



Social Housing (Regulation) Bill [HL]

HL Bill 21 of 2022–23

Author: Thomas Brown

Date published: 17 June 2022

On 27 June 2022, the House of Lords is scheduled to debate the second reading of the [Social Housing \(Regulation\) Bill \[HL\]](#).

The bill represents part of the government's response to the Grenfell Tower tragedy of June 2017, together with the Fire Safety Act 2021 and the Building Safety Act 2022. It follows a 2018 green paper on social housing and accompanying call for evidence on social housing regulation, and a 2020 social housing white paper. The bill is sponsored by the Department for Levelling Up, Housing and Communities and was trailed in the May 2022 Queen's Speech.

The government has said the bill will aim to facilitate a new, proactive approach to regulating social housing landlords on consumer issues such as safety, transparency and tenant engagement. This includes both private providers of social housing, such as housing associations, and local authorities, which together housed an estimated 4mn households in England in 2020/21.

The bill includes new powers for the [Regulator of Social Housing](#) which are intended to bring parity between how economic and consumer issues are regulated in the sector. In line with this approach, the bill has three core objectives:

- to introduce a new, proactive consumer regulation regime
- to refine the existing economic regulatory regime
- to strengthen the sector regulator to help implement the consumer and economic regimes

Overall, the government says the bill intends to support a new regulatory regime for the social housing sector that aims to drive changes in social landlord behaviour to focus on the needs of tenants.

The Labour Party has welcomed the bill, although it has questioned the time taken between what it describes as a largely uncontroversial piece of legislation being brought forward and the earlier green and white papers being published.

The government has published [explanatory notes](#), a [delegated powers memorandum](#) and an [impact assessment](#) to accompany the bill, alongside a [press release](#) and a '[social housing quality](#)' announcement collection hub.

Table of Contents

1. Background to the bill

2. Overview of the bill's provisions

3. Reaction to the bill

Table of Contents

1. Background to the bill	1
1.1 What is social housing?.....	1
1.2 Why has the government introduced the bill?.....	2
2. Overview of the bill's provisions	7
2.1 Regulator of Social Housing (clauses 1 to 4).....	9
2.2 Registration of providers of social housing (clauses 5 to 8).....	9
2.3 Duties of registered providers (clauses 9 to 10).....	10
2.4 Registered providers (clauses 11 to 16 and schedules 1 to 2).....	10
2.5 Standards (clauses 17 to 21).....	11
2.6 Monitoring and enforcement (clauses 22 and 28 and schedule 3).....	11
2.7 Social housing, appeals, ombudsman scheme and general provisions (clauses 29 to 36 and schedules 4 to 5).....	12
2.8 Financial implications.....	13
3. Reaction to the bill	13

I. Background to the bill

I.1 What is social housing?

Social housing includes housing provided for rent at below-market rates linked to local incomes.¹ It also includes housing that may be purchased through low-cost home ownership schemes such as shared ownership.²

Social housing units may be owned by local authorities or private registered providers of social housing (PRPs).³ Most PRPs are not-for-profit housing associations, but the category also includes cooperatives, charitable trusts and for-profit organisations. PRPs own around 60% of the social housing stock in England, with local authorities owning the remaining 40%.⁴

In 2020/21, the social rented sector provided homes for 4mn households in England.⁵ This represented just over one in six (17%) of all households. Of those renting social homes, an estimated 2.4mn households rented from housing associations and 1.6mn rented from local authorities. This equated to 10% and 7% of all households in England respectively. A further 202,000 households, or just under 1% of the total number, were estimated to be in shared ownership arrangements a year earlier.⁶

For comparison, 4.4mn households, or almost one in five (19%) of all households, lived in private rented accommodation in 2020/21.⁷

In terms of oversight, the Regulator of Social Housing undertakes economic regulation of registered social housing providers. It also sets consumer standards and may “take action if these standards are breached and there is a significant risk of serious detriment to tenants or potential tenants”.⁸ Separately, the Housing Ombudsman Service examines disputes between social housing tenants and registered landlords.⁹

¹ [Explanatory notes](#), p 4; Shelter, ‘[What is social housing?](#)’, accessed 13 June 2022; and Ministry of Housing, Communities and Local Government, ‘[Guidance on rents for social housing](#)’, updated 26 February 2019.

² Regulator of Social Housing, ‘[About us](#)’, accessed 13 June 2022; and House of Commons Library, ‘[Social housing reform in England: What next?](#)’, 25 February 2022, p 5.

³ Regulator of Social Housing, ‘[About us](#)’, accessed 13 June 2022.

⁴ [Explanatory notes](#), p 4.

