



# Housing Act 1996

## 1996 CHAPTER 52

### PART VII

#### HOMELESSNESS

##### *Duties to persons found to be homeless or threatened with homelessness*

#### **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 [<sup>F1</sup>(or secure that he is provided with) advice and assistance] 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 [<sup>F1</sup>(or secure that he is provided with) advice and assistance] in any attempts he may make to secure that accommodation becomes available for his occupation.
- [<sup>F2</sup>(4) The applicant's housing needs shall be assessed before advice and assistance is provided under subsection (2)(b) or (3).
- [<sup>F2</sup>(5) The advice and assistance provided under subsection (2)(b) or (3) must include information about the likely availability in the authority's district of types of accommodation appropriate to the applicant's housing needs (including, in particular, the location and sources of such types of accommodation).]

*Status: Point in time view as at 31/07/2002.*

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**Textual Amendments**

- F1** Words in s. 190(2)(b)(3) substituted (31.7.2002 for E. and 30.9.2002 for W.) by 2002 c. 7, s. 18(1), **Sch. 1 para. 9** (with s. 20(4)); S.I. 2002/1799, **art. 2**; S.I. 2002/1736, **art. 2(1)**, **Sch. Pt. 1**
- F2** S. 190(4)(5) inserted (31.7.2002 for E. and 30.9.2002 for W.) by 2002 c. 7, s. 18(1), **Sch. 1 para. 10** (with s. 20(4)); S.I. 2002/1799, **art. 2**; S.I. 2002/1736, **art. 2(1)**, **Sch. Pt. 1**

**Modifications etc. (not altering text)**

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

**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.

<sup>F3</sup>(4) . . . . .

**Textual Amendments**

- F3** S. 191(4) repealed (31.7.2002 for E. and 30.9.2002 for W.) by 2002 c. 7, s. 20(1), **Sch. 2** (with s. 20(4)); S.I. 2002/1799, **art. 2**; S.I. 2002/1736, **art. 2(1)**, **Sch. Pt. 1**

**Modifications etc. (not altering text)**

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

**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 [<sup>F4</sup>(or secure that he is provided with) advice and assistance] in any attempts he may make to secure that accommodation becomes available for his occupation.
- [<sup>F5</sup>(3) The authority may secure that accommodation is available for occupation by the applicant.]

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[<sup>F6</sup>(4) The applicant's housing needs shall be assessed before advice and assistance is provided under subsection (2).

<sup>F6</sup>(5) The advice and assistance provided under subsection (2) must include information about the likely availability in the authority's district of types of accommodation appropriate to the applicant's housing needs (including, in particular, the location and sources of such types of accommodation).]

#### Textual Amendments

- F4** Words in s. 192(2) substituted (31.7.2002 for E. and 30.9.2002 for W.) by 2002 c. 7, s. 18(1), **Sch. 1 para. 11** (with s. 20(4)); S.I. 2002/1799, **art. 2**; S.I. 2002/1736, **art. 2(1)**, **Sch. Pt. 1**
- F5** S. 192(3) inserted (31.7.2002 for E. and 30.9.2002 for W.) by 2002 c. 7, s. 5(1) (with s. 20(4)); S.I. 2002/1799, **art. 2**; S.I. 2002/1736, **art. 2(1)**, **Sch. Pt. 1**
- F6** S. 192(4)(5) inserted (31.7.2002 for E. and 30.9.2002 for W.) by 2002 c. 7, s. 18(1), **Sch. 1 para. 12** (with s. 20(4)); S.I. 2002/1799, **art. 2**; S.I. 2002/1736, **art. 2(1)**, **Sch. Pt. 1**

#### Modifications etc. (not altering text)

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

### 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.

<sup>F7</sup> ...

(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.

[<sup>F8</sup>(3) The authority are subject to the duty under this section until it ceases by virtue of any of the following provisions of this section.]

[<sup>F9</sup>(3A) The authority shall, on becoming subject to the duty under this section, give the applicant a copy of the statement included in their allocation scheme by virtue of section 167(1A) (policy on offering choice to people allocated housing accommodation under Part 6).]

