

Chartered Institute of Housing response to the consultation on Supported Housing Regulation

May 2025

Annex – proposed legislative amendments

Proposed amendments are in red.

1. Changes to the Housing Benefit Regulations 2006 (SI 2006/213)

When a maximum rent (LHA) is to be determined

13C.—(1) A relevant authority shall determine a maximum rent (LHA) in accordance with regulation 13D (determination of a maximum rent (LHA)) in any case where paragraphs (2) or (3) apply.

- (2) This paragraph applies where a relevant authority has received—
 - (a) a claim on which a rent allowance may be awarded, where the date of claim falls on or after 7th April 2008;
 - (b) relevant information regarding a claim on which a rent allowance may be awarded, where the date of claim falls on or after 7th April 2008;
 - (c) in relation to an award of housing benefit where the eligible rent was determined without reference to regulation 13A or 13D, a notification of a change of dwelling (as defined in regulation 2) where the change occurs on or after 7th April 2008; or
 - (d) in relation to an award of housing benefit where a maximum rent (LHA) was determined in accordance with regulation 13D—
 - (i) notification of a change of a kind which affects the category of dwelling applicable to the claim;
 - (ii) notification of the death of a linked person, where the notification does not fall within head (i); ...
 - (iii) notification of a change of dwelling or
 - (iv) notification of a change of a kind which affects the amount of the claimant's cap rent as determined in accordance with regulation 13D (determination of a maximum rent (LHA)).
- (3) This paragraph applies on 1st April in any year.
- (4)
- (5) This regulation does not apply in a case where—
 - (a) the landlord is—
 - (i) a registered social landlord,
 - (ii) a non-profit registered provider of social housing, or
 - (iii) in relation to a dwelling which is social housing (within the meaning of sections 68 to 77 of the Housing and Regeneration Act 2008), a profit-making registered provider of social housing;
 - (b) **except where paragraph 5A applies**, paragraph 4(1)(b) of Schedule 3 to the Consequential Provisions Regulations (savings provision) applies;

- (c) the tenancy is an excluded tenancy of a type mentioned in any of paragraphs 4 to 11 of Schedule 2;
 - (d) the claim or award relates to—
 - (i) periodical payments of kind falling within regulation 12(1) (rent) which a person is liable to make in relation to a houseboat, caravan or mobile home which he occupies as his home; or
 - (ii) rent payable in relation to a hostel; or
 - (e) rent under the tenancy is attributable to board and attendance, and—
 - (i) the relevant authority has made an application to the rent officer in accordance with regulation 13D(10) (board and attendance determination), regulation 15 (applications to the rent officer for determinations) or regulation 17 (substitute determinations or substitute redeterminations); and
 - (ii) the rent officer has determined that a substantial part of the rent under the tenancy is fairly attributable to board and attendance and has notified the relevant authority of this in accordance with article 4C, 4D or 4E of the Rent Officers Order.
- (5A) This paragraph applies when the landlord is required to hold a licence or to be registered under a relevant licensing or registration scheme but does not have such a licence or has not been so registered.
- (5B) For the purposes of paragraph 5A a landlord shall be treated as not having a licence where he was granted such a licence, but it has since expired or has been revoked.
- (6) In this regulation—

...

“registered social landlord” has the same meaning as in Part 1 of the Housing Act 1996 or, in Scotland, section 165 of the Housing (Scotland) Act 2010;

“a relevant licensing or registration scheme” means—

- (a) a licence granted under part 2 or part 3 of the Housing Act 2004;
- (b) a licence granted under section 4 of the Supported Housing (Regulatory Oversight) Act 2023;
- (c) a licence granted under section 122 of the Housing (Scotland) Act 1987;
- (d) registration under section 59 of the Public Services Reform (Scotland) Act 2010;
- (e) a licence granted under sections 6, 7, 9 or 11 of the Housing (Wales) Act 2014.

[...]

Manner of calculating the amount of welfare benefits

75C.—(1) When calculating the total amount of welfare benefits, the relevant authority must use the amount of a welfare benefit to which a person is entitled unless paragraph (2), (3) or (4) applies.

- (2) Where the welfare benefit is housing benefit, the relevant authority—
 - (a) **except where paragraph 2A applies**, where the dwelling is accommodation in regulation 75H (specified accommodation), must use the amount of nil; and

- (b) in any other case, must not take account of any reduction under regulation 75D and must use the amount to which the claimant would be entitled by virtue of section 130 of the Act.
- (2A) This paragraph applies when the landlord is required to hold a licence or to be registered under a relevant licensing or registration scheme but does not have such a licence or has not been so registered.
- (2B) For the purposes of paragraph 2A a landlord shall be treated as not having a licence where he was granted such a licence, but it has since expired or has been revoked.
- (3) Where the welfare benefit is an employment and support allowance, the relevant authority must disregard that benefit where a person is disqualified for receiving it by virtue of section 18 of the Welfare Reform Act.
- (4) Where an amount of a welfare benefit other than jobseeker's allowance or employment and support allowance is taken into account as income in accordance with Part 6 (income and capital), or would be so taken into account if the relevant authority were required to calculate the claimant's income, the relevant authority must use that amount.
- (5) The amount of a welfare benefit for the purpose of paragraph (4) includes any amount of that benefit which would have been payable but for any loss of benefit under, or by virtue of, section 6B, 7 or 9 of the Social Security Fraud Act 2001.
- (6) In this regulation, "a relevant licensing or registration scheme" has the meaning given in paragraph (6) of regulation 13C.

