



Housing Act 1996

1996 CHAPTER 52

PART VII

HOMELESSNESS^[F1]: ENGLAND]

Duties to persons found to be homeless or threatened with homelessness

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

[^{F1}(1) This section applies where—

- (a) the local housing authority—
 - (i) are satisfied that an applicant is homeless and eligible for assistance, and
 - (ii) are not satisfied that the applicant became homeless intentionally,
- (b) the authority are also satisfied that the applicant has a priority need, and
- (c) the authority's duty to the applicant under section 189B(2) has come to an end.]

[^{F2}(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).]

(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.

[^{F3}(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.]

^{F4}(3A)

[^{F5}(3B) In this section “a restricted case” means a case where the local housing authority would not be satisfied as mentioned in subsection (1) without having had regard to a restricted person.]

Changes to legislation: Housing Act 1996, Section 193 is up to date with all changes known to be in force on or before 12 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. (See end of Document for details) View outstanding changes

- (5) ^[F6]The local housing authority shall cease to be subject to the duty under this section if—
- (a) the applicant, having been informed by the authority of the possible consequence of refusal or acceptance and of the right to request a review of the suitability of the accommodation, refuses an offer of accommodation which the authority are satisfied is suitable for the applicant,
 - (b) that offer of accommodation is not an offer of accommodation under Part 6 or a private rented sector offer, and
 - (c) the authority notify the applicant that they regard themselves as ceasing to be subject to the 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
 - ^[F8](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.
- ^[F9](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 ^[F10]or acceptance] 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).]
- ^[F11](7AA) ^{F12}... the authority shall also cease to be subject to the duty under this section if the applicant, having been informed ^[F13]in writing] of the matters mentioned in subsection (7AB)—
- (a) accepts a ^[F14]private rented sector offer], or
 - (b) refuses such an offer.
- (7AB) The matters are—
- (a) the possible consequence of refusal ^[F15]or acceptance] of the offer, and
 - (b) that the applicant has the right to request a review of the suitability of the accommodation ^[F16], and
 - (c) in a case which is not a restricted case, the effect under section 195A of a further application to a local housing authority within two years of acceptance of the offer.]
- (7AC) For the purposes of this section an offer is a ^[F17]private rented sector 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 with the landlord with a view to bringing the authority's duty under this section to an end, and

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- (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 12 months.

(7AD) In a restricted case the authority shall, so far as reasonably practicable, bring their duty under this section to an end as mentioned in subsection (7AA).]

^{F18}[^{F19}(7B)

^{F18}(7C)

^{F18}(7D)

^{F18}(7E)

(7F) The local housing authority shall not—

- (a) make a final offer of accommodation under Part 6 for the purposes of subsection (7); [^{F20}or]

[^{F21}(ab) approve a [^{F22}private rented sector offer];] or

^{F23}(b)

unless they are satisfied that the accommodation is suitable for the applicant and that [^{F24}subsection (8) does not apply to the applicant.].]

[^{F25}(8) 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.]

(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.

[^{F26}(10) The [^{F27}Secretary of State] may provide by regulations that subsection (7AC)(c) is to have effect as if it referred to a period of the length specified in the regulations.

(11) Regulations under subsection (10)—

- (a) may not specify a period of less than 12 months, and
(b) may not apply to restricted cases.

^{F28}(12)]

Textual Amendments

F1 S. 193(1) substituted (3.4.2018) by [Homelessness Reduction Act 2017 \(c. 13\)](#), **ss. 5(7)**, 13(3); S.I. 2018/167, reg. 3(e) (with reg. 4(1))

F2 S. 193(1A) inserted (3.4.2018) by [Homelessness Reduction Act 2017 \(c. 13\)](#), **ss. 7(2)**, 13(3); S.I. 2018/167, reg. 3(g)

F3 S. 193(3) substituted for s. 193(3)(4) (31.7.2002 for E. and 30.9.2002 for W.) by 2002 c. 7, **s. 6(1)** (with s. 20(4)); S.I. 2002/1799, **art. 2**; S.I. 2002/1736, art. 2(1), **Sch. Pt. 1**

