



## BRIEFING PAPER

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# Housing options for serving and ex-military personnel

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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 [Gov.UK](#) website lists the type of assistance on offer to service personnel who are planning to leave the armed forces and who require housing assistance. The difficulties ex-service personnel can face in accessing suitable housing on discharge are well documented.

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 is reproduced below:

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.

Under section 2 of the [Armed Forces Act 2011](#), the Secretary of State is required to prepare an armed forces covenant report annually; which details progress made in-keeping with the covenant’s requirements. The latest report was published in December 2015: [The Armed Forces Covenant Annual Report 2015](#). 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 [Package of Support for the Armed Forces Community](#) in 2013 while the Scottish Government published [Our Commitments: Scottish Government Support for the Armed Forces Community](#) in 2012. Both documents refer to housing measures – some of which have been superseded by new legislation. In July 2013, the House of Commons Northern Ireland Affairs Committee produced a report that stated that the UK Government must identify any shortfalls in the provision of services to the Armed Forces Community in Northern Ireland and report on how these will be met.

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Even prior to the 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 to ensure that barriers are removed in accessing social housing; and the inclusion of ex-military personnel as a priority category in terms of eligibility for certain low-cost home ownership initiatives.

# 1. Applying on the housing register

## Summary

Ex-service personnel do not automatically attract high 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 told not to interpret the Housing Selection Scheme in a way which is disadvantageous to any ex-service applicant.

## England

Historically, local authorities have not given particular priority to ex-service personnel in their housing allocation policies (aside from seriously injured service personnel). However, in June 2012 the Government revised the [statutory guidance](#) on housing allocations in England – this guidance now emphasises the flexibilities authorities have to prioritise applications from ex-service personnel.<sup>1</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 have strengthened the position of some armed 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

<sup>1</sup> DCLG, [Allocation of accommodation: guidance for local housing authorities in England](#), June 2012

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- 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>2</sup> stated that these people 'should be given 'additional preference' (i.e. high priority for social housing).' The Labour Government made a commitment 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 has been replaced by the new [statutory guidance](#) issued in June 2012.

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* (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. The Minister, Don Foster, said that they "would make a significant difference for service personnel and

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<sup>2</sup> Cm 7424

their families who are in urgent need of social housing.”<sup>3</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>4</sup>

The June 2012 [statutory guidance](#) also 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 in housing need who have served in the Armed Forces are given greater priority for social housing over those who have not; and 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>5</sup>

## The local connection rules in England

On 21 June 2007 the Minister for Housing, Yvette Cooper, announced the Government’s 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

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<sup>3</sup> Fourth Delegated Legislation Committee, 21 November 2012 c4

<sup>4</sup> Ibid.

<sup>5</sup> DCLG, [Allocation of accommodation: guidance for local housing authorities in England](#), June 2012, paras 4.24-25

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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. 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>6</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>7</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, provides 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**

**3.27** Subject to Parliamentary scrutiny, we will regulate to provide that authorities must not disqualify the following applicants on the grounds that they do not have a local connection<sup>8</sup> with the authority's district:

- a) members of the Armed Forces and former Service personnel, where the application is made within five years<sup>9</sup> of discharge
- b) bereaved spouses and civil partners of members of the Armed Forces leaving Services Family

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<sup>6</sup> HC Deb 21 June 2007 c107WS

<sup>7</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>8</sup> As defined by s.199 of the 1996 Act.

<sup>9</sup> 5 years reflects guidelines issued by the local authorities associations which propose a working definition of normal residence for the purposes of establishing a local connection.



- 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

**3.28** 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>10</sup>

## Scotland

The Scottish Government has published a [Scottish Housing Guide for people leaving the armed forces and ex-service personnel](#). 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 housing providers will use your application to decide your level of priority and you will be added to each landlord's housing list.

[...]

