



## BRIEFING PAPER

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# Housing options for serving and ex-military personnel

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2. Homelessness assistance
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## Summary

This briefing paper outlines the housing options open to serving and ex-military personnel, it does not cover service accommodation provided by the Ministry of Defence.

Housing policy is a devolved matter and there are some variations in approach between England, Scotland, Wales and Northern Ireland.

The principal responsibility for providing housing information and advice to military personnel lies with the armed forces up to the point of discharge. These services are delivered through the [Joint Service Housing Advice Office](#) (JSHAO).

The Government published the [Armed Forces Covenant](#) on 16 May 2011. This document is described as “an expression of the moral obligation that the Government and the Nation owe to those who serve or have served in our Armed Forces and to their families.” The section on housing says:

In addressing the accommodation requirements of Service personnel, the MOD seeks to promote choice, recognising the benefits of stability and home ownership amongst members of the Armed Forces where this is practicable and compatible with Service requirements, and also that their needs alter as they progress through Service and ultimately return to civilian life. Where Serving personnel are entitled to publicly-provided accommodation, it should be of good quality, affordable, and suitably located. They should have priority status in applying for Government-sponsored affordable housing schemes, and Service leavers should retain this status for a period after discharge. Personnel may have access to tailored Armed Forces housing schemes or financial arrangements, depending on their circumstances, to help them in purchasing their own property. Those injured in Service should also have preferential access to appropriate housing schemes, as well as assistance with necessary adaptations to private housing or Service accommodation whilst serving. Members of the Armed Forces Community should have the same access to social housing and other housing schemes as any other citizen, and not be disadvantaged in that respect by the requirement for mobility whilst in Service.

The [Armed Forces Covenant: Today and Tomorrow](#), published alongside the Covenant, outlines measures taken to honour its implementation. The Government reports to Parliament annually on progress made with respect to pledges made under the Covenant. These reports are available on the [gov.uk website](#).

The Governments of Wales and Scotland and the Northern Ireland Executive are responsible for delivering certain aspects of the Armed Forces Covenant in their areas. Both the Welsh and Scottish Governments contribute to the Armed Forces Covenant Annual Reports. The Welsh Government published a refreshed package of support in 2016, [Giving and Receiving: Supporting and investing in our Armed Forces Community in Wales](#). There is also a Welsh Government webpage: [Armed forces and veterans](#).

The Scottish Government published [Scottish Government support for Veterans and the Armed Forces Community in Scotland](#) in Autumn 2018.

In Northern Ireland veterans don't generally attract additional priority for housing.

Prior to publication of the Covenant Governments had acted to implement various measures aimed at strengthening the position of ex-military personnel when seeking to access housing. These measures have included the addition of new “priority need” categories to assist homeless ex-service personnel; changes to the rules on local connection which had potential to disadvantage veterans; and the inclusion of ex-military personnel as a priority category for certain low-cost home ownership initiatives.

# 1. Applying on the housing register

## Summary

Ex-service personnel do not automatically attract higher priority for social housing. However, housing allocation schemes *can* provide for ex-service personnel to be afforded some additional priority when applying for social housing in most areas of the UK.

England, Scotland and Wales have taken action to tackle the disadvantage ex-service personnel experienced when applying for social housing in areas where a local connection or residence test applies. In Northern Ireland, the Housing Executive has been advised not to interpret the Housing Selection Scheme in a way which is disadvantageous to any ex-service applicant.

## 1.1 England

In June 2020 the Ministry for Housing, Communities and Local Government (MHCLG) published new statutory guidance: [Improving access to social housing for members of the Armed Forces](#):

This document provides a single standalone piece of statutory guidance on allocating social housing for the Armed Forces community. It brings together, updates, and builds on existing advice in the 2012 and 2013 statutory guidance.<sup>1</sup>

The guidance points out the importance of identifying applications from serving or former Armed Forces personnel at the outset:

Appropriate questions would include asking whether the applicant is a member of the Armed Forces, has ever served in the Armed Forces, or whether they are another member of the Armed Forces community. Questions about the applicant's existing housing situation – for example, whether they are in accommodation provided by the Ministry of Defence – or their reason for moving from their last settled home could also be useful in obtaining relevant information.<sup>2</sup>

Historically, local authorities did not give priority to ex-service personnel in their housing allocation policies (aside from seriously injured service personnel). However, revised [statutory guidance](#) (first published in June 2012) on housing allocations in England emphasises the flexibilities authorities have to prioritise applications from ex-service personnel.<sup>3</sup> In addition, following consultation, the Government brought into force [The Allocation of Housing \(Qualification Criteria for Armed Forces Personnel\) \(England\) Regulations 2012](#) and the [Housing Act 1996 \(Additional Preference for Former Armed Forces Personnel\) \(England\) Regulations 2012](#) which strengthened the position of some armed

<sup>1</sup> MHCLG, [Improving access to social housing for members of the Armed Forces](#), June 2020, para 9

<sup>2</sup> Ibid., para 39

<sup>3</sup> MHCLG, [Allocation of accommodation: guidance for local authorities](#), updated January 2021

forces personnel in seeking to access social housing (the regulations are considered further below).

