Station Road, Cross Hills, Keighley, W Yorkshire BD20 7EH

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Squatting guide



This is a brief guide to the completely legal activity of squatting - occupying an empty property and making it your home.

It helps avoid homelessness, since renting or buying a house can be prohibitively expensive for many people.

There is a fair chance that you may believe squatting in England and Wales to be illegal. This is most definitely not the case. Squatting is not a crime, and if anyone says it is, they are wrong! With a few exceptions, if you can get into an empty building without doing any damage and can secure it, you can make it your home.

The 1994 Criminal Justice & Public Order Act has made some changes to the laws about squatting but it is still as legal as it is necessary. Always remember that squatting is unlawful, not illegal which means that it is a civil dispute, dealt with by a civil court; and the police have nothing to do with civil disputes.

You will almost certainly be evicted eventually, perhaps very quickly, but you have the same rights as other householders; the right to privacy, rubbish collection, postal delivery, social security and essential services like water and electricity. Many squats last only a time but if you choose your place carefully, you may be able to stay for years (pictured above is St Agnes Place, a whole street in South London squatted for over 30 years). Choosing carefully usually means taking time to gather information. You could quite easily open the first empty building that you come across, but the chances are that you would not stay there forever. Opening a new squat is always a bit of a gamble but the more you know the better your odds. Read on!

Finding a place

All property is owned by someone and it is a good to find out who that someone is before breaking a new place. Some types of landlord are far easier to deal with than others, so here are a few tips on what to expect from various landlords:

Council Property: In the past the best places to squat have been local authority owned properties that are not going to be re-let. This is for a number of reasons. Councils have a lot of empty properties and often do not have the money to keep them in a lettable state. Often quite reasonable properties are left empty because of mismanagement, bureaucracy or low demand on hard to let estates (as people do not want to move to them). If there are a lot of squatters the council will take longer to evict people. Some councils or individual employees may be unofficially sympathetic to squatters and leave eviction until the properties are required. Also, councils do have some duties to house people and these duties can sometimes be used as legal defences in possession proceedings.

Be warned, though, that recently more and more Councils have become more hard line in their attitudes towards squatters, and in fact any-one living in council property; and the incidences of false PIOs, illegal or heavy-handed evictions and trashing property have increased. Council properties will either be letting stock, (i.e. properties fit to be let), hard to let or awaiting renovation, demolition or sale.

Housing Associations/Trusts: These are government and or charitably funded housing organisations. They also have large numbers of empty properties and some are quite reasonable in their attitude to squatters. Others can be particularly stupid - and nasty. The different categories of Housing Association property are basically the same as Council property.

Other Large Organisations: Many government departments and newly privatised quangos own lots of empty properties. These include the MOD, the police and railway companies, as well as hospitals and schools.

Mortgage Repossessions: These are places owned by banks or building societies, and are an attractive option simply because there are huge numbers of them. As long as the previous owners have been evicted, the owners will have to take you to court.

Commercial Property: Private landlords and property companies are always the most unpredictable type of owner - they could send in the heavies or ignore you for years. They are the type of owner most likely to evict you if you leave the place empty. In the past few years many pubs have been closed and left empty for years, and have sometimes been successfully squatted.

Private Houses: Empty houses with 'For Sale' signs outside are not a good option. If an owner has recently moved out, it is quite likely that someone else is about to move in and so would be very inconvenienced. A new private owner is able to use the PIO provisions of Section 7, and is highly likely to do so. Best avoided.

Moving in

The most difficult part of squatting is actually gaining possession. Squatters are sometimes arrested for Criminal Damage, which, taken in it's strictest possible form, is an offence which almost all squatters commit. Removing steel doors, boards, damaging the front door, even taking out broken parts of a house can be considered Criminal Damage. But don't get paranoid! Only a very small minority of squatters ever get nicked - and with good legal advice they often get off. The greatest time of risk is when you have just moved in - the police are bound to come nosing around and may accuse you of having smashed windows, etc. If any damage has been done, make sure it's repaired immediately.

Opening a squat by yourself can be risky - it's safer and more fun to do it with others. Most forcible evictions happen in the first few days, so make sure there's a group of you who open up the squat and are ready to move in at once. If the police want to charge you with criminal damage, they'll have to sort out who actually did it. Provided no one is caught red-handed or makes any stupid statements, they will obviously have a difficult time deciding who to charge. The first thing to do once you're in is to change the lock on the front door and secure all the entrances. Until you have control over who comes in and out, you do not have possession and can be evicted straight away if the owner or police turn up. Remember secure all windows and skylights. Putting up a legal warning

(see below) in a front window may be helpful, as it may deter the police or owner from breaking in, but you must have someone in the place all the time to back it up. A legal warning will not stop you being evicted on its own. Put up curtains and try to make the place look lived in. Get down to the gas and electric board quickly - before the owners do. If the services are on, take a note of the meter readings. If you use gas or electricity without paying, you can be charged with theft. If you have neighbours, and enlist their support. Explain why you are homeless - you may get a surprisingly sympathetic response.

