You **might** get free legal help if you:

* have a serious housing problem
* get benefits or have a low income

**What can legal aid can help with?**

The most common housing problems legal aid could help with are:

* stopping or delaying eviction from a tenancy
* repossession because of mortgage arrears
* illegal eviction and landlord harassment
* challenging a council decision on a homeless application

You can **sometimes** get help if your home has serious repair problems.

**Who can get legal aid**

You can usually get legal aid if you get:

* universal credit (UC)
* pension credit guarantee
* income related employment and support allowance (ESA)
* income based jobseeker's allowance (JSA)
* income support

If you do not get any of these benefits, you might get legal aid if your monthly income before tax is less than £2,657.

You can only get legal aid if have less than £733 a month after paying for your housing and other essential expenses. The legal aid agency works this out.

Your partner's income, savings and assets count if you live with them. You need to show proof of your income and savings to your adviser. For example, bank statements.

Savings and other assets

* You cannot get legal aid if you have £8,000 or more in savings or other assets.
* Anything of value, such as property, cars or jewellery counts as assets and are included in working out if you should get legal aid.

The home you live in

* You might not get legal aid if you have too much equity in your property.
* Equity is the money you'd get after selling your home and paying off your mortgage and secured debts.
* Secured debts are loans that are registered on your home.
* Not all equity counts. £100,000 of equity in your home is ignored. £200,000 is ignored if you're facing repossession for mortgage arears.

The legal aid agency might ask you to pay back some of the cost if you get to keep your home. But you do not normally have to do this until your home is sold.

**But**, as the Law Society published in February this year, “**every** single provider of legal aid for housing cases in England and Wales is making a loss”[[1]](#footnote-1)

“The decimation of housing legal aid over the past three decades is hurting not just those who need to access it, but the entire social housing sector.”[[2]](#footnote-2) (Inside Housing, reporting Law Society findings in February)

Knock-ons for workforce, and services…

* average legal firm using legal aid to support housing cases recouped around half of their costs
* The last time fees were increased was in 1996, over 25 years ago. On top of this, the government imposed a further 10% fee-cut in 2011. This represents a real-terms cut of 49.4% in fees to 2022.
* Overall spending on housing legal aid in England and Wales has more than halved in a decade – from £44m in 2012-13 to £20.3m in 2021-22
* Firms have been forced to abandon their contracts as they can no longer face the financial burden.
* scores of people who need legal support to avoid eviction or settle other housing issues are less likely to be able to access support - services are over-stretched, potentially **denying timely advice** to those with urgent legal issues.
* With austerity and cuts, the support landscape is increasingly arid…legal aid deserts have been created[[3]](#footnote-3)
  + 43.6% of the population of England and Wales do not have a housing legal aid provider in their local authority area, a figure that has grown by around 6.6% since 2019
  + only 33.3% of the population have access to more than one provider in their local authority area
  + 9% fall in the proportion of the population in England and Wales within 10 kilometres of legal aid housing advice over the last decade
* knock-on effect of seeing junior staff leave for better pay and work-life balance
* those solicitors who remain face high levels of stress and burnout.
* Meanwhile, housing repossessions are at an all-time high.

**So what are the alternatives to legal aid?**

1. free advice from:

* the Law Centres Network
* Citizens Advice
* AdviceNow

1. You can also pay for advice from a local legal adviser or solicitor.

**That’s why the Law Society pushed for the Ministry of Justice (MoJ) to carry out a “long-overdue” review into the sustainability of civil legal aid[[4]](#footnote-4). This is in process.**

*“Behind each statistic is a child not getting the education they need, a family facing eviction, fighting for welfare benefits to stay afloat in these turbulent times or a person denied a say in how they are cared for,”* said former Law Society president Lubna Shuja[[5]](#footnote-5).

1. <https://www.bigissue.com/news/housing/housing-legal-aid-law-society/> [↑](#footnote-ref-1)
2. <https://www.insidehousing.co.uk/insight/legal-aid-in-crisis-84596> [↑](#footnote-ref-2)
3. <https://www.lawsociety.org.uk/campaigns/civil-justice/legal-aid-deserts/housing> [↑](#footnote-ref-3)
4. <https://www.lawsociety.org.uk/topics/legal-aid/civil-legal-aid-review#stages> [↑](#footnote-ref-4)
5. Ibid. [↑](#footnote-ref-5)