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STATUTORY INSTRUMENTS

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**2012 No. 2601**

**The Homelessness (Suitability of Accommodation) (England) Order 2012**

**Circumstances in which accommodation is not to be regarded as suitable for a person**

**3.** For the purposes of a private rented sector offer under section 193(7F) of the Housing Act 1996, accommodation shall not be regarded as suitable where one or more of the following apply—

- (a) the local housing authority are of the view that the accommodation is not in a reasonable physical condition;
- (b) the local housing authority are of the view that any electrical equipment supplied with the accommodation does not meet the requirements of regulations 5 and 7 of the Electrical Equipment (Safety) Regulations 1994<sup>(1)</sup>;
- (c) the local housing authority are of the view that the landlord has not taken reasonable fire safety precautions with the accommodation and any furnishings supplied with it;
- (d) the local housing authority are of the view that the landlord has not taken reasonable precautions to prevent the possibility of carbon monoxide poisoning in the accommodation;
- (e) the local housing authority are of the view that the landlord is not a fit and proper person to act in the capacity of landlord, having considered if the person has:
  - (i) committed any offence involving fraud or other dishonesty, or violence or illegal drugs, or any offence listed in Schedule 3 to the Sexual Offences Act 2003<sup>(2)</sup> (offences attracting notification requirements);
  - (ii) practised unlawful discrimination on grounds of sex, race, age, disability, marriage or civil partnership, pregnancy or maternity, religion or belief, sexual orientation, gender identity or gender reassignment in, or in connection with, the carrying on of any business;
  - (iii) contravened any provision of the law relating to housing (including landlord or tenant law); or
  - (iv) acted otherwise than in accordance with any applicable code of practice for the management of a house in multiple occupation, approved under section 233 of the Housing Act 2004<sup>(3)</sup>;
- (f) the accommodation is a house in multiple occupation subject to licensing under section 55 of the Housing Act 2004 and is not licensed;
- (g) the accommodation is a house in multiple occupation subject to additional licensing under section 56 of the Housing Act 2004 and is not licensed;

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(1) SI 1994/3260.

(2) 2003 c.42. There are amendments to Schedule 3 not relevant to this Order. Schedule 3 was most recently amended by section 177 of and Schedule 21 to the Coroners and Justice Act 2009.

(3) 2004 c.34.

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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- (h) the accommodation is or forms part of residential property which does not have a valid energy performance certificate as required by the Energy Performance of Buildings (Certificates and Inspections) (England and Wales) Regulations 2007<sup>(4)</sup>;
- (i) the accommodation is or forms part of relevant premises which do not have a current gas safety record in accordance with regulation 36 of the Gas Safety (Installation and Use) Regulations 1998<sup>(5)</sup>; or
- (j) the landlord has not provided to the local housing authority a written tenancy agreement, which the landlord proposes to use for the purposes of a private rented sector offer, and which the local housing authority considers to be adequate.

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<sup>(4)</sup> SI 2007/991. The SI has been amended by SIs 2007/1669, 2007/3302, 2008/647, 2008/2363, 2009/1900, 2010/1456, 2011/2452 and 2012/809.

<sup>(5)</sup> SI 1998/2451.