
Status: Point in time view as at 30/09/2021.

Changes to legislation: Housing Act 1996, Cross Heading: Duties to persons found to be homeless or threatened with homelessness is up to date with all changes known to be in force on or before 26 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)



Housing Act 1996

1996 CHAPTER 52

PART VII

HOMELESSNESS^[F1]: ENGLAND]

Duties to persons found to be homeless or threatened with homelessness

[F1]189B Initial duty owed to all eligible persons who are homeless

- (1) This section applies where the local housing authority are satisfied that an applicant is—
 - (a) homeless, and
 - (b) eligible for assistance.
- (2) Unless the authority refer the application to another local housing authority in England (see section 198(A1)), the authority must take reasonable steps to help the applicant to secure that suitable accommodation becomes available for the applicant's occupation for at least—
 - (a) 6 months, or
 - (b) such longer period not exceeding 12 months as may be prescribed.
- (3) In deciding what steps they are to take, the authority must have regard to their assessment of the applicant's case under section 189A.
- (4) Where the authority—
 - (a) are satisfied that the applicant has a priority need, and
 - (b) are not satisfied that the applicant became homeless intentionally,the duty under subsection (2) comes to an end at the end of the period of 56 days beginning with the day the authority are first satisfied as mentioned in subsection (1).
- (5) If any of the circumstances mentioned in subsection (7) apply, the authority may give notice to the applicant bringing the duty under subsection (2) to an end.
- (6) The notice must—

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- (a) specify which of the circumstances apply, and
 - (b) inform the applicant that the applicant has a right to request a review of the authority's decision to bring the duty under subsection (2) to an end and of the time within which such a request must be made.
- (7) The circumstances are that the authority are satisfied that—
- (a) the applicant has—
 - (i) suitable accommodation available for occupation, and
 - (ii) a reasonable prospect of having suitable accommodation available for occupation for at least 6 months, or such longer period not exceeding 12 months as may be prescribed, from the date of the notice,
 - (b) the authority have complied with the duty under subsection (2) and the period of 56 days beginning with the day that the authority are first satisfied as mentioned in subsection (1) has ended (whether or not the applicant has secured accommodation),
 - (c) the applicant has refused an offer of suitable accommodation and, on the date of refusal, there was a reasonable prospect that suitable accommodation would be available for occupation by the applicant for at least 6 months or such longer period not exceeding 12 months as may be prescribed,
 - (d) the applicant has become homeless intentionally from any accommodation that has been made available to the applicant as a result of the authority's exercise of their functions under subsection (2),
 - (e) the applicant is no longer eligible for assistance, or
 - (f) the applicant has withdrawn the application mentioned in section 183(1).
- (8) A notice under this section must be given in writing and, if not received by the applicant, is to be treated as having been given to the applicant if it is made available at the authority's office for a reasonable period for collection by or on behalf of the applicant.
- (9) The duty under subsection (2) can also be brought to an end under—
- (a) section 193A (consequences of refusal of final accommodation offer or final Part 6 offer at the initial relief stage), or
 - (b) sections 193B and 193C (notices in cases of applicant's deliberate and unreasonable refusal to co-operate).]

Textual Amendments

F1 S. 189B inserted (3.4.2018) by [Homelessness Reduction Act 2017 \(c. 13\)](#), **ss. 5(2)**, 13(3); S.I. 2018/167, [reg. 3\(e\)](#) (with [reg. 4\(1\)](#))

190 Duties to persons becoming homeless intentionally.

[^{F2}(1) This section applies where—

- (a) the local housing authority are satisfied that an applicant—
 - (i) is homeless and eligible for assistance, but
 - (ii) became homeless intentionally,
- (b) the authority are also satisfied that the applicant has a priority need, and
- (c) the authority's duty to the applicant under section 189B(2) has come to an end.]

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- (2) [^{F3}The authority must—]
- (a) secure that accommodation is available for his occupation for such period as they consider will give him a reasonable opportunity of securing accommodation for his occupation, and
 - (b) provide him with [^{F4}(or secure that he is provided with) advice and assistance] in any attempts he may make to secure that accommodation becomes available for his occupation.

^{F5}(3)

[^{F6}(4) In deciding what advice and assistance is to be provided under this section, the authority must have regard to their assessment of the applicant's case under section 189A.]

