

## **POLICY NOTE**

### **THE HOMELESS PERSONS (UNSUITABLE ACCOMMODATION) (SCOTLAND) ORDER 2014**

#### **SSI 2014/243**

1. The Homeless Persons (Unsuitable Accommodation) (Scotland) Order 2014 (“the 2014 Order”) is made in exercise of the powers conferred in section 29(3) and (4) of the Housing (Scotland) Act 1987. It replaces the Homeless Persons (Unsuitable Accommodation) (Scotland) Order 2004 (“the 2004 Order”). The instrument is subject to the negative procedure.

#### **Policy Objectives**

2. Section 29(1) of the Housing (Scotland) Act 1987 places a duty on local authorities to provide interim accommodation to applicants who apply for accommodation, or for assistance in obtaining accommodation, where the local authority has reason to believe that the applicant may be homeless. The 2004 Order currently prescribes accommodation that may not be used to fulfil this duty for applicants who are pregnant, or with whom a pregnant woman or children reside or might reasonably be expected to reside.
3. The 2014 Order will repeat existing provision setting out what is unsuitable temporary accommodation for such persons. However, article 4(a) of the 2014 Order will additionally include the provision that accommodation is unsuitable if it is “not wind and watertight”.
4. Apart from the new provision at article 4(a) the 2014 Order does not seek to alter the provision made by the 2004 Order. However, the instrument has been redrafted by Scottish Government Legal Directorate in an attempt to improve its clarity and readability.
5. The replacement of the 2004 Order contributes to the Scottish Government’s work on alleviating and tackling homelessness. The policy contributes to the following National Outcomes:
  - Our children have the best start in life and are ready to succeed
  - We have improved the life chances for children, young people and families at risk.
6. The 2014 Order comes into force on 21 November 2014.

#### **Consultation**

7. In June 2014, the Scottish Government carried out a consultation with key stakeholders on article 4(a), and the redraft of the Order, in particular of articles 5 and 6 where the main layout changes occur.

8. Eleven consultation responses were received. Of these, ten were in favour of amending the Order with one respondent stating no preference. Consultation respondents commented that amending the Order would protect pregnant women and those with dependent children from being placed in temporary accommodation which is in poor condition, would improve health outcomes for these groups, and would ensure a level of consistency for the provision of temporary accommodation across equality groups. No negative impacts were identified.

### **Impact Assessments**

9. An Equality Impact Assessment has been completed and is attached.
10. Through the replacement of the 2004 Order, local authorities would be more clearly required to ensure that temporary accommodation for households where the applicant is (a) pregnant, (b) a person whose household includes a pregnant woman; or (c) a person whose household includes dependent children cannot be provided if it is not “wind and watertight”.

### **Financial Effects**

11. Local authorities currently demonstrate good practice in providing suitable accommodation for homeless applicants. The 2014 Order should not place an onerous financial burden on local authorities.
12. A final Business and Regulatory Impact Assessment has been completed and is attached.