



Localism Act 2011

2011 CHAPTER 20

PART 7

HOUSING

CHAPTER 1

ALLOCATION AND HOMELESSNESS

Homelessness

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

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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.

(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 ”.

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Commencement Information

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

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

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

- s. 158(8)-(9B) substituted for s. 158(8)(9) by [2016 c. 22 s. 121\(2\)\(e\)](#)
- s. 202(3A) inserted by [2023 c. 55 s. 176\(2\)](#)