



1. Home (<https://www.gov.uk/>)
 2. Welfare (<https://www.gov.uk/welfare>)
 3. Heating and housing benefits (<https://www.gov.uk/welfare/heating>)
 4. Housing Benefit adjudication circulars 2021 (<https://www.gov.uk/government/publications/housing-benefit-adjudication-circulars-2021>)
- Department for Work & Pensions (<https://www.gov.uk/government/organisations/department-for-work-pensions>)

Guidance

HB A7/2021: The Housing Benefit and Universal Credit (Care Leavers and Homeless) Amendment Regulations 2021

Updated 27 May 2021

Contents

Who should read

Action

Subject

Guidance Manual

Queries

Introduction

Background

Changes to the shared accommodation rate exemptions for care leavers and former residents of homeless hostels

Local authority implementation through manual process

Annex A: Shared accommodation rate - Questions and answers

Annex B: Definition of a 'hostel for homeless people'

[Print this page](#)



© Crown copyright 2021

This publication is licensed under the terms of the Open Government Licence v3.0 except where otherwise stated. To view this licence, visit nationalarchives.gov.uk/doc/open-government-licence/version/3 (<https://www.nationalarchives.gov.uk/doc/open-government-licence/version/3>) or write to the Information Policy Team, The National Archives, Kew, London TW9 4DU, or email: psi@nationalarchives.gov.uk.

Where we have identified any third party copyright information you will need to obtain permission from the copyright holders concerned.

This publication is available at <https://www.gov.uk/government/publications/housing-benefit-adjudication-circulars-2021/hb-a72021-the-housing-benefit-and-universal-credit-care-leavers-and-homeless-amendment-regulations-2021>

Who should read

All Housing Benefit (HB) staff

Action

For information

Subject

The Housing Benefit and Universal Credit (Care leavers and Homeless) Amendment Regulations 2021

Guidance Manual

The information in this circular does not affect the content of the HB Guidance Manual.

Queries

Extra copies of this circular and copies of previous circulars can be found at Housing Benefit for local authorities: adjudication circulars (<https://www.gov.uk/government/collections/housing-benefit-for-local-authorities-circulars>).

For queries about the:

- technical content of this circular, contact:

housing.policycorrespondence@dwp.gov.uk

- distribution of this circular, contact:

lawelfare.correspondence@dwp.gov.uk

Introduction

1. The Housing Benefit and Universal Credit (Care leavers and Homeless) Amendment Regulations 2021 (SI 2021/546) were laid on 6 May 2021 and come into force on 31 May 2021.
2. Statutory Instrument (SI) 2021/546 makes amendments to the Housing Benefit Regulations 2006 (SI 2006/213) extending the existing qualifying criteria for exemptions from the shared accommodation rate for both care leavers and those who have spent at least 3 months in a hostel for homeless people.
3. SI 2021/546 also makes similar changes to the Universal Credit Regulations 2013 (SI 2013/376).

Background

4. The shared accommodation rate of the Local Housing Allowance (LHA) applies to Housing Benefit

(HB) claimants under 35, living alone and renting privately and is based on the cost of renting a room in shared accommodation. There are a number of exemptions which allow a claimant to receive the higher, one-bedroom rate instead of the shared accommodation rate in certain circumstances. Two of these exemptions are for care leavers and for those who have spent at least 3 months in a homeless hostel.

Changes to the shared accommodation rate exemptions for care leavers and former residents of homeless hostels

5. The following changes will apply from 31 May 2021 and claimants will be expected to self-identify to claim an exemption:

- care leaver exemption - the upper age limit to qualify for the for care leavers' exemption is extended from 22 up to 25
- homeless hostel exemption - the lower age limit of 25 for the homeless hostel exemption is lowered to 16

6. There are no other changes to the qualifying criteria for these exemptions. The existing definitions for 'care leaver' and 'hostel for homeless people' apply. See Annex B for the definition of a hostel for homeless people.

Local authority implementation through manual process

7. The number of HB claimants impacted by the changes will be very low. Therefore, no changes have been made to local authority (LA) IT systems, LAs will need to handle these cases via a manual process.

8. When a claimant states that they are in an exempted group, if the decision maker decides that they qualify, the one-bedroom LHA rate will need to be applied manually to the HB claim.

9. The HB notification to the claimant may also need to be modified to ensure it is accurate or where this is not possible, supplemented with a separate letter.

10. Whilst LAs may choose to identify and contact claimants they believe to be in scope of the updated exemptions there is no legal requirement for the LA to take this action.

