

2022 No. 521

HOUSING, ENGLAND

**The Homelessness (Suitability of Accommodation)
(Amendment) (England) Order 2022**

<i>Made</i>	- - - -	<i>9th May 2022</i>
<i>Laid before Parliament</i>		<i>11th May 2022</i>
<i>Coming into force</i>	- -	<i>1st June 2022</i>

The Secretary of State makes the following Order in exercise of the powers conferred by sections 210(2) and 215(2) of the Housing Act 1996(a).

Citation, commencement and extent

1.—(1) This Order may be cited as the Homelessness (Suitability of Accommodation) (Amendment) (England) Order 2022 and comes into force on 1st June 2022.

(2) This Order extends to England and Wales.

Expiry

2. Articles 4 and 5 of this Order expire on 1st June 2023.

Amendment of the Homelessness (Suitability of Accommodation) (England) Order 2003

3.—(1) The Homelessness (Suitability of Accommodation) (England) Order 2003(b) is amended in accordance with paragraph (2).

(2) In article 2 (interpretation), at the end of the definition of “B&B accommodation”, insert “, or accommodation that is provided in a private dwelling”.

Modification of the Homelessness (Suitability of Accommodation) (England) Order 2003

4.—(1) The Homelessness (Suitability of Accommodation) (England) Order 2003 is to be read in accordance with the modifications in paragraph (2).

(2) Article 4 (exceptions to article 3) is to be read as if—

- (a) in paragraph (1)(b), at the beginning, there were inserted “except where the applicant is a person falling within paragraph (3),”;
- (b) after paragraph (2) there were inserted—

“(3) A person falls within this paragraph if they—

(a) 1996 c. 52; section 210 was amended by the Housing Act 2004 (c. 34), Schedule 15, paragraph 43.
(b) S.I. 2003/3326, amended by S.I. 2010/671.

- (a) make an application to a local housing authority for assistance under Part 7 of the Housing Act 1996 on or after 1st June 2022,
- (b) make that application within 2 years beginning with the date on which they arrive in the United Kingdom,
- (c) are eligible for assistance under Part 7 of the Housing Act 1996, and
- (d) did not have a right to occupy accommodation in the United Kingdom for an uninterrupted period of 6 months or more in the 3 years prior to the date on which they arrived in the United Kingdom.”.

Modification of the Homelessness (Suitability of Accommodation) (England) Order 2012

5.—(1) The Homelessness (Suitability of Accommodation) (England) Order 2012(a) is to be read in accordance with the modifications in paragraphs (2) and (3).

(2) Article 2 (matters to be taken into account in determining whether accommodation is suitable for a person) is to be read as if, at the beginning, there were inserted “Except where Article 2A applies,”.

(3) After article 2, there were inserted—

“Certain recent arrivals to the United Kingdom: matters to be taken into account in determining whether accommodation is suitable for a person

2A.—(1) This article applies in respect of a person who—

- (a) makes an application to a local housing authority for assistance under Part 7 of the Housing Act 1996 on or after 1st June 2022,
- (b) makes that application within 2 years beginning with the date on which they arrive in the United Kingdom,
- (c) is eligible for assistance under Part 7 of the Housing Act 1996, and
- (d) did not have a right to occupy accommodation in the United Kingdom for an uninterrupted period of 6 months or more in the 3 years prior to the date on which they arrived in the United Kingdom.

(2) In determining whether accommodation is suitable for a person specified in paragraph (1), where the accommodation is situated outside the district of the local housing authority, the local housing authority must take into account the significance of any disruption which would be caused by the location of the accommodation to any caring responsibilities of the person or members of the person’s household for persons with whom there are family associations.”.

Signed by the authority of the Secretary of State for Levelling Up, Housing and Communities

Eddie Hughes
Minister of State

9th May 2022

Department for Levelling Up, Housing and Communities

(a) S.I. 2012/2601, to which there are amendments not relevant to this Order.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Homelessness (Suitability of Accommodation) (England) Order 2003 (“the 2003 Order”) and modifies, for a one year period, the 2003 Order and the Homelessness (Suitability of Accommodation) (England) Order 2012 (“the 2012 Order”).

Article 3 amends article 2 of the 2003 Order to exclude from the definition of “B&B accommodation”, accommodation that is provided to a person in a private dwelling.

Article 4 modifies article 4 of the 2003 Order to exclude persons falling within paragraph (3) (inserted by article 4(2)(b)) from the maximum period of 6 weeks during which a local housing authority can accommodate a person with family commitments in B&B accommodation.

Article 5 modifies article 2 of the 2012 Order to disapply that provision in respect of a person falling within article 2A. Article 5(3) inserts article 2A which provides for the matters which a local housing authority must instead take into account in determining whether accommodation is suitable for a person specified in paragraph (1) of that article.

An impact assessment has not been produced for this instrument as no, or no significant impact on the private, voluntary or public sector is foreseen.

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