

Under Occupation (spare bedrooms) – Frequently Asked Questions

Changes from April 2013 mean Housing Benefit is reduced for some people who are living in a property larger than required for their household size. This applies to working age people renting from a social landlord such as the Council or a housing association. It does not apply to pensioners. It is sometimes referred to as the Removal of the Spare Room Subsidy.

What were the changes?

The rules restrict the size of accommodation you can receive Housing Benefit for, based on the number of people in your household. The rules allow for one bedroom for:

- every adult couple (married or unmarried);
- any other adult aged 16 or over;
- any two children of the same sex aged under 16;
- any two children aged under 10;
- any other child including a foster child or child whose main home is elsewhere);
- a carer (or team of carers) who do not live with you but provide you and your partner with overnight care;
- a disabled person in receipt of certain disability benefits, where they are physically unable to share a room;
- an approved foster carer, who is between placements (up to 52 weeks from the end of the last placement);
- a newly approved foster carer (up to 52 weeks from the date of approval), if no child is placed with them during this time.

How will this affect you?

It is possible the amount of Housing Benefit you get will be reduced. If you are assessed under these rules as having more bedrooms than is necessary for your household you will be considered to be under-occupying that property.

What does under-occupying mean?

If someone is assessed as having more bedrooms in their accommodation than is necessary according to the new rules, they will be considered to be

under-occupying that property and will get a reduction on their Housing Benefit (also known as 'Bedroom Tax').

If you are under-occupying, what reduction will you get in your Housing Benefit?

- 14 % of your eligible rent for under-occupying one bedroom;
- 25 % of your eligible rent for under-occupying by two bedrooms or more.

If you are thinking of moving, you need to consider these changes before you renew or make a new tenancy agreement. If your Housing Benefit is cut, **you** will have to pay the difference between your Housing Benefit and your rent to your housing provider.

What are your options?

- **Pay the difference** - between your rent and the amount of Housing Benefit you receive.
- **Consider moving to a smaller property** – visit www.gatewaytohomechoice.org.uk
- **Look at the possibility of taking in a lodger** - you could rent out your additional room(s) to a lodger for additional income. You would need to check that your landlord allows this. Some of the additional income received from a lodger may count as extra income when claiming your benefits, so you would need to report this as a change in your circumstances.

How much will your benefit be cut by?

To work out how much your benefit will be cut, take your weekly rent amount and then divide this amount by 100, then multiply it by the percentage for the spare bedroom (14% for one spare bedroom or 25% for two).

Here are some examples that might help:

Total weekly rent	Amount you have to pay if you have 1 spare bedroom	Amount you have to pay if you have 2 spare bedrooms
£65.00	£9.10	£16.25
£70.00	£9.80	£17.50
£75.00	£10.50	£18.75
£80.00	£11.20	£20.00
£85.00	£11.90	£21.25
£90.00	£12.60	£22.50
£95.00	£13.30	£23.75
£100.00	£14.00	£25.00

Who does 'Bedroom Tax' or under-occupation not apply to?

- Anyone who lives in a one bedroom flat or bed-sit;
- Anyone who is old enough to receive Pension Credits;
- Anyone whose partner is old enough to receive Pension Credits;
- Anyone with a shared ownership property.

If your house has been adapted to cater for your disability – are you included in the size limit rules?

Other than the cases stated above there will be no exceptions to the application of the size limit rules.

Your child has a severe disability and is not able to share a room - will you be allowed an extra room for them?

Generally there will be no exceptions to the application of the size limit rules. However, under certain conditions a severely disabled child may be entitled to their own bedroom if they meet the following criteria:

- They have a medical condition that means they cannot share with a sibling **and**
- they receive the Middle or High Rate of DLA Care or High Rate DLA Mobility.

In these cases we will also require supporting medical evidence from a medically qualified person, this includes nurses, or a social worker. The letter should detail the nature and severity of the medical condition and the reason/s why the child requires their own room. All cases will be considered on the individual circumstances of the case.

Your child is away at university - can you keep their room for when they are home in the holidays?

The new size limit rules do not allow for this, unless the absence is temporary (less than 52 weeks for students) and the young person concerned intends to return home.

Are you allowed a room for a foster child?

Yes. When calculating how many bedrooms a family unit requires, a room for a foster child will be taken into account

If you have an adult child in the Armed Forces, are you affected?

Adult children who are in the Armed Forces but who continue to live with parents will be treated as continuing to live at home, even when deployed on operations. This means that the size criteria rules will not be applied to the room normally occupied by the member of the Armed Forces if they intend to return home.

You share the care of your children with your ex-partner - are you both entitled to a room for them?

Where parents who don't live together have shared care of their children, the children will be treated as living with the parent who is responsible for them and provides their main home.

For someone to be treated as responsible for a child or young person, the child or young person must normally be living with them. If a child or young person spends equal amounts of time in different households, or there is a question as to whom they normally live with, they will be treated as living with the person who is receiving Child Benefit for them.

Will the shared accommodation rate apply?

There is no shared accommodation rate in the social rented sector. A person living on their own will require one bedroom, whether or not the property is self-contained, regardless of their age.

You share the house with someone else - how is your room allowance worked out?

If you occupy your accommodation jointly with someone else the size limit rules will take into account everybody living in the property. If it is decided that you are under-occupying, a percentage reduction will be taken off the whole eligible rent and any eligible service charges, and your Housing Benefit will then be based on the proportion of the rent you are liable to pay.

See the following example:

Example:

Stewart rents a three bedroom flat which he shares with George. The rent is £100 a week and they split the rent 50/50. Stewart currently receives Housing Benefit to cover his share of the rent.

Under the size limit rules Stewart would be considered to be under-occupying as he and George would only require two rooms.

As he is over occupying by one room a 14 % reduction would be applied to the full rent making it £86, as Stewart is liable for half the rent he would then receive £43 Housing Benefit a week.

If Stewart decided to remain in the flat he would need to make up the remaining £7 himself.

Your partner has just passed away - are you going to be expected to move?

There may be circumstances where someone in receipt of Housing Benefit would be considered to be under-occupying because of a death in their household. In these circumstances they would be protected and the size limit rules would not be applied for a period of 12 months or until they moved home or there was another change of circumstances (whichever came first).