Housing Rights

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 in Northern Ireland.

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

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