

Housing Association (Rights and Representation of Residents) Bill

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TO

Make provision about the rights and representation of housing association residents; to make requirements of housing associations in relation to service delivery; to make further provision for the regulation of housing associations; and for connected purposes.

BE IT ENACTED by the Queen’s most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1 Interpretation

In this Act—

“estate” means a housing estate managed by a housing association or a neighbourhood in which a housing association provides housing accommodation;

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“housing association” means a body within the meaning of section 5(1) of the Housing Act 1985 (c. 68) (housing associations) which is a registered social landlord within the meaning of section 5(4) (registered social landlords) of that Act;

“regulations” means regulations made by the Secretary of State;

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“tenants’ association” means the body which, in the opinion of the Housing Corporation, is representative of the tenants in the estate;

“tenants’ jury” has such meaning as shall be prescribed in regulations.

2 Service agreements

(1) A housing association must prepare and publish a service agreement setting out the services it proposes to provide for the tenants in each estate.

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(2) A service agreement must be approved by—

(a) the Housing Corporation, and

(b) a tenants’ jury.

(3) An approval under subsection (2) shall cease to have effect after three years.

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(4) Regulations may make further provision about—

- (a) service agreements, and
- (b) tenants' juries.

3 Inspections

- (1) The Housing Corporation must conduct an inspection of a housing association's performance in relation to a service agreement if it is asked to do so by – 5
- (a) the tenants' association,
 - (b) a majority of the tenants,
 - (c) a majority of the councillors representing the ward or wards in which the estate is situated, or 10
 - (d) the Housing Ombudsman,
- unless such an inspection has been conducted within the previous three years.
- (2) If, as a result of the inspection, it appears to the Housing Corporation that the housing association has failed to provide the services required by the service agreement, the Corporation – 15
- (a) may take such action as may be specified in regulations with a view to bringing about the necessary improvement in the housing association's performance, and
 - (b) shall conduct a further inspection after six months.
- (3) Regulations may make further provision about the conduct of inspections. 20
- (4) Regulations must in particular make provision for the involvement in the inspection of –
- (a) the tenants' association,
 - (b) a tenants' jury, and
 - (c) the ward councillors. 25

4 Ballot of transfer of management

- (1) This section applies if, as a result of an inspection under section 3(2)(b), it appears to the Housing Corporation that the housing association has continued to fail to provide the services required by the service agreement.
- (2) The Housing Corporation must conduct a ballot of tenants on the question whether the management of the estate should be transferred to a different housing association. 30
- (3) If a majority of the votes cast in a ballot held in accordance with subsection (2) are in favour of a transfer, the Housing Corporation shall prepare proposals for the transfer of the management of the estate to a different housing association – 35
- (a) which is willing to undertake the management of the estate, and
 - (b) which, in the Corporation's opinion, is best fitted to remedy the deficiencies in provision appearing from the inspections.
- (4) The Housing Corporation must conduct a ballot of tenants on any transfer proposed under subsection (3). 40
- (5) If a majority of the votes cast in a ballot held in accordance with subsection (4) are in favour of the proposed transfer, the Housing Corporation shall make the necessary arrangements to give effect to it.

- (6) Regulations may make further provision about—
 - (a) the conduct of ballots, and
 - (b) the transfer of the management of an estate from one housing association to another.

5 Regulations 5

- (1) The power to make regulations under this Act is exercisable by statutory instrument.
- (2) A statutory instrument containing regulations under this Act is subject to annulment in pursuance of a resolution of either House of Parliament.

6 Expenses 10

There shall be paid out of money provided by Parliament any increase attributable to this Act in the sums payable out of money so provided under any other enactment.

7 Short title, commencement and extent

- (1) This Act may be cited as the Housing Association (Rights and Representation of Residents) Act 2007. 15
- (2) This Act shall come into force at the end of the period of two months beginning with the day on which it is passed.
- (3) This Act extends to England and Wales only.

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