^{F7}(5) The advice and assistance provided under subsection (2)(b) ^{F8}... must include information about the likely availability in the authority's district of types of accommodation appropriate to the applicant's housing needs (including, in particular, the location and sources of such types of accommodation).

Textual Amendments

- F2** S. 190(1) substituted (3.4.2018) by [Homelessness Reduction Act 2017 \(c. 13\), ss. 5\(5\)\(a\), 13\(3\); S.I. 2018/167, reg. 3\(e\)](#) (with [reg. 4\(1\)](#))
- F3** Words in s. 190(2) substituted (3.4.2018) by [Homelessness Reduction Act 2017 \(c. 13\), ss. 5\(5\)\(b\), 13\(3\); S.I. 2018/167, reg. 3\(e\)](#) (with [reg. 4\(1\)](#))
- F4** Words in s. 190(2)(b)(3) substituted (31.7.2002 for E. and 30.9.2002 for W.) by 2002 c. 7, s. 18(1), [Sch. 1 para. 9](#) (with s. 20(4)); S.I. 2002/1799, [art. 2](#); S.I. 2002/1736, [art. 2\(1\)](#), [Sch. Pt. 1](#)
- F5** S. 190(3) omitted (3.4.2018) by virtue of [Homelessness Reduction Act 2017 \(c. 13\), ss. 5\(5\)\(c\), 13\(3\); S.I. 2018/167, reg. 3\(e\)](#) (with [reg. 4\(1\)](#))
- F6** S. 190(4) substituted (3.4.2018) by [Homelessness Reduction Act 2017 \(c. 13\), ss. 3\(2\), 13\(3\); S.I. 2018/167, reg. 3\(c\)](#)
- F7** S. 190(4)(5) inserted (31.7.2002 for E. and 30.9.2002 for W.) by 2002 c. 7, s. 18(1), [Sch. 1 para. 10](#) (with s. 20(4)); S.I. 2002/1799, [art. 2](#); S.I. 2002/1736, [art. 2\(1\)](#), [Sch. Pt. 1](#)
- F8** Words in s. 190(5) omitted (3.4.2018) by virtue of [Homelessness Reduction Act 2017 \(c. 13\), ss. 5\(5\)\(d\), 13\(3\); S.I. 2018/167, reg. 3\(e\)](#) (with [reg. 4\(1\)](#))

Modifications etc. (not altering text)

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

191 Becoming homeless intentionally.

- (1) A person becomes homeless intentionally if he deliberately does or fails to do anything in consequence of which he ceases to occupy accommodation which is available for his occupation and which it would have been reasonable for him to continue to occupy.
- (2) For the purposes of subsection (1) an act or omission in good faith on the part of a person who was unaware of any relevant fact shall not be treated as deliberate.
- (3) A person shall be treated as becoming homeless intentionally if—
 - (a) he enters into an arrangement under which he is required to cease to occupy accommodation which it would have been reasonable for him to continue to occupy, and

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(b) the purpose of the arrangement is to enable him to become entitled to assistance under this Part,
and there is no other good reason why he is homeless.

^{F9}(4)

Textual Amendments
F9 S. 191(4) repealed (31.7.2002 for E. and 30.9.2002 for W.) by 2002 c. 7, s. 20(1), **Sch. 2** (with s. 20(4)); S.I. 2002/1799, **art. 2**; S.I. 2002/1736, **art. 2(1)**, **Sch. Pt. 1**

Modifications etc. (not altering text)
C2 Ss. 183-218 modified (3.4.1997) by S.I. 1997/797, **art.2(1)**

^{F10}**192 Duty to persons not in priority need who are not homeless intentionally.**

.....

Textual Amendments
F10 S. 192 omitted (3.4.2018) by virtue of Homelessness Reduction Act 2017 (c. 13), **ss. 5(6), 13(3)**; S.I. 2018/167, **reg. 3(e)** (with **reg. 4(1)**)

193 Duty to persons with priority need who are not homeless intentionally.

[^{F11}(1) This section applies where—

- (a) the local housing authority—
 - (i) are satisfied that an applicant is homeless and eligible for assistance, and
 - (ii) are not satisfied that the applicant became homeless intentionally,
- (b) the authority are also satisfied that the applicant has a priority need, and
- (c) the authority's duty to the applicant under section 189B(2) has come to an end.]

