

Dear

**S184(3) DECISION RESULT
(Housing Act 1996 as amended)**

I write regarding your homelessness application made on [give date].

Having completed my enquiries, I have concluded the following:

- That you are not homeless nor threatened with homelessness as defined by S175 of the Housing Act 1996 as amended as you have accommodation available to you at [give address], which is reasonable for you to continue to occupy.

This means that the Council does not have a duty to complete an Assessment and Personalised Housing Plan with you or have any duty to take reasonable steps to help you to prevent or relieve homelessness.

In reaching this decision I have taken into account into account all the information held on your housing file and in particular the following:

- [add anything else you have taken into account]
- The Homelessness Code of Guidance 2018 as amended and in particular Chapter 6
- The Equality Act 2010
- Section 11 Children Act 2004 (delete if they do not have children)

Housing Act 1996

S175 Housing Act 1996 states:

- (1) *A person is homeless if he has no accommodation available for his occupation, in the United Kingdom or elsewhere, which he –*
 - (a) *is entitled to occupy by virtue of an interest in it or by virtue of an order of a court,*
 - (b) *has an express or implied licence to occupy, or*
 - (c) *occupies as a residence by virtue of any enactment or rule of law giving him the right to remain in occupation or restricting the right of another person to recover possession.*
- (2) *A person is also homeless if he has accommodation but –*
 - (a) *he cannot secure entry to it, or*
 - (b) *it consists of a moveable structure, vehicle or vessel designed or adapted for human habitation and there is no place where he is entitled or permitted both to place it and to reside in it.*
- (3) *A person shall not be treated as having accommodation unless it is accommodation which it would be reasonable for him to continue to occupy.*
- (4) *A person is threatened with homelessness if it is likely that he will become homeless within 56 days.*

- (5) *A person is also threatened with homelessness if—*
- (a) *a valid notice has been given to the person under section 21 of the Housing Act 1988 (orders for possession on expiry or termination of assured shorthold tenancy) in respect of the only accommodation the person has that is available for the person's occupation, and*
 - (b) *that notice will expire within 56 days.*

In accordance with the above, I considered the question as to whether your accommodation at [give address] is available for you and whether it is reasonable for you to continue to occupy.

Availability of the Accommodation

Looking at your housing situation it is evident that you have accommodation available to you for at least 56 days and have not been served a valid Section 21 notice that will expire within 56 days.

- Prove that they have a legal right to occupy the accommodation.
- Prove that it is available to them and will be so for more than 56 days.
- Prove that they have not been served with a valid S21 notice that will expire within 56 days.

As a result of the above you have a legal right to continue to occupy the accommodation for at least 56 days. Given this and the fact that there is no restriction in securing access to it, I am satisfied that it is available to you and that it will be available to you for at least another 56 days.

Given that I consider the accommodation to be available to you I will now consider whether it is reasonable for you to continue to occupy.

Reasonable to continue to occupy the Accommodation

In representations made by you and/or others it has been asserted that the accommodation is unreasonable for you to continue to occupy because (a) [detail first reason and then add further ones as b, c etc]. I have considered the representations made and, unfortunately, I am not satisfied that the accommodation is unreasonable for you to continue to occupy.

Use headings for each reason they have given for the property not being reasonable and show why you consider the accommodation to be reasonable to continue to occupy.

Given the above, I am satisfied that the accommodation is reasonable for your household to continue to occupy on all grounds.

Given the above, I am satisfied that you are not homeless nor threatened with homelessness as per S175 of the Housing Act 1996 as you have accommodation that is available to you for more than 56 days and reasonable for you to continue to occupy.

Equality Act 2010 [delete if no medical or other relevant characteristics]

In reaching this decision I have had regard to the Equality Act 2010. I have advanced equality of opportunity in accordance with s149(3) Equality Act 2010 and have considered the possible need to treat you more favourably than another under s149(6) of the Act. Even in doing so I am still satisfied that I am entitled to conclude that your accommodation is reasonable for you to continue to occupy and that you are not homeless. This is based on the detailed assessment that I have carried out above.

Section 11 Children Act 2004 [delete if no children]

This decision is also not in breach of our duty under Section 11 Children Act 2004 in relation to your children. This is based on the detailed assessment that I have carried out above.

Please be aware that if you do not continue to occupy this accommodation and consequently lose it and become homeless, you are likely to have become homeless intentionally. If as a result of this you reapplied to this Authority for assistance the Council may deem that it has no duty towards you apart from taking steps to help you to secure accommodation under the Relief duty and interim accommodation for a reasonable period if you have a priority need.

If you disagree with this decision

You can request a review of this decision under Section 202 of the Housing Act 1996 as amended within 21 days of being notified of the authority's decision. Please note that review requests made outside of the time limited may not be considered.

Yours sincerely,