

## 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 or interim accommodation to people who :

- appear to be homeless and in priority need, and
- passed all four homelessness tests and are waiting for an offer of social housing

The Housing Executive must provide interim accommodation while it makes inquiries into a homeless application if it has reason to believe that the applicant may be:1

- homeless
- in priority need

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

The duty to provide interim accommodation:

- arises before the Housing Executive makes its full inquiries
- can arise at any point after a homeless application is made
- is owed even if it appears that the applicant might have contributed to their own homelessness

The Housing Executive can continue to provide temporary accommodation [2](#) if a person fails a homelessness test and they:

- have requested a review of this decision
- are appealing the decision

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

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

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'.[3](#)

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

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

- it's immediately clear that the person is not eligible for assistance[4](#)
- there's no suggestion that the person may have priority need

The Housing Executive should only refuse to provide interim accommodation if it is satisfied there is no reason to believe the person may be eligible, homeless and in priority need.

## **Suitability of interim accommodation**

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

The suitability of accommodation will depend on:

- the size of the accommodation
- whether it can accommodate anyone reasonably expected to reside with the applicant
- conditions in the property and whether these are appropriate for the household

- risks associated with the applicant's occupation of the property such as domestic abuse, intimidation
- whether the property is affordable<sup>5</sup>
- the length of time someone is likely to stay in the accommodation<sup>6</sup>

In addition, the Housing Executive should:

- consider the need to promote and safeguard the welfare of any children in the household<sup>7</sup>
- avoid using bed and breakfasts, hotels or houses in multiple occupation unless it is an emergency and should relocate persons temporarily placed in these types of accommodation as soon as possible<sup>8</sup>

The Housing Executive is not discharging their duty if they advise a person to queue for a night shelter space where the person is required to leave the accommodation during the day.<sup>9</sup>

It can be difficult to find suitable temporary accommodation and the Housing Executive has a limited supply of properties.

An adviser can challenge an offer if it is clearly unsuitable but will need strong evidence to support the case.

Challenge the offer by:

- discussing it directly with the housing officer
- making a formal complaint if there is enough time to do so
- taking a judicial review if there are sufficient grounds

## **Behavioural agreements in temporary accommodation**

The Housing Executive will ask any person placed in temporary housing to sign a statement about expected standards of behaviour 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:

- Passes all four homelessness tests and the duty converts into a full duty to provide suitable accommodation
- Fails one of the four tests

## Person fails homelessness or priority need test

The duty to provide accommodation ends if:[10](#)

- The Housing Executive decides the applicant is not homeless or threatened with homelessness
- The applicant does not have priority need

The Housing Executive will send the applicant a decision letter explaining:

- Which test they have failed
- The reasons for the Housing Executive's decision
- Their right to request a review
- The Housing Executive's power to continue offering temporary accommodation if they request a review

The Housing Executive can continue providing temporary accommodation if the person requests a review of the decision. The applicant must [ask the Housing Executive to let them remain in temporary accommodation](#) pending the outcome of the review.

## Person fails eligibility test

The Housing Executive's duties end once it is satisfied that a person is ineligible.

The Housing Executive will send the applicant a decision letter explaining:

- Which test they have failed
- The reasons for the Housing Executive's decision

- Their right to request a review
- The Housing Executive's power to continue offering temporary accommodation if they request a review

The Housing Executive can ask the person to leave temporary accommodation immediately. But it has a discretionary power to continue providing this accommodation if the person asks for a review.

The Housing Executive should notify social services if a person is ineligible because of their immigration status and the household includes dependent children.

### **Person fails intentionality test**

The Housing Executive's duties end once they are satisfied that a person is intentionally homeless.

The Housing Executive will send the applicant a decision letter explaining:

- Which test they have failed
- The reasons for the Housing Executive's decision
- Their right to request a review
- The Housing Executive's power to continue offering temporary accommodation if they request a review

The Housing Executive will continue providing any temporary accommodation for a reasonable period to allow the person to find their own housing.[11](#)

### **Continuing to provide temporary accommodation pending review**

The Housing Executive is not required to keep providing temporary housing once they have issued a negative decision. But they can choose to do so. The Housing Executive should consider:[12](#)

- 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

Hostels can be managed by the Housing Executive or by a voluntary organisation and include:

- 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 accommodation types and residents move through these as they prepare to return to independent living.

## Finding a hostel space

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

It can be difficult to find a space in a self-referral hostel. If the Housing Executive has no duty to provide temporary housing they may give a person a list of providers and tell them to phone each to find a place.

## **DIME accommodation**

Dispersed intensively managed emergency accommodation or DIME accommodation is used to accommodate people with high support needs.

Most DIME places in Northern Ireland are provided by Queens Quarter Housing, with some additional accommodation provided by the Simon Community.

## **Single-lets**

Single-lets are housing leased from private landlords and used by the Housing Executive to accommodate homeless people.

Single-lets are often managed by large private companies, such as Homecare Independent Living. The company, rather than the landlord, will deal with the resident and the Housing Executive. Residents tend to stay longer in single-lets than in other types of temporary accommodation.

## **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 prefer to arrange their own temporary housing. They may stay with family or friends or arrange a short-term let.

Before doing so the person should speak to their housing officer to ensure they understand this is a temporary arrangement and they still need help as a homeless person.

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
- A 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 they can be told to leave a property unless their agreement says otherwise.

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

- Should find another placement, or
- May 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.

## **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. The council may be able to serve an abatement notice if there is a statutory nuisance.



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 additional 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 duty to provide accommodation to someone who has passed the four homelessness tests is an absolute duty. The Housing Executive cannot opt out of this duty because it is difficult to find a placement.

The Housing Executive employs a sexual offender liaison officer who 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.

If the Housing Executive placed them in unsuitable temporary accommodation while they are going through the homelessness assessment they can:

- Discuss the suitability of the accommodation with a housing officer
- Make a formal complaint
- Challenge the suitability through a judicial review

If the Housing Executive placed the person in unsuitable temporary accommodation after they have passed all four homelessness tests, they can

request a review of the suitability of the offer, the person:

1. Can stay in the accommodation while challenging its suitability
2. Must ask for a review within 40 days of receiving the offer of temporary accommodation
3. 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 clearly unsuitable. It may be in the person's interests to challenge through judicial review rather than waiting for a review.

## Footnotes

- [\[1\]](#) The Housing (Northern Ireland) Order 1988, Article 8.
- [\[2\]](#) The Housing (Northern Ireland) Order 1988, Articles 8(2) and (3).
- [\[3\]](#) Aweys & Ors, R (on the application of) v Birmingham City Council [2007] EWHC 52 (Admin), [2007] HLR 27.
- [\[4\]](#) The Housing (Northern Ireland) Order 1988, Article 7A.
- [\[5\]](#) Northern Ireland Housing Executive, Homeless Guidance, Chapter 7.6.
- [\[6\]](#) Codona v Mid-Bedfordshire DC [2005], [2004] EWCA Civ 925.
- [\[7\]](#) Nzolameso v City of Westminster (Respondent) [2015] UKSC 22.
- [\[8\]](#) The Northern Ireland Housing Executive, Homelessness guidance, Chapter, 2.1.3.
- [\[9\]](#) R v Waveney DC ex p Bowers [1983] 1 QB 238, 4 HLR 118.
- [\[10\]](#) The Housing (Northern Ireland) Order 1988, Article 8(2).
- [\[11\]](#) The Housing (Northern Ireland) Order 1988, Article 10(3)(a).
- [\[12\]](#) R v. Camden ex parte Mohammed [1997] 30 HLR 315.