

Local Housing Allowance rates in the Private Rented Sector: under 35s and size criteria rules

Under 35 rule

The size

The number of bedrooms needed

Temporary absence of a member of the household

Calculation

Under 35 rule

A shared accommodation rate (SAR) is paid to single claimants under the age of 35 to whom none of the exemptions apply. A single claimant is a claimant who lives alone and has no-one else in their benefit unit.

The SAR is applied even if the claimant lives in self-contained accommodation.

The SAR does not apply to under 35s living in supported housing in the Private Rented Sector (PRS) as this is outside the Local Housing Allowance (LHA) scheme.

A single person under age 35 will be exempt from the SAR if they are:

- aged 18 to 21 and identified as a care leaver
- an ex-offender who poses a risk of serious harm to the public
- formerly living in a homeless hostel for at least 3 months and aged 25 to 34
- on account of their disability receiving:
 - Attendance Allowance (which includes Armed Forces Independence payment and Constant Attendance Allowance paid as part of Industrial Injuries Disablement Benefit or War Disablement Pension)
 - Disability Living Allowance (DLA) care component at the middle or higher rate
 - Personal Independence Payment (PIP) daily living component (either rate).

Where the claimant meets a condition for one of the exemptions, the SAR rate will not be applied and they will receive the 1-bedroom self-contained rate even if they choose to live in shared accommodation.

Whilst the claimant continues to meet the requirements of the exemption and where applicable, the age condition, they stay exempt and there is no time limit.

Care leaver

This exemption applies to a care leaver who from the ages 14 to 18 was looked after by a local authority for at least 13 weeks. When a care leaver reaches the age of 22 they will be subject to the SAR.

Ex-offender

This exemption applies to ex-offenders who present a risk of serious harm to the public and are subject to active multi-agency risk management (level 2 and 3) under Multi Agency Public Protection Arrangements.

Homeless

The homeless exemption applies to claimants who are at least 25 years old but under 35 years old and have previously been homeless and have been living in a hostel for homeless people for the qualifying period of 3 months or more.

The qualifying period does not have to be a continuous period to qualify for the exemption.

A claimant satisfies the exemption criteria, if they have been homeless and lived in one or more homeless hostels for a combined period of 3 months or more where they received support for resettlement in the community.

The size

Once it has been established that the under 35 rule does not apply because the claimant is not single, is aged over 35 or meets an exemption, a decision is made as to whether the size of the home is reasonable for the claimant to occupy – that is how many bedrooms they need.

The decision is based on the number of people living in the claimant's household. The household includes:

- the claimant or couple
- any child or qualifying young person for whom the claimant or either couple is responsible for
- anyone who is a non-dependant.

Tenants who have a joint tenancy but are not a couple are treated as joint tenants and not included in the household.

A couple are generally allowed one bedroom but non-dependant couples can be allowed their own bedroom as they are not expected to share. In these cases, a housing cost contribution may be taken into account for each of them.

For further information, see Non-dependants.

The number of bedrooms needed

The number of bedrooms allowed for a household is one bedroom for each of the following up to a maximum of four:

- the claimant or couple
- each additional member who is aged 16 years or over
- two children who are under 10 years old
- two children of the same sex
- any other child under the age of 16

The calculation may produce different outcomes because of the age and/or gender of the children. The outcome that results in the lowest number of bedrooms will be the one used to determine the size of accommodation (number of bedrooms) the household will be entitled to.

An additional bedroom may also be allowed in the following circumstances:

- there is a disabled child or adult who are unable to share a bedroom
- the claimant or disabled child or non-dependant requires an overnight carer
- the claimant or couple is a foster parent(s)

For the payment of housing costs any additional bedrooms allowed cannot exceed the maximum LHA for four bedrooms.

Disabled adult

An extra bedroom is allowed when one or both members of a couple are unable to share a bedroom because of their disability. In addition, the disabled adult must be in receipt of one of the following:

- Attendance Allowance (including Armed Forces Independence Payment)
- DLA care component at the middle or higher rate
- PIP daily living component (either rate).

Disabled child

An extra bedroom is allowed for a disabled child, if the claimant or another member of their household is responsible for a child who would otherwise be expected to share a bedroom, and:

- the child is in receipt of DLA care component at the middle or highest rate, and
- because of their disability the child is not reasonably able to share a bedroom with another child

Where a claimant or partner (or both) satisfy the disabled child condition in relation to one or more children, they are entitled to as many additional bedrooms as are necessary to ensure that each such child has their own bedroom.

Overnight carer

An adult or severely disabled child, or a severely disabled non-dependant needing overnight care, is allowed an extra bedroom when:

- regular overnight care is provided, and
- the provider is a person(s) who does not live in the rent-payer's home, and
- they are in receipt of Attendance Allowance (including Armed Forces Independence Payment), DLA care component at the middle or higher rate or PIP daily living component (either rate)

Only one extra bedroom is allowed regardless of how many people in the property satisfy the above condition.

Foster parent

An extra bedroom is allowed where the claimant or couple is a foster parent and/or an adopter with whom a child has been placed for adoption.

Only one extra bedroom is allowed regardless of the number of children fostered/adopted, their ages or gender.

A foster parent is:

- an approved foster carer who is between placements, but only for up to 52 weeks from the end of the last placement
- a newly approved foster carer for up to 52 weeks from the date of approval if no child is placed with them during that time

Temporary absence of a member of the household

A member of the household can continue to be included as still being in the household if one of the following circumstances applies.

For a child or qualifying young person where for the first 6 month they are:

- being looked after by the local authority
- a prisoner

For the claimant when they are:

- temporarily absent from GB - for further information, see Going abroad
- a prisoner and the existing award includes housing costs when they become a prisoner

For a non-dependant when:

- they are temporarily absent from GB - for further information, see Going abroad
- for 6 months they are a prisoner and where they have not been sentenced to a term of custody expected to exceed 6 months

Members of the Armed Forces

A member of the Armed Forces, including volunteer services such as the Armed Forces Reserves, can continue to be included as if in the household when they are absent for training or military operations.

Where a claimant satisfies any or all of the conditions for temporary absence of a member of the household, the maximum number of rooms allowed under the size criteria is still four bedrooms.

Calculation

When a decision is made using the size criteria, the housing costs will be based on the:

- LHA for the number of bedrooms that are allowed; or
- rent liability – if this is lower