

THE BEDROOM TAX

The bedroom size limit rule, or “bedroom tax” as it is more commonly known, restricts the size of accommodation you can receive housing benefit or universal credit for based on the number of people in your household.

The bedroom tax applies if you are of working age and renting from a local authority, a registered housing association or other registered social landlord.

Working age means anyone under the age to claim pension credit.

You are not affected by the bedroom size limit rule if you or your partner are claiming housing benefit and are over the age to claim pension credit.

However, you do come under the rule if you are a member of a couple claiming universal credit and one of you is over the age to claim pension credit.

How the bedroom tax might affect you

If, under these rules, it is decided that you are under occupying your total eligible rent for housing benefit purposes will be reduced by:

- 14% if you have 1 extra bedroom;
- 25% if you have 2 or more extra bedrooms.

For example, if your eligible rent is £100 per week your eligible rent would be reduced by £14 per week if you have one extra bedroom or by £25 per week if you have two or more extra bedrooms. Your housing benefit entitlement will then be calculated using this reduced eligible rent amount.

Bedroom size

One bedroom is allowed for:

- every adult couple (including civil partners) (from April 2017 – unless it is inappropriate for them to share a room because of disability);
- any other adult aged 16 or over – including any son, daughter, stepson or stepdaughter serving away on operations as a member of the armed forces, who intends to move back in with you when they return.;
- two children under 10 (unless it is inappropriate for them to share a room because of disability – see below);
- two children under 16 of the same sex
- any child where it is considered it is unreasonable for them to share a room because of their disability (they must be getting the care component of disability living allowance at the higher or middle rate)
- any other child (where for example there are three children under 10);
- any child or qualifying young person placed with you for adoption;
- any foster parent; or (for a period of up to 52 weeks only), have been approved as a foster parent but do not currently have a child/qualifying young person placed with you.

- a non-resident carer who regularly provides overnight care for a disabled claimant or their partner.

Discretionary housing payments

If your housing benefit has been restricted in spite of the need of a disabled adult in your household to have a separate bedroom then you should make an application for a discretionary housing payment.

Most local authorities have a form on which to request discretionary housing payment. If your authority does not, write a letter instead.

The authority may ask for detailed information about your circumstances and those of your household. Explain these fully, including any disability needs you have. Your local authority should not take any disability living allowance you are paid when calculating your Discretionary Housing Payment.

The Government has issued guidance to councils emphasising that discretionary housing payments are available for priority groups that include the needs of people whose homes have had significant disability adaptations and those adults with long term medical condition or disability that create difficulties in sharing a bedroom.

The housing benefit appeals system does not apply to discretionary housing payment, but you have the right to ask the authority to look again at its decision if you are dissatisfied.

Where can I get more help or information?

This factsheet is a basic overview of the bedroom tax. If you need further information or support contact an adviser on 01736 759500.

Tom Royston of Garden Court North Chambers has produced a useful briefing on bedroom tax case law (up to 28 February 2014) available at

www.gcnchambers.co.uk/news/bedroom_tax_update_winning_bedroom_tax_cases

Nearly Legal has a regularly updated page of bedroom tax appeal decisions at <http://nearlylegal.co.uk/blog/bedroom-tax-fft-decisions/>

The websites www.homeswapper.co.uk and www.houseexchange.org.uk has been set up to help tenants who are looking to swap their home, for example if you wish to swap your tenancy to one for a property with fewer bedrooms.

You can view the *Discretionary Housing Payments Guidance Manual*

at www.dwp.gov.uk/docs/discretionary-housing-payments-guide.pdf. The DWP also has a selection of factsheets, on the bedroom tax, which are aimed at local authorities and advisers. You can get these

At <https://www.gov.uk/government/collections/local-authorities-removal-of-the-spare-room-subsidy>.

If you need any further support or information please contact DIAL on 01736 759500 or you can refer directly to the link below:

www.disabilityrightsuk.org

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