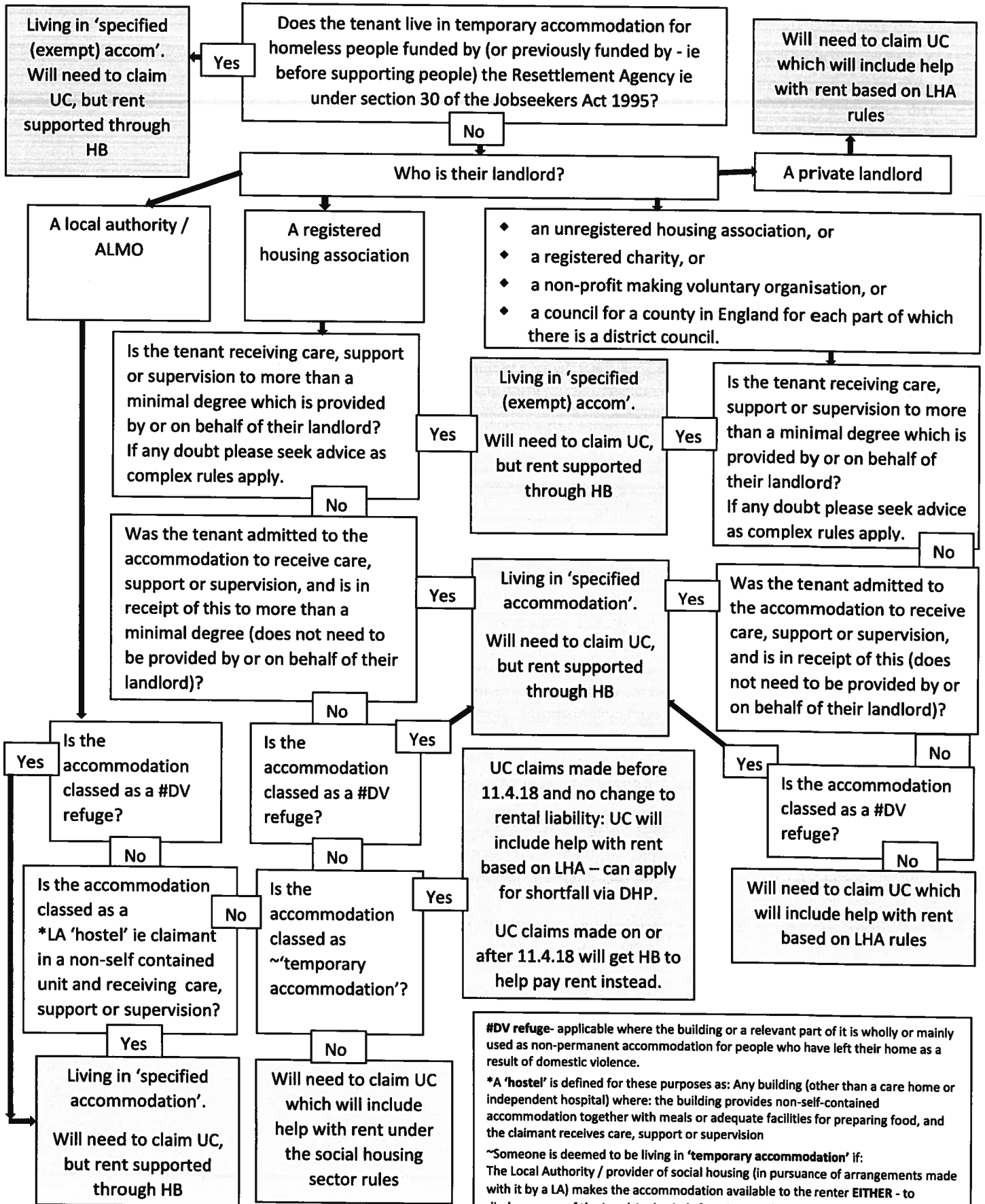


# Living in Supported Housing & Claiming UC

This flowchart assumes that the claimant currently receives Universal Credit or is having a change in their circumstances that triggers the need to claim Universal Credit – see the website for further details.



**#DV refuge**- applicable where the building or a relevant part of it is wholly or mainly used as non-permanent accommodation for people who have left their home as a result of domestic violence.

**\*A 'hostel'** is defined for these purposes as: Any building (other than a care home or independent hospital) where: the building provides non-self-contained accommodation together with meals or adequate facilities for preparing food, and the claimant receives care, support or supervision

**~Someone is deemed to be living in 'temporary accommodation'** if: The Local Authority / provider of social housing (in pursuance of arrangements made with it by a LA) makes the accommodation available to the renter **EITHER** - to discharge any of the Local Authority's functions under Part 3 of the Housing Act 1985, Part 7 of the Housing Act 1996 or Part 2 of the Housing (Scotland) Act 1987, **OR** - to prevent the person being or becoming homeless within the meaning of Part 7 of the Housing Act 1996 or Part 2 of the Housing (Scotland) Act 1987.

