

Housing Act 1996 Section 188

Interim duty to accommodate in case of apparent priority need.

[F1] 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.]

[F2] 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 **[F3]** until the later of paragraph (a) or (b) of subsection (1ZB).] regardless of whether the applicant has a priority need.]

2) The duty under this section arises irrespective of any possibility of the referral of the applicant's case to another local housing authority (see sections 198 to 200).

[F4] 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.]

Textual Amendments

F1 S. 188(1)-(1ZB) substituted for s. 188(1) (3.4.2018) by [Homelessness Reduction Act 2017 \(c. 13\)](#), **ss. 5(4)(a)**, 13(3); S.I. 2018/167, reg. 3(e) (with reg. 4(1))

F2 S. 188(1A) inserted (9.11.2012 for E.) by [Localism Act 2011 \(c. 20\)](#), **ss. 149(2)**, 240(3)(f); S.I. 2012/2599, arts. 1(2), 2 (with art. 3)

F3 Words in s. 188(1A) substituted (3.4.2018) by [Homelessness Reduction Act 2017 \(c. 13\)](#), **ss. 5(4)(b)**, 13(3); S.I. 2018/167, reg. 3(e) (with reg. 4(1))

F4 S. 188(2A)(3) substituted for s. 188(3) (3.4.2018) by [Homelessness Reduction Act 2017 \(c. 13\)](#), **ss. 5(4)(c)**, 13(3); S.I. 2018/167, reg. 3(e) (with reg. 4(1))

Modifications etc. (not altering text)

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