⁵ Department for Levelling Up, Housing and Communities, ‘[English housing survey 2020 to 2021: Headline report](#)’, 9 December 2021, p 4. The estimates are based on housing survey data corrected to account for tenants who wrongly reported the status of their landlord.

⁶ Ministry of Housing, Communities and Local Government, ‘[English housing survey, 2019 to 2020: Home ownership](#)’, 8 July 2021, p 3.

⁷ Department for Levelling Up, Housing and Communities, ‘[English housing survey 2020 to 2021: Headline report](#)’, 9 December 2021, p 3.

⁸ Regulator of Social Housing, ‘[About us](#)’, accessed 13 June 2022.

⁹ Housing Ombudsman Service, ‘[What we do](#)’, accessed 13 June 2022.

1.2 Why has the government introduced the bill?

‘A new deal for housing’ green paper and call for evidence

The Grenfell Tower tragedy of June 2017, in which 72 people lost their lives in a high-rise fire in west London, focused political attention on social housing and the relationship between tenants and landlords.¹⁰ Over the months that followed, Theresa May’s government engaged in a consultation exercise on social housing in which ministers heard from almost 1,000 social housing residents and a further 7,000 people who contributed views online.¹¹

Following this engagement exercise, in August 2018 the then Ministry of Housing, Communities and Local Government published both a green paper entitled ‘A new deal for social housing’, and a separate call for evidence on the regulatory framework for social housing.¹² The green paper outlined five principles that would “underpin a new, fairer deal for social housing residents”.¹³ Alongside tackling stigma around social homes and building more social housing units, these included that future reforms should help to:

- ensure homes are safe and decent
- improve and speed up how complaints are resolved
- empower residents and strengthen the regulator

Meanwhile the call for evidence said the regulatory review of the social housing sector would have three key objectives.¹⁴ These were listed as:

- rebalancing the relationship between social housing landlords and residents
- ensuring private registered providers of social housing are well governed and financially viable
- making sure the Regulator of Social Housing has effective powers to deliver the first two objectives and that there are clear lines of accountability between the regulator and Parliament

¹⁰ [Explanatory notes](#), p 4; and BBC News, ‘[Grenfell Tower: What happened](#)’, 29 October 2019.

¹¹ Ministry of Housing, Communities and Local Government, ‘[A new deal for social housing](#)’, 14 August 2018, p 10.

¹² Ministry of Housing, Communities and Local Government, ‘[A new deal for social housing](#)’, 14 August 2018; and ‘[Review of social housing regulation: Call for evidence](#)’, 14 August 2018.

¹³ Ministry of Housing, Communities and Local Government, ‘[Social housing green paper: A new deal for social housing](#)’, 14 August 2018; and ‘[A new deal for social housing](#)’, 14 August 2018, Cm 9671, p 10.

¹⁴ Ministry of Housing, Communities and Local Government, ‘[Review of social housing regulation: Call for evidence](#)’, 14 August 2018, p 6.

The consultations ran from August to November 2018. The government published its response to both in November 2020.¹⁵ In summary, it said that “concerns were raised about safety and quality, about complaints being handled slowly and poorly, and about tenants feeling that they were not listened to or treated with respect”.¹⁶ On the call for evidence in particular, the government said responses showed “widespread support for the current economic regulatory system”. However, it added that there was also “recognition that there needed to be greater consumer regulation of social housing landlords”.

Social housing white paper

The Conservative Party’s 2019 general election manifesto included a commitment to bring forward a social housing white paper to help “empower tenants”.¹⁷ It added that such a document would set out measures to “provide greater redress, better regulation and improve the quality of social housing”.

Following the 2019 general election, Boris Johnson’s government published its social housing white paper on 17 November 2020.¹⁸ It did so at the same time as publishing its response to the earlier consultation and call for evidence, and launching a new consultation on domestic smoke and carbon monoxide alarms.¹⁹

The white paper set out a new charter for social housing residents in England. This said that that every social housing resident in England should be able to expect to:

- be safe in their home
- know how their landlord is performing
- have their complaints dealt with promptly and fairly
- be treated with respect
- have their voice heard by their landlord
- have a good quality home and neighbourhood to live in
- be supported to take their first step to ownership

¹⁵ Ministry of Housing, Communities and Local Government, [‘A new deal for social housing and call for evidence on social housing regulation: Summary of responses’](#), 17 November 2020.

¹⁶ [Explanatory notes](#), p 4.

¹⁷ Conservative Party, [‘Conservative Party manifesto 2019’](#), November 2019, p 30.

¹⁸ Ministry of Housing, Communities and Local Government, [‘The charter for social housing residents: Social housing white paper’](#), 17 November 2020. See also: [‘Landmark reforms to improve social housing and give residents a greater voice’](#), 17 November 2020.