Part 6 of the *Housing Act 1996* (as amended) governs the allocation of local authority housing stock. Every local authority allocation scheme must ensure that 'reasonable preference' is given to certain categories of applicant as set out in sub-section 166A(3) of the 1996 Act:

- a) people who are homeless (within the meaning of Part 7 of the 1996 Act); this includes people who are intentionally homeless, and those who are not in priority need;
- b) people who are owed a duty by any housing authority under sections 190(2) (in priority need but intentionally homeless), 193(2) (eligible, in priority need and not intentionally homeless) or 195(2) (threatened with homelessness unintentionally) of the 1996 Act, (or under section 65(2) or 68(2) of the *1985 Housing Act*, these sections cover the equivalent duties under the 1985 Act to the unintentionally homeless), or who are occupying accommodation secured by any housing authority under section 192(3) (unintentionally homeless who are not in priority need and offered accommodation under a discretionary power);
- c) people occupying insanitary or overcrowded housing or otherwise living in unsatisfactory housing conditions;
- d) people who need to move on medical or welfare grounds, or on grounds relating to a disability; and
- e) people who need to move to a particular locality in the district of the housing authority, where failure to meet that need would cause hardship (to themselves or to others).

With respect to seriously injured service personnel, the July 2008 paper, [The Nation's Commitment: Cross Government Support to our Armed Forces, their Families and Veterans](#),<sup>4</sup> said that these people "should be given 'additional preference' (i.e. higher priority for social housing)." The then-Labour Government committed to issue statutory guidance to reinforce this message. Guidance in the form of Communities and Local Government Circular 04/2009, [Housing Allocations – members of the armed forces](#), was issued on 9 April 2009. The Circular was replaced by the new [statutory guidance](#) issued in June 2012 (most recently updated in January 2021).

The [Housing Act 1996 \(Additional Preference for Former Armed Forces Personnel\) \(England\) Regulations 2012](#), which came into force on 30 November 2012, provide that 'additional preference' must be given to applications from certain serving and ex-members of the armed forces (and reserve forces) who come within the reasonable preference categories defined in sub-section 166A(3) of the *Housing Act 1996*

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<sup>4</sup> Cm 7424

## 6 Housing options for serving and ex-military personnel

(listed above) and who have urgent housing needs. The explanatory notes to the Regulations advise:

Regulation 2 amends section 166A(3) so that local housing authorities in England must frame their allocation scheme to give additional preference to persons who fall within the reasonable preference categories, have urgent housing needs and who meet one or more of the following criteria:

- the person is serving in the regular forces and is suffering from a serious injury, illness or disability which is attributable (wholly or partly) to the person's service;
- the person formerly served in the regular forces;
- the person has recently ceased, or will cease to be entitled, to reside in accommodation provided by the Ministry of Defence following the death of that person's spouse or civil partner who has served in the regular forces and whose death was attributable (wholly or partly) to that service; or
- the person is serving or has served in the reserve forces and is suffering from a serious injury, illness or disability which is attributable (wholly or partly) to the person's service.

The Regulations were considered by the Fourth Delegated Legislation Committee on 21 November 2012 and by Grand Committee in the House of Lords on 20 November 2012. Then-Minister, Don Foster, said they "would make a significant difference for service personnel and their families who are in urgent need of social housing."<sup>5</sup> However, **he also emphasised that there was no fundamental change to the way in which access to social housing is prioritised:**

For other people in urgent housing need, such as families living in seriously cramped conditions and people fleeing the fear of violence, local authorities will continue to have discretion to give them greater priority. However they will not be required to do so.<sup>6</sup>

The January 2021 [statutory guidance](#) encourages local authorities to take account of the needs of all serving or former service personnel:

Authorities are also strongly encouraged to take into account the needs of all serving or former Service personnel when framing their allocation schemes, and to give sympathetic consideration to the housing needs of family members of serving or former Service personnel who may themselves have been disadvantaged by the requirements of military service and, in particular, the need to move from base to base. This would be in line with terms of the Government's Armed Forces Covenant published in May 2011.

Examples of ways in which authorities can ensure that Service personnel and their families are given appropriate priority, include:

- using the flexibility within the allocation legislation to set local priorities alongside the statutory reasonable preference categories so as to give preference, for example, to those who have recently left, or are close to leaving, the Armed Forces
- using the power to determine priorities between applicants in the reasonable preference categories, so that applicants

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<sup>5</sup> Fourth Delegated Legislation Committee, 21 November 2012 c4

<sup>6</sup> Ibid.

in housing need who have served in the Armed Forces are given greater priority for social housing over those who have not

- if taking into account an applicant's financial resources in determining priorities between households with a similar level of need disregarding any lump sum received by a member of the Armed Forces as compensation for an injury or disability sustained on active service
- setting aside a proportion of properties for former members of the Armed Forces under a local lettings policy<sup>7</sup>

This guidance is supplemented by [Improving access to social housing for members of the Armed Forces](#) (June 2020). This dedicated guidance was published following a consultation exercise over 2019. There was a desire to make clear the circumstances in which local authorities should apply the “medical and welfare” reasonable preference category and the additional preference requirements to members of the Regular and Reserve Armed Forces, and Veterans, “to ensure that those who are suffering from mental ill health are given appropriate priority for social housing.”<sup>8</sup>

## The local connection rules in England

On 21 June 2007 then-Minister for Housing, Yvette Cooper, announced an intention to amend the local connection provisions “to resolve this disadvantage that members of the Armed Forces have been experiencing in accessing social housing.” The full statement is reproduced below:

**The Minister for Housing and Planning (Yvette Cooper):** My hon. Friend the Under Secretary of State for Defence and Minister for Veterans and I have recently reviewed the way in which current housing legislation impacts on those leaving the Armed Forces. This follows representations from Service personnel and others that the local connection provisions in housing legislation put Service personnel and those leaving the Armed Forces at a disadvantage when trying to access social housing.

