



# Homelessness Reduction Act 2017

## CHAPTER 13

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Explanatory Notes have been produced to assist in the understanding of this Act and are available separately

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# Homelessness Reduction Act 2017

## 2017 CHAPTER 13

An Act to make provision about measures for reducing homelessness; and for connected purposes [27th April 2017]

**B**E IT ENACTED by the Queen’s most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

### *Threatened homelessness*

#### **1 Meaning of “threatened with homelessness”**

- (1) Section 175 of the Housing Act 1996 (homelessness and threatened homelessness) is amended as follows.
- (2) In subsection (4), for “28” substitute “56”.
- (3) After subsection (4) insert—
  - “(5) A person is also threatened with homelessness if—
    - (a) a valid notice has been given to the person under section 21 of the Housing Act 1988 (orders for possession on expiry or termination of assured shorthold tenancy) in respect of the only accommodation the person has that is available for the person’s occupation, and
    - (b) that notice will expire within 56 days.”

### *Advisory services*

#### **2 Duty to provide advisory services**

For section 179 of the Housing Act 1996 (duty of local housing authority to

provide advisory services) substitute –

**“179 Duty of local housing authority in England to provide advisory services**

- (1) Each local housing authority in England must provide or secure the provision of a service, available free of charge to any person in the authority’s district, providing information and advice on –
  - (a) preventing homelessness,
  - (b) securing accommodation when homeless,
  - (c) the rights of persons who are homeless or threatened with homelessness, and the duties of the authority, under this Part,
  - (d) any help that is available from the authority or anyone else, whether under this Part or otherwise, for persons in the authority’s district who are homeless or may become homeless (whether or not they are threatened with homelessness), and
  - (e) how to access that help.
- (2) The service must be designed to meet the needs of persons in the authority’s district including, in particular, the needs of –
  - (a) persons released from prison or youth detention accommodation,
  - (b) care leavers,
  - (c) former members of the regular armed forces,
  - (d) victims of domestic abuse,
  - (e) persons leaving hospital,
  - (f) persons suffering from a mental illness or impairment, and
  - (g) any other group that the authority identify as being at particular risk of homelessness in the authority’s district.
- (3) The authority may give to any person by whom the service is provided on behalf of the authority assistance by way of grant or loan.
- (4) The authority may also assist any such person –
  - (a) by permitting the person to use premises belonging to the authority,
  - (b) by making available furniture or other goods, whether by way of gift, loan or otherwise, and
  - (c) by making available the services of staff employed by the authority.
- (5) In this section –
 

“care leavers” means persons who are former relevant children (within the meaning given by section 23C(1) of the Children Act 1989);

“domestic abuse” means –

  - (a) physical violence,
  - (b) threatening, intimidating, coercive or controlling behaviour, or
  - (c) emotional, financial, sexual or any other form of abuse, where the victim is associated with the abuser;

“financial abuse” includes –

    - (a) having money or other property stolen,

- (b) being defrauded,
  - (c) being put under pressure in relation to money or other property, and
  - (d) having money or other property misused;
- “hospital” has the same meaning as in the National Health Service Act 2006 (see section 275(1) of that Act);
- “regular armed forces” means the regular forces as defined by section 374 of the Armed Forces Act 2006;
- “youth detention accommodation” means –
- (a) a secure children’s home,
  - (b) a secure training centre,
  - (c) a secure college,
  - (d) a young offender institution,
  - (e) accommodation provided by or on behalf of a local authority for the purpose of restricting the liberty of children;
  - (f) accommodation provided for that purpose under section 82(5) of the Children Act 1989, or
  - (g) accommodation, or accommodation of a description, for the time being specified by order under section 107(1)(e) of the Powers of Criminal Courts (Sentencing) Act 2000 (youth detention accommodation for the purposes of detention and training orders).”

