



Housing and Regeneration Act 2008

2008 CHAPTER 17

PART 1

THE HOMES AND COMMUNITIES AGENCY

CHAPTER 4

OTHER FUNCTIONS OF THE HCA

Social housing

31 Duties in relation to social housing

- (1) Subsection (2) applies if the HCA acquires, constructs or converts any housing or other land for use as low cost rental accommodation.
- (2) The HCA must ensure that a [^{F1}registered provider of social housing] is the landlord of the accommodation when it is made available for rent.
- (3) Subsection (4) applies if the HCA disposes of any housing or other land to a person on condition that the person provides low cost rental accommodation (whether in the same or different housing or other land).
- (4) The HCA must impose a further condition that a [^{F2}registered provider of social housing] is the landlord of the accommodation when it is made available for rent.
- (5) Subsection (6) applies if the HCA provides infrastructure to a person on condition that the person provides low cost rental accommodation.
- (6) The HCA must impose a further condition ensuring that a [^{F3}registered provider of social housing] is the landlord of the accommodation when it is made available for rent.
- (7) Subsection (8) applies if the HCA is proposing to give financial assistance on condition that the recipient provides low cost rental accommodation.

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- (8) The HCA must impose a further condition ensuring that a [^{F4}registered provider of social housing] is the landlord of the accommodation when it is made available for rent.
- [^{F5}(8A) Subsection (8B) applies if the HCA is proposing to give financial assistance on condition that the recipient provides low cost home ownership accommodation.]
- [^{F5}(8B) The HCA must consult the Regulator of Social Housing about the proposals.]
- ^{F6}(9)
- ^{F6}(10)
- (11) For the purposes of this section, a person provides low cost rental accommodation ^{F7}... if (and only if) the person acquires, constructs or converts any housing or other land for use as low cost rental accommodation ^{F8}... or ensures such acquisition, construction or conversion by another.
- [^{F9}(11A) For the purposes of this section, a person provides low cost home ownership accommodation if (and only if) the person acquires, constructs or converts any housing or other land for use as low cost home ownership accommodation or ensures such acquisition, construction or conversion by another.]
- (12) In this section—
 - [^{F10}“low cost home ownership accommodation” has the meaning given by section 70, and]
 - ^{F11}
 - ^{F12}
 - ^{F11}
 - “low cost rental accommodation” has the meaning given by section 69,

Textual Amendments	
F1	Words in s. 31(2) substituted (1.4.2010) by The Housing and Regeneration Act 2008 (Registration of Local Authorities) Order 2010 (S.I. 2010/844) , art. 1(2), Sch. 2 para. 26(2)(a)
F2	Words in s. 31(4) substituted (1.4.2010) by The Housing and Regeneration Act 2008 (Registration of Local Authorities) Order 2010 (S.I. 2010/844) , art. 1(2), Sch. 2 para. 26(2)(a)
F3	Words in s. 31(6) substituted (1.4.2010) by The Housing and Regeneration Act 2008 (Registration of Local Authorities) Order 2010 (S.I. 2010/844) , art. 1(2), Sch. 2 para. 26(2)(a)
F4	Words in s. 31(8) substituted (1.4.2010) by The Housing and Regeneration Act 2008 (Registration of Local Authorities) Order 2010 (S.I. 2010/844) , art. 1(2), Sch. 2 para. 26(2)(a)
F5	S. 31(8A)(8B) inserted (1.10.2018) by The Legislative Reform (Regulator of Social Housing) (England) Order 2018 (S.I. 2018/1040) , art. 1(2), Sch. para. 5(a) (with Pt. 4)
F6	S. 31(9)(10) repealed (1.4.2012) by Localism Act 2011 (c. 20) , s. 240(2), Sch. 16 para. 4(2), Sch. 25 Pt. 26 ; S.I. 2012/628, art. 6(i)(j) (with arts. 911141517)
F7	Words in s. 31(11) repealed (1.4.2012) by Localism Act 2011 (c. 20) , s. 240(2), Sch. 16 para. 4(3)(a), Sch. 25 Pt. 26 ; S.I. 2012/628, art. 6(i)(j) (with arts. 911141517)
F8	Words in s. 31(11) repealed (1.4.2012) by Localism Act 2011 (c. 20) , s. 240(2), Sch. 16 para. 4(3)(b), Sch. 25 Pt. 26 ; S.I. 2012/628, art. 6(i)(j) (with arts. 911141517)
F9	S. 31(11A) inserted (1.10.2018) by The Legislative Reform (Regulator of Social Housing) (England) Order 2018 (S.I. 2018/1040) , art. 1(2), Sch. para. 5(b) (with Pt. 4)
F10	Words in s. 31(12) inserted (1.10.2018) by The Legislative Reform (Regulator of Social Housing) (England) Order 2018 (S.I. 2018/1040) , art. 1(2), Sch. para. 5(c) (with Pt. 4)