Local authorities in England are responsible for framing their own policies and procedures for allocating social housing. In deciding who gets priority for social housing, housing legislation allows local authorities to take into account whether someone has a local connection with their district. Not all local authorities take local connection into account. Where they do, the legislation can put Service personnel at a disadvantage since an individual cannot establish a local connection with an area through residence or employment there when serving in the Armed Forces.

The Government are committed to aiding the effective transition of Service personnel to civilian life, and access to suitable housing is a vital part of this. Many will have bought their own home during their time in Service—and the Ministry of Defence has several schemes in place to encourage this—or will do so on leaving. However, for some Service leavers home ownership may not be an option and they may wish to apply for social housing.

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<sup>7</sup> MHCLG, [Allocation of accommodation: guidance for local housing authorities in England](#), January 2021, paras 4.24-25

<sup>8</sup> MHCLG, [Improving access to social housing for members of the Armed Forces, veterans, and their families: consultation](#), 9 January 2019, paras 11-17

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We believe it is important that the service they have given to their country does not place them at any disadvantage in this respect. The Government have therefore decided to make the necessary changes to housing legislation, at the earliest opportunity, to ensure that Service personnel are treated fairly and put on an equal footing with other people applying for social housing.

The detail of how the change will be effected will need to await the outcome of the current review of housing policy which the Secretary of State for Communities and Local Government announced, following publication of Professor Hills' wide ranging report on social housing on 20 February 2007. We will bring forward our proposals in due course.<sup>9</sup>

The *Housing and Regeneration Act 2008* received Royal Assent on 22 July 2008. Section 315 of this Act amended the local connection test in section 199 of the *Housing Act 1996* to enable armed forces personnel to establish a local connection in an area through residing there by choice, or being employed there, in the same way as a civilian. Section 315 came into force on 1 December 2008.<sup>10</sup>

[The Allocation of Housing \(Qualification Criteria for Armed Forces Personnel\) \(England\) Regulations 2012](#) (SI 2012/1869), which came into force on 24 August 2012, provide that authorities must not disqualify certain serving or former members of the armed forces from applying for social housing on residency grounds. The [statutory guidance](#) advises:

### **Members of the Armed Forces and the Reserve Forces**

3.36 We have made regulations to provide that authorities must not disqualify the following applicants on the grounds that they do not have a local connection with the authority's district:

- (a) members of the Armed Forces and former Service personnel, where the application is made within five years of discharge
- (b) bereaved spouses and civil partners of members of the Armed Forces leaving Services Family Accommodation following the death of their spouse or partner
- (c) serving or former members of the Reserve Forces who need to move because of a serious injury, medical condition or disability sustained as a result of their service

3.37 These provisions recognise the special position of members of the Armed Forces (and their families) whose employment requires them to be mobile and who are likely therefore to be particularly disadvantaged by local connection requirements; as well as those injured reservists who may need to move to another local authority district to access treatment, care or support.<sup>11</sup>

[Improving access to social housing for members of the Armed Forces](#) (June 2020) encourages local authorities to exempt from any local connection requirements divorced or separated spouses or civil partners of Service personnel who need to move out of accommodation provided by the Ministry of Defence.

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<sup>9</sup> HC Deb 21 June 2007 c107WS

<sup>10</sup> Statutory guidance on section 315 was issued in DCLG Circular 04/2009. This guidance has been superseded by the June 2012 guidance, [Allocation of accommodation: guidance for local housing authorities in England](#), para 4.18.

<sup>11</sup> MHCLG, [Allocation of accommodation: guidance for local housing authorities in England](#), January 2021, paras 3.36 – 3.37

## 1.2 Scotland

A veterans portal on [mygov.scot](http://mygov.scot) was launched in June 2017 (last updated October 2020) to bring together a range of useful information on housing, health, jobs, education and veterans support services. The portal includes a dedicated housing section which sets out housing options and information on how veterans can gain access to more tailored advice. This was developed in response to a key recommendation in the Veterans Commissioner's Housing Information report.

The Scottish Government published an updated version of the [Scottish Housing Guide for people leaving the Armed Forces and ex-service personnel](#) in 2018. In terms of accessing social housing, the guide advises ex-service personnel to complete an application form (obtained from a local authority), and goes on:

The system for allocating housing is based on the needs of the individual and their current circumstances. Some social landlords have specific policies that apply to Service leavers. However, these vary across Scotland and you should ask the landlord in the area you want to live in for advice about this.

The local authority or housing association will use the information you give on your application form to assess the level of priority they will give you, and you will be added to their housing list. The higher your priority for housing, the more likely you will be offered a home, but this will depend on the availability of housing in the area you want to live in.

If you will be leaving the Service in the near future you will be asked for your copy of your 'Certificate of Cessation of Entitlement to Occupy Service Accommodation' if you have one. This will allow the local authority or housing association to know the date you have to leave your Service and they will be able to offer advice on your application for social housing and other housing options.

You do not need to wait for a Notice to Vacate (NTV) or the Certificate of Cessation of Entitlement to Occupy Service Accommodation before applying for a house.

The *Housing (Scotland) Act 2014* amended and reduced the categories of people to whom authorities are required to give reasonable preference when allocating social housing with effect from May and November 2019.<sup>12</sup>

The 2014 Act sets out three categories of applicants who should be given reasonable preference in an allocation scheme. These are: homeless persons and persons threatened with homelessness; people living under unsatisfactory housing conditions; and under-occupying social housing tenants. However, the [revised allocations guidance](#) states:

Landlords can take the needs of other groups into account as well as the reasonable preference groups. For example, they may give

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<sup>12</sup> *The Housing (Scotland) Act 2014 (Commencement No.8, Savings Transitional and Supplemental Provisions) Order 2018*

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a level of priority to those leaving the armed services or to those leaving prison.<sup>13</sup>

Section 5.9 of [Social housing allocations in Scotland: practice guide](#) provides specific information on how authorities should address applications from people leaving the armed forces. It makes clear the fact that ex-service personnel should not be disadvantaged by lack of a local connection with an area due to serving elsewhere.

