

Directions on the Regulatory Standards relating to tenant involvement and mutual exchange [2023]

The Secretary of State, in exercise of the powers conferred by section 197(1) and (2)(c) and (d) of the Housing and Regeneration Act 2008 gives the following Direction.

In accordance with section 197(3) of the Housing and Regeneration Act 2008, in deciding whether to give this Direction the Secretary of State has, in particular, had regard to the Regulator's fundamental objectives.

Before giving this Direction the Secretary of State consulted the bodies required by section 197(4) and (5) of the Housing and Regeneration Act 2008.

Citation, application and interpretation

1.—(1) This Direction may be cited as the Direction on the Regulatory Standards relating to tenant involvement and mutual exchange) [2023].

(2) This Direction comes into force on the day after the day on which it is made.

(3) This Direction applies to the Regulator of Social Housing.

(4) In this Direction—

“2008 Act” means the Housing and Regeneration Act 2008;

“match” means where a property (“P”) is identified which fulfils the property requirements entered and there is a reciprocal match for the tenant of P;

“mutual exchange” means, with the consent of their respective landlords, an agreement between two or more tenants of a registered provider to swap low cost rental accommodation, whether or not the tenants are tenants of the same registered provider;

“mutual exchange service” means a service which enables tenants who have registered an interest in arranging a mutual exchange to search for property with which to exchange;

“property details” include the property type (flat, bungalow, house, etc), address and number of bedrooms;

“Regulator” means the Regulator of Social Housing;

“Right to Manage” means rights pursuant to regulations made under section 27AB of the Housing Act 1985;

“Right to Transfer” means rights pursuant to regulations made under section 34A of the Housing Act 1985;

“set” in relation to a standard, includes revise, and cognate expressions are to be construed accordingly;

(5) Expressions which are used, but not defined, in this Direction have the same meaning as in the 2008 Act.

Mutual exchange

2.—(1) The Regulator must set a standard that applies to registered providers relating to methods of assisting relevant tenants to exchange tenancies.

(2) In this paragraph (“relevant tenant” means, in relation to a registered provider, a tenant of low cost rental accommodation of that provider who is potentially eligible for mutual exchange)(3) The Regulator must set the standard referred to in paragraph (1) with a view to achieving, so far as possible, that each registered provider—

(a) offers a mutual exchange service which allows relevant tenants, whether pursuant to a statutory right or a policy of the registered provider, to easily access details of all (or the greatest practicable number of) available matches without payment of a fee;

(b) publicises the availability of any mutual exchange service(s) it offers to its relevant tenants;

(c) provides support for accessing mutual exchange services to relevant tenants who might otherwise be unable to use them.

Tenant involvement

3.—(1) The Regulator must set a standard that applies to registered providers relating to the involvement by relevant tenants in the management by registered providers of their accommodation.

(2) In sub-paragraph (1), “relevant tenant” means a tenant of low cost rental accommodation (including accommodation which is also low cost home ownership accommodation).

(3) The Regulator must set the standard referred to in sub-paragraph (1) with a view to achieving, so far as possible, that each registered provider gives tenants a wide range of meaningful opportunities to influence and scrutinise landlord strategies, policies and services, including by —

(a) taking reasonable steps to assist tenants who wish to implement tenant-led activities;

(b) providing accessible support that meets the diverse needs of tenants so they can engage with the opportunities in paragraph 3;

(c) taking into account tenant views in decision-making.

(4) When setting the standard, the Regulator must have regard to the need for registered providers to support tenants to exercise their Right to Manage, Right to Transfer or otherwise exercise housing management functions, where appropriate.

Revocation

4. Paragraph 3 (mutual exchange) and paragraph 4 (tenant involvement and empowerment) of the Directions on Regulatory Standards made under section 197 of the 2008 Act on 1 March 2012 are revoked.

A handwritten signature in blue ink that reads "Baroness Scott of Bybrook." The signature is written in a cursive, flowing style.

Name: Baroness Scott of Bybrook

For and on behalf of the Secretary of State for Levelling Up, Housing and Communities

Date: 20 June 2023