



Changes to Supported Accommodation contained in the “*The Housing Benefit and Universal Credit (Supported Accommodation) (Amendment) Regulations 2014*”

THE LEGISLATION INCLUDING TIMETABLE

Amendments to the law were laid before Parliament on the 20th March.

In April the existing Housing Benefit regulations will change
In November the existing Universal Credit regulations will change.

The actual legislation is here: <http://www.legislation.gov.uk/ukSI/2014/771/made> The Explanatory Note at the end of the legislation helps make sense of the legal terminology.

SUMMARY OF CHANGES

The Introduction of Specified Accommodation

A new category of "Specified Accommodation" will be created.

What is covered by Specified Accommodation?

Basically this definition covers four different types of supported accommodation (although a particular service can fit into more than one of these categories)

Category 1) Supported accommodation which already meets the definition of exempt accommodation.

Legally things stay the same for Exempt Accommodation other than it becomes a sub-group of Specified Accommodation

Category 2) Supported accommodation where the claimant has a) been admitted to receive care, support supervision and b) does indeed receive care, support and supervision.

The provider of the accommodation (usually the freeholder or leaseholder) must be one of the following:

- a) An upper-tier County Council in a non-unitary authority
- b) Housing Association
- c) Registered Charity
- d) Voluntary Organisation

Category 3) Refuges for people fleeing domestic violence.

We advise people to refer to Domestic Violence organisations for more information on this category

Category 4) Homeless hostels owned or managed by lower-tier or unitary local authorities where care, support or supervision is provided.

Whether a particular service qualifies for hostel "status" will depend on its particular circumstances but legally a 'hostel' is a service where the accommodation for individuals is not self-contained and where care, support or supervision is provided

KEY POINT A - WHY ARE CATEGORIES 2 & 3 SO IMPORTANT TO HOMELESSNESS SERVICES?

Unlike with exempt accommodation, the support in Category 2 and Category 3 **does not** have to be provided by or on behalf of the provider of the accommodation. In essence, Specified Accommodation covers services where there are Management Agreements or Support Agreements whereas Exempt Accommodation does not

NB: Category 2 and 3 do not cover supported housing projects where the provider of the accommodation (i.e. the freeholder or leaseholder) is a lower-tier or unitary council and the accommodation is self-contained. These services do not qualify as Specified Accommodation

KEY POINT B - HOW WILL SPECIFIED ACCOMMODATION BE TREATED DIFFERENTLY TO OTHER ACCOMMODATION?

Universal Credit

From November 2014 Universal Credit claimants in Specified Accommodation will receive Housing Benefit instead of Universal Credit Housing Costs.

- This will give the protection from monthly assessment and payment which unnerved homelessness agencies because many clients left after less than a month or in the middle of the month.
- Existing arrangements agreed between homelessness accommodation providers and local authorities around direct HB payments to landlords will be able to continue. The risk of vulnerable clients living in hostels etc receiving large monthly rent payments will be removed.

Prior to November 2014 this protection only applies to "exempt accommodation".

The Benefit Cap

From April 2014 Housing Benefit costs in Specified Accommodation will not count for Benefit Cap purposes removing the possibility of clients in services which need high management costs being penalised by the £350 per week Benefit Cap. Until now this has only applied to "exempt accommodation".

NB: Unlike Exempt Accommodation, the other categories of Specified Accommodation will not be exempted from the Under-Occupancy Subsidy (Bedroom Tax)