11. You'll find 'Shared accommodation rate: Questions and answers' at Annex A and the 'Definition of a hostel for homeless people and additional information at Annex B.

Annex A: Shared accommodation rate - Questions and answers

Q1: How is the exemption applied if a care leaver turns 22 before 31 May 2021?

A1: Where a care leaver has turned 22 before 31 May 2021 they will not qualify for the exemption until the change comes in to force. This means that for some claimants there could be a period between their 22nd birthday and 31 May 2021 where the exemption cannot be applied.

Q2: At what point does a claimant qualify for an exemption if they request it after 31 May 2021?

A2: The exemption can be applied from when the decision maker becomes aware that the claimant qualifies. In most cases this will be when the claimant self-identifies. Normal HB rules of 'good reason' will apply where there are requests to consider past periods. Periods prior to 31 May 2021 cannot be considered.

Q3: Can a claimant living in shared accommodation qualify for an exemption from the shared accommodation rate?

A3: A care leaver under 25 (and those with a disability exemption) who is in receipt of HB can claim the one-bedroom rate of LHA even if they are living in shared accommodation. For all other exemptions, including the homeless hostel exemption, the claimant will have to be living in a self-contained property to qualify for the one-bedroom rate.

Q4: Is there a change to the exemption for those claimants who are under the Multi Agency Public Protection Arrangements?

A4: No, there is no change to this exemption as part of these regulation changes.

Annex B: Definition of a 'hostel for homeless people'

The definition of a 'hostel' in regulation 2(1) of the Housing Benefit Regulations 2006/213:

means a building:

(a) in which there is provided for persons generally or for a class of persons, domestic accommodation, otherwise than in separate and self-contained premises, and either board or facilities for the preparation of food adequate to the needs of those persons, or both; and

(b) which is:

- (i) managed or owned by a registered housing association; or
- (ii) operated other than on a commercial basis and in respect of which funds are provided wholly or in part by a government department or agency or a local authority; or
- (iii) managed by a voluntary organisation or charity and provides care, support or supervision with a view to assisting those persons to be rehabilitated or resettled within the community; and

(c) which is not:

- (i) a care home;
- (ii) an independent hospital; or
- (iii) an Abbeyfield Home.

The definition of 'hostel for homeless people' has not changed with these regulations. A 'hostel for homeless people' means the hostel must at first satisfy the hostel definition as above and the main purpose is to provide accommodation together with care, support or supervision for homeless people with a view to assisting the person to be rehabilitated or resettled into the community. The definition would generally include both homeless hostels that take direct referrals from street outreach teams and 'second stage' hostels that support people to achieve stability and enable move-on to independent living.

To satisfy the criteria for the homeless hostel exemption the claimant will need to have been resident in a homeless hostel for a minimum of 3 months. The 3-month period does not have to be continuous; it can be made up of more than one period and be in more than one hostel. The hostel(s) will need to

specialise in support for rehabilitation and resettlement and the claimant will have accepted support.

We would not normally expect supported housing that provides longer term or permanent accommodation for continuing support needs, such as sheltered housing for the elderly or supported accommodation for people with learning disabilities, to fall within this definition. The main purpose of the hostel must be to support and re-habilitate homeless people into the community.

The claimant would need to provide evidence of their period of stay in an appropriate specialist hostel (or hostels) as well as confirmation that they had been offered and accepted support to help them be rehabilitated or resettled in the community.

More information about the homeless hostel exemption can be found at in circular [HB A12/2011](#) (https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/632034/a12-2011.pdf), including a verification checklist for decision makers (at Annex B).

Following initiatives, such as 'Everyone In' in 2020, the LAWD8/2020 (<https://www.gov.uk/government/publications/la-welfare-direct-bulletins-2020/la-welfare-direct-82020>) bulletin (paragraphs 18 to 23) provided clarification on how the qualifying conditions for the homeless hostel exemption would apply to stays hotels and [B&Bs](#) which were being used temporarily as emergency hostel accommodation.

Print this page

Is this page useful?

- Yes this page is useful
- No this page is not useful

Thank you for your feedback

Report a problem with this page

Close

Help us improve GOV.UK

Don't include personal or financial information like your National Insurance number or credit card details.

What were you doing?

What went wrong?

Send

Close

Help us improve GOV.UK

To help us improve GOV.UK, we'd like to know more about your visit today. We'll send you a link to a feedback form. It will take only 2 minutes to fill in. Don't worry we won't send you spam or share your email address with anyone.

Email address

Send me the survey