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- F11** Words in s. 31(12) omitted (1.4.2010) by virtue of [The Housing and Regeneration Act 2008 \(Registration of Local Authorities\) Order 2010 \(S.I. 2010/844\)](#), art. 1(2), [Sch. 2 para. 26\(2\)\(b\)](#)
- F12** Words in s. 31(12) repealed (1.4.2012) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), [Sch. 16 para. 4\(4\)](#), [Sch. 25 Pt. 26](#); [S.I. 2012/628](#), art. 6(i)(j) (with arts. 911141517)

Modifications etc. (not altering text)

- C1** Ss. 31-36 applied (with modifications) by 1999 c. 29, s. 333ZE(1)(2) (as inserted (1.4.2012) by [Localism Act 2011 \(c. 20\)](#), [ss. 187\(3\)](#), 240(2); [S.I. 2012/628](#), art. 6(e) (with arts. 911141517))

Commencement Information

- I1** S. 31 in force at 1.4.2010 by [S.I. 2010/862](#), [art. 2](#) (with [Sch.](#))

32 Recovery etc. of social housing assistance

- (1) The HCA may, in such events as it may determine, exercise the powers conferred by subsections (2) to (4) in relation to a person who has received social housing assistance.
- (2) The HCA may reduce any grant payable by it or restrict any other social housing assistance due from it.
- (3) The HCA may suspend or cancel any instalment of any grant payable by it or any aspect of any other social housing assistance due from it.
- (4) The HCA may direct the recipient of any social housing assistance given by way of grant to—
 - (a) apply or appropriate for such purposes of the recipient as the HCA may specify, or
 - (b) pay to the HCA,such amount as the HCA may specify.
- (5) The HCA may not specify an amount which exceeds the recoverable amount.
- (6) The recoverable amount is—
 - (a) the total amount of grant received by the person to whom the direction is given, less
 - (b) the total of any amounts applied, appropriated or paid in accordance with any previous directions given in respect of that grant under subsection (4),and for the purposes of paragraph (b) any amounts provided for by virtue of section 33(1) are to be ignored.
- (7) Subsection (5) is without prejudice to the power of the HCA under section 33(1).
- (8) In exercising its powers under subsections (2) to (4) the HCA must act in accordance with such principles as it has determined.
- (9) A person who has received social housing assistance must notify the HCA if an event of a kind determined by the HCA under subsection (1) occurs after the assistance has been given.
- (10) Such a person must, if required by notice of the HCA, supply the HCA with such particulars of, and information relating to, the event as are specified in the notice.

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[^{F13}(10A) The HCA must notify the Regulator of Social Housing at least 14 days before exercising, in relation to a registered provider of social housing, any of the powers conferred by subsections (2) to (4).]

^{F14}(11)

(12) Events determined by the HCA under subsection (1), and principles determined by the HCA under subsection (8), must be determined on or before the time the HCA gives the social housing assistance concerned unless they are determined subsequently with the agreement of the recipient of the assistance.

(13) In this Part—

“social housing” has the same meaning as in Part 2,

“social housing assistance” means financial assistance given under section 19 on condition that the recipient provides social housing (whether by itself or as part of a wider project);

and, for the purposes of this Part, a person provides social housing if (and only if) the person acquires, constructs, converts, improves or repairs any housing or other land for use as social housing or ensures such acquisition, construction, conversion, improvement or repair by another.

