Housing Act 1996

1996 CHAPTER 52

PART VII

HOMELESSNESS[F1: ENGLAND]

Homelessness and threatened homelessness

175 Homelessness and threatened homelessness.

(1) A person is homeless if he has no accommodation available for his occupation, in the United Kingdom or elsewhere, which he—

(a) is entitled to occupy by virtue of an interest in it or by virtue of an order of a court,

(b) has an express or implied licence to occupy, or

(c) occupies as a residence by virtue of any enactment or rule of law giving him the right to remain in occupation or restricting the right of another person to recover possession.

(2) A person is also homeless if he has accommodation but—

(a) he cannot secure entry to it, or

(b) it consists of a moveable structure, vehicle or vessel designed or adapted for human habitation and there is no place where he is entitled or permitted both to place it and to reside in it.

(3) A person shall not be treated as having accommodation unless it is accommodation which it would be reasonable for him to continue to occupy.

(4) A person is threatened with homelessness if it is likely that he will become homeless within [F1 56] days.

[F2(5) A person is also threatened with homelessness if—

(a) a valid notice has been given to the person under section 21 of the Housing Act 1988 (orders for possession on expiry or termination of assured shorthold

Changes to legislation: *Housing Act 1996, Cross Heading: Homelessness and threatened homelessness is up to date with all changes known to be in force on or before 19 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*

tenancy) in respect of the only accommodation the person has that is available for the person's occupation, and

(b) that notice will expire within 56 days.**]**

Textual Amendments

F1 Word in s. 175(4) substituted (3.4.2018) by Homelessness Reduction Act 2017 (c. 13), **ss. 1(2)**, 13(3); S.I. 2018/167, reg. 3(a) (with reg. 4(1))

F2 S. 175(5) inserted (3.4.2018) by Homelessness Reduction Act 2017 (c. 13), **ss. 1(3)**, 13(3); S.I. 2018/167, reg. 3(a) (with reg. 4(1))

176 Meaning of accommodation available for occupation.

Accommodation shall be regarded as available for a person's occupation only if it is available for occupation by him together with—

(a) any other person who normally resides with him as a member of his family, or

(b) any other person who might reasonably be expected to reside with him.

References in this Part to securing that accommodation is available for a person's occupation shall be construed accordingly.

177 Whether it is reasonable to continue to occupy accommodation.

(1) It is not reasonable for a person to continue to occupy accommodation if it is probable that this will lead to **[**[F3]violence or domestic abuse**]** against him, or against—

(a) a person who normally resides with him as a member of his family, or

(b) any other person who might reasonably be expected to reside with him.

[[F4](1A) For this purpose—

(a) "domestic abuse" has the meaning given by section 1 of the Domestic Abuse Act 2021;

(b) "violence" means—

(i) violence from another person; or

(ii) threats of violence from another person which are likely to be carried out.**]**

(2) In determining whether it would be, or would have been, reasonable for a person to continue to occupy accommodation, regard may be had to the general circumstances prevailing in relation to housing in the district of the local housing authority to whom he has applied for accommodation or for assistance in obtaining accommodation.

(3) The Secretary of State may by order specify—

(a) other circumstances in which it is to be regarded as reasonable or not reasonable for a person to continue to occupy accommodation, and

(b) other matters to be taken into account or disregarded in determining whether it would be, or would have been, reasonable for a person to continue to occupy accommodation.

Changes to legislation: *Housing Act 1996, Cross Heading: Homelessness and threatened homelessness is up to date with all changes known to be in force on or before 19 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*

Textual Amendments

F3 Words in s. 177(1) substituted (5.7.2021) by Domestic Abuse Act 2021 (c. 17), **ss. 78(2)(a)**, 90(6); S.I. 2021/797, reg. 2(2) (with reg. 4(1))

F4 S. 177(1A) substituted (5.7.2021) by Domestic Abuse Act 2021 (c. 17), **ss. 78(2)(b)**, 90(6); S.I. 2021/797, reg. 2(2) (with reg. 4(1))

Commencement Information

I1 S. 177 wholly in force 20.1.1997: s. 177 not in force at Royal Assent, see s. 232(1)-(3); s. 177(3) in force at 1.10.1996 by S.I. 1996/2402, **art. 3** (with transitional provisions and savings in the Sch.); s. 177 in force at 20.1.1997 to the extent it is not already in force by S.I. 1996/2959, **art. 2**

[F5]178 Meaning of associated person.

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Textual Amendments

F5 S. 178 omitted (5.7.2021) by virtue of Domestic Abuse Act 2021 (c. 17), **ss. 78(3)**, 90(6); S.I. 2021/797, reg. 2(2) (with reg. 4(1))

Changes to legislation:
Housing Act 1996, Cross Heading: Homelessness and threatened homelessness is up to date with all changes known to be in force on or before 19 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.
View outstanding changes

Changes and effects yet to be applied to :

- 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