



Housing Act 1985

1985 CHAPTER 68

PART VIII

AREA IMPROVEMENT

Housing action areas

239 Declaration of housing action area.

- (1) Where a report with respect to an area within their district consisting primarily of housing accommodation is submitted to the local housing authority by a person appearing to the authority to be suitably qualified (who may be an officer of the authority), and the authority, upon consideration of the report and of any other information in their possession, are satisfied, having regard to—
 - (a) the physical state of the housing accommodation in the area as a whole, and
 - (b) social conditions in the area,that the requirement mentioned in subsection (2) is fulfilled with respect to the area, they may cause the area to be defined on a map and by resolution declare it to be a housing action area.
- (2) The requirement is that the living conditions in the area are unsatisfactory and can most effectively be dealt with within a period of five years so as to secure—
 - (a) the improvement of the housing accommodation in the area as a whole,
 - (b) the well-being of the persons for the time being resident in the area, and
 - (c) the proper and effective management and use of that accommodation,by declaring the area to be a housing action area.
- (3) In considering whether to take action under this section the local housing authority shall have regard to such guidance as may from time to time be given by the Secretary of State, either generally or with respect to a particular authority or description of authority or in any particular case, with regard to the identification of areas suitable to be declared housing action areas.

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- (4) An area which is declared to be a housing action area shall be such an area for the period of five years beginning with the date on which the resolution is passed, subject to—
- (a) section 241(2)(a) (power of Secretary of State to overrule declaration),
 - (b) section 250(1)(b) (power of local housing authority to terminate housing action area), and
 - (c) section 251 (extension of duration of housing action area).
- (5) A resolution declaring an area to be a housing action area is a local land charge.

240 Steps to be taken after declaration of housing action area.

- (1) As soon as may be after passing a resolution declaring an area to be a housing action area the local housing authority shall take the following steps.
- (2) They shall publish in two more more newspapers circulating in the locality (of which one at least shall, if practicable, be a local newspaper) a notice of the resolution—
- (a) identifying the area, and
 - (b) naming a place where a copy of the resolution, a map on which the area is defined and of the report referred to in section 239 may be inspected at all reasonable times.
- (3) They shall take such further steps as appear to them best designed to secure—
- (a) that the resolution and the obligations imposed by section 247 (duty to notify local housing authority of changes of ownership or occupation of land) are brought to the attention of persons residing or owning property in the area, and
 - (b) that those persons are informed of the name and address of the person to whom should be addressed inquiries and representations concerning action to be taken with respect to the area or concerning the obligations imposed by that section.
- (4) They shall send to the Secretary of State—
- (a) a copy of the resolution, the map and a copy of the report mentioned in section 239(1),
 - (b) a statement of the numbers of dwellings, houses in multiple occupation and hostels in the area, and
 - (c) a statement, containing such information as the Secretary of State may for the time being require, either generally or with respect to a particular authority or description of authority or in any particular case, showing the basis on which the authority satisfied themselves, having regard to the matters mentioned in section 239(1) and any relevant guidance under section 239(3), that the area was suitable to be a housing action area.
- (5) They shall also send to the Secretary of State a statement of their proposals, whether general or specific, for the participation of registered housing associations in dealing with living conditions in the area.

241 Functions of Secretary of State with respect to declaration of housing action area.

- (1) When a local housing authority have declared an area to be a housing action area and have sent to the Secretary of State the documents referred to in section 240(4), he shall send them a written acknowledgement of the receipt of those documents.
- (2) If it appears to the Secretary of State appropriate to do so, he may, at any time within the period of 28 days beginning with the day on which he sent the acknowledgement, notify the authority—
 - (a) that the area declared by them to be a housing action area is no longer to be such an area, or
 - (b) that land defined on a map accompanying the notification is to be excluded from the area,or notify them that he requires more time to consider their declaration of the area as a housing action area.
- (3) Where the Secretary of State notifies an authority that he requires more time, he may direct the authority to send him such further information and documents as are specified in the direction; and on completion of his consideration of the matter, he shall either—
 - (a) notify the authority as mentioned in subsection (2)(a) or (b), or
 - (b) notify them that he proposes to take no further action with respect to their declaration.
- (4) Where the Secretary of State notifies the authority as mentioned in subsection (2)(a) or (b) (whether under that subsection or under subsection (3)), the area concerned shall cease to be a housing action area or, as the case may be, the land concerned shall be excluded from the housing action area, with effect from the date on which the authority is so notified.
- (5) The authority shall, as soon as may be after the receipt of the notification, publish in two or more newspapers circulating in the locality (of which one at least shall, if practicable, be a local newspaper) a notice—
 - (a) stating the effect of the Secretary of State's notification, and
 - (b) naming a place where a copy of the notification and, in the case of a notification excluding land from the area, a copy of the amended map of the housing action area, may be inspected at all reasonable times,and take such further steps as may appear to them best designed to secure that the effect of the notification is brought to the attention of persons residing or owning property in the area declared by them to be a housing action area.