## Exempt Accommodation - definition

A tenant is classed as living in 'exempt accommodation' where the accommodation is:

1. Temporary accommodation for homeless people funded by (or previously funded by - ie before supporting people) the Resettlement Agency ie under section 30 of the Jobseekers Act 1995.

OR

2. A property that is provided by (ie their tenancy agreement is with):

- a housing association, whether registered or unregistered,
- a registered charity,
- a non-profit making voluntary organisation,
- in England only, a non-metropolitan county council, (ie not an ALMO or a council)

**AND** 'that body or a person acting on its behalf also provides the claimant with care, support or supervision'.

So if the landlord is a registered housing association and provides care, support or supervision directly to the tenant (ie employs staff or directly contracts a support/care provider) then, as long as this is seen as more than minimal ('de minimis') the accommodation will be classed as 'exempt' (case law has stated that 3 hours a week *could be* more than minimal).

## Specified Accommodation - definition

'Specified accommodation' is:

- Accommodation that meets the current 'exempt accommodation' definition - see above, or
- Accommodation that the claimant has been admitted to# in order to receive care, support or supervision, where the care, support or supervision does not have to be provided by the claimant's landlord (although it is the same groups of housing providers as for 'exempt accommodation' – see above), or
- Is a DV Refuge, including refuges of the same housing providers as for 'exempt accommodation' – see above, but also where the landlord is a Local Authority. Applicable where the building or a relevant part of it is wholly or mainly used as non-permanent accommodation for people who have left their home as a result of domestic violence~, or
- Is a Local Authority 'hostel'\* where the tenant receives care, support or supervision.

# We think this will limit this definition to people living in supported housing – it might stretch to move on accommodation where support was part of the move on, but will not cover general needs accommodation where the tenant is given a package of support / direct payment sometime after moving in.

~ Domestic violence is defined as controlling or coercive behaviour, violence, or psychological, physical, sexual, emotional, financial or other abuse, regardless of the gender or sexuality of the victim.

\* A hostel is defined for these purposes as: Any building (other than a care home or independent hospital) where:

- The building provides non-self-contained\*\* accommodation together with meals or adequate facilities for preparing food, and
- The claimant receives care, support or supervision.

\*\*Non-self-contained ie tenant has to share a kitchen, bathroom or toilet.

# Bedroom Tax

## Different rules between Housing Benefit and Universal Credit

(All other rules will be the same. Correct@January 2019 - please note these rules are subject to change).

	Housing Benefit	Universal Credit
<b>Mixed aged couples</b> ie one under Pension Credit age, one of Pension Credit age.	Not affected by the Bedroom Tax as goes by oldest member of the couple and Pension Credit age people – including couples where one is Pension Credit age - are excluded from the HB Bedroom Tax.	If on Pension Credit not affected, as cannot make claim for Universal Credit. If not on Pension Credit, then mixed aged couples could be on Universal Credit and therefore will be affected until the younger member reaches Pension Credit age (when their award of UC will end and they can claim Pension Credit and/or HB instead). BUT mixed age couple can currently (up until 15 <sup>th</sup> May 2019) close their UC claim and claim Pension Credit and/or Housing Benefit instead and should seek advice to see if they would be better off doing this (most will).
<b>Joint tenancies</b> (not couples)	Affected by Bedroom Tax if under-occupying.	Not affected by the Bedroom Tax. Universal Credit specifically excludes non-couple joint tenants for the Bedroom Tax rules.
<b>Extra bedroom for non-household carer</b>	Tenant / partner / dependent child / non-dep / other household member don't need to be on DLA mid or high rate care / or daily living PIP as long as can provide evidence there is a need for overnight care.	Tenant / partner / dependent child / non-dep / foster child must be getting mid or high rate care DLA or daily living PIP (or Attendance Allowance)
<b>Children/ Young Person who are temporarily absent from the home</b>	Included where they intend to return within 12 months (extended in limited circumstances). Child taken into care is not deemed to be living in property unless returns home for overnight stay on regular basis.	The temporary absence rules under Universal Credit are a flat rate of 6 months ie must not be away, or expected to be away, for 6 months or more. But there are exceptions for children / young people when allocating bedrooms: Where a child / young person is taken into LA care, they are deemed to be living in the property for first 6 months of absence regardless of how long they will be away. Where a child / young person goes abroad, they can usually only be allocated a bedroom if they are returning within one month - but this can be extended in specific circumstances.