Landlords have different ways to decide who gets housed across Scotland. Your priority will be based on your housing need and situation. Generally, the higher your priority, the more likely you are to be offered a home, but this also depends on the needs of other people on the housing list and the size and type of houses that become available. Some landlords will contact you to offer a house, others will advertise their properties (giving you a greater choice about the properties you are considered for). Social landlords must publish their rules on how they let their houses. You should speak with your council or housing association to find out what they do.<sup>11</sup>

The Scottish housing allocation system is in a period of transition. The *Housing (Scotland) Act 2014* will, when the relevant provisions are brought into force, amend and reduce the categories of people to whom authorities will be required to give reasonable preference when allocating social housing. In the meantime, the system is governed by the *Housing (Scotland) Act 1987* (as amended). [Social Housing Allocations: A Practice Guide](#) was published in 2011 – this guide advises:

**You should give ex-service personnel the same priority for housing as those with a similar level of housing need.** You shouldn't impose residential qualifications which put service personnel and/or former spouses/civil partners who have to vacate military-provided housing at a disadvantage compared with other applicants. Where reasonably possible, you should seek to anticipate the needs of ex-service applicants in order to minimise

<sup>10</sup> DCLG, [Allocation of accommodation: guidance for local housing authorities in England](#), June 2012. The guidance was published before the regulations came into force.

<sup>11</sup> Scottish Government, [Scottish Housing Guide for people leaving the armed forces and ex-service personnel](#)

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the number of them who are re-housed through the homeless route. Those personnel returning after several years' absence to an area in which they lived before joining the Forces have a special claim to no less sympathetic consideration than any other application

[...]

Where you use local connection as part of an allocation policy, you will want to make sure it does not disadvantage ex-service personnel. This makes sure that ex-service personnel are not at a disadvantage when applying for social housing due to service time spent out with an area.<sup>12</sup>

The Guide also states that authorities should give special consideration to applications from seriously injured ex-service personnel and other individual cases.<sup>13</sup>

### 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](#) states that "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 states that "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>

### 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>12</sup> Scottish Government, [Social Housing Allocations: A Practice Guide](#), March 2011, section 5.3

<sup>13</sup> Ibid., section 5.3(b)

<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)

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>17</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>18</sup>

The Northern Ireland Affairs Committee considered the implementation of the Armed Forces Covenant in Northern Ireland over 2013-14.<sup>19</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>20</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 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>21</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 that 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

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<sup>17</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>18</sup> NIHE, [Housing Selection Scheme Rules](#), Rule 24.2.e

<sup>19</sup> [Northern Ireland Affairs Select Committee, First Report of 2013-14, HC 51](#), 17 July 2013

<sup>20</sup> *Ibid.*, para 34

<sup>21</sup> *Ibid.*, para 54

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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>22</sup>

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<sup>22</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.

### 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). Authorities must assess whether homeless applicants are unintentionally homeless and in 'priority need.' These 'priority need' 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>23</sup>**
- i. Vulnerable former prisoners; and
- j. People who are vulnerable because they are fleeing violence.

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<sup>23</sup> Emphasis added.

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Categories (e)-(j) above were added by *The Homelessness (Priority Need for Accommodation) (England) Order 2002* which came into force on 31 July 2002.

The [Homelessness Code of Guidance for Local Authorities](#) (2006) emphasises the need to give local authorities early notification of impending discharge from the armed forces:

The Ministry of Defence recognises that housing authorities will need to be satisfied that entitlement to occupy service accommodation will end on a certain date, in order to determine whether applicants who are service personnel and who are approaching their date of discharge may be homeless or threatened with homelessness. For this purpose, the MOD issues a *Certificate of Cessation of Entitlement to Occupy Service Living Accommodation* six months before discharge. These certificates indicate the date on which entitlement to occupy service accommodation ends, and the Secretary of State considers that housing authorities should not insist upon a court order for possession to establish that entitlement to occupy has ended. Authorities should take advantage of the six-month period of notice of discharge to ensure that service personnel receive timely and comprehensive advice on the housing options available to them when they leave the armed forces.<sup>24</sup>

