
EXPLANATORY NOTE

(This note is not part of the Regulations)

The Housing Act 1996 (‘the Housing Act’) sets out, in Part 7, local housing authority functions in relation to persons who are homeless, or are threatened with homelessness.

Part 2 of these Regulations requires every local housing authority to adopt a written procedure to be followed in connection with the giving of notices under section 193B of the Housing Act (which is inserted by the Homelessness Reduction Act 2017 (‘the 2017 Act’)). Where a local housing authority are satisfied that an individual is homeless (or threatened with homelessness) and eligible for assistance, the authority must assess the individual’s case. The authority must try to agree with them any steps that the individual, and the authority, are to take in order to secure or retain suitable accommodation for the individual. If the individual subsequently deliberately and unreasonably refuses to take any required step, the authority may serve a notice under section 193B, the effect of which is that some of the authority’s duties under the Housing Act to help the individual to secure or retain suitable accommodation, come to an end. Regulation 3 requires that, in particular, the decision to give such a notice is authorised by a second officer of the authority.

Part 3 sets out the procedure to be followed by a local housing authority in relation to reviews requested under section 202 of the Housing Act. Where a person (the ‘applicant’) applies to a local housing authority for accommodation, or for assistance in obtaining accommodation, section 202 provides the applicant with a right to request a review of certain local housing authority decisions (for example a decision as to the applicant’s eligibility for assistance, or as to the suitability of accommodation offered to the applicant). The 2017 Act amended section 202 to add further rights of review. These Regulations revoke and replace the Allocation of Housing and Homelessness (Review Procedures) Regulations 1999 which made provision for reviews under section 202, and also make new provision in relation to new rights of review introduced by the 2017 Act.

Part 4 specifies the public authorities that are subject to the duty under section 213B of the Housing Act (inserted by the 2017 Act) to notify a local housing authority where they consider that an individual is, or is at risk of becoming, homeless. The specified public authorities include, for example, governors of prisons and secure training centres, social services authorities, and NHS Trusts in so far as they provide certain services.

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sectors is foreseen.