

RENTERS' RIGHTS BILL

Supplementary Memorandum from the Ministry of Housing, Communities and Local Government to the Delegated Powers and Regulatory Reform Committee

A. INTRODUCTION

1. This memorandum has been prepared for the Delegated Powers and Regulatory Reform Committee (DPRRC) to assist with its scrutiny of the Renters' Rights Bill ("the Bill"). It supplements the memorandum that was submitted and published on 16 January 2025 ("the first DPM") when the Bill was introduced to the House of Lords.
2. Two further supplementary DPMs were submitted and published on 2 April 2025 and 25 June 2025 which detailed the additional powers tabled at Lords Committee and Report Stages respectively.
3. The Department has considered the use of powers in the Bill as set out below and is satisfied that they are necessary and justified.

B. SUMMARY OF THE BILL

4. The DPRRC is referred to the memorandum published on 6 February 2025 for a summary of the Bill.

C. DELEGATED POWERS

5. The additional power tabled at Lords Consideration of Commons Amendments and / or Reasons is:
 - a. Clause (The standard of MOD accommodation) subsections (8) and (9) – Power to amend clause (The standard of MOD accommodation) to make provision about the standards that Service Family Accommodation must meet.

D. ANALYSIS OF DELEGATED POWERS BY CLAUSE

CLAUSE (The standard of MOD accommodation) subsections (8) and (9): Power to amend clause (The standard of MOD accommodation) to make provision about what the relevant standards are that Service Family Accommodation must meet

Power conferred on: Secretary of State

Power exercised by: Regulations (Statutory Instrument)

Parliamentary Procedure: Affirmative

Context and Purpose

6. Clause (The standard of MOD accommodation) requires the Secretary of State to lay annually before Parliament a report setting out the extent to which Ministry of Defence Service Family Accommodation in England meets relevant standards. Clause (The standard of MOD accommodation) subsection (7) specifies that Service Family Accommodation will be considered to meet relevant standards if it would be assessed

as 'decent' under the 2006 Decent Homes Standard, the current minimum standard that applies to social housing.

7. Clause (The standard of MOD accommodation) subsection (8) allows the Secretary of State to make regulations to amend clause (The standard of MOD accommodation) by making new provision about what it means for Service Family Accommodation to meet the relevant standards. These standards may be set by reference to other subordinate legislation – for example, other regulations made to define housing standard requirements. The purpose of this power is to allow the Secretary of State to update the standards that are used to assess Service Family Accommodation to reflect wider policy changes in relation to quality standards for residential accommodation.
8. Clause (The standard of MOD accommodation) subsection (9) defines the circumstances in which the Secretary of State can use this power. Regulations can only be made if and when, in the Secretary of State's view, the 2006 Decent Homes Standard is no longer appropriate for assessing Service Family Accommodation. This determination must have regard to whether the 2006 Decent Homes Standard continues to be used for assessing other types of accommodation – for example, whether this standard still applies to social housing in England. This limits the circumstances in which the power can be used to ensure that it is exercised only in circumstances where the 2006 Decent Homes Standard is no longer the right measure for assessing Service Family Accommodation – for example, if this has been replaced by a new, updated Decent Homes Standard.

Justification for taking the power

9. Clause (The standard of MOD accommodation) establishes a statutory requirement to report annually on the quality of Service Family Accommodation. The existing 2006 Decent Homes Standard is used as the minimum standard for social housing in England, with compliance overseen by the Regulator of Social Housing. It is set out in [A Decent Home: Definition and guidance for implementation](#). It is also used as the metric for measuring decency for all housing in England through the Government's English Housing Survey. The Government therefore considers that this is the appropriate standard to use at this time for the purposes of assessing Ministry of Defence Service Family Accommodation.
10. However, standards for assessing the quality of housing will need to be periodically reviewed and updated – for example, to make sure it meets modern expectations of decency and takes account of technological developments. Indeed, the Government is currently in the process of considering updating the 2006 Decent Homes Standard; a [public consultation](#) took place from July to September 2025. This consultation set out proposals for a new, updated standard that will apply to both private and socially rented homes in England. The consultation proposes that this new standard will come into force in either 2035 or 2037.
11. This power is therefore necessary to ensure that Service Family Accommodation can always be assessed against an appropriate standard for housing quality, even when such standards are changed and updated. This also avoids the risk that Government would still be required to report about the 2006 Decent Homes Standard in respect of

Service Family Accommodation even when this has been superseded by an updated standard and is no longer used for the assessment of decency in other housing sectors.

12. As set out above, the Secretary of State must consider that the 2006 Decent Homes Standard is no longer an appropriate measure for assessing Service Family Accommodation before making regulations. This ensures that the circumstances in which the power can be exercised are appropriately limited to situations in which there is a genuine need to update standards.

Justification for the procedure

13. We consider the use of the affirmative procedure is appropriate to ensure necessary Parliamentary oversight, recognising this is a Henry VIII power.

Department Name: Ministry of Housing, Communities and Local Government

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