STATUTORY INSTRUMENTS

1988 No. 1990

The Housing (Northern Ireland) Order 1988

PART II

HOUSING THE HOMELESS

Duties of the Executive with respect to homelessness and threatened homelessness

Duties to persons found to be homeless

10.—(1) This Article has effect as regards the duties owed by the Executive to an applicant where it is satisfied that he is homeless.

(2) Where the Executive is satisfied that the applicant has a priority need and is not satisfied that he became homeless intentionally, it shall secure that accommodation becomes available for his occupation.

[[F1](2ZA) The Executive shall cease to be subject to the duty under paragraph (2) if the applicant ceases to be eligible for assistance under this Part by virtue of Article 7A(1)(a) or (b).**]**

[[F2](2A) In a restricted case the Executive shall cease to be subject to the duty under paragraph (2) if the applicant, having been informed of the possible consequence of refusal—

(a) accepts a private accommodation offer, or

(b) refuses such an offer.

(2B) For the purposes of this Article an offer is a private accommodation offer if—

(a) it is an offer of a private tenancy made by a 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 Executive, in pursuance of arrangements made by the Executive with the landlord with a view to bringing its duty under paragraph (2) to an end, and

(c) the tenancy being offered is for a term certain of at least 12 months.

(2C) The Executive shall not approve a private accommodation offer unless it is satisfied that the accommodation is suitable for the applicant and that it is reasonable for him to accept the offer.

(2D) For the purposes of paragraph (2C) an applicant may reasonably be expected to accept an offer 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.

(2E) In a restricted case the Executive shall, so far as reasonably practicable, bring its duty under paragraph (2) to an end as mentioned in paragraph (2A).

(2F) In a restricted case the Executive shall also cease to be subject to the duty under paragraph (2) if the applicant, having been informed of the possible consequence of refusal, refuses a reasonable offer of accommodation under the Housing Selection Scheme.

(2G) For the purposes of paragraph (2F)—

(a) "the Housing Selection Scheme" means the scheme for the allocation of housing accommodation held by the Executive approved from time to time under Article 22 of the Order of 1981, and

(b) an offer of accommodation is reasonable if it is a reasonable offer within the meaning of that Scheme.

(2H) Paragraphs (2A) to (2G) are without prejudice to any other way in which the Executive can cease to be subject to the duty under paragraph (2).**]**

(3) Where the Executive is satisfied that the applicant has a priority need but is also satisfied that he became homeless intentionally, it shall—

(a) secure that accommodation is made available for his occupation for such period as it considers will give him a reasonable opportunity of securing accommodation for his occupation, and

(b) **[**[F3]provide the applicant with advice and assistance of such type as may be prescribed by the Department**]** in any attempts he may make to secure that accommodation becomes available for his occupation.

(4) Where the Executive is not satisfied that the applicant has a priority need, it shall **[**[F4]provide the applicant with advice and assistance of such type as may be prescribed by the Department**]** in any attempts he may make to secure that accommodation becomes available for his occupation.

[[F5](5) In this Article—

"a private tenancy" has the same meaning as in the Private Tenancies (Northern Ireland) Order 2006,

"a restricted case" means a case falling within paragraph (2) where the Executive would not be satisfied as mentioned in paragraphs (1) and (2) without having had regard to a restricted person,

"a restricted person" has the same meaning as in Article 9.**]**

[[F6](6) In this Article and in Article 11 "prescribed" means prescribed by regulations subject to negative resolution.**]**

F1 Art. 10(2ZA) inserted (1.9.2011) by Housing (Amendment) Act (Northern Ireland) 2011 (c. 22), **ss. 16**, 25(1); S.R. 2011/241, **art. 2(2)**, Sch. 2

F2 Art. 10(2A)-(2H) inserted (2.3.2009 for certain purposes, otherwise prosp.) by Housing and Regeneration Act 2008 (c. 17), ss. 314, 325(1), **Sch. 15 para. 20(2)**; S.I. 2009/415, **art. 3**

F3 Words in art. 10(3)(b) substituted (31.7.2010) by Housing (Amendment) Act (Northern Ireland) 2010 (c. 9), **ss. 4(2)(a)**, 19(1); S.R. 2010/251, **art. 2**

F4 Words in art. 10(4) substituted (31.7.2010) by Housing (Amendment) Act (Northern Ireland) 2010 (c. 9), **ss. 4(2)(b)**, 19(1); S.R. 2010/251, **art. 2**

F5 Art. 10(5) inserted (2.3.2009 for certain purposes, otherwise prosp.) by Housing and Regeneration Act 2008 (c. 17), ss. 314, 325(1), **Sch. 15 para. 20(3)**; S.I. 2009/415, **art. 3**

F6 Art. 10(6) added (31.7.2010) by Housing (Amendment) Act (Northern Ireland) 2010 (c. 9), **ss. 4(2)(c)**, 19(1); S.R. 2010/251, **art. 2**

Changes to legislation:
There are currently no known outstanding effects for the The Housing (Northern Ireland) Order 1988, Section 10.