
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

Inquiry into cases of possible homelessness or threatened homelessness

7.—(1) If—

- (a) a person (an “applicant”) applies to the Executive for accommodation, or for assistance in obtaining accommodation, and
- (b) the Executive has reason to believe that he may be homeless or threatened with homelessness,

it shall make such inquiries as are necessary to satisfy itself as to whether he is homeless or threatened with homelessness.

(2) If the Executive is so satisfied it shall make any further inquiries necessary to satisfy itself as to—

- (a) whether the applicant has a priority need, and
- (b) whether he became homeless or threatened with homelessness intentionally.

[^{F1}Persons not eligible for housing assistance

7A.—(1) A person is not eligible for assistance under this Part—

- (a) if he is a person from abroad who is subject to immigration control and is ineligible for such assistance by virtue of section 119 of the Immigration and Asylum Act 1999 (c. 33);
- (b) if he is any other person from abroad who is ineligible for such assistance by virtue of regulations made under paragraph (2); or
- (c) if he is a person who the Executive has decided is to be treated as ineligible for such assistance by virtue of paragraph (5).

(2) The Secretary of State may, for the purposes of paragraph (1)(b), make provision by regulations as to other descriptions of persons who are to be treated as persons from abroad who are ineligible for assistance under this Part.

(3) Regulations made under paragraph (2) shall be subject to annulment in pursuance of a resolution of either House of Parliament in like manner as a statutory instrument, and section 5 of the Statutory Instruments Act 1946 (c. 36) shall apply accordingly.

(4) A person from abroad who is not eligible for assistance under this Part shall be disregarded in determining for the purposes of this Part whether another person—

- (a) is homeless or threatened with homelessness, or

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(b) has a priority need for accommodation.

(5) The Executive may decide that an applicant is to be treated as ineligible for assistance under this Part if it is satisfied that—

- (a) he, or a member of his household, has been guilty of unacceptable behaviour serious enough to make him unsuitable to be a tenant of the Executive; and
- (b) in the circumstances at the time his application is considered, he is unsuitable to be a tenant of the Executive by reason of that behaviour.

(6) The only behaviour which may be regarded by the Executive as unacceptable for the purposes of paragraph (5)(a) is—

- (a) behaviour of the person concerned which would (if he were a secure tenant of the Executive) entitle the Executive to a possession order under Article 29 of the Order of 1983 on Ground 2 or Ground 3 in Schedule 3 to that Order; or
- (b) behaviour of a member of his household which would (if he were a person residing with a secure tenant of the Executive) entitle the Executive to such a possession order.

(7) Where the Executive is satisfied that a person is not eligible for assistance under this Part by virtue of paragraph (1)(c) of this Article but has a priority need, it shall treat him in the same manner as an applicant to whom paragraph (3) of Article 10 applies.

(8) Where the Executive is satisfied that a person—

- (a) is not eligible for assistance under this Part by virtue of paragraph (1)(a) or (b); or
- (b) is not eligible for assistance under this Part by virtue of paragraph (1)(c) and does not have a priority need;

it shall treat him in the same manner as an applicant to whom paragraph (4) of Article 10 applies.]

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Provision of information by Secretary of State

7B.—(1) The Secretary of State shall, at the request of the Executive, provide the Executive with such information as it may require to enable it to determine for the purposes of paragraph (1)(a) or (b) of Article 7A whether such a person is eligible for assistance under this Part.

(2) Where that information is given otherwise than in writing, the Secretary of State shall confirm it in writing if a written request is made to him by the Executive.

(3) If it appears to the Secretary of State that any application, decision or other change of circumstances has affected the status of a person about whom information was previously provided by him to the Executive under this Article, he shall inform the Executive in writing of that fact, the reason for it and the date on which the previous information became inaccurate.

Interim duty to accommodate in case of apparent priority need

8. If the Executive has reason to believe that an applicant may be homeless and have a priority need, it shall secure that accommodation is made available for his occupation pending a decision as a result of its inquiries under Article 7.

Notification of decision and reasons

9.—(1) On completing its inquiries under Article 7, the Executive shall notify the applicant of its decision on the question whether he is homeless or threatened with homelessness.

(2) If the Executive notifies the applicant that its decision is that he is homeless or threatened with homelessness, it shall at the same time notify him of its decision on the question whether he has a priority need.

(3) If the Executive notifies the applicant that its decision is that he has a priority need, it shall at the same time notify him of its decision whether he became homeless or threatened with homelessness intentionally.

(4) If the Executive notifies the applicant—

(a) that it is not satisfied that he is homeless or threatened with homelessness, or

(b) that it is not satisfied that he has a priority need, or

(c) that it is satisfied that he became homeless or threatened with homelessness intentionally,

it shall at the same time notify him of its reasons.

(5) The notice required to be given to a person under this Article shall be given in writing and shall, if not received by him, be treated as having been given to him only if it is made available for a reasonable period at the office of the Executive to which he applied, for collection by him or on his behalf.

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.

