



# Housing Act 1996

## 1996 CHAPTER 52

### PART VI

#### ALLOCATION OF HOUSING ACCOMMODATION

#### *[<sup>F1</sup> Eligibility for allocation of housing accommodation]*

##### Textual Amendments

- F1** S. 160A and cross-heading inserted (5.12.2002 for the purpose of making regulations and 31.1.2003 otherwise, E.; 27.1.2003 for W.) by 2002 c. 7, s. 14(2) (with s. 20(4)); S.I. 2002/3114, arts. 2, 3; S.I. 2002/1736, art. 2(2), Sch. Pt. 2

#### **[<sup>F2</sup>160ZA Allocation only to eligible and qualifying persons: England**

- (1) A local housing authority in England shall not allocate housing accommodation—
  - (a) to a person from abroad who is ineligible for an allocation of housing accommodation by virtue of subsection (2) or (4), or
  - (b) to two or more persons jointly if any of them is a person mentioned in paragraph (a).
- (2) A person subject to immigration control within the meaning of the Asylum and Immigration Act 1996 is ineligible for an allocation of housing accommodation by a local housing authority in England unless he is of a class prescribed by regulations made by the Secretary of State.
- (3) No person who is excluded from entitlement to [<sup>F3</sup>universal credit or] housing benefit by section 115 of the Immigration and Asylum Act 1999 (exclusion from benefits) shall be included in any class prescribed under subsection (2).
- (4) The Secretary of State may by regulations prescribe other classes of persons from abroad who are ineligible to be allocated housing accommodation by local housing authorities in England.

*Status: Point in time view as at 05/07/2021.*

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- (5) Nothing in subsection (2) or (4) affects the eligibility of a person who falls within section 159(4B).
- (6) Except as provided by subsection (1), a person may be allocated housing accommodation by a local housing authority in England (whether on his application or otherwise) if that person—
  - (a) is a qualifying person within the meaning of subsection (7), or
  - (b) is one of two or more persons who apply for accommodation jointly, and one or more of the other persons is a qualifying person within the meaning of subsection (7).
- (7) Subject to subsections (2) and (4) and any regulations under subsection (8), a local housing authority may decide what classes of persons are, or are not, qualifying persons.
- (8) The Secretary of State may by regulations—
  - (a) prescribe classes of persons who are, or are not, to be treated as qualifying persons by local housing authorities in England, and
  - (b) prescribe criteria that may not be used by local housing authorities in England in deciding what classes of persons are not qualifying persons.
- (9) If a local housing authority in England decide that an applicant for housing accommodation—
  - (a) is ineligible for an allocation by them by virtue of subsection (2) or (4), or
  - (b) is not a qualifying person,
 they shall notify the applicant of their decision and the grounds for it.
- (10) That notice shall be given in writing and, if not received by the applicant, shall be treated as having been given if it is made available at the authority's office for a reasonable period for collection by him or on his behalf.
- (11) A person who is not being treated as a qualifying person may (if he considers that he should be treated as a qualifying person) make a fresh application to the authority for an allocation of housing accommodation by them.]

#### Textual Amendments

- F2** S. 160ZA inserted (15.1.2012 for specified purposes, 18.6.2012 in so far as not already in force) by [Localism Act 2011 \(c. 20\)](#), ss. 146(1), 240(2); [S.I. 2012/57](#), art. 4(1)(k) (with arts. 6, 7, 9-11); [S.I. 2012/1463](#), art. 3
- F3** Words in s. 160ZA(3) inserted (29.4.2013) by [The Universal Credit \(Consequential, Supplementary, Incidental and Miscellaneous Provisions\) Regulations 2013 \(S.I. 2013/630\)](#), regs. 1(2), **12(3)**

#### [<sup>F5</sup>160A Allocation only to eligible persons]<sup>F4</sup>: Wales]

- (1) A local housing authority [<sup>F6</sup>in Wales] shall not allocate housing accommodation—
  - (a) to a person from abroad who is ineligible for an allocation of housing accommodation by virtue of subsection (3) or (5);
  - (b) to a person who the authority have decided is to be treated as ineligible for such an allocation by virtue of subsection (7); or

