

Frequently Asked Questions:

When was the size limit measure announced?

The Chancellor announced the introduction of size limit rules in the social rented sector in the June 2010 emergency budget. It now forms part of the Welfare Reform Act 2012, which received Royal Assent on 8 March 2012.

When will the change come into force?

The regulations are due to take effect from 1 April 2013

What does under-occupying mean?

If someone is assessed as having more bedrooms in their accommodation than is necessary according to the new rules (see 'how many rooms am I allowed?'), they will be considered to be under-occupying that property.

How many rooms am I allowed?

The new rules will restrict the size of accommodation you can receive Housing Benefit for based on the make-up of your household.

The new rules allow 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
- Two children aged under 10 of either sex
- any other child (other than 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 or your partner with overnight care

What will happen if I am under-occupying?

If you are assessed as under-occupying your accommodation a percentage reduction will be made to your eligible rent and any eligible service charges. This percentage will depend on how many rooms you are under-occupying by:

- 14% if someone is considered to have one extra bedroom
- 25% if someone has two or more extra bedrooms

Who is affected?

The size limit measure will affect anyone who is of working age and is receiving Housing Benefit or has made a claim for Housing Benefit, whose landlord is a registered provider or a housing association. These changes do not affect people who are renting from a private landlord as a size restriction is already placed on claims from this sector.

What does working age mean?

Anyone under State Pension Credit age.

What if my partner is over state pension credit age?

If one member of a couple receiving Housing Benefit is over state pension credit age then the size limit will not apply to 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 the property is self contained or not regardless of their age.

Are you allowed a room for a foster child?

No, when calculating how many bedrooms a family unit require, a room for a foster child will not be taken into account. Therefore, a household that has an extra room for a current or potential foster child will be treated as under-occupying.

If assessed as under-occupying, foster carers or those being assessed to become foster carers should apply to their local authority for help with the shortfall in their rent from the Discretionary Housing Payment fund.

I share the house with someone else, how is my room allowance worked out?

If you occupy your accommodation jointly with someone else the size limit rules will take into account everyone living in the property when deciding whether you are under-occupying for Housing Benefit purposes. 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.

I share care of my children with my ex-partner, are we both entitled to a room for them?

Where parents who do not live together have shared care of their children, the children will be treated as living with the parent who is treated as 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.

The parent who is not considered to provide their main home will not be entitled to receive Housing Benefit for an extra room for their child/children. If they wish to remain in their current accommodation they will need to make up the shortfall in rent themselves.

My house has been adapted to cater for my disability, am I 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. If there is a reason that an extra room is necessary your local authority may be able to help you with the extra rent through the Discretionary Housing Payment fund.

My child is away at university, can I 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 thirteen weeks or 52 weeks for students) and the young person concerned intends to return home.

Will my housing association find me a smaller house?

If you wish to move to smaller accommodation it is advisable to talk to your landlord. They should be able to advise you if moving to smaller accommodation is possible and what steps you need to take.

My partner has just passed away, am I going to be expected to move as well?

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 until after 12 months or they moved home or there was another change of circumstances (whichever came first).

I could afford my rent but just lost my job and need to claim Housing Benefit. Does this mean I won't get benefit to cover all my rent because I have an extra room?

If you could previously afford to pay your rent and find yourself in a situation where you now cannot, for example because of a loss of job, provided you have not claimed Housing Benefit in the last 52 weeks, the size limit rules will not be applied for the first 13 weeks. They will be applied earlier than 13 weeks if you move home or have another change of circumstances.

How will my rent be paid?

If you are assessed as under-occupying, your reduced Housing Benefit will be paid as it has been previously and the remainder of the rent will need to be paid by you to the landlord. This is an arrangement you will need to make with your Landlord.