



# Housing Act 1996

## 1996 CHAPTER 52

### PART VII

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

##### *Interim duty to accommodate*

#### **188 Interim duty to accommodate in case of apparent priority need.**

[<sup>F1</sup>(1) If the local housing authority have reason to believe that an applicant may be homeless, eligible for assistance and have a priority need, they must secure that accommodation is available for the applicant's occupation.

(1ZA) In a case in which the local housing authority conclude their inquiries under section 184 and decide that the applicant does not have a priority need—

- (a) where the authority decide that they do not owe the applicant a duty under section 189B(2), the duty under subsection (1) comes to an end when the authority notify the applicant of that decision, or
- (b) otherwise, the duty under subsection (1) comes to an end upon the authority notifying the applicant of their decision that, upon the duty under section 189B(2) coming to an end, they do not owe the applicant any duty under section 190 or 193.

(1ZB) In any other case, the duty under subsection (1) comes to an end upon the later of—

- (a) the duty owed to the applicant under section 189B(2) coming to an end or the authority notifying the applicant that they have decided that they do not owe the applicant a duty under that section, and
- (b) the authority notifying the applicant of their decision as to what other duty (if any) they owe to the applicant under the following provisions of this Part upon the duty under section 189B(2) coming to an end.]

[<sup>F2</sup>(1A) But if the local housing authority have reason to believe that the duty under section 193(2) may apply in relation to an applicant in the circumstances referred to in section 195A(1), they shall secure that accommodation is available for the applicant's

*Changes to legislation: Housing Act 1996, Cross Heading: Interim duty to accommodate is up to date with all changes known to be in force on or before 24 May 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) View outstanding changes*

occupation [<sup>F3</sup>until the later of paragraph (a) or (b) of subsection (1ZB).] regardless of whether the applicant has a priority need.]

(2) The duty under this section arises irrespective of any possibility of the referral of the applicant's case to another local housing authority (see sections 198 to 200).

[<sup>F4</sup>(2A) For the purposes of this section, where the applicant requests a review under section 202(1)(h) of the authority's decision as to the suitability of accommodation offered to the applicant by way of a final accommodation offer or a final Part 6 offer (within the meaning of section 193A), the authority's duty to the applicant under section 189B(2) is not to be taken to have come to an end under section 193A(2) until the decision on the review has been notified to the applicant.

(3) Otherwise, the duty under this section comes to an end in accordance with subsections (1ZA) to (1A), regardless of any review requested by the applicant under section 202.

But the authority may secure that accommodation is available for the applicant's occupation pending a decision on review.]

#### Textual Amendments

- F1** S. 188(1)-(1ZB) substituted for s. 188(1) (3.4.2018) by [Homelessness Reduction Act 2017 \(c. 13\), ss. 5\(4\)\(a\), 13\(3\); S.I. 2018/167, reg. 3\(e\) \(with reg. 4\(1\)\)](#)
- F2** S. 188(1A) inserted (9.11.2012 for E.) by [Localism Act 2011 \(c. 20\), ss., 149\(2\), 240\(3\)\(f\); S.I. 2012/2599, arts. 1\(2\), 2 \(with art. 3\)](#)
- F3** Words in s. 188(1A) substituted (3.4.2018) by [Homelessness Reduction Act 2017 \(c. 13\), ss. 5\(4\)\(b\), 13\(3\); S.I. 2018/167, reg. 3\(e\) \(with reg. 4\(1\)\)](#)
- F4** S. 188(2A)(3) substituted for s. 188(3) (3.4.2018) by [Homelessness Reduction Act 2017 \(c. 13\), ss. 5\(4\)\(c\), 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\(1\)](#)

## 189 Priority need for accommodation.

(1) The following have a priority need for accommodation—

- (a) a pregnant woman or a person with whom she resides or might reasonably be expected to reside;
  - (b) a person with whom dependent children reside or might reasonably be expected to reside;
  - (c) a person who is vulnerable as a result of old age, mental illness or handicap or physical disability or other special reason, or with whom such a person resides or might reasonably be expected to reside;
  - (d) a person who is homeless or threatened with homelessness as a result of an emergency such as flood, fire or other disaster.
- [<sup>F5</sup>(e) a person who is homeless as a result of that person being a victim of domestic abuse.]

(2) The Secretary of State may by order—

- (a) specify further descriptions of persons as having a priority need for accommodation, and
- (b) amend or repeal any part of subsection (1).

**Changes to legislation:** *Housing Act 1996, Cross Heading: Interim duty to accommodate is up to date with all changes known to be in force on or before 24 May 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) View outstanding changes*

(3) Before making such an order the Secretary of State shall consult such associations representing relevant authorities, and such other persons, as he considers appropriate.

(4) No such order shall be made unless a draft of it has been approved by resolution of each House of Parliament.

[<sup>F6</sup>(5) In this section “domestic abuse” has the meaning given by section 1 of the Domestic Abuse Act 2021.]

#### Textual Amendments

**F5** S. 189(1)(e) inserted (5.7.2021) by [Domestic Abuse Act 2021 \(c. 17\)](#), **ss. 78(5)(a)**, 90(6); [S.I. 2021/797](#), **reg. 2(2)** (with [reg. 4\(1\)](#))

**F6** S. 189(5) inserted (5.7.2021) by [Domestic Abuse Act 2021 \(c. 17\)](#), **ss. 78(5)(b)**, 90(6); [S.I. 2021/797](#), **reg. 2(2)** (with [reg. 4\(1\)](#))

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

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

#### Commencement Information

**I1** S. 189 wholly in force 20.1.1997: s. 189 not in force at Royal Assent, see s. 232(1)-(3); s. 189(2)-(4) in force at 1.10.1996 by [S.I. 1996/2402](#), **art. 3** (with transitional provisions and savings in the [Sch.](#)); s. 189 in force at 20.1.1997 to the extent it is not already in force by [S.I. 1996/2959](#), **art. 2**

**Changes to legislation:**

Housing Act 1996, Cross Heading: Interim duty to accommodate is up to date with all changes known to be in force on or before 24 May 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.

[View outstanding changes](#)

**Changes and effects yet to be applied to :**

- specified provision(s) savings for amendments by 2018 anaw 1, s. 6, Sch. 6 by [S.I. 2019/110 reg. 5](#)

**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

- Act savings and transitional provisions for amendments by S.I. 2022/1166 by [S.I. 2022/1172 Regulations](#)

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 124(1A) inserted by [2016 c. 22 Sch. 7 para. 20\(2\)](#)
- s. 124(6) inserted by [2016 c. 22 Sch. 7 para. 20\(6\)](#)
- s. 124A124B inserted by [2016 c. 22 Sch. 7 para. 21](#)
- s. 125A(3A)(3B) inserted by [2016 c. 22 Sch. 7 para. 22\(3\)](#)
- s. 130A inserted by [2016 c. 22 Sch. 8 para. 7](#)
- s. 133(1A) inserted by [2016 c. 22 Sch. 8 para. 9\(2\)](#)
- s. 143J(3A) inserted by [2016 c. 22 Sch. 8 para. 13\(2\)](#)
- s. 143J(7)(a) words omitted by [S.I. 2022/1166 reg. 25\(11\)\(b\)](#) (This amendment comes into force immediately after 2016 c. 22, s. 120 and Sch. 8 para. 13(3) come into force)
- s. 143GA143GB inserted by [2016 c. 22 Sch. 8 para. 10](#)
- s. 143MA(3A)-(3D) inserted by [2016 c. 22 Sch. 7 para. 27\(3\)](#)
- s. 143MB inserted by [2016 c. 22 Sch. 7 para. 28](#)