
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, together with the Housing Benefit (Local Housing Allowance and Information Sharing) Amendment Regulations 2007 and the Housing Benefit (State Pension Credit) (Local Housing Allowance and Information Sharing) Amendment Regulations 2007 (referred to collectively in this note as the LHA regulations) and the Rent Officers (Housing Benefit Functions) Order 2007 (S.I. 2007/2871), provide for the national rollout of a modified version of the local housing allowance arrangements. The LHA regulations use new powers in the Social Security Contributions and Benefits Act 1992 following commencement of section 30 of The Welfare Reform Act 2007. They also remake some regulations (with amendments in some cases) as the existing regulations will cease to have effect (subject to savings) when the current powers are repealed. These Regulations also make provisions relating to decision making in relation to housing benefit.

The local housing allowance arrangements are a way of determining housing costs eligible to be met by housing benefit for certain cases (local housing allowance cases) using local housing allowances determined by rent officers. The local housing allowance arrangements have applied to the areas of 18 local authorities (former pathfinder authorities).

Regulation 1 provides for regulations 2 to 6 to come into force on 7th April 2008 except in the case of non-local housing allowance cases where the provisions will come into force on the first of certain specified events (see regulation 1(4)).

Regulation 2 amends the Social Security (Claims and Payments) Regulations 1987 to align cross-references to the provisions as amended by the LHA Regulations.

Regulation 3 amends the Housing Renewal Grants Regulations 1996 to substitute a new definition of “rent” into provisions in those regulations.

Regulation 4 amends the Housing Benefit and Council Tax Benefit (Decisions and Appeals) Regulations. Regulation 4(1) inserts or omits cross-references as appropriate. Regulation 4(2) inserts a new regulation 7A. The new regulation requires the appropriate relevant authority to make a decision when it is required to determine a maximum rent (LHA), or where it is required to make referral to a rent officer as 52 weeks have elapsed since the previous referral. This is to ensure that a claimant’s eligible rent is updated annually using a new local housing allowance rate or a rent officer determination. The regulation also requires local authorities to make a decision where a change of circumstances which does not need to be notified by the claimant occurs.

Regulation 5 amends the Discretionary Financial Assistance Regulations 2001.

Regulation 6 re-makes part of Schedule 3 (transitional and savings provisions) to the Housing Benefit and Council Tax Benefit (Consequential Provisions) Regulations 2006 with minor amendments. Parts of Schedule 4 to those Regulations are also remade.

A full regulatory impact assessment has not been published for this instrument as it has no direct impact on the costs of businesses, charities and the voluntary sector.