



## **Social Housing- Reforms and Strategies**

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## Executive Summary

### About Social Housing

Social housing refers to the rental at below the market rate or the purchase through low-cost home ownership schemes such as shared ownership. It is provided by local authorities and private registered providers, which are primarily housing associations but can include for-profit organisations.

According to a research briefing issued in the House of Commons Library, four million households live today in rented social housing in England, just under a fifth (17%) of all households.

Similarly, social housing associations also manage shared ownership and affordable housing, which enable people to buy a share of a property and pay a subsidised rent on the remaining share.

When developing their schemes, local authorities must also take in account their homelessness tenancy strategies; this involves also having the possibility to prioritise certain categories, rather than other. Usually, persons subject to Immigration Control are not eligible for an allocation of social housing unless they fall within a class of persons prescribed by regulation 3 of the Eligibility Regulations (at risk of homelessness, in need to move on medical ground or because of insanitary housing conditions).

### Social Housing Reforms and Strategies

The Grenfell Tower fire in June 2017 exposed a range of issues with social housing and provided an impetus for change. In November 2020 the Government published a social housing white paper – The Charter for Social Housing Residents. This paper applies to social housing landlords and residents in England and aims to ensure that social housing is safe and transparent, while tenants are empowered and supported in living in decent homes and neighbourhoods.

The paper provides a framework for reform and strategies such as:

#### **The Social Housing (Regulation) Bill**

The aim of the Bill is to ensure more people are living in decent, comfortable homes and to redress the balance between landlord and tenant. In fact, the Regulator of Social Housing will issue unlimited fines, enter properties at short notice and ensure emergency repairs are carried out.

#### **The Housing Ombudsman Scheme**

Another change in the regulation provides a clearer framework for solving disputes between landlords and tenants. Through the Housing Ombudsman Scheme, social landlords, as defined by section 51 (2) of the Act, are required to be members of an approved scheme.

## **Renters Reform Bill**

Together with the Social (Regulation) Bill, the renters' reform white paper will form a key part of the government's mission to level up across the country and deliver on the people's priorities, including delivering more secure, affordable and quality housing to renters. The 'fairer private rented sector' includes plans to abolish Section 21 'no-fault' evictions and introduce a simpler tenancy structure, to apply the Decent Homes Standard to the Private Rental Sector (PRS) for the first time, and to introduce a new Property Portal to help landlords understand their obligations.

## **Affordable Housing**

Affordable housing (AH) is another part of the Levelling Up solution. As per government's definition of AH, this concerns housing for sale or rent for those whose needs are not met by the market. It includes a large range of housing such as: social rents, affordable rent, subsidised home ownership, starter homes, discounted market sale housing, shared ownership.

The Government's subsequent Levelling Up white paper, published on 2 February 2022, set the mission to increase home ownership. The paper also committed to building more 'genuinely affordable' social housing. This will include reviewing how to support Local Authorities to deliver greater numbers of council homes, alongside housing associations.

The Committee of Levelling Up, Housing and Communities is currently exploring new and innovative ways to finance affordable housing delivery, as a main focus for the years to come. Discussions include the need to unlock social housing and to encourage private and pensions' investments, better infrastructure and making use of the public land instead of selling it at Fix Plan.

In front of the biggest cost of living crisis in a generation, and the threat of a rising tide of homelessness, the Levelling Up commits to implement land and planning reforms that would build more, quality social homes for the communities.

## **Concerns**

Leading national networks, such as Shelter, Crisis and HomelessLink, express their concern regarding the impact that reforming the private rented sector can have on reducing homelessness.

Unfortunately, due to little funding directed into social housing, there is a shortage that has forced many low-income people who should benefit from access to the social rented sector, into the private rented sector. This may push thousands of people to accept living under unacceptable circumstances, such as overcrowding or temporary accommodation (including hostels and bed and breakfasts).

