Housing Rights

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Discharging the full duty to accommodate

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.

Offers of accommodation

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

- homeless
- eligible for assistance
- in priority need
- unintentionally homeless

Offers of accommodation

The Housing Executive has a duty to ‘secure that accommodation becomes available’ for a person who passes all four homelessness tests. They interpret this as a duty to make an offer of housing held by the Housing Executive or a registered housing association.1

Following the Housing Executive’s implementation of the Fundamental Review of Allocations, a person is entitled to two reasonable offers of accommodation. Before 30th January 2023, applicants were entitled to three reasonable offers of

accommodation. An applicant who turned down two offers of accommodation before 30th January 2023 will be entitled to one more reasonable offer.

The Housing Executive will offer and allocate their properties while housing associations will offer and allocate their properties.

The Housing Executive and housing associations follow a clear set of rules when deciding who to offer a property to. The property should be offered to the person on the waiting list who:

- needs a property of this size, and
- has included the area in their location preferences, and
- has the highest number of points
- offers of private accommodation

The Housing Executive can discharge its duty to provide accommodation by providing an offer of private accommodation to a restricted case.

The Housing Executive plans to adopt a ‘tenure-neutral’ approach to discharging its accommodation duties.2 This would allow them to end their legal responsibilities to anyone by offering them a suitable private tenancy.

Reasonable offers of accommodation

A person on the waiting list is entitled to two reasonable offers of accommodation.3 The Housing Executive will decide if an offer is reasonable with reference to the:

- property’s size and how this matches the person’s needs
- location of the property, it should be in their area of choice
- suitability of the property’s features
- property’s condition

A person may prefer a particular type of property, but this is only considered if it’s an actual need.

Sequential offers

A person is temporarily deferred from receiving other offers while they are considering an offer. They will not receive further offers until they have rejected the current one.

Multiple offers

A social landlord can offer one property to multiple people simultaneously if it is difficult to let. The housing officer will offer the property to up to 10 people at a time until:

- the property is let, or
- there's no one left on the waiting list who is eligible for this offer

The multiple offer will only count as an actual reasonable offer if the person expresses an interest and the landlord subsequently formally offers it to them.

Restrictions on offers

Landlords can depart from the general rule that an offer should go to the person with the most points in certain circumstances.[4]

Under 35s in flats with antisocial behaviour issues

A landlord can refuse to allocate a flat to a person aged under 35 even though they are at the top of the list if there is serious antisocial behaviour in the block.

A block of flats should only be designated under this rule if:[5]

- it's predominantly occupied by people aged under 35
- antisocial behaviour is a serious problem in the block

Complaints about antisocial behaviour are mainly about people aged under 35

The young person could challenge this decision by showing that:

- their housing choices are substantially narrowed if they are excluded from residing in flats
- the length of time they will spend on the waiting list has been significantly lengthened as a result of this policy
- there are exceptional circumstances which mean they should be allocated accommodation within a specific block

Rule 48: Exceptional circumstances

A housing officer can make an offer to someone lower on the waiting list under rule 48 of the selection scheme if:

- the person has very specific needs or requirements which would be met by this particular property
- there is no one else higher up the list who has similar needs or requirements for this type of property or location

The housing officer should consider:[6]

- how the person's needs compare to others on the waiting list
- how frequently stock of this type is allocated
- how long the person is likely to wait for a similar property if they do not receive this offer
- the nature and intensity of the person's housing needs, such as whether they have a terminal or degenerative illness
- the characteristics or location of the property and how well these match the person's needs

Offers to under 18s

A landlord can offer a property to someone aged 16 or 17, but the person will have to provide a guarantor.
The guarantor will sign a legal document accepting responsibility for any breaches of the tenancy, including failure to pay rent or causing damage to the property.

New-build properties

Social landlords will allocate new-build properties before they are built. This can cause difficulties for people, particularly when there are delays with handover.

The person should keep in regular contact with their housing officer.

Refusing an offer of housing

A person can refuse an offer of housing. The landlord offering the property will record the refusal on the person's file.

A person is entitled to two reasonable offers of housing. Before refusing any offer, the person should consider if they can challenge the offer as unreasonable.

Challenging an unreasonable offer

A person can challenge an offer if they believe it is unreasonable, by:

- requesting a review of the suitability of the offer if the person has passed all four homelessness tests
- making a formal complaint if the person does not have full duty applicant status

If an applicant who has FDA status requests a formal review of an offer of accommodation, the Housing Executive will carry out the review of an offer made by:

- the Housing Executive
- registered Housing Associations

In practice, the Housing Executive or a housing association may agree that an offer is unreasonable without having to go through the review or formal complaint process. Make sure you have proof that the offer has been marked as unreasonable if the issue is resolved informally.

Refusing two reasonable offers

A person who refuses two reasonable offers will:

- lose their insecurity of tenure points[7]
- lose management transfer status if they had this
- be deferred from receiving further offers for one year[8]

Lifting a deferral

The Housing Executive can lift the deferral if:

- one of the offers is found to be unreasonable, or
- the person becomes a full duty applicant again during the period of the deferral

In these cases, the Housing Executive can reinstate the person’s insecurity of tenure points and management transfer status.

A person who passes the homelessness tests during a deferral period is only entitled to one further reasonable offer of housing.9

Footnotes

- [1] Northern Ireland Housing Executive, Selection Scheme Guidance Manual, Appendix 2.2, Department for Communities guidance to the Housing Executive.
- [2] A fundamental review of social housing allocations, Proposal 4, communities-ni.gov.uk/consultations/fundamental-review-social-housing-allocations, accessed June 2022.
- [3] Northern Ireland Housing Executive, Housing Selection Scheme, Rule 56.
- [4] Northern Ireland Housing Executive, Selection Scheme Guidance Manual, Chapter 5.
- [5] Northern Ireland Housing Executive, Selection Scheme Guidance Manual, chapter 5.10.
- [6] Northern Ireland Housing Executive, Selection Scheme Guidance Manual, chapter 5.2.
- [7] Northern Ireland Housing Executive, Selection Scheme Guidance Manual, chapter 5.8.4.
- [8] Northern Ireland Housing Executive, Selection Scheme Guidance Manual, chapter 5.8.1.
- [9] Northern Ireland Housing Executive, Selection Scheme Guidance Manual, chapter 5.8.4.