



Localism Act 2011

2011 CHAPTER 20

PART 7

HOUSING

CHAPTER 1

ALLOCATION AND HOMELESSNESS

Allocation

146 Allocation only to eligible and qualifying persons: England

(1) In the Housing Act 1996 before section 160A insert—

“160ZA Allocation only to eligible and qualifying persons: England

- (1) A local housing authority in England shall not allocate housing accommodation—
 - (a) to a person from abroad who is ineligible for an allocation of housing accommodation by virtue of subsection (2) or (4), or
 - (b) to two or more persons jointly if any of them is a person mentioned in paragraph (a).
- (2) A person subject to immigration control within the meaning of the Asylum and Immigration Act 1996 is ineligible for an allocation of housing accommodation by a local housing authority in England unless he is of a class prescribed by regulations made by the Secretary of State.
- (3) No person who is excluded from entitlement to housing benefit by section 115 of the Immigration and Asylum Act 1999 (exclusion from benefits) shall be included in any class prescribed under subsection (2).

Status: This is the original version (as it was originally enacted).

- (4) The Secretary of State may by regulations prescribe other classes of persons from abroad who are ineligible to be allocated housing accommodation by local housing authorities in England.
 - (5) Nothing in subsection (2) or (4) affects the eligibility of a person who falls within section 159(4B).
 - (6) Except as provided by subsection (1), a person may be allocated housing accommodation by a local housing authority in England (whether on his application or otherwise) if that person—
 - (a) is a qualifying person within the meaning of subsection (7), or
 - (b) is one of two or more persons who apply for accommodation jointly, and one or more of the other persons is a qualifying person within the meaning of subsection (7).
 - (7) Subject to subsections (2) and (4) and any regulations under subsection (8), a local housing authority may decide what classes of persons are, or are not, qualifying persons.
 - (8) The Secretary of State may by regulations—
 - (a) prescribe classes of persons who are, or are not, to be treated as qualifying persons by local housing authorities in England, and
 - (b) prescribe criteria that may not be used by local housing authorities in England in deciding what classes of persons are not qualifying persons.
 - (9) If a local housing authority in England decide that an applicant for housing accommodation—
 - (a) is ineligible for an allocation by them by virtue of subsection (2) or (4), or
 - (b) is not a qualifying person,
 they shall notify the applicant of their decision and the grounds for it.
 - (10) That notice shall be given in writing and, if not received by the applicant, shall be treated as having been given if it is made available at the authority's office for a reasonable period for collection by him or on his behalf.
 - (11) A person who is not being treated as a qualifying person may (if he considers that he should be treated as a qualifying person) make a fresh application to the authority for an allocation of housing accommodation by them.”
- (2) Section 160A (allocation only to eligible persons) is amended as follows—
- (a) in the heading after “persons” insert “: Wales”,
 - (b) in subsection (1) after “authority” insert “in Wales”,
 - (c) in subsection (2) after “authority” insert “in Wales”,
 - (d) in subsection (3) after “authority” insert “in Wales”,
 - (e) in subsection (5)—
 - (i) after “authorities” insert “in Wales”,
 - (ii) after “authority” insert “in Wales”,
 - (f) in subsection (6) after “authority” insert “in Wales”,
 - (g) in subsection (7) after “authority” insert “in Wales”,
 - (h) in subsection (9) after “authority” insert “in Wales”, and

- (i) in subsection (11) after “authority” insert “in Wales”.