242 Incorporation into housing action area of land comprised in general improvement area.

- (1) If a local housing authority propose to declare as a housing action area an area which consists of or includes land which is comprised in a general improvement area, they shall indicate on the map referred to in section 239(1) the land which is so comprised.
- (2) With effect from the date on which the resolution is passed declaring such an area to be a housing action area, the land so indicated shall be deemed to have been excluded from the general improvement area or, as the case may be, to have ceased to be such an area by virtue of a resolution under section 258 passed on that date, but subject to the following provisions.

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- (3) If the Secretary of State notifies the local housing authority in accordance with section 241 that the area declared by them to be a housing action area is no longer to be such an area, subsection (2) shall be treated as never having applied in relation to land in that area.
- (4) If the Secretary of State notifies the local housing authority in accordance with section 241 that any land within the area declared by the authority to be a housing action area is to be excluded from the housing action area, subsection (2) shall be treated as never having applied in relation to land so excluded.

243 General powers of local housing authority.

- (1) Where a local housing authority have declared an area to be a housing action area, they may, for the purpose of securing or assisting in securing all or any of the objectives specified in section 239(2)(a) to (c) exercise the following powers.
- (2) They may acquire by agreement, or be authorised by the Secretary of State to acquire compulsorily, land in the area on which there are premises consisting of or including housing accommodation.
- (3) They may undertake on land so acquired all or any of the following activities—
 - (a) the provision of housing accommodation (by the construction, conversion or improvement of buildings, or otherwise);
 - (b) the carrying out of works for the improvement or repair of housing accommodation (including works to the exterior, or on land within the curtilage, of buildings containing housing accommodation);
 - (c) the management of housing accommodation;
 - (d) the provision of furniture, fittings or services in or in relation to housing accommodation.
- (4) If after—
 - (a) the authority have entered into a contract for the acquisition of land under subsection (2), or
 - (b) a compulsory purchase order authorising the acquisition of land under that subsection has been confirmed,
 the housing action area concerned ceases to be such an area or the land is excluded from the area, the provisions of that subsection continue to apply as if the land continued to be in a housing action area.

244 Environmental works.

- (1) For the purpose of improving the amenities in a housing action area, the local housing authority may—
 - (a) carry out environmental works on land belonging to them, and
 - (b) give assistance towards the carrying out of environmental works by others.
- (2) Assistance under subsection (1)(b) may be given to any person having an interest in the land in question and may consist of all or any of the following—
 - (a) a grant in respect of expenditure which appears to the authority to have been properly incurred in carrying out the works;
 - (b) the provision of materials for the carrying out of the works;

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- (c) the execution of the works, by agreement with the person concerned, either at his expense or at the authority's expense or partly at his expense and partly at the authority's expense.
- (3) No such assistance shall be given towards works in respect of which an application for an improvement grant, intermediate grant, special grant or repairs grant has been approved.
- (4) Where the assistance takes the form of a grant, it may be paid—
 - (a) after completion of the works, or
 - (b) in part by instalments as the works progress and the balance after completion of the works;but where part is paid by instalments the aggregate amount of the instalments paid at any time whilst the works are in progress shall not exceed one-half of the cost of the works executed up to that time.
- (5) In this section “environmental works” means any works other than works to the interior of housing accommodation.

