

# **Supported Housing (Regulatory Oversight) Bill**

## EXPLANATORY NOTES

Explanatory notes to the Bill, prepared by the Department for Levelling Up, Housing and Communities with the consent of Bob Blackman, the Member in charge of the Bill, are published separately as Bill 19—EN.

# Supported Housing (Regulatory Oversight) Bill

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[AS INTRODUCED]

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[AS INTRODUCED]

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# B I L L

TO

Make provision about the regulation of supported exempt accommodation; to make provision about local authority oversight of, and enforcement powers relating to, the provision of supported exempt accommodation; and for connected purposes.

**B**E IT ENACTED by the King’s most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

## *Advice, strategy and standards*

### **1 Supported Housing Advisory Panel**

- (1) The Secretary of State must appoint a panel of persons, to be known as “the Supported Housing Advisory Panel”, to provide information and advice about or in connection with supported exempt accommodation to— 5
- (a) the Secretary of State,
  - (b) local housing authorities in England, and
  - (c) social services authorities in England.
- (2) The persons appointed under subsection (1) must include— 10
- (a) at least one person who appears to the Secretary of State to represent the interests of registered providers of social housing in England,
  - (b) at least one person who appears to the Secretary of State to represent the interests of local housing authorities in England,
  - (c) at least one person who appears to the Secretary of State to represent the interests of social services authorities in England, 15
  - (d) at least one person who appears to the Secretary of State to represent the interests of charities providing supported exempt accommodation, and
  - (e) at least one person who appears to the Secretary of State to represent the interests of residents (or potential residents) of supported exempt accommodation; 20

but the Secretary of State is not required to appoint different persons under each of paragraphs (a) to (e).

- (3) The Secretary of State must, after complying with subsection (2), and after consulting the existing members of the panel, appoint a person to chair the panel, and the person becomes a member of the panel on appointment.
- (4) The Secretary of State must comply with subsections (1) to (3) before the end of the period of one year beginning with the date on which this Act is passed. 5
- (5) The panel –
- (a) must provide information or advice on such matters within subsection (1), to such persons within that subsection, as the Secretary of State may direct, and
  - (b) subject to that, may provide such information or advice within subsection (1), to such persons within that subsection, as it considers appropriate (whether or not requested to do so). 10
- (6) A member of the panel is to hold and vacate office in accordance with the terms and conditions of the member’s appointment which –
- (a) must include provision requiring the member to declare any financial or other personal interest relevant to the functions of the panel, and 15
  - (b) may include provision under which the member is paid remuneration or allowances.
- (7) A person appointed to the panel under subsection (1) or (3) –
- (a) is to be appointed for a term of not exceeding five years, and 20
  - (b) may, upon expiry of that term, be reappointed for one further term not exceeding five years.
- (8) In this section “information and advice about or in connection with supported exempt accommodation” includes information and advice about anything which, in the view of the panel, could have a significant impact on the provision or regulation of supported exempt accommodation. 25

## 2 Local supported housing strategies

- (1) A local housing authority in England must –
- (a) carry out a review of the supported exempt accommodation in its district, and 30
  - (b) in the light of that review, publish a strategy, to be known as a “supported housing strategy”, for the provision of supported exempt accommodation in its district.
- (2) A local housing authority –
- (a) must comply with subsection (1) before such date as may be specified in regulations made by the Secretary of State, and 35
  - (b) subsequently, must comply with that subsection before the end of each five-year period beginning with the day on which it published its most recent supported housing strategy.
- (3) A supported housing strategy must, in particular, include – 40
- (a) the local housing authority’s assessment of –

- (i) the current availability of supported exempt accommodation in its district, and
    - (ii) the likely need for supported exempt accommodation in its district during the period of five years beginning with the date on which the strategy is published; 5
  - (b) such other matters as may be specified in regulations made by the Secretary of State.
- (4) The social services authority in respect of a district in England must give the local housing authority for that district (where that is a different authority) such assistance in connection with the carrying out of its duties under this section as the local housing authority may reasonably require. 10
- (5) A local housing authority in England must have regard to its supported housing strategy in the exercise of its functions.
- (6) A social services authority in England must, in the exercise of its social services functions – 15
- (a) where it is also a local housing authority, have regard to its supported housing strategy, or
  - (b) in any other case, have regard to the supported housing strategy of each local housing authority in respect of whose district it is the social services authority. 20
- (7) The Secretary of State may issue guidance –
- (a) applicable to local housing authorities or social services authorities generally, or
  - (b) applicable to specified descriptions of local housing authorities or social services authorities, 25
- in relation to the exercise of their functions under this section.
- (8) A local housing authority or a social services authority must have regard to any guidance issued under subsection (7) that is applicable to it.
- (9) A statutory instrument containing regulations under this section is subject to annulment in pursuance of a resolution of either House of Parliament. 30

