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The **Potteries Gold** Post

SUPREME COURT RULES ON 'BEDROOM TAX' TEST CASES

MIXED FORTUNES FOR TENANTS CHALLENGING CUTS

On 9th November 2016 the Supreme Court published its decision on a series of disability discrimination cases heard back in February.

Two families won their cases:

- The **Carmichaels** – a couple from Southport. Jacqueline cannot use the same bedroom as her husband as she needs to sleep in a hospital-style bed due to her disability. There is no room for a second bed in the room. As the law stands, a couple are always expected to share a bedroom, even in circumstances where a disabled child might not have to share with a brother or sister. The Court decided this was discrimination.
- The **Rutherfords** – grandparents who have their disabled grandson living with them, and need a bedroom for his night-time carer. At the moment, although an extra room is allowed if the person claiming Housing Benefit or their partner needs a carer, it isn't where the carer is needed for a disabled child. Again, the Court decided this was discrimination.

If you are in **the same** situation as either of these families and are paying the 'Bedroom Tax', contact the Council and ask them to look at your claim again.



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WHAT IS THE 'BEDROOM TAX'?

If you live in a Council or Housing Association property, the 'Bedroom Tax' reduces your housing benefit if you have one or more 'spare' bedrooms.

As well as a room for you (and your partner), you are allowed a room for two children under 10, two boys or two girls aged 11-16 and any other person or couple aged 16 or over. A disabled child might be allowed their own room if they cannot share.

A room might not count as 'spare' if the person who usually uses it is away from home temporarily or if it is needed for a carer who does not usually live with you.

If you have one 'spare' room, your housing benefit is cut by 14% of your eligible rent (not 14% of your housing benefit). For two or more rooms, the cut is 25% of your rent.

WHAT TO DO IF YOUR HOUSING BENEFIT IS CUT DUE TO THE 'BEDROOM TAX'...

- Call our adviceline **03444 111 444** for benefit and budgeting advice.
- If you think the decision is wrong, ask the Council to **reconsider** it. (You have one calendar month from the decision to ask for this).
- If you can't pay the shortfall, ask the Council for a **Discretionary Housing Payment**. You will have to give them a lot of information about your income and how you spend it.
- Consider taking in a lodger – but check your tenancy agreement to make sure this is allowed and be *very* careful who you take in!
- Get **Housing Advice** promptly if you are threatened with eviction.



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