#### *Assessments and plans*

### **3 Duty to assess all eligible applicants’ cases and agree a plan**

- (1) After section 189 of the Housing Act 1996, but before the heading after that section (duties to persons found to be homeless or threatened with homelessness), insert –

*“Duty to assess every eligible applicant’s case and agree a plan*

#### **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.
- (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."
- (2) In section 190 of that Act (duties to persons becoming homeless intentionally), for subsection (4) substitute –
  - “(4) In deciding what advice and assistance is to be provided under this section, the authority must have regard to their assessment of the applicant's case under section 189A.”

*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
    - (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).
- (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”.

## 5 Duties owed to those who are homeless

- (1) The Housing Act 1996 is amended as follows.
- (2) Before section 190, but after the heading before that section (duties to persons found to be homeless or threatened with homelessness), insert –

### “189B Initial duty owed to all eligible persons who are homeless

- (1) This section applies where the local housing authority are satisfied that an applicant is –
  - (a) homeless, and
  - (b) eligible for assistance.
- (2) Unless the authority refer the application to another local housing authority in England (see section 198(A1)), the authority must take reasonable steps to help the applicant to secure that suitable accommodation becomes available for the applicant’s occupation for at least –
  - (a) 6 months, or
  - (b) such longer period not exceeding 12 months as may be prescribed.
- (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) Where the authority –
  - (a) are satisfied that the applicant has a priority need, and
  - (b) are not satisfied that the applicant became homeless intentionally,the duty under subsection (2) comes to an end at the end of the period of 56 days beginning with the day the authority are first satisfied as mentioned in subsection (1).
- (5) If any of the circumstances mentioned in subsection (7) apply, the authority may give notice to the applicant bringing the duty under subsection (2) to an end.
- (6) 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.

- (7) 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 has secured accommodation),
  - (c) 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,
  - (d) 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),
  - (e) the applicant is no longer eligible for assistance, or
  - (f) the applicant has withdrawn the application mentioned in section 183(1).
- (8) 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.
- (9) The duty under subsection (2) can also be brought to an end under –
- (a) section 193A (consequences of refusal of final accommodation offer or final Part 6 offer at the initial relief stage), or
  - (b) 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) –
- (a) in subsection (3A), after “duty is” insert “, or after the authority’s duty to the applicant under section 189B(2) comes to an end would be,”;
  - (b) in subsection (4), for “under section 198 (referral of cases)” substitute “in England under section 198(A1) (referral of cases where section 189B applies)”.
- (4) In section 188 (interim duty to accommodate in case of apparent priority need) –
- (a) for subsection (1) substitute –
    - “(1) If the local housing authority have reason to believe that an applicant may be homeless, eligible for assistance and have a priority need, they must secure that accommodation is available for the applicant’s occupation.
  - (1ZA) In a case in which the local housing authority conclude their inquiries under section 184 and decide that the applicant does not have a priority need –

