

# What is Local Housing Allowance?

*A guide for tenants renting from private landlords*

April 2008



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# What is Local Housing Allowance?

To help us decide how much Housing Benefit to pay private tenants, we use a number of different rates that depend on rents in the areas they live in. We call these rates 'Local Housing Allowance'.

We use Local Housing Allowance to work out new claims for Housing Benefit from tenants who rent accommodation from a private landlord.

Local Housing Allowance also applies to tenants who are already getting Housing Benefit and move into accommodation rented from a private landlord after 7 April 2008.

If you live in council or housing association accommodation or other social housing, Local Housing Allowance does not apply to you.

With Local Housing Allowance, your benefit is based on:

- *who lives with you*
- *which area you live in*
- *how much money you have coming in*
- *what savings you have.*

## ***How will I get my benefit?***

Usually we will pay your benefit directly to your bank or building society account.

If you do not have a bank or building society account, you must open one. That way you can arrange to pay the rent to your landlord automatically, using a standing order.

You can get advice about opening and running a bank account from any bank or building society. You can also get advice from a welfare organisation such as Citizens Advice.

It is up to you to pay the rent to your landlord. If you don't pay your rent, you may be taken to court and evicted from the property.

### ***Can my benefit be paid direct to my landlord?***

We pay your benefit to you unless you are likely to have difficulty paying your rent. *Please see section 5.*

### ***What will happen if I use my benefit for something else?***

Your benefit is for paying the rent. If you do not pay your rent, your landlord may take you to court or try to evict you and you may lose your home.

## SECTION 2

# Working out your Housing Benefit

To work out how much benefit you might get, you need to:

- 1 work out how many bedrooms you are entitled to and work out which rate of Local Housing Allowance applies to you – these details are shown below
- 2 check the Local Housing Allowance for the area you want to live in. You can find these on our website, or you can telephone us.

The amount of benefit you can get will be affected by:

- any money you have coming in
- any savings you have
- how much your rent is
- if we expect anyone living with you to pay towards your rent
- if you share paying the rent with someone who is not your partner.

### **How many bedrooms am I entitled to?**

We use the number of people who live with you to work out how many bedrooms you are entitled to. We do not count other rooms such as a living room, kitchen or bathroom.

We then use that number of bedrooms to work out which Local Housing Allowance rate applies to you. In some cases more rules apply – see below.

You can use the following information as a guide.

You are entitled to one bedroom for:

- every adult couple (married or unmarried)
- any other adult aged 16 or over
- any two children of the same sex aged under 16
- any two children aged under 10
- any other child.

## **What else might affect my rate of Local Housing Allowance?**

Extra rules apply if you are:

- *single and do not live with any dependants*
- *a couple and do not live with any dependants*
- *leaving care and aged under 22*
- *severely disabled*
- *a joint tenant.*

Contact us if you need more information about these extra rules and how they might affect you.

### ***Non-dependants***

You can only claim benefit for yourself and your family. If you share a property with someone who is not part of your family, your benefit may be reduced. This is because we may expect them to pay towards your rent. See leaflet *No. 4 Non-dependants*.

## SECTION 4

# ***What if my rent is different from the Local Housing Allowance that applies to me?***

If your rent is £1-£15 below the Local Housing Allowance that applies to you, then any benefit you might get will still be based on this rate. For example, if your rent is £90 and the Local Housing Allowance is £100, the maximum benefit we could pay you would be £100.

If your rent is more than £15 below the Local Housing Allowance that applies to you, then any benefit you might get will be based on the amount of your rent plus £15. For example, if your rent is £60 and the Local Housing Allowance is £100, then the maximum benefit we could pay you would be £75.

With Local Housing Allowance, benefit is usually paid to you as the tenant. You cannot choose to have your benefit paid to their landlord, except in special circumstances.

## SECTION 5

# ***When can we make payments to the landlord?***

We must usually pay the benefit to the landlord if you are eight weeks or more in arrears with your rent.