- 2. Proposed amendment to [clause 8](#) of the Renters' Rights Bill

8 Challenging amount or increase of rent

- (1) Section 14 of the 1988 Act (determination of rent by tribunal) is amended in accordance with subsections (3) to (9).
- (2) In the title, after "of" insert "open-market".
- (3) Before subsection (1) insert—
 - “(A1) A tenant under an assured tenancy other than a relevant low-cost tenancy may make an application to the appropriate tribunal for the purpose of challenging the rent payable under the tenancy.
 - (A2) **Except where subsection (A4) applies, no** ~~no~~ application may be made under subsection (A1) if—
 - (a) the rent payable under the tenancy is pursuant to a previous determination under this section, or
 - (b) more than six months have elapsed since the beginning of the tenancy.
 - (A3) A tenant under any assured tenancy may make an application to the appropriate tribunal for the purpose of challenging a new rent proposed in a notice under section 13(2) or 13A(2).

(A4) This subsection applies in the circumstances prescribed by regulations made by the Secretary of State under the provisions of paragraph (e) of subsection (1) of section 5 of the Supported Housing (Regulatory Oversight) Act 2023 and paragraph (c) of subsection (5) of that section (provision limiting the rent).”

[...]

3. Further proposed amendments to the Housing Act 2004

79 Licensing of houses to which this Part applies

- (1) This Part provides for houses to be licensed by local housing authorities where—
 - (a) they are houses to which this Part applies (see subsection (2)), and
 - (b) they are required to be licensed under this Part (see section 85(1)).
- (2) This Part applies to a house if—
 - (a) it is in an area that is for the time being designated under section 80 as subject to selective licensing, and
 - (b) the whole of it is occupied either—
 - (i) under a single tenancy or licence that is not an exempt tenancy or licence under subsection (3) or (4), or
 - (ii) under two or more tenancies or licences in respect of different dwellings contained in it, none of which is an exempt tenancy or licence under subsection (3) or (4).
- (3) A tenancy or licence is an exempt tenancy or licence if—
 - ~~(a) it is granted by a non-profit registered provider of social housing,~~
 - (b) it is granted by a ~~profit-making~~ registered provider of social housing in respect of social housing (within the meaning of Part 2 of the Housing and Regeneration Act 2008), or
 - (c) it is granted by a body which is registered as a social landlord under Part 1 of the Housing Act 1996 (c. 52).
- (4) In addition, the appropriate national authority may by order provide for a tenancy or licence to be an exempt tenancy or licence—
 - (a) if it falls within any description of tenancy or licence specified in the order; or
 - (b) in any other circumstances so specified.
- (5) Every local housing authority has the following general duties—
 - (a) to make such arrangements as are necessary to secure the effective implementation in their district of the licensing regime provided for by this Part; and
 - (b) to ensure that all applications for licences and other issues falling to be determined by them under this Part are determined within a reasonable time.

[...]

SCHEDULE 14

BUILDINGS WHICH ARE NOT HMOS FOR PURPOSES OF THIS ACT (EXCLUDING PART 1)

Introduction: buildings (or parts) which are not HMOs for purposes of this Act (excluding Part 1)

- 1
- (1) The following paragraphs list buildings which are not houses in multiple occupation for any purposes of this Act other than those of Part 1.
 - (2) In this Schedule “building” includes a part of a building.

Buildings controlled or managed by public sector bodies etc.

- 2
- (1) The following paragraphs list buildings which are not houses in multiple occupation for any purposes of this Act other than those of Part 1.
 - (a) a local housing authority,
 - ~~(aa) a non-profit registered provider of social housing,~~
 - (b) a body which is registered as a social landlord under Part 1 of the Housing Act 1996 (c. 52),
 - (c) a police and crime commissioner,
 - (d) the Mayor's Office for Policing and Crime,
 - (e) a fire and rescue authority, or
 - (f) a health service body within the meaning of section 9 of the National Health Service Act 2006.
 - (2) In sub-paragraph (1)(e) “fire and rescue authority” means a fire and rescue authority under the Fire and Rescue Services Act 2004 (c. 21).

- 2A
- A building—
- (a) which is social housing within the meaning of Part 2 of the Housing and Regeneration Act 2008, and
 - (b) where the person managing or having control of it is a ~~profit-making~~ registered provider of social housing.

Buildings controlled or managed by a co-operative society

[...]