¹⁹ On the latter, see: Ministry of Housing, Communities and Local Government, [‘Domestic smoke and carbon monoxide alarms’](#), 17 November 2020.

In a press release accompanying the white paper, the government contended that the measures contained in the document would help to:

- **Ensure that homes are safe.** We will reinforce the Regulator of Social Housing’s consumer regulation objective to explicitly include safety and legislate to place an obligation on landlords to identify a nominated person responsible for ensuring compliance with health and safety requirements.
- **Increase transparency** allowing residents greater visibility of how well their landlord is performing and the decisions it is making. We will deliver a set of tenant satisfaction measures for social landlords to report against on issues that matter to tenants.
- **Ensure swift and effective resolution of complaints** by speeding up decisions. We will build on the changes already agreed with the Housing Ombudsman Service to improve its performance and reduce its decision times.
- **Transform social housing regulation** by creating a new, proactive consumer regulation regime for social housing, delivering robust oversight of all social landlords. We will establish a new arm of the Regulator of Social Housing to proactively regulate on consumer standards including quality of homes, repairs, meaningful engagement with tenants and complaints handling.
- **Empower residents** by requiring landlords to improve tenant engagement. We will deliver new opportunities and empowerment programmes for social housing residents, to support them in engaging with and holding their landlords to account.
- **Encourage investment in neighbourhood, place and decency.** We will review the decent homes standard and support the quality of and access to green spaces. We will tackle anti-social behaviour by enabling tenants to know who is responsible for action and who can support and assist them.²⁰

The white paper acknowledged that some of the measures it contained would require primary legislation. The government therefore said it would “legislate as soon as parliamentary time allows” where required.²¹

²⁰ Ministry of Housing, Communities and Local Government, ‘[Landmark reforms to improve social housing and give residents a greater voice](#)’, 17 November 2020.

²¹ Ministry of Housing, Communities and Local Government, ‘[The charter for social housing residents: Social housing white paper](#)’, 17 November 2020, pp 35–6.

Reaction to the white paper

The document was broadly well received by tenants, social landlords and others in the housing sector.²² However, concerns were raised by different stakeholders over timescales, tenants lacking a nationally representative voice and the resource implications for social housing providers arising from the proposed reforms.

For example, several groups expressed concern about the pace of the government's social housing reforms. Grenfell United, which represents the bereaved and survivors of the Grenfell Tower fire, said the journey to justice had been "torturously slow".²³ The Labour Party also termed the white paper "two years late", whilst criticising the government for having been "slow at every turn" in its response to the Grenfell Tower tragedy.²⁴

On giving tenants a voice, tenant organisations welcomed the white paper proposals to improve engagement between landlords and tenants.²⁵ However, they also expressed disappointment the white paper did not refer to the role of tenants' and residents' associations and other tenant-led organisations in giving a voice to tenants. This was despite tenants no longer having a national representative body akin to the National Housing Federation, which represents the interests of housing associations.

On resource implications, some social housing providers noted that certain proposals may have administrative resource implications.²⁶ This was the case for both private providers and local authorities.

The Regulator of Social Housing welcomed the white paper and said that it looked forward to "working with tenants, landlords and other stakeholders to implement the changes to the consumer regulation framework" suggested in the document.²⁷ Meanwhile the housing and homelessness charity Shelter described the white paper as a "step in the right direction".²⁸

²² House of Commons Library, '[Social housing reform in England: What next?](#)', 15 February 2022, p 24.

²³ House of Commons Library, '[Social housing reform in England: What next?](#)', 15 February 2022, p 24.

²⁴ Labour Party, '[Mike Amesbury responds to the social housing white paper](#)', 17 November 2020.

²⁵ House of Commons Library, '[Social housing reform in England: What next?](#)', 15 February 2022, pp 27–8.

²⁶ House of Commons Library, '[Social housing reform in England: What next?](#)', 15 February 2022, pp 28–9.

²⁷ Regulator of Social Housing, '[Statement on social housing white paper](#)', 17 November 2020.

²⁸ Shelter, '[Social housing tenants charter: A summary of key points](#)', 26 November 2020.

Subsequent developments

In briefing notes published to accompany the May 2021 Queen’s Speech, the government said that it would “look to legislate as soon as practicable” on reforming the regulatory framework for social housing.²⁹ This accompanied an undertaking to separately pursue an ombudsman complaints facilitation measure via the Building Safety Bill, later the Building Safety Act 2022.