### 1.3 Wales

The Welsh Government's approach to housing allocations is, like England's, governed by the *Housing Act 1996*. Authorities' allocation schemes must give reasonable preference to the categories of people listed in section 167(2) of the 1996 Act – these largely replicate those listed in section 166A(3) which applies in England. The [Welsh Code of Guidance for Local Authorities on the Allocation of Housing and Homelessness](#) says "it is important that Service Personnel who have been seriously injured or disabled in Service and who have an urgent need for social housing should be given high priority within Local Authorities' allocation schemes in recognition of their service."<sup>14</sup> The Code also advises that authorities should consider giving additional preference to:

- 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.
- people needing accommodation as a result of leaving the Armed Forces and the loss of military accommodation.<sup>15</sup>

In terms of local connection requirements imposed by housing authorities, the Code says "serving members of the Armed Forces, and other persons who normally live with them as part of their household, do establish a local connection with an area by virtue of serving, or having served, there while in the Forces."<sup>16</sup>

The Welsh Government published the [National Housing Pathway for Ex-service Personnel](#) "to provide clarity and support for you and your families in order to help you to help yourself. This could be through either home ownership or renting in the private or social sectors."<sup>17</sup>

### 1.4 Northern Ireland

In Northern Ireland the [Housing Selection Scheme](#) operates as a single gateway into social housing let on a permanent basis by the Housing

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<sup>13</sup> Scottish Government, [Social housing allocations in Scotland: practice guide](#), 2019, p38

<sup>14</sup> Welsh Government, [Welsh Code of Guidance for Local Authorities on the Allocation of Housing and Homelessness](#), March 2016, para 3.34

<sup>15</sup> *Ibid.*, para 3.38

<sup>16</sup> *Ibid.*, para 3.41(c)

<sup>17</sup> [National Housing Pathway for Ex-service Personnel](#), updated 2019, p3

Executive or any housing associations. The statutory basis of this scheme is Article 22 of the *Housing (NI) Order 1981*.

The scheme allocates points based on a number of factors including where the applicant is homeless or threatened with homelessness but is not a Full Duty Applicant,<sup>18</sup> points can be awarded in the following circumstances:

...end of Service in Armed Forces, where the Applicant, or member of the Applicant's household, is returning to civilian life or the widow(er) / civil partner of a recently deceased serviceman / woman who is no longer eligible for married or other service quarters and

i) no suitable, alternative, accommodation is currently available to the Applicant; and

ii) the Applicant could not reasonably be expected to seek suitable, alternative, accommodation.<sup>19</sup>

Rule 14 of the Housing Selection Scheme states that an applicant for social housing must have a "substantial connection with Northern Ireland." The Northern Ireland Housing Executive has been instructed "not to interpret the Scheme in a way which is disadvantageous to any 'ex-service applicant'".<sup>20</sup> There is an intention to modify the Housing Selection Scheme to clarify this point when it is next reviewed.<sup>21</sup> [The Armed Forces Covenant Annual Report 2017](#) said:

In September 2017, following extensive research, the NI Department for Communities published proposals to update the Northern Ireland Housing Executive's Housing Selection Scheme. The system for assessing housing need and allocating social homes has been in place, largely unchanged, since 2000. The proposals will be subject to a 12 week consultation period ending in December 2017.<sup>22</sup>

The Northern Ireland Affairs Committee considered the implementation of the Armed Forces Covenant in Northern Ireland over 2013-14.<sup>23</sup> The Committee considered that there were "areas where benefits available to the Armed Forces Community elsewhere in the UK are not available in Northern Ireland, such as increased priority for social housing."<sup>24</sup>

The Committee received evidence both from charities working in the sector and from Rear Admiral Williams, Defence Services Secretary with the MoD, claiming that there was little evidence of a problem in respect to ex-services personnel accessing housing in Northern Ireland:

The representative from ABF, the Soldiers Charity, told us that the Housing Executive in Northern Ireland was extremely responsive at enabling people, whether from the Armed Forces Community or

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<sup>18</sup> A Full Duty Applicant is a person to whom the Executive owes a duty under Article 10(2) of the *Housing NI Order 1988* to "secure that accommodation becomes available for his/her occupation."

<sup>19</sup> NIHE, [Housing Selection Scheme Rules](#), Rule 24.2.e

<sup>20</sup> Northern Ireland Affairs Committee, [Implementation of the Armed Forces Covenant in Northern Ireland](#), HC51, 17 July 2013, para 56

<sup>21</sup> Ibid.

