



Housing Act 1996

1996 CHAPTER 52

PART VII

HOMELESSNESS

Duties to persons found to be homeless or threatened with homelessness

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

- (1) This section applies where the local housing authority are satisfied that an applicant is homeless, eligible for assistance and has a priority need, and are not satisfied that he became homeless intentionally.
^{F1} ...
- (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.
- [^{F2}(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.]
- [^{F3}(3A) The authority shall, on becoming subject to the duty under this section, give the applicant a copy of the statement included in their allocation scheme by virtue of section 167(1A) (policy on offering choice to people allocated housing accommodation under Part 6).]
- (5) The local housing authority shall cease to be subject to the duty under this section if the applicant, having been informed by the authority of the possible consequence of refusal [^{F4}and of his right to request a review of the suitability of the accommodation], refuses an offer of accommodation which the authority are satisfied is suitable for him and the authority notify him that they regard themselves as having discharged their duty under this section.
- (6) The local housing authority shall cease to be subject to the duty under this section if the applicant—

Status: Point in time view as at 30/09/2004. This version of this provision has been superseded.

Changes to legislation: Housing Act 1996, Section 193 is up to date with all changes known to be in force on or before 25 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)

- (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
 - [^{F5}(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.
- [^{F6}(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 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).]
- [^{F7}(7B) The authority shall also cease to be subject to the duty under this section if the applicant accepts a qualifying offer of an assured shorthold tenancy which is made by a private landlord in relation to any accommodation which is, or may become, available for the applicant's occupation.
- (7C) The applicant is free to reject a qualifying offer without affecting the duty owed to him under this section by the authority.
- (7D) For the purposes of subsection (7B) an offer of an assured shorthold tenancy is a qualifying offer if—
- (a) 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;
 - (b) the tenancy being offered is a fixed term tenancy (within the meaning of Part 1 of the Housing Act 1988 (c. 50)); and
 - (c) it is accompanied by a statement in writing which states the term of the tenancy being offered and explains in ordinary language that—
 - (i) there is no obligation to accept the offer, but
 - (ii) if the offer is accepted the local housing authority will cease to be subject to the duty under this section in relation to the applicant.
- (7E) An acceptance of a qualifying offer is only effective for the purposes of subsection (7B) if the applicant signs a statement acknowledging that he has understood the statement mentioned in subsection (7D).
- (7F) The local housing authority shall not—
- (a) make a final offer of accommodation under Part 6 for the purposes of subsection (7); or
 - (b) approve an offer of an assured shorthold tenancy for the purposes of subsection (7B),
- unless they are satisfied that the accommodation is suitable for the applicant and that it is reasonable for him to accept the offer.]
- (8) For the purposes of [^{F8}subsection (7F)] an applicant may reasonably be expected to accept an offer ^{F9}. . . even though he is under contractual or other obligations in respect

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of his existing accommodation, provided he is able to bring those obligations to an end before he is 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.

Textual Amendments

- F1** Words in s. 193(1) 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**
- F2** 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**
- F3** S. 193(3A) inserted (31.7.2002 for E. and 30.9.2002 for W.) by 2002 c. 7, s. 18(1), **Sch. 1 para. 13** (with s. 20(4)); S.I. 2002/1799, **art. 2**; S.I. 2002/1736, art. 2(1), **Sch. Pt. 1**
- F4** Words in s. 193(5) inserted (26.2.2002) by 2002 c. 7, s. 8(1) (with s. 20(4))
- F5** 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**
- F6** 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**
- F7** 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**
- F8** Words in s. 193(8) substituted (31.7.2002 for E. and 30.9.2002 for W.) by 2002 c. 7, s. 7(1)(5)(6) (with s. 20(4)); S.I. 2002/1799, **art. 2**; S.I. 2002/1736, art. 2(1), **Sch. Pt. 1**
- F9** Words in s. 193(8) repealed (31.7.2002 for E. and 30.9.2002 for W.) by 2002 c. 7, ss. 7(1)(5)(6), 18(2), **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)

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

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