

https://www.housingrights.org.uk/professionals/advice-and-information/homelessness-advice-professionals/restricted-cases

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## **Restricted cases**

This information is for professionals working in housing and homelessness.

A restricted case is one where a household's homelessness or priority need status comes from a restricted person in the household.1

A restricted person is a person who is ineligible for assistance and is subject to immigration control either:

- With the condition of no recourse to public funds, or
- Without permission to enter or remain in the UK

A restricted case is one where the Housing Executive accepts that an applicant gets priority need because of a restricted person in their household.

The Housing Executive must write to the applicant to tell them:

- Who in the household is a restricted person and why
- That the Housing Executive can discharge its accommodation duty by offering the household a private tenancy
- That they will not make any further offers under homelessness legislation if the person refuses the private tenancy

## **Duties owed in restricted cases**

The Housing Executive will discharge its accommodation duty in restricted cases by making one offer of a private tenancy.2

The private tenancy must be:3

- Suitable for the household
- Available for at least the next 12 months
- Arranged by the Housing Executive

If the applicant is already subject to a contract or lease for other accommodation, the offer of private accommodation is only reasonable if they can bring these obligations to an end before moving into the new accommodation.4

#### Restricted cases are entitled to:

- The social housing waiting list (although they will not qualify for insecurity of tenure points)
- Temporary accommodation (although this duty will end once the Housing Executive offers a private tenancy)
- Furniture storage while in temporary accommodation
- Travel to temporary accommodation if needed. This is not a statutory duty, but may be provided under NIHE policy.

# Refusing an offer of private accommodation

If a restricted case refuses an offer of private accommodation, the Housing Executive's duties under the 1998 Order are over and it doesn't need to store their furniture. The household:

- will be asked to leave temporary accommodation
- can remain on the waiting list for social housing and may still receive offers
- can't receive other homeless points, interim accommodation points, intimidation points or full duty applicant points.5

### **Footnotes**

- [1]The Housing Order (Northern Ireland) 1988, Article 9(3A).
- [2]The Housing Order (Northern Ireland) 1988, Article 10 (2E).
- [3]Northern Ireland Housing Executive, Selection Scheme Guidance Manual, Chapter 2.7.6.6.
- [4]Housing (Northern Ireland) Order 1988, Article 10(2D).
- [5]Northern Ireland Housing Executive, Housing Selection Scheme, Chapter 24A, https://www.nihe.gov.uk/Housing-Help/Apply-for-a-home/The-Housing-Selection-Scheme, accessed June 2022.