In [The Nation's Commitment: Cross Government Support to our Armed Forces, their Families and Veterans](#)<sup>25</sup> the Labour Government acknowledged that, despite this statutory guidance, some authorities still insisted on the MOD obtaining a possession order before providing housing assistance. The Government said it would:

...establish the extent of the problem and take further steps as necessary to ensure that local authorities do not insist on a possession order where a Certificate of Cessation has been issued. Scottish Ministers and the Welsh Assembly Government have endorsed this approach.<sup>26</sup>

In [The Armed Forces Covenant Interim Annual Report](#) (December 2011) the Government advised that DCLG and the MOD in England had been working with local authorities to ensure:

...the Cessation to Occupy Certificate is recognised by all Local Authorities as formal notice of impending homelessness. A letter was sent to all Local Authorities in early July 2011, reminding them to have regard to statutory guidance in respect of Cessation to Occupy Certificates when Service-leavers are threatened with homelessness.

The Code of Guidance also provides information on assessing the vulnerability of ex-members of the armed forces who are homeless:

A person who is vulnerable as a result of having been a member of Her Majesty's regular armed forces has a priority need for accommodation. Former members of the armed forces will include a person who was previously a member of the regular naval, military or air forces, including a person who has been

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<sup>24</sup> CLG, July 2006, para 8.33

<sup>25</sup> Cm 7424

<sup>26</sup> *Ibid.*, para 2.20

released following detention in a military corrective training centre.

...Some people, who have served in the armed forces for a long period, and those who are medically discharged, may be offered assistance with resettlement by Ministry of Defence (MOD) resettlement staff. The MOD issues a *Certificate of Cessation of Entitlement to Occupy Service Living Accommodation* six months before discharge. Applications from former members of the armed forces will need to be considered carefully to assess whether the applicant is vulnerable as a result of having served in the armed forces.

In considering whether former members of the armed forces are vulnerable as a result of their time spent in the forces, 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 (F Med 133) giving a summary of the circumstances causing that vulnerability;
- e) the length of time since the applicant left the armed forces, and whether he or she had been able to obtain and/or maintain accommodation during that time;
- f) whether the applicant has any existing support networks, particularly by way of family or friends.<sup>27</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.

## 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>28</sup> As a result of the

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<sup>27</sup> DCLG, Homelessness Code of Guidance for Local Authorities, July 2006, paras 10.21-23

<sup>28</sup> [Homelessness \(Abolition of Priority Need Test\) \(Scotland\) Order 2012, SI 2012/330](#)

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](#) contains advice on dealing with ex-service applicants with particular reference to the establishment of a local connection:

While members of the armed forces may not establish a local connection through the fact of their service in the area, the household may establish a local connection in other ways - for example their children may be at school there. In other cases the most sustainable solution may be for a person who has served in the armed forces to return to an area where they lived previously, even if this was some years ago. Therefore, applications for housing from those serving with the armed forces who are due for discharge, or from former wives of service personnel who are required to vacate married quarters, should be treated sympathetically, even if they have not established a local connection, in line with the guidance contained in Circular, Env 26/1993 - Housing for People Leaving the armed forces.

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

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. Such issues may include illness as a result of serving in the forces, and subsequent vulnerability.<sup>29</sup>

### Wales

Part 2 of the [Housing \(Wales\) Act 2014](#), which obtained Royal Assent in September 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 or not 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

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<sup>29</sup> [Code of Guidance on Homelessness in Scotland](#), 2005, paras 2.49-51



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>30</sup>

## 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](#).

In order 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.

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<sup>30</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.

## 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](#), which is coordinated by the JSHAO.

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 likely not 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 no 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 \(v9 dated 21 Jan 2015\)](#)

### 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>31</sup> Speaking 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>32</sup>

The organisation [Naval Families Federation](#) expanded on the key guidance for prospective applicants:

- You must live in the property you receive the advance for. The scheme is available for rental properties in all UK locations.
- It is your responsibility to make sure the advance is affordable and that you take into account other advances you might be paying as well as your living costs. As is the case with other advances, it is important to be aware that there may be potential tax implications in using this scheme, depending on your individual circumstances. This scheme is not available to Service personnel already in receipt of Forces Help to Buy (FHTB) or Long Service Advance or Pay (LSAP).
- The advance is paid back out of your salary each month and must be repaid over no more than 12 months or prior to the end of your employment contract or last day of Service.