### 3 National Supported Housing Standards

- (1) The Secretary of State may prepare and publish national standards for England, to be known as “National Supported Housing Standards”, in relation to any aspect of the provision of supported exempt accommodation.
- (2) National Supported Housing Standards may, in particular, set minimum standards in respect of – 35
- (a) the type or condition of premises used for the provision of supported exempt accommodation; or
  - (b) the provision of care, support or supervision at supported exempt accommodation. 40

- (3) The Secretary of State must keep National Supported Housing Standards under review and may, whenever the Secretary of State considers appropriate –
- (a) prepare and publish amended or replacement standards, or
  - (b) withdraw standards.
- (4) The Secretary of State may publish or withdraw a standard by such means as the Secretary of State considers appropriate for bringing the publication or withdrawal to the attention of persons likely to be affected by it.

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### *Licensing*

## **4 Licensing regulations**

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- (1) *The Secretary of State may by regulations make provision under which a person having control of, or managing, supported exempt accommodation –*
- (a) that is within section 12(2), and*
  - (b) that is located in a district that is designated for the purposes of the regulations,*
- must obtain and comply with a licence granted by the local housing authority for the district.*

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- (2) If, at the end of the period of one year beginning with the day on which this Act is passed, the power in subsection (1) is yet to be exercised, the Secretary of State must publish, in such manner as the Secretary of State thinks fit, a report setting out the progress that has been made towards doing so.

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- (3) *The Secretary of State may by regulations make provision under which a person having control of, or managing, supported exempt accommodation –*
- (a) that is not within section 12(2), and*
  - (b) that is located in a district that is designated for the purposes of the regulations,*
- must obtain and comply with a licence granted by the local housing authority for the district.*

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- (4) Regulations under subsection (1) or (3) –
- (a) must include provision under which a local housing authority may designate its district for the purposes of the regulations,
  - (b) may include provision requiring a local authority to designate its district for the purposes of the regulations if conditions specified in the regulations are met, and
  - (c) may include provision under which the Secretary of State may designate, or revoke a designation of, a local housing authority's district for the purposes of the regulations.

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- (5) Regulations under subsection (1) or (3) must be made with a view to securing that National Supported Housing Standards (if any) are met.

- (6) A statutory instrument containing regulations under this section may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament.

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- (7) In this Act—
- “the licensing authority” means the local housing authority for a district designated for the purposes of licensing regulations;
  - “licensing regulations” means regulations under subsection (1) or (3).

## 5 Further provision about licensing regulations 5

- (1) Licensing regulations may include—
- (a) provision about how a district is to be designated for the purposes of the regulations, and the duration, review and revocation of a designation;
  - (b) provision about how an application for a licence is to be made, and the circumstances in which a licence may be granted, varied or revoked; 10
  - (c) provision about conditions that may be attached to a licence;
  - (d) provision about the enforcement of the regulations and of the conditions attached to licences, including provision creating criminal offences punishable with a fine; 15
  - (e) provision about other consequences of compliance or non-compliance with the regulations or with conditions attached to licences;
  - (f) provision about exemptions from requirements that would otherwise be imposed under or by virtue of the regulations; 20
  - (g) provision requiring or permitting the licensing authority to charge fees sufficient to meet the costs of performing any of the authority's functions under or by virtue of the regulations;
  - (h) provision conferring a discretion on the licensing authority;
  - (i) provision about appeals against decisions made by the licensing authority; 25
  - (j) any other provision corresponding or similar to any provision relating to licences contained in Part 2 of the Housing Act 2004 (licensing of houses in multiple occupation) or Part 3 of that Act (licensing of other residential accommodation). 30
- (2) The provision that may be made by virtue of subsection (1)(b) includes—
- (a) provision requiring an application for a licence to be refused unless the licensing authority is satisfied that the applicant is a fit and proper person to be a person having control of, or managing, the accommodation to which the licence relates; 35
  - (b) provision requiring a licence to be revoked if the licensing authority ceases to be so satisfied.
- (3) The conditions that may be attached to a licence by virtue of subsection (1)(c) include—
- (a) conditions relating to the standard of accommodation; 40
  - (b) conditions relating to the use of accommodation;
  - (c) conditions relating to the provision of care, support or supervision;
  - (d) conditions requiring compliance with National Supported Housing Standards (whenever published).