Additionally, the escalating cost of living crisis is seeing inflation rising at the fastest rate for 40 years, while recent analysis from property website Rightmove found that rents in the UK are now at record

levels. This puts existing tenants at risk of rent increases and, consequently, to experience evictions and fear to challenge a rent rise. It also puts people at risk of homelessness and living on the streets, because they can't afford the private rental market.

## Recommendations

SJOG supports Government's commitment to regulate quality of homes, repairs, meaningful engagement with tenants and complaints handling.

Yet, in front of the rise in living costs, we are concerned that more and more people, renting from private landlords, will be at risk of eviction and homelessness. We, therefore, advocate for the increase of the Local Housing Allowance (LHA) rate and housing benefits; we also encourage the Government to allocate more of the Homelessness Prevention Grants into projects that aim to create inclusive programmes for successful tenancies.

## Article

### What is Social Housing?

Social housing is housing to rent at below the market rate or to buy through low-cost home ownership schemes such as shared ownership.

According to a research briefing issued in the House of Commons Library, four million households live today in rented social housing in England, just under a fifth (17%) of all households. In 2020/21, 10% (2.4 million) of all households rented from housing associations, and 7% (1.6 million) from local authorities<sup>1</sup>.

Moreover, Social Rent levels are typically set at around 50-60% of market rents. Affordable Rent - set at a maximum of 80% of the local market rent - was introduced by the 2010 Coalition Government. Social housing is provided by local authorities and private registered providers, which are primarily housing associations but can include for-profit organisations.

As per affordable housing, according to estimates from the English Housing Survey, there are approximately 202,000 households living in shared ownership homes in England. Shared ownership enables people to buy a share of a property and pay a subsidised rent on the remaining share. Most shared ownership homes are delivered and managed by housing associations<sup>2</sup>.

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<sup>1</sup> UK Parliament, Allocating Social Housing, February, 2022

<sup>2</sup>GOV.UK, English Housing Survey, January, 2021

## Eligibility

As a rule, persons subject to Immigration Control are not eligible for an allocation of social housing unless they fall within a class of persons prescribed by regulation 3 of the Eligibility Regulations<sup>3</sup>:

- those who are homeless (within the meaning of Part 7 of the 1996 Act);
- those who are owed a duty by any local housing under the Housing Act;
- those occupying insanitary or overcrowded housing or otherwise living in unsatisfactory housing conditions;
- those who need to move on medical or welfare grounds (including any grounds relating to a disability);

EEA citizens, and their family members, who have indefinite leave to enter or remain (also known as settled status) under the EU Settlement Scheme, should also have their rights judged on the basis of the Eligibility Regulations.

Usually, Local Authorities (LA) can set up an allocation scheme, allowing them to give additional preference to particular descriptions of people within these categories (being descriptions of people with urgent housing needs).

In fact, under the Localism Act 2011, LA are empowered to exclude, by class, certain applicants they designate as 'non-qualifying persons'. They should seek to avoid provisions that may be directly or indirectly discriminatory.

When developing their schemes authorities must also take account of:

- their homelessness strategies;
- their tenancy strategies;

Applicants must be notified in writing if an authority decides they are not a qualifying person. And they must be advised of the grounds on which the decision has been reached.

Finally, complaints concerning maladministration may, ultimately, be referred to the Local Government and Social Care Ombudsman.<sup>4</sup>

## Background - The Charter for Social Housing Residents

The Grenfell Tower fire in June 2017 exposed a range of issues with social housing and provided an impetus for change. In August 2018, following extensive engagement and consultation with social housing residents across the country, the Government published a social housing green paper – A

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<sup>3</sup> UK Parliament, Allocating Social Housing, February, 2022

<sup>4</sup> UK Parliament, Allocating Social Housing, February, 2022

new deal for social housing – which aimed to ‘rebalance the relationship between residents and landlords’.

Yet, it was only in November 2020 that the Government published a social housing white paper –The Charter for Social Housing Residents.

