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Housing Act 1985

1985 CHAPTER 68

PART III

HOUSING THE HOMELESS

Duties of local housing authorities with respect to homelessness and threatened homelessness

62 Inquiry into cases of possible homelessness or threatened homelessness.

- (1) If a person (an “applicant”) applies to a local housing authority for accommodation, or for assistance in obtaining accommodation, and the authority have reason to believe that he may be homeless or threatened with homelessness, they shall make such inquiries as are necessary to satisfy themselves as to whether he is homeless or threatened with homelessness.
- (2) If they are so satisfied, they shall make any further inquiries necessary to satisfy themselves as to—
 - (a) whether he has a priority need, and
 - (b) whether he became homeless or threatened with homelessness intentionally;and if they think fit they may also make inquiries as to whether he has a local connection with the district of another local housing authority in England, Wales or Scotland.

Modifications etc. (not altering text)

C1 S. 62 extended (26.7.1993) by 1993 c. 23, s. 4(5), **Sch. 1 para. 2** (with **Sch. 1 para. 8**); S.I. 1993/1655, **art. 2**.

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63 Interim duty to accommodate in case of apparent priority need.

- (1) If the local housing authority have reason to believe that an applicant may be homeless and have a priority need, they shall secure that accommodation is made available for his occupation pending a decision as a result of their inquiries under section 62.
- (2) This duty arises irrespective of any local connection which the applicant may have with the district of another local housing authority.

64 Notification of decision and reasons.

- (1) On completing their inquiries under section 62, the local housing authority shall notify the applicant of their decision on the question whether he is homeless or threatened with homelessness.
- (2) If they notify him that their decision is that he is homeless or threatened with homelessness, they shall at the same time notify him of their decision on the question whether he has a priority need.
- (3) If they notify him that their decision is that he has a priority need, they shall at the same time notify him—
 - (a) of their decision whether he became homeless or threatened with homelessness intentionally, and
 - (b) whether they have notified or propose to notify another local housing authority under section 67 (referral of application on grounds of local connection).
- (4) If the local housing authority notify the applicant—
 - (a) that they are not satisfied that he is homeless or threatened with homelessness, or
 - (b) that they are not satisfied that he has a priority need, or
 - (c) that they are satisfied that he became homeless or threatened with homelessness intentionally, or
 - (d) that they have notified or propose to notify another local housing authority under section 67 (referral of application on grounds of local connection),
 they shall at the same time notify him of their reasons.
- (5) The notice required to be given to a person under this section 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 at the authority's office for a reasonable period for collection by him or on his behalf.

Modifications etc. (not altering text)

C2 S. 64 modified (26.7.1993) by 1993 c. 23, s. 4(5), **Sch. 1 para. 3(4)** (with Sch. 1 para. 8); S.I. 1993/1655, **art. 2**.

65 Duties to persons found to be homeless.

- (1) This section has effect as regards the duties owed by the local housing authority to an applicant where they are satisfied that he is homeless.
- (2) Where they are satisfied that he has a priority need and are not satisfied that he became homeless intentionally, they shall, unless they notify another local housing authority

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in accordance with section 67 (referral of application on grounds of local connection), secure that accommodation becomes available for his occupation.

- (3) Where they are satisfied that he has priority need but are also satisfied that he became homeless intentionally, they shall—
 - (a) secure that accommodation is made available for his occupation for such period as they consider will give him a reasonable opportunity of securing accommodation for his occupation, and
 - (b) furnish him with advice and such assistance as they consider appropriate in the circumstances in any attempts he may make to secure that accommodation becomes available for his occupation.
- (4) Where they are not satisfied that he has a priority need, they shall furnish him with advice and such assistance as they consider appropriate in the circumstances in any attempts he may make to secure that accommodation becomes available for his occupation.

66 Duties to persons found to be threatened with homelessness.

- (1) This section has effect as regards the duties owed by the local housing authority to an applicant where they are satisfied that he is threatened with homelessness.
- (2) Where they are satisfied that he has a priority need and are not satisfied that he became threatened with homelessness intentionally, they shall take reasonable steps to secure that accommodation does not cease to be available for his occupation.
- (3) Where—
 - (a) they are not satisfied that he has a priority need, or
 - (b) they are satisfied that he has a priority need but are also satisfied that he became threatened with homelessness intentionally,they shall furnish him with advice and such assistance as they consider appropriate in the circumstances in any attempts he may make to secure that accommodation does not cease to be available for his occupation.
- (4) Subsection (2) does not affect any right of the local housing authority, whether by virtue of a contract, enactment or rule of law, to secure vacant possession of accommodation.