[^{F12}(1A) But this section does not apply if—

- (a) section 193A(3) disapplies this section, or
- (b) the authority have given notice to the applicant under section 193B(2).]

(2) Unless the authority refer the application to another local housing authority (see section 198), they shall secure that accommodation is available for occupation by the applicant.

[^{F13}(3) The authority are subject to the duty under this section until it ceases by virtue of any of the following provisions of this section.]

^{F14}(3A)

[^{F15}(3B) In this section “a restricted case” means a case where the local housing authority would not be satisfied as mentioned in subsection (1) without having had regard to a restricted person.]

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- (5) ^{F16}The local housing authority shall cease to be subject to the duty under this section if—
- (a) the applicant, having been informed by the authority of the possible consequence of refusal or acceptance and of the right to request a review of the suitability of the accommodation, refuses an offer of accommodation which the authority are satisfied is suitable for the applicant,
 - (b) that offer of accommodation is not an offer of accommodation under Part 6 or a private rented sector offer, and
 - (c) the authority notify the applicant that they regard themselves as ceasing to be subject to the duty under this section.]
- (6) The local housing authority shall cease to be subject to the duty under this section if the applicant—
- (a) ceases to be eligible for assistance,
 - (b) becomes homeless intentionally from the accommodation made available for his occupation,
 - (c) accepts an offer of accommodation under Part VI (allocation of housing), or
 - ^{F18}(cc) accepts an offer of an assured tenancy (other than an assured shorthold tenancy) from a private landlord,]
 - (d) otherwise voluntarily ceases to occupy as his only or principal home the accommodation made available for his occupation.
- ^{F19}(7) The local housing authority shall also cease to be subject to the duty under this section if the applicant, having been informed of the possible consequence of refusal ^{F20}or acceptance] and of his right to request a review of the suitability of the accommodation, refuses a final offer of accommodation under Part 6.
- (7A) An offer of accommodation under Part 6 is a final offer for the purposes of subsection (7) if it is made in writing and states that it is a final offer for the purposes of subsection (7).]
- ^{F21}(7AA) ^{F22}... the authority shall also cease to be subject to the duty under this section if the applicant, having been informed ^{F23}in writing] of the matters mentioned in subsection (7AB)—
- (a) accepts a ^{F24}private rented sector offer], or
 - (b) refuses such an offer.
- (7AB) The matters are—
- (a) the possible consequence of refusal ^{F25}or acceptance] of the offer, and
 - (b) that the applicant has the right to request a review of the suitability of the accommodation ^{F26}, and
 - (c) in a case which is not a restricted case, the effect under section 195A of a further application to a local housing authority within two years of acceptance of the offer.]
- (7AC) For the purposes of this section an offer is a ^{F27}private rented sector offer] if—
- (a) it is an offer of an assured shorthold tenancy made by a private landlord to the applicant in relation to any accommodation which is, or may become, available for the applicant's occupation,
 - (b) it is made, with the approval of the authority, in pursuance of arrangements made by the authority with the landlord with a view to bringing the authority's duty under this section to an end, and

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- (c) the tenancy being offered is a fixed term tenancy (within the meaning of Part 1 of the Housing Act 1988) for a period of at least 12 months.

(7AD) In a restricted case the authority shall, so far as reasonably practicable, bring their duty under this section to an end as mentioned in subsection (7AA).]

^{F28}[^{F29}(7B)

^{F28}(7C)

^{F28}(7D)

^{F28}(7E)

(7F) The local housing authority shall not—

- (a) make a final offer of accommodation under Part 6 for the purposes of subsection (7); [^{F30}or]

[^{F31}(ab) approve a [^{F32}private rented sector offer];] or

^{F33}(b)

unless they are satisfied that the accommodation is suitable for the applicant and that [^{F34}subsection (8) does not apply to the applicant.].]

[^{F35}(8) This subsection applies to an applicant if—

- (a) the applicant is under contractual or other obligations in respect of the applicant's existing accommodation, and
- (b) the applicant is not able to bring those obligations to an end before being required to take up the offer.]

(9) A person who ceases to be owed the duty under this section may make a fresh application to the authority for accommodation or assistance in obtaining accommodation.