The government also confirmed, in its levelling up white paper published in early February 2022, that it would introduce a Social Housing Regulation Bill to deliver on commitments in the social housing white paper.³⁰ Later that month, Secretary of State for Levelling Up, Housing and Communities Michael Gove said in evidence to the House of Commons Levelling Up, Housing and Communities Committee that the government intended to introduce the bill in the 2022–23 session.³¹ A month later, in late March 2022, the government published draft clauses and explanatory notes to “demonstrate [its] progress in creating the legal basis” for regulatory reforms outlined in the earlier white paper.³²

In the May 2022 Queen’s Speech, the government confirmed that it intended to “introduce legislation to improve the regulation of social housing to strengthen the rights of tenants and ensure better quality, safer homes”.³³ In accompanying briefing notes, the government explained that the purpose of the bill would be to “increase social housing tenants’ rights to better homes and enhance their ability to hold their landlords to account, addressing concerns that the Grenfell Tower tragedy raised”.³⁴ It also listed the main elements of the bill as follows:

- Enabling the regulator to intervene with landlords who are performing poorly on consumer issues, such as complaints handling and decency of homes, and to act in the interest of tenants to make sure issues are rectified.
- Enabling the regulator to inspect landlords to make sure they are providing tenants with the quality of accommodation and services that they deserve.

²⁹ HM Government, ‘[Queen’s Speech 2021: Background briefing notes](#)’, 11 May 2021, p 114.

³⁰ Department for Levelling Up, Housing and Communities, ‘[Levelling up the United Kingdom](#)’, 2 February 2022, pp xxvi and 226.

³¹ House of Commons Levelling Up, Housing and Communities Committee, ‘[Oral evidence: Building safety—remediation and funding](#)’, 21 February 2022, HC 1063 of session 2021–22.

³² Department for Levelling Up, Housing and Communities, ‘[Social housing regulation: Draft clauses](#)’, 29 March 2022. See also: Regulator of Social Housing, ‘[Letter to registered providers: Social housing regulation draft clauses](#)’, 7 April 2022.

³³ [HL Hansard, 10 May 2022, col 3](#).

³⁴ HM Government, ‘[Queen’s Speech 2022: Background briefing notes](#)’, 10 May 2022, p 65.

- Creating new tenant satisfaction measures which will allow tenants to see how their landlord is performing compared to other landlords and help the regulator decide where to focus its attention.
- Ensuring tenants of housing associations will be able to request information from their landlord in a similar way to how the Freedom of Information Act [2000] works for tenants of local authority landlords.
- Guaranteeing that the regulator will be able to act more quickly where it has concerns about the decency of a home. They will only be required to give 48 hours' notice to a landlord before a survey is carried out.
- Providing powers for the regulator to arrange emergency repairs of tenants' homes following a survey and where there is evidence of systemic failure by the landlord. This will ensure that serious issues are resolved rapidly where a landlord is unable or unwilling to act.
- Ensuring there will be no cap on the fines that the regulator can issue to a landlord who fails to meet required standards.³⁵

On 8 June 2022, alongside the introduction of the Social Housing (Regulation) Bill [HL] in the House of Lords, the government published a consultation and call for evidence on electrical safety in social housing.³⁶ The consultation will seek views on mandating electrical safety inspection and testing in social homes in line with requirements in the private sector, and on requirements for owner-occupier leasehold properties in social housing blocks. It will close on 31 August 2022.

The government has collated announcements relevant to ambitions set out in the social housing white paper on a 'social housing quality' hub webpage.³⁷

2. Overview of the bill's provisions

The Social Housing (Regulation) Bill [HL] was introduced in the House of Lords on 8 June 2022.³⁸ It was published alongside explanatory notes, a delegated powers memorandum and an impact assessment.³⁹

³⁵ HM Government, '[Queen's Speech 2022: Background briefing notes](#)', 10 May 2022, pp 65–6.

³⁶ Department for Levelling Up, Housing and Communities, '[Electrical safety in social housing: Consultation and call for evidence](#)', 8 June 2022.

³⁷ Department for Levelling Up, Housing and Communities, '[Social housing quality](#)', 29 March 2022. See also: Regulator of Social Housing, '[Reshaping consumer regulation: Our principles and approach](#)', 17 November 2021; and '[Consultation on the introduction of tenant satisfaction measures](#)', 9 December 2021.

³⁸ [HL Hansard, 8 June 2022, col 1156](#).

³⁹ UK Parliament, '[Social Housing \(Regulation\) Bill \[HL\]: Publications](#)', accessed 13 June 2022.