Dealing with the police

It's best to expect a visit from the local police soon after you've moved in, as they are bound to turn up sooner or later. Remember, they have no right of entry without a warrant, so don't let them in if you can avoid it. Let them know the situation. Say something like:-

"We have moved in here because we have nowhere else. We did not break anything when entered and we have not damaged anything since. It isn't a criminal matter; it's a civil matter between us and the owners, and they must take us to court for a possession order if they want us to leave".

Some police act as if they can evict or arrest any squatter they see. This is not true. Try to talk to them through the letter box. Make sure you know the legal situation better than they do (not usually very difficult) and show them a copy of the Legal Warning. If they simply say "get out, don't be clever", etc you can point out that they may be committing an offence under section 6 of the Criminal Law Act, because they will be violently entering premises where there is some opposing their entry.

Eviction

Unless you are evicted under Section 6 or 7 of the 1977 Criminal Law Act or the owners have evicted you while you were out, the owner must apply the courts for a possession order. Any other method will probably be illegal. Nearly all squats are evicted after a possession order has been made by a court. The notorious 1994 Criminal Justice & Public Order Act has not actually changed the position very much. Apart from a few minor changes to the law about PIOs, it has produced an extra type of possession order called an INTERIM POSSESSION ORDER (IPO). This can be nasty, but has turned out to be not nearly so bad as everyone thought when it was going through parliament. It cannot be used on the majority of squatters, and so far there have been very few IPOs. Most IPOs which squatters defended have flopped and the owners have been forced to use the old procedures instead. The important thing about IPOs is that you get very short notice. You need to take action THE SAME DAY as you get served with the papers. Get legal advice straight away.

The first warning

The first warning you get may be someone calling your squat saying they are the owner or are acting for the owner. Ask to see their identification and note the name, address and phone number. They will probably say something like, "You are trespassing and you must leave". They may also give you some bullshit about the new IPO procedure and say that the police could come and arrest you at any time. Make sure you know the facts about IPOs and don't get intimidated by this sort of talk. Make a note of everything you heard and said as soon as they leave. Sign and date it, as it may be useful evidence if you fight the court case. They will probably ask for the names of all living in the squat, and there is no advantage in withholding this information. If you volunteer a lot of names - particularly in a big squat - and they forget to send summonses to all those people, you may have a

defence in court. You don't have to give your real name, but if you fight the case and require legal aid, you can't get it in a false name!

Quite often the first warning will be a letter rather than a visit. It will say the same sort of things and probably that you must leave by a certain date or else the owner "will take proceedings". Don't panic about such a letter. It just means the owner has found out that you're there.

It's quite possible that the first warning you get will be the summons. A summons is the formal notice of the court hearing, and you have the right to get one. These are civil courts, not criminal ones, so you don't have to go if you don't want to. It's more of an invitation, but one you should think about accepting if you value your home and want to fight for it. Of course, some cases are not worth fighting if there is no defence. You may be better off looking for another place than putting energy into a court case that will go against you sooner or later. On the other hand, even technical defences can give you a little more time and sometimes quite a lot. IPOs should always be opposed if possible.

It is beyond the space limitations of this guide, to go into the details of fighting court cases, and it is recommended that you get hold of a copy of the Squatters Handbook which contains stacks of info on every aspect of squatting (details below).

Squat now while stocks last!

If you are homeless and have tried all the accepted ways of getting a home, don't be afraid to take matters into your own hands instead of letting the system grind you down. Everyone has the right to a home. If others can squat, so can you. Take control of your own life instead of being pushed around by bureaucrats and property owners who are more concerned with money and status than the quality of people's lives or their happiness.

This article has been made with extracts of The Squatters Handbook, which is published by Advisory Service for Squatters, 2 St Pauls Road, London N1 2QN Tel: 020 7359 8814 www.squatters.org.uk.

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Section 6 legal notice for squats



A legal warning notice on Section 6 of the Criminal Law Act 1977 which protects the rights of occupiers of properties.

If you are squatting it is strongly advised you display this notice to inform people of your rights - and let them know that you are aware of your rights

LEGAL WARNING

Section 6 Criminal Law Act 1977

As amended by Criminal Justice and Public Order Act 1994

TAKE NOTICE

THAT we live in this property, it is our home and we intend to stay here.

THAT at all times there is at least one person in this property.

THAT any entry or attempt to enter into this property without our permission is a criminal offence as any one of us who is in physical possession is opposed to entry without our permission.

THAT if you attempt to enter by violence or by threatening violence we will prosecute you. You may receive a sentence of up to six months imprisonment and/or a fine of up to £5,000.

THAT if you want to get us out you will have to take out a summons for possession in the County Court or in the High Court, or produce to us a written statement or certificate in terms of S.12A Criminal Law Act, 1977 (as inserted by Criminal Justice and Public Order Act, 1994).

THAT it is an offence under S.12A (8) Criminal Law Act 1977 (as amended) to knowingly make a false statement to obtain a written statement for the purposes of S. 12A. A person guilty of such an offence may receive a sentence of up to six months imprisonment and/or a fine of up to £5,000.

Signed

The Occupiers

N.B. Signing this Legal warning is optional. It is equally valid whether or not it is signed.

*Text taken from the [UHC Collective](#) website
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