Textual Amendments

F13 S. 32(10A) inserted (1.10.2018) by [The Legislative Reform \(Regulator of Social Housing\) \(England\) Order 2018 \(S.I. 2018/1040\)](#), art. 1(2), **Sch. para. 6** (with Pt. 4)

F14 S. 32(11) repealed (1.4.2012) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), Sch. 16 para. 5, **Sch. 25 Pt. 26**; S.I. 2012/628, art. 6(i)(j) (with arts. 911141517)

Modifications etc. (not altering text)

C1 Ss. 31-36 applied (with modifications) by 1999 c. 29, s. 333ZE(1)(2) (as inserted (1.4.2012) by [Localism Act 2011 \(c. 20\)](#), ss. **187(3)**, 240(2); S.I. 2012/628, art. 6(e) (with arts. 911141517))

Commencement Information

I2 S. 32 in force at 1.4.2009 for specified purposes by [S.I. 2009/803](#), art. **2(1)(a)**

I3 S. 32 in force at 1.4.2010 in so far as not already in force by [S.I. 2010/862](#), art. **2** (with Sch.)

33 Section 32: interest and successors in title

(1) A direction by the HCA under section 32(4) may require the application, appropriation or payment, in addition to the specified amount, of one or more of the following—

- (a) interest on the specified amount,
- (b) an amount calculated by reference to any increase in the market value of any housing or other land acquired, constructed, converted, improved or repaired as a result of the grant, and
- (c) interest on the amount falling within paragraph (b).

(2) Any direction falling within subsection (1)(a) or (c) must specify—

- (a) the applicable rate or rates of interest (whether fixed or variable),
- (b) the date from which interest is payable, and
- (c) any provision for suspended or reduced interest which is applicable.

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- (3) The date specified under subsection (2)(b) must not be earlier than the date of the event giving rise to the power to give a direction.
- (4) In subsection (2)(c)—
- (a) provision for suspended interest means provision to the effect that if the principal amount is applied, appropriated or paid before a date specified in the direction, no interest will be payable for any period after the date of the direction, and
 - (b) provision for reduced interest means provision to the effect that if the principal amount is so applied, appropriated or paid, any interest payable will be payable at a rate or rates lower than the rate or rates which would otherwise be applicable.
- (5) Any direction falling within subsection (1)(b) must specify—
- (a) the housing or other land concerned, and
 - (b) the method of calculating the amount concerned.
- (6) Subsection (7) applies if—
- (a) social housing assistance has been given to a person, and
 - (b) at any time the social housing provided as a result of the assistance becomes vested in, or is leased for a term of years to, or reverts to, another person [^{F15}“the successor”].
- [^{F16}(6A) But subsection (7) does not apply if—
- (a) the successor is a person other than a registered provider of social housing, and
 - (b) at any time since the social housing assistance was given—
 - (i) a person has enforced a security over the social housing, or
 - (ii) the social housing has been disposed of by a body while it is being wound up or is in administration (which, for this purpose, includes housing administration under Chapter 5 of Part 4 of the Housing and Planning Act 2016).]
- (7) Section 32 and this section (including this subsection) have effect in relation to periods after that time as if the assistance, or such element of it as may be determined by the HCA to be appropriate, had been given to [^{F17}the successor].
- (8) The matters specified in a direction under subsection (2)(a) to (c) or (5), and the element mentioned in subsection (7), are to be—
- (a) such as the HCA, acting in accordance with such principles as it may determine, may specify as being appropriate, or
 - (b) such as the HCA may determine to be appropriate in the particular case.
- (9) Principles determined by the HCA under subsection (8)(a), and determinations by the HCA under subsection (8)(b), must be determined on or before the time the HCA gives the social housing assistance concerned unless they are determined subsequently with the agreement of the recipient of the assistance.