245 Contributions by Secretary of State.

- (1) The Secretary of State may pay contributions to a local housing authority towards such expenditure incurred by them under section 244 (environmental works) as he may determine.
- (2) The contributions shall be annual sums—
 - (a) payable in respect of a period of 20 years beginning with the financial year in which the expenditure towards which the contribution is made is incurred, and
 - (b) equal to one-half of the annual loan charges referable to that expenditure, that is to say, the annual sum that, in the opinion of the Secretary of State, would fall to be paid by the local housing authority for the repayment of principal and the payment of interest on a loan of an amount equal to the expenditure repayable over that period.
- (3) The aggregate of the expenditure towards which such contributions may be made with respect to a housing action area shall not exceed the sum arrived at by multiplying—
 - (a) £400, by
 - (b) the number of dwellings, houses in multiple occupation and hostels stated by the local housing authority under section 240(4)(b) to be in the area ;but two adjoining housing action areas may for this purpose be treated as one.
- (4) The Secretary of State may, with the consent of the Treasury—
 - (a) by order substitute in subsections (2) and (3) another fraction for one-half and another amount for £400
 - (b) direct that those subsections shall have effect, in the case of a housing action area specified in the direction or of a description so specified, with the substitution of a higher fraction or a greater amount than that for the time being specified in the subsection.
- (5) An order under subsection (4)(a)—
 - (a) may make different provision with respect to different cases or descriptions of case, including different provision for different areas, and

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- (b) shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of the House of Commons.

246 Duty to publish information.

Where a local housing authority have declared an area to be a housing action area, they shall bring to the attention of persons residing or owning property in the area—

- (a) the action they propose to take in relation to the housing action area, and
- (b) the assistance available for the improvement of the housing accommodation in the area,

by publishing from time to time, in such manner as appears to them appropriate, such information as is in their opinion best designed to further the purpose for which the area was declared a housing action area.

247 Changes of ownership or occupation of land to be notified to local housing authority.

- (1) This section—
 - (a) applies to land in a housing action area which consists of or includes housing accommodation, and
 - (b) comes into operation in relation to a housing action area at the end of the period of four weeks beginning with the date on which the housing action area is declared.
- (2) Where notice to quit is served in respect of land to which this section applies on a tenant who occupies as a dwelling the whole or part of the land, the landlord by whom, or on whose behalf, the notice was served shall, within the period of seven days beginning with the date on which the notice was served, notify the local housing authority that the notice has been served.
- (3) Where a tenancy of land to which this section applies is about to expire by effluxion of time, the person who is the landlord under the tenancy shall, not less than four weeks before the tenancy does so expire, notify the local housing authority that the tenancy is about to expire.
- (4) A person who carries out a disposal of land to which this section applies, other than a disposal excepted by subsection (5), shall notify the local housing authority, not less than four weeks or more than six months before the date of the disposal, that the disposal is about to take place.
- (5) Subsection (4) does not apply to—
 - (a) a disposal by a person who, throughout the period of six months ending on the date of the disposal has been continuously in exclusive occupation (with or without members of his household) of the land to which the disposal relates;
 - (b) a disposal to which the local housing authority are a party;
 - (c) the grant of a protected tenancy or protected occupancy or the entering into of a restricted contract;
 - (d) the grant or assignment of a lease (of land or an interest in land) for a term which expires within the period of five years and three months beginning on the date of the grant of the lease, where neither the lease nor any other instrument or contract confers on the lessor or the lessee an option (however

- expressed) to renew or extend the term so that the new or extended term would continue beyond the end of that period;
- (e) the grant of an estate or interest by way of security for a loan;
 - (f) a conveyance of an estate or interest which gives effect to a contract to convey that estate or interest which was duly notified to the local housing authority in accordance with subsection (4).
- (6) When the local housing authority receive notification from a person under this section with respect to any land they shall—
- (a) send him, as soon as practicable, written acknowledgement of the receipt of the notification, stating the date on which it was received, and
 - (b) inform him, within the period of four weeks beginning with that date, of what action, if any, they propose to take with respect to that land as a result of the notification.

248 Form and contents of notification under s. 247.

- (1) A notification under section 247 shall be in writing and contain the information required by this section.
- (2) Every notification shall contain—
 - (a) the name and address of the person by whom it is given,
 - (b) the address of, and any further information necessary to identify, the land to which it relates, and
 - (c) the estate or interest in that land which the person by whom it is given has at the time it is given.
- (3) The reference in subsection (2)(a) to a person's address is to his place of abode or place of business or, in the case of a company, to its registered office.
- (4) To the extent that it is capable of being given by reference to a plan accompanying the notification, the information required by subsection (2)(b) may be so given.
- (5) A notification required by section 247(2) or (3) (notice to quit or impending expiry of tenancy) shall specify—
 - (a) whether the tenancy concerned is periodic or for a term certain,
 - (b) the length of the period or term, and
 - (c) the date on which the tenancy will come to an end (by virtue of the service of the notice to quit or by effluxion of time);and in the case of a notification required by section 247(2) the landlord may also, if he considers it appropriate, give his reason for serving notice to quit.
- (6) A notification required by section 247(4) (disposal of land) shall specify—
 - (a) whether at the time the notification is given the person giving it intends to retain an estate or interest in the land, and
 - (b) if he does, the nature of that estate or interest and the land in which he intends that it should subsist.