<sup>22</sup> [The Armed Forces Covenant Annual Report 2017](#), p51

<sup>23</sup> [Northern Ireland Affairs Select Committee. First Report of 2013-14, HC 51](#), 17 July 2013

<sup>24</sup> Ibid., para 34

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not, to move into social housing, while in other areas of the UK veterans might be at the top of the waiting list but there was no housing available.<sup>25</sup>

The Northern Ireland Minister of Social Development told the Committee that his intention was to not place service personnel and their families at a disadvantage when having to vacate military-provided housing. The Committee noted the Minister's written submission raised a number of "interesting points" including:

- Homelessness – the Department for Social Development, NI, take the view ex-service applicants who are at risk of homelessness or rough sleeping because of their institutional background are vulnerable persons and should be given priority status.
- Connection with Northern Ireland – the Housing Selection Scheme could be interpreted so as to render applicants for social housing ineligible if they are ex-service personnel from elsewhere in the UK who have been based in Northern Ireland. The Minister has instructed the Housing Executive not to interpret the Scheme in a way which is disadvantageous to any "ex-service applicant", and it will be amended at the next opportunity.
- Priority status – the Department is exploring the possibility of giving some recognition to ex-service applicants in priority for social housing, but the different legal framework makes it unlikely that it would be able to fully reflect the position in Great Britain.<sup>26</sup>

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<sup>25</sup> Ibid., para 54

<sup>26</sup> Ibid., para 56

## 2. Homelessness assistance

### Summary

Both England and Wales have legislated to treat certain ex-service personal as falling into a priority need category for housing in the event of them becoming homeless and applying for help from a local authority. In England this is limited to vulnerable former members of the military, while in Wales assistance will be offered to anyone who has been homeless since leaving the regular armed forces.

Scotland abolished priority need categories with effect from 31 December 2012. Since this time local authorities have had a duty to find permanent accommodation for all applicants who are unintentionally homeless.

Northern Ireland has not extended its priority need categories to encompass additional groups such as homeless vulnerable ex-service personnel.

Early notification of discharge is emphasised as a key feature in attempts to prevent homelessness amongst ex-service personnel.

### 2.1 England

If a former member of the armed forces becomes homeless they may make an application for assistance with housing to a local authority under Part 7 of the *Housing Act 1996* (as amended).

The *Homelessness Reduction Act 2017* (HRA) has, since 3 April 2018, placed a duty on authorities in England to:

- Work to **prevent** homelessness for **all** eligible applicants who are threatened with homelessness, i.e. likely to become homeless within 56 days.
- Work to **relieve** homelessness for **all** eligible applicants who become homeless.

Housing authorities have a duty to provide or secure the provision of advice and information about homelessness and the prevention of homelessness, free of charge. The HRA amended the 1996 Act to provide that advice and information services must be designed to meet the needs of people within the district. The particular needs of several groups must be taken into account, including those of former members of the armed forces.

In addition to direct applications from homeless people/households, authorities may receive notifications from certain public bodies where they believe a service user may be homeless or threatened with homelessness. The public authorities subject to the duty to refer since 1 October 2018 are specified in the [Homelessness \(Review Procedure etc.\) Regulations 2018](#) and include the Secretary of State for Defence. The Secretary of State is subject to the duty to refer in relation to members of the regular forces. The regular forces are the Royal Navy, the Royal Marines, the regular army and the Royal Air Force.

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The consent of the individual is required before a referral to a housing authority can be made. The individual is able identify the authority to which the referral should be made.

The [Guide to the duty to refer](#) (updated September 2018) states that if an individual is discharged from the armed forces and has no accommodation ready for them, then the relevant discharging body should investigate the individual's housing circumstances. Furthermore, the guide states that **all** public bodies should consider ex-military personnel as more at risk of becoming homeless and should ask appropriate questions to be sure of their housing status. If subsequent investigation reveals that an individual is at risk of homelessness, then the duty to refer applies.

Once an authority's prevention and relief duties have been exhausted they only have an absolute duty to secure accommodation for households who are deemed to be unintentionally homeless and in priority need. If an applicant has become homeless unintentionally, the authority must assess whether they, or a member of their household, falls into a 'priority need' category. These categories are set out in section 189 of the 1996 Act and include:

- a. Pregnant women or people with whom she resides or might be reasonably expected to reside; or
- b. People with dependent children who are residing with, or might reasonably be expected to reside with them, for example, because the family is separated solely because of the need for accommodation; or
- c. People who are vulnerable as a result of old age, mental illness or handicap or physical disability or other special reason, or with whom such a person resides or might reasonably be expected to reside; or
- d. People who are homeless or threatened with homelessness as a result of any emergency such as flood, fire or any other disaster; or
- e. All 16 and 17 year olds;
- f. 18-20 year old care leavers;
- g. Vulnerable care leavers;
- h. Vulnerable former members of the armed forces;**<sup>27</sup>
- i. Vulnerable former prisoners; and
- j. People who are vulnerable because they are fleeing violence.

Chapter 24 of the [Homelessness Code of Guidance for Local Authorities](#) contains guidance on providing homelessness services to former members of the armed forces. The chapter includes guidance on how to assess vulnerability for former members of the armed forces:

In considering whether veterans are vulnerable (as set out in paragraph 6.9 above) as a result of their time spent in the forces,

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<sup>27</sup> Emphasis added.

a housing authority may wish to take into account the following factors:

- a. the length of time the applicant spent in the armed forces (although authorities should not assume that vulnerability could not occur as a result of a short period of service);
- b. the type of service the applicant was engaged in (those on active service may find it more difficult to cope with civilian life);
- c. whether the applicant spent any time in a military hospital (this could be an indicator of a serious health problem or of post-traumatic stress);
- d. whether HM Forces' medical and welfare advisers have judged an individual to be particularly vulnerable in their view and have issued a Medical History Release Form giving a summary of the circumstances causing that vulnerability;
- e. the length of time since the applicant left the armed forces, and whether they have been able to obtain and/or maintain accommodation during that time; and,
- f. whether the applicant has any existing support networks, particularly by way of family or friends.<sup>28</sup>

Although an authority might accept an ex-member of the armed forces as homeless and in priority need, they have often referred applicants to another local authority's area if s/he has no local connection in the authority dealing with the application. Amendments to section 199 of the *Housing Act 1996* should have prevented this from happening.

For information on developments in relation to the local connection rules see section 1.1 of this paper.