[^{F36}(10) The [^{F37}Secretary of State] may provide by regulations that subsection (7AC)(c) is to have effect as if it referred to a period of the length specified in the regulations.

(11) Regulations under subsection (10)—

- (a) may not specify a period of less than 12 months, and
- (b) may not apply to restricted cases.

^{F38}(12)

Textual Amendments

F11 S. 193(1) substituted (3.4.2018) by [Homelessness Reduction Act 2017 \(c. 13\)](#), **ss. 5(7)**, 13(3); S.I. 2018/167, [reg. 3\(e\)](#) (with [reg. 4\(1\)](#))

F12 S. 193(1A) inserted (3.4.2018) by [Homelessness Reduction Act 2017 \(c. 13\)](#), **ss. 7(2)**, 13(3); S.I. 2018/167, [reg. 3\(g\)](#)

F13 S. 193(3) substituted for s. 193(3)(4) (31.7.2002 for E. and 30.9.2002 for W.) by [2002 c. 7](#), **s. 6(1)** (with [s. 20\(4\)](#)); S.I. 2002/1799, **art. 2**; S.I. 2002/1736, **art. 2(1)**, **Sch. Pt. 1**

F14 S. 193(3A) repealed (9.11.2012 for E.) by [Localism Act 2011 \(c. 20\)](#), **ss.** 148(2), 240(3)(f), **Sch. 25 Pt. 22**; S.I. 2012/2599, **arts. 1(2)**, 2 (with [art. 3](#))

F15 S. 193(3B) inserted (2.3.2009 for specified purposes) by [Housing and Regeneration Act 2008 \(c. 17\)](#), **s. 325(1)**, **Sch. 15 para. 5(3)**; S.I. 2009/415, **art. 2**

