STATUTORY INSTRUMENTS

2017 No. 91

HOUSING, ENGLAND

The Social Housing Rents (Exceptions and Miscellaneous Provisions) (Amendment) Regulations 2017

Made - - - - 1st February 2017

Laid before Parliament 2nd February 2017
Coming into force in accordance with regulation 1(2) to (4)

The Secretary of State makes the following Regulations in exercise of the powers conferred by sections 24(5) and (6) and 27(1), (3) to (5) and (7) to (12) of, and paragraphs 1(7) and (8) and 5(5) and (6) of Schedule 2 to, the Welfare Reform and Work Act 2016(**1**).

Citation and commencement

1.—(1) These Regulations may be cited as the Social Housing Rents (Exceptions and Miscellaneous Provisions) (Amendment) Regulations 2017.

(2) Subject to paragraphs (3) and (4), these Regulations come into force on 1st March 2017.

(3) Regulations 4 to 7 come into force on 1st April 2017.

(4) Regulation 8 comes into force on 6th April 2017.

Amendments to the Social Housing Rents Regulations

2. The Social Housing Rents (Exceptions and Miscellaneous Provisions) Regulations 2016(**2**) are amended as follows.

Amendments to definitions – intermediate rent accommodation, affordable rent housing

3.—(1) In regulation 2 in the definition of "intermediate rent accommodation enabling programme"—

(a) in paragraph (g) after "within the" insert "Shared Ownership and"; and

(b) after paragraph (h) insert—

(**1**) 2016 c. 7.
(**2**) S.I. 2016/390.

"(i) Mortgage Rescue Scheme within the Affordable Homes Programme 2011 – 2015,

(j) London Living Rent within the Homes for Londoners: Affordable Homes Programme 2016 – 21,

(k) The London Housing Zones programme;".

(2) In regulation 19(6)—

(a) in sub-paragraph (c) after "The" insert "Shared Ownership and"; and

(b) after sub-paragraph (m) insert—

"(n) The Homes for Londoners: Affordable Homes Programme 2016 – 21;

(o) The London Housing Zones programme.".

Amendments to regulations 2, 3 and 4 (domestic violence refuge accommodation etc.)

4.—(1) In regulation 2 after the definition for "co-operative housing association" and "fully mutual housing association" insert—

""domestic violence refuge accommodation" means accommodation in a hostel which is used wholly or mainly for the non-permanent accommodation of persons who have been victims of domestic violence and have left their homes as a result of that violence—

(a) which is usually staffed 24 hours a day by persons whose normal duties include providing support to the residents of the hostel, and

(b) to which access by non-residents is controlled,

and for the purpose of this definition—

(i) "hostel" has the meaning given in section 622 of the Housing Act 1985(**3**),

(ii) "domestic violence" means any incident, or pattern of incidents, of controlling, coercive or threatening behaviour, violence or abuse (whether psychological, physical, sexual, financial or emotional) inflicted on or threatened against a person over the age of 16 by an associated person,

(iii) "coercive behaviour" means an act of assault, humiliation or intimidation or other abuse that is used to harm, punish or frighten the victim,

(iv) "controlling behaviour" means an act designed to make a person subordinate or dependent by isolating them from sources of support, exploiting their resources and capacities for personal gain, depriving them of the means needed for independence, resistance or escape or regulating their everyday behaviour,

(v) "associated" has the same meaning as in Part 4 of the Family Law Act 1996 (see section 62 of that Act);".

(2) In regulation 3—

(a) after sub-paragraph (1)(l) insert—

"(m) domestic violence refuge accommodation;

(n) almshouse accommodation;

(o) accommodation provided by a co-operative housing association or a fully mutual housing association;

(p) accommodation provided by a community land trust."; and

(b) for paragraph (2), substitute—

(**3**) 1985 c. 68. There have been amendments to section 622 which are not relevant.

"(2) Supported housing which is not specialised supported housing or domestic violence refuge accommodation is prescribed under section 24(5) of the Act as a case where section 23 of the Act does not apply during the first relevant year.".