The Charter sets out measures designed to deliver on the Government’s commitment to the Grenfell community that ‘never again would the voices of residents go unheard’, to empower residents, to provide greater redress, better regulation, and improve the quality of social housing<sup>5</sup>.

The white paper issued by the Government applies to social housing landlords and residents in England and aims to ensure that social housing is safe and transparent, while tenants are empowered and supported in living in decent homes and neighbourhoods<sup>6</sup>.

It also aims to transform social housing regulation - by establishing a new view on the Regulator of Social Housing, to regulate quality of homes, repairs, meaningful engagement with tenants and complaints handling<sup>7</sup>.

The paper provides a framework for reform, but the detail of many of the proposals requires further development and engagement with the sector. While many strategies are ongoing, some of the regulations emerged are developed in the next chapters.

### **Social Housing (Regulation) Bill**

The Social Housing (Regulation) 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. The bill is sponsored by the Department for Levelling Up, Housing and Communities and was trailed in the May 2022 Queen’s Speech. It received its second reading in the reading in Parliament on 27 June 2022, before going through the committee stage on 6 September.

The aim of the Bill is to ensure more people living in decent, comfortable homes and to redress the balance between landlord and tenant. The Regulator of Social Housing will aim to issue unlimited fines, enter properties at short notice and ensure emergency repairs are carried out<sup>8</sup>.

Provisions in the Bill include<sup>9</sup>:

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<sup>5</sup> UK Parliament, Allocating Social Housing, February, 2022

<sup>6</sup> The Charter for Social Housing –White Paper, January 2021

<sup>7</sup>The Charter for Social Housing –White Paper, January 2021

<sup>8</sup> Northern Housing Consortium, June 2022

<sup>9</sup> UK Parliament, Social Housing Regulation Bill, June 2022

- The Regulator's powers to act will be strengthened and social housing landlords could face unlimited fines for breaches of standards.
- Safety has been added to the Regulator's fundamental objectives.
- The Regulator will be required to set up an advisory panel to include representatives of social housing tenants and social landlords.
- The Regulator will have the power to issue social landlords with 'performance improvements plan notices' if they fail to meet standards.
- Tenants will have access to information scheme similar to Freedom of Information, for better transparency.
- Social landlords will be subject to 'Ofsted-style' inspections.
- The government will 'name and shame' landlords who fall below standards.

As part of the bill, tenants will also have a direct line to government, with a new 250-person residents panel convening every 4 months to share their experiences with ministers, inform policy thinking and help drive change in the sector.

Additionally, the Department for Levelling Up, Housing and Communities (DLUHC) opened a consultation on introducing electrical safety standards to the social housing sector. Proposals include mandatory checks on electrical installations at least every five years for rented and leasehold properties, and mandatory portable appliance testing (PAT) on all electrical appliances that are provided by social landlords.

## **Safety**

On 8 June 2022, alongside the introduction of the Social Housing (Regulation) Bill in the House of Lords, the government published a consultation and call for evidence on electrical safety in social housing. The consultation, which will close on 31 August 2022, will seek views on mandating electrical safety inspection and testing in social homes in line with requirements in the private sector.<sup>10</sup>

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.<sup>11</sup>

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<sup>10</sup> UK Parliament, Social Housing Regulation Bill, 2022

<sup>11</sup> UK Parliament, Social Housing regulation Bill, 2022

## Complaints - the Housing Ombudsman Scheme

Another change in the regulation provides a clearer framework for solving disputes between landlords and tenants. Through the Housing Ombudsman Scheme<sup>12</sup>, social landlords, as defined by section 51 (2) of the Act, are required to be members of an approved scheme.