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- F16** S. 193(5) substituted (9.11.2012 for E.) by Localism Act 2011 (c. 20), ss., **148(3)**, 240(3)(f); S.I. 2012/2599, arts. 1(2), 2 (with art. 3)
- F17** Words in s. 193(5) inserted (26.2.2002) by 2002 c. 7, s. **8(1)** (with s. 20(4))
- F18** S. 193(6)(cc) inserted (31.7.2002 for E. and 30.9.2002 for W.) by 2002 c. 7, s. **7(1)(2)(6)** (with s. 20(4)); S.I. 2002/1799, art. **2**; S.I. 2002/1736, art. 2(1), **Sch. Pt. 1**
- F19** S. 193(7)(7A) substituted for s. 193(7) (31.7.2002 for E. and 30.9.2002 for W.) by 2002 c. 7, s. **7(1)(3)(6)** (with s. 20(4)); S.I. 2002/1799, art. **2**; S.I. 2002/1736, art. 2(1), **Sch. Pt. 1**
- F20** Words in s. 193(7) inserted (9.11.2012 for E.) by Localism Act 2011 (c. 20), ss., **148(4)**, 240(3)(f); S.I. 2012/2599, arts. 1(2), 2 (with art. 3)
- F21** S. 193(7AA)-(7AD) inserted (2.3.2009 for specified purposes) by Housing and Regeneration Act 2008 (c. 17), s. 325(1), **Sch. 15 para. 5(4)**; S.I. 2009/415, art. 2
- F22** Words in s. 193(7AA) repealed (9.11.2012 for E.) by Localism Act 2011 (c. 20), ss., 148(5)(a), 240(3)(f), **Sch. 25 Pt. 22**; S.I. 2012/2599, arts. 1(2), 2 (with art. 3)
- F23** Words in s. 193(7AA) inserted (9.11.2012 for E.) by Localism Act 2011 (c. 20), ss., **148(5)(b)**, 240(3)(f); S.I. 2012/2599, arts. 1(2), 2 (with art. 3)
- F24** Words in s. 193(7AA)(a) substituted (9.11.2012 for E.) by Localism Act 2011 (c. 20), ss., **148(5)(c)**, 240(3)(f); S.I. 2012/2599, arts. 1(2), 2 (with art. 3)
- F25** Words in s. 193(7AB)(a) inserted (9.11.2012 for E.) by Localism Act 2011 (c. 20), ss., **148(6)(a)**, 240(3)(f); S.I. 2012/2599, arts. 1(2), 2 (with art. 3)
- F26** S. 193(7AB)(c) and word inserted (9.11.2012 for E.) by Localism Act 2011 (c. 20), ss., **148(6)(b)**, 240(3)(f); S.I. 2012/2599, arts. 1(2), 2 (with art. 3)
- F27** Words in s. 193(7AC) substituted (9.11.2012 for E.) by Localism Act 2011 (c. 20), ss., **148(7)**, 240(3)(f); S.I. 2012/2599, arts. 1(2), 2 (with art. 3)
- F28** S. 193(7B)-(7E) repealed (9.11.2012 for E.) by Localism Act 2011 (c. 20), ss., 148(8), 240(3)(f), **Sch. 25 Pt. 22**; S.I. 2012/2599, arts. 1(2), 2 (with art. 3)
- F29** S. 193(7B)-(7F) inserted (31.7.2002 for E. and 30.9.2002 for W.) by 2002 c. 7, s. **7(1)(4)(6)** (with s. 20(4)); S.I. 2002/1799, art. **2**; S.I. 2002/1736, art. 2(1), **Sch. Pt. 1**
- F30** Word in s. 193(7F)(a) inserted (9.11.2012 for E.) by Localism Act 2011 (c. 20), ss., **148(9)(a)**, 240(3)(f); S.I. 2012/2599, arts. 1(2), 2 (with art. 3)
- F31** S. 193(7F)(ab) inserted (2.3.2009 for specified purposes) by Housing and Regeneration Act 2008 (c. 17), s. 325(1), **Sch. 15 para. 5(6)**; S.I. 2009/415, art. 2
- F32** Words in s. 193(7F)(ab) substituted (9.11.2012 for E.) by Localism Act 2011 (c. 20), ss., **148(9)(b)**, 240(3)(f); S.I. 2012/2599, arts. 1(2), 2 (with art. 3)
- F33** S. 193(7F)(b) repealed (9.11.2012 for E.) by Localism Act 2011 (c. 20), ss., 148(9)(c), 240(3)(f), **Sch. 25 Pt. 22**; S.I. 2012/2599, arts. 1(2), 2 (with art. 3)
- F34** Words in s. 193(7F) substituted (9.11.2012 for E.) by Localism Act 2011 (c. 20), ss., **148(9)(d)**, 240(3)(f); S.I. 2012/2599, arts. 1(2), 2 (with art. 3)
- F35** S. 193(8) substituted (9.11.2012 for E.) by Localism Act 2011 (c. 20), ss., **148(10)**, 240(3)(f); S.I. 2012/2599, arts. 1(2), 2 (with art. 3)
- F36** S. 193(10)-(12) inserted (9.11.2012 for E.) by Localism Act 2011 (c. 20), ss., **148(11)**, 240(3)(f); S.I. 2012/2599, arts. 1(2), 2 (with art. 3)
- F37** Words in s. 193(10) substituted (27.4.2015) by Housing (Wales) Act 2014 (anaw 7), s. 145(3), **Sch. 3 para. 10(a)**; S.I. 2015/1272, art. 2, Sch. para. 53 (with art. 7)
- F38** S. 193(12) omitted (27.4.2015) by virtue of Housing (Wales) Act 2014 (anaw 7), s. 145(3), **Sch. 3 para. 10(b)**; S.I. 2015/1272, art. 2, Sch. para. 53 (with art. 7)

Modifications etc. (not altering text)

- C3** Ss. 183-218 modified (3.4.1997) by S.I. 1997/797, art. **2(1)**

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[^{F39}193A Consequences of refusal of final accommodation offer or final Part 6 offer at the initial relief stage

