



Housing (Amendment) Act (Northern Ireland) 2010

2010 CHAPTER 9

An Act to amend the law relating to housing.

[13th April 2010]

BE IT ENACTED by being passed by the Northern Ireland Assembly and assented to by Her Majesty as follows:

Homelessness

Homelessness strategy

1 After Article 6 of the Order of 1988 (becoming homeless intentionally) and before the cross-heading immediately preceding Article 7 insert—

*“Executive to publish homelessness strategy
and provide advice about homelessness*

Duty of Executive to formulate a homelessness strategy

6A.—(1) The Executive may formulate and publish a homelessness strategy.

(2) The Regional Agency and the Regional Board shall give such assistance in connection with the exercise of the power under paragraph (1) as the Executive may reasonably require.

(3) The Executive shall exercise that power so as to ensure that the first homelessness strategy is published within the period of 12 months

beginning with the day on which section 1 of the Housing (Amendment) Act (Northern Ireland) 2010 comes into operation.

(4) The Executive shall exercise that power so as to ensure that a new homelessness strategy is published within the period of 5 years beginning with the day on which its last homelessness strategy was published.

(5) The following shall take the homelessness strategy into account in the exercise of their functions—

- (a) the Executive;
- (b) the Regional Board;
- (c) Health and Social Care trusts;
- (d) education and library boards;
- (e) registered housing associations;
- (f) district councils;
- (g) the Secretary of State (in relation to any function exercisable in connection with prisons in Northern Ireland);
- (h) the Probation Board for Northern Ireland;
- (i) the Department of Education;
- (j) the Department for Employment and Learning;
- (k) the Department of Health, Social Services and Public Safety;
- (l) the Department for Social Development.

(6) Nothing in paragraph (5) affects any duty or requirement arising apart from this Article.

Homelessness strategy

6B.—(1) For the purposes of this Order “homelessness strategy” means a strategy for—

- (a) preventing homelessness in Northern Ireland;
- (b) securing that sufficient accommodation is and will be available for people in Northern Ireland who are or may become homeless;
- (c) securing the satisfactory provision of advice and assistance for people in Northern Ireland—
 - (i) who are or may become homeless; or
 - (ii) who have been homeless and need advice and assistance to prevent them becoming homeless again.

(2) A homelessness strategy may include specific objectives to be pursued, and specific action planned to be taken, in the course of the exercise of—

- (a) the functions of the Executive;
- (b) the functions of the Regional Board; or
- (c) the functions of Health and Social Care trusts.

(3) A homelessness strategy may also include provision relating to specific action which the Executive expects to be taken—

- (a) by any statutory body with functions (not being functions mentioned in paragraph (2)) which are capable of contributing to the achievement of any of the objectives mentioned in paragraph (1); or
- (b) by any voluntary organisation or other person whose activities are capable of contributing to the achievement of any of those objectives.

(4) The inclusion in a homelessness strategy of any provision relating to action mentioned in paragraph (3) requires the approval of the body or person concerned.

(5) In formulating a homelessness strategy the Executive shall consider (among other things) the extent to which any of the objectives mentioned in paragraph (1) can be achieved through action involving two or more of the bodies or other persons mentioned in paragraphs (2) and (3).

(6) The Executive shall keep its homelessness strategy under review and may modify it.

(7) If the Executive modifies its homelessness strategy, it shall publish the modifications or the strategy as modified (as it considers most appropriate).

(8) Before adopting or modifying a homelessness strategy the Executive shall consult such statutory bodies, voluntary organisations or other persons as it considers appropriate.

(9) The Executive shall—

- (a) make a copy of everything published under Article 6A or this Article available at its district offices for inspection at all reasonable hours, without charge, by members of the public; and
- (b) provide (on payment, if required by the Executive, of a reasonable charge) a copy of anything so published to any member of the public who asks for one.

Articles 6A and 6B: interpretation

6C In Articles 6A and 6B—

“the Regional Agency” means the Regional Agency for Public Health and Social Well-being established under section 12 of the Health and Social Care (Reform) Act (Northern Ireland) 2009;

“the Regional Board” means the Regional Health and Social Care Board established under section 7 of that Act;

“registered housing association” means a registered housing association within the meaning of Part 2 of the Housing (Northern Ireland) Order 1992;

“voluntary organisation” means a body which is not a statutory body and whose activities are carried on otherwise than for profit.”

Duty of Executive to provide advice

2 After Article 6C of the Order of 1988 (inserted by section 1) insert—

“Duty of the Executive to provide advice

6D.—(1) The Executive shall secure that advice about homelessness, and the prevention of homelessness, is available free of charge to any person in Northern Ireland.

(2) The Executive may give to any person by whom such advice is provided on behalf of the Executive assistance by way of grant or loan.

(3) The Executive may also assist any such person—

- (a) by permitting him to use premises belonging to the Executive,
- (b) by making available furniture or other goods, whether by way of gift, loan or otherwise, and
- (c) by making available the services of staff employed by the Executive.

(4) In relation to the form and content of advice under paragraph (1) the Executive shall have regard to any guidance issued by the Department.”

Eligibility for housing assistance

3.—(1) Article 7A of the Order of 1988 (persons not eligible for housing assistance) shall be amended as follows.

(2) In paragraph (5) for the words “an applicant” substitute “ a person ”.

(3) At the end add—

“(9) Where the Executive decides that a person—

- (a) is ineligible for assistance under this Part by virtue of paragraph (1) (a) or (b), or

(b) is to be treated as ineligible for assistance under this Part by virtue of paragraph (5),

the Executive shall notify him of the decision and the reasons for that decision.

(10) The notice required to be given to a person under paragraph (9) shall be given in writing and shall, if not received by the person, be treated as given to the person only if it is made available for a reasonable period at the office of the Executive to which the person applied, for collection by or on behalf of the person.”.

Power of the Department to prescribe form of advice and assistance

4.—(1) The Order of 1988 shall be amended as follows.

(2) In Article 10 (duties to persons found to be homeless)—

(a) in paragraph (3)(b) for the words from “furnish” to “circumstances” substitute “ provide the applicant with advice and assistance of such type as may be prescribed by the Department ”;

(b) in paragraph (4) for the words from “furnish” to “circumstances” substitute “ provide the applicant with advice and assistance of such type as may be prescribed by the Department ”;

(c) at the end add—

“(6) In this Article and in Article 11 “prescribed” means prescribed by regulations subject to negative resolution.”.

(3) In Article 11(3) (duties to persons found to be threatened with homelessness) for the words from “furnish” to “circumstances” substitute “ provide the applicant with advice and assistance of such type as may be prescribed by the Department ”.

Reviews of decisions in relation to homelessness

5.—(1) After Article 11 of the Order of 1988 (duties to persons found to be threatened with homelessness) insert—

“Right to request review of decision

Right to request review of decision

11A.—(1) An applicant has the right to request a review of any decision of the Executive—

(a) as to the applicant's eligibility for assistance under this Part;