



Housing Act 2004

2004 CHAPTER 34

PART 4

ADDITIONAL CONTROL PROVISIONS IN RELATION TO RESIDENTIAL ACCOMMODATION

CHAPTER 3

OVERCROWDING NOTICES

144 Revocation and variation of overcrowding notices

- (1) The local housing authority may at any time, on the application of a relevant person—
 - (a) revoke an overcrowding notice; or
 - (b) vary it so as to allow more people to be accommodated in the HMO concerned.
- (2) The applicant may appeal to [^{F1}the appropriate tribunal] if the local housing authority—
 - (a) refuse an application under subsection (1); or
 - (b) do not notify the applicant of their decision within the period of 35 days beginning with the making of the application (or within such further period as the applicant may in writing allow).
- (3) An appeal under subsection (2) must be made within—
 - (a) the period of 21 days beginning with the date when the applicant is notified by the authority of their decision to refuse the application, or
 - (b) the period of 21 days immediately following the end of the period (or further period) applying for the purposes of paragraph (b) of that subsection, as the case may be.
- (4) Section 143(2) applies to such an appeal as it applies to an appeal under that section.
- (5) On an appeal the tribunal may revoke the notice or vary it in any manner in which it might have been varied by the local housing authority.

Changes to legislation: *Housing Act 2004, Section 144 is up to date with all changes known to be in force on or before 27 September 2023. 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*

- (6) [^{F2}The appropriate tribunal] may allow an appeal to be made to it after the end of the 21-day period mentioned in subsection (3)(a) or (b) if it is satisfied that there is good reason for the failure to appeal before the end of that period (and for any delay since then in applying for permission to appeal).
- (7) In this section “relevant person” means—
- (a) any person who has an estate or interest in the HMO concerned, or
 - (b) any other person who is a person managing or having control of it.

Textual Amendments

- F1** Words in s. 144(2) substituted (1.7.2013) by [The Transfer of Tribunal Functions Order 2013 \(S.I. 2013/1036\)](#), art. 1, [Sch. 1 para. 171\(a\)](#) (with Sch. 3)
- F2** Words in s. 144(6) substituted (1.7.2013) by [The Transfer of Tribunal Functions Order 2013 \(S.I. 2013/1036\)](#), art. 1, [Sch. 1 para. 171\(b\)](#) (with Sch. 3)

Commencement Information

- I1** S. 144 wholly in force at 16.6.2006; s. 144 not in force at Royal Assent see s. 270(4)(5); s. 144 in force for E. at 6.4.2006 by [S.I. 2006/1060](#), [art. 2\(1\)\(a\)](#) (with Sch.); s. 144 in force for W. at 16.6.2006 by [S.I. 2006/1535](#), [art. 2\(a\)](#) (with Sch.)

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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. 66(1A) inserted by [2016 c. 22 s. 125\(3\)\(a\)](#)
- s. 66(3A)(3B) inserted by [2016 c. 22 s. 125\(3\)\(c\)](#)
- s. 89(1A) inserted by [2016 c. 22 s. 125\(6\)\(a\)](#)
- s. 89(3A)(3B) inserted by [2016 c. 22 s. 125\(6\)\(c\)](#)
- s. 139(7A)(7B) inserted by [2016 c. 22 s. 127\(3\)](#)