



# What you need to know: Unsuitable Accommodation Order

## Background

An Order to restrict the use of 'unsuitable accommodation' for homeless households was first introduced in [2004](#) before being amended in [2014](#) and [2017](#). The 2017 Order restricted the amount of time that can be spent in unsuitable accommodation to seven days, but only applies to pregnant women and households with children.

The [Homeless Persons \(Unsuitable Accommodation\) \(Scotland\) Amendment Order 2020](#) (the 2020 UAO) was introduced on 5 May 2020 and local authorities must comply by 30 September 2020.

The 2020 UAO includes temporary measures to support people during the Coronavirus (COVID-19) outbreak and some permanent measures that will change the criteria for temporary accommodation, fulfilling a commitment made in the Programme for Government to extend the existing UAO.

This briefing covers the main changes that have been introduced. The Scottish Government is currently developing guidance to provide further clarity for local authorities.

## Permanent changes

The 2017 UAO limited the time that pregnant women and households with children could spend in unsuitable temporary accommodation, such as B&Bs, to seven days. **The 2020 UAO will extend this time limit to all homeless households** unless there are exceptional circumstances.

The 2020 UAO extends the circumstances under which accommodation will be classed as unsuitable to include where:

- It does not meet minimum safety standards;
- It is not within reasonable distance of the household's employment, taking into account public transport; and
- The household has non-resident children and it would be unsuitable for them to visit.

The 2017 UAO allowed the use of local authority owned supported accommodation where services relating to health, welfare and childcare were provided (for example, to support women fleeing violence). The 2020 UAO will add an exception

allowing the use of supported accommodation that is not owned by a local authority as long as it is not being run for profit. This could include charities or third sector accommodation.

The 2020 UAO allows more flexibility in the type of accommodation that can be used to house some people, recognising that the extension of criteria to all homeless households will cover a range of groups who may not have the same needs as those with children. Accommodation types will include:

- **Shared tenancies** - where single homeless households agree to share accommodation while waiting for a permanent tenancy.
- **Community housing** - providing accommodation in a volunteer's home.
- **Rapid access accommodation** - provided for rough sleepers by third sector organisations without having to make an application to a local authority.

The drafting of the 2020 UAO means that where these types of accommodation are being used, requirements under [Article 5 of the 2014 UAO](#) will not apply. This includes criteria relating to the location, personal washing facilities, exclusive use of bedrooms, and the new criteria introduced by the 2020 UAO relating to the ability to travel to work and suitability for visiting children.

We welcome the introduction of some flexibility which will help local authorities meet homelessness duties, but it is also important to ensure that accommodation being provided is of a high standard and is suitable for the household. The supporting guidance being developed by the Scottish Government should include more details of the circumstances under which this type of accommodation can be used.

## Temporary amendment COVID-19

In order to support the public health response to COVID-19 and the work to ensure that people who had been rough sleeping are provided with a safe place to self-isolate, the 2020 UAO includes a temporary amendment to allow the use of hotel and B&B accommodation. This will remain in place until 30 September 2020.



## What does this mean for the housing sector?

Local authorities have already committed to reducing the use of temporary accommodation such as hostels and B&Bs in favour of mainstream accommodation wherever possible, as set out in Rapid Rehousing Transition Plans.

There is significant concern that the short deadline to comply with the 2020 UAO will increase pressure on local authorities already dealing with an increase in demand for temporary accommodation due to COVID-19.

The 2017 UAO reduced the time that households with children could spend in unsuitable temporary accommodation from two weeks to seven days and, as set out in the [Equalities Impact Assessment](#) (EQIA), statistics show that this is likely to have contributed to an increase in breaches of the UAO to 620 in 2018/19, up from 395 the previous year.

It should be noted that breaches of the UAO are not consistent across local authority areas with

[Edinburgh](#) reporting the vast majority of breaches (75 percent) indicating that this is not currently a widespread problem. However, the EQIA also shows that during 2018/19 there were over 6,000 placements in B&B accommodation for longer than seven days which suggests that extending the UAO to all homeless households could potentially increase the number of breaches again.

CIH and the wider housing sector support better standards of temporary accommodation. However, without an adequate supply of affordable housing for people to move into, extending the UAO further will not in itself necessarily lead to better outcomes for homeless households.

While the Scottish Government has pledged to support and work constructively with the sector, it is likely that some local authorities will be in breach of the new criteria from September.