



Homelessness Reduction Act 2017

2017 CHAPTER 13

Duties to those who are homeless or threatened with homelessness

4 Duty in cases of threatened homelessness

- (1) The Housing Act 1996 is amended as follows.
- (2) For section 195 (duties in case of threatened homelessness) substitute—

“195 Duties in cases of threatened homelessness

- (1) This section applies where the local housing authority are satisfied that an applicant is—
 - (a) threatened with homelessness, and
 - (b) eligible for assistance.
- (2) The authority must take reasonable steps to help the applicant to secure that accommodation does not cease to be available for the applicant's occupation.
- (3) In deciding what steps they are to take, the authority must have regard to their assessment of the applicant's case under section 189A.
- (4) Subsection (2) does not affect any right of the authority, whether by virtue of contract, enactment or rule of law, to secure vacant possession of any accommodation.
- (5) If any of the circumstances mentioned in subsection (8) apply, the authority may give notice to the applicant bringing the duty under subsection (2) to an end.
- (6) But the authority may not give notice to the applicant under subsection (5) on the basis that the circumstances in subsection (8)(b) apply if a valid notice has been given to the applicant under section 21 of the Housing Act 1988 (orders for possession on expiry or termination of assured shorthold tenancy) that—
 - (a) will expire within 56 days or has expired, and

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- (b) is in respect of the only accommodation that is available for the applicant's occupation.
- (7) The notice must—
- (a) specify which of the circumstances apply, and
 - (b) inform the applicant that the applicant has a right to request a review of the authority's decision to bring the duty under subsection (2) to an end and of the time within which such a request must be made.
- (8) The circumstances are that the authority are satisfied that—
- (a) the applicant has—
 - (i) suitable accommodation available for occupation, and
 - (ii) a reasonable prospect of having suitable accommodation available for occupation for at least 6 months, or such longer period not exceeding 12 months as may be prescribed, from the date of the notice,
 - (b) the authority have complied with the duty under subsection (2) and the period of 56 days beginning with the day that the authority are first satisfied as mentioned in subsection (1) has ended (whether or not the applicant is still threatened with homelessness),
 - (c) the applicant has become homeless,
 - (d) the applicant has refused an offer of suitable accommodation and, on the date of refusal, there was a reasonable prospect that suitable accommodation would be available for occupation by the applicant for at least 6 months or such longer period not exceeding 12 months as may be prescribed,
 - (e) the applicant has become homeless intentionally from any accommodation that has been made available to the applicant as a result of the authority's exercise of their functions under subsection (2),
 - (f) the applicant is no longer eligible for assistance, or
 - (g) the applicant has withdrawn the application mentioned in section 183(1).
- (9) A notice under this section must be given in writing and, 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.
- (10) The duty under subsection (2) can also be brought to an end under sections 193B and 193C (notices in cases of applicant's deliberate and unreasonable refusal to co-operate)."
- (3) In section 184 (inquiry into cases of homelessness or threatened homelessness), in subsection (3A)—
- (a) omit "or 195(2)";
 - (b) omit "or (as the case may be) section 195(4A)".
- (4) In section 195A (re-application after private rented sector offer)—
- (a) omit subsections (3) and (4);
 - (b) in subsection (5), omit "or (3)";
 - (c) in subsection (6), omit "or (3)" (in both places).

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- (5) Omit section 196 (becoming threatened with homelessness intentionally).
- (6) In section 204 (right of appeal to the county court on point of law), in subsection (4), omit “or had the power under section 195(8) to do so”.
- (7) In section 213A (co-operation in certain cases involving children)—
 - (a) in subsection (1)—
 - (i) at the end of paragraph (a) insert “ or ”;
 - (ii) omit paragraph (c) and the “or” preceding it;
 - (b) in subsection (5)(a), for the words from “assistance” to the second “intentionally” substitute “ assistance or became homeless intentionally ”.
- (8) In section 218 (index of defined expressions: Part 7), in the Table, omit the entry for “intentionally threatened with homelessness”.

Commencement Information

II S. 4 in force at 3.4.2018 by S.I. 2018/167, reg. 3(d) (with reg. 4(1))

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