

## **Briefing Note for the Policy Overview & Scrutiny Meeting**

### **The Housing & Regeneration Act 2008**

This briefing note provides an update on the last report which was discussed at the September meeting of the Overview & Scrutiny Committee.

Since that discussion little has changed in terms of the details of the Housing & Regeneration Act. However the two proposed agencies; the Homes and Communities Agency (HCA) and the Tenant Services Authority (TSA) have now been established and became operational from 1<sup>st</sup> December 2008, some four months earlier than originally envisaged.

### **Homes and Communities Agency**

The Homes and Communities Agency (HCA) is the national housing and regeneration agency for England, with an annual investment budget of more than £5bn.

The HCA was formed on 1 December 2008 through the transfer of the functions and assets of English Partnerships; the investment functions of the Housing Corporation; a number of delivery programmes from Communities and Local Government and the transfer of the Academy for Sustainable Communities.

The role of the HCA, as listed in the Housing and Regeneration Act 2008 are to:

- improve the supply and quality of housing in England
- secure the regeneration or development of land or infrastructure in England
- support in other ways the creation, regeneration or development of communities in England or their continued well-being
- contribute to the achievement of sustainable development and good design in England, with a view to meeting the needs of people living in England.

The HCA has the power to, “do anything it considers appropriate for the purposes of its objects or for purposes incidental to those purposes”. It also has a wide range of specific powers relating to the provision, facilitation and acquisition (including compulsory purchase, regeneration, development of effective use of land) of housing and infrastructure; establishing companies; providing financial assistance; providing or facilitating services for communities; and undertaking advisory, training, research and information services.

The HCA cooperates with the Tenant Services Authority (TSA), the new social housing regulator, regarding the provision of social housing. It will provide

financial assistance for social housing utilising saved powers from the Housing Act 1996 until the new TSA regulatory regime is in place.

The HCA is committed to moving to a place rather than programme based approach to delivering its business. One of the key ways in which it will achieve that is by developing and introducing a new approach to working known as a 'single conversation'. The HCA aims to engage local authorities in a 'single conversation' on all aspects of housing and regeneration, and to connect local ambition with national targets.

### **Tenant Services Authority**

Whilst the TSA is established it has yet to implement all requirements of the Housing & Regeneration Act 2008 in order to become fully operational. This is likely to be achieved towards the end of 2009.

Some aspects of the TSA are already operational. These are:

- the corporate structure of TSA, for example responsibilities to have a Board, keep accounts, and produce an annual report
- the requirement to involve tenants in delivery of the TSAs functions, and to report on how the TSA deals with tenant complaints
- duty to co-operate with the Homes and Communities Agency
- powers to consult on how the new regulatory powers might work

When the requirements of the Act are fully implemented, the TSA will have a clear, well-focused set of powers to regulate social housing providers. These will be more extensive than the Housing Corporation's regulatory powers that they have inherited. They reflect the TSA's key role of tenant protection and to enable a wider domain of housing providers than the Corporation was able to do. These powers include: explicit power to set standards for social housing provision, particularly around key areas such as tenancy terms, rents, tenant involvement, viability and contributions to sustainable communities. Some standards are subject to rules made by the Secretary of State

- explicit power to issue codes of practice, to support standards
- inspection powers, to assess performance in relation to standards
- registration – a wider scope to register, also including registration of profit-making organisations
- fees – for initial registration and to remain on the register
- power to register local authority landlords, when and as directed by the Secretary of State
- clearer approach to deregistration
- power to give directions about how accounts are presented, including for the Disposal Proceeds Fund
- modernised disposal consents procedure, focused on social housing

- a set of enforcement powers, enabling a wide range of appropriate interventions and including specific tenant protection measures. The key enforcement powers are:
  - enforcement notice, to require a provider to do or not do something
  - impose a penalty, where a provider has failed to perform as required
  - require a provider to pay compensation to a tenant or group of tenants, including to enforce compensation awarded by the Ombudsman
  - require a provider to tender out management, if it has failed to meet specified standards; or to transfer management, following an inquiry
  - to appoint a manager, where a provider has failed to perform as required
  - transfer land, following an inquiry
- TSA will have modernised powers to undertake inquiries, audits, and to settle the affairs of providers who become insolvent

The TSA will be consulting on our new powers during 2009, and will move to the new framework as soon as possible.

Steve Jackson  
Head of Regeneration  
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