- (1) Subsections (2) and (3) apply where—
 - (a) a local housing authority owe a duty to an applicant under section 189B(2), and
 - (b) the applicant, having been informed of the consequences of refusal and of the applicant's right to request a review of the suitability of the accommodation, refuses—
 - (i) a final accommodation offer, or
 - (ii) a final Part 6 offer.
- (2) The authority's duty to the applicant under section 189B(2) comes to an end.
- (3) Section 193 (the main housing duty) does not apply.
- (4) An offer is a “final accommodation offer” if—
 - (a) it is an offer of an assured shorthold tenancy made by a private landlord to the applicant in relation to any accommodation which is, or may become, available for the applicant's occupation,
 - (b) it is made, with the approval of the authority, in pursuance of arrangements made by the authority in the discharge of their duty under section 189B(2), and
 - (c) the tenancy being offered is a fixed term tenancy (within the meaning of Part 1 of the Housing Act 1988) for a period of at least 6 months.
- (5) A “final Part 6 offer” is an offer of accommodation under Part 6 (allocation of housing) that—
 - (a) is made in writing by the authority in the discharge of their duty under section 189B(2), and
 - (b) states that it is a final offer for the purposes of this section.
- (6) The authority may not approve a final accommodation offer, or make a final Part 6 offer, unless they are satisfied that the accommodation is suitable for the applicant and that subsection (7) does not apply.
- (7) This subsection applies to an applicant if—
 - (a) the applicant is under contractual or other obligations in respect of the applicant's existing accommodation, and
 - (b) the applicant is not able to bring those obligations to an end before being required to take up the offer.

Textual Amendments

F39 Ss. 193A-193C inserted (12.2.2018 for specified purposes, 3.4.2018 in so far as not already in force) by [Homelessness Reduction Act 2017 \(c. 13\)](#), **ss. 7(1)**, 13(3); S.I. 2018/167, regs. 2(a), 3(g)

193B Notices in cases of an applicant's deliberate and unreasonable refusal to cooperate

- (1) Section 193C applies where—
 - (a) a local housing authority owe a duty to an applicant under section 189B(2) or 195(2), and

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- (b) the authority give notice to the applicant under subsection (2).
- (2) A local housing authority may give a notice to an applicant under this subsection if the authority consider that the applicant has deliberately and unreasonably refused to take any step—
- (a) that the applicant agreed to take under subsection (4) of section 189A, or
 - (b) that was recorded by the authority under subsection (6)(b) of that section.
- (3) A notice under subsection (2) must—
- (a) explain why the authority are giving the notice and its effect, and
 - (b) inform the applicant that the applicant has a right to request a review of the authority's decision to give the notice and of the time within which such a request must be made.
- (4) The authority may not give notice to the applicant under subsection (2) unless—
- (a) the authority have given a relevant warning to the applicant, and
 - (b) a reasonable period has elapsed since the warning was given.
- (5) A “relevant warning” means a notice—
- (a) given by the authority to the applicant after the applicant has deliberately and unreasonably refused to take any step—
 - (i) that the applicant agreed to take under subsection (4) of section 189A, or
 - (ii) that was recorded by the authority under subsection (6)(b) of that section,
 - (b) that warns the applicant that, if the applicant should deliberately and unreasonably refuse to take any such step after receiving the notice, the authority intend to give notice to the applicant under subsection (2), and
 - (c) that explains the consequences of such a notice being given to the applicant.
- (6) For the purposes of subsections (2) and (5), in deciding whether a refusal by the applicant is unreasonable, the authority must have regard to the particular circumstances and needs of the applicant (whether identified in the authority's assessment of the applicant's case under section 189A or not).
- (7) The Secretary of State may make provision by regulations as to the procedure to be followed by a local housing authority in connection with notices under this section.
- (8) A notice under this section must be given in writing and, if not received by the applicant, is to be treated as having been given to the applicant if it is made available at the authority's office for a reasonable period for collection by or on behalf of the applicant.

Textual Amendments

F39 Ss. 193A-193C inserted (12.2.2018 for specified purposes, 3.4.2018 in so far as not already in force) by [Homelessness Reduction Act 2017 \(c. 13\)](#), **ss. 7(1)**, 13(3); S.I. 2018/167, regs. 2(a), 3(g)

193C Notice under section 193B: consequences

- (1) In the circumstances mentioned in section 193B(1), this section applies in relation to a local housing authority and an applicant.

Status: Point in time view as at 30/09/2021.