The purpose of the Housing Ombudsman Scheme is to enable tenants and other individuals to have complaints about members investigated by a Housing Ombudsman. The role of the Ombudsman is to resolve disputes involving members of the Scheme, including making awards of compensation or other remedies when appropriate, as well as to support effective landlord-tenant dispute resolution by others.<sup>13</sup>

## Renters Reform Bill

The Levelling Up White Paper - published earlier this year set out a clear mission to halve the number of poor-quality homes by 2030.

The Paper, *A Fairer Private Rented Sector*, underlines the Government's commitment, through the Renters Reform Bill, to ensure all private landlords adhere to a legally binding standard on decency. The Bill also aims to replace Section 21 'no fault' eviction notices with a modern tenancy system that will benefit renters<sup>14</sup>.

Together with the Social (Regulation) Bill, the renters' reform white paper will form a key part of the government's mission to level up across the country and deliver on the people's priorities, including delivering more secure, affordable and quality housing to renters<sup>15</sup>.

The 'A fairer private rented sector' includes plans to<sup>16</sup>:

- abolish Section 21 'no-fault' evictions and introduce a simpler tenancy structure;
- apply the Decent Homes Standard to the Private Rental Sector (PRS) for the first time;
- introduce a new Property Portal to help landlords understand their obligations;
- introduce a housing ombudsman covering all PRS landlords and providing redress for tenants.

Alongside this white paper, the Government is committed to publish 6 other documents including:

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<sup>12</sup> approved by the Secretary of State under section 51 of and Schedule 2 to the Housing Act 1996;

<sup>13</sup> Housing Ombudsman Service, January 2021

<sup>14</sup> As introduced by the white paper on 16 June 2022: <https://www.gov.uk/government/publications/a-fairer-private-rented-sector>

<sup>15</sup> GOV. UK, Prime Minister's Housing Speech, 9 June 2022

<sup>16</sup> As introduced by the white paper on 16 June 2022; <https://www.gov.uk/government/publications/a-fairer-private-rented-sector>



- the response to *'Considering the case for a Housing Court'* call for evidence which sets out why there is no need of a separate housing court and how possession process will work;
- the response to *'A new deal for renting'* consultation which covers the removal of section 21 of the Housing Act 1988 and improving landlord possession grounds;
- the response to the *'Tenancy deposit reform'* call for evidence which sets out support for the Tenancy Deposit Working Group's consideration on deposit system improvement.

Evictions from private tenancies have been one of the major causes of homelessness in recent years, so a reform that addresses the power imbalances between tenants and landlords have been long overdue. While there are some critics to the lack of measures in the White Paper to reduce the cost of rent, the general public welcomes Government commitment to end 'no fault' Section 21 evictions, as well as improve tenants' powers in challenging rent increases and introduce measures to improve the quality of homes<sup>17</sup>.

### Affordable Housing

Affordable housing is another part of the Levelling-up solution. Many experts believe it is the fundamental building block that can drive economic growth, support working families, and help the nation meet its net zero ambitions.

The government's definition of Affordable Housing (AH) is: housing for sale or rent for those whose needs are not met by the market. This includes housing that provides a subsidised route to home ownership and/or is for essential local workers.

This definition complies with one or more of the following definitions:

- affordable rent - this is higher rent (80% of the market rate). It is less secure housing, prioritised by need;
- social rented housing – low rent and secure housing which is prioritised by need;
- subsidised home ownership;
- starter homes;
- discounted market sale housing;
- shared ownership – housing where you buy part of a home and also pay part rent.<sup>18</sup>

The Support Home Ownership white paper, which aims to deliver the Affordable Homes programme 2021-26, is introducing a new affordable homes guarantee scheme and is implementing a new model for shared ownership.<sup>18</sup>

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<sup>17</sup> Webinar: Financing the reinvention of Affordable Housing – August 2022

<sup>18</sup> Shelter, Housing Deficit: [https://england.shelter.org.uk/support\\_us/campaigns/social\\_housing\\_deficit](https://england.shelter.org.uk/support_us/campaigns/social_housing_deficit)

The Government is, once again, committed to increase the supply of social homes and “ensure that as many social tenants as possible have the opportunity to buy a home of their own.”