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- (c) to two or more persons jointly if any of them is a person mentioned in paragraph (a) or (b).
- (2) Except as provided by subsection (1), any person may be allocated housing accommodation by a local housing authority [<sup>F7</sup>in Wales] (whether on his application or otherwise).
- (3) A person subject to immigration control within the meaning of the Asylum and Immigration Act 1996 (c. 49) is (subject to subsection (6)) ineligible for an allocation of housing accommodation by a local housing authority [<sup>F8</sup>in Wales] unless he is of a class prescribed by regulations made by the Secretary of State.
- (4) No person who is excluded from entitlement to [<sup>F9</sup>universal credit or] housing benefit by section 115 of the Immigration and Asylum Act 1999 (c. 33) (exclusion from benefits) shall be included in any class prescribed under subsection (3).
- (5) The Secretary of State may by regulations prescribe other classes of persons from abroad who are (subject to subsection (6)) ineligible for an allocation of housing accommodation, either in relation to local housing authorities [<sup>F10</sup>in Wales] generally or any particular local housing authority [<sup>F11</sup>in Wales].
- (6) Nothing in subsection (3) or (5) affects the eligibility of a person who is already—
- a secure or introductory tenant;
  - an assured tenant of housing accommodation allocated to him by a local housing authority [<sup>F12</sup>in Wales].
- (7) A local housing authority [<sup>F13</sup>in Wales] may decide that an applicant is to be treated as ineligible for an allocation of housing accommodation by them if they are satisfied that—
- 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 authority; and
  - in the circumstances at the time his application is considered, he is unsuitable to be a tenant of the authority by reason of that behaviour.
- (8) The only behaviour which may be regarded by the authority as unacceptable for the purposes of subsection (7)(a) is—
- behaviour of the person concerned which would (if he were a secure tenant of the authority) entitle the authority to a possession order under section 84 of the Housing Act 1985 (c. 68) on any ground mentioned in Part 1 of Schedule 2 to that Act (other than ground 8); or
  - [<sup>F14</sup>(aa) behaviour of the person concerned which would (if he were a secure tenant of the authority) entitle the authority to a possession order under section 84A of the Housing Act 1985; or]
  - behaviour of a member of his household which would (if he were a person residing with a secure tenant of the authority) entitle the authority to [<sup>F15</sup>a possession order of the type referred to in paragraph (a) or (aa)].
- (9) If a local housing authority [<sup>F16</sup>in Wales] decide that an applicant for housing accommodation—
- is ineligible for an allocation by them by virtue of subsection (3) or (5); or
  - is to be treated as ineligible for such an allocation by virtue of subsection (7),
- they shall notify the applicant of their decision and the grounds for it.

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- (10) That notice shall be given in writing and, if not received by the applicant, shall be treated as having been given if it is made available at the authority's office for a reasonable period for collection by him or on his behalf.
- (11) A person who is being treated by a local housing authority [<sup>F17</sup>in Wales] as ineligible by virtue of subsection (7) may (if he considers that he should no longer be treated as ineligible by the authority [<sup>F17</sup>in Wales]) make a fresh application to the authority [<sup>F17</sup>in Wales] for an allocation of housing accommodation by them.]

