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Housing Act 1996

1996 CHAPTER 52

PART VII

HOMELESSNESS

VALID FROM 01/10/1996

Duties to persons found to be homeless or threatened with homelessness

VALID FROM 20/01/1997

190 Duties to persons becoming homeless intentionally.

- (1) This section applies where the local housing authority are satisfied that an applicant is homeless and is eligible for assistance but are also satisfied that he became homeless intentionally.
- (2) If the authority are satisfied that the applicant has a priority need, they shall—
 - (a) secure that accommodation is available for his occupation for such period as they consider will give him a reasonable opportunity of securing accommodation for his occupation, and
 - (b) provide him with advice and such assistance as they consider appropriate in the circumstances in any attempts he may make to secure that accommodation becomes available for his occupation.
- (3) If they are not satisfied that he has a priority need, they shall provide him with advice and such assistance as they consider appropriate in the circumstances in any attempts he may make to secure that accommodation becomes available for his occupation.

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Modifications etc. (not altering text)

C1 Ss. 183-218 modified (3.4.1997) by S.I. 1997/797, **art.2(1)**

VALID FROM 20/01/1997

191 Becoming homeless intentionally.

- (1) A person becomes homeless intentionally if he deliberately does or fails to do anything in consequence of which he ceases to occupy accommodation which is available for his occupation and which it would have been reasonable for him to continue to occupy.
- (2) For the purposes of subsection (1) an act or omission in good faith on the part of a person who was unaware of any relevant fact shall not be treated as deliberate.
- (3) A person shall be treated as becoming homeless intentionally if—
 - (a) he enters into an arrangement under which he is required to cease to occupy accommodation which it would have been reasonable for him to continue to occupy, and
 - (b) the purpose of the arrangement is to enable him to become entitled to assistance under this Part,
 and there is no other good reason why he is homeless.
- (4) A person who is given advice or assistance under section 197 (duty where other suitable alternative accommodation available), but fails to secure suitable accommodation in circumstances in which it was reasonably to be expected that he would do so, shall, if he makes a further application under this Part, be treated as having become homeless intentionally.

Modifications etc. (not altering text)

C2 Ss. 183-218 modified (3.4.1997) by S.I. 1997/797, **art.2(1)**

VALID FROM 20/01/1997

192 Duty to persons not in priority need who are not homeless intentionally.

- (1) This section applies where the local housing authority—
 - (a) are satisfied that an applicant is homeless and eligible for assistance, and
 - (b) are not satisfied that he became homeless intentionally,
 but are not satisfied that he has a priority need.
- (2) The authority shall provide the applicant with advice and such assistance as they consider appropriate in the circumstances in any attempts he may make to secure that accommodation becomes available for his occupation.

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Modifications etc. (not altering text)

C3 Ss. 183-218 modified (3.4.1997) by S.I. 1997/797, art. 2(1)

VALID FROM 20/01/1997

193 Duty to persons with priority need who are not homeless intentionally.

- (1) This section applies where the local housing authority are satisfied that an applicant is homeless, eligible for assistance and has a priority need, and are not satisfied that he became homeless intentionally.

This section has effect subject to section 197 (duty where other suitable accommodation available).

- (2) Unless the authority refer the application to another local housing authority (see section 198), they shall secure that accommodation is available for occupation by the applicant.

- (3) The authority are subject to the duty under this section for a period of two years (“the minimum period”), subject to the following provisions of this section.

After the end of that period the authority may continue to secure that accommodation is available for occupation by the applicant, but are not obliged to do so (see section 194).

- (4) The minimum period begins with—

- (a) if the applicant was occupying accommodation made available under section 188 (interim duty to accommodate), the day on which he was notified of the authority’s decision that the duty under this section was owed to him;
- (b) if the applicant was occupying accommodation made available to him under section 200(3) (interim duty where case considered for referral but not referred), the date on which he was notified under subsection (2) of that section of the decision that the conditions for referral were not met;
- (c) in any other case, the day on which accommodation was first made available to him in pursuance of the duty under this section.

- (5) The local housing authority shall cease to be subject to the duty under this section if the applicant, having been informed by the authority of the possible consequence of refusal, refuses an offer of accommodation which the authority are satisfied is suitable for him and the authority notify him that they regard themselves as having discharged their duty under this section.

- (6) The local housing authority shall cease to be subject to the duty under this section if the applicant—

- (a) ceases to be eligible for assistance,
- (b) becomes homeless intentionally from the accommodation made available for his occupation,
- (c) accepts an offer of accommodation under Part VI (allocation of housing),
or

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- (d) otherwise voluntarily ceases to occupy as his only or principal home the accommodation made available for his occupation.
- (7) The local housing authority shall also cease to be subject to the duty under this section if—
 - (a) the applicant, having been informed of the possible consequence of refusal, refuses an offer of accommodation under Part VI, and
 - (b) the authority are satisfied that the accommodation was suitable for him and that it was reasonable for him to accept it and notify him accordingly within 21 days of the refusal.
- (8) For the purposes of subsection (7) an applicant may reasonably be expected to accept an offer of accommodation under Part VI even though he is under contractual or other obligations in respect of his existing accommodation, provided he is able to bring those obligations to an end before he is required to take up the offer.
- (9) A person who ceases to be owed the duty under this section may make a fresh application to the authority for accommodation or assistance in obtaining accommodation.