## 2.2 Scotland

The governing legislation for homelessness in Scotland is the [Housing \(Scotland\) Act 1987](#) (as amended). A major amendment in the [Homelessness etc. \(Scotland\) Act 2003](#) abolished the priority need criteria with effect from 31 December 2012.<sup>29</sup> As a result of the 2003 Act, local authorities in Scotland have a duty to find permanent accommodation for all applicants who are unintentionally homeless.

The [Code of Guidance on Homelessness in Scotland](#) advises that authorities should develop close links with various institutions, including the armed forces<sup>30</sup> and that discharge protocols should be in place.<sup>31</sup>

The Code also contains advice on dealing with ex-service applicants with particular reference to the establishment of a local connection:

Members of the armed forces can establish a local connection through the fact of their service in the area.<sup>32</sup>

Where people leaving the armed forces are in a position where their license to occupy service accommodation is due to expire

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<sup>28</sup> MHCLG, [Homelessness Code of Guidance for Local Authorities](#), chapter 24

<sup>29</sup> [Homelessness \(Abolition of Priority Need Test\) \(Scotland\) Order 2012, SI 2012/330](#)

<sup>30</sup> [Code of Guidance on Homelessness in Scotland](#), para 2.26

<sup>31</sup> *Ibid.*, para 2.27

<sup>32</sup> Changes to the *Housing (Scotland) Act 1987* were introduced (through the 2010 Act) to enable members of the armed forces to establish a local connection through residence or employment in the same way as a civilian.

and they have no other accommodation they should be regarded as being threatened with homelessness. Local authorities should be aware of certificates of cessation of entitlement to occupy service accommodation which may be forwarded by the applicant several months in advance of an individual or family leaving service accommodation, in order to allow early action to be taken to prevent homelessness occurring. However, the absence of such a form should not lead to an assumption that the applicant is not threatened with homelessness or homeless on application to the local authority, and presentation of a certificate is not a condition of receiving assistance (and it is worth noting that someone fleeing domestic abuse will not have a certificate).

Local authorities should also consider forming links with veterans' benevolent and charitable organisations in their area, in order that they are aware of the particular issues facing people who have left the armed forces, and the range of assistance that is available.<sup>33</sup>

[Veterans and the Armed Forces community - support: 2020 report](#) outlines work to address rough sleeping amongst veterans in Scotland.<sup>34</sup>

### 2.3 Wales

Part 2 of the [Housing \(Wales\) Act 2014](#) governs local authorities' duties towards homeless applicants in Wales. Most of the provisions came into force on 27 April 2015.

The 2014 Act introduced a duty on local authorities to provide housing advice and assistance to everyone within their local area, regardless of whether they are homeless or threatened with homelessness.

Local authorities in Wales have a duty to help secure accommodation for all applicants assessed as homeless for a period of 56 days (or fewer if they feel reasonable steps to secure accommodation have been taken). After this period, the local authority only has a continuing duty to secure accommodation for those in priority need who have not become homeless intentionally (where an authority chooses to apply a test of intentionality).

The categories for priority need are listed in section 70 of the 2014 Act and include:

...a person who has served in the regular armed forces of the Crown who has been homeless since leaving those forces (or a person with whom such a person resides or might reasonably be expected to reside)<sup>35</sup>

### 2.4 Northern Ireland

The governing legislation for homelessness in Northern Ireland is the *Housing (Northern Ireland) Order 1988* (as amended). Someone accepted as a Full Duty Applicant under the 1988 Order would then have accommodation allocated through the [Housing Selection Scheme](#).

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<sup>33</sup> [Code of Guidance on Homelessness in Scotland](#), paras 2.56 – 2.58

<sup>34</sup> [Veterans and the Armed Forces community - support: 2020 report](#)

<sup>35</sup> This can be contrasted with the position in England where ex-members of the armed forces will only be in priority need if they are deemed to be vulnerable.

To qualify for assistance in Northern Ireland an applicant must be homeless and in a priority need category. The definition of priority need in Northern Ireland has not been extended, as it has in England and Wales, to encompass additional groups such as vulnerable ex-service personnel. When giving evidence to the Northern Ireland Affairs Committee's inquiry into the implementation of the Armed Forces Covenant over 2013-14, the Minister, Nelson McCausland, said:

...the Department is exploring the possibility of giving some recognition to ex-service applicants in priority for social housing, but the different legal framework makes it unlikely that it would be able to fully reflect the position in Great Britain.<sup>36</sup>

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<sup>36</sup> Northern Ireland Affairs Committee, [Implementation of the Armed Forces Covenant in Northern Ireland](#), HC51, 17 July 2013, para 56

## 3. The MOD Referral Scheme

### Accessing housing association homes

The previous sections deal, in the main, with accessing local authority housing. Of particular note in terms of accessing social housing provided by housing associations is the [MOD Referral Scheme<sup>37</sup>](#) which is coordinated by the JSHAO and available to veterans across the UK.

The MOD Referral Scheme provides for participating eligible personnel to be nominated by the JSHAO for assistance in accessing housing association properties, where such personnel would be unlikely to be afforded a high enough priority to stand a realistic chance of accessing local authority housing (on account of being single or being childless etc.)

Both standard and adapted housing association accommodation is included on the scheme, however applicants are cautioned that the JSHAO itself does not possess any housing stock and the scheme is not a guarantee of securing housing association property. Personnel are advised to apply directly to the local authority and housing associations alongside the scheme.

Guidance on the scheme, including the application form to be completed, can be found at: [MOD Referral Scheme: guidance and application form \(v13 20 September 2019\)](#).

