



Localism Act 2011

2011 CHAPTER 20

PART 7

HOUSING

CHAPTER 1

ALLOCATION AND HOMELESSNESS

Allocation

147 Allocation schemes

- (1) The Housing Act 1996 is amended as follows.
- (2) In section 166 (applications for housing accommodation)—
 - (a) after subsection (1) insert—

“(1A) A local housing authority in England shall secure that an applicant for an allocation of housing accommodation is informed that he has the rights mentioned in section 166A(9).”, and”
 - (b) in subsection (2) after “authority” insert “in Wales”.
- (3) For the heading before section 167 substitute “Allocation schemes”.
- (4) Before section 167 insert—

“166A Allocation in accordance with allocation scheme: England

- (1) Every local housing authority in England must have a scheme (their “allocation scheme”) for determining priorities, and as to the procedure to be followed, in allocating housing accommodation.

Status: This is the original version (as it was originally enacted).

For this purpose “procedure” includes all aspects of the allocation process, including the persons or descriptions of persons by whom decisions are taken.

- (2) The scheme must include a statement of the authority’s policy on offering people who are to be allocated housing accommodation—
 - (a) a choice of housing accommodation; or
 - (b) the opportunity to express preferences about the housing accommodation to be allocated to them.
- (3) As regards priorities, the scheme shall, subject to subsection (4), be framed so as to secure that reasonable preference is given to—
 - (a) people who are homeless (within the meaning of Part 7);
 - (b) people who are owed a duty by any local housing authority under section 190(2), 193(2) or 195(2) (or under section 65(2) or 68(2) of the Housing Act 1985) or who are occupying accommodation secured by any such authority under section 192(3);
 - (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 (including any grounds relating to a disability); and
 - (e) people who need to move to a particular locality in the district of the authority, where failure to meet that need would cause hardship (to themselves or to others).

The scheme may also be framed so as to give additional preference to particular descriptions of people within this subsection (being descriptions of people with urgent housing needs).
- (4) People are to be disregarded for the purposes of subsection (3) if they would not have fallen within paragraph (a) or (b) of that subsection without the local housing authority having had regard to a restricted person (within the meaning of Part 7).
- (5) The scheme may contain provision for determining priorities in allocating housing accommodation to people within subsection (3); and the factors which the scheme may allow to be taken into account include—
 - (a) the financial resources available to a person to meet his housing costs;
 - (b) any behaviour of a person (or of a member of his household) which affects his suitability to be a tenant;
 - (c) any local connection (within the meaning of section 199) which exists between a person and the authority’s district.
- (6) Subject to subsection (3), the scheme may contain provision about the allocation of particular housing accommodation—
 - (a) to a person who makes a specific application for that accommodation;
 - (b) to persons of a particular description (whether or not they are within subsection (3)).
- (7) The Secretary of State may by regulations—
 - (a) specify further descriptions of people to whom preference is to be given as mentioned in subsection (3), or
 - (b) amend or repeal any part of subsection (3).

Status: This is the original version (as it was originally enacted).

- (8) The Secretary of State may by regulations specify factors which a local housing authority in England must not take into account in allocating housing accommodation.
- (9) The scheme must be framed so as to secure that an applicant for an allocation of housing accommodation—
- (a) has the right to request such general information as will enable him to assess—
 - (i) how his application is likely to be treated under the scheme (including in particular whether he is likely to be regarded as a member of a group of people who are to be given preference by virtue of subsection (3)); and
 - (ii) whether housing accommodation appropriate to his needs is likely to be made available to him and, if so, how long it is likely to be before such accommodation becomes available for allocation to him;
 - (b) has the right to request the authority to inform him of any decision about the facts of his case which is likely to be, or has been, taken into account in considering whether to allocate housing accommodation to him; and
 - (c) has the right to request a review of a decision mentioned in paragraph (b), or in section 160ZA(9), and to be informed of the decision on the review and the grounds for it.
- (10) As regards the procedure to be followed, the scheme must be framed in accordance with such principles as the Secretary of State may prescribe by regulations.
- (11) Subject to the above provisions, and to any regulations made under them, the authority may decide on what principles the scheme is to be framed.
- (12) A local housing authority in England must, in preparing or modifying their allocation scheme, have regard to—
- (a) their current homelessness strategy under section 1 of the Homelessness Act 2002,
 - (b) their current tenancy strategy under section 150 of the Localism Act 2011, and
 - (c) in the case of an authority that is a London borough council, the London housing strategy.
- (13) Before adopting an allocation scheme, or making an alteration to their scheme reflecting a major change of policy, a local housing authority in England must—
- (a) send a copy of the draft scheme, or proposed alteration, to every private registered provider of social housing and registered social landlord with which they have nomination arrangements (see section 159(4)), and
 - (b) afford those persons a reasonable opportunity to comment on the proposals.
- (14) A local housing authority in England shall not allocate housing accommodation except in accordance with their allocation scheme.”

Status: This is the original version (as it was originally enacted).

- (5) Section 167 (allocation in accordance with allocation scheme) is amended as follows—
- (a) in the heading after “scheme” insert “: Wales”,
 - (b) in subsection (1) after “authority” insert “in Wales”,
 - (c) in subsection (4) after “authority” insert “in Wales”,
 - (d) in subsection (7) after “authority” insert “in Wales”, and
 - (e) in subsection (8) after “authority” insert “in Wales”.
- (6) In section 172(2) (regulations) before “167(3)” insert “166A(7) or”.
- (7) In section 174 (index of defined expressions: Part VI) in the entry for “allocation scheme” before “167” insert “166A and”.