Textual Amendments

- F15** Words in s. 33(6)(b) inserted (3.2.2017) by [Housing and Planning Act 2016 \(c. 22\)](#), ss. [94\(2\)](#), [216\(3\)](#); [S.I. 2017/75](#), reg. [3\(b\)](#)

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- F16** S. 33(6A) inserted (3.2.2017) by [Housing and Planning Act 2016 \(c. 22\)](#), **ss. 94(3)**, 216(3); S.I. 2017/75, reg. 3(b)
- F17** Words in s. 33(7) substituted (3.2.2017) by [Housing and Planning Act 2016 \(c. 22\)](#), **ss. 94(4)**, 216(3); S.I. 2017/75, reg. 3(b)

Modifications etc. (not altering text)

- C1** Ss. 31-36 applied (with modifications) by 1999 c. 29, s. 333ZE(1)(2) (as inserted (1.4.2012) by [Localism Act 2011 \(c. 20\)](#), **ss. 187(3)**, 240(2); S.I. 2012/628, art. 6(e) (with arts. 911141517))

Commencement Information

- I4** S. 33 in force at 1.4.2009 for specified purposes by [S.I. 2009/803](#), **art. 2(1)(b)**
- I5** S. 33 in force at 1.4.2010 in so far as not already in force by [S.I. 2010/862](#), **art. 2** (with [Sch.](#))

34 Determinations under sections 32 and 33

- (1) The HCA must not make a general determination under section 32 or 33 without the consent of the Secretary of State.

^{F18}(2)

[^{F19}(2A) Before making such a determination, the HCA must consult—

- (a) the Regulator of Social Housing, and
 (b) such other persons as it considers appropriate.]

- (3) Subsection (4) applies if a general determination under section 32 or 33 about relevant events relates to social housing assistance given to a registered provider of social housing.
- (4) The HCA must, in particular, consult such bodies appearing to it to represent the interests of registered providers of social housing as it considers appropriate.
- (5) The HCA must publish a general determination made under section 32 or 33 in such manner as it considers appropriate for bringing the determination to the attention of those affected by it.
- (6) A general determination of the HCA under section 32 or 33 may make different provision for different cases or descriptions of case (including different provision for different areas).
- (7) For the purposes of subsection (6) descriptions may be framed by reference to any matters whatever.
- (8) A determination of the HCA under section 32 or 33 may be varied or revoked by it (subject to any provision as to the time by which such a determination must be made).
- (9) In this section—
 “general determination” means a determination which does not relate solely to a particular case,
 “relevant event” means an event of a kind determined by the HCA under section 32(1).

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Textual Amendments

- F18** S. 34(2) omitted (1.10.2018) by virtue of [The Legislative Reform \(Regulator of Social Housing\) \(England\) Order 2018 \(S.I. 2018/1040\)](#), art. 1(2), [Sch. para. 7\(a\)](#) (with Pt. 4)
- F19** S. 34(2A) inserted (1.10.2018) by [The Legislative Reform \(Regulator of Social Housing\) \(England\) Order 2018 \(S.I. 2018/1040\)](#), art. 1(2), [Sch. para. 7\(b\)](#) (with Pt. 4)

Modifications etc. (not altering text)

- C1** Ss. 31-36 applied (with modifications) by 1999 c. 29, s. 333ZE(1)(2) (as inserted (1.4.2012) by [Localism Act 2011 \(c. 20\)](#), [ss. 187\(3\)](#), 240(2); S.I. 2012/628, art. 6(e) (with arts. 911141517))

Commencement Information

- I6** S. 34 in force at 1.4.2009 by [S.I. 2009/803](#), [art. 2\(1\)\(c\)](#) (with [art. 2\(2\)\(3\)](#))

35 Duty to give financial assistance in respect of certain disposals

[^{F20}(1) The HCA must exercise its powers under section 19 to give financial assistance by way of grant to a relevant provider of social housing in respect of any discount given by the provider by virtue of a person exercising the right to acquire conferred by section 180.]

[^{F21}(2)

(3) The amount of the grant given by virtue of subsection [^{F22}(1)] to a relevant provider of social housing for any year is to be the aggregate value of the discounts given by that provider in that year.

(4) The amount of the grant given by virtue of subsection (1)(b) to a relevant provider of social housing must not exceed the amount of the discount to which the tenant would have been entitled in respect of the other dwelling.

(5) The HCA must specify—

(a) the procedure to be followed in relation to applications for a grant by virtue of this section,

[^{F23}(b)

(c) the manner in which, and time or times at which, a grant by virtue of this section is to be paid,

(d) any other terms or conditions on which such a grant is given.

