16-21: Under Occupancy Deduction – Sanctuary Scheme

<table>
<thead>
<tr>
<th>Contents</th>
<th>Paragraphs</th>
</tr>
</thead>
<tbody>
<tr>
<td>Introduction</td>
<td>1 - 2</td>
</tr>
<tr>
<td>Changes</td>
<td>3 - 4</td>
</tr>
<tr>
<td>Definitions</td>
<td>5</td>
</tr>
<tr>
<td>Transitional Provision</td>
<td>6</td>
</tr>
<tr>
<td>Annotations</td>
<td></td>
</tr>
<tr>
<td>Contacts</td>
<td></td>
</tr>
</tbody>
</table>

Introduction

1. This memo gives guidance on The Domestic Abuse Support (Relevant Accommodation and Housing Benefit and Universal Credit Sanctuary Schemes) (Amendment) Regulations 2021 SI 2021 No 991. The changes come into effect from 1.10.21.1

1 The Domestic Abuse (Relevant Accom etc) Regs 2021 (SI 2021 No.991)

2. When determining the amount of HCE a claimant is entitled to, a deduction for under occupancy is made where the number of bedrooms the home has exceeds the number of bedrooms the renter is entitled to1

1 UC Regs, Sch 4, para 36

Changes

3. Currently, no deduction for under occupancy is made where the claimant has a shared ownership tenancy1 (ADM F2020), or where the renter is a joint tenant2 and not all of those liable to pay rent are “listed persons”3 (ADM F3266)

1 UC Regs, Sch 4, para 36; 2 Sch 4, para 35; 3 UC Regs, reg 2

4. These regulations introduce a further exception. No under occupancy deduction is to be made where

(a) domestic violence1 has been inflicted on or threatened against the claimant or a member of their extended benefit unit2 (“the victim”) by that persons partner or former partner, or by a relative3
(b) the victim is not living at the same address as the person who inflicted or threatened the domestic violence, except where that person is a QYP and is a dependant of a member of the claimants extended benefit unit; and

(c) the claimant provides evidence from someone acting in an official capacity\(^1\) that shows the claimant is living in a property adapted under a sanctuary scheme and

(d) the victim’s circumstances are consistent with someone who has had domestic violence inflicted upon or threatened against them and they have made contact with the person acting in an official capacity in relation to such an incident.

1 UC Regs, reg 98 (4); 2 Sch 4, para 9; 3 Family Law Act 1996, s 63(1)

Definitions

5. A sanctuary scheme is a scheme operated by a provider of social housing which enables victims of domestic abuse to remain in their homes, through the installation of additional security to the property, or around the perimeter of the property in which the victim lives\(^1\).

1 UC Regs, Sch 4, para 36

Transitional provision

6. Where this exception applies to an existing award of UC, it has effect on 1.10.21, if the AP begins on that day. Otherwise, the exception will apply from the first day of the AP which starts after 1.10.21\(^1\).

1 The Domestic Abuse (Relevant Accom etc) Regs 2021 (SI 2021 No.991) reg 5

Example 1

Carly is the victim of domestic violence inflicted by her ex-partner. She is living with her 8 year-old daughter in a 3-bedroom house that has been adapted under the sanctuary scheme to include additional security around the perimeter of the house, as well as an intruder alarm and a video doorbell. She is being supported by her social worker. Although the claimant is only entitled to a two-bedroom property for her and her daughter, no under occupancy deduction is applied to her HCE. Her AP runs from the 10th of the month. The exception will apply from the AP 10.10.21 – 09.11.21.

Example 2

Susan has fled the home she has shared with her mother after her mother’s partner repeatedly threatened her with violence. She has secured the tenancy of a two bedroom flat in a building with good security, so feels safe. However, as the sanctuary scheme applies only to adaptations to enable the claimant to remain in their homes, the exception does not apply to Susan’s situation and a 14% under
occupancy deduction will apply.

Annotations

Please annotate the number of this memo (Memo ADM 16-21) against the following ADM paragraph

F3274

Contacts

If you have any queries about this memo, please write to Decision Making and Appeals (DMA) Leeds, 3E zone E, Quarry House, Leeds. Existing arrangements for such referrals should be followed, as set out in – Memo 7/19 Requesting case guidance from DMA Leeds for all benefits.

DMA Leeds: October 2021

The content of the examples in this document (including use of imagery) is for illustrative purposes only