The paper outlines existing Government policies to extend home ownership, including:

- The £11.5 billion Affordable Homes Programme 2021-26 which will deliver up to 180,000 new homes, around half of which will be for affordable home ownership;
- The £3 billion Affordable Homes Guarantee Scheme to provide long term, low cost and fixed rate debt finance to registered providers;
- A new model for shared ownership and Right to Shared Ownership;
- A voluntary Right to Buy for housing association tenants.

The Government’s subsequent Levelling up white paper, published on 2 February 2022, set the mission to increase home ownership. The paper also committed to building more ‘genuinely affordable’ social housing. This will include reviewing how to support councils to deliver greater numbers of council homes, alongside housing associations.<sup>19,20</sup>

### What to expect in the near future

Yet, at present, the challenge arises in finding the resources to deliver affordable housing. In fact, exploring new and innovative ways to finance affordable housing delivery was the focus of an important webinar, hosted by Legal & General that took place on 26 July 2022<sup>21</sup>.

During the webinar, Clive Betts MP, who chairs the Select Committee on Levelling Up, Housing and Communities, argues:

“There is now a recognition across the political spectrum that we need to build more social housing. We need a clear commitment from government to finance social housing through the grant system. The biggest cuts to any part of the public sector made in 2011 under austerity were made to the Social Housing Grant. We need to have a look at restoring that.”

Other participants, such as Simon Century agree: “You cannot deliver subsidised housing without more subsidy”, he says bluntly. However, for Century, the solution goes beyond and identifies a key role for government in providing the long-term stability that allows investors to step forward as part of the affordable housing solution. He cites the current lack of certainty on a future rent settlement as one area where uncertainty makes it difficult to unlock private sector investment: “Giving investors stability makes a huge difference.”

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<sup>19</sup>The Charter for Social Housing –White Paper, January 2021

<sup>20</sup>UK Parliament, Social Housing Reform in England: What Next, 15 June 2022

<sup>21,22</sup> Politics Home, Financing the reinvention of Affordable Housing, August 2022

Gareth Bradford, who leads on housing for the West Midlands Combined Authority (WMCA) believes that the public sector alone cannot meet the affordable housing challenge. Instead, he points to the need for new partnerships that recognise the unique contribution that different sectors can make: “If you can get the public sector to be really clear on its vision and strategy for an area, then that can unlock the private capital that we know is there.”<sup>22</sup>

There is, therefore, a need to unlock social housing. Social housing is the only tenure of housing that is affordable by design because rents are set with a formula tied to local wages, unlike every other so-called 'affordable' home. Social housing is nearly always far more affordable than private renting and it gives renters a secure, long-term tenancy.

Alongside investment, there is also a lot of consensus from across the political spectrum that reforming the 1961 Land Compensation Act, would kick start council building and challenge sky-high land values.

The recommendation they provide when implementing the Social Housing reforms include:

- Prioritise public land for social housing rather than selling it off Fix Plan;
- Rethink the infrastructure levy which could pose a threat to social housing delivery;
- Refocus on fixing section 106, prioritising social housing delivery through the planning system;<sup>23</sup>
- Direct some of the UK's £6 Trillion of pension assets into housing that delivers social, economic, and environmental goals<sup>24</sup>;
- In front of the biggest cost of living crisis in a generation, and the threat of a rising tide of homelessness, the Levelling Up commits to implement land and planning reforms that would build many more, good quality social homes for the communities<sup>25</sup>.