- (4) The provision that may be made by virtue of subsection (1)(d) includes provision for an offence under the regulations to be –
- (a) a relevant housing offence for the purposes of section 249A of the Housing Act 2004 (financial penalties for certain housing offences in England); 5
  - (b) a banning order offence for the purposes of Chapters 2 and 3 of Part 2 of the Housing and Planning Act 2016 (banning orders and database of rogue landlords etc);
  - (c) an offence to which Chapter 4 of that Part of that Act (rent repayment orders) applies. 10
- (5) The provision that may be made by virtue of subsection (1)(e) includes provision –
- (a) disapplying any requirement relating to licences imposed by or under Part 2 of the Housing Act 2004 (licensing of houses in multiple occupation) or Part 3 of that Act (licensing of other residential accommodation), 15
  - (b) removing or restricting an entitlement to housing benefit, or
  - (c) limiting the rent that may be determined under section 14 of the Housing Act 1988 (determination of rent by tribunal) in respect of such accommodation. 20
- (6) Subsection (5)(b) is without prejudice to any other power to make subordinate legislation relating to housing benefit.
- (7) Licensing regulations may –
- (a) amend, repeal or revoke any enactment;
  - (b) make different provision for different purposes or different areas; 25
  - (c) make supplementary, incidental, consequential, transitional or saving provision.

## 6 Consultation

- (1) The Secretary of State must consult the statutory consultees –
- (a) before first exercising the power in section 4(1) to make licensing regulations, and 30
  - (b) before first exercising the power in section 4(3) to make licensing regulations.
- (2) The Secretary of State must, as part of a consultation under subsection (1) –
- (a) set out how the Secretary of State proposes to approach the matters referred to in section 5(1)(a) to (i) when making the licensing regulations, and 35
  - (b) ask the statutory consultees for their views on those proposals.
- (3) The Secretary of State must also, as part of a consultation under subsection (1), ask the statutory consultees for their views on – 40
- (a) whether the proposed regulations are likely to be an effective means of securing that National Supported Housing Standards are met, and

- (b) any additional mechanisms for securing compliance with such standards.

(4) In this section “the statutory consultees” means—

- (a) the Local Government Association,
- (b) the National Housing Federation, and
- (c) the Regulator for Social Housing.

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## 7 Local housing authority functions

A local housing authority must, in the exercise of its functions under licensing regulations, have regard to—

- (a) National Supported Housing Standards (if any), and
- (b) any guidance issued by the Secretary of State for the purposes of this section.

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### *Planning and homelessness*

## 8 Planning

The Secretary of State must, before the end of the period of three years beginning with the date on which the first licensing regulations under section 4(1) are made—

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- (a) review the effect of licensing regulations under section 4(1) on—
  - (i) the type and condition of premises used for the provision of accommodation within section 12(2), and
  - (ii) the provision of care, support and supervision at such accommodation, and
- (b) in the light of that review, consider whether to exercise the power in section 55(2)(f) of the Town and Country Planning Act 1990 (power to specify use-class) to specify such accommodation as a class.

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## 9 Homelessness

In section 191 of the Housing Act 1996 (becoming homeless intentionally), after subsection (1) insert—

“(1A) But a person does not become homeless intentionally if—

- (a) the accommodation the person ceases to occupy is supported exempt accommodation,
- (b) the person’s reason for ceasing to occupy the accommodation relates to the standard of the accommodation, or the standard of care, support or supervision provided there, and
- (c) the accommodation, or the care, support or supervision provided there, does not meet National Supported Housing Standards.

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“Supported exempt accommodation” has the meaning given by section 12 of the Supported Housing (Regulatory Oversight) Act 2022.”

*Information*

**10 Sharing of information relating to supported exempt accommodation**

- (1) The Secretary of State may by regulations make provision about the sharing of information relating to supported exempt accommodation.
- (2) Regulations under subsection (1) may make provision requiring or authorising a person within subsection (3) to provide information specified in the regulations to another person within that subsection. 5
- (3) The persons are –
- (a) a local housing authority in England;
  - (b) a registered provider of social housing in England; 10
  - (c) the Regulator of Social Housing;
  - (d) the Secretary of State.
- (4) Regulations under subsection (1) must provide that information obtained by virtue of the regulations may be used only for a purpose connected with the exercise of a function under or by virtue of this Act, or otherwise relating to supported exempt accommodation. 15
- (5) Regulations under subsection (1) may provide that information obtained by a local housing authority by virtue of the regulations may be provided to a person who supplies services to the authority for a purpose mentioned in subsection (4). 20
- (6) Regulations under subsection (1) may not impose or confer a duty or power requiring or authorising the provision or use of information where the provision or use would (taking the duty or power into account) contravene the data protection legislation.
- (7) A statutory instrument containing regulations under subsection (1) is subject to annulment in pursuance of a resolution of either House of Parliament. 25

**11 Use of information obtained for certain statutory purposes**

- (1) A local housing authority in England may use any information to which this section applies –
- (a) for any purpose connected with the exercise of any of the authority’s functions under or by virtue of this Act, or otherwise relating to specified exempt accommodation, or 30
  - (b) for the purpose of investigating whether any offence has been committed by virtue of this Act.
- (2) This section applies to any information which has been obtained by the authority in the exercise of functions under – 35
- (a) section 134 of the Social Security Administration Act 1992 (housing benefit), or
  - (b) Part 1 of the Local Government Finance Act 1992 (council tax).