Changes to legislation: Housing Act 1996, Cross Heading: Duties to persons found to be homeless or threatened with homelessness is up to date with all changes known to be in force on or before 26 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)

- (2) The authority's duty to the applicant under section 189B(2) or 195(2) comes to an end.
- (3) Subsection (4) applies if the authority—
 - (a) are satisfied that the applicant is homeless, eligible for assistance and has a priority need, and
 - (b) are not satisfied that the applicant became homeless intentionally.
- (4) Section 193 (the main housing duty) does not apply, but the authority must secure that accommodation is available for occupation by the applicant.
- (5) The authority cease to be subject to the duty under subsection (4) if the applicant—
 - (a) ceases to be eligible for assistance,
 - (b) becomes homeless intentionally from accommodation made available for the applicant's occupation,
 - (c) accepts an offer of an assured tenancy from a private landlord, or
 - (d) otherwise voluntarily ceases to occupy, as the applicant's only or principal home, the accommodation made available for the applicant's occupation.
- (6) The authority also cease to be subject to the duty under subsection (4) if the applicant, having been informed of the possible consequences of refusal or acceptance and of the applicant's right to request a review of the suitability of the accommodation, refuses or accepts—
 - (a) a final accommodation offer, or
 - (b) a final Part 6 offer.
- (7) An offer is “a final accommodation offer” if—
 - (a) it is an offer of an assured shorthold tenancy made by a private landlord to the applicant in relation to any accommodation which is, or may become, available for the applicant's occupation,
 - (b) it is made, with the approval of the authority, in pursuance of arrangements made by the authority with a view to bringing the authority's duty under subsection (4) to an end, and
 - (c) the tenancy being offered is a fixed term tenancy (within the meaning of Part 1 of the Housing Act 1988) for a period of at least 6 months.
- (8) A “final Part 6 offer” is an offer of accommodation under Part 6 (allocation of housing) that is made in writing and states that it is a final offer for the purposes of this section.
- (9) The authority may not approve a final accommodation offer, or make a final Part 6 offer, unless they are satisfied that the accommodation is suitable for the applicant and that subsection (10) does not apply.
- (10) This subsection applies to an applicant if—
 - (a) the applicant is under contractual or other obligations in respect of the applicant's existing accommodation, and
 - (b) the applicant is not able to bring those obligations to an end before being required to take up the offer.]

Textual Amendments

F39 Ss. 193A-193C inserted (12.2.2018 for specified purposes, 3.4.2018 in so far as not already in force) by [Homelessness Reduction Act 2017 \(c. 13\)](#), [ss. 7\(1\)](#), [13\(3\)](#); [S.I. 2018/167](#), [regs. 2\(a\)](#), [3\(g\)](#)

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^{F40}194

Textual Amendments

F40 S. 194 repealed (31.7.2002 for E. and 30.9.2002 for W.) by 2002 c. 7, ss. 6(3), 18(2), **Sch. 2** (with s. 20(4)); S.I. 2002/1799, **art. 2**; S.I. 2002/1736, **art. 2(1)**, **Sch. Pt. 1**

[^{F41}195 Duties in cases of threatened homelessness

- (1) This section applies where the local housing authority are satisfied that an applicant is—
 - (a) threatened with homelessness, and
 - (b) eligible for assistance.
- (2) The authority must take reasonable steps to help the applicant to secure that accommodation does not cease to be available for the applicant's occupation.
- (3) In deciding what steps they are to take, the authority must have regard to their assessment of the applicant's case under section 189A.
- (4) Subsection (2) does not affect any right of the authority, whether by virtue of contract, enactment or rule of law, to secure vacant possession of any accommodation.
- (5) If any of the circumstances mentioned in subsection (8) apply, the authority may give notice to the applicant bringing the duty under subsection (2) to an end.
- (6) But the authority may not give notice to the applicant under subsection (5) on the basis that the circumstances in subsection (8)(b) apply if a valid notice has been given to the applicant under section 21 of the Housing Act 1988 (orders for possession on expiry or termination of assured shorthold tenancy) that—
 - (a) will expire within 56 days or has expired, and
 - (b) is in respect of the only accommodation that is available for the applicant's occupation.
- (7) The notice must—
 - (a) specify which of the circumstances apply, and
 - (b) inform the applicant that the applicant has a right to request a review of the authority's decision to bring the duty under subsection (2) to an end and of the time within which such a request must be made.
- (8) The circumstances are that the authority are satisfied that—
 - (a) the applicant has—
 - (i) suitable accommodation available for occupation, and
 - (ii) a reasonable prospect of having suitable accommodation available for occupation for at least 6 months, or such longer period not exceeding 12 months as may be prescribed, from the date of the notice,
 - (b) the authority have complied with the duty under subsection (2) and the period of 56 days beginning with the day that the authority are first satisfied as mentioned in subsection (1) has ended (whether or not the applicant is still threatened with homelessness),
 - (c) the applicant has become homeless,

