



# Localism Act 2011

## 2011 CHAPTER 20

### PART 7

#### HOUSING

### CHAPTER 1

#### ALLOCATION AND HOMELESSNESS

##### *Homelessness*

#### **148 Duties to homeless persons**

(1) Section 193 of the Housing Act 1996 (duty to persons with priority need who are not homeless intentionally) is amended as follows.

(2) Omit subsection (3A).

(3) For subsection (5) substitute—

“(5) 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.”

(4) In subsection (7) after “refusal” insert “ or acceptance ”.

*Status: Point in time view as at 22/11/2012.*

*Changes to legislation: Localism Act 2011, Cross Heading: Homelessness is up to date with all changes known to be in force on or before 15 June 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)*

- (5) In subsection (7AA)—
- (a) omit “In a restricted case”,
  - (b) after “informed” insert “ in writing ”, and
  - (c) in paragraph (a) for “private accommodation offer” substitute “ private rented sector offer ”.
- (6) In subsection (7AB)—
- (a) in paragraph (a) after “refusal” insert “ or acceptance ”, and
  - (b) at the end of paragraph (b) insert “, 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.”
- (7) In subsection (7AC) for “private accommodation offer” substitute “ private rented sector offer ”.
- (8) Omit subsections (7B) to (7E).
- (9) In subsection (7F)—
- (a) at the end of paragraph (a) insert “ or ”,
  - (b) in paragraph (ab) for “private accommodation offer” substitute “ private rented sector offer ”,
  - (c) omit paragraph (b), and
  - (d) in the words following that paragraph for “it is reasonable for him to accept the offer” substitute “ subsection (8) does not apply to the applicant. ”
- (10) For subsection (8) substitute—
- “(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.”
- (11) After subsection (9) insert—
- “(10) The appropriate authority 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.
- (12) In subsection (10) “the appropriate authority”—
- (a) in relation to local housing authorities in England, means the Secretary of State;
  - (b) in relation to local housing authorities in Wales, means the Welsh Ministers.”

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#### Commencement Information

II S. 148 in force at 9.11.2012 for E. by S.I. 2012/2599, arts. 1(2), 2 (with art. 3)

### 149 Duties to homeless persons: further amendments

(1) The Housing Act 1996 is amended as follows.

(2) In section 188 after subsection (1) insert—

“(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 occupation pending a decision of the kind referred to in subsection (1) regardless of whether the applicant has a priority need.”

(3) In section 195—

- (a) omit subsection (3A), and
- (b) in subsection (4B) for “(3A) to” substitute “ (4) and ”.

(4) After section 195 insert—

#### “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.

(3) If within two years beginning with the date on which an applicant accepts an offer under section 193(7AA), the applicant re-applies for accommodation, or for assistance in obtaining accommodation, and the local housing authority—

- (a) is satisfied that the applicant is threatened with homelessness and eligible for assistance, and
- (b) is not satisfied that the applicant became threatened with homelessness intentionally,

the duty under section 195(2) applies regardless of whether the applicant has a priority need.

(4) For the purpose of subsection (3), an applicant in respect of whom a valid notice under section 21 of the Housing Act 1988 has been given is to be treated as threatened with homelessness from the date on which that notice is given.

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- (5) Subsection (1) or (3) 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) or (3) 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) or (3) applied.”
- (5) Section 198 (referral to another local housing authority) is amended as follows.
- (6) After subsection (2) insert—
  - “(2ZA) The conditions for referral of the case to another authority are also met if—
    - (a) the application is made within the period of two years beginning with the date on which the applicant accepted an offer from the other authority under section 193(7AA) (private rented sector offer), and
    - (b) neither the applicant nor any person who might reasonably be expected to reside with the applicant will run the risk of domestic violence in the district of the other authority.”
- (7) In subsection (2A) after “(2)” insert “ or (2ZA) ”.
- (8) In subsection (3) after “(2)” insert “ , (2ZA) ”.
- (9) In section 202(1)(g) (right to request review of decision) for “private accommodation offer” substitute “ private rented sector offer ”.

**Commencement Information**

**I2** S. 149 in force at 9.11.2012 for E. by S.I. 2012/2599, arts. 1(2), 2 (with art. 3)

**Status:**

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