Consultation response

Shelter's response to the Social Security Advisory Committee's consultation -

Housing Benefit Amendment Regulations 2011

June 2011

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Shelter is a national campaigning charity that provides practical advice, support and innovative services to over 170,000 homeless or badly housed people a year. This work gives us direct experience of the various problems caused by the shortage of affordable housing across all tenures. Our services include:

- A national network of over 40 advice services
- Shelter's free housing advice helpline which runs from 8am–8pm
- Shelter's website (shelter.org.uk/getadvice) which provides advice online
- The government-funded National Homelessness Advice Service, which provides specialist housing advice, training, consultancy, referral and information to other voluntary agencies, such as Citizens Advice Bureaux and members of Advice UK, who are approached by people seeking housing advice
- A number of specialist services promoting innovative solutions to particular homelessness and housing problems. These include Housing Support Services which work with formerly homeless families, and the Shelter Inclusion Project, which works with families, couples and single people who are alleged to have been involved in antisocial behaviour. The aim of these services is to sustain tenancies and ensure people live successfully in the community.
- We also campaign for new laws and policies as well as more investment to improve the lives of homeless and badly housed people, now and in the future.

In the 12 months to the end of June 2010, more than 3,200 clients contacted Shelter services in England for help with problems with housing benefit or local housing allowance.



Introduction

Shelter is deeply concerned at plans announced in the October Spending Review to extend the threshold of the Shared Room Rate - now re-named the Shared Accommodation Rate (SAR) - to 35 years old for single adults without dependent children. Shelter has previously called for the total abolition of the SAR because of its detrimental impact on the housing of those subject to it. We are deeply concerned that rather than addressing the pre-existing problems with the rule, the Government intends to increase the number assessed under the SAR by more than 40 per cent.

Since 1996 young adults have been heavily restricted in the level of housing benefit they can claim, with payments designed to cover the cost of accommodation in a shared property. Successive governments have defended this on the grounds that it encourages younger adults to remain in the parental home and reflects the housing expectations of others beginning to live independently.

The coalition Government intends to redefine the definition of "young individual" to cover all single adults up until the age of 35. Three justifications have been put forward for this move:

- To ensure that housing benefit reflects the expectations of people of a similar age not on housing benefit
- To create a work incentive
- Deficit reduction

Shelter does not consider that the arguments to support this move outweigh the likely negative impact on a large number of claimants and we urge the Social Security Advisory Committee to recommend that the reform does not go ahead. If Government continues with this policy we urge Ministers to extend the safeguards for vulnerable groups and to review the impact at the end of the spending review period.

Impact of the reform

It was originally estimated that this reform would impact 88,000 existing claimants¹. This has now been reduced to 62,500 by the DWP². It is likely that one reason for this discrepancy is that 35,780 single people aged 25-34 years old are currently living in shared accommodation so are already subject to the restricted rate. However, Shelter believes there may be inaccuracies in the impact assessment. For example, Newcastle City Council estimates that 357 current claimants living in self-contained accommodation will be affected, significantly above the 260 identified in the impact assessment.

The DWP Equality Impact Assessment's presentation of the expected average losses is misleading and downplays projected shortfalls, as it compares the new SAR rate to the one bedroom rate at the 30th percentile, not the current one bedroom at the 50th percentile. The DWP has made clear that it intends existing claimants to move from the one bedroom rate at the 50th percentile to the SAR at the 30th in a single transition. Shelter analysis suggested that the average loss across all Broad Residential Market Areas (BRMAs) would be £51 per week, significantly more than the £41 claimed by the DWP. This makes it very unlikely that long-term claimants will be able to remain in their current properties, yet the Government's impact assessment has failed to consider the potential impact on homelessness of this measure.

As with all predictions surrounding benefits, the true number of claimants affected by the measure will depend on economic circumstances from January 2012 onwards. What is clear, however, is that for a significant number of adults aged 25-34 who find themselves unemployed or suffering a drop in income, the housing safety net will be less likely to meet their housing needs.



