

Housing Benefit

Urgent Bulletin

Department for Work and Pensions, Caxton House, Tothill Street, London, SW1H 9NA

<https://www.gov.uk/government/organisations/department-for-work-pensions>

HB U1/2014

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Who should read	All Housing Benefit (HB) staff
Action	For information

Removal of the Spare Room Subsidy

Background

1. The Department for Work and Pensions (DWP) is aware that there are a small number of claimants who may be entitled to have their eligible rent calculated pursuant to paragraph 4(1)(a) of Schedule 3 of the Housing Benefit and Council Tax Benefit (Consequential Provisions) Regulations 2006 (*Consequential Provisions Regulations*) rather than the provisions which relate to the Removal of the Spare Room Subsidy (RSRS). The Department will however be taking steps to remedy this shortly.
2. For these HB claimants the RSRS should not be applied if they under-occupy their property. Instead their eligible rent must be determined in accordance with regulations 12 and 13 as set out in paragraph 5 of Schedule 3 to the Consequential Provisions Regulations.
3. For claimants to come within paragraph 4(1)(a) of Schedule 3 to the Consequential Provisions Regulations, they must have been continuously entitled to HB since at least 1 January 1996 and occupied the same dwelling since that date, save for any period where a fire,

flood, explosion or natural catastrophe has rendered the property uninhabitable.

Breaks in entitlement

4. The provisions outlined above continue to apply if there has been a break:
 - in entitlement of no more than 4 weeks
 - of entitlement of no more than 52 weeks, if the claimant or their partner is a welfare to work beneficiary
5. Note: it may be the case that the transitional protection has been inherited by a claimant and if so they should be treated the same.

Identifying affected claimants

6. Some claimants may already have contacted you about this and requested payment of arrears. However, many claimants will not be aware of this issue. You should therefore consider whether you are reasonably able to identify potentially affected claimants from your own records.
7. However if this situation comes to light local authorities (LAs) should not revise awards unless they are satisfied on the basis of evidence that the claimant satisfies the criteria.

Action to take with immediate effect

8. Once LAs are satisfied that a claimant's eligible rent should not have been reduced the existing decision must be revised to remove the under-occupancy reduction in the claimant's HB from 1 April 2013 until the legislation is amended.
9. This means that arrears of HB will be due from 1 April 2013 to the date of reassessment.
10. You should also record details of affected cases so that once the legislation is amended they can be reassessed to reapply the under-occupancy reduction.

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