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Proposed Changes in HB for Supported &  
Sheltered Housing  
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## What *is* the Government thinking?

- Wants to support vulnerable people living independent lives
- Recognises role of the voluntary sector
- Believes current rules are 'beneficial'
- Wants to understand why rents are higher (and limit them)

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## The three types of supported accommodation

- [Owned by registered providers]
- “Conventional” supported housing
- Housing for people with specific needs

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## Registered Providers

- “Excluded” not “exempt” accommodation
- Referral to the rent officer not automatic – but ***possible***
- Proposal to “merely regularise what already happens” [para 70]
- But hang on...

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## Registered Providers

- LAs may not refer for a number of reasons
- Most of those disincentives will no longer apply
- So expect more referrals and...
- HAs may still end up with LHA system!

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# Non-registered Providers

- Based on LHA plus standard additions
- Disadvantages most, but potentially advantages 'low needs' schemes
- Could entice private landlords

## Single Room Rate

- Stoke £42 pw
- B'ham £55 pw

## One Bed rate

- Stoke £75 pw
- B'ham £97

<https://lha-direct.voa.gov.uk/search.aspx>

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## Other issues...

- Set rates will cover the rent *and* service charge
- Still no definition of supported housing
- Unlikely to include 'floating' support (inc. non-resident wardens)

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# Housing for Specific Needs

- Probably includes Extra Care schemes
- Will pay LHA
- Standard additions administered locally
- Potential for local discretion

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## Conclusion

- Things will change (it's a consultation!)

BUT...

- If you're not an RP then you do need to consider registering
- Everyone needs to look at rent and s/c levels
- Everyone needs to look at the use of schemes.

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# Housing Benefit Tribunals

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- In 2007, rent restricted by the City Council
- Following a rent referral made to the Rent Officer
- This was based on the single room rate for the area
- The Rent Officer does not take account of supported housing

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- The restriction did not apply to all residents
- The Rent Officer's decision affects the amount of subsidy the City can claim from Central Government
- Negotiations with the Council resulted in a slight increase but not the full rent
- [Legitimate charges]

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- Engaged consultants to appeal
- Appeal must be made by Claimant
  - Power of Attorney to cover HB
  - Statement of Reasons requested
    - Rent unreasonably high compared to other providers
  - Appeal with City lodged

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- Appeals submitted to Tribunal
  - Submission prepared by Consultant
    - Rent within spectrum of sector rents
    - Rents were not the highest
  - Request for test case
  - Continue to submit individual appeals

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- Pre-hearing set when number of submissions had reached 50
  - Directions to provide support needs
  - Directions to provide comparable rents

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- Tribunal date set for February 2008
  - Consider individual support needs
  - Argued rents not the highest
  - Argued against comparables used by City
- Tribunal decision
  - Increased rent award
  - Did not meet full rent
- City backdated payments



- Options available
  - Appeal to Commissioner
  - Lodge fresh appeals
- Engaged new Consultant
  - Recommended fresh appeals
  - Process started following next rent increase and rent restriction
  - 18 months before Tribunal date

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- Tribunal date set for October 2009
  - 63 cases listed
  - 50 further appeals outstanding
  - Tribunal Judge not bound by previous Tribunal decision
  - Individual support needs not considered
  - Comparables provided by City discounted
  - Average rent based on bed spaces
  - City's argument

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- Tribunal Decision
  - No evidence that rents were not acceptable for this marketplace
  - Eligible rents fell within this range
  - Tribunal decided to allow the appeal and rent to be paid in full

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- Appealing Tribunal decision
  - City did not appeal the Tribunal decision
  - City processed backdate for all Claimants

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# Questions

For further information and to discuss support with HB please contact:

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