The bill's explanatory notes explain that the bill intends to “reform the regulatory regime to drive significant change in landlord behaviour to focus on the needs of their tenants and ensure landlords are held to account for their performance”.⁴⁰ Overall, the bill has three core objectives:

- to facilitate a new, proactive consumer regulation regime
- to refine the existing economic regulatory regime
- to strengthen the Regulator for Social Housing's powers to enforce the consumer and economic regimes

The notes explain how the provisions seek to effect these changes:

- **Reform the consumer regulatory regime:** the bill will facilitate a new proactive consumer regulatory regime. To achieve this, the government will make safety and transparency explicit parts of the regulator's objectives and give it new powers on transparency and the provision of information. The government will remove the serious detriment test (a legislative barrier to regulator action on consumer issues) and the government will require landlords to nominate a designated person for health and safety issues. The bill also makes provision for the introduction of new requirements for social housing landlords relating to electrical safety checks.
- **Refine the economic regulatory regime:** the bill also seeks to maintain and refine the regulator's current economic regulatory role, ensuring that providers are well governed and financially viable to protect homes and investment in new supply. This will support the existing work of the regulator, creating continued stability and viability in the sector through robust economic regulation. Through these measures the government aims to encourage continued investment in the sector, to support the development of new homes, while protecting tenants from the risks of provider insolvency.
- **Strengthen the regulator's enforcement powers:** the bill will seek to strengthen the regulator by giving it new enforcement powers ensuring it can effectively intervene when required. The measures seek to encourage landlords to maintain standards, to avoid the threat of enforcement action, and ensure that the regulator has the appropriate tools available to deal with non-compliance with the standards.⁴¹

The bill comprises 36 clauses and five schedules, summarised below.⁴²

⁴⁰ [Explanatory notes](#), p 3.

⁴¹ [Explanatory notes](#), p 3.

⁴² See [Explanatory notes](#), pp 6–26, for a detailed overview of the bill's provisions.

2.1 Regulator of Social Housing (clauses 1 to 4)

Clause 1 concerns the Regulator of Social Housing's fundamental objectives.⁴³ It would amend the Housing and Regeneration Act 2008 (HRA 2008), which sets out the regulator's economic and consumer regulation objectives, to add that it must support the provision of housing that is 'safe'. It would also add a new objective for the regulator to require registered providers of social housing to be transparent with their tenants.

Clause 2 would add a new section to the HRA 2008 to require the regulator to set up an advisory panel. The panel would be obliged to include registered providers, local authorities and social housing tenants.

Clause 3 concerns the collection of information. It would amend the HRA 2008 to broaden the existing power for the regulator to require persons to provide documents or information in support of its regulatory functions. It would also make it an offence to knowingly or recklessly provide a document, information or an explanation that was false or misleading.

Clause 4 concerns the relationship between the regulator and a housing ombudsman (in effect the head of the Housing Ombudsman Service).⁴⁴ It would amend both the HRA 2008 and the Housing Act 1996 to require the regulator and housing ombudsman to cooperate in the exercise of their respective functions. The bill's explanatory notes suggest the clause would formalise non-statutory arrangements that are already in place.⁴⁵

2.2 Registration of providers of social housing (clauses 5 to 8)

Clause 5 would amend the HRA 2008 so that eligibility for voluntary registration as a private registered provider of social housing is explicitly limited to entities taking certain corporate forms with a registered office or an address for charity registration purposes in England. This is so the regulatory regime is limited to bodies that can be appropriately regulated.

Clause 6 would enable the regulator to make the registration of social housing providers conditional upon their ability to meet, on registration, regulatory standards.

Clause 7 would amend the HRA 2008 to allow the regulator to appropriately designate an organisation as either profit-making or as a

⁴³ Regulator of Social Housing, '[About us](#)', accessed 13 June 2022. The regulator is an executive non-departmental public body sponsored by the Department for Levelling Up, Housing and Communities.

⁴⁴ See: Housing Ombudsman Service, '[What we do](#)', accessed 13 June 2022.

⁴⁵ [Explanatory notes](#), p 7.

not-for-profit organisation, based on an assessment of its operations.

Clause 8 would amend the HRA 2008 to allow the regulator to deregister a PRP for failing to meet a regulatory standard, further to the power in clause 6 for the regulator to make registration conditional on an organisation's ability to meet regulatory standards.

2.3 Duties of registered providers (clauses 9 to 10)

Clause 9 would require registered providers of social housing to designate, in line with certain criteria, a person to act as a 'health and safety lead'. The person would lead on certain functions relating to the provider's compliance with its health and safety obligations towards tenants, although legal responsibility for ensuring compliance with relevant health and safety obligations would remain with the registered provider.

Clause 10 would amend the Housing and Planning Act 2016 (HPA 2016) so that the secretary of state could, by regulations, extend to social housing landlords certain electrical safety duties that may apply to private landlords.⁴⁶ The government is currently consulting on the duties that should apply.⁴⁷

2.4 Registered providers (clauses 11 to 16 and schedules 1 to 2)

Clause 11 would amend the moratorium process that applies when a registered provider wishes to dispose of land, including provision as to how and when the period commences and ends.

