



# What is the Maximum Rent (Social Sector) i.e. Bedroom Tax

## Basic info

The Maximum Rent (MRSS) is a mechanism that restricts Housing Benefit (HB) for tenants in the regulated social sector (council tenants and registered housing association tenants) whose home contains more bedrooms than the claimant and his/her family require according to criteria in the HB Regulations.

The government refers to the MRSS as the “removal of spare room subsidy” and it is also widely referred to as the “bedroom tax”. For the purposes of this article will refer to the MRSS as the bedroom tax.

## How does the bedroom tax work?

The maximum rent allowed for HB is reduced by 14% if the claimant has one more bedroom than the criteria allow and 25% if s/he has two or more spare bedrooms. The legislation does not define “bedroom” but case law<sup>1</sup> has established that the property should be looked at as if it were unoccupied - if the current occupier has special reasons for using rooms in a certain way (eg storage of medical supplies or equipment associated with disability) this is less important than how the room would be used by anyone else. A useful starting point is the number of bedrooms the landlord describes the dwelling as having, but other relevant factors include the room’s shape, its position in the building, whether it can be heated or ventilated, its size (in particular whether it is practicable to place a bed in the room and still be able to move around), whether the room has been structurally altered for use as something other than a bedroom etc.

## What are the criteria used to decide how many bedrooms the claimant uses

One bedroom is allowed for each of the following (in descending priority order, i.e. each household member can only belong to the first category in the list that fits):

- A couple
- A single person aged 16+
- A child who cannot share a bedroom because of disability
- Two children of the same sex
- Two children under 10
- A child

In addition one more bedroom is allowed if either of the following applies (or two bedrooms if both apply):

- The single claimant or a member of the couple making the claim or an adult joint tenant needs to be cared for at night by someone who does not normally live in the home
- The single claimant or a member of the couple making the claim or an adult joint tenant is a foster carer

## Specified accommodation and the bedroom tax



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The bedroom tax does not apply in Category 1 specified accommodation (exempt accommodation); but Categories 2 to 4 are not exempt from the bedroom tax (although in practice it will rarely apply as people in specified accommodation tend not to have spare bedrooms).

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1. 2014 UKUT 525 AAC Secretary of State for Work and Pensions v James Nelson and Fife Council