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<sup>31</sup> Gov.uk, [The Armed Forces Covenant Annual Report 2015](#), December 2015

<sup>32</sup> Gov.uk, [Help to secure a rental home: the MOD Tenancy Deposit Loan Scheme](#), 27 July 2015

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- As set out in the Housing Act 2004, your landlord must put your deposit in a government-backed tenancy deposit scheme. You have 45 calendar days to provide your line manager with evidence (usually a certificate) that this has happened. If you fail to secure the property for which you have received your advance, talk to your Line Manager, Commanding Officer or Delegated Authority so they can decide whether it needs to be repaid immediately or whether you can have an extension in order to secure another property. Service personnel serving overseas already qualify for an advance of pay which you may put towards a tenancy deposit if you wish.<sup>33</sup>

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<sup>33</sup> Naval Families Federation, [Tenancy Deposit Loan Scheme](#), 20 July 2015

## 5. Adapted housing

Section 1 of this paper explains that in England, Scotland<sup>34</sup> and Wales, the housing allocation systems provide for additional preference to be given to ex-service personnel who have sustained an injury, medical condition or disability as a result of their service.

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.

[The Nation's Commitment: Cross Government Support to our Armed Forces, their Families and Veterans](#) (July 2008) stated that injured service personnel who bought a home through what was then the Key Worker Living Scheme, may be eligible for a DFG to carry out necessary adaptation work.

The means test for DFGs has been amended so that AFCS and WPS payments for the most seriously disabled service personnel are disregarded for the purposes of assessing eligibility.

The [Scottish Housing Guide for people leaving the armed forces and ex-service personnel](#) advises:

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.

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<sup>34</sup> Until the relevant provisions in the *Housing (Scotland) Act 2014* are brought into force.

## 6. Home ownership

### England

On 20 May 2011 the Housing Minister, Grant Shapps, suggested that all Low-Cost Home Ownership schemes would routinely place members of the Armed Forces at the top of their priority lists and that Government housing agents would be instructed to go out and actively recruit military personnel for these schemes.<sup>35</sup>

In this spirit, the [Armed Forces Home Ownership Scheme](#) (AFHOS) was opened to service personnel with more than four and less than six years' service. It was only available in England. Having now fully utilised its funding, the scheme has closed and is no longer accepting new applications.

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.

For serving personnel (generally limited to those who have served a prerequisite length of service; have more than six months left to serve at the time of applying and who meet the stipulated medical categories), the [Forces Help to Buy](#) scheme exists. 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>36</sup> Repayments are made directly from the buyer's salary over a ten-year period.<sup>37</sup> The pilot scheme is set to run for three years (until the end of the 2016/17 financial year) and "aims to address the low rate of home ownership in the armed forces."<sup>38</sup> According to [the Armed Forces Covenant Annual Report 2015](#), over 5,600 service personnel have benefitted from the scheme, to the value of approximately £85,500,000. The Defence Secretary Michael Fallon set the MOD a target of 10,000 recipients by October 2016.<sup>39</sup>

Both current and ex-service personnel are eligible for the standard Help to Buy schemes available to the general public:

- Help to Buy – Equity Loans (successor of the FirstBuy scheme):** The Government lends up to 20% of the cost of a new-build home, with the buyer providing a 5% cash deposit and taking out a 75% mortgage to cover the remainder (alternative proportions are permitted so long as between 80% and 90% of the value of the property is provided via a minimum 5% deposit and a mortgage). The Government loan is interest free for the first five years of ownership, after which it must be repaid at a fee of 1.75%, rising annually by the increase (if any) in the Retail Price Index (RPI) plus 1%. The equity loan must be repaid by 25 years or at the point of sale if earlier. Voluntary repayments of the Help to