<p><b>Non-dependants</b></p>	<p>Allocated a bedroom.</p> <p>Non-dependant couples allocated one bedroom.</p> <p>Temporary absence rules (ie 13 / 52 weeks) apply for non-deps in deciding whether or not to allocate them a bedroom whilst away – special rules for non-dep adult children in Armed Forces whilst away from their normal home on ‘operations’.</p> <p>Children of non-dependant allocated a bedroom as a child ie can be deemed to be able to share a bedroom with other children living in property dependent on age and gender.</p>	<p>Allocated a bedroom per non-dependant.</p> <p>Non-dependant couples will be allocated a bedroom each ie two bedrooms (but also the potential for two non-dependant deductions).</p> <p>Temporary absence rules under Universal Credit are a flat rate of 6 months, except those going abroad (generally one month) and fleeing violence (12 months) – special rules for non-dep adult children in Armed Forces whilst away from their normal home on ‘operations’.</p> <p>Rules for children of non-dependants work in the same way under UC as under HB ie children of non-dependant allocated a bedroom as a child ie can be deemed to be able to share a bedroom with other children living in property dependent on age and gender.</p>
<p><b>Lodgers / Boarders</b></p>	<p>Allocated a bedroom.</p> <p>(Payments made by lodgers / boarders can affect benefits).</p>	<p>Not allocated a bedroom.</p> <p>(Payments made by lodgers / boarders disregarded in full for Universal Credit).</p>
<p><b>Protection on death of household member.</b></p>	<p>For up to 52 weeks if partner, child, young person or family non-dependant dies where this changes the number of bedroom required, or if number of bedrooms required changes for another subsequent reason (eg someone moves out) within 52 weeks.</p>	<p>No protection rules as such in Universal Credit against bedroom Tax but.....there is a 3 month 3 month ‘run-on’ - deceased is included in Maximum Universal Credit assessment for the Monthly Assessment Period (MAP) in which they died and two following two MAPs. Must be death of partner, dependent child/young person, non-dependant or severely disabled person for whom they were caring- who was included in UC claim on date of death.</p>
<p><b>Protection for those who could afford rent when agreement entered into and not made a claim for HB for at least 52 weeks.</b></p>	<p>For 13 weeks.</p>	<p>None.</p>

# Universal Credit – Housing Costs

**NOTE:** For a claimant living in social housing, their Maximum Universal Credit will normally include a Housing Costs Element unless they live in 'specified accommodation' – which is certain types of 'supported housing' or they live in 'temporary accommodation' (as defined by the UC Regs) and as of 11<sup>th</sup> April 2018 are not already getting a Housing Costs Element for that 'temporary accommodation'.

## Entitlement to Housing Costs Element

To include the Housing Costs Element, the claimant must meet these conditions:

- Payment condition – ie be paying rent – can include 'permission to occupy', but not mesne profits.
- Liability condition – enforceable contract – be tenant, tenant's current partner or can be treated as liable (this is where liable person not paying, claimant has to pay the rent to continue live in property, they cannot make alternative housing arrangements, and DWP consider it reasonable).
- Occupation condition – must be living in property or treated as living in property ie during temporary absences – generally not expected to be away more than 6 months.  
But special rules for going abroad (generally one month), fleeing violence (12 months) and if sole tenant - going on remand / in prison as must have been getting UC with HCE immediately prior to imprisonment.

## Rent free weeks

The claimant's weekly eligible rent will be multiplied by the number of weeks in a year that it is being charged (DWP do not recognise 53 week rent year) and then divided by 12 to get a monthly rent.

## Eligible rent ie service charges

To be covered any service charges must be paid as a condition of occupying the home and must be listed as eligible by the UC Regulations. What is eligible under UC is different to what is eligible under HB. The main differences are that: ground floor window cleaning of personal windows, specialist equipment, leisure items including hairdresser/internet room and anything that is really a rental item (including housing management charges) will not be covered by UC, and an intensive housing management charge will need to be broken down before the DWP will consider whether any part of it is eligible/ineligible.

## Untidy Tenancies

This is where the claimant is a joint tenant with someone who no longer lives in the property / couple on UC and sole tenancy. The DWP generally state that they can only help with 50% of the rent and advise the claimant to ask the landlord to transfer the tenancy into their sole name/joint names. Until this is done DWP says they are unable to help with 100% of the rent. But UC Regulations do allow for 100% to be covered as the claimant is jointly and severally liable, and it is reasonable to base the HCE on 100% of the rent as otherwise they would lose their home.

## Bedroom Tax

The monthly eligible rent will then be reduced by a Bedroom Tax deduction if the claimant is deemed to be living in a property too large for their needs. Note: The rules in Universal Credit are different to those in Housing Benefit – see table or website for more details.

**NOTE:** Any protection of death given under HB will not be transferred to the UC claim.

## Non-dependant deductions

Any non-dependant deduction applicable will be applied. One flat rate monthly deduction of £72.16 pcm per non-dependant (with couples treated as two non-dependants) unless:

- *Non-dep* under 21
- *Non-dep* getting Pension Credit
- *Non-dep* on DLA care - mid or high / PIP daily living / AA / Constant AA / AFIP
- *Non-dep* on Carers Allowance
- *Non-dep* responsible for child under 5
- *Non-dep* who is on remand or in prison
- Tenant or partner on mid/high DLA care (not low), daily living Personal Independence Payment, Attendance Allowance, Armed Forces Independence Payment or blind