(6) In this section—

“dwelling” has the same meaning as in Part 2,

“[^{F24}private registered provider] of social housing” includes a person falling within section 180(3),

“registered social landlord” has the same meaning as in Part 1 of the Housing Act 1996,

“relevant provider of social housing” means—

(a) a [^{F25}private registered provider] of social housing, or

(b) a registered social landlord,

“tenant” has the same meaning as in Part 2.

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Textual Amendments

- F20** S. 35(1) substituted (26.5.2016) by [Housing and Planning Act 2016 \(c. 22\)](#), **ss. 67(2)**, 216(3); S.I. 2016/609, **reg. 2**
- F21** S. 35(2) omitted (26.5.2016) by virtue of [Housing and Planning Act 2016 \(c. 22\)](#), **ss. 67(3)**, 216(3); S.I. 2016/609, **reg. 2**
- F22** Word in s. 35(3) substituted (26.5.2016) by [Housing and Planning Act 2016 \(c. 22\)](#), **s. 67(4)**; S.I. 2016/609, **reg. 2**
- F23** S. 35(5)(b) omitted (26.5.2016) by virtue of [Housing and Planning Act 2016 \(c. 22\)](#), **ss. 67(5)**, 216(3); S.I. 2016/609, **reg. 2**
- F24** Words in s. 35(6) substituted (1.4.2010) by [The Housing and Regeneration Act 2008 \(Registration of Local Authorities\) Order 2010 \(S.I. 2010/844\)](#), art. 1(2), **Sch. 2 para. 26(3)(a)**
- F25** Words in s. 35(6) substituted (1.4.2010) by [The Housing and Regeneration Act 2008 \(Registration of Local Authorities\) Order 2010 \(S.I. 2010/844\)](#), art. 1(2), **Sch. 2 para. 26(3)(b)**

Modifications etc. (not altering text)

- C1** Ss. 31-36 applied (with modifications) by 1999 c. 29, s. 333ZE(1)(2) (as inserted (1.4.2012) by [Localism Act 2011 \(c. 20\)](#), **ss. 187(3)**, 240(2); S.I. 2012/628, art. 6(e) (with arts. 911141517))

Commencement Information

- I7** S. 35 in force at 1.4.2010 by [S.I. 2010/862](#), **art. 2** (with Sch.)

36 Information in relation to social housing

- (1) The Secretary of State may by order provide for the HCA to supply such information about—
- (a) which accommodation provided directly or indirectly by it is to be social housing,
 - (b) the type of social housing to be so provided, and
 - (c) the consequences of it being social housing,
- as may be specified or described in the order.
- (2) An order under this section may, in particular, provide for—
- (a) the person or persons to whom the information is to be provided,
 - (b) the time at which, or period or frequency within which, the information is to be provided,
 - (c) the form and manner in which the information is to be provided.

Modifications etc. (not altering text)

- C1** Ss. 31-36 applied (with modifications) by 1999 c. 29, s. 333ZE(1)(2) (as inserted (1.4.2012) by [Localism Act 2011 \(c. 20\)](#), **ss. 187(3)**, 240(2); S.I. 2012/628, art. 6(e) (with arts. 911141517))

Commencement Information

- I8** S. 36 in force at 1.4.2009 by [S.I. 2009/803](#), **art. 2(1)(d)**

[^{F26}36A. Co-operation with the Regulator of Social Housing

- (1) The HCA must co-operate with the Regulator of Social Housing.

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- (2) In particular, the HCA must consult the Regulator of Social Housing on matters likely to interest the Regulator.
- (3) The HCA may provide services and other assistance in connection with the operation of the Regulator of Social Housing.
- (4) The services or assistance which may be provided pursuant to subsection (3) include, but are not limited to—
 - (a) the provision of accommodation or other facilities;
 - (b) technical resources; and
 - (c) the provision of staff.]

