

Priority need test

This information is for professionals working in housing and homelessness.

Categories of priority need

The Housing Executive must provide temporary housing if they have reason to believe the person is homeless and in priority need.[1](#)

A person has priority need if they or anyone in their household is:[2](#)

- Pregnant
- The primary carer of a child
- Vulnerable
- Homeless or threatened with homelessness because of an emergency
- Have experienced violence and area at risk of further violence if they return home
- Are age 16-21 and at risk of sexual or financial exploitation

Pregnancy

A pregnant person is in priority need. The Housing Executive will ask for confirmation of pregnancy. This can include proof that a person has had antenatal care.

The Housing Executive should consider if any other factor gives the person priority need if their pregnancy ends before they were given full duty applicant status.[3](#)

Primary carer of a child

A person only has priority need if they have children and the children are dependent on them.

If children reside between two or more households, the Housing Executive must decide where they are resident. The Housing Executive will consider:

- The terms of any court order
- Any informal custody agreement between the child's carers
- Where the child usually resides

Vulnerability

A person has priority need if they are more vulnerable than an 'ordinary person' would be if they become homeless.[4](#) In this context an 'ordinary person' means a person without vulnerabilities such as, having an addiction.

A person has priority need if they are vulnerable due to:

- Old age that makes them less able to take care of themselves
- Mental illness, learning or physical disability – the Housing Executive should consider medical evidence from the applicant and can also get their own clinical opinion. The Housing Executive should also work with social services and mental health agencies for vulnerability based on mental illness.

Other specific reasons not set out in the law – this can include chronic illness, discharge from institutional care such as a prison or hospital, or addiction. It can also include young people and former asylum seekers.

The Hotak test

The Hotak test was established after a Supreme Court case set out how local authorities should approach the priority need test. The Housing Executive should award a person priority need if they appear to be 'significantly more vulnerable' than the ordinary person.[5](#)

The Housing Executive should base its assessment of a person's vulnerabilities on their ability to cope with street homelessness, not on how they manage in their

current accommodation.

The proper way to compare is to examine how the person would manage in comparison with an 'ordinary person who is in need of accommodation'.

Support from household or others

[6](#) The Housing Executive's decision can take into account any support the person currently gets and whether this support will still be available to them if they become homeless. The Housing Executive must be satisfied that the third party will continue to provide the support and services on a predictable and regular basis.

The Housing Executive cannot decide that a person is not vulnerable simply because there are other people in the household who are able and willing to take care of the vulnerable person's needs.[7](#)

Medical evidence for homeless decisions

Medical evidence can help to show that a person has a priority need or can't reasonably continue to stay in their current accommodation.

Medical evidence usually helps a decision if it shows the:

- Person's ability to cope if they were homeless, in the case of priority need
- Impact that the person's residence is having on their health in the case of their current housing being unsuitable

Medical evidence that just lists a person's diagnoses or medications is not useful for homelessness assessments.

A useful medical letter supporting a person's homelessness application should explain:

- How the doctor or health professional knows the person and for how long
- The person's diagnoses and how these affect the person
- Any medications that have been prescribed and the dosage
- The effect that being street homeless might have on the person and reasons for this

• Unable to get satisfactory medical evidence

Some medical professionals may refuse to provide a person with medical evidence. You may see signs in surgeries advising people not to ask for this information. The Housing Executive has a statutory duty to make inquiries to satisfy itself whether a person is homeless and in priority need.^{[8](#)}

Advisers should push the Housing Executive on this duty if the person is unable to supply their own evidence.

Giving weight to medical evidence

The Housing Executive must consider and evaluate all evidence the applicant submits.

If the Housing Executive favours one piece of evidence over others, they must^{[9](#)} explain why and respond to points made by medical evidence.

The Housing Executive's role is to look at medical evidence in the context of their statutory duties. It should not simply 'rubberstamp' any medical opinion it receives.^{[10](#)}

Footnotes

- ^{[\[1\]](#)}The Housing (Northern Ireland) Order 1988, Article 8.
- ^{[\[2\]](#)}The Housing (Northern Ireland) Order 1988, Article 5.
- ^{[\[3\]](#)}Northern Ireland Housing Executive, Homelessness Guidance, Chapter 5.2.
- ^{[\[4\]](#)}Hotak and others (Appellants) v London Borough of Southwark and another (Respondents).
- ^{[\[5\]](#)}Hotak v London Borough of Southwark, [2015] UKSC 30.
- ^{[\[6\]](#)}70 Hotak v London Borough of Southwark, [2015] UKSC 30, <https://www.bailii.org/uk/cases/UKSC/2015/30.html>, accessed June 2022.
- ^{[\[7\]](#)}Hotak v London Borough of Southwark, [2015] UKSC 30.
- ^{[\[8\]](#)}The Housing (Northern Ireland) Order 1988, Article 8.
- ^{[\[9\]](#)}Guiste v Lambeth LBC (2019) WECA Civ 1758, <https://www.bailii.org/ew/cases/EWCA/Civ/2019/1758.html>, accessed June 2022.

- [\[10\]](https://www.bailii.org/ew/cases/EWCA/Civ/2004/1706.html)Osmani v Camden LBC [2004] EWCA Civ 1706,
<https://www.bailii.org/ew/cases/EWCA/Civ/2004/1706.html>, accessed June 2022.