- (a) where the authority decide that they do not owe the applicant a duty under section 189B(2), the duty under subsection (1) comes to an end when the authority notify the applicant of that decision, or
  - (b) otherwise, the duty under subsection (1) comes to an end upon the authority notifying the applicant of their decision that, upon the duty under section 189B(2) coming to an end, they do not owe the applicant any duty under section 190 or 193.
- (1ZB) In any other case, the duty under subsection (1) comes to an end upon the later of –
- (a) the duty owed to the applicant under section 189B(2) coming to an end or the authority notifying the applicant that they have decided that they do not owe the applicant a duty under that section, and
  - (b) the authority notifying the applicant of their decision as to what other duty (if any) they owe to the applicant under the following provisions of this Part upon the duty under section 189B(2) coming to an end.”;
- (b) in subsection (1A), for “pending a decision of the kind referred to in subsection (1)” substitute “until the later of paragraph (a) or (b) of subsection (1ZB).”;
- (c) for subsection (3) substitute –
- “(2A) For the purposes of this section, where the applicant requests a review under section 202(1)(h) of the authority’s decision as to the suitability of accommodation offered to the applicant by way of a final accommodation offer or a final Part 6 offer (within the meaning of section 193A), the authority’s duty to the applicant under section 189B(2) is not to be taken to have come to an end under section 193A(2) until the decision on the review has been notified to the applicant.
- (3) Otherwise, the duty under this section comes to an end in accordance with subsections (1ZA) to (1A), regardless of any review requested by the applicant under section 202.  
But the authority may secure that accommodation is available for the applicant’s occupation pending a decision on review.”
- (5) In section 190 (duties to persons becoming homeless intentionally) –
- (a) for subsection (1) substitute –
    - “(1) This section applies where –
      - (a) the local housing authority are satisfied that an applicant –
        - (i) is homeless and eligible for assistance, but
        - (ii) became homeless intentionally,
      - (b) the authority are also satisfied that the applicant has a priority need, and
      - (c) the authority’s duty to the applicant under section 189B(2) has come to an end.”;
  - (b) in subsection (2), for the words before paragraph (a) substitute “The authority must –”;

- (c) omit subsection (3);
  - (d) in subsection (5), omit “or (3)”.
- (6) Omit section 192 (duty to persons not in priority need who are not homeless intentionally).
- (7) In section 193 (duty to persons with priority need who are not homeless intentionally), for subsection (1) substitute –
- “(1) This section applies where –
- (a) the local housing authority –
    - (i) are satisfied that an applicant is homeless and eligible for assistance, and
    - (ii) are not satisfied that the applicant became homeless intentionally,
  - (b) the authority are also satisfied that the applicant has a priority need, and
  - (c) the authority’s duty to the applicant under section 189B(2) has come to an end.”
- (8) In section 198 (referral of case to another local housing authority), before subsection (1) insert –
- “(A1) If the local housing authority would be subject to the duty under section 189B (initial duty owed to all eligible persons who are homeless) but consider that the conditions are met for referral of the case to another local housing authority in England, they may notify that other authority of their opinion.”
- (9) After section 199 insert –
- “199A Duties to the applicant whose case is considered for referral or referred under section 198(A1)**
- (1) Where a local housing authority (“the notifying authority”) notify an applicant that they intend to notify or have notified another local housing authority in England (“the notified authority”) under section 198(A1) of their opinion that the conditions are met for referral of the applicant’s case to the notified authority, the notifying authority –
    - (a) cease to be subject to any duty under section 188 (interim duty to accommodate in case of apparent priority need), and
    - (b) are not subject to the duty under section 189B (initial duty owed to all eligible persons who are homeless).
  - (2) But, if the notifying authority have reason to believe that the applicant may have a priority need, they must secure that accommodation is available for occupation by the applicant until the applicant is notified of the decision as to whether the conditions for referral of the applicant’s case are met.
  - (3) When it has been decided whether the conditions for referral are met, the notifying authority must give notice of the decision and the reasons for it to the applicant.  
The notice must also inform the applicant of the applicant’s right to request a review of the decision and of the time within which such a request must be made.

