



Welfare Reform and Work Act 2016

2016 CHAPTER 7

Social housing rents

23 Reduction in social housing rents

- (1) In relation to each relevant year, registered providers of social housing must secure that the amount of rent payable in respect of that relevant year by a tenant of their social housing in England is at least 1% less than the amount of rent that was payable by the tenant in respect of the preceding 12 months.
- (2) If—
 - (a) the tenancy of particular social housing comes to an end after part of a relevant year has elapsed, or
 - (b) this section ceases to apply in relation to the tenancy of particular social housing after part of a relevant year has elapsed,the requirement in subsection (1) has effect in relation to the part of the relevant year falling before that time with a proportionate reduction in the maximum amount of rent payable to the registered provider by the tenant.
- (3) The amount of rent payable to the registered provider by the tenant in respect of the 12 months preceding the first relevant year is to be treated for the purposes of subsection (1) as having been the greater of the following amounts—
 - (a) the amount of rent that would have been payable in respect of those 12 months if the rate of rent applicable at the beginning of 8 July 2015 had applied during those 12 months, and
 - (b) if the Secretary of State consents to the use by the registered provider of a different day (“the permitted review day”), the amount of rent that would have been payable in respect of those 12 months if the rate of rent applicable at the beginning of the permitted review day had applied during those 12 months.
- (4) A consent given for the purposes of subsection (3) may be a consent given for a particular case or for a description of cases.
- (5) If a tenancy existing in the first relevant year began at or before the beginning of 8 July 2015 but less than 12 months before the beginning of the first relevant year, the

Changes to legislation: There are currently no known outstanding effects for the Welfare Reform and Work Act 2016, Section 23. (See end of Document for details)

tenancy is to be treated for the purposes of subsection (1) as having begun at least 12 months before the first relevant year (and subsection (3) is to have effect accordingly).

- (6) For the purposes of this section a relevant year, in relation to a registered provider, is—
- (a) in the case of 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”)—
 - (i) a year beginning on the first review date to occur after 1 April 2016, or
 - (ii) a year beginning on the first, second or third anniversary of that date;
 - (b) in any other case, a year beginning on 1 April 2016, 1 April 2017, 1 April 2018 or 1 April 2019.
- (7) For the purposes of subsection (6), a private registered provider's practice as regards its tenancies is to be determined by reference to its practice as regards the tenancies of its social housing in the year ending with 31 March 2016 (and a private registered provider which has no tenancies of its social housing in that year is to be regarded as having no practice as regards its tenancies).
- (8) A private registered provider whose practice is as described in subsection (6)(a) is to be regarded as having complied with the preceding subsections if it treats tenants in its social housing as if its relevant years were the years mentioned in subsection (6)(b).
- (9) This section is subject to—
- (a) section 27 (provision about excepted cases);
 - (b) Schedule 2 (further provision about social housing rents).

Modifications etc. (not altering text)

- C1** S. 23 excluded (1.4.2016) by [The Social Housing Rents \(Exceptions and Miscellaneous Provisions\) Regulations 2016 \(S.I. 2016/390\)](#), [regs. 1\(1\), 3\(1\)-\(3\)](#) (with [reg. 3\(6\)](#))
- C2** S. 23 modified by S.I. 2016/390, reg. 9 (as substituted (1.4.2017) by [The Social Housing Rents \(Exceptions and Miscellaneous Provisions\) \(Amendment\) Regulations 2017 \(S.I. 2017/91\)](#), [regs. 1\(3\), 5](#))
-

Commencement Information

- I1** S. 23(3)(4) in force at Royal Assent and s. 23(1)(2)(5)-(9) in force for certain purposes at Royal Assent, see [s. 36\(1\)\(c\)\(5\)](#)
- I2** S. 23(1)(2)(5)-(9) in force at 1.4.2016 in so far as not already in force by [S.I. 2016/394](#), [reg. 4](#)

Changes to legislation:

There are currently no known outstanding effects for the Welfare Reform and Work Act 2016, Section 23.