



# Housing Act 1996

## 1996 CHAPTER 52

### PART VII

#### HOMELESSNESS<sup>[F1]</sup>: ENGLAND]

##### *Application for assistance in case of homelessness or threatened homelessness*

#### **183 Application for assistance.**

- (1) The following provisions of this Part apply where a person applies to a local housing authority <sup>[F1]</sup>in England] for accommodation, or for assistance in obtaining accommodation, and the authority have reason to believe that he is or may be homeless or threatened with homelessness.
- (2) In this Part—
  - “applicant” means a person making such an application,
  - “assistance under this Part” means the benefit of any function under the following provisions of this Part relating to accommodation or assistance in obtaining accommodation, and
  - “eligible for assistance” means not excluded from such assistance by section 185 (persons from abroad not eligible for housing assistance) or section 186 (asylum seekers and their dependants).
- (3) Nothing in this section or the following provisions of this Part affects a person’s entitlement to advice and information under section 179 (duty to provide advisory services).

#### **Textual Amendments**

- F1** Words in s. 183(1) inserted (27.4.2015) by [Housing \(Wales\) Act 2014 \(anaw 7\)](#), s. 145(3), [Sch. 3 para. 8](#); [S.I. 2015/1272](#), art. 2, [Sch. para. 53](#) (with art. 7)

*Status: Point in time view as at 26/01/2019.*

*Changes to legislation: Housing Act 1996, Cross Heading: Application for assistance in case of homelessness or threatened homelessness is up to date with all changes known to be in force on or before 03 August 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)*

#### Modifications etc. (not altering text)

C1 Ss. 183-218 modified (3.4.1997) by S.I. 1997/797, art. 2(1)

#### Commencement Information

II S. 183 wholly in force 20.1.1997: s. 183 not in force at Royal Assent, see s. 232(1)-(3); s. 183(2) in force at 1.10.1996 by S.I. 1996/2402, art. 3 (with transitional provisions and savings in the Sch.); s. 183 in force at 20.1.1997 to the extent it is not already in force by S.I. 1996/2959, art. 2

### 184 Inquiry into cases of homelessness or threatened homelessness.

- (1) If the local housing authority have reason to believe that an applicant may be homeless or threatened with homelessness, they shall make such inquiries as are necessary to satisfy themselves—
  - (a) whether he is eligible for assistance, and
  - (b) if so, whether any duty, and if so what duty, is owed to him under the following provisions of this Part.
- (2) They may also make inquiries whether he has a local connection with the district of another local housing authority in England, Wales or Scotland.
- (3) On completing their inquiries the authority shall notify the applicant of their decision and, so far as any issue is decided against his interests, inform him of the reasons for their decision.
- [<sup>F2</sup>(3A) If the authority decide that a duty is<sup>F3</sup>, or after the authority's duty to the applicant under section 189B(2) comes to an end would be,] owed to the applicant under section 193(2)<sup>F4</sup> ... but would not have done so without having had regard to a restricted person, the notice under subsection (3) must also—
  - (a) inform the applicant that their decision was reached on that basis,
  - (b) include the name of the restricted person,
  - (c) explain why the person is a restricted person, and
  - (d) explain the effect of section 193(7AD)<sup>F5</sup>....]
  - (4) If the authority have notified or intend to notify another local housing authority [<sup>F6</sup>in England under section 198(A1) (referral of cases where section 189B applies)], they shall at the same time notify the applicant of that decision and inform him of the reasons for it.
  - (5) A notice under subsection (3) or (4) shall also inform the applicant of his right to request a review of the decision and of the time within which such a request must be made (see section 202).
  - (6) Notice required to be given to a person under this section shall be given in writing and, if not received by him, shall be treated as having been given to him if it is made available at the authority's office for a reasonable period for collection by him or on his behalf.
  - [<sup>F7</sup>(7) In this Part “a restricted person” means a person—
    - (a) who is not eligible for assistance under this Part,
    - (b) who is subject to immigration control within the meaning of the Asylum and Immigration Act 1996, and
    - (c) either—

*Status: Point in time view as at 26/01/2019.*

*Changes to legislation: Housing Act 1996, Cross Heading: Application for assistance in case of homelessness or threatened homelessness is up to date with all changes known to be in force on or before 03 August 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)*

- (i) who does not have leave to enter or remain in the United Kingdom, or
- (ii) whose leave to enter or remain in the United Kingdom is subject to a condition to maintain and accommodate himself, and any dependants, without recourse to public funds.]

#### **Textual Amendments**

- F2** S. 184(3A) inserted (2.3.2009 for specified purposes) by [Housing and Regeneration Act 2008 \(c. 17\)](#), s. 325(1), [Sch. 15 para. 3\(2\)](#); S.I. 2009/415, art. 2
- F3** Words in s. 184(3A) inserted (3.4.2018) by [Homelessness Reduction Act 2017 \(c. 13\)](#), [ss. 5\(3\)\(a\)](#), [13\(3\)](#); S.I. 2018/167, [reg. 3\(e\)](#) (with [reg. 4\(1\)](#))
- F4** Words in s. 184(3A) omitted (3.4.2018) by virtue of [Homelessness Reduction Act 2017 \(c. 13\)](#), [ss. 4\(3\)\(a\)](#), [13\(3\)](#); S.I. 2018/167, [reg. 3\(d\)](#) (with [reg. 4\(1\)](#))
- F5** Words in s. 184(3A) omitted (3.4.2018) by virtue of [Homelessness Reduction Act 2017 \(c. 13\)](#), [ss. 4\(3\)\(b\)](#), [13\(3\)](#); S.I. 2018/167, [reg. 3\(d\)](#) (with [reg. 4\(1\)](#))
- F6** Words in s. 184(4) substituted (3.4.2018) by [Homelessness Reduction Act 2017 \(c. 13\)](#), [ss. 5\(3\)\(b\)](#), [13\(3\)](#); S.I. 2018/167, [reg. 3\(e\)](#) (with [reg. 4\(1\)](#))
- F7** S. 184(7) inserted (2.3.2009 for specified purposes) by [Housing and Regeneration Act 2008 \(c. 17\)](#), s. 325(1), [Sch. 15 para. 3\(3\)](#); S.I. 2009/415, art. 2

#### **Modifications etc. (not altering text)**

- C2** Ss. 183-218 modified (3.4.1997) by S.I. 1997/797, [art. 2\(1\)](#)

**Status:**

Point in time view as at 26/01/2019.

**Changes to legislation:**

Housing Act 1996, Cross Heading: Application for assistance in case of homelessness or threatened homelessness is up to date with all changes known to be in force on or before 03 August 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.