¹ HM Treasury (2010) Spending Review 2010 press notices

² DWP: Increasing the SAR threshold to 35 - Equality impact assessment. 2011

Policy rationale - weaknesses

1. Housing expectations

Shelter is critical of the Government's rationale, which passively accepts a downwards generational shift in the housing aspirations of younger households. The Government has to date not produced an effective strategy to tackle barriers to homeownership for first-time-buyers, the inappropriateness of the insecure and expensive private rented sector for young families, or the severe shortage of social housing. Extending the SAR completes a levelling down of aspiration without offering any long-term solutions for those affected.

Shelter accepts that many single adults chose to or are forced to share, often because of high housing costs. However, it should not be assumed that this is the default option or is appropriate for all single adults. DWP data shows that 43 per cent of single, childless 25-34 year olds are sole renters or owners, approaching the norm for all single, childless people of working age, which stands at 46 per cent. Just 13 per cent of the relevant age group are currently living in shared accommodation with a further two per cent lodging³.

Moreover the Government has created an artificial category of "young adult" and ignored the tendency for adults in their early thirties to have different housing expectations and experiences to adults in their early twenties. Analysis by Shelter found that ten per cent of all 18-24 year olds share accommodation in the private rented sector, falling marginally to nine per cent among 25- 29-year-olds. However, for 30-34 year olds this drops to four per cent, inline with the average for all ages. Even in London, which is characterised by very high housing costs, the analysis shows that just 16% of 30-34 year olds renting privately live in shared accommodation.

Support for housing based on the assumption that the relevant age group ought to be living in shared accommodation will therefore not be adequate to support the existing housing costs of a significant proportion of claimants if they experience a drop in income. In a time of constrained public spending it is right that people already living in shared accommodation prior to requiring support should receive an amount that reflects their current housing situation, but Shelter is opposed to the assumption that tenants living in self-contained accommodation should be ineligible for adequate support purely on account of their age.

The Government's expectation is that adults in their mid-thirties, who may have lived independently for some years or been firmly established in careers before experiencing a drop in income, should be prepared to leave their current accommodation and expect the same marginal housing options and reliance on parental support as younger adults first establishing their own households.

The Minister for Pensions has implied that single adults should be more willing to move home with their parents rather than claim housing benefit⁵. However, figures suggest a significant proportion already chose to do so. DWP figures show that a third of single, childless 25-34 year olds are currently living at home, making it a more popular option than house shares or lodging. It is not known in what circumstances these adults returned home, if in fact they ever left, but it is likely that many did so following unemployment or relationship breakdown. This suggests that the availability of housing benefit to cover adequate self-contained accommodation has not incentivised people to claim their maximum entitlement and many will chose to rely on informal support when this best meets their needs. However, Shelter is concerned that such family support will not be available to all adults, especially those who have lost contact with their family, moved away to find work, or where parents have downsized, or died. The Government must therefore not assume that the under-35s do have the option of parental support and should provide an adequate safety net accordingly.

Finally this argument ignores the swingeing cuts to LHA, announced in the Emergency Budget and taking affect from April 2011. These reforms were designed to ensure that households on housing



³ DWP: Increasing the SAR threshold to 35 - Equality impact assessment. 2011

⁴ English Housing Survey

⁵ House of Commons Debate, 10 March 2011, c323WH

benefit could not access privately rented accommodation that would be unaffordable to working households. Single 25- to 34-year-olds are now already restricted to the bottom third of the rental market and Shelter questions why it is necessary to impose further restrictions to achieve the same aim.

Work incentives

Successive Governments have argued that the SAR creates a work incentive, but no evidence has been produced to support this, while research has raised concerns that the problems inherent in the SAR prevent claimants securing secure work.

When looking at the interaction between rent levels and the benefit trap, the Department for Communities and Local Government recently warned that it "would not be sensible to attribute a strong [negative] impact on work incentives as a result of higher rent levels". Indeed DWP figures do not suggest that more restrictive SAR rates are currently a work incentive; claimants aged 25-35 and living in more expensive self-contained accommodation are more likely to be in work than the same age group living in shared accommodation and in receipt of lower LHA levels. While it is true that claimants in self-contained accommodation are also slightly more likely to be longer-term claimants, this is likely to be due to the increased number of Income Support and ESA claimants living in self-contained accommodation.