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<sup>23</sup>Shelter, Unlocking Social Housing Report, April 2022

<sup>24</sup> Politics Home, Financing the reinvention of Affordable Housing, August 2022

<sup>25</sup>Shelter Unlocking Social Housing

[https://england.shelter.org.uk/professional\\_resources/policy\\_and\\_research/policy\\_library/unlocking\\_social\\_housing\\_report](https://england.shelter.org.uk/professional_resources/policy_and_research/policy_library/unlocking_social_housing_report)

## Concerns

Leading national networks, such as Shelter, Crisis and HomelessLink, express their concern regarding the impact that reforming the private rented sector can have on reducing homelessness. They insist that it's vital to keep rental reform on the agenda over the summer months, to make sure the White Paper is followed up by legislation enacting the reforms outlined and helping to prevent many more households being forced into homelessness.<sup>26</sup>

While there is strong need for more social homes, there is evidence that numbers of available ones are falling. In England, the increase sales through Right to Buy and demolitions contributed to the loss of social housing every year. Consequently, there are now 1.4 million fewer households in social housing than there were back in 1980.<sup>27</sup>

Unfortunately, due to little funding directed into social housing, there is a shortage that has forced many low-income people who should benefit from access to the social rented sector, into the private rented sector. This may push hundreds of thousands of people to accept living under unacceptable circumstances, such as overcrowding or temporary accommodation (including hostels and bed and breakfasts).<sup>28</sup>

Additionally, concerns have been expressed about some elements, including:

- the slow pace of social housing reform;
- failure to address issues around the supply of homes for social rent;
- lack of clarity about who and what social housing is for;
- failure to fully address the issue of stigma, exacerbated by the Government's strong focus on home ownership;
- lack of a national platform or representative body to represent tenants' interests;
- potential challenges for social landlords in resourcing all the new requirements;

This potential delay comes at a time when inflation is rising at the fastest rate for 40 years, while recent analysis from property website Rightmove found that rents in the UK are now at record levels, with 20% increases recorded in Manchester and further rises predicted by the end of the year. This puts existing tenants at risk of rent increases and, increasing risk of rent arrears and

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<sup>26</sup> HomelessLink: <https://homeless.org.uk/news/will-the-turbulence-in-westminster-scupper-promised-rental-reform/>

<sup>27, 28</sup> Shelter, Social Housing deficit: [https://england.shelter.org.uk/support\\_us/campaigns/social\\_housing\\_deficit](https://england.shelter.org.uk/support_us/campaigns/social_housing_deficit)

evictions<sup>29</sup>. It also puts people at risk of homelessness and living on the streets, because they can't afford the private rental market.

Citizens Advice, fears that insecurity in the private rented will see huge numbers of people facing eviction, while many tenants fear that challenging a rent rise will result in them being asked to leave<sup>30</sup>.

### **SJOG: Implications and Recommendations**

SJOG welcomes the white paper issued by the Government that aims to ensure that social housing is safe and transparent, while tenants are empowered and supported in living in decent homes and neighbourhoods. We also support its commitment to regulate quality of homes, repairs, meaningful engagement with tenants and complaints handling.

Yet, we believe that many families renting homes in the private sector will face difficulties as a result of the rise in living costs, which will impact housing costs and interest rates.

Additionally, inflation is set to bring new challenges to the rental market, generating a more a competitive market for house sales and the rental market. As this puts existing tenants at risk of rent increases, therefore at risk of eviction and homelessness, we recognise the need to unlock social housing. We enforce the adoption of social housing as part of homelessness prevention strategies, and recommend Local Authorities to prioritise eligible people on a flexible, non – discriminatory basis. We encourage the Government to allocate more of the Homelessness Prevention Grants into projects that aim to create inclusive programmes for successful tenancies.

As part of our services, SJOG's Housing Management supports people with learning and physical disabilities to sustain their tenancies and live as independently as possible. We are concerned on how the increase of living cost will affect people we support, therefore, we advocate for the increase of the Local Housing Allowance (LHA) rate and housing benefits.

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<sup>29</sup> Housing Justice: <https://housingjustice.org.uk/faith-in-affordable-housing-england>

<sup>30</sup> Citizens Advice, March 2022

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