

## Temporary accommodation

This information is for professionals working in housing and homelessness.

### Duty to provide temporary accommodation

The Housing Executive has a duty to provide temporary accommodation to people:

- in some circumstances, while their homelessness application is being assessed, and
- who pass all four homelessness tests and are waiting for an offer of social housing

### Interim duty to accommodate

In some circumstances, the Housing Executive must provide temporary accommodation while investigating a homeless application. This duty only arises if it has reason to believe that the applicant may be:[1](#)

- homeless and
- in priority need

This is often referred to as the duty to provide interim accommodation.

The Housing Executive must be satisfied that a person is eligible for assistance before it can provide interim accommodation.

The duty to provide interim accommodation arises:

- before the Housing Executive makes its full inquiries
- at any point after a person presents as homeless
- even if it appears that the applicant might have contributed to their homelessness

## **Threshold to trigger duty to provide temporary accommodation**

The threshold to trigger the duty to provide temporary accommodation is low.

Case law tells us that, simply approaching the Housing Executive for help '[...] will mean that it is difficult if not impossible for the council not to believe that the applicant may be homeless or threatened with homeless [...] if it is apparent from what is said by an applicant ... or from anything in writing that he may be homeless or threatened with homelessness, the duty is triggered'.[2](#)

## **No duty to provide interim accommodation**

The Housing Executive is not required to provide temporary accommodation to a person who presents as homeless if:

- it is immediately clear that the person is not eligible for assistance[3](#)
- there is no suggestion that the person may have priority need

The Housing Executive should provide interim temporary accommodation if it is satisfied a person may be:

- eligible
- homeless and
- in priority need.

## **Suitability of temporary accommodation**

The Housing Executive must provide suitable accommodation when discharging its duty.

The suitability of accommodation will depend on:

- size of the property
- condition of the property
- risks to the applicant in the accommodation, for example, domestic abuse

- whether the property is affordable<sup>4</sup>
- the length of time someone is likely to stay in the accommodation<sup>5</sup>

The Housing Executive should also:

- consider the need to promote and safeguard the welfare of any children in the household<sup>6</sup>
- avoid using non-standard temporary accommodation. For example, bed and breakfasts or hotels, unless it is an emergency.
  - Anyone in this accommodation should be moved as soon as possible.<sup>7</sup>

The Housing Executive has not discharged their duty if it tells a person to queue for a night shelter space. This is often called a crash bed, and the person must leave the accommodation during the day.<sup>8</sup>

It can be difficult to find suitable temporary accommodation. The Housing Executive has a limited supply of properties and a lot of demand for spaces. Applicants struggling to access temporary accommodation should get advice from Housing Rights.

## **Behavioural agreements in temporary accommodation**

The Housing Executive asks people in temporary accommodation to sign a behaviour statement. This sets out the expected behaviour standards in the accommodation.

A person who engages in unacceptable behaviour while in interim accommodation may be found ineligible for assistance.

## **Ending the duty to provide temporary accommodation**

The duty to provide interim accommodation ends if the person:

- fails one of the four homelessness tests
- passes all four homelessness tests
  - The Housing Executive then has a full duty to provide suitable accommodation. This is in place until they make an offer of permanent accommodation

# Temporary accommodation after a negative homeless decision

When an applicant receives a negative homeless decision, the Housing Executive's duty to provide interim accommodation ends. However, the Housing Executive should provide temporary accommodation for a reasonable period afterwards to allow the person to find their own housing<sup>9</sup>. How long is reasonable depends on the circumstances of the applicant.

The Housing Executive can provide temporary accommodation for longer after a negative decision. This is not a statutory duty, but the Housing Executive can use its discretion if the applicant:

- requests a review of the negative decision or
- is appealing the decision in court

## Continuing to provide temporary accommodation pending review

The Housing Executive is not required to keep providing temporary housing once they have made a negative homeless decision. They can use their discretion to continue to provide temporary accommodation if the applicant:

- requests a review of the negative decision
- is appealing the decision in court

The applicant must [ask the Housing Executive to let them remain in temporary accommodation](#) pending the outcome of the review.

The Housing Executive should consider:<sup>10</sup>

- the merits of the person's case
- any new information or evidence which may influence the decision on review
- the personal circumstances of the applicant

## Types of temporary accommodation

The Housing Executive uses different types of temporary accommodation, including:

- Voluntary sector hostels
- Housing Executive owned hostels
- Dispersed intensively managed emergency (DIME) accommodation for users with high support needs
- Single-lets (units leased from private landlords or companies)
- Non-standard temporary accommodation (hotels and bed and breakfasts)

The Housing Executive should manage placements well and save hostels and DIME accommodation for people with additional support needs.

## **Hostels**

The Housing Executive and voluntary organisations manage hostels including:

- refuges for people who have experienced domestic violence
- family hostels for homeless families
- probation hostels (approved accommodation) for people leaving custody
- wet hostels where use of alcohol and certain substances is permitted
- dry hostels where residents are not allowed to use intoxicating substances
- night shelters where residents are given a bed for one night only

Some hostels provide different types of accommodation. Residents move through these as they prepare to return to independent living.

## **Finding a hostel space**

There is a range of hostels in Northern Ireland. People can self-refer to certain hostels, while others will need a referral.

