

## Local authority powers and duties to accommodate

This briefing outlines the lesser-known powers that councils can use to accommodate people with uncertain or restricted eligibility. The information is pulled from Homeless Link and NACCOM's report: '[Unlocking the door: A roadmap for supporting non-UK nationals facing homelessness in England](#)'. It is intended to give a brief overview of the law, so that frontline staff have baseline knowledge to advocate for individuals they support with restricted or uncertain eligibility due to their immigration status. For more guidance on supporting migrants, access our [other resources](#).

### 7. Other Powers

#### s1 Localism Act 2011

Power to accommodate people with a 'no public funds' condition on their visas. Applies to some refused asylum seekers and people here unlawfully, only if not doing so breaches Human Rights.

#### Funding & facilitating charity provision – s180 Housing Act 1996

Power to provide grants, loans, premises, goods & staff resource to charities that facilitate the provision of accommodation.

### 6. Safeguarding and Asylum (continued)

#### s95 & s4 Immigration & Asylum Act 1999

Destitute people seeking asylum can access Home Office accommodation under s95 (pending claim/appeal or appeal exhausted families (ARE)) or s4 (people who are ARE & meet other criteria).

For more information, visit [Migrant Help's Website](#).

### 5. Safeguarding and Asylum

#### Victims of Modern Slavery

Suspected victims of modern slavery should be referred to the National Referral Mechanism (NRM) and can access specialist accommodation via providers.

For more information on the NRM, visit the [Government Website](#). Guidance on working with refugees and people seeking asylum can be found on [Homeless Link's Website](#).

### 1. Social Care

#### Adults vulnerable due to illness or disability: Care Act 2014

Duty and power enabling provision of accommodation to adults with care needs relating to disability, including pending an assessment (s19(3)) and were not doing so would breach their Human Rights.

#### Children in need & their families: Children Act 1989

Duty enabling provision of accommodation to children in need (s20, s23C) & their families (s17)

### 2. Health

#### s2B National Health Service Act 2006

Duty enabling provision of accommodation to improve health of people in the area.

Where an authority determines that a particular step is appropriate to improve public health, they must take that step. The provision of accommodation, including persons with restricted eligibility, is a valid step to be taken under section 2B.

For more information, see [Appendix 3](#) of Homeless Link & NACCOM's 'Unlocking the Door' Report.

### 3. Health (continued)

#### s138 Local Government Act 1972

Power to accommodate before, during or after an emergency involving danger to life.

For more information and an example of how this Act was used, visit the [NHAS Website](#).

### 4. Health (continued)

#### s117 Mental Health Act 1983 (aftercare)

If a person has been recently discharged after hospitalisation under the MHA 1983, consider if they are entitled to accommodation and other support under s117 (provided by NHS CCG/social care).

For more information and examples, visit [MIND's website](#).