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- (d) the applicant has refused an offer of suitable accommodation and, on the date of refusal, there was a reasonable prospect that suitable accommodation would be available for occupation by the applicant for at least 6 months or such longer period not exceeding 12 months as may be prescribed,
 - (e) the applicant has become homeless intentionally from any accommodation that has been made available to the applicant as a result of the authority's exercise of their functions under subsection (2),
 - (f) the applicant is no longer eligible for assistance, or
 - (g) the applicant has withdrawn the application mentioned in section 183(1).
- (9) A notice under this section must be given in writing and, if not received by the applicant, is to be treated as having been given to the applicant if it is made available at the authority's office for a reasonable period for collection by or on behalf of the applicant.
- (10) The duty under subsection (2) can also be brought to an end under sections 193B and 193C (notices in cases of applicant's deliberate and unreasonable refusal to cooperate).]

Textual Amendments

F41 S. 195 substituted (3.4.2018) by [Homelessness Reduction Act 2017 \(c. 13\), ss. 4\(2\), 13\(3\)](#); S.I. 2018/167, [reg. 3\(d\)](#) (with [reg. 4\(1\)](#))

[^{F42}**195A** Re-application after private rented sector offer

- (1) If within two years beginning with the date on which an applicant accepts an offer under section 193(7AA) (private rented sector offer), the applicant re-applies for accommodation, or for assistance in obtaining accommodation, and the local housing authority—
 - (a) is satisfied that the applicant is homeless and eligible for assistance, and
 - (b) is not satisfied that the applicant became homeless intentionally,
 the duty under section 193(2) applies regardless of whether the applicant has a priority need.
- (2) For the purpose of subsection (1), an applicant in respect of whom a valid notice under section 21 of the Housing Act 1988 (orders for possession on expiry or termination of assured shorthold tenancy) has been given is to be treated as homeless from the date on which that notice expires.

^{F43}(3)

^{F43}(4)

(5) Subsection (1) ^{F44}...does not apply to a case where the local housing authority would not be satisfied as mentioned in that subsection without having regard to a restricted person.

(6) Subsection (1) ^{F45}...does not apply to a re-application by an applicant for accommodation, or for assistance in obtaining accommodation, if the immediately preceding application made by that applicant was one to which subsection (1) ^{F45}...applied.]

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Textual Amendments

- F42** S. 195A inserted (9.11.2012 for E.) by [Localism Act 2011 \(c. 20\)](#), ss., [149\(4\)](#), [240\(3\)\(f\)](#); S.I. [2012/2599](#), arts. [1\(2\)](#), [2](#) (with art. [3](#))
- F43** S. 195A(3)(4) omitted (3.4.2018) by virtue of [Homelessness Reduction Act 2017 \(c. 13\)](#), ss. [4\(4\)\(a\)](#), [13\(3\)](#); S.I. [2018/167](#), reg. [3\(d\)](#) (with reg. [4\(1\)](#))
- F44** Words in s. 195A(5) omitted (3.4.2018) by virtue of [Homelessness Reduction Act 2017 \(c. 13\)](#), ss. [4\(4\)\(b\)](#), [13\(3\)](#); S.I. [2018/167](#), reg. [3\(d\)](#) (with reg. [4\(1\)](#))
- F45** Words in s. 195A(6) omitted (3.4.2018) by virtue of [Homelessness Reduction Act 2017 \(c. 13\)](#), ss. [4\(4\)\(c\)](#), [13\(3\)](#); S.I. [2018/167](#), reg. [3\(d\)](#) (with reg. [4\(1\)](#))

^{F46}**196** **Becoming threatened with homelessness intentionally.**

.....

Textual Amendments

- F46** S. 196 omitted (3.4.2018) by virtue of [Homelessness Reduction Act 2017 \(c. 13\)](#), ss. [4\(5\)](#), [13\(3\)](#); S.I. [2018/167](#), reg. [3\(d\)](#) (with reg. [4\(1\)](#))

Status:

Point in time view as at 30/09/2021.

Changes to legislation:

Housing Act 1996, Cross Heading: Duties to persons found to be homeless or threatened with homelessness is up to date with all changes known to be in force on or before 26 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.