If the Housing Executive has no duty to provide temporary housing, they may give a person a list and tell them to phone each to find a place.

These are often called self-referral hostels. As demand for them is high, it can be difficult to find a space in one.

## **DIME accommodation**

Dispersed intensively managed emergency or DIME accommodation accommodates people with high support needs.

Queens Quarter Housing or Simon Community provide most DIME places in Northern Ireland.

## **Single-lets**

Single-lets are houses owned by private landlords. The Housing Executive rents these properties and use them to accommodate homeless people.

Large private companies, such as Tarasis Enterprises, often manage single-lets. The company will deal with the resident and the Housing Executive.

## **Non-standard temporary accommodation**

Non-standard temporary accommodation should only be used in emergencies. This includes hotels and bed and breakfasts.

## **Person sources their own temporary housing**

Some people arrange their own temporary housing. They may stay with family or friends, or arrange a short-term let.

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The applicant should speak to their housing officer before taking a private let. They must tell the Housing Executive this is temporary. This will ensure they are still provided with homeless support.

A person is not entitled to interim accommodation points if they arrange their own temporary housing.

## **Status of occupiers of temporary accommodation**

A person living in temporary accommodation is a licensee and not a tenant. The Housing Executive will usually ask the person to sign a:

- statement of behaviour and
- licence agreement for their temporary accommodation

The licence agreement will set out the terms and conditions for their occupation. Licensees have very few rights. The provider can:

- move them from one room or flat to another
- give them whatever notice to quit is set out in the licence agreement

A licensee is only entitled to “reasonable” notice before being told to leave a property unless their agreement says otherwise.

If a person is told to leave temporary accommodation, the Housing Executive must:

- find another placement, or
- decide they are ineligible if they were asked to leave because of unacceptable behaviour

## **Paying for temporary accommodation**

A person in temporary accommodation can apply for Housing Benefit to help cover the costs.

If a person is not entitled to Housing Benefit, they must pay the cost themselves.

## **Repairs in temporary accommodation**

The fitness standard applies to temporary accommodation. There are no additional suitability standards for temporary housing, unless it is a house in multiple occupation (HMO).

Council officers can inspect a property if the person living in it complains about conditions. If there is a statutory nuisance, the council may be able to serve an abatement notice.

The person should contact NIHE with details of their concerns if the landlord or council fails to deal with problems. They could:

- argue that the current accommodation is unsuitable for their needs
- make a formal complaint to the Housing Executive
- ask for more points under the Housing Selection Scheme in recognition of the disrepair

## **Temporary accommodation for people who are difficult to place**

It can be difficult to find suitable accommodation for:

- large families
- people with a disability with specific needs
- people with a history of arson
- people who have been convicted of certain sexual offences

The Housing Executive's duty to accommodate someone who has passed the four homelessness tests is absolute. The Executive cannot opt out of this duty because it is difficult to find a placement.

The Housing Executive has a sexual offender liaison officer. They can help to find accommodation for a person who has committed a Schedule 1 offence.

## **Challenging an offer of temporary accommodation**

A person can challenge the suitability of temporary accommodation. Depending on the applicant's circumstances, there are different methods of challenge.

### **Challenging an offer of interim accommodation**

Temporary accommodation given while a homelessness application is considered is called interim accommodation.

A homeless applicant in unsuitable interim temporary accommodation can:

- discuss the suitability of the accommodation with a housing officer
- make a formal complaint
- challenge the suitability through a judicial review in exceptional circumstances



People should seek advice from Housing Rights if their temporary accommodation is unsuitable.

## **Requesting a review of temporary accommodation**

A person who has passed all four homelessness tests is a Full Duty Applicant. They have a right to request a review of the suitability of an offer of temporary accommodation.

This can be a complex process. Applicants should get specialist advice from Housing Rights.

A full duty applicant in unsuitable temporary accommodation:

- can stay in the accommodation while challenging its suitability
- must ask for a review within 40 days of receiving the offer of temporary accommodation
- will not receive any further offers of temporary housing until the Housing Executive completes the review

Contact Housing Rights if you are helping someone who has been placed in accommodation that is unsuitable.

## **Footnotes**

- [\[1\]](#)

The Housing (Northern Ireland) Order 1988, Article 8.

- [\[2\]](#)

Aweys & Ors, R (on the application of) v Birmingham City Council [2007] EWHC 52 (Admin), [2007] HLR 27.

- [\[3\]](#)

The Housing (Northern Ireland) Order 1988, Article 7A.

- [\[4\]](#)

Northern Ireland Housing Executive, Homeless Guidance, Chapter 7.6.

- [\[5\]](#)

Codona v Mid-Bedfordshire DC [2005], [2004] EWCA Civ 925.

- [\[6\]](#)

Nzolameso v City of Westminster (Respondent) [2015] UKSC 22.

- [\[7\]](#)

The Northern Ireland Housing Executive, Homelessness guidance, Chapter, 2.1.3.

- [\[8\]](#)

R v Waveney DC ex p Bowers [1983] 1 QB 238, 4 HLR 118.

- [\[9\]](#)

The Housing (Northern Ireland) Order 1988, Article 10(3)(a).

- [\[10\]](#)

R v. Camden ex parte Mohammed [1997] 30 HLR 315.