F4 S. 193(3A) repealed (9.11.2012 for E.) by [Localism Act 2011 \(c. 20\)](#), **ss. 148(2)**, 240(3)(f), **Sch. 25 Pt. 22**; S.I. 2012/2599, **arts. 1(2)**, 2 (with art. 3)

F5 S. 193(3B) inserted (2.3.2009 for specified purposes) by [Housing and Regeneration Act 2008 \(c. 17\)](#), **s. 325(1)**, **Sch. 15 para. 5(3)**; S.I. 2009/415, art. 2

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- F6** S. 193(5) substituted (9.11.2012 for E.) by [Localism Act 2011 \(c. 20\)](#), ss., **148(3)**, 240(3)(f); S.I. 2012/2599, arts. 1(2), 2 (with art. 3)
- F7** Words in s. 193(5) inserted (26.2.2002) by [2002 c. 7, s. 8\(1\)](#) (with s. 20(4))
- F8** S. 193(6)(cc) inserted (31.7.2002 for E. and 30.9.2002 for W.) by [2002 c. 7, s. 7\(1\)\(2\)\(6\)](#) (with s. 20(4)); S.I. 2002/1799, **art. 2**; S.I. 2002/1736, art. 2(1), **Sch. Pt. 1**
- F9** S. 193(7)(7A) substituted for s. 193(7) (31.7.2002 for E. and 30.9.2002 for W.) by [2002 c. 7, s. 7\(1\)\(3\)\(6\)](#) (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(7) inserted (9.11.2012 for E.) by [Localism Act 2011 \(c. 20\)](#), ss., **148(4)**, 240(3)(f); S.I. 2012/2599, arts. 1(2), 2 (with art. 3)
- F11** S. 193(7AA)-(7AD) inserted (2.3.2009 for specified purposes) by [Housing and Regeneration Act 2008 \(c. 17\)](#), s. 325(1), **Sch. 15 para. 5(4)**; S.I. 2009/415, art. 2
- F12** Words in s. 193(7AA) repealed (9.11.2012 for E.) by [Localism Act 2011 \(c. 20\)](#), ss., 148(5)(a), 240(3)(f), **Sch. 25 Pt. 22**; S.I. 2012/2599, arts. 1(2), 2 (with art. 3)
- F13** Words in s. 193(7AA) inserted (9.11.2012 for E.) by [Localism Act 2011 \(c. 20\)](#), ss., **148(5)(b)**, 240(3)(f); S.I. 2012/2599, arts. 1(2), 2 (with art. 3)
- F14** Words in s. 193(7AA)(a) substituted (9.11.2012 for E.) by [Localism Act 2011 \(c. 20\)](#), ss., **148(5)(c)**, 240(3)(f); S.I. 2012/2599, arts. 1(2), 2 (with art. 3)
- F15** Words in s. 193(7AB)(a) inserted (9.11.2012 for E.) by [Localism Act 2011 \(c. 20\)](#), ss., **148(6)(a)**, 240(3)(f); S.I. 2012/2599, arts. 1(2), 2 (with art. 3)
- F16** S. 193(7AB)(c) and word inserted (9.11.2012 for E.) by [Localism Act 2011 \(c. 20\)](#), ss., **148(6)(b)**, 240(3)(f); S.I. 2012/2599, arts. 1(2), 2 (with art. 3)
- F17** Words in s. 193(7AC) substituted (9.11.2012 for E.) by [Localism Act 2011 \(c. 20\)](#), ss., **148(7)**, 240(3)(f); S.I. 2012/2599, arts. 1(2), 2 (with art. 3)
- F18** S. 193(7B)-(7E) repealed (9.11.2012 for E.) by [Localism Act 2011 \(c. 20\)](#), ss., 148(8), 240(3)(f), **Sch. 25 Pt. 22**; S.I. 2012/2599, arts. 1(2), 2 (with art. 3)
- F19** S. 193(7B)-(7F) inserted (31.7.2002 for E. and 30.9.2002 for W.) by [2002 c. 7, s. 7\(1\)\(4\)\(6\)](#) (with s. 20(4)); S.I. 2002/1799, **art. 2**; S.I. 2002/1736, art. 2(1), **Sch. Pt. 1**
- F20** Word in s. 193(7F)(a) inserted (9.11.2012 for E.) by [Localism Act 2011 \(c. 20\)](#), ss., **148(9)(a)**, 240(3)(f); S.I. 2012/2599, arts. 1(2), 2 (with art. 3)
- F21** S. 193(7F)(ab) inserted (2.3.2009 for specified purposes) by [Housing and Regeneration Act 2008 \(c. 17\)](#), s. 325(1), **Sch. 15 para. 5(6)**; S.I. 2009/415, art. 2
- F22** Words in s. 193(7F)(ab) substituted (9.11.2012 for E.) by [Localism Act 2011 \(c. 20\)](#), ss., **148(9)(b)**, 240(3)(f); S.I. 2012/2599, arts. 1(2), 2 (with art. 3)
- F23** S. 193(7F)(b) repealed (9.11.2012 for E.) by [Localism Act 2011 \(c. 20\)](#), ss., 148(9)(c), 240(3)(f), **Sch. 25 Pt. 22**; S.I. 2012/2599, arts. 1(2), 2 (with art. 3)
- F24** Words in s. 193(7F) substituted (9.11.2012 for E.) by [Localism Act 2011 \(c. 20\)](#), ss., **148(9)(d)**, 240(3)(f); S.I. 2012/2599, arts. 1(2), 2 (with art. 3)
- F25** S. 193(8) substituted (9.11.2012 for E.) by [Localism Act 2011 \(c. 20\)](#), ss., **148(10)**, 240(3)(f); S.I. 2012/2599, arts. 1(2), 2 (with art. 3)
- F26** S. 193(10)-(12) inserted (9.11.2012 for E.) by [Localism Act 2011 \(c. 20\)](#), ss., **148(11)**, 240(3)(f); S.I. 2012/2599, arts. 1(2), 2 (with art. 3)
- F27** Words in s. 193(10) substituted (27.4.2015) by [Housing \(Wales\) Act 2014 \(anaw 7\)](#), s. 145(3), **Sch. 3 para. 10(a)**; S.I. 2015/1272, art. 2, **Sch. para. 53** (with art. 7)
- F28** S. 193(12) omitted (27.4.2015) by virtue of [Housing \(Wales\) Act 2014 \(anaw 7\)](#), s. 145(3), **Sch. 3 para. 10(b)**; S.I. 2015/1272, art. 2, **Sch. para. 53** (with art. 7)