It has been argued that the SAR is necessary to ensure that young adults on housing benefit cannot access accommodation that would be unaffordable to their working peers. This argument is weakened by proposals to extend the SAR to 35 because, as evidenced above, by this stage many working adults will expect to afford self-contained accommodation. It also ignores the role of housing benefit as an inwork benefit; in the private rented sector a quarter of claimants are in work and require support to meet high housing costs. Single households in work will also lose out under the SAR rate and many may find that they lose their housing benefit entirely as eligible rent levels are reduced.

Earning differentials between under 25s and adults aged 25-35 further support the case against a blanket reduction in housing benefit, as while younger adults do tend to earn less and therefore may expect more constrained housing choices, this is not true of adults by their late twenties, who can expect to earn a reasonable income when moving into work compared younger adults. The median income of 20-24 year olds is £13,000 before tax, significantly below the £18,500 average for 25-29 year olds and the median for 30-34 year olds at £21,400. By 30-35 average incomes are nearing the peak of £22,700 observed for 35-39 year olds, after which income declines with age¹⁰.

More worryingly there is evidence that the SAR could act as a work disincentive, because it places people in insecure housing situations. Research previously commissioned by the DWP into the operation of the SAR found that many organisations working with young people reported that it was undermining efforts to get them into employment because it did not create a stable base from which to access jobs or training¹¹. The researchers concluded that "work incentives are not significantly related to the eligible rent". Shelter's younger clients have described being in a "catch 22", where short-term stays in hostels or with friends make it difficult for them to enter employment¹².

Shelter agrees that the benefit system more widely does create work disincentives, particularly because awareness of in-work housing benefit is low. However, this is – correctly – being addressed by wider welfare reform, specifically the introduction of the Universal Credit. Shelter does not consider that the restriction of housing benefit for 25-34 year olds is necessary to support this goal.



⁶ CLG: Impact assessment for Affordable Rent. 2011

⁷ DWP: Increasing the SAR threshold to 35 - Equality impact assessment. 2011

⁸ Lord McKenzie of Luton, responding for the Government, committee stage of the Welfare Reform Bill.. House of Lords March 1st 2007.

⁹ LHA Two year review

¹⁰ HMRC. Distribution of median and mean income and tax by age range and gender, 2007-08.

¹¹ DWP: Research in the SRR regulations. Research report 243

¹² Roof Magazine. November 2006.

Additionally, the policy could undermine the Government's aim to reduce complexity in the benefits system. Presently, young adults are also entitled to lower levels of income support, JSA and ESA, as well as reduced housing benefit. Income replacement benefits will be replaced with the standard allowance under Universal Credit and the Government has not suggested that the standard allowance will be reduced for all adults under 35, rather than 25. This will create a confusing situation whereby claimants are subject to two age thresholds within the same benefit.

The Universal Credit itself creates poor work incentives for single, childless claimants and this should be addressed if the Government is serious about tackling disincentives. Under current proposals, single claimants will not receive any earnings disregard, compared to more generous disregards explicitly designed to ensure work pays for other groups. Instead single claimants will bear the full costs of entering work, including funding travel, work clothes and other expenses, from the first hour of employment.

Deficit reduction

The Government's final defence for raising the threshold of the SAR is deficit reduction. Indeed the decision was made in March 2011 to bring forward the implementation of the move from April to January 2012 increasing projected savings from £570 million to £625 million over the spending review period.

Although the Conservative Government in 1996 had drawn up proposals to extend the SAR to all single adults under 60, this move was rejected by the Labour Government in 1997 and no serious discussion around raising the threshold has been had since. Indeed debate on the SAR has focused on the case for abolition, as recommended by the Social Security Select Committee 13. Shelter was therefore surprised at the announcement in the Comprehensive Spending Review following extensive cuts to LHA in the June Budget.