(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 [<sup>F10</sup>and of his right to request a review of the suitability of the accommodation], 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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- [<sup>F11</sup>(cc) accepts an offer of an assured tenancy (other than an assured shorthold tenancy) from a private landlord,]
- (d) otherwise voluntarily ceases to occupy as his only or principal home the accommodation made available for his occupation.
- [<sup>F12</sup>(7) The local housing authority shall also cease to be subject to the duty under this section if the applicant, having been informed of the possible consequence of refusal and of his right to request a review of the suitability of the accommodation, refuses a final offer of accommodation under Part 6.
- (7A) An offer of accommodation under Part 6 is a final offer for the purposes of subsection (7) if it is made in writing and states that it is a final offer for the purposes of subsection (7).]
- [<sup>F13</sup>(7B) The authority shall also cease to be subject to the duty under this section if the applicant accepts a qualifying offer of an assured shorthold tenancy which is made by a private landlord in relation to any accommodation which is, or may become, available for the applicant's occupation.
- (7C) The applicant is free to reject a qualifying offer without affecting the duty owed to him under this section by the authority.
- (7D) For the purposes of subsection (7B) an offer of an assured shorthold tenancy is a qualifying offer if—
- (a) it is made, with the approval of the authority, in pursuance of arrangements made by the authority with the landlord with a view to bringing the authority's duty under this section to an end;
  - (b) the tenancy being offered is a fixed term tenancy (within the meaning of Part 1 of the Housing Act 1988 (c. 50)); and
  - (c) it is accompanied by a statement in writing which states the term of the tenancy being offered and explains in ordinary language that—
    - (i) there is no obligation to accept the offer, but
    - (ii) if the offer is accepted the local housing authority will cease to be subject to the duty under this section in relation to the applicant.
- (7E) An acceptance of a qualifying offer is only effective for the purposes of subsection (7B) if the applicant signs a statement acknowledging that he has understood the statement mentioned in subsection (7D).
- (7F) The local housing authority shall not—
- (a) make a final offer of accommodation under Part 6 for the purposes of subsection (7); or
  - (b) approve an offer of an assured shorthold tenancy for the purposes of subsection (7B),
- unless they are satisfied that the accommodation is suitable for the applicant and that it is reasonable for him to accept the offer.]
- (8) For the purposes of [<sup>F14</sup>subsection (7F)] an applicant may reasonably be expected to accept an offer <sup>F15</sup>...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.

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- (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.

#### Textual Amendments

- F7** Words in s. 193(1) repealed (31.7.2002 for E. and otherwise prosp.) by 2002 c. 7, s. 20(1), **Sch. 2** (with s. 20(4)); S.I. 2002/1799, **art. 2**
- F8** S. 193(3) substituted for s. 193(3)(4) (31.7.2002 for E. and otherwise prosp.) by 2002 c. 7, **ss. 6(1), 20(1)** (with s. 20(4)); S.I. 2002/1799, **art. 2**; S.I. 2002/1736, **art. 2(1), Sch. Pt. 1**
- F9** S. 193(3A) inserted (31.7.2002 for E. and otherwise prosp.) by 2002 c. 7, **ss. 18(1), 20(1), Sch. 1 para. 13** (with s. 20(4)); S.I. 2002/1799, **art. 2**; S.I. 2002/1736, **art. 2(1), Sch. Pt. 1**
- F10** Words in s. 193(5) inserted (26.2.2002) by 2002 c. 7, **s. 8(1)** (with s. 20(4))
- F11** S. 193(6)(cc) inserted (31.7.2002 for E. and otherwise prosp.) by 2002 c. 7, **ss. 7(1)(2)(6), 20(1)** (with s. 20(4)); S.I. 2002/1799, **art. 2**; S.I. 2002/1736, **art. 2(1), Sch. Pt. 1**
- F12** S. 193(7)(7A) substituted for s. 193(7) (31.7.2002 for E. and otherwise prosp.) by 2002 c. 7, **ss. 7(1)(3)(6), 20(1)** (with s. 20(4)); S.I. 2002/1799, **art. 2**; S.I. 2002/1736, **art. 2(1), Sch. Pt. 1**
- F13** S. 193(7B)-(7F) inserted (31.7.2002 for E. and otherwise prosp.) by 2002 c. 7, **ss. 7(1)(4)(6), 20(1)** (with s. 20(4)); S.I. 2002/1799, **art. 2**; S.I. 2002/1736, **art. 2(1), Sch. Pt. 1**
- F14** Words in s. 193(8) substituted (31.7.2002 for E. and otherwise prosp.) by 2002 c. 7, **ss. 7(5)(6), 20(1)** (with s. 20(4)); S.I. 2002/1799, **art. 2**; S.I. 2002/1736, **art. 2(1), Sch. Pt. 1**
- F15** Words in s. 193(8) repealed (31.7.2002 for E. and otherwise prosp.) by 2002 c. 7, **ss. 7(5)(6), 18(2), 20(1), Sch. 2** (with s. 20(4)); S.I. 2002/1799, **art. 2**

#### Modifications etc. (not altering text)

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

### [<sup>F16</sup>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—
- he has a priority need,
  - there is no other suitable accommodation available for occupation by him in their district, and
  - 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—

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- (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;
- 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.]