- (4) If it is decided that the conditions for referral are not met –
- (a) the notifying authority are subject to the duty under section 189B,
  - (b) the references in subsections (4) and (7)(b) of that section to the day that the notifying authority are first satisfied as mentioned in subsection (1) of that section are to be read as references to the day on which notice is given under subsection (3) of this section, and
  - (c) if the notifying authority have reason to believe that the applicant may have a priority need, they must secure that accommodation is available for occupation by the applicant until the later of –
    - (i) the duty owed to the applicant under section 189B coming to an end, and
    - (ii) the authority deciding what other duty (if any) they owe to the applicant under this Part after the duty under section 189B comes to an end.
- (5) If it is decided that the conditions for referral are met –
- (a) for the purposes of this Part, the applicant is to be treated as having made an application of the kind mentioned in section 183(1) to the notified authority on the date on which notice is given under subsection (3),
  - (b) from that date, the notifying authority owes no duties to the applicant under this Part,
  - (c) where the notifying authority have made a decision as to whether the applicant is eligible for assistance, is homeless or became homeless intentionally, the notified authority may only come to a different decision if they are satisfied that –
    - (i) the applicant’s circumstances have changed, or further information has come to light, since the notifying authority made their decision, and
    - (ii) that change in circumstances, or further information, justifies the notified authority coming to a different decision to the notifying authority, and
  - (d) the notifying authority must give to the notified authority copies of any notifications that the notifying authority have given to the applicant under section 189A(3) or (10) (notifications of the notifying authority’s assessments of the applicant’s case).
- (6) A duty under subsection (2) or paragraph (c) of subsection (4) ceases as provided in the subsection or paragraph concerned even if the applicant requests a review of the authority’s decision upon which the duty ceases.
- The authority may secure that accommodation is available for the applicant’s occupation pending the decision on review.
- (7) 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) In section 200 (duties to the applicant whose case is considered for referral or referred) –
- (a) in the heading, after “referred” insert “under section 198(1)”;
  - (b) in subsection (1), after “another local housing authority” insert “under section 198(1)”;
  - (c) after that subsection insert –
 

“(1A) A local housing authority in England may not notify an applicant as mentioned in subsection (1) until the authority’s duty to the applicant under section 189B(2) (initial duty owed to all eligible persons who are homeless) has come to an end.”;
  - (d) in subsection (6), omit “required to be”.
- (11) In section 204 (right of appeal to county court on point of law), in subsection (4), after “190” insert “, 199A”.
- (12) In section 211 (protection of property of homeless persons and persons threatened with homelessness), in subsection (2), after “accommodate,” insert –
- “section 189B (initial duty owed to all eligible persons who are homeless),”.

## 6 Duties to help to secure accommodation

In section 205 of the Housing Act 1996 (discharge of functions: introductory), after subsection (2) insert –

- “(3) For the purposes of this section, a local housing authority’s duty under section 189B(2) or 195(2) is a function of the authority to secure that accommodation is available for the occupation of a person only if the authority decide to discharge the duty by securing that accommodation is so available.”

*Failure to co-operate by an applicant for assistance*

## 7 Deliberate and unreasonable refusal to co-operate: duty upon giving of notice

- (1) After section 193 of the Housing Act 1996 insert –

### “193A Consequences of refusal of final accommodation offer or final Part 6 offer at the initial relief stage

- (1) Subsections (2) and (3) apply where –
  - (a) a local housing authority owe a duty to an applicant under section 189B(2), and
  - (b) the applicant, having been informed of the consequences of refusal and of the applicant’s right to request a review of the suitability of the accommodation, refuses –
    - (i) a final accommodation offer, or
    - (ii) a final Part 6 offer.
- (2) The authority’s duty to the applicant under section 189B(2) comes to an end.
- (3) Section 193 (the main housing duty) does not apply.



- (4) An offer is a “final accommodation offer” if—
  - (a) it is an offer of an assured shorthold tenancy made by a private landlord to the applicant in relation to any accommodation which is, or may become, available for the applicant’s occupation,
  - (b) it is made, with the approval of the authority, in pursuance of arrangements made by the authority in the discharge of their duty under section 189B(2), and
  - (c) the tenancy being offered is a fixed term tenancy (within the meaning of Part 1 of the Housing Act 1988) for a period of at least 6 months.
- (5) A “final Part 6 offer” is an offer of accommodation under Part 6 (allocation of housing) that—
  - (a) is made in writing by the authority in the discharge of their duty under section 189B(2), and
  - (b) states that it is a final offer for the purposes of this section.
- (6) The authority may not approve a final accommodation offer, or make a final Part 6 offer, unless they are satisfied that the accommodation is suitable for the applicant and that subsection (7) does not apply.
- (7) 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.