Clause 12 would introduce **schedule 1**, which would make several amendments to apply the housing moratorium and housing administration regimes in relation to PRPs that are limited liability partnerships.

Clause 13 would introduce **schedule 2**, which would amend provisions in the HPA 2016 in relation to the procedures to be followed in the event of an insolvency of a registered provider.

Clause 14 would amend the HRA 2008 to align notification requirements applicable to various restructuring and dissolution events between profit-making and not-for-profit registered providers, so they are the same across the sector.

⁴⁶ For example, those duties set out in the [Electrical Safety Standards in the Private Rented Sector \(England\) Regulations 2020](#).

⁴⁷ Department for Levelling Up, Housing and Communities, '[Electrical safety in social housing: Consultation and call for evidence](#)', 8 June 2022.

Clause 15 would create a new notification requirement applicable to registered providers that are companies and registered societies around the transfer of engagements from a registered society that was not a registered provider.

Clause 16 would add new requirements for registered societies, charities and/or limited liability partnerships that are registered providers to notify the regulator of any constitutional changes and/or changes in registered offices or addresses.

2.5 Standards (clauses 17 to 21)

Clause 17 would allow the regulator to set standards for registered providers on the provision of information and transparency for both tenants and the regulator itself. This could include an ‘access to information scheme’ for tenants and the provision of information on executive remuneration and how a provider’s income is spent.

Clause 18 would allow the regulator to issue a code of practice in relation to its consumer standards, in support of ensuring parity between its economic and consumer regulatory areas of responsibility.

Clause 19 would allow the secretary of state to direct the regulator in relation to information and transparency standards, for example requiring providers to comply with rules about the provision of information to tenants about the management of their housing and around access to information.

Clause 20 would allow the regulator to use its monitoring and enforcement powers in relation to a registered provider’s failure to meet a consumer standard without first applying a ‘serious detriment’ test. This would allow the regulator to intervene on grounds of a breach or potential breach of consumer standards, whether or not this had or could cause serious harm.

Clause 21 would give the regulator a power to direct registered providers to collect, process and publish certain information concerning their performance in relation to standards set by the regulator, for example on tenant satisfaction measures. It would also permit enforcement action for non-compliance with a direction.

2.6 Monitoring and enforcement (clauses 22 and 28 and schedule 3)

Clause 22 would give the regulator the power to arrange for property condition surveys more quickly than at present, by reducing the notice period which must be given, and enabling a warrant to be sought to gain entry in cases where this was reasonably required.

Clause 23 would enable the regulator to require a registered provider to prepare and implement a performance improvement plan where a provider failed to meet certain standards. This would be to improve landlord performance and service delivery for the benefit of tenants ahead of any further enforcement action. Providers would be able to appeal.

Clause 24 would enable the regulator, following completion of a property condition survey, to arrange for an authorised person to take emergency remedial action to remedy imminent serious health and safety risks subject to certain conditions. An authorised person would need to give notice, could apply for a warrant if access was denied and could be accompanied by others. The regulator could reclaim relevant expenses from providers for carrying out emergency remedial action. Providers would be able to appeal.

Clause 25 would repeal provisions which prevent the regulator from exercising various enforcement powers against registered charities who have not received public assistance, for example holding an inquiry or removing or suspending an officer. This would allow the regulator to ensure such charities could be held to account in the same way as other providers.

Clause 26 would introduce a requirement for the regulator to inform the Charity Commission when it exercises certain enforcement powers against registered charities, for example placing a restriction on a charity's financial dealings during an inquiry.

Clause 27 would clarify that the regulator may exercise its powers in relation to premises located on land where there is a crown or duchy interest.

Clause 28 would provide for further amendments to the regulatory and enforcement powers of the Regulator of Social Housing, as set out in **schedule 3**. These concern inspections, inquiry appointments, penalties and the appointment, suspension or removal of officers.

2.7 Social housing, appeals, ombudsman scheme and general provisions (clauses 29 to 36 and schedules 4 to 5)

Clause 29 would clarify that a home would cease to be social housing on the expiry of a lease no matter how the leasehold ends and not just at the end of the term of the lease.

Clause 30 would provide for appeals against deregistration decisions and enforcement action, as set out in **schedule 4**.

Clause 31 would empower the housing ombudsman to issue a code of practice on complaint handling. It would also clarify that the housing ombudsman can issue orders to prevent the recurrence of identified issues

by ordering a scheme member to review its practice and/or policy.