Shelter acknowledges that the housing benefit bill has risen but we reject claims that it has "ballooned" and requires radical cuts. The cost of HB to the Treasury in nominal terms has risen in the past two decades, but when compared to all benefits, and to GDP, there has been no clear rising trend and certainly no 'ballooning'14. The increased cost of housing benefit can be attributed to greater reliance on the private rented sector to house low income households and an increase in unemployment and reduced earnings during the recession. A long-term strategy for reducing housing benefit would therefore focus on increasing the supply of social rented homes and creating jobs, as well as promoting skills and training, to lift more people out of the benefits system.

SAR - the ongoing case for abolition

The existence of the SAR is already problematic for many claimants and Shelter, along with a range of other housing charities, has previously called for its abolition 15. The case against the SAR is compelling and in 2000 the Social Security Select Committee concluded that despite the spending implications "we consider that there is a strong case for abolishing the single room rent limits. 16" The Chief Secretary to the Treasury, Danny Alexander MP, previously argued: "It is my contention that shared room rent should be abolished and that everyone, no matter what age, should have access to housing benefits on the same basis. The single room rent is unfair: it is discriminatory; it causes hardship, poverty and homelessness; and it should be abolished.17"

Supply

The SAR has made it difficult for younger tenants to access housing that is affordable for them, leading to high levels of shortfalls within this group: 67% of tenants subject to the SAR are unable to meet their full rent via LHA compared to 49% of all other tenants¹⁸. Although DWP does not hold information on the



¹³ Social Security Select Committee Sixth Report – Housing Benefit. 2000

¹⁴ Shelter supplementary evidence to the Work and Pensions Select Committee inquiry into housing benefit 2010.

¹⁵ Citizens Advice: Single Room Rent – the case for abolition. 2007

¹⁶ Social Security Select Committee Sixth Report – Housing Benefit. 2000. ¹⁷ Welfare Reform Bill, committee debate 2nd November 2006.

¹⁸ LHA two year review

actual accommodation accessed by SAR claimants, it is likely that high shortfalls are caused in part by a lack of shared accommodation, particularly outside of major population centres. It is significant that under 25s who have no choice but to claim the SAR regardless of available supply have average shortfalls £5 higher per week than older adults who have chosen to share accommodation ¹⁹. The DWP has pointed to the numbers of voluntary sharers to dismiss concerns of a lack of supply. However, it is notable that numbers of voluntary SAR claimants are highest in major towns and cities. It is also unknown whether these older claimants would have chosen to share if the SAR had been fixed at the 30th percentile, which is approximately £6 per week lower than existing rates. It is also likely that many were unable to access affordable self-contained accommodation and have been pushed into HMOs.

The Government has argued that the market will adjust to accommodate an additional 62,500 sharers. However, there are potential obstacles. Article 4 declarations being brought in by several local authorities will mean landlords need to obtain planning permission before converting a home into an HMO. While Shelter supports the principle of ensuring that conversions to HMOs, known to be the most high risk accommodation, are decent and safe, this has the potential to act as a 'nimby's charter' and threaten the new supply of HMO accommodation at a time when it will be needed the most. We would urge local authorities to consider other means of ensuring that HMO accommodation meets decent standards. If the market does adjust and provide more shared accommodation, this can only worsen the supply of much needed entry-level family housing.

Ministers have also suggested that the Rent a Room Scheme could encourage home owners to rent out spare bedrooms to single housing benefit claimants²⁰. Shelter supports the Rent a Room Scheme and has called for the £4,250 tax-free threshold to be uprated to take account of rising rent levels since its introduction, so encouraging take-up of the scheme and boosting supply of rental accommodation. However, we are sceptical that this is a viable and affordable route for many housing benefit claimants. Under the current allowance, homeowners can rent a spare room for approximately £81 per week tax free. This is significantly above the SAR in the majority of Broad Rental Market Areas, suggesting that the Rent a Room scheme does not provide an affordable alternative for SAR claimants. It is possible that homeowners may charge lower rents in certain markets, but existing take-up of the scheme is poor, suggesting that even current returns are not an attractive prospect for potential live-in landlords²¹.

Benefit claimants can also struggle to access existing house shares. Research by Shelter suggested as few as seven per cent of tenants in shared accommodation would let a spare room to a benefit claimant²². This can be due to a number of factors, including perceived problems with the HB system including the cycle of rent payments, a perception that benefit claimants may be unable to contribute fully to shared bills, or a wish not to let to non-working house mates. In London and many other major cities the search for shared accommodation is increasingly competitive and prospective house mates are likely to select the tenants they see as financially secure and socially compatible.