**193B Notices in cases of an applicant’s deliberate and unreasonable refusal to co-operate**

- (1) Section 193C applies where—
  - (a) a local housing authority owe a duty to an applicant under section 189B(2) or 195(2), and
  - (b) the authority give notice to the applicant under subsection (2).
- (2) A local housing authority may give a notice to an applicant under this subsection if the authority consider that the applicant has deliberately and unreasonably refused to take any step—
  - (a) that the applicant agreed to take under subsection (4) of section 189A, or
  - (b) that was recorded by the authority under subsection (6)(b) of that section.
- (3) A notice under subsection (2) must—
  - (a) explain why the authority are giving the notice and its effect, and
  - (b) inform the applicant that the applicant has a right to request a review of the authority’s decision to give the notice and of the time within which such a request must be made.
- (4) The authority may not give notice to the applicant under subsection (2) unless—
  - (a) the authority have given a relevant warning to the applicant, and

- (b) a reasonable period has elapsed since the warning was given.
- (5) A “relevant warning” means a notice –
- (a) given by the authority to the applicant after the applicant has deliberately and unreasonably refused to take any step –
    - (i) that the applicant agreed to take under subsection (4) of section 189A, or
    - (ii) that was recorded by the authority under subsection (6)(b) of that section,
  - (b) that warns the applicant that, if the applicant should deliberately and unreasonably refuse to take any such step after receiving the notice, the authority intend to give notice to the applicant under subsection (2), and
  - (c) that explains the consequences of such a notice being given to the applicant.
- (6) For the purposes of subsections (2) and (5), in deciding whether a refusal by the applicant is unreasonable, the authority must have regard to the particular circumstances and needs of the applicant (whether identified in the authority’s assessment of the applicant’s case under section 189A or not).
- (7) The Secretary of State may make provision by regulations as to the procedure to be followed by a local housing authority in connection with notices under this section.
- (8) 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.

### **193C Notice under section 193B: consequences**

- (1) In the circumstances mentioned in section 193B(1), this section applies in relation to a local housing authority and an applicant.
- (2) The authority’s duty to the applicant under section 189B(2) or 195(2) comes to an end.
- (3) Subsection (4) applies if the authority –
  - (a) are satisfied that the applicant is homeless, eligible for assistance and has a priority need, and
  - (b) are not satisfied that the applicant became homeless intentionally.
- (4) Section 193 (the main housing duty) does not apply, but the authority must secure that accommodation is available for occupation by the applicant.
- (5) The authority cease to be subject to the duty under subsection (4) if the applicant –
  - (a) ceases to be eligible for assistance,
  - (b) becomes homeless intentionally from accommodation made available for the applicant’s occupation,
  - (c) accepts an offer of an assured tenancy from a private landlord, or

- (d) otherwise voluntarily ceases to occupy, as the applicant's only or principal home, the accommodation made available for the applicant's occupation.
- (6) The authority also cease to be subject to the duty under subsection (4) if the applicant, having been informed of the possible consequences of refusal or acceptance and of the applicant's right to request a review of the suitability of the accommodation, refuses or accepts –
  - (a) a final accommodation offer, or
  - (b) a final Part 6 offer.
- (7) An offer is “a final accommodation offer” if –
  - (a) it is an offer of an assured shorthold tenancy made by a private landlord to the applicant in relation to any accommodation which is, or may become, available for the applicant's occupation,
  - (b) it is made, with the approval of the authority, in pursuance of arrangements made by the authority with a view to bringing the authority's duty under subsection (4) to an end, and
  - (c) the tenancy being offered is a fixed term tenancy (within the meaning of Part 1 of the Housing Act 1988) for a period of at least 6 months.
- (8) A “final Part 6 offer” is an offer of accommodation under Part 6 (allocation of housing) that is made in writing and states that it is a final offer for the purposes of this section.
- (9) The authority may not approve a final accommodation offer, or make a final Part 6 offer, unless they are satisfied that the accommodation is suitable for the applicant and that subsection (10) does not apply.
- (10) 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.”
- (2) In section 193 (duty to persons with priority need who are not homeless intentionally), after subsection (1) insert –
 

“(1A) But this section does not apply if –

  - (a) section 193A(3) disapplies this section, or
  - (b) the authority have given notice to the applicant under section 193B(2).”

