

WELFARE REFORM ACT 2007

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

PART 2: Housing benefit and council tax benefit

Section 35: Information relating to housing benefit

192. As part of their functions under section 122 of the Housing Act 1996, rent officers currently collect information about the private rented sector to enable them to make case specific housing benefit determinations and generic local housing allowance determinations. When making these determinations, rent officers are required to exclude housing benefit rents from their market evidence database to ensure that rents for housing benefit properties do not drive the levels at which individual or generic determinations are made, and thus drive housing benefit expenditure.
193. Under existing powers, regulations may only require local authorities to provide the information required for rent officers to consider a particular claim. The Act broadens this power by allowing the Secretary of State to prescribe that local authorities must provide such information as is necessary or expedient to enable rent officers to carry out their housing benefit functions. Local authorities will be required, for example, to provide information about local housing allowance cases, as well as the individual cases they still have to refer to the rent officer. This will ensure that rent officers can identify housing benefit properties that are not referred to them when the local housing allowance applies.
194. *Section 35* provides for new subsections (2A)-(2C) to be inserted into section 5 of the Social Security Administration Act, which concerns the administration of claims and payments for housing benefit and certain other benefits. The new powers enable the Secretary of State to require prescribed persons to provide certain information to rent officers that is not linked to the determination of a particular claim, but relates more generally to information that rent officers require in order to carry out their housing benefit functions. It also enables him to require prescribed persons to provide information about awards of benefit, as well as claims for benefit.
195. One example of how the new powers in (2A)-(2C) will be used concerns information about properties rented by housing benefit claimants. It is important to ensure that rent officers receive information about local housing allowance cases so that they can exclude rents in relation to those properties when making determinations.
196. *Subsection (3)* of this section removes subsection (3) from section 5 of the Social Security Administration Act. This subsection provides for the general power in section 5(1)(h) for requiring prescribed persons to provide information and evidence for determining claims to apply to information required by a rent officer. This is no longer necessary as the provision of information and evidence to rent officers is covered by the new subsections (2A)-(2C).