### Eligibility for the MOD Referral Scheme

Open to:

- Armed forces personnel within 6 months of their discharge date, who are currently occupying service accommodation, the Services Cotswold Centre or a hostel
- Service leavers, married or single personnel (single personnel eligible until 6 months post-exit date), or from personnel or separated spouses living in service family accommodation (SFA) until they leave the SFA.
- Those who do not own or part-own property; who are not privately renting and who do not have sufficient capital to buy a property. Pension and expected gratuities are also taken into account.

## 4. Private renting

Both current and ex-service personnel have access to private rented accommodation on the terms agreed with the specific letting agent or landlord.

### 4.1 Tenancy Deposit Loan Scheme

In order to assist with deposit payments, the MOD launched the [Tenancy Deposit Loan Scheme](#) in July 2015. The scheme allows serving service personnel to claim an advance of salary to fund the cost of a private rental deposit, which is subsequently repaid over 12 monthly instalments, directly from salary.<sup>38</sup> On the launch of the scheme, Chief of Defence People, Lieutenant General Andrew Gregory said:

I am delighted that all permanent Service and civilian personnel, including staff in DE&S, are able to apply for this scheme and I am particularly grateful to the Department of Communities and Local Government who originally developed this initiative and then encouraged us to take part.

[...]

The scheme reinforces the Department's Whole Force Approach to all those permanent employees of Defence – military and Civil Service, who collectively deliver our outputs. Moving home can be expensive and can lead to cash flow challenges for individuals and families; the Tenancy Deposit Loan Scheme is designed to alleviate that problem. It will help allow individuals to exercise greater choice in where and how they live their lives, and it complements wider efforts for Service personnel, particularly under the New Employment Model, to modernise their terms and conditions of service.<sup>39</sup>

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<sup>38</sup> Gov.uk, [The Armed Forces Covenant Annual Report 2015](#), December 2015

<sup>39</sup> Gov.uk, [Help to secure a rental home: the MOD Tenancy Deposit Loan Scheme](#), 27 July 2015

## 5. Adapted housing

Mandatory disabled facilities grants (DFGs) are available from local authorities in England and Wales and the Housing Executive in Northern Ireland, subject to a means test, for essential adaptations to give disabled people better freedom of movement into and around their homes, and to give access to essential facilities within the home.<sup>40</sup>

The means test for DFGs has been amended so that Armed Forces Compensation Scheme (AFCS) and War Pension Scheme (WPS) payments for the most seriously disabled service personnel are **disregarded** for the purposes of assessing eligibility. The Welsh Government introduced amendments to the Housing Renewal Regulations in May 2009 which mean:

...where a member of the Armed Forces receives specified retired pay or a pension under the Naval, Military and Air Forces etc (Disablement and Death) Service Pensions Order 2006 and constant attendance allowance, the amounts so received are disregarded in the determination of income other than earnings in the means-test for DFGs.<sup>41</sup>

In Scotland, the *Housing (Scotland) Act 2006* (Part 2) and associated regulations provide that a local authority's scheme of assistance must provide a grant towards home adaptations deemed 'essential' for the needs of a disabled person. This must cover 80% of the costs at a minimum, but for those in receipt of certain benefits, the grant must cover the whole cost. Local authorities have discretion to provide further assistance. The 2013 version of the [Scottish Housing Guide for people leaving the armed forces and ex-service personnel](#) described what this might mean for veterans:

The type of support you can get depends on your circumstances. However, whether you rent or own your own property, you should get in touch with your local council's social-work department. They will be able to tell you about how to have your needs assessed. If you rent from a council or housing association they will usually pay for any agreed essential or high priority adaptations. If you rent privately or own your own property, you may be able to get help to pay for any adaptations. You can get more information from your council.

The Scottish veterans portal on [mygov.scot](http://mygov.scot) advises:

If you have a disability and you need help to find housing that meets your needs, there are organisations that can help.

[Military Matters](#) provides support and advice to service men and women, veterans and their families. They support people with any disability (a mental health problem, a learning disability or a physical disability) to solve housing problems.

Care equipment for your home

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<sup>40</sup> See: [Disabled Facilities Grants - GOV.UK \(www.gov.uk\)](#); [Getting adaptations - Shelter Cymru](#); [Disabled Facilities Grants | nidirect](#).

<sup>41</sup> [Welsh Government Package of Support for the Armed Forces Community in Wales](#), 2011, para 7.2

If you need [adaptations to your home](#) you should get in touch with your local council.

You can also get general information on services for disabled people from [Disability Information Scotland](#).

## 6. Home ownership

### 6.1 England

On 9 March 2021 the Housing Minister, Christopher Pincher, responded to a PQ on equitable access to housing for veterans. On home ownership he said:

We have also ensured that members of the Armed Forces have priority for government-funded shared ownership schemes. Service personnel retain their priority status for up to 24 months after service. If they die while in service, their priority can be transferred to their bereaved spouse or civil partner.<sup>42</sup>

There are a variety of low-cost home ownership schemes that service and ex-service personnel can apply for. The details of these schemes can be found on the [Gov.UK](#) website. The main schemes are:

- **Help to Buy – Equity Loan Scheme 2021-23:** [Help to Buy: Equity Loan homebuyers' guide - GOV.UK \(www.gov.uk\)](#). For serving personnel (generally limited to those who have served a pre-requisite length of service; have more than six months left to serve at the time of applying and who meet the stipulated medical categories), there is the [Forces Help to Buy](#) scheme. This is a £200 million scheme which allows “servicemen and servicewomen to borrow up to 50% of their salary, interest free, [capped at £25,000] to buy their first home or move to another property on assignment or as their family needs change.”<sup>43</sup> Repayments are made directly from the buyer’s salary over a ten-year period.<sup>44</sup> The pilot scheme was set to run for three years (until the end of the 2016/17 financial year) but has been extended to 31 December 2022.
- **Shared ownership:** Military personnel have priority over other groups.<sup>45</sup> Priority status can also be transferred to bereaved spouses and civil partners of service personnel.<sup>46</sup> Under shared ownership the buyer purchases a share of their home (traditionally between 25% and 75% but the Government is reducing the minimum share to 10%),<sup>47</sup> either with savings or a shared ownership mortgage, and pays rent on the remainder. They can progressively buy larger shares of the property at market value until they own 100% of the property. There are restrictions on eligibility based on income.

