
STATUTORY INSTRUMENTS

2016 No. 390

The Social Housing Rents (Exceptions and Miscellaneous Provisions) Regulations 2016

Cases where section 23 of the Act does not apply

3.—(1) The following cases are prescribed under section 24(5) of the Act (exceptions) as cases where section 23 of the Act (reduction in social housing rents) does not apply—

- (a) accommodation where total household income meets the income qualification criterion;
- (b) in cases where sub-paragraph (a) does not apply, accommodation where total household income met the income qualification criterion in the previous relevant year;
- (c) intermediate rent accommodation;
- (d) specialised supported housing;
- (e) PFI social housing;
- (f) temporary social housing;
- (g) student accommodation;
- (h) accommodation where the rent registered under the Rent Act 1977 is lower than the social rent rate;
- (i) in cases where sub-paragraph (h) does not apply, accommodation where the Rent Act 1977 rent criterion is met;
- (j) care homes;
- (k) relevant Housing Act 1996 accommodation;
- (l) accommodation where the rent payable by the tenant was temporarily reduced or waived for any period during the previous relevant year.

(2) The following cases are prescribed under section 24(5) of the Act as cases where section 23 of the Act does not apply during the first relevant year—

- (a) supported housing which is not specialised supported housing;
- (b) almshouse accommodation;
- (c) accommodation provided by a co-operative housing association or a fully mutual housing association;
- (d) accommodation provided by a community land trust.

(3) Subject to paragraph (4), section 23 of the Act does not apply in relation to a tenant from the beginning of the relevant year following the qualifying year.

(4) Regulation 3(3) does not apply in the case of affordable rent housing where at the time when the tenancy began—

- (a) the amount found in accordance with paragraph 3(2)(a) of Schedule 2 to the Act was higher than the amount found in accordance with paragraph 3(2)(b); or
- (b) the amount found in accordance with paragraph 3(4)(a) of that Schedule was higher than the amount found in accordance with paragraph 3(4)(b).

- (5) In these Regulations “qualifying year” means—
- (a) in the case of a tenancy beginning at or before the beginning of 8 July 2015, the first of any relevant year in respect of which the amount of rent payable by the tenant was at least 3.94% less than the amount of rent payable in respect of the 12 months preceding the first relevant year calculated in accordance with section 23(3) of the Act;
 - (b) in the case of a tenancy beginning after the beginning of 8 July 2015—
 - (i) where the tenancy begins before or at the beginning of the first relevant year or at the beginning of the second or third relevant year, the relevant year in which the maximum rent payable by the tenant was determined under Schedule 2 to the Act, and
 - (ii) where the tenancy begins after the beginning of the first relevant year and not at the beginning of a later relevant year, the final relevant year in which the maximum rent payable by the tenant was determined under Schedule 2 to the Act,if in that year the amount of rent payable by the tenant was at least 2.97% less than the maximum rent that would have been payable in the first relevant year if the tenancy had begun at the beginning of the first relevant year; and
 - (c) in the case of a tenancy beginning after the beginning of 8 July 2015 to which subparagraph (b) does not apply, the first of any subsequent relevant year in respect of which the amount of rent payable by the tenant was at least 2.97% less than the maximum rent that would have been payable in the first relevant year if the tenancy had begun at the beginning of the first relevant year.
- (6) In paragraph (1)(h), in the case of supported housing which is not specialised supported housing, the reference to the social rent rate should be read as a reference to that rate as modified by regulation 10.