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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations amend the Housing Benefit Regulations 2006 and the Universal Credit Regulations 2013 (“the Universal Credit Regulations”).

Paragraph 3 of Schedule 1 to the Universal Credit Regulation lists types of accommodation in respect of which no housing costs element is payable. Regulation 2 of these Regulations amends paragraph 3 to remove the provision referring to exempt accommodation and adds a new category of specified accommodation. This is accommodation for which housing benefit will be payable. A new paragraph 3A has been inserted listing these types of accommodation. It includes exempt accommodation, the definition of which in paragraph 1 has been amended to link directly to paragraph 4(10) of Schedule 3 to the Housing Benefit and Council Tax Benefit (Consequential Provisions) Regulations 2006 ([S.I. 2006/217](#)) (“the Consequential Provisions Regulations”). It also lists three additional categories of accommodation:

- accommodation provided by a county council, housing association, registered charity or voluntary organisation in which the claimant has been placed in order to meet an identifiable need for care, support or supervision and where the claimant receives that care, support or supervision;
- refuges for victims of domestic violence where these are managed by local authorities, county councils, housing associations, registered charities or voluntary organisations;
- hostel accommodation provided by local authorities where care, support or supervision is also provided.

Regulation 2(3) amends the definition of exempt accommodation in Schedule 4 to the Universal Credit Regulations so that it aligns with the definition in Schedule 1.

Regulation 3 amends the Housing Benefit Regulations 2006 so that when a local authority calculates the amount of a claimant’s welfare benefits for the purposes of applying the benefit cap under Part 8A of those Regulations, it uses an amount of nil in respect of housing benefit for cases where housing costs are met by way of housing benefit rather than universal credit. This includes the three categories of accommodation listed above and exempt accommodation within the meaning of paragraph 4(10) of Schedule 3 to the Consequential Provisions.

A full impact assessment has not been produced for this instrument as it has no impact on the private sector or civil society organisations.