67 Referral of application to another local housing authority.

- (1) If the local housing authority—
 - (a) are satisfied that an applicant is homeless and has a priority need, and are not satisfied that he became homeless intentionally, but
 - (b) are of opinion that the conditions are satisfied for referral of his application to another local housing authority in England, Wales or Scotland, they may notify that other authority of the fact that his application has been made and that they are of that opinion.
- (2) The conditions for referral of an application to another local housing authority are—
 - (a) that neither the applicant nor any person who might reasonably be expected to reside with him has a local connection with the district of the authority to whom his application was made,

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- (b) that the applicant or a person who might reasonably be expected to reside with him has a local connection with the district of that other authority, and
 - (c) that neither the applicant nor any person who might reasonably be expected to reside with him will run the risk of domestic violence in that other district.
- (3) For this purpose a person runs the risk of domestic violence—
- (a) if he runs the risk of violence from a person with whom, but for the risk of violence, he might reasonably be expected to reside, or from a person with whom he formerly resided, or
 - (b) if he runs the risk of threats of violence from such a person which are likely to be carried out.
- (4) The question whether the conditions for referral of an application are satisfied shall be determined by agreement between the notifying authority and the notified authority or, in default of agreement, in accordance with such arrangements as the Secretary of State may direct by order made by statutory instrument.
- (5) An order may direct that the arrangements shall be—
- (a) those agreed by any relevant authorities or associations of relevant authorities, or
 - (b) in default of such agreement, such arrangements as appear to the Secretary of State to be suitable, after consultation with such associations representing relevant authorities, and such other persons, as he thinks appropriate.
- (6) No order shall be made unless a draft of the order has been approved by resolution of each House of Parliament.

68 Duties to persons whose applications are referred.

- (1) Where, in accordance with section 67(1), a local housing authority notify another authority of an application, the notifying authority shall secure that accommodation is available for occupation by the applicant until it is determined whether the conditions for referral of his application to the other authority are satisfied.
- (2) If it is determined that the conditions for referral are satisfied, the notified authority shall secure that accommodation becomes available for occupation by the applicant; if it is determined that the conditions are not satisfied, the notifying authority shall secure that accommodation becomes available for occupation by him.
- (3) When the matter has been determined, the notifying authority shall notify the applicant—
- (a) whether they or the notified authority are the authority whose duty it is to secure that accommodation becomes available for his occupation, and
 - (b) of the reasons why the authority subject to that duty are subject to it.
- (4) The notice required to be given to a person under subsection (3) 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 at the authority's office for a reasonable period for collection by him or on his behalf.

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69 Provisions supplementary to ss. 63, 65 and 68.

- [^{F1}(1) A local housing authority may perform any duty under section 65 or 68 (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 them under Part II (provision of housing) or any enactment, 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 they shall have regard to Part IX (slum clearance), X (overcrowding) and XI (houses in multiple occupation) of this Act.]
- (2) A local housing authority may require a person to whom they were subject to a duty under section 63, 65 or 68 (interim duty to accommodate pending inquiries and duties to persons found to be homeless)—
- (a) to pay such reasonable charges as they may determine in respect of accommodation which they secure for his occupation (either by making it available themselves or otherwise), or
 - (b) to pay such reasonable amount as they may determine in respect of sums payable by them for accommodation made available by another person.

Textual Amendments

F1 S. 69(1) substituted by [Housing and Planning Act 1986 \(c. 63, SIF 61\), s. 14\(3\)](#)

70 Protection of property of homeless persons and persons threatened with homelessness.

- (1) This section applies where a local housing authority have reason to believe that an applicant is homeless or threatened with homelessness (or, in the case of an applicant to whom they owe a duty under section 63 (interim duty to accommodate pending inquiries), that he may be homeless) and that—
- (a) there is a danger of loss of, or danger 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 authority have become subject to a duty towards the applicant under section 63, 65(2) or (3)(a), 66(2) or 68 (duty to accommodate during inquiries and duties to persons found to be homeless or threatened with homelessness), then, whether or not they are still subject to such a duty, they shall take reasonable steps to prevent the loss of the property or prevent or mitigate damage to it; and if they have not become subject to such a duty, they may take any steps they consider reasonable for that purpose.
- (3) The authority may for the purposes of this section—
- (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.

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- (4) The authority may decline to take action under this section except upon such conditions as they consider appropriate in the particular case, which may include conditions as to—
 - (a) the making and recovery by the authority of reasonable charges for the action taken, or
 - (b) the disposal by the authority, in such circumstances as may be specified, of property in relation to which they have taken action.
- (5) When in the authority’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 authority cease to have any duty or power to take action under this section; but property stored by virtue of their 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 authority—
 - (a) cease to be subject to a duty to take action under this section in respect of an applicant’s property, or
 - (b) cease to have power to take such action, having previously taken such action, they shall notify the applicant of that fact and of the reason why they are 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) The notification shall be given to the applicant—
 - (a) by delivering it to him, or
 - (b) by leaving it, or sending it to him, at his last known address.
- (8) References in this section to personal property of the applicant include personal property of any person who might reasonably be expected to reside with him.

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