Clause 32 would give effect to **schedule 5**, which contains minor and consequential amendments and transitory provision.

Clause 33 would confer on the secretary of state a power to make consequential provision by regulations subject to either the negative or affirmative procedure, depending on whether they amended provisions in primary legislation.

Clauses 34 to 36 concern territorial extent, commencement and the legislation's short title respectively. Most of the bill's provisions would extend to England and Wales but apply mainly in England only.⁴⁸ However, the government intends to seek a legislative consent motion from Senedd Cymru to ensure regulatory coverage for providers registered in England who may have social housing stock in Wales. Other provisions, relating to insolvency for example, would have UK-wide extent.

2.8 Financial implications

The government notes that most of the measures in the bill “do not have monetisable costs and are aimed at ensuring there is behavioural change in the sector”. However, of the monetisable costs associated with the measures, the government estimates the combined cost for social housing providers to be £173.9mn in 2019 prices over a 10-year period.⁴⁹ The government's impact assessment on the bill breaks this total down to a cost for PRPs of £131.55mn and a cost for local authorities of £42.36mn. It adds:

The largest source of cost is predicted to come from the requirements on providers to perform five-yearly electrical safety checks (£56.04mn for PRPs and £31.37mn for local authorities). Remaining costs are derived from changes required in the implementation of the proactive consumer regulation regime.⁵⁰

3. Reaction to the bill

Speaking during the debate on the Queen's Speech at the beginning of the current parliamentary session, transport minister Baroness Vere of Norbiton outlined what the government was seeking to achieve with the bill.

⁴⁸ [Explanatory notes](#), pp 29–30.

⁴⁹ [Explanatory notes](#), p 27.

⁵⁰ Department for Levelling Up, Housing and Communities, '[Social Housing \(Regulation\) Bill: Impact assessment](#)', 31 May 2022, p 7.

She said:

Social tenants deserve a better settlement, and the government are committed to giving it to them, with an overhaul to tip the balance in their favour. Through the [Social Housing (Regulation) Bill [HL]], we will introduce new, stronger regulations that deliver the kind of consumer regulatory regime which can increase the quality and safety of homes. The bill will also prioritise transparency so that social housing landlords can be properly held to account by the Regulator of Social Housing and by tenants who have, for too long, had their complaints ignored. The [bill] is a key part of our plan to level up housing across the country and deliver for tenants by halving the number of non-decent rented homes by 2030.⁵¹

Speaking for the Labour Party, Baroness Hayman of Ullock, shadow spokesperson on housing matters, offered a cautious welcome to the proposed legislation. She said:

We welcome the announcement of the Social Housing (Regulation) Bill in the Queen’s Speech but will be looking very closely at the detail once it is published to consider whether it will noticeably drive-up standards in social housing, ensure that tenants are really heard and that they finally have a means of redress. We agree with the right reverend prelate the Bishop of Chelmsford, who said that a Social Housing (Regulation) Bill is a step in the right direction but drew attention to the need for significant investment in new social housing and the importance of a comprehensive housing strategy.⁵²

A government press release accompanying the bill’s introduction in the House of Lords cited supportive comments from both Lord Bird (Crossbench), founder of The Big Issue, and Kate Henderson, chief executive of the National Housing Federation.⁵³ Lord Bird was quoted as saying that he was “pleased to hear” the government had committed to legislating to strengthen protections for social tenants. He added that it was “vital for all residents to live in a safe, secure, good quality and affordable home”. Meanwhile Ms Henderson also welcomed the bill. She said:

Having a home that is warm and dry, safe, secure and affordable is the right of every person in this country. For social housing providers this means providing high quality living standards in every home and carrying out repairs on time.

⁵¹ [HL Hansard, 11 May 2022, cols 31–2.](#)

⁵² [HL Hansard, 11 May 2022, col 92.](#)

⁵³ Department for Levelling Up, Housing and Communities, “‘Ofsted-style’ inspections and unlimited fines for failing social landlords”, 8 June 2022. See also: National Housing Federation, ‘[Social Housing \(Regulation\) Bill: Our response](#)’, 8 June 2022.

Ms Henderson noted that government data showed that “on average social homes are better quality than other rented homes”, though she cautioned there had been “instances where social housing tenants have had to live in substandard properties”. She argued this was not acceptable, adding:

We welcome the aims of this bill to give tenants greater powers and improve access to swift and fair redress. Over 200 housing associations have already taken steps to strengthen relationships between residents and landlords by signing up to Together with Tenants, a sector-led initiative which sets new standards for tenant and landlord relationships.

Alongside this, the National Housing Federation and the Chartered Institute of Housing are working together to support housing associations to take collective action on quality issues, details of which will be published imminently.