<sup>35</sup> [DCLG Press Notice](#), 20 May 2011

<sup>36</sup> Gov.uk, [Forces Help to Buy: help to get on the property ladder](#), 1 April 2014

<sup>37</sup> Gov.uk, [The Armed Forces Covenant Annual Report 2015](#), December 2015

<sup>38</sup> Gov.uk, [Forces Help to Buy: help to get on the property ladder](#), 1 April 2014

<sup>39</sup> Gov.uk, [The Armed Forces Covenant Annual Report 2015](#), December 2015

Buy assistance can be made at minimum 10% of the market value at the time of repayment. If any amount of the loan is still owed at the point of sale (prior to 25 years); the remainder must be repaid at the total market value (or the actual sale price if higher) at the point of sale – note that this applies both to value rises and drops. More information is available in the following guidance from the Homes & Communities Agency: [Help to Buy Buyers' Guide](#)

- **Help to Buy – Mortgage Guarantee:** The Government offers mortgage lenders the option to purchase a guarantee on mortgages where a buyer has a deposit of between 5% and 20%. On account of this guarantee, lenders are able to offer more attractive mortgage products to buyers with small deposits where usually larger products would be required to qualify. The buyer is still responsible for all mortgage payments, as with any other mortgage, and could have their property repossessed if they fail to keep up payments. The scheme is open until December 2016 and a list of participating lenders can be found here: [lenders in the scheme](#). Contact individual lenders for more information. A general FAQ can be found here: [Mortgage Guarantee FAQ](#).<sup>40</sup>

Alternatively, the Shared Ownership scheme provides military personnel with priority over other groups.<sup>41</sup> Priority status can also be transferred to bereaved spouses and civil partners of service personnel.<sup>42</sup> Details are as follows:

- **Shared Ownership** - The buyer purchases a share of their home (between 25% and 75%), either with savings or a shared ownership mortgage, and pays rent on the remainder. They are able to progressively buy larger shares of the property, at market value at the time of purchase, until they own 100% of the property. From April 2016, anyone in England outside London with a household income of £80,000 or less will be eligible (£90,000 inside London). From this date, only military personnel will be given priority over other groups.

## Scotland

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

Some private house builders offer shared-equity schemes. Shared-equity schemes are a form of low-cost home ownership. They allow you to buy a home in partnership with a private house builder, who gives you an equity loan for part of the purchase price. The Scottish Government also offers support to help first-time buyers get on the property ladder through its Low-cost Initiative for First Time Buyers (LIFT). If you are currently serving, have left the armed forces within the past 24 months or are a partner of a member of the forces who was killed in action up to 24 months ago, you will get priority access to the shared-equity schemes that are a part of LIFT. Under LIFT, your income and finances will be assessed to check you are eligible for help and you can apply to buy either a property on the open market or a new-build property from a housing association or a developer.

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<sup>40</sup> Gov.uk, [Affordable home ownership schemes](#)

<sup>41</sup> Helptobuy.gov.uk, [Shared ownership](#)

<sup>42</sup> Gov.uk, [The Armed Forces Covenant Annual Report 2015](#), December 2015

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You can get more information about these schemes from the Scottish Government's website at [www.scotland.gov.uk/lift](http://www.scotland.gov.uk/lift).

Scotland also offers the MI New Home scheme. This is a private-sector run scheme open to anyone looking to buy a new-build home who is finding it difficult to get a mortgage. More information can be found at <http://minewhome.co.uk/>.

### Wales

[Help to Buy Wales](#) was launched on 2 January 2014. The Welsh Government also launched a [HomeBuy Scheme](#) in 2014. 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>43</sup>

Wales also has a [Rent First scheme](#) which enables people to rent at an intermediate rent with the opportunity to buy the property at a later date.

### Northern Ireland

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

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<sup>43</sup> [Welsh Government Package of Support for the Armed Forces Community](#), 2013, para 2.2



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