- (3) This section does not authorise the use of information if the use would (taking the powers conferred by this section into account) contravene the data protection legislation.

*Interpretation and final provisions*

- 12 Meaning of “supported exempt accommodation”** 5
- (1) In this Act “supported exempt accommodation” means—
- (a) accommodation within subsection (2),
  - (b) managed properties in England,
  - (c) refuges in England, or
  - (d) local authority hostels in England. 10
- (2) The accommodation within this subsection is accommodation in England—
- (a) which is a resettlement place provided by persons to whom the Secretary of State has given assistance by way of grant pursuant to section 30 of the Jobseekers Act 1995 (grants for resettlement places), or 15
  - (b) which is provided by—
    - (i) a non-metropolitan county council in England,
    - (ii) a housing association,
    - (iii) a registered charity, or
    - (iv) a voluntary organisation, 20
 where that body, or a person acting on its behalf, also provides a person resident in the accommodation with care, support or supervision.
- (3) A “managed property” is accommodation—
- (a) which is provided by a relevant body, 25
  - (b) into which a person has been admitted in order to meet a need for care, support or supervision, and
  - (c) where that person receives care, support or supervision.
- (4) A “refuge” is accommodation which—
- (a) is provided by a relevant authority or a relevant body to a person because the person has left their home as a result of domestic violence, and 30
  - (b) consists of a building, or part of a building, which is used wholly or mainly for the non-permanent accommodation of persons who have left their homes as a result of domestic violence. 35
- (5) A “local authority hostel” is accommodation—
- (a) which would be a hostel within the meaning given by paragraph 29(10) of Schedule 4 to the Universal Credit Regulations 2013 (S.I. 2013/376) (renters excepted from shared accommodation) but for it being owned or managed by a relevant authority, and 40
  - (b) where a person resident in the accommodation receives care, support or supervision.

- (6) In this section—
- “domestic violence” has the meaning given by regulation 2(1) of the Housing Benefit Regulations 2006 (S.I. 2006/213);
  - “housing association” has the meaning given by section 1 of the Housing Associations Act 1985; 5
  - “non-metropolitan county council” has the meaning given by section 1 of the Local Government Act 1972;
  - “relevant authority” means an authority administering housing benefit;
  - “relevant body” means—
    - (a) a council for a county in England for each part of whose area there is a district council, 10
    - (b) a housing association,
    - (c) a registered charity, or
    - (d) a voluntary organisation;
  - “resettlement place” has the meaning given by section 30 of the Jobseekers Act 1995. 15

### 13 Other interpretation etc

- (1) In this Act—
- “the data protection legislation” has the same meaning as in the Data Protection Act 2018 (see section 3 of that Act); 20
  - “district” has the same meaning as in the Housing Act 1985 (see section 2 of that Act);
  - “the licensing authority” has the meaning given by section 4(7);
  - “licensing regulations” has the meaning given by section 4(7);
  - “local housing authority” has the same meaning as in the Housing Act 1985 (see section 1 of that Act); 25
  - “person having control” has the same meaning as in the Housing Act 2004 (see section 263 of that Act);
  - “person managing” has the same meaning as in the Housing Act 2004 (see section 263 of that Act); 30
  - “registered provider of social housing” has the meaning given by section 80(2) of the Housing and Regeneration Act 2008;
  - “social services authority” means a local authority for the purposes of the Local Authority Social Services Act 1970 (see section 1 of that Act);
  - “social services functions”, in relation to a social services authority, means the social services functions of that authority for the purposes of the Local Authority Social Services Act 1970 (see section 2 of that Act). 35
- (2) Regulations under this Act are to be made by statutory instrument.

### 14 Commencement, extent and short title

- (1) This Act extends to England and Wales. 40
- (2) This Act comes into force at the end of the period of two months beginning with the day on which it is passed.

- (3) The Secretary of State may by regulations make transitional or saving provision in connection with the coming into force of any provision of this Act.
- (4) The power to make regulations under subsection (3) includes power to make different provision for different purposes.
- (5) This Act may be cited as the Supported Housing (Regulatory Oversight) Act 2022.

# Supported Housing (Regulatory Oversight) Bill

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[AS INTRODUCED]

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## B I L L

TO

Make provision about the regulation of supported exempt accommodation; to make provision about local authority oversight of, and enforcement powers relating to, the provision of supported exempt accommodation; and for connected purposes.

*Presented by Bob Blackman*

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Ordered, by The House of Commons, to be  
Printed, 15th June 2022.

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