Modifications etc. (not altering text)

C4 Ss. 183-218 modified (3.4.1997) by S.I. 1997/797, art. 2(1)

194 Power exercisable after minimum period of duty under s. 193.

- (1) Where a local housing authority have been subject to the duty under section 193 in relation to a person until the end of the minimum period, they may continue to secure that accommodation is available for his occupation.
- (2) They shall not do so unless they are satisfied on a review under this section that—
 - (a) he has a priority need,
 - (b) there is no other suitable accommodation available for occupation by him in their district, and
 - (c) he wishes the authority to continue securing that accommodation is available for his occupation;
 and they shall not continue to do so for more than two years at a time unless they are satisfied on a further review under this section as to those matters.

 The review shall be carried out towards the end of the minimum period, or subsequent two year period, with a view to enabling the authority to make an assessment of the likely situation at the end of that period.
- (3) They shall cease to do so if events occur such that, by virtue of section 193(6) or (7), they would cease to be subject to any duty under that section.
- (4) Where an authority carry out a review under this section they shall make such inquiries as they consider appropriate to determine—
 - (a) whether they are satisfied as to the matters mentioned in subsection (2)(a) to (c), and
 - (b) whether any of the events referred to in subsection (3) has occurred;

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and on completing the review they shall notify the applicant of their determination and of whether they propose to exercise, or continue to exercise, their power under this section.

- (5) The authority may at any time, whether in consequence of a review or otherwise, give notice to the person concerned that they propose to cease exercising their power under this section in his case.
- (6) The notice must specify—
 - (a) the day on which they will cease exercising their power under this section, and
 - (b) any action that they intend to take as a result,and must be given not less than the prescribed period before the day so specified.

Modifications etc. (not altering text)

C5 Ss. 183-218 modified (3.4.1997) by S.I. 1997/797, **art. 2(1)**

Commencement Information

II S. 194 wholly in force 20.1.1997: s. 194 not in force at Royal Assent, see s. 232(1)-(3); s. 194(6) in force for certain purposes at 1.10.1996 by S.I. 1996/2402, **art. 4**; s. 194 in force at 20.1.1997 to the extent it is not already in force by S.I. 1996/2959, **art. 2**

VALID FROM 20/01/1997

195 Duties in case of threatened homelessness.

- (1) This section applies where the local housing authority are satisfied that an applicant is threatened with homelessness and is eligible for assistance.
- (2) If the authority—
 - (a) are satisfied that he has a priority need, and
 - (b) are not satisfied that he became threatened with homelessness intentionally,they shall take reasonable steps to secure that accommodation does not cease to be available for his occupation.

This subsection has effect subject to section 197 (duty where other suitable accommodation available).
- (3) Subsection (2) does not affect any right of the authority, whether by virtue of a contract, enactment or rule of law, to secure vacant possession of any accommodation.
- (4) Where in pursuance of the duty under subsection (2) the authority secure that accommodation other than that occupied by the applicant when he made his application is available for occupation by him, the provisions of section 193(3) to (9) (period for which duty owed) and section 194 (power exercisable after minimum period of duty) apply, with any necessary modifications, in relation to the duty under this section as they apply in relation to the duty under section 193.
- (5) If the authority—

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(a) are not satisfied that the applicant has a priority need, or
(b) are satisfied that he has a priority need but are also satisfied that he became threatened with homelessness intentionally,
they shall furnish him with advice and such assistance as they consider appropriate in the circumstances in any attempts he may make to secure that accommodation does not cease to be available for his occupation.

Modifications etc. (not altering text)

C6 Ss. 183-218 modified (3.4.1997) by S.I. 1997/797, art. 2(1)

VALID FROM 20/01/1997

196 Becoming threatened with homelessness intentionally.

- (1) A person becomes threatened with homelessness intentionally if he deliberately does or fails to do anything the likely result of which is that he will be forced to leave accommodation which is available for his occupation and which it would have been reasonable for him to continue to occupy.
- (2) For the purposes of subsection (1) an act or omission in good faith on the part of a person who was unaware of any relevant fact shall not be treated as deliberate.
- (3) A person shall be treated as becoming threatened with homelessness intentionally if—
 - (a) he enters into an arrangement under which he is required to cease to occupy accommodation which it would have been reasonable for him to continue to occupy, and
 - (b) the purpose of the arrangement is to enable him to become entitled to assistance under this Part,
 and there is no other good reason why he is threatened with homelessness.
- (4) A person who is given advice or assistance under section 197 (duty where other suitable alternative accommodation available), but fails to secure suitable accommodation in circumstances in which it was reasonably to be expected that he would do so, shall, if he makes a further application under this Part, be treated as having become threatened with homelessness intentionally.

Modifications etc. (not altering text)

C7 Ss. 183-218 modified (3.4.1997) by S.I. 1997/797, art.2(1)

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