The experience of the SAR in its various incarnations is that the market does not adjust. In fact the number of people assessed under the Single Room Rate fell dramatically in the years following its introduction from 100,000 in 1997 to 34,000 in 2006. This drop-off was in excess of what could have been expected from rising employment levels and suggests that many younger claimants disengaged from the welfare system, opting instead for insecure accommodation such as friends' floors²³. Successive attempts have been made to adjust the definition of shared accommodation to increase supply and quality but these have been ineffective²⁴.

Shelter's advisers are aware that landlords have been persistently reluctant to let to younger tenants, partly attributable to concerns about their age but also due to lower housing benefit levels. This has been corroborated by other agencies. Crisis, the charity for single homeless people, found that three-quarters of advisers working on private rented sector access schemes reported that the SAR is a

²⁰ HC Deb, 10 March 2011, c323WH

²⁴ Ibid



¹⁹ Ibid

²¹ Shelter: Rethinking housing taxation – options for reform. 2009

²² The Path To Success? Shelter 2006.

²³ DWP research report 243.

"serious barrier" for under-25s. Nearly nine in ten advisers said they had difficulty finding appropriate properties for claimants on the SAR²⁵. With rising numbers of young professionals and families priced out of owner-occupation and seeking private rented housing it appears unlikely that landlords will feel the need to reconsider their attitudes and increase supply for single tenants on LHA.

Suitability

Issues of supply combined with the restriction to the 30th percentile make it extremely likely that the majority of SAR claimants will reside in HMOs at the bottom end of the market. There are many groups for whom this presents additional problems. Such accommodation is not appropriate for non-resident children visiting a parent and we have concerns that some arrangements may violate Court Orders that require a child to have their own bedroom for overnight visitation. Pregnant single women are restricted to the SAR until they give birth, forcing them to return to often unsuitable shared accommodation at a time when they are financially, emotionally and physically ill-equipped to move.

The Government must be realistic about the sharing experience of renters at the bottom end of the market. Previous research suggests that shared accommodation is most successful for vulnerable tenants when they have a pre-existing friendship and not when sharing with strangers out of economic necessity²⁶. Shelter is concerned that placing vulnerable tenants in HMOs carries a high risk of tenancy breakdown, with the associated knock-on costs. The same study further found that sharing was highly undesirable for many tenants, with people going out of their way to avoid their neighbours, suffering from petty theft, including the theft of mail which can put benefit claims at risk, and exposure to alcoholism, drug addiction, prostitution, and in one case a murder. The report concluded: "Overall the general picture that emerged during the case study interviews was a different one from the notion of student sharing where everyone has a similar age and background."

Shelter is particularly concerned that sharing is inappropriate for some vulnerable groups and could put claimants or other tenants at risk. The exemption on health grounds is drawn narrowly and restricted to tenants who receive a Severe Disability Premium and not all those whose physical or mental health problems will be exacerbated by sharing. Childless women fleeing domestic violence will now be restricted to shared accommodation, which may be completely inappropriate if it involves sharing with unknown men. Ex-offenders placed in shared accommodation may put other tenants at risk. Tenants with drug or alcohol problems could be forced to share with other addicts, preventing rehabilitation.

Homelessness

Shelter is concerned that the extension of the SAR will put tenants at greater risk of homelessness and could prevent formerly homeless single households from accessing accommodation.

The high levels of shortfalls endemic among SAR claimants increase the risk of arrears, eviction and homelessness. Anticipated average losses for existing claimants are unsustainable and it is likely that many of the 62,500 set to be affected will lose their accommodation unless they are able to increase their income. It is unlikely that many of those affected will be judged to be in priority need, creating the possibility of a rise in "hidden homelessness" as people are unable to secure accommodation and resort to squatting and friends' sofas.