#### Textual Amendments

- F4** Words in s. 160A heading inserted (15.1.2012 for specified purposes, 18.6.2012 in so far as not already in force) by *Localism Act 2011* (c. 20), **ss. 146(2)(a)**, 240(2); S.I. 2012/57, art. 4(1)(k) (with arts. 6, 7, 9-11); S.I. 2012/1463, art. 3
- F5** S. 160A and cross-heading inserted (5.12.2002 for the purpose of making regulations and 31.1.2003 otherwise, E.; 27.1.2003 for W.) by 2002 c. 7, **s. 14(2)** (with s. 20(4)); S.I. 2002/3114, **arts. 2, 3**; S.I. 2002/1736, art. 2(2), **Sch. Pt. 2**
- F6** Words in s. 160A(1) inserted (15.1.2012 for specified purposes, 18.6.2012 in so far as not already in force) by *Localism Act 2011* (c. 20), **ss. 146(2)(b)**, 240(2); S.I. 2012/57, art. 4(1)(k) (with arts. 6, 7, 9-11); S.I. 2012/1463, art. 3
- F7** Words in s. 160A(2) inserted (15.1.2012 for specified purposes, 18.6.2012 in so far as not already in force) by *Localism Act 2011* (c. 20), **ss. 146(2)(c)**, 240(2); S.I. 2012/57, art. 4(1)(k) (with arts. 6, 7, 9-11); S.I. 2012/1463, art. 3
- F8** Words in s. 160A(3) inserted (15.1.2012 for specified purposes, 18.6.2012 in so far as not already in force) by *Localism Act 2011* (c. 20), **ss. 146(2)(d)**, 240(2); S.I. 2012/57, art. 4(1)(k) (with arts. 6, 7, 9-11); S.I. 2012/1463, art. 3
- F9** Words in s. 160A(4) inserted (29.4.2013) by *The Universal Credit (Consequential, Supplementary, Incidental and Miscellaneous Provisions) Regulations 2013* (S.I. 2013/630), regs. 1(2), **12(4)**
- F10** Words in s. 160A(5) inserted (15.1.2012 for specified purposes, 18.6.2012 in so far as not already in force) by *Localism Act 2011* (c. 20), **ss. 146(2)(e)(i)**, 240(2); S.I. 2012/57, art. 4(1)(k) (with arts. 6, 7, 9-11); S.I. 2012/1463, art. 3
- F11** Words in s. 160A(5) inserted (15.1.2012 for specified purposes, 18.6.2012 in so far as not already in force) by *Localism Act 2011* (c. 20), **ss. 146(2)(e)(ii)**, 240(2); S.I. 2012/57, art. 4(1)(k) (with arts. 6, 7, 9-11); S.I. 2012/1463, art. 3
- F12** Words in s. 160A(6) inserted (15.1.2012 for specified purposes, 18.6.2012 in so far as not already in force) by *Localism Act 2011* (c. 20), **ss. 146(2)(f)**, 240(2); S.I. 2012/57, art. 4(1)(k) (with arts. 6, 7, 9-11); S.I. 2012/1463, art. 3
- F13** Words in s. 160A(7) inserted (15.1.2012 for specified purposes, 18.6.2012 in so far as not already in force) by *Localism Act 2011* (c. 20), **ss. 146(2)(g)**, 240(2); S.I. 2012/57, art. 4(1)(k) (with arts. 6, 7, 9-11); S.I. 2012/1463, art. 3
- F14** S. 160A(8)(aa) inserted (19.5.2015) by *The Anti-social Behaviour, Crime and Policing Act 2014 (Consequential Amendments) (Wales) Order 2015* (S.I. 2015/1321), arts. 1, **2(2)(a)**
- F15** Words in s. 160A(8)(b) substituted (19.5.2015) by *The Anti-social Behaviour, Crime and Policing Act 2014 (Consequential Amendments) (Wales) Order 2015* (S.I. 2015/1321), arts. 1, **2(2)(b)**
- F16** Words in s. 160A(9) inserted (15.1.2012 for specified purposes, 18.6.2012 in so far as not already in force) by *Localism Act 2011* (c. 20), **ss. 146(2)(h)**, 240(2); S.I. 2012/57, art. 4(1)(k) (with arts. 6, 7, 9-11); S.I. 2012/1463, art. 3
- F17** Words in s. 160A(11) inserted (15.1.2012 for specified purposes, 18.6.2012 in so far as not already in force) by *Localism Act 2011* (c. 20), **ss. 146(2)(i)**, 240(2); S.I. 2012/57, art. 4(1)(k) (with arts. 6, 7, 9-11); S.I. 2012/1463, art. 3

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