

# The size criteria for renters

## Contents

The size criteria for renters

Under 35 rule

The size criteria

The number of bedrooms needed

Temporary absence of a member of the household

Calculation

## The size criteria for renters

The size criteria is the number of bedrooms the claimant's benefit and extended benefit unit require. It must be considered for all private rented sector (PRS) and social rented sector (SRS) cases.

The Size Criteria must be considered for:

- PRS claimants under 35 who are exempt from the Under 35 rule
- PRS claimants aged over 35
- SRS claimants

## Under 35 rule

The shared accommodation rate (SAR) applies to single private rented sector 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 or extended benefit unit.

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

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

- aged 18 but under 25 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
- a victim of domestic abuse
- a victim of modern slavery
- 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 or Child Disability Payment in Scotland, at the middle or higher rate of the care component
- Personal Independence Payment (PIP) daily living component (either rate).
- Adult Disability Payment (ADP)
- 

Where the claimant meets a condition for one of the exemptions, the SAR rate will not be applied, and the one-bedroom Local Housing Allowance (LHA) rate will apply 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 25, 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 16 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.

### **Victim of domestic abuse**

This exemption applies to a victim of domestic abuse. The incident or incidents of domestic abuse must have taken place when the claimant was age 16 or over.

Claimants will need written evidence from a person acting in an official capacity confirming that their circumstances are consistent with those of a person who has had domestic violence or abuse inflicted, or threatened, upon them.

A “person acting in an official capacity” can be either:

- a health care professional,
- a police officer,
- a registered social worker,
- the claimant's employer, or
- any public, voluntary or charitable body which has had direct contact with the claimant in connection with domestic violence

### **Victim of modern slavery**

This exemption applies to a victim of modern slavery who is the subject of a positive Conclusive Grounds decision from the Home Office that determines they are a victim of modern slavery.

The Home Office issues victims with a decision letter to confirm their status, duplicates of which can be requested if needed.

### **The size criteria**

For all SRS claimants and for PRS claimants for whom the under 35 rule does not apply, a decision on how many bedrooms a claimant needs must be made.

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.

A couple are generally allowed one bedroom, but non-dependant couples are each allocated their own bedroom and a housing cost contribution may apply to each of them.

The size criteria is based on the number of bedrooms needed up to a maximum of four, not the number of bedrooms a property has.

Universal Credit is always awarded based on the number of bedrooms that are needed and never considers the number of rooms a property may or may not have.

For further information, see housing cost contributions from non-dependants.

### **The number of bedrooms**

The number of bedrooms allowed for a household is one bedroom for each of the following:

- 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. A child's gender at birth should be used in the allocation to establish the number of bedrooms required. 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)

In PRS cases, where the number of bedrooms allowed exceeds four, the maximum LHA rate for four bedrooms is applied.

Examples: How to calculate the number of bedrooms

#### Example 1

In the household is a couple and 2 daughters aged 17 and 15. They need a bedroom for the couple and a bedroom for each of the daughters as the one is over 16.

#### Example 2

In the household is a couple and their son who is 9 and daughter who is 7.

They need a bedroom for the couple and a bedroom for their son and daughter to share. Their children are both under 10 therefore can share a bedroom.

#### Example 3

The household consists of a couple and their son who is classed as a non-dependant.

They need a bedroom for the couple and a bedroom for the non-dependant.

#### Example 4

The tenant is a single parent with a daughter who is 6. Also, living in the household is the tenant's brother and his partner. They are both 20 and classed as non-dependants.

The tenant needs 4 bedrooms. A bedroom for themselves, their daughter and 1 for each of the non-dependants.

### **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)
- Disability Living Allowance care component at the middle or higher rate
- Personal Independence Payment daily living component (either rate).
- Adult Disability Payment (ADP)

### **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 Disability Living Allowance or Child Disability Payment 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), Disability Living Allowance care component at the middle or higher rate or Personal Independence Payment daily living component (either rate) or Adult Disability Payment (ADP)

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 months 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.

## **Students**

A non-dependant student can continue to be included in the household when they are absent so long as they are resident in Halls and return to the claimant's residence outside of term time.

## **Calculation**

Once the size criteria is established, the housing costs will be based on:

- For PRS:
  - SAR /LHA for the number of bedrooms that are allowed; or
  - rent liability – if this is lower
  - less any Housing Costs Contribution (HCC) for any non-dependants
  
- For SRS
  - rent liability and eligible service charges; or
  - rent liability and eligible services charges less any deduction for spare bedrooms
  - less any Housing Costs Contribution (HCC) for any non-dependants