

## Social Housing for ex-Service Personnel

### Purpose

This briefing note gives a brief outline of the issues regarding social housing for those recently or awaiting discharge from the Armed Forces, and estranged partners requiring re-housing.

### Priority Need

Priority groups are those who have a priority need for accommodation under homelessness legislation. Under the legislation housing authorities must have a strategy for preventing homelessness and ensuring that accommodation and support are available to anyone in their district who is homeless or at risk of homelessness.

It has recently been accepted that vulnerable Service leavers fall into this category. However, vulnerability is subjective and local authorities are given discretion in their interpretation of this term. Vulnerability could be due to the circumstances under which they were discharged, age, disability, income etc.

Under Section 189(1) of the Housing Act 1996 and the Homelessness (Priority Need for Accommodation) (England) Order 2002:

“a person who is vulnerable as a result of having been a member of Her Majesty’s regular naval, military or air forces...”

are included as a group who have a priority need for accommodation. It should be noted that there are other priority groups under which an ex-Service person could qualify. For example, where a person is suffering from Post-Traumatic Stress Disorder (PTSD), they could qualify under the “mental illness” category.

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## Intentionality

There has also recently been an amendment to the Homelessness Code of Guidance for Local Authorities, which has addressed the issue of intentionality. This is where members of the Armed Forces who had been discharged, and subsequently vacated Married Quarters or other Service housing, were considered to have made them intentionally homeless. If an applicant is considered to have made themselves intentionally homeless the duty required of the local housing authority is significantly reduced.

The current Guidance for local authorities, with regard to ex-Service personnel currently states:

“Where Service personnel are required to vacate service quarters as a result of taking up an option to give notice to leave the Service, and in so doing are acting in compliance with their contractual engagement, the Secretary of State considers that they should not be considered to have become homeless intentionally.”

## Local Connection

When local authorities make a determination for eligibility for social housing, whether or not the person has a “local connection” is normally taken into consideration. Under Section 199(1) of the Housing Act 1996 a person is considered to have a local connection with a district of a local housing authority if he has a connection with it:

- (a) Because he is, or in the past was, normally resident there, and that residence is or was of his own choice;
- (b) Because he is employed there;
- (c) Because of family associations; or
- (d) Because of special circumstances.

One could argue that local connection could be established post discharge under Point (a) above, as individuals who serve in the Armed Forces and choose to remain in the area where they were are currently living are “normally resident there”. However, Point (a) goes on to clarify that the “residence is or was of his own choice”. It is this point of clarification that could cause problems for those in the Armed Forces who, while having some input into where they are based, are not autonomous in this regard.

However, the Housing Act 1996 goes on to remove any doubt, and includes partners of Service people. Section 199(3)(a) states that residence in a district is not of a person’s own choosing if:

“(a) he becomes resident there because he, or a person who might reasonably be expected to reside with him, is serving in the regular Armed Forces of the Crown...”

The Housing Act 1996 is even more restrictive on those wishing to apply for social housing while awaiting discharge and believe that a local connection could be established due to employment in the area; Point (b) above. Section 199(2) states that:

“A person is not employed in a district if he is serving in the regular Armed Forces of the Crown.”

The obvious reason for including this is that the Armed Forces personnel are provided with housing during Service.

However, this issue is problematic for those who are either awaiting medical discharge (i.e. are still employed by the Armed Forces), and are trying to make alternative living arrangements during the process (which can take up to two years), and for those who are or have become medically discharged, and who due to their injury or illness are not able to take up employment in the district post discharge. It should also be noted that even if employment is a viable option, there will more than likely be a period of unemployment.

The legislation in this area seems to ensure that the most vulnerable Service leavers, and estranged partners, are prevented from establishing a local connection. This seems counter productive to including them as a priority group.

## **Legion Actions**

The Legion has raised this issue on several occasions with the Ministry of Defence (MoD), and also specifically with the Joint Service Housing Advice Office (JOHAO). We have been told that while the issue has been discussed with local authority representatives, there remain serious concerns regarding a significant increase in demand on an already stretched housing stock.

## **Contact**

If you require further information on this issue, please contact the Welfare Policy Unit on [welfare-policyunit@britishlegion.org.uk](mailto:welfare-policyunit@britishlegion.org.uk)