

9 April 2009

HOUSING ALLOCATIONS – MEMBERS OF THE ARMED FORCES

INTRODUCTION

1. This circular is guidance by the Secretary of State for Communities and Local Government under section 169 of the Housing Act 1996 (the 1996 Act). Local housing authorities are required to have regard to it in exercising their functions under Part 6 of the 1996 Act.
2. In addition to the Code of Guidance for Local Authorities on the Allocation of Accommodation (the Code of Guidance) issued in November 2002, this circular provides updated guidance to housing authorities to which they should have regard when considering applications for an allocation of accommodation made by members of Her Majesty's Armed Forces or by persons who were formerly serving in the Armed Forces. The purpose of this circular is twofold:
 - (a) to give effect to a commitment in: "The Nation's Commitment: Cross-Government Support to our Armed Forces, their Families and Veterans" (the Command Paper) issued by the Ministry of Defence in July 2008; and
 - (b) to take account of amendments to section 199 of the 1996 Act made by section 315 of the Housing and Regeneration Act 2008 (the 2008 Act) which change the application of the local connection test in respect of members of the armed forces.

BACKGROUND

3. The Command Paper sets out a framework for action across Government Departments to:
 - a) remove any disadvantage that Service personnel, their families, and veterans may suffer as a result of service in the Armed Forces, and particularly as a consequence of being required to move around the country and the world; and

- b) support those existing and former members of the Armed Forces who have been injured in the service of their country.
4. The Command Paper contains a number of housing related commitments. Paragraph 2.15 sets out the Government's view that seriously injured personnel should be given high priority for social housing and contains a commitment to issue statutory guidance to reinforce this message. Paragraph 2.19 refers to the amendment to the local connection provision in s.199 of the 1996 Act in relation to members of the Armed Forces (as amended by section 315 of the 2008 Act).

Seriously injured and disabled servicemen

5. The Secretary of State believes that it is important that Service personnel who have been seriously injured or disabled in action and who have an urgent need for social housing should be given high priority within local authorities' allocation schemes in recognition of their service.
6. Section 167(2) of the 1996 Act provides that, in framing their allocation scheme so as to determine priorities in the allocation of accommodation, housing authorities must ensure that reasonable preference is given to specified categories of applicants, including people who need to move on medical or welfare grounds, including grounds relating to a disability. Section 167(2) further provides that housing authorities may frame their allocation scheme so as to give additional preference to people who fall within the reasonable preference categories and who have urgent housing needs.
7. Paragraph 5.18 of the Code of Guidance provides advice on the additional preference provision in s.167(2). It states that housing authorities must consider, in the light of local circumstances, the need to give effect to this provision. It also provides examples of people with urgent housing needs to whom housing authorities should consider giving additional preference within their allocation scheme including those who need to move because of urgent medical reasons.
8. The Secretary of State is of the view that, where an allocation scheme is framed to provide for additional preference to be given to applicants in urgent housing need, housing authorities should ensure that the categories of applicants to be given additional preference include the following:
 - any applicant who needs to move to suitable adapted accommodation because of a serious injury, medical condition or disability which he or she, or a member of their household, has sustained as a result of service in the Armed Forces.

Section 315 of the Housing Act 2008 – local connection

9. Section 167(2A) of the 1996 Act allows allocation schemes to make provision for determining priorities in relation to applicants who fall within the reasonable preference and additional preference categories. It gives examples of factors which may be taken into account in determining priorities, including any local connection between the applicant and the authority's district. For these purposes, local connection is defined by reference to s.199 of the 1996 Act.

10. Paragraph 5.23 of the Code of Guidance provides advice on implementing s.167(2A) and sub-paragraph (c) sets out a brief summary of the local connection provisions in s.199. It states that, broadly speaking, a person has a local connection with the district of a housing authority if he has a connection because of normal residence there (either current or previous) of his own choice, employment there, family connections or special circumstances. It goes on to state that residence in an area is not of a person's own choice if it is the consequence of serving in the Armed Forces. This exemption no longer applies.
11. Section 315 of the 2008 Act amends s.199 of the 1996 Act so that a person serving in the Armed Forces can establish a local connection with a district through residence or employment there, in the same way as a civilian person. The amendments apply in respect of all applications for housing under Part 6 made on or after 1 December 2008.
12. Where housing authorities frame their allocation scheme to give greater priority to applicants with a local connection, the effect of the amendments to section 199 of the 1996 Act will be:
 - (a) applicants who are serving in the Armed Forces and who are either employed or resident in the district will be able to establish a local connection with the district
 - (b) when considering applications from serving or former members of the Armed Forces, who are not currently employed or resident in the district, the local housing authority will need to consider whether they have a local connection through previous residence in the district as a result of a former posting in the area while serving in the Armed Forces.
13. Such authorities should also consider whether there is a need to revise their allocation scheme in light of the amendments to s.199.

OTHER INFORMATION

14. This Circular can be purchased from The Stationery Office (telephone 0870 600 5533) or viewed on the housing pages of the CLG website at www.communities.gov.uk
15. Telephone number for enquiries about the circular is: 020 7944 3666

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