Increasing the threshold of the SAR, combined with wider housing benefit cuts, will undermine the extent to which the private rented sector can be used to prevent homelessness. Research by CLG found that housing benefit restrictions for under 25s were already undermining the use of the private rented sector as a prevention tool and that insecurity and the high cost of private renting for single claimants made it undesirable for households who have recently been homeless²⁷.

Restricted access to the private rented sector will also make it more difficult for formerly homeless single tenants to exit expensive supported accommodation. CentrePoint described the SAR as a "considerable

²⁷ CLG: Homeless statistics June 2007 and Local Authority survey of homelessness prevention. Policy briefing 19. 2007



²⁵ Crisis: Survey of housing advisers on SRR. April 2011.

²⁶ DWP research report 243.

problem" in terms of young people moving on from hostel accommodation²⁸. Many schemes are already unable to work with under 25s because it is too difficult to procure accommodation and now a new group will be excluded from support.

Broadway, a London based homeless charity, has described to Shelter the impact the extension of the SAR will have on its Real Lettings project, which provides move-on accommodation across London. All of its existing clients under 35 will be required to leave their self-contained accommodation and the charity is already unable to take on new clients under 35. Broadway will not place clients in large shared properties and under current market conditions it is not possible to procure two room properties for tenants to share on the SAR rate. Broadway anticipates that its existing vulnerable clients will be forced to enter HMOs, bringing with it a high risk of tenancy breakdown and a worsening of clients' underlying problems.

The role of Discretionary Housing Payments

The Government has repeatedly said during the debate surrounding housing benefit cuts that discretionary housing payments (DHP) will be used to prevent tenants losing their homes. However, the scale of the cuts versus the planned increase to DHP suggests this will not be possible in all but the hardest cases.

The Government has resisted calls for claimants for whom shared accommodation is not appropriate to be exempt from the SAR and has argued that DHP should be used on a case by case basis. In Shelter's view this is an inappropriate safeguard. DHP is discretionary and claimants have no guarantee that they will receive any support in either the short or long-term.

DHP may be suitable for claimants experiencing short-term unemployment but it will not be a viable option for long-term claimants. Many local authorities will not consider long-term or high value awards if a tenant's circumstances are unlikely to change. This is problematic for the most vulnerable tenants, who may have the greatest need for self-contained accommodation and may be furthest from the labour market. Using DHP to cover shortfalls for years rather than months would be prohibitively expensive for local authorities and is unlikely to be approved.

Research previously commissioned by the DWP found that single tenants under 25s are generally a low priority for Discretionary Housing Payment²⁹. This was confirmed by recent research by Crisis, which found that only two per cent of advisers felt DHP was available to at least three-quarters of the tenants who required it³⁰. The experience of Shelter's advisers confirms that the group set to be affected by this change will not be given priority for DHP. Advisers in one local authority in the North East have already been warned that the council will not be minded to make payments to this group because their tenancies are not sustainable. This leaves young people with little support to manage shortfalls, exposing them to the risk of debt or arrears, eviction and homelessness.

Conclusion and recommendations

Shelter recommends that the proposed extension of the SAR age threshold to 35 does not go ahead, and that the Government re-examines the Social Security Select Committee's recommendation that the SAR be abolished.

If the policy is implemented Shelter would like to see exemptions so that the following groups can continue to access self-contained accommodation:

Former rough sleepers
Ex-offenders
People fleeing domestic violence

³⁰ Crisis: Survey of housing advisers on SRR. April 2011.



²⁸ Roof Magazine. November 2006.

²⁹ DWP: Research in the SRR regulations. Research report 243

Parents with caring responsibilities

Pregnant women

Other vulnerable groups, to be defined via consultation

Given the reduced levels of LHA available for all claimants and the ongoing economic environment, Shelter considers there is a case for extending the current 13 weeks protection to 24 weeks, in order that people who suffer short-term unemployment are not forced to leave accommodation they could previously afford.

If the policy is enacted, we endorse the current Work and Pensions Select Committee's recommendation that the decision be reconsidered at the end of the spending review period, with a view to abolition of the SAR³¹.

Shelter Policy Unit

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³¹ Work and Pensions Select Committee: Changes to Housing Benefit announced in the June 2010 Budget. 2010.