

POLICY NOTE

THE HOMELESS PERSONS (UNSUITABLE ACCOMMODATION) (SCOTLAND) (MODIFICATION AND REVOCATION) (CORONAVIRUS) ORDER 2021

SSI 2021/10

The above instrument was made in exercise of the powers conferred by section 29(3) and (4) of the Housing (Scotland) Act 1978(1) and all other powers enabling them to do so. The instrument is subject to negative procedure.

The purpose of this Order is to extend coronavirus related exceptions created via The Homeless Persons (Unsuitable Accommodation) (Scotland) Amendment Order 2020 and the Homeless Persons (Unsuitable Accommodation) (Scotland) Amendment (Coronavirus) Order 2020, for a further 5 months, given the ongoing impact and repercussions to the housing and homelessness system of the pandemic.

Policy Objectives

1. The Homeless Persons (Unsuitable Accommodation) (Scotland) Amendment Order 2020/139 was laid on 5 May 2020 and came into immediate effect. This legislation included temporary exceptions to allow local authorities to use certain type of temporary accommodation in response to the coronavirus epidemic. The temporary exceptions expired on 30 September 2020.
2. On 1 September 2020, SSI 2020/268 was laid which extended the temporary exceptions of the SSI 2020/139 in response to the continuing coronavirus pandemic. This means that temporary exceptions of the Homeless Persons (Unsuitable Accommodation) (Scotland) Amendment Order 2020 due to expire on 30 September 2020 have been extended for a further 4 months until 31 January 2021.
3. As the coronavirus pandemic continues, and now that Ministers have proposed extension of the two Scottish Coronavirus Acts in response to the ongoing impact and effects to the housing and homelessness system, it has been decided to extend the temporary exceptions of the Homeless Persons (Unsuitable Accommodation) (Scotland) Amendment Order 2020/268 for at least a further 5 months.
4. Extending the temporary exceptions of the 2020/268 Order until 30 June 2021 will allow LA's to continue to use certain types of temporary accommodation to ensure that homeless households are allowed access to physical distance and self-isolate where this is required to the continuing coronavirus pandemic. As well as to permit local authorities to place households in accommodation that would otherwise be deemed as unsuitable where there was a lack of availability of suitable temporary accommodation or settled accommodation, as a result of the indirect impacts of Covid-19 on accommodation supply in the area.
5. The changes in legislation will affect local authorities and people experiencing homelessness and the amendment contributes to the following outcomes within the National

Performance Framework which are fundamental to the ambition to end homelessness in Scotland:

- We respect, protect and fulfil human rights and live free from discrimination.
- We tackle poverty by sharing opportunities, wealth and power more equality.
- We live in communities that are inclusive, empowered, resilient and safe.
- We grow up loved, safe and respected so we can realise our full potential.
- We are well educated, skilled and able to contribute to society

6. This Order comes into force on 31 January 2021.

Background

7. Responding to the Coronavirus emergency has meant that services have had to adjust and adapt and hundreds of people previously sleeping rough or in unsuitable Bed and Breakfast accommodation (B&Bs) are now being supported in hotels, short term lets and other forms of temporary accommodation.

8. However, it is necessary to extend the temporary exceptions of the 2020/268 Order to ensure that local authorities can continue to use certain types of accommodation to ensure that homeless households are allowed access to self-isolate or access to physical distancing where this is required because of the continuing coronavirus pandemic.

9. In addition SSI 2020/268 also introduced a modification to the Order as it has been identified that the coronavirus pandemic has had an impact on the move on process for settled accommodation so local authorities are having to place households in accommodation that would normally be classed as unsuitable due to the lack of supply that has occurred because of covid-19.

10. Extension of the coronavirus exceptions of the 2020/268 Order will also allow local authorities more time to accomplish move on for households into settled accommodation, and hopefully as the pandemic decreases and becomes more manageable then local authorities will be in a position to fully deliver their exit plan.

Informal consultation on Unsuitable Accommodation Order

11. A local authority working group has been overseeing the development of guidance to support the implementation of the original 2020/139 Order and the subsequent 2020/268 and has been consulted on these changes. The Group have also liaised with a wider group of homelessness stakeholders.

12. Non-statutory guidance has been produced to support this legislation.

Impact Assessments

13. As this is an extension to the original legislation (2020/139) and subsequent legislation (2020/268) the impact assessments previously submitted apply.

Financial Effects

14. A full Business and Regulatory Impact Assessment (BRIA) was completed for the original legislation (2020/139) and still applies to this further extension.

Scottish Government,
Directorate for Housing and Social Justice

January 2021