#### *Local connection*

### **8 Local connection of a care leaver**

In section 199 of the Housing Act 1996 (local connection), after subsection (7), insert –

- “(8) While a local authority in England have a duty towards a person under section 23C of the Children Act 1989 (continuing functions in respect of former relevant children) –

- (a) if the local authority is a local housing authority, the person has a local connection with their district, and
  - (b) otherwise, the person has a local connection with every district of a local housing authority that falls within the area of the local authority.
- (9) In subsection (8), “local authority” has the same meaning as in the Children Act 1989 (see section 105 of that Act).
- (10) Where, by virtue of being provided with accommodation under section 22A of the Children Act 1989 (provision of accommodation for children in care), a person is normally resident in the district of a local housing authority in England for a continuous period of at least two years, some or all of which falls before the person attains the age of 16, the person has a local connection with that district.
- (11) A person ceases to have a local connection with a district under subsection (10) upon attaining the age of 21 (but this does not affect whether the person has a local connection with that district under any other provision of this section).”

*Reviews of local housing authority decisions etc*

## 9 Reviews

- (1) Section 202 of the Housing Act 1996 (right to request review of decision) is amended as follows.
- (2) In subsection (1) –
- (a) in paragraph (b) –
    - (i) for “190 to 193” substitute “189B to 193C”;
    - (ii) omit “and 196”;
  - (b) after paragraph (b) insert –
    - “(ba) any decision of a local housing authority –
      - (i) as to the steps they are to take under subsection (2) of section 189B, or
      - (ii) to give notice under subsection (5) of that section bringing to an end their duty to the applicant under subsection (2) of that section,
    - (bb) any decision of a local housing authority to give notice to the applicant under section 193B(2) (notice given to those who deliberately and unreasonably refuse to co-operate),
    - (bc) any decision of a local housing authority –
      - (i) as to the steps they are to take under subsection (2) of section 195, or
      - (ii) to give notice under subsection (5) of that section bringing to an end their duty to the applicant under subsection (2) of that section,”;
  - (c) omit the “or” at the end of paragraph (f);
  - (d) after paragraph (g) insert “, or
    - (h) any decision of a local housing authority as to the suitability of accommodation offered to the applicant by

way of a final accommodation offer or a final Part 6 offer (within the meaning of section 193A or 193C).”

(3) After subsection (1A) insert –

“(1B) An applicant may, under subsection (1)(h), request a review of the suitability of the accommodation offered whether or not the applicant has accepted the offer.”

*Duty on public authorities in England to refer cases*

## 10 Duty of public authority to refer cases to local housing authority

After section 213A of the Housing Act 1996, but before the heading after that section (general provisions), insert –

### “213B Duty of public authority to refer cases in England to local housing authority

- (1) This section applies if a specified public authority considers that a person in England in relation to whom the authority exercises functions is or may be homeless or threatened with homelessness.
- (2) The specified public authority must ask the person to agree to the authority notifying a local housing authority in England of –
  - (a) the opinion mentioned in subsection (1), and
  - (b) how the person may be contacted by the local housing authority.
- (3) If the person –
  - (a) agrees to the specified public authority making the notification, and
  - (b) identifies a local housing authority in England to which the person would like the notification to be made,
 the specified public authority must notify that local housing authority of the matters mentioned in subsection (2)(a) and (b).
- (4) In this section “specified public authority” means a public authority specified, or of a description specified, in regulations made by the Secretary of State.
- (5) In subsection (4) “public authority” means a person (other than a local housing authority) who has functions of a public nature.”