Textual Amendments

F26 S. 36A inserted (1.10.2018) by [The Legislative Reform \(Regulator of Social Housing\) \(England\) Order 2018 \(S.I. 2018/1040\)](#), art. 1(2), **Sch. para. 8** (with Pt. 4)

^{F27}**37** **Duty to co-operate with Regulator of Social Housing**

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Textual Amendments

F27 S. 37 repealed (1.4.2012) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), Sch. 16 para. 7, **Sch. 25 Pt. 26**; S.I. 2012/628, art. 6(i)(j) (with arts. 911141517)

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 14(6A) inserted by 2023 c. 55 s. 138
- s. 107(2A) inserted by 2023 c. 36 s. 3(2)(c)
- s. 107(4A)(4B) inserted by 2023 c. 36 s. 3(2)(f)
- s. 107(6A) inserted by 2023 c. 36 s. 3(2)(i)
- s. 115(6A) inserted by 2023 c. 36 s. 8(d)
- s. 117(1A) inserted by 2023 c. 36 s. 4(3)
- s. 117(4A) inserted by 2023 c. 36 s. 4(5)
- s. 126A-126D inserted by 2023 c. 36 s. 10(2)
- s. 146(2B) inserted by 2023 c. 36 s. 12(3)(e)
- s. 153(1)(ba) inserted by 2023 c. 36 s. 12(6)(a)
- s. 153(1A) inserted by 2023 c. 36 s. 12(6)(b)
- s. 154(2)(ab) inserted by 2023 c. 36 Sch. 1 para. 18
- s. 161A inserted by 2023 c. 36 s. 18(2)
- s. 163A applied (with modifications by S.I. 2023/1311 reg. 9)
- s. 163A inserted by 2023 c. 36 s. 17(3)
- s. 163B inserted by 2023 c. 36 s. 18(3)
- s. 169CA inserted by 2023 c. 36 s. 19(4)
- s. 169CB-169CD and cross-heading inserted by 2023 c. 36 s. 20(2)
- s. 169ZA inserted by 2023 c. 36 Sch. 5 para. 14
- s. 199(9) inserted by 2023 c. 36 s. 28(2)(c)
- s. 199A-199B inserted by 2023 c. 36 s. 28(3)
- s. 200(4A) inserted by 2023 c. 36 s. 28(4)(d)
- s. 201A inserted by 2023 c. 36 s. 29(2)
- s. 203A inserted by 2023 c. 36 s. 30(4)
- s. 215(1A) inserted by 2023 c. 36 s. 29(3)
- s. 218(2)(e) inserted by 2023 c. 36 Sch. 5 para. 26(b)
- s. 218A-218D and cross-heading inserted by 2023 c. 36 s. 31(2)
- s. 220(11B) inserted by 2023 c. 36 s. 10(3)
- s. 220(11D)(11E) inserted by 2023 c. 36 s. 31(3)
- s. 225A-225H and cross-heading inserted by 2023 c. 36 s. 32
- s. 227(7B) inserted by 2023 c. 36 s. 10(4)
- s. 227(7D)(7E) inserted by 2023 c. 36 s. 31(4)
- s. 237(5)(6) inserted by 2023 c. 36 s. 31(5)
- s. 247(1)(c) and word inserted by 2023 c. 36 s. 31(6)
- s. 247(1)(ab)(ac) inserted by 2023 c. 36 s. 10(5)
- s. 249(1)(c) and word inserted by 2023 c. 36 Sch. 3 para. 7(b)
- s. 251(1)(c) and word inserted by 2023 c. 36 s. 31(7)
- s. 251(1)(ab)(ac) inserted by 2023 c. 36 s. 10(6)
- s. 252(2A) inserted by 2023 c. 36 Sch. 3 para. 9(b)
- s. 252A(2)(c)(d) inserted by 2023 c. 36 s. 10(7)(b)
- s. 252A(2)(e) inserted by 2023 c. 36 Sch. 3 para. 10(b)
- s. 252A(2)(f) and word inserted by 2023 c. 36 s. 31(8)
- s. 253(1)(c) and word inserted by 2023 c. 36 Sch. 3 para. 11(b)
- s. 255(1)(c) and word inserted by 2023 c. 36 Sch. 3 para. 12(b)
- s. 259(3A) inserted by 2023 c. 36 Sch. 3 para. 15(d)
- s. 266(9) inserted by 2023 c. 36 Sch. 3 para. 17(b)
- s. 269(1)(ba)(bb) inserted by 2023 c. 36 Sch. 3 para. 18(c)

– s. 269(1A) inserted by [2023 c. 36 Sch. 3 para. 18\(d\)](#)