



Mr Gavin Smart and Co-Signatories
Chief Executive
Chartered Institute of Housing
441 Caledonian Road
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DECS Reference: MIN/0585419/23

23 June 2023

Dear Mr Smart and Co-signatories,

Thank you for your joint letter of 24 May to the Home Secretary and Secretary of State for Levelling Up, Housing and Communities on behalf of interested parties, regarding proposed changes in licencing requirements for Houses in Multiple Occupancy (HMO) properties used to accommodate asylum seekers. I am replying as the Minister for Immigration.

The reform in licencing requirements for HMO properties housing asylum seekers is important to the Government as part of the wider asylum dispersal plans. There are over 56,000 asylum seekers living in contingency accommodation (mainly hotels), and the reform will support the necessary steps being taken to accelerate moving these asylum seekers out of costly hotels into more suitable and cost-effective accommodation.

Asylum Accommodation & Support Contract (AASC) providers have identified licencing requirements for HMO properties as a challenge to swiftly bringing on board such accommodation. The introduction of the licencing exemption would mean that national housing standards apply uniformly to all new asylum accommodation, thus removing barriers to acquiring more sustainable and cost-effective accommodation for housing asylum seekers.

Local authorities will retain powers to enforce Part 1 of the Housing Act 2004, and the Management of Houses in Multiple Occupation (England) Regulations 2006 will also continue to apply to all HMO properties. Existing planning requirements for HMO properties will continue to apply, meaning where an article 4 direction has been introduced in a local authority area, any property which is being converted to an HMO will continue to require planning permission.

I have noted your concerns and will respond to each in turn.

The AASC contracts set out clear minimum standards for all asylum accommodation to ensure compliance with standards similar to those used in local authority licensing. All dispersal accommodation is required to meet the room and space standards in the Housing Act 1985 or Housing Act 2004, as appropriate.

Properties are required to have at least one bathroom and one kitchen per five occupants as well as meeting the statutory space standards, and this will continue in HMO licence-exempt properties. All dispersal accommodation is also required to meet a range of other standards, for example for effective fire safety risk assessments to be carried out and acted upon, and for gas and electrical safety to be properly certified. Home Office officials have worked with the National Fire Chiefs Council to ensure effective arrangements are in place for fire safety standards in HMO properties to be maintained and assured.

Compliance with all requirements will be checked on inspection by the Asylum Support Contract Assurance (ASC-A) team. Inspections will be undertaken by Housing Health & Safety Rating Scheme (HHSRS)-qualified inspectors on all HMO properties that benefit from this exemption at least once during the two-year exemption period. Our service providers are required to visit each property at least monthly, and assurance that requirements are met is tested by our Contract Assurance team which inspects properties and undertakes other assurance activities on an intelligence-led basis.

One of the objectives of Home Office inspections is to check that the providers' own inspection and assurance regimes are operating correctly and consistently. Consistency in Home Office inspections is assured by rigorous internal quality checks, and subject to outside assurance such as inspections by the Independent Chief Inspector of Borders and Immigration.

Additionally, all asylum seekers have access to a 24/7 Advice, Issue Reporting and Eligibility (AIRE) service provided for the Home Office by Migrant Help, where they can raise any concerns regarding accommodation or support services, and they can get information about how to obtain further support. If an asylum seeker reports that a defect has not been fixed within the contractual timescale, this is then raised as a complaint against the AASC provider, to which they have five days to respond. If the asylum seeker remains dissatisfied, this is then escalated to a dedicated Home Office complaints team to adjudicate.

To support housing asylum seekers, recognising the burden local authorities are under, the Government has increased funding to help and encourage councils to make properties available quickly. This year, a one-off payment for each person accommodated from 1 April 2023 has increased from £250 per person to £750 per person. Councils will continue to receive £3,500 quarterly for each new dispersal bed that is made available thereafter during the financial year 2023/2024.

Payment will be made through the same grant agreement process used in 2022/2023. In addition, as part of a four-month pilot, councils will receive a further incentive payment between £2,000 and £3,000 where a bed is made available within an expedited timeframe following identification. This almost doubles existing funding for those local authorities who take on new accommodation and do so quickly. The Home Office will monitor any impact and will be conducting a full burdens assessment, working with the Local Government Association.

Regarding homelessness, the Government will endeavour to mitigate this risk in support of the existing cross-Government commitment to end rough sleeping and to fully enforce the Homelessness Reduction Act.

With regard to Home Office engagement with local authorities, this has significantly increased and improved since the introduction of an engagement strategy. This is designed specifically to ensure that impacts on local services can be raised, discussed, and mitigated through the multi-agency forums. The Full Dispersal team also currently meets with every region at least once a month and with some regions more regularly. These meetings are key to driving delivery of regional dispersal plans.

The Home Office regularly engages with local authority chief executive leads through key strategic fora, including the Asylum, Resettlement Councils Senior Engagement Group (ARCSEG) and the Strategic Oversight Group. At these groups, HMO plans are being discussed alongside wider asylum and resettlement related issues affecting councils across the UK.

The Home Office will also be arranging an open forum for local authorities to attend. This forum will provide local government colleagues with an opportunity to discuss issues of concern with senior Home Office officials. The forum is currently being planned and further details will be communicated to the local authorities in due course.

Through the Strategic Oversight Group, the Home Office is looking to set up a sub-group which will explore the issue of community cohesion with local authorities. This group would complement other work strands that are exploring related regional impacts.

As for asylum seekers' permission to work, those who are admissible to the UK asylum system and have had their asylum claim outstanding for 12-months or more, through no fault of their own, are allowed to work. Those permitted to work are restricted to jobs on the Shortage Occupation List (SOL), which is based on expert advice from the independent Migration Advisory Committee. The list comprises of skilled jobs where there is an identified national shortage which is sensible to fill, at least in part, through immigration. Medically-qualified asylum seekers who have been waiting 12-months or more for a decision on their claim can apply to work for the NHS in the many important medical roles included on the SOL.

We encourage asylum seekers to undertake volunteering activities, so long as it does not amount to unpaid work or job substitution. This means that there are no contractual obligations, the individual is helping a registered voluntary or charitable organisation, and the volunteering undertaken is not a substitute for employment. Volunteering provides a valuable contribution to an asylum seeker's local community and may help them to integrate into society if they ultimately qualify for protection.

I trust that this addresses your concerns and assures you that the introduction of the HMO licensing exemption will not result in the relaxation of housing quality standards.

Yours sincerely,

A handwritten signature in black ink that reads "Robert Jenrick". The signature is written in a cursive style with a horizontal line underneath the name.

Rt Hon Robert Jenrick MP
Minister of State for Immigration