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Housing



What you need to know about the Supported Housing (Regulatory Oversight) Bill

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Introduction

The [Supported Housing \(Regulatory Oversight\) Bill](#) is a private member's bill introduced by [Bob Blackman](#), Conservative MP for Harrow East. The bill is supported by the government and passed its second reading (the critical stage for private members bills) so is likely to become law. The aim is to strengthen the regulation of supported housing to ensure that it is of good quality (both the accommodation and support provided), to provide better outcomes for those living in it and value for money, as many tenants receive help with the cost of living there. The bill should help close the gaps in regulation that have been exploited by bad faith providers looking to make easy profits.

Context

The bill was introduced following an [inquiry](#) by the Levelling Up, Housing and Communities (LUHC) committee into problematic housing funded through the exempt accommodation rules of housing benefit, enabling higher housing costs to be met where the accommodation is provided with a 'more than minimal level of care, support and supervision'. The inquiry followed government's work with [pilot](#) authorities to explore the issues and how to address them, and also research from the housing sector on the extent and nature of the problems (Spring Housing and Commonweal, [Exempt from responsibility](#) 2019).

The inquiry report included recommendations to:

- Establish national standards (covering referrals into the accommodation; care, support or supervision; housing quality; information providers must give to residents)
- Provide powers for local authorities to enforce these standards
- Provide new burdens funding to enable local authorities to undertake such monitoring and enforcement
- Take action to close the gaps in the regulation and oversight of exempt accommodation (the key focus of the bill)
- Develop better data (collection and consistency) to support effective policy development
- Review housing benefit for exempt accommodation, and separate funding for support
- Enable action through the planning system so local authorities can control the location of supported accommodation (preventing large clusters in the same areas), should this be required, following a review of the impact of the other powers after three years.

CIH's submission to the LUHC committee inquiry can be found [here](#). CIH was also called to give oral evidence to the committee in [April 2022](#) alongside Crisis and Women's Aid during the main phase of the inquiry as well as the [special meeting](#) held to scrutinise the bill prior to its second reading.



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Detail of the bill

The bill aims to strengthen regulatory oversight of supported exempt accommodation, providing more powers to local authorities through licensing schemes, and setting minimum standards for accommodation and support. The bill applies to England only.

Clause one: establish a Supported Housing Advisory Panel

The Secretary of State must set up a panel to provide advice on supported exempt accommodation to the department, local housing authorities and social services authorities. It should consist of representatives of housing providers, local authorities, social services authorities, charities providing supported exempt accommodation and residents (and potential residents) of supported exempt accommodation.

Clause two: develop local supported housing strategies every five years

Local housing authorities must review the provision of supported exempt accommodation in their area and develop and publish a strategy for the future provision of such accommodation, every five years. This should be done with the assistance of the social services authority where this is a different body, and in line with any guidance the Secretary of State may issue.

Clause three: National Supported Housing Standards for England

The Secretary of State is given power to set standards covering both the type and condition of accommodation and the provision of care, support, and supervision.

Clauses four to seven: establishing licensing schemes

These establish the power of the Secretary of State to set out in regulations the provisions under which a person controlling or managing supported exempt accommodation must obtain and comply with a license granted by the local housing authority for the district.

If such regulations have not been established within a year of that power being exercised, the Secretary of State must report progress in doing so.

The regulations must set out:

- The provisions under which a local housing authority can designate its district for the purposes of the regulations, and when the Secretary of State might designate or revoke such designation
- It must be for the purpose of ensuring the National Supported Housing Standards are met
- The statutory instrument containing the regulations must be laid before and approved by parliament.

The regulations may include information on: how to apply for a license and when it might be denied/ removed (including a fit and proper person test); the conditions attached to the license (including standards); the duration of the license; fees; enforcement measures and consequences of non-compliance; routes for appeal against the local authority's decisions.

It may also include provisions for offences including financial penalties, banning orders and rent repayment orders and when these will apply.

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The regulation making powers include two significant provisions that provide reassurance to providers that licensing could threaten the viability of already marginal schemes:

- Accommodation that falls under HMO licensing or selective licensing will have those provisions disapplied (so that only one system of licensing will apply at any time (clause 5(5))); and
- The new regulations can include a system of passports and exemptions that could be used to help most good providers satisfy the licensing requirements without imposing any new burdens (clause 5(1)(f)).

Before establishing regulations for licensing schemes, the Secretary of State must consult the Local Government Association, The National Housing Federation, and the Regulator of Social Housing regarding the schemes' effectiveness in ensuring compliance with the National Supported Housing Standards, and what other mechanisms might ensure compliance.

Clause eight: planning

After three years from the introductions of licensing regulations, the Secretary of State must undertake an evaluation of effectiveness. That will inform whether to provide further controls through planning (a requirement for a specific use-class).

Clause nine: implications for homelessness

Tenants who are forced to move from supported exempt accommodation because of inadequate support or poor conditions will not be found intentionally homeless (not reaching the National Supported Housing Standards).

Clauses 10-11: information sharing

The Secretary of State has powers to set regulations enabling information to be shared across a local housing authority, a registered provider of social housing, the Regulator of Social Housing and the Secretary of State for the purposes of exercising functions under this Act.

Clauses 12-14: definitions

These provide definitions of terms in the bill, including 'supported exempt accommodation' and detail of commencement.

The full bill can be found [here](#), and the explanatory notes [here](#).

CIH's response

CIH has provided specialist advice to Crisis on the design and development of the bill, so we strongly support its provisions.

However, we would like to have seen the inclusion of powers that mirror those in part one of the Housing Act 2004 (the health and safety rating system) but adapted for exempt accommodation. This would allow for an alternative system of enforcement that can be more easily targeted directly at the problematic providers and is less heavy handed than compulsory licensing. For example, this would allow for service of support hazard awareness notices and support improvement notices in appropriate cases.

We would also like to see changes to the rules about direct payment of housing benefit where providers fail to meet acceptable standards. CIH will continue to lobby for these changes as the Bill makes its way through its remaining stages.



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