(3) In regulation 4—

(a) in paragraph (c) at the end insert "or domestic violence refuge accommodation"; and

(b) after paragraph (l) insert—

"(m) domestic violence refuge accommodation.".

Amendments to regulation 9

5. For regulation 9(1), substitute—

"**9.**—(1) Subject to paragraph (2), where an exception under regulation 3(1)(m) to (p) or 3(2) applies, section 23 of the Act has effect as if—

(a) in subsection (1) for "at least 1% less" there were substituted "no more";

(b) at the end of subsection (1) there were inserted "adjusted by the specified percentage"; and

(c) after subsection (1) there were inserted—

"(1A) The specified percentage is determined by—

(a) finding the percentage change in the consumer prices index over the specified period, and

(b) adding 1% to that percentage.

(1B) In subsection (1A)—

"consumer prices index" means the general index of consumer prices (for all items) published by the Statistics Board or, if that index is not published for any month, any substituted index or index figures published by that Board; and

"specified period" means the period of 12 months up to and including the September which falls before the 31st March immediately preceding the relevant year.".".

Insertion of regulations 11A and 11B

6. After regulation 11 insert—

"**Domestic violence refuge accommodation – modifications of Part 1 of Schedule 2**

11A.—(1) Subject to paragraph (2), where the exception in regulation 4(m)(**4**) applies, Part 1 of Schedule 2 to the Act has effect with the modifications specified by regulation 11B.

(2) This regulation does not apply if an absolute exception applies.

11B. The modifications to the application of Part 1 of Schedule 2 to the Act mentioned in regulation 11A are as follows—

(a) in paragraph 1(4)(a) for "the rate of formula rent" substitute "110% of the rate of formula rent";

(**4**) Sub-paragraph (m) was inserted by regulation 4(2)(a) of the Social Housing Rents (Exceptions and Miscellaneous Provisions) (Amendment) Regulations 2017.

(b) in paragraph 1(4)(c) for "making a 1% reduction in the rate" substitute "adjusting the rate by the specified percentage";

(c) in paragraph 1(5)(c) for "making a 1% reduction in the rate" substitute "adjusting the rate by the specified percentage";

(d) after paragraph 1(8) insert—

"(9) The specified percentage is determined by—

(a) finding the percentage change in the consumer prices index over the specified period, and

(b) adding 1% to that percentage.

(10) In sub-paragraph (9)—

"consumer prices index" means the general index of consumer prices (for all items) published by the Statistics Board or, if that index is not published for any month, any substituted index or index figures published by that Board; and

"specified period" means the period of 12 months up to and including the September which falls before the 31st March immediately preceding the relevant year.";

(e) after paragraph 3(1) insert—

"(1A) If the tenancy begins before the beginning of the first relevant year, the registered provider must secure that the maximum amount of rent payable to the registered provider by the tenant in respect of the first relevant year is the higher of the amounts described in sub-paragraphs (1B) and (1C).

(1B) The amount found by—

(a) determining the rate of the market rent for that social housing when the tenancy began, and

(b) determining the amount that is the sum of—

(i) 80% of the amount that would be payable in respect of the part of the relevant year that preceded the anniversary of the beginning of the tenancy if that rate had applied during that period, and

(ii) 80% of the amount that would be payable in respect of the part of the relevant year beginning with the anniversary of the beginning of the tenancy if that rate had applied during that period adjusted by the specified percentage.

(1C) The amount that would be payable in respect of that relevant year if the tenant were paying rent at the social rent rate.";

(e) in paragraph 3(2) omit "before or";

(f) in paragraph 3(5) omit from "higher of" to the end and substitute "higher of the amounts described in sub-paragraphs (1B) and (1C).";

(g) in paragraph 3(6) for "sub-paragraph (2)" in each place it occurs substitute "sub-paragraph (1A), (2)";

(h) after paragraph 4(8) insert—

"(9) The specified percentage is determined by—

(a) finding the percentage change in the consumer prices index over the specified period, and