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Definition of Category 2 specified accommodation

Basic info

This category of specified accommodation consists of accommodation provided by the same kinds of landlord who provide Category 1 exempt accommodation (with some small differences) but where care, support or supervision is provided by a person or company other than the landlord who is not acting on behalf of the landlord when providing that care, support or supervision.

Landlords providing Category 2 specified accommodation

The definition of specified accommodation is found in Regulation 75H of the Housing Benefit Regulations 2006. Category 2 specified accommodation must be provided by a “relevant body” which means a:

- (a) council for a county in England for each part of whose area there is a district council;
- (b) housing association;
- (c) registered charity; or
- (d) voluntary organisation”

For the meaning of “housing association”, “registered charity” and “voluntary organisation” see "Which landlords count as being in the social or voluntary sector?", but note that the term “non-metropolitan county council in England” used in the definition of exempt accommodation is different from the wording used to describe English county councils in (a) above. For exempt accommodation purposes there is an argument that certain single-tier unitary authorities in England have the status of “non-metropolitan county council”. But the form of words used at (a) above seems to describe a two-tier arrangement in an area where there remains a county council with separate district councils providing local services (including housing and Housing Benefit) in the county’s constituent districts: for example Hertfordshire County Council is a council for a county for each part of whose area there are district councils including Watford, Hertsmere, St Albans etc.

In practical terms this means it is less likely that a council will be a Category 2 specified accommodation landlord than it is that a council will be a Category 1 exempt accommodation landlord.

Requirement for care, support or supervision to be provided

HB Reg 75H requires the HB claimant to have been “admitted” to the accommodation in order to meet a need for care, support or supervision and that s/he has in fact received care, support or supervision. It is not necessary for the care, support or supervision to be provided by or on behalf of the landlord - that is the whole point of Category 2 specified accommodation, it is intended to create a wider category than Category 1 exempt accommodation where the care etc must be provided by or on behalf of the landlord.

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The requirement to have been admitted into the accommodation in order to meet a need for care etc means that schemes allowing direct access without formal referral by an official body are covered. But Category 2 does not extend to floating support which is not linked to the accommodation.