We may pay your landlord directly if we decide that you are:

- *likely to have difficulty in managing your financial affairs, or*
- *unlikely to pay your rent.*

We can also decide to pay benefit to your landlord if, during your current claim to benefit, we have had to pay the landlord because you were eight weeks or more in arrears with your rent.

## SECTION 6

# ***Who can ask us to pay the landlord?***

You as tenant, your landlord, your family or someone acting on your behalf may tell us that you are having difficulty paying your rent, or are likely to. We may also find that you are having difficulty managing your money, for example when we visit you at home. Your landlord can contact us if you are getting behind with your rent.

## ***Why might I have difficulty paying the rent?***

There are many possible reasons. For example, you may:

- *have severe debt problems*
- *have a recent County Court judgment against you*
- *be an undischarged bankrupt*
- *be unable to open a bank or building society account*
- *have some of your Income Support or Jobseeker's Allowance paid direct to the gas, electricity or water company by the Department for Work and Pensions*
- *be getting Supporting People help*
- *be getting help from a charity for the homeless.*

Or maybe you:

- *have learning difficulties*
- *have an illness that stops you managing on a day-to-day basis*
- *cannot read or speak English*
- *are addicted to drugs, alcohol or gambling*
- *are fleeing domestic violence*
- *are a care leaver*
- *are leaving prison*
- *are homeless.*

There may be other reasons why you have difficulties. Ask us for more information. Details about how to get in touch with us are at the end of this leaflet.

## ***Who decides if we may pay the landlord?***

We decide this.

If Housing Benefit staff know you are having difficulty managing your money, they may take action based on this knowledge. We recommend that, if someone thinks you may have difficulty with your money, they encourage you to contact us.

We must have evidence to show that you have difficulty managing your money and that it is in your interest that we pay your landlord direct. Evidence should usually be in writing.

People who can provide evidence include:

- *you (the tenant)*
- *your friends and family*
- *your landlord*
- *welfare groups (including money advisers)*
- *Social Services*
- *probation officers*
- *Jobcentre Plus*
- *The Pension Service*
- *charities or other organisations for the homeless*
- *Supporting People teams*
- *local or council-run rent deposit scheme administrators, homelessness officers or housing advice officers.*

We will talk to you about what we should do.

## SECTION 9 ***Making a decision***

When we have collected evidence we will decide as quickly as possible if we should pay your landlord directly. We will still pay your benefit while we are making our decision. We will write to you and explain our decision. We will also write to the landlord.

## SECTION 10 ***Reviews and appeals***

If a tenant or landlord disagrees with our decision, they can ask us to look at the decision again. This is called a review. Or they can appeal against the decision, saying why they think the decision is wrong.

If you want more information about reviews and appeals, please see leaflet *No. 15 How to appeal*.

## SECTION II

# **Where to get more information**

If you want to know more about the changes and how they affect you:

### **Phone your Housing Benefit department on**

Telephone: 01992 785503

Minicom: 01992 785581

### **Visit your Housing Benefit department at**

#### **Borough of Broxbourne**

Borough Offices

Bishops' College

Churchgate, Cheshunt

Herts EN8 9XG

*Offices are open:*

Mon, Wed, Thu 8.30am – 5.30pm Tue 8.30am – 7.30pm

Fri 8.30am – 5pm Sat 9am – 1pm

### **Look on our website**

[www.broxbourne.gov.uk](http://www.broxbourne.gov.uk)

### **Email us**

[benefits@broxbourne.gov.uk](mailto:benefits@broxbourne.gov.uk)

*Remember that this leaflet is a guide only. It does not try to say exactly what your legal rights are. While we have tried to make sure that the information is correct at the date shown on the cover, some of it may be incorrect or may become incorrect or may be oversimplified. Also, please remember that the information in this leaflet is likely to become out of date after a time because of changes to the law.*



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