



Housing Act 1996

1996 CHAPTER 52

PART VII

HOMELESSNESS^[F1]: ENGLAND]

[F1] Duty to assess every eligible applicant's case and agree a plan

[F1]189A Assessments and personalised plan

- (1) If the local housing authority are satisfied that an applicant is—
 - (a) homeless or threatened with homelessness, and
 - (b) eligible for assistance,the authority must make an assessment of the applicant's case.
- (2) The authority's assessment of the applicant's case must include an assessment of—
 - (a) the circumstances that caused the applicant to become homeless or threatened with homelessness,
 - (b) the housing needs of the applicant including, in particular, what accommodation would be suitable for the applicant and any persons with whom the applicant resides or might reasonably be expected to reside (“other relevant persons”), and
 - (c) what support would be necessary for the applicant and any other relevant persons to be able to have and retain suitable accommodation.
- (3) The authority must notify the applicant, in writing, of the assessment that the authority make.
- (4) After the assessment has been made, the authority must try to agree with the applicant—
 - (a) any steps the applicant is to be required to take for the purposes of securing that the applicant and any other relevant persons have and are able to retain suitable accommodation, and
 - (b) the steps the authority are to take under this Part for those purposes.

Changes to legislation: Housing Act 1996, Section 189A is up to date with all changes known to be in force on or before 28 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

- (5) If the authority and the applicant reach an agreement, the authority must record it in writing.
- (6) If the authority and the applicant cannot reach an agreement, the authority must record in writing—
- (a) why they could not agree,
 - (b) any steps the authority consider it would be reasonable to require the applicant to take for the purposes mentioned in subsection (4)(a), and
 - (c) the steps the authority are to take under this Part for those purposes.
- (7) The authority may include in a written record produced under subsection (5) or (6) any advice for the applicant that the authority consider appropriate (including any steps the authority consider it would be a good idea for the applicant to take but which the applicant should not be required to take).
- (8) The authority must give to the applicant a copy of any written record produced under subsection (5) or (6).
- (9) Until such time as the authority consider that they owe the applicant no duty under any of the following sections of this Part, the authority must keep under review—
- (a) their assessment of the applicant's case, and
 - (b) the appropriateness of any agreement reached under subsection (4) or steps recorded under subsection (6)(b) or (c).
- (10) If—
- (a) the authority's assessment of any of the matters mentioned in subsection (2) changes, or
 - (b) the authority's assessment of the applicant's case otherwise changes such that the authority consider it appropriate to do so,
- the authority must notify the applicant, in writing, of how their assessment of the applicant's case has changed (whether by providing the applicant with a revised written assessment or otherwise).
- (11) If the authority consider that any agreement reached under subsection (4) or any step recorded under subsection (6)(b) or (c) is no longer appropriate—
- (a) the authority must notify the applicant, in writing, that they consider the agreement or step is no longer appropriate,
 - (b) any failure, after the notification is given, to take a step that was agreed to in the agreement or recorded under subsection (6)(b) or (c) is to be disregarded for the purposes of this Part, and
 - (c) subsections (4) to (8) apply as they applied after the assessment was made.
- (12) A notification under this section or a copy of any written record produced under subsection (5) or (6), 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

- F1** S. 189A and cross-heading inserted (3.4.2018) by [Homelessness Reduction Act 2017 \(c. 13\)](#), **ss. 3(1), 13(3)**; [S.I. 2018/167](#), **reg. 3(c)**

Changes to legislation:

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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](#)