Special Interest Housing Group – September Meeting Summary

The majority of the meeting was taken up with discussion around the current position in relation to exempt accommodation.
There are discussions taking place at the moment within the Departments of Work and Pensions, Communities and Local Government (and to a lesser extent the Department of Health) and other stakeholders including the Housing and Support Alliance. The focus is on changing the regulations in relation to Exempt Accommodation to bring them into line with the wider benefit changes that are part of Welfare Reform, particularly Universal Credit. There are concerns that some people in exempt accommodation may not continue to be protected when Universal Credit is introduced. The new regulations will aim to ensure no-one is financially worse off after 2017.
Although it is not clear yet how the regulations will be changed HSA are attempting to get the following principles embedded into the amended regulations, but can't be sure at this stage that they will be adopted;
"Regardless of which approach is taken the regulations should make sure that as a result only essential costs for essential services are met and there is robust analysis that no cheaper options are possible. Further thought would then ,need to be given to whether or how to apply caps, as even allowing for good quality scrutiny by competent decision makers, some peoples essential housing needs may not be able to be met within a defined limit.
This needs to be developed with reference to:

- Personalization
- Ensuring decision making is consistent and with reference to clear criteria
- The distinction between support services provided in your own home and those provided in accommodation based services
- Care Quality Regulatory frameworks
- The relationship to Universal Credit and Spare Room Subsidy
- Housing care and support good practice guidance such as the Real Tenancy Test and the Reach Standards
- How to define "higher housing cost" and trigger scrutiny
- Identifying the best place to sit decision making
- Identifying the best place to sit the administration of the system
- The scope for budget growth in the light of increasing demand
- Clarify the process for pre determining claims, to allow for greater certainty and effective risk management."

There were further discussions around Houses in Multiple Occupation (HMO). People were particularly looking for clarification of what was an HMO, and when it should be licensed. An HMO is any property that consists of 3 or more unrelated individuals (with their own separate tenancies. A licensed HMO is any property of more than 5 people and/or higher than 2 stories. Local Authorities can choose to make areas or streets as licensable. They tend to do this in areas of high density private sector provision of HMOs. A licensed HMO is subject to installing reasonable services and procedures to ensure health and fire safety, based on person and property centered risk assessments carried out by e Local Authority and Fire Officer.
Another query was raised around Rent Officer Referrals for pre 2008 tenancies. The scenario was as follows; Tenancies which had been treated as exempt were reviewed and found not to be exempt. As they had been set up before 7th April 2008 they couldn't be assessed under Local Housing Allowance rules and therefore needed to be referred to the Rent Officer for assessment as to whether or not the rent was unreasonably high. Technically, this was the correct procedure but the result was a decision to decrease the HB payable by an average of £25 per week. Options for dealing with this were discussed. It transpired that the assessment hadn't necessarily been carried out in the correct way, as it appeared that the rent was not compared with other supported accommodation, but with general needs properties. The landlord concerned will look to request seek a redetermination on those grounds if it is confirmed that the properties were not compared on alike for like basis.
The final area of clarification people wanted was around Council Tax eligibility – who was responsible for payment in different tenancy arrangements:

This table outlines the variations:

Tenancy Type	Liability
Assured / Secure	Tenant
Assured / Secure Shorthold	Tenant
Assured / Secure (Shared)	Owner/Leaseholder (50% deduction when tenants claim mid or high rate DLA)
Assured / Secure Shorthold (Shared)	Owner/Leaseholder (50% deduction when tenants claim mid or high rate DLA)
Joint	Tenant
License (Self Contained)	Tenant
License (Shared)	Owner/Leaseholder
Residential Care / Nursing homes	Owner/Leaseholder