Modifications etc. (not altering text)

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

Changes to legislation:

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Changes and effects yet to be applied to :

- s. 193(7F) word repealed by [2011 c. 20 Sch. 25 Pt. 22](#)
- specified provision(s) savings for amendments by 2018 anaw 1, s. 6, Sch. 6 by [S.I. 2019/110 reg. 5](#)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

- Act savings and transitional provisions for amendments by S.I. 2022/1166 by [S.I. 2022/1172 Regulations](#)

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 124(1A) inserted by [2016 c. 22 Sch. 7 para. 20\(2\)](#)
- s. 124(6) inserted by [2016 c. 22 Sch. 7 para. 20\(6\)](#)
- s. 124A124B inserted by [2016 c. 22 Sch. 7 para. 21](#)
- s. 125A(3A)(3B) inserted by [2016 c. 22 Sch. 7 para. 22\(3\)](#)
- s. 130A inserted by [2016 c. 22 Sch. 8 para. 7](#)
- s. 133(1A) inserted by [2016 c. 22 Sch. 8 para. 9\(2\)](#)
- s. 143J(3A) inserted by [2016 c. 22 Sch. 8 para. 13\(2\)](#)
- s. 143J(7)(a) words omitted by [S.I. 2022/1166 reg. 25\(11\)\(b\)](#) (This amendment comes into force immediately after 2016 c. 22, s. 120 and Sch. 8 para. 13(3) come into force)
- s. 143GA143GB inserted by [2016 c. 22 Sch. 8 para. 10](#)
- s. 143MA(3A)-(3D) inserted by [2016 c. 22 Sch. 7 para. 27\(3\)](#)
- s. 143MB inserted by [2016 c. 22 Sch. 7 para. 28](#)