

· HOUSING ·
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SECOND EDITION

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Preface

Since the previous edition of this book the housing association movement has experienced yet another change of political direction. Housing associations are currently required to shoulder the twofold burden of replacing local authorities as the main source of public sector housing and of helping to revive the dormant private sector housing market. The housing association movement comprises some 4,000 non-profit making bodies and just under 3 per cent. of the national housing stock. Each association is in theory voluntary and independent. However the majority are dependent upon public funding and are regulated and controlled by the central government through the medium of the Housing Corporation, a "quango" that has enormously increased in power and importance since its genesis in 1964 out of the scandals of *rachmanism*.

Housing associations are currently advancing on three fronts, firstly as providers of accommodation to meet specific areas of housing shortage and deprivation, secondly, as bodies asked to take over local authority housing stock and thirdly, as a source of management and advice to private landlords. Current government policy is to encourage the use of private investment coupled with grants and loans from the central government with the aim of allocating limited public resources more efficiently than was previously the case when most associations were financed wholly from public funds.

To cope with these developments there have been fundamental changes in the law. The permissible functions of registered housing associations have been extended, the Housing Corporation has been given broader financial powers and increased regulatory powers, housing association tenancies granted on or after January 15, 1989 have been brought within the same basic statutory regime as private sector tenancies, and tenants have lost many of their legal rights. However the older regime still applies to most tenancies granted before that date and will remain in force for many years. We have therefore included both regimes in this edition. The role of local authorities in relation to housing associations has been subordinated to that of central government. On the other side of the coin provision has been made for a limited amount of tenants' participation.

Behind these changes, which are merely the latest in a roughly five yearly cycle of upheavals, lies the awkward fact that British government and English law have never produced a coherent concept of social housing. The ugly spectre of feudalism between landlord and tenant remains overwhelmingly dominant.

The aims of this book remain unchanged although this edition has been expanded as well as updated. We have attempted to explain and analyse the distinctive features of the law as it applies to housing associations and to place the law within its political and practical context. Housing association law comprises a basic set of principles derived from two sources, firstly, the historical development of different kinds of voluntary housing body, and secondly, the public law applied to those housing associations—in practice the vast majority—which fall within the ambit of the Housing Corporation. There are also a bewildering profusion of detailed pragmatic rules, culled from the many branches of law which affect housing associations, in particular landlord and tenant law, company law and the law of industrial and provident societies, charity law, tax law, and housing benefit. We have tried to identify all the legal rules which are peculiar to housing associations but for reasons of space we have not been able to discuss topics, such as building and insurance liability which although important to housing associations do not involve legal rules peculiar to housing associations.

It is hoped that the book will serve as a basic legal text for housing association members and managers and for their legal advisers. It is also intended to meet the needs of public authorities and financial institutions and to serve as a reference source for students.

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The law is discussed on the basis of materials to hand on September 1, 1991.

SEPTEMBER 1991

JOHN ALDER
CHRIS HANDY

Abbreviations

A.M.P.	Association Monitoring Profile
A.D.P.	Approved Development Programme
C.C.H.S.	Council of Co-Ownership Housing Societies
D.o.E.	Department of the Environment
F. & I. &	
P.S.A. 1968	Friendly and Industrial and Provident Societies Act 1968
G.R.F.	Grant Redemption Fund
H.A.	Housing Act
H.A.A. 1985	Housing Associations Act 1985
H.A.C.T.	Housing Associations Charitable Trust
H.A.G.	Housing Association Grant
H.A.L.O.	Housing Associations Liaison Office (concerns the National Mobility Scheme (below))
H.C.	Housing Corporation
H.N.I.	Housing Needs Index
H. and P.A. 1986	Housing and Planning Act 1986
I. & P.S.A.	Industrial and Provident Societies Act
L.G.A.	Local Government Act
L.G. and H.A. 1989	Local Government and Housing Act 1989
L.P.A. 1925	Law of Property Act 1925
N.F.H.A.	National Federation of Housing Associations
N.F.H.C.	National Federation of Housing Co-operatives
N.M.S.	National Mobility Scheme
P.P.G.	Planning Policy Guidance (D.o.E.)
R.A. 1977	Rent Act 1977
R.D.G.	Revenue Deficit Grant
R.S.F.	Rent Surplus Fund
T.C.I.	Total Cost Indicators

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