Housing Rights

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Responsibility for homelessness

This information is for professionals working in housing and homelessness in Northern Ireland.

If you are a member of the public looking for help, please visit our housing advice pages.

Responsibility for homelessness

In Northern Ireland, the Department for Communities is the government department responsible for housing and homelessness.

The Northern Ireland Housing Executive (NIHE) is the statutory body responsible for homelessness in Northern Ireland.1 The Housing Executive is subject to section 75 of the Northern Ireland Act 1998.

Social services may have a duty to provide housing to someone aged 16-21 if they consider that this would help their welfare.2 Local councils in Northern Ireland do not provide accommodation or homelessness services.

Homelessness legislation

The Housing (Northern Ireland) Order 1988 is the primary piece of legislation dealing with Northern Ireland's homelessness.

The 1988 order sets out the:

- four tests a person must pass before they are legally homeless

- duties the Housing Executive has towards a person who asks for help with homelessness
- process for reviewing or appealing certain Housing Executive decisions about homelessness

Housing Executive legal duties

The 1988 order establishes certain Housing Executive duties.

Duty to provide advice and assistance

The Housing Executive must ensure people have access to help and advice about homelessness and the prevention of homelessness.[3] This advice must:

- be free of charge, and
- have regard to guidance issued by the department

The Housing Executive has a further duty to provide help and advice to help a person find accommodation if they have either[4] :

- no priority need, or
- priority need but are intentionally homeless

Duty to make inquiries

The Housing Executive must make inquiries into a person's circumstances if there is reason to believe the person is homeless or threatened with homelessness.

The duties to make inquiries and to provide accommodation are not triggered if it is immediately clear that a person is ineligible for assistance.

The Housing Executive can ask for information or advice to help them make a decision on a homelessness application from:

- a health and social services board
- the Probation Board for Northern Ireland
- a registered housing association

These bodies must cooperate with the Housing Executive.[5]

Interim duty to accommodate

The Housing Executive must provide interim or temporary accommodation to a person who appears to be homeless and in priority need while they carry out their enquiries.

Full duty to accommodate

The Housing Executive must provide accommodation to a person who is:

1. eligible for assistance
2. homeless or threatened with homelessness
3. in priority need, and
4. unintentionally homeless

A person who passes all four homelessness tests is a ‘full duty applicant’. They are entitled to:

- suitable accommodation
- storage of their furniture
- help with travel to temporary accommodation, if needed. This is not a statutory duty, but may be provided under NIHE policy.

The Housing Executive meets this duty by providing suitable accommodation. This can mean continuing to provide temporary accommodation until the applicant receives a suitable offer of social housing.

The full accommodation duty is discharged if the applicant:

- accepts an offer of social housing made under the selection scheme
- refuses two reasonable offers of accommodation made under the selection scheme
- finds their own permanent home
- asks to be removed from the waiting list
- is a restricted case and accepts an offer of private or social housing
- is a restricted case and refuses a reasonable offer of private accommodation

The duty can be withdrawn if a person is no longer eligible for assistance.

Duty to notify applicants of the outcome of the assessment

The Housing Executive must notify an applicant in writing of:

- the outcome of their homelessness application, and
- reasons for a decision that the person is not a full duty applicant[6]

Homelessness strategy

The Housing Executive must publish a homelessness strategy for Northern Ireland.[7]

The current homelessness strategy covers the period 2022-2027. Its objectives are to:

- prioritise homelessness prevention
- address homelessness by providing secure, appropriate accommodation and support
- support customers exiting homelessness into settled accommodation

Homelessness guidance

The Housing Executive publishes a Homelessness Guidance Manual for its staff. This sets out the process staff should follow when dealing with people who are homeless or threatened with homelessness.

Copies of this manual can be requested under the Freedom of Information Act 2000.

Footnotes