



# Homelessness Reduction Act 2017

## 2017 CHAPTER 13

### *Failure to co-operate by an applicant for assistance*

#### **7 Deliberate and unreasonable refusal to co-operate: duty upon giving of notice**

(1) After section 193 of the Housing Act 1996 insert—

##### **“193A Consequences of refusal of final accommodation offer or final Part 6 offer at the initial relief stage**

- (1) Subsections (2) and (3) apply where—
- (a) a local housing authority owe a duty to an applicant under section 189B(2), and
  - (b) the applicant, having been informed of the consequences of refusal and of the applicant's right to request a review of the suitability of the accommodation, refuses—
    - (i) a final accommodation offer, or
    - (ii) a final Part 6 offer.
- (2) The authority's duty to the applicant under section 189B(2) comes to an end.
- (3) Section 193 (the main housing duty) does not apply.
- (4) An offer is a “final accommodation offer” if—
- (a) it is an offer of an assured shorthold tenancy made by a private landlord to the applicant in relation to any accommodation which is, or may become, available for the applicant's occupation,
  - (b) it is made, with the approval of the authority, in pursuance of arrangements made by the authority in the discharge of their duty under section 189B(2), and
  - (c) the tenancy being offered is a fixed term tenancy (within the meaning of Part 1 of the Housing Act 1988) for a period of at least 6 months.
- (5) A “final Part 6 offer” is an offer of accommodation under Part 6 (allocation of housing) that—

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- (a) is made in writing by the authority in the discharge of their duty under section 189B(2), and
  - (b) states that it is a final offer for the purposes of this section.
- (6) The authority may not approve a final accommodation offer, or make a final Part 6 offer, unless they are satisfied that the accommodation is suitable for the applicant and that subsection (7) does not apply.
- (7) This subsection applies to an applicant if—
- (a) the applicant is under contractual or other obligations in respect of the applicant's existing accommodation, and
  - (b) the applicant is not able to bring those obligations to an end before being required to take up the offer.

### **193B Notices in cases of an applicant's deliberate and unreasonable refusal to co-operate**

- (1) Section 193C applies where—
- (a) a local housing authority owe a duty to an applicant under section 189B(2) or 195(2), and
  - (b) the authority give notice to the applicant under subsection (2).
- (2) A local housing authority may give a notice to an applicant under this subsection if the authority consider that the applicant has deliberately and unreasonably refused to take any step—
- (a) that the applicant agreed to take under subsection (4) of section 189A, or
  - (b) that was recorded by the authority under subsection (6)(b) of that section.
- (3) A notice under subsection (2) must—
- (a) explain why the authority are giving the notice and its effect, and
  - (b) inform the applicant that the applicant has a right to request a review of the authority's decision to give the notice and of the time within which such a request must be made.
- (4) The authority may not give notice to the applicant under subsection (2) unless—
- (a) the authority have given a relevant warning to the applicant, and
  - (b) a reasonable period has elapsed since the warning was given.
- (5) A “relevant warning” means a notice—
- (a) given by the authority to the applicant after the applicant has deliberately and unreasonably refused to take any step—
    - (i) that the applicant agreed to take under subsection (4) of section 189A, or
    - (ii) that was recorded by the authority under subsection (6)(b) of that section,
  - (b) that warns the applicant that, if the applicant should deliberately and unreasonably refuse to take any such step after receiving the notice, the authority intend to give notice to the applicant under subsection (2), and

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- (c) that explains the consequences of such a notice being given to the applicant.
- (6) For the purposes of subsections (2) and (5), in deciding whether a refusal by the applicant is unreasonable, the authority must have regard to the particular circumstances and needs of the applicant (whether identified in the authority's assessment of the applicant's case under section 189A or not).
- (7) The Secretary of State may make provision by regulations as to the procedure to be followed by a local housing authority in connection with notices under this section.
- (8) A notice under this section must be given in writing and, if not received by the applicant, is to be treated as having been given to the applicant if it is made available at the authority's office for a reasonable period for collection by or on behalf of the applicant.

### **193C Notice under section 193B: consequences**

- (1) In the circumstances mentioned in section 193B(1), this section applies in relation to a local housing authority and an applicant.
- (2) The authority's duty to the applicant under section 189B(2) or 195(2) comes to an end.
- (3) Subsection (4) applies if the authority—
  - (a) are satisfied that the applicant is homeless, eligible for assistance and has a priority need, and
  - (b) are not satisfied that the applicant became homeless intentionally.
- (4) Section 193 (the main housing duty) does not apply, but the authority must secure that accommodation is available for occupation by the applicant.
- (5) The authority cease to be subject to the duty under subsection (4) if the applicant—
  - (a) ceases to be eligible for assistance,
  - (b) becomes homeless intentionally from accommodation made available for the applicant's occupation,
  - (c) accepts an offer of an assured tenancy from a private landlord, or
  - (d) otherwise voluntarily ceases to occupy, as the applicant's only or principal home, the accommodation made available for the applicant's occupation.
- (6) The authority also cease to be subject to the duty under subsection (4) if the applicant, having been informed of the possible consequences of refusal or acceptance and of the applicant's right to request a review of the suitability of the accommodation, refuses or accepts—
  - (a) a final accommodation offer, or
  - (b) a final Part 6 offer.
- (7) An offer is “a final accommodation offer” if—
  - (a) it is an offer of an assured shorthold tenancy made by a private landlord to the applicant in relation to any accommodation which is, or may become, available for the applicant's occupation,

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- (b) it is made, with the approval of the authority, in pursuance of arrangements made by the authority with a view to bringing the authority's duty under subsection (4) to an end, and
  - (c) the tenancy being offered is a fixed term tenancy (within the meaning of Part 1 of the Housing Act 1988) for a period of at least 6 months.
- (8) A “final Part 6 offer” is an offer of accommodation under Part 6 (allocation of housing) that is made in writing and states that it is a final offer for the purposes of this section.
- (9) The authority may not approve a final accommodation offer, or make a final Part 6 offer, unless they are satisfied that the accommodation is suitable for the applicant and that subsection (10) does not apply.
- (10) This subsection applies to an applicant if—
- (a) the applicant is under contractual or other obligations in respect of the applicant's existing accommodation, and
  - (b) the applicant is not able to bring those obligations to an end before being required to take up the offer.”
- (2) In section 193 (duty to persons with priority need who are not homeless intentionally), after subsection (1) insert—
- “(1A) But this section does not apply if—
- (a) section 193A(3) disapplies this section, or
  - (b) the authority have given notice to the applicant under section 193B(2).”

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**Commencement Information**

- I1** S. 7(1) in force at 12.2.2018 for specified purposes by S.I. 2018/167, reg. 2(a)
- I2** S. 7(1) in force at 3.4.2018 in so far as not already in force by S.I. 2018/167, reg. 3(g)
- I3** S. 7(2) in force at 3.4.2018 by S.I. 2018/167, reg. 3(g)

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