#### Textual Amendments

**F16** S. 194 repealed (31.7.2002 for E. and otherwise *prosp.*) by 2002 c. 7, ss. 6(3), 18(2), 20(1), **Sch. 2** (with s. 20(4)); S.I. 2002/1799, **art. 2**

#### 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**

## 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.
- F17** ...
- (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.

*Status: Point in time view as at 31/07/2002.*

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- (5) If the authority—
- (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 [<sup>F18</sup>provide him with (or secure that he is provided with) advice and assistance] in any attempts he may make to secure that accommodation does not cease to be available for his occupation.
- [<sup>F19</sup>(6) The applicant's housing needs shall be assessed before advice and assistance is provided under subsection (5).
- (7) The advice and assistance provided under subsection (5) must include information about the likely availability in the authority's district of types of accommodation appropriate to the applicant's housing needs (including, in particular, the location and sources of such types of accommodation).]
- [<sup>F20</sup>(8) If the authority decide that they owe the applicant the duty under subsection (5) by virtue of paragraph (b) of that subsection, they may, pending a decision on a review of that decision—
- (a) secure that accommodation does not cease to be available for his occupation; and
  - (b) if he becomes homeless, secure that accommodation is so available.]

[<sup>F21</sup>(9) If the authority—

    - (a) are not satisfied that the applicant has a priority need; and
    - (b) are not satisfied that he became threatened with homelessness intentionally,

the authority may take reasonable steps to secure that accommodation does not cease to be available for the applicant's occupation.]

#### Textual Amendments

- F17** Words in s. 195(2) repealed (31.7.2002 for E. and 30.9.2002 for W.) by 2002 c. 7, s. 20(1), **Sch. 2** (with s. 20(4)); S.I. 2002/1799, **art. 2**; S.I. 2002/1736, **art. 2(1)**, **Sch. Pt. 1**
- F18** Words in s. 195(5) substituted (31.7.2002 for E. and 30.9.2002 for W.) by 2002 c. 7, s. 18(1), **Sch. 1 para. 14(b)** (with s. 20(4)); S.I. 2002/1799, **art. 2**; S.I. 2002/1736, **art. 2(1)**, **Sch. Pt. 1**
- F19** S. 195(6)(7) inserted (31.7.2002 for E. and 30.9.2002 for W.) by 2002 c. 7, s. 18(1), **Sch. 1 para. 14(c)** (with s. 20(4)); S.I. 2002/1799, **art. 2**; S.I. 2002/1736, **art. 2(1)**, **Sch. Pt. 1**
- F20** S. 195(8) inserted (31.7.2002 for E. and 30.9.2002 for W.) by 2002 c. 7, s. 18(1), **Sch. 1 para. 14(d)** (with s. 20(4)); S.I. 2002/1799, **art. 2**; S.I. 2002/1736, **art. 2(1)**, **Sch. Pt. 1**
- F21** S. 195(9) inserted (31.7.2002 for E. and 30.9.2002 for W.) by 2002 c. 7, s. 5(2) (with s. 20(4)); S.I. 2002/1799, **art. 2**; S.I. 2002/1736, **art. 2(1)**, **Sch. Pt. 1**

#### Modifications etc. (not altering text)

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

## 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.

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- (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.

<sup>F22</sup>(4) .....

**Textual Amendments**

**F22** S. 196(4) repealed (31.7.2002 for E. and 30.9.2002 for W.) by 2002 c. 7, s. 20(1), **Sch. 2** (with s. 20(4)); S.I. 2002/1799, **art. 2**; S.I. 2002/1736, **art. 2(1)**, **Sch. Pt. 1**

**Modifications etc. (not altering text)**

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



**Status:**

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**Changes to legislation:**

Housing Act 1996, Cross Heading: Duties to persons found to be homeless or threatened with homelessness is up to date with all changes known to be in force on or before 23 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.