(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) furnish him with advice and such assistance as it considers appropriate in the circumstances 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 furnish him with advice and such assistance as it considers appropriate in the circumstances in any attempts he may make to secure that accommodation becomes available for his occupation.

Duties to persons found to be threatened with homelessness

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

(2) Where the Executive is satisfied that the applicant has a priority need and is not satisfied that he became threatened with homelessness intentionally, it shall take reasonable steps to secure that accommodation does not cease to be available for his occupation.

(3) Where—

(a) the Executive is not satisfied that the applicant has a priority need, or

(b) it is satisfied that he has a priority need but is also satisfied that he became threatened with homelessness intentionally,

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it shall furnish him with advice and such assistance as it considers appropriate in the circumstances in any attempts he may make to secure that accommodation does not cease to be available for his occupation.

(4) Paragraph (2) does not affect any right of the Executive, whether by virtue of a contract, enactment or rule of law, to secure vacant possession of accommodation.

Provisions supplementary to Articles 8 and 10

12.—(1) The Executive may perform any duty under Article 8 or 10 (duties to persons found to be homeless) to secure that accommodation becomes available for the occupation of a person—

- (a) by making available suitable accommodation held by it, or
- (b) by securing that he obtains suitable accommodation from some other person, or
- (c) by giving him such advice and assistance as will secure that he obtains suitable accommodation from some other person,

and in determining whether accommodation is suitable the Executive shall have regard to Chapter II of Part III and Part VI of the Order of 1981.

(2) The Executive—

- (a) shall require a person to whom it is subject to a duty under Article 8 or 10 (interim duty to accommodate pending inquiries and duties to persons found to be homeless) to pay rent, in accordance with any rent scheme for the time being approved by the Department under Article 17 of the Order of 1981, in respect of any housing accommodation provided by the Executive itself; or
- (b) may require such a person—
 - (i) to pay such reasonable charges as the Executive may determine in respect of accommodation which it otherwise secures for that person's occupation; or
 - (ii) to pay such reasonable amount as it may determine in respect of sums payable by it for accommodation made available by another person.

Protection of property of homeless persons and persons threatened with homelessness

13.—(1) This Article applies where the Executive has reason to believe that an applicant is homeless or threatened with homelessness (or, in the case of an applicant to whom it owes a duty under Article 8 (interim duty to accommodate pending inquiries), that he may be homeless) and that—

- (a) there is a danger of loss of, or damage to, any personal property of his by reason of his inability to protect it or deal with it, and
- (b) no other suitable arrangements have been or are being made.

(2) If the Executive has become subject to a duty towards the applicant under Article 8, 10(2) or (3)(a) or 11(2) (duty to accommodate during inquiries and duties to persons found to be homeless or threatened with homelessness), then, whether or not it is still subject to such a duty, it shall take reasonable steps to prevent the loss of the property or prevent or mitigate damage to it; and if it has not become subject to such a duty, it may take any steps it considers reasonable for that purpose.

(3) The Executive may for the purposes of this Article—

- (a) enter, at all reasonable times, any premises which are the usual place of residence of the applicant or which were his last usual place of residence, and
- (b) deal with any personal property of his in any way which is reasonably necessary, in particular by storing it or arranging for its storage.

(4) The Executive may decline to take action under this Article except upon such conditions as it considers appropriate in the particular case, which may include conditions as to—

- (a) the making and recovery by the Executive of reasonable charges for the action taken, or
- (b) the disposal by the Executive, in such circumstances as may be specified, of property in relation to which it has taken action.

(5) When in the Executive's opinion there is no longer any reason to believe that there is a danger of loss of or damage to a person's personal property by reason of his inability to protect it or deal with it, the Executive ceases to have any duty or power to take action under this Article; but property stored by virtue of the Executive having taken such action may be kept in store and any conditions upon which it was taken into store continue to have effect, with any necessary modifications.

(6) Where the Executive—

- (a) ceases to be subject to a duty to take action under this Article in respect of an applicant's property, or
- (b) ceases to have power to take such action, having previously taken such action,

it shall notify the applicant of that fact and of the reason why it is of opinion that there is no longer any reason to believe that there is a danger of loss of or damage to his personal property by reason of his inability to protect it or deal with it.

(7) References in this Article to personal property of the applicant include personal property of any person who might reasonably be expected to reside with him.

Certain bodies to co#operate with the Executive

14. Where, the Executive—

- (a) requests a health and social services board to exercise any of its functions in relation to a case with which the Executive is dealing under Article 7, 8, 10 or 11 (which relate to homelessness and threatened homelessness as such), or to provide any information or advice in relation to such a case; or
- (b) requests the Probation Board for Northern Ireland to provide any information or advice in relation to such a case; or
- (c) requests a registered housing association, within the meaning of Part VII of the Order of 1981, to assist it in the discharge of its functions under those Articles;

that health and social services board, the Probation Board for Northern Ireland or that association, as the case may be, shall co#operate by exercising such of its functions, providing such information or advice or rendering such assistance as is reasonable in the circumstances.

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