Meanwhile the housing and homelessness charity Shelter “strongly” welcomed the bill, although it observed the bill did not include several “fundamentals promised by government”.⁵⁴ These were listed as: requiring that the regulator make regular and routine ‘Ofsted-style’ inspections; new consumer standards to cover issues such as estate regeneration or urgent rehousing to escape violence; and requiring qualifications, training and professional development for housing management staff like in other social professions.

During a debate on social housing and building safety held in the House of Commons on 9 June 2022, the day after the bill was introduced in the House of Lords, Secretary of State for Levelling Up, Housing and Communities Michael Gove also spoke about the bill and its aims. Introducing the debate, he said:

Under [the provisions in the bill], we will ensure that tenants know that they will be safe in their home, that they will be able to hold their landlord to account and that complaints will have to be dealt with promptly. They will know that they need to be treated with respect and that those who work in housing, to whom I am enormously grateful, will have the support and the extra professional training that they need to ensure that they work effectively with tenants. We also want to ensure that, in those circumstances—I hope they become progressively rarer—where there are real and genuine problems and an urgent need for action, there are new powers for rapid inspection and for unlimited fines, to ensure that appropriate steps are taken.⁵⁵

⁵⁴ Shelter, ‘[Grenfell five years on: Time to remember, time to deliver](#)’, 10 June 2022.

⁵⁵ [HC Hansard, 9 June 2022, cols 976–7](#).

Speaking on behalf of the Labour Party at the end of the debate, shadow minister Matthew Pennycook said the debate had “highlighted that we are in broad agreement on the objective of driving up standards in what social housing stock remains, and on ensuring that tenants’ concerns are heard and acted upon”.⁵⁶ He said the opposition welcomed the bill, but added a caveat:

However, we regret that what is essentially a narrow and largely uncontroversial piece of legislation took so long to materialise. We will support the measures in the bill, but given the scale of the problem that we know exists, we will press the government to go further in key respects, so that standards in social housing markedly and rapidly improve and tenants are able to seek redress effectively in practice.

Mr Pennycook continued by elaborating on the Labour Party’s concerns:

For example, it is almost certainly the case that the social housing regulator will be unable to act on the volume of individual tenant complaints it will receive, and that it will be inadequately resourced to perform its new inspections role. So why not allow it to retain the proceeds of any fines levied to help fund its work? Why not look to give it more teeth than presently proposed, for example by giving it the power to order compensation to tenants? Why not do more to enable tenants to enforce repairs themselves, so that the regulator is not the sole effective means of redress? And why not allow the resident panel, the establishment of which the government have finally conceded, to be put on a firmer footing, with its agenda and its terms worked up with a direct input from tenants, rather than just by ministers? We will be pressing the government to answer those and other vital questions over the coming months as the bill makes its way through the House, because tenants deserve the most robust piece of legislation that this House can possibly deliver.⁵⁷

In his concluding remarks, Minister for Rough Sleeping and Housing Eddie Hughes said the regulator would be “properly funded to discharge its duties”. He added:

It will be good to work with members from all parties to discuss how we can enhance that bill and where there are opportunities for us to go further. We need to take this opportunity to make sure we get it right and to make long-lasting changes.⁵⁸

⁵⁶ [HC Hansard, 9 June 2022, cols 1005–6.](#)

⁵⁷ [HC Hansard, 9 June 2022, col 1006.](#)

⁵⁸ [HC Hansard, 9 June 2022, cols 1009–13.](#)

About the Library

A full list of Lords Library briefings is available on the [Library's website](#).

The Library publishes briefings for all major items of business debated in the House of Lords. The Library also publishes briefings on the House of Lords itself and other subjects that may be of interest to members.

Library briefings are produced for the benefit of Members of the House of Lords. They provide impartial, authoritative, politically balanced information in support of members' parliamentary duties. They are intended as a general briefing only and should not be relied on as a substitute for specific advice.

Every effort is made to ensure that the information contained in Lords Library briefings is correct at the time of publication. Readers should be aware however that briefings are not necessarily updated or otherwise amended to reflect subsequent changes.

Disclaimer

The House of Lords or the authors(s) shall not be liable for any errors or omissions, or for any loss or damage of any kind arising from its use, and may remove, vary or amend any information at any time without prior notice. The House of Lords accepts no responsibility for any references or links to, or the content of, information maintained by third parties.

This information is provided subject to the conditions of the [Open Parliament Licence](#).

Authors are available to discuss the contents of the briefings with Members of the House of Lords and their staff but cannot advise members of the general public.

Any comments on Library briefings should be sent to the Head of Research Services, House of Lords Library, London SW1A 0PW or emailed to hlresearchservices@parliament.uk.
