



Department for
Communities and
Local Government

The General Social Housing Rents Permitted Review Day Consent 2016



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The General Social Housing Rents Permitted Review Day Consent 2016

Made - - - - 18 March 2016

Coming into force - 1 April 2016

The Secretary of State in exercise of the powers conferred by sections 23(3)(b) and 23(4) of, and paragraphs 9(1)(b) and 9(2) of Schedule 2 to, the Welfare Reform and Work Act 2016, gives to all registered providers of social housing in England the following consent:

Citation and Commencement

1. This consent may be cited as the General Social Housing Rents Permitted Review Day Consent 2016.
2. This consent comes into force on 1 April 2016.

Interpretation

3. In this consent—
 - “affordable rent housing” has the same meaning as in the Regulations;
 - “formula rent” has the same meaning as in the Regulations;
 - “probationary tenancy” means—
 - (a) an introductory tenancy within the meaning of section 124 of the Housing Act 1996,
 - (b) an assured shorthold tenancy that is expressed as being a starter or probationary tenancy which if conditions are met may or must be replaced by an assured tenancy other than an assured shorthold tenancy at the end of a defined period;
 - “re-let” means the grant to a tenant of a new tenancy agreement in respect of social housing as a consequence of that tenant’s earlier tenancy of that social housing (other than a probationary tenancy) coming to an end;
 - “specified amount” has the meaning given in paragraph 12;
 - “supported housing” and “specialised supported housing” have the meanings given in the Regulations;
 - “the Regulations” means the Social Housing Rents (Exceptions and Miscellaneous Provisions) Regulations 2016;
 - “the Rent Standard” has the same meaning as in the Regulations.
4. Other words and expressions used in this consent shall, unless the context requires otherwise, have the meanings given in the Welfare Reform and Work Act 2016 (“the 2016 Act”).

Permitted review day: general rule where a tenant’s tenancy continued from 8 July 2015 to 31 March 2015 (section 23(3) of, and paragraph 1(5)(a)(ii) of Schedule 2 to, the 2016 Act)

5. The permitted review day is 31 March 2016 where—
- (a) the person (tenant A) who was the tenant of social housing at the beginning of 8 July 2015 continued as tenant of that social housing until at least the beginning of 31 March 2016,
 - (b) the rate of rent that was payable at the beginning of 8 July 2015 by tenant A was no more than the rate of rent that was payable in respect of that social housing at the beginning of 31 March 2015 by the person who was tenant at that time, and
 - (c) the rate of rent that was payable at the beginning of 31 March 2016 by tenant A is no more than the specified amount.

Permitted review day for the purposes of paragraph 1(5)(a)(iii) of Schedule 2 to the 2016 Act

6. The permitted review day is 31 March 2016 where—
- (a) the person (tenant B) who was the tenant of social housing at the beginning of 8 July 2015 did not continue as tenant of that social housing until at least the beginning of 31 March 2016, and
 - (b) the rate of rent that was payable at the beginning of 8 July 2015 by tenant B is no more than the rate of rent that was payable in respect of that social housing at the beginning of 31 March 2015 by the person who was tenant at that time.

Permitted review day for the purposes of paragraph 1(5)(a)(iv) of Schedule 2 to the 2016 Act

7. The permitted review day is 31 March 2016 where—
- (a) there was no tenant of that social housing on 8 July 2015,
 - (b) the registered provider is a private registered provider whose practice as regards the greater number of its tenancies is to change rent payable no more than once a year and with effect from a single date other than 1 April (“the review date”), and
 - (c) the review date falls in the period beginning on 9 July and ending on 31 March.

Permitted review day for the purposes of section 23(3) of the 2016 Act: special rule applicable to re-lets of affordable rent housing

8. In a case where—
- (a) the social housing is affordable rent housing and paragraph 5 does not apply,
 - (b) the person who was the tenant of that social housing at the beginning of 8 July 2015 continued as its tenant until at least the beginning of the first relevant year,
 - (c) the social housing is re-let by the registered provider and the terms of the new tenancy agreement take effect after the beginning of 8 July 2015 and before the beginning of the first relevant year, and

- (d) the rate of rent on the day on which the terms of the new tenancy agreement takes effect is no greater than the higher of the amounts set out in—
 - (i) paragraph 10, in the case of accommodation which is supported housing but not specialised supported housing
 - (ii) paragraph 11, in the case of other accommodation,

the permitted review day is the day on which the terms of the new tenancy agreement take effect.

9. In paragraph 8—

“tenancy agreement” means a lease or other agreement by virtue of which a person is a tenant of a registered provider, and

“tenant” does not include a licensee.

10. The amounts referred to in paragraph 8(d)(i) are—

- (a) 80% of the market rent applicable on that day, or
- (b) 110% of the rate of formula rent for that social housing for the year 2015-16.

11. The amounts referred to in paragraph 8(d)(ii) are—

- (a) 80% of the market rent applicable on that day, or
- (b) 105% of the rate of formula rent for that social housing for the year 2015-16.

Specified amount

12. The specified amount is—

- (a) in the case of social housing of a private registered provider that was subject to a waiver granted by the regulator in respect of the requirement of the Rent Standard limiting annual rent increases in the year beginning 1 April 2015 to CPI + 1% and imposing an alternative requirement, an amount which complies with that alternative requirement, and
- (a) in all other cases, 102.2% of the rate of rent that was payable in respect of that social housing at the beginning of 31 March 2015 by the person who was tenant at that time.

Signed by authority of the Secretary of State for Communities and Local Government

Emma Fraser
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Department for Communities and Local Government