249 Penalty for failure to notify, &c.

- (1) A person who—

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- (a) fails without reasonable excuse to comply with an obligation imposed on him by section 247(2) or (3), or
 - (b) without reasonable excuse carries out a disposal of land without having complied with the obligation imposed on him by section 247(4), or
 - (c) in purporting to comply with an obligation imposed on him by section 247 knowingly or recklessly furnishes a notification which is false in a material particular, or
 - (d) knowingly or recklessly omits from any such notification any information required to be contained in it by virtue of any provision of section 248,
- commits a summary offence and is liable on conviction to a fine not exceeding level 5 on the standard scale.

- (2) The commission by a person of an offence under subsection (1) does not affect—
 - (a) in the case of a notification required by section 247(2) or (3) (notice to quit or expiry of tenancy), the date on which the tenancy expires;
 - (b) in the case of a notification required by section 247(4) (disposal of land), the validity of the disposal.

250 Exclusion of land from, or termination of, housing action area.

- (1) The local housing authority may by resolution—
 - (a) exclude land from a housing action area, or
 - (b) declare that an area shall cease to be a housing action area on the date on which the resolution is passed;

and as soon as may be after passing such a resolution the authority shall take the following steps.
- (2) They shall send a copy of the resolution to the Secretary of State.
- (3) They shall publish in two or more newspapers circulating in the locality (of which one at least shall, if practicable, be a local newspaper) a notice of the resolution—
 - (a) in the case of a resolution excluding land from a housing action area, identifying the housing action area concerned and the land excluded from it.
 - (b) in the case of a resolution declaring that an area is no longer to be a housing action area, naming a place at which a copy of the resolution may be inspected at all reasonable times.
- (4) They shall take such further steps as may appear to the authority best designed to secure that the resolution is brought to the attention of persons residing or owning property in the housing action area.

251 Extension of duration of housing action area.

- (1) The local housing authority may by resolution extend the duration of a housing action area by a period of two years, and may do so more than once.
- (2) Written notification of the passing of the resolution must be given by the authority to the Secretary of State at least three months before the date on which the housing action area would otherwise cease to exist.
- (3) On receipt of a notification under subsection (2) the Secretary of State shall send a written acknowledgement to the authority.

- (4) If it appears to the Secretary of State appropriate to do so, he may, at any time within the period of 28 days beginning with the day on which he sent the acknowledgement, notify the authority—
- (a) that the duration of the housing action area is not to be extended in accordance with their resolution, or
 - (b) that he requires more time to consider their extension of the duration of the housing action area.
- (5) Where the Secretary of State notifies an authority that he requires more time, he shall on completion of his consideration of the matter notify the authority—
- (a) that the duration of the housing action area is not to be extended in accordance with their resolution,
 - (b) where the extension has already begun to run, that the area is to cease to be a housing action on such date as may be specified in the notification, or
 - (c) that he proposes to take no further action with respect to their resolution.
- (6) As soon as may be after passing a resolution or receiving a notification from the Secretary of State under this Section (other than a notification that he proposes to take no further action), the local housing authority shall—
- (a) publish in two or more newspapers circulating in the locality (of which at least one shall, if practicable, be a local newspaper) a notice of the resolution or, as the case may be stating the effect of the notification, naming a place where a copy of the resolution or notification may be inspected at all reasonable times, and
 - (b) take such further steps as appear to the authority best designed to secure that the resolution or notification is brought to the attention of persons residing or owning property in the housing action areas concerned.

252 Meaning of “housing accommodation” and related expressions.

In the provisions of this Part relating to housing action areas—

- (a) “housing accommodation” means dwellings, houses in multiple occupation and hostels;
- (b) “dwelling” means a building or part of a building occupied or intended to be occupied as a separate dwelling, together with any yard, garden, outhouses and appurtenances belonging to or usually enjoyed with that building or part; and
- (c) “house in multiple occupation” means a house which is occupied by persons who do not form a single household, exclusive of any part the house which is occupied as a separate dwelling by persons who do form a single household.