**Courtesy of 24 Dash, this week**

The Department for Work and Pensions (DWP) is set to leave out the definition of a bedroom in its published regulations for the under-occupation penalties for social housing tenants, it has emerged.

From April next year, 670,000 working age social tenants with one or more spare rooms will see cuts to their housing benefit, averaging at £13 a week.

The Government is applying private sector Local Housing Allowance (LHA) rules to working age social tenants to ensure it’s not paying over and above “the needs of a household” and to encourage those that are ‘under-occupying’ their homes to downsize, freeing up larger homes for those on the waiting list.

It is due to consult with local authority associations on draft regulations shortly, however, 24housing understands the DWP has advised that there is currently no definition of what constitutes a bedroom and that it is not, at present, looking to create a definition.

However, this is something that may be “re-considered” if, as the regulations develop, there is a demand for a bedroom definition.

The Government expects landlords and/or claimants to tell it how many bedrooms a property has and the rent charged should reflect the property size and its number of bedrooms. It says that it's in the tenant’s best interest to decide whether the rooms are of a suitable size for their needs.

A DWP spokesperson said: "It's not fair or affordable for people to continue to live in homes that are too large for their needs when in England alone there are around 5 million people on the social housing waiting list and over a quarter of a million tenants are living in overcrowded conditions.

"We are currently working with landlords and stakeholders on the detailed planning for the implementation of the social size criteria.”

Housing associations had been looking for clarity over the definition of a bedroom.

Some are also seeking clarity from the regulator about whether they can reclassify bedrooms to support tenants hit by the cuts.

However, a spokesperson for the Landlord Information Network – which supports both social and private sector landlords – said providers would have to evaluate such a decision based on a case-by-case basis.

The spokesperson said: “Under the rent restructuring system, if a social sector landlord re-classified a property to reduce the number of bedrooms, to avoid the under-occupation penalties, as rents are set based on the number of bedrooms in a property, the social sector landlord would then have to re-classify the property as a two-bed, and lower the rent accordingly.

“This would mean a landlord would have to calculate how much they would lose, if they were unable to collect the under-occupation penalty from the tenant, compared to how much they would lose by reclassifying to a smaller sized property.”

There are also concerns that the so-called ‘spare bedroom’ in a housing association property might, for example, be too small for two teenagers to share, as the proposals require.

One housing association said: “In our three-bedroom properties often the third bedroom is very small. Are we really saying that we expect to fit two teenage children into a bedroom that’s just big enough for a single bed?”

Last year, Lord Freud came under fire in the House of Lords over the definition of a bedroom.

Lord Foulkes of Cumnock (Labour/Co-operative) raised fears that some tenants might be tempted to "board up windows" in a bid to be exempt from the cuts.

He queried whether rooms that do not have external windows would count as a bedroom?

He said: "Some occasionally have a small skylight. Is that within the definition of a bedroom? Another example might be studio flats, or studio flats that may then have an extra bedroom attached to them. Is that a two-bedroom or a one-bedroom flat? Another might be my study. Is my study a bedroom or is it a study?"

Lord Freud said in response: "Certainly, the study of the noble Lord, Lord Foulkes, would seem to me to be a bedroom. However, box rooms without opening windows normally would not count as bedrooms. There is a series of rules that we will go through as we work through the implementation planning with stakeholders."

In response to the re-classification of bedrooms, Matthew Bailes, the new director of regulation at the Homes and Communities Agency, told 24housing: “We have not been approached by providers with any proposals on reclassification of bedrooms so this really isn’t something we are able to comment on in detail. We are clear, however, that providers will need to continue to meet the regulatory standards.”

A spokesperson for the National Housing Federation said: "To help prevent fraud and ensure the swift verification of claims, we believe the social landlord is best placed to determine the number of bedrooms in a property, and to verify claims.

"However, there will be circumstances where it is not the number of bedrooms, but their suitability for sharing, that will be called into question. For example, some bedrooms will be able to accommodate two 15-year-old boys, who under the size criteria will be expected to share, but some will not.

"In such circumstances we believe that landlords should be able to use their discretion to say whether the property in question is an appropriate size for a household, and therefore whether a particular household is in fact under-occupying for the purposes of the size criteria. Failure to resolve this issue will make this policy much more difficult to operate in practice."