*Codes of practice*

## 11 Codes of practice

After section 214 of the Housing Act 1996 insert –

### “214A Codes of practice

- (1) The Secretary of State may from time to time issue one or more codes of practice dealing with the functions of a local housing authority in England relating to homelessness or the prevention of homelessness.

- (2) The provision that may be made by a code of practice under this section includes, in particular, provision about –
  - (a) the exercise by a local housing authority of functions under this Part;
  - (b) the training of an authority’s staff in relation to the exercise of those functions;
  - (c) the monitoring by an authority of the exercise of those functions.
- (3) A code of practice may –
  - (a) apply to all local housing authorities or to the local housing authorities specified or described in the code;
  - (b) contain different provision for different kinds of local housing authority.
- (4) The Secretary of State may issue a code of practice under this section only in accordance with subsections (5) and (6).
- (5) Before issuing the code of practice, the Secretary of State must lay a draft of the code before Parliament.
- (6) If –
  - (a) the Secretary of State lays a draft of the code before Parliament, and
  - (b) no negative resolution is made within the 40-day period, the Secretary of State may issue the code in the form of the draft.
- (7) For the purposes of subsection (6) –
  - (a) a “negative resolution” means a resolution of either House of Parliament not to approve the draft of the code, and
  - (b) “the 40-day period” means the period of 40 days beginning with the day on which the draft of the code is laid before Parliament (or, if it is not laid before each House of Parliament on the same day, the later of the two days on which it is laid).
- (8) In calculating the 40-day period, no account is to be taken of any period during which –
  - (a) Parliament is dissolved or prorogued, or
  - (b) both Houses are adjourned for more than four days.
- (9) The Secretary of State may –
  - (a) from time to time revise and reissue a code of practice under this section;
  - (b) revoke a code of practice under this section.
- (10) Subsections (4) to (6) do not apply to the reissue of a code of practice under this section.
- (11) The Secretary of State must publish the current version of each code of practice under this section in whatever manner the Secretary of State thinks fit.
- (12) A local housing authority must have regard to a code of practice under this section in exercising their functions.”

*Suitability of accommodation***12 Suitability of private rented sector accommodation**

- (1) Article 3 of the Homelessness (Suitability of Accommodation) (England) Order 2012 (S.I. 2012/2601) (circumstances in which accommodation is not to be regarded as suitable for a person) (“the 2012 Order”) is amended in accordance with subsections (2) to (4).
- (2) The existing text becomes paragraph (1).
- (3) For “of a private rented sector offer under section 193(7F) of the Housing Act 1996” substitute “mentioned in paragraph (2)”.
- (4) After paragraph (1) insert—
  - “(2) The purposes are—
    - (a) determining, in accordance with section 193(7F) of the Housing Act 1996, whether a local housing authority may approve a private rented sector offer;
    - (b) determining, in accordance with section 193A(6) or 193C(9) of that Act, whether a local housing authority may approve a final accommodation offer made by a private landlord;
    - (c) determining whether any accommodation—
      - (i) secured for a person who has a priority need by a local housing authority in discharge of their functions under section 189B(2) or 195(2) of that Act, and
      - (ii) made available for occupation under a tenancy with a private landlord,is suitable for the purposes of the section concerned.”
- (5) The amendments made by this section are without prejudice to any power to make an order or regulations amending or revoking article 3 of the 2012 Order.

*General***13 Extent, commencement and short title**

- (1) This Act extends to England and Wales only.
- (2) This section comes into force on the day on which this Act is passed.
- (3) The rest of this Act comes into force on such day or days as the Secretary of State may by regulations made by statutory instrument appoint.
- (4) Regulations under subsection (3) may make transitional, transitory or saving provision.
- (5) This Act may be cited as the Homelessness Reduction Act 2017.