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<sup>42</sup> [PQ165504](#), 9 March 2021

<sup>43</sup> Gov.uk, [Forces Help to Buy: help to get on the property ladder - GOV.UK \(www.gov.uk\)](#), 30 January 2020

<sup>44</sup> Gov.uk, [The Armed Forces Covenant Annual Report 2015](#), December 2015

<sup>45</sup> [Helptobuy.gov.uk](#), [Shared ownership \[accessed on 24 March 2021\]](#)

<sup>46</sup> Gov.uk, [The Armed Forces Covenant Annual Report 2015](#), December 2015

<sup>47</sup> For this and other developments on shared ownership see: [Shared ownership \(England\): the fourth tenure?](#)

## 22 Housing options for serving and ex-military personnel

- **First Homes:** Under this scheme the Government's aim is that homes will be developed for first-time buyers with a 30% discount against market value.<sup>48</sup> For more information see: [First Homes - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/policies/first-homes). On 9 March 2021 the Housing Minister said:

In recognition of the unique nature of service to the Armed Forces, we have arranged that serving members, veterans within 5 years of leaving the services, divorced or separated spouses or civil partners of serving members, or the spouse or civil partner of a deceased member of the Armed Forces (if their death was wholly or partly caused by their service) shall not have to meet any local connection criteria in order to qualify for a First Home. This will give them the opportunity to settle in the community of their choosing

First Homes are the Government's new home ownership scheme, designed to provide a sustained and ongoing supply of new homes sold to first-time buyers with a discount of at least 30% (in some areas, the discount could be as high as 50%). The discount will remain with the property each time it is sold and local authorities can apply additional criteria (such as a local connection test) to target specific groups with housing need.<sup>49</sup>

### 6.2 Scotland

The [Scottish Housing Guide for people leaving the Armed Forces and ex-service personnel](#) (2018) provides the following advice:

There are some initiatives run by the Scottish Government to assist with purchasing a property. The Low-cost Initiative for First Time Buyers (LIFT) brings together several ways to help households access home ownership. These include:

- The Open Market Shared Equity scheme which is available to help first time buyers and priority access groups, such as members of the Armed Forces and veterans who have left the Armed Forces within the past two years, to buy a home that is for sale on the open market. More information can be found at: [www.mygov.scot/open-market-shared-equity-scheme](https://www.mygov.scot/open-market-shared-equity-scheme)
- The New Supply Shared Equity scheme which is available to help first time buyers and priority access groups, such as members of the Armed Forces and veterans who have left the Armed Forces within the past two years to buy a new build home from a Registered Social Landlord. More information can be found at: [www.mygov.scot/new-supply-shared-equity-scheme](https://www.mygov.scot/new-supply-shared-equity-scheme) "

[Mygov.scot](https://www.mygov.scot) brings together information on housing for ex-service personnel in Scotland. Housing Options Scotland (a housing advice charity for disabled people, military veterans, and older people) has a leaflet on [Finding a home when you leave the armed forces in Scotland](#).

### 6.3 Wales

[Help to Buy Wales](#) was launched on 2 January 2014 and continues. The Welsh Government also launched a [HomeBuy Scheme](#) in 2014, in which

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<sup>48</sup>

<sup>49</sup> [PO165504](#), 9 March 2021

housing associations provide equity loans to assist an individual or couple buy a home on the open market. The [Homebuy – Wales Buyer’s Guide](#) explains the eligibility criteria and the type of homes that can be purchased under the scheme. It is worth noting that the scheme is only available where local authorities are financing it. Service personnel and veterans have priority status for the Homebuy scheme in Wales:

Service personnel and veterans have priority status in our Homebuy scheme. This has also been extended to the widows and widowers of personnel who have been killed in Service. The Welsh Government’s forthcoming guidance on Rent First and Homebuy will make clear that these groups should be given priority for Homebuy products where housing problems result from events linked to service.<sup>50</sup>

A similar [Homes Within Reach](#) scheme is operated by a number of housing associations in Wales. This allows a household to get a loan from a housing association for a new-build property. There is no priority for veterans – the scheme operates on a ‘first come, first served’ basis.

The Welsh Government supports other home ownership assistance programmes to which ex-military personnel can apply on the same basis as the rest of the public:

- a [shared ownership scheme](#)
- a [Rent to Own](#) programme in which a household can rent a property at an intermediate rent and accumulate money over 5 years towards a future deposit

The JSHAO an advice leaflet on [Affordable Home Ownership Schemes in Wales](#) for veterans.<sup>51</sup>

## Northern Ireland

Information on low-cost home ownership schemes in Northern Ireland can be found on the [nidirect.gov](#) website. Additional priority for these schemes is not awarded to veterans.

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<sup>50</sup> [Welsh Government Package of Support for the Armed Forces Community](#), 2013, para 2.2

<sup>51</sup> JSHAO, [Affordable Home Ownership Schemes in Wales](#), updated September 2020

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