

# Local Housing Allowance

## Where to get more information

If you want to know more about Local Housing Allowance please contact Torridge District Council:

- phone the benefits team on **01237 428700**
- visit the benefits team at **Riverbank House, Bideford**
- look on our website **[www.torridge.gov.uk](http://www.torridge.gov.uk)**
- email us at **[benefits@torridge.gov.uk](mailto:benefits@torridge.gov.uk)**
- visit **[www.gov.uk](http://www.gov.uk)**

**Riverbank House, Bideford, EX39 2QG**

**Monday to Friday 9.00am to 4.30pm**

**Phone 01237 428700**

**Monday to Thursday 08.45am to 5.00pm**

**Friday 08.45am to 4.45pm**

**If you would like a copy of this leaflet in large print, tape or other format, please contact the Council**

Remember that this leaflet is a guide only. It is not meant to say exactly what your legal rights are. While we have tried to make sure that the information in this leaflet is correct as at November 2018, it is possible that there may be incorrect information or some ideas may be oversimplified. Also, please remember that the information in this leaflet is likely to become less accurate over time because of changes to the law.



## Local Housing Allowance (LHA)

Local Housing Allowance was introduced in April 2008 and is the way of working out new claims for housing benefit for tenants renting accommodation from a private landlord. It also affects tenants already getting housing benefit who move into accommodation rented from a private landlord.

If you live in council accommodation, social housing, a caravan, houseboat, or hostel and, your tenancy started before 15 January 1989, or your tenancy includes meals, Local Housing Allowance does not affect you yet but it may in the future.

Local Housing Allowance gives tenants more choice in where they live and it's fairer too. This is because with Local Housing Allowance:

- you will be entitled to the same amount of benefit as people in the same circumstances;
- you can find out how much benefit you can get before you rent a property;
- you can decide how much benefit you want to spend on renting a property;
- you will usually get your benefit paid to you. It is up to you to pay the rent to your landlord.

## Working out your Local Housing Allowance

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

1. work out how many bedrooms you are entitled to and which Local Housing Allowance rate applies to you;
2. check the Local Housing Allowance rates for the area you wish to live in;
3. find out if you can get the full amount of benefit. The amount of benefit you get may be affected by:

## National Debtline

This is a telephone-based service and is a national helpline for people with debt problems in England, Wales and Scotland. They will discuss debt problems with you and explain the options available to you.

For more details:

- look on their website [www.nationaldebtline.org](http://www.nationaldebtline.org)
- ring them on 0808 808 4000
- or write to them at:

National Debtline  
Tricorn House  
51-53 Hagley Road  
Edgbaston  
Birmingham  
B16 8TP

## Organisations that could give you advice about debt and money problems

### Citizens Advice

Citizens Advice (CA) offer advice on debt problems and a wide range of other money and non-money topics.

Visit them at Bridgeland Street, Bideford,  
Castle Hill, Torrington or  
Manor Offices, Holsworthy

### British Bankers' Association (BBA)

The BBA produce some useful leaflets on proving your identity and a range of banking services. For more information:

visit [www.bba.org.uk](http://www.bba.org.uk)

phone 020 7706 3333

### Step Change Debt Charity

The Step Change Debt Charity provides free debt advice over the phone and on-line. Everything is free and confidential, from budgeting advice to practical Debt Management Plans. This service is available to everyone in the UK

For more details:

look on their website [www.stepchange.org](http://www.stepchange.org)  
ring them on 0800 138 1111  
or write to them at:

StepChange Debt Charity  
Wade House  
Merrion Centre  
Leeds  
LS2 8NG

- your age
- who lives with you
- which area you live in
- how much money you have coming in
- what savings you have
- how much your rent is

### Categories of Accommodation

Local Housing Allowance is split into the following categories, each having a different rate which denotes the level of rent used in the calculation of your housing benefit:-

- one bedroom shared accommodation
- one bedroom self contained accommodation
- two bedroom dwellings
- three bedroom dwellings
- four bedroom dwelling

*By shared accommodation we mean where you have sole use of a bedroom and share the use of other rooms e.g.. Renting a room from the landlord and sharing a kitchen, bathroom etc*

*By self contained we mean you have your own bedroom plus your own bathroom/toilet and kitchen (or at least the facilities to cook with) e.g. A one bedroom flat.*

The rates of Local Housing Allowance used at the start of your claim would normally last for 12 months. If your household circumstances change during this time your level of Local Housing Allowance may be affected.

### How many bedrooms am I entitled to?

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

The number of bedrooms you are entitled to is used to work out which Local Housing Allowance rate usually applies to you. In some cases, there are some more rules - you can use the following information as a guide:

You are entitled to one bedroom for:

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

If you have a joint tenancy with a non-dependant(s) living in the property this will affect the level of Local Housing Allowance.

If you are aged 35 or over and single, or a couple with no dependants and live in self contained accommodation or shared accommodation but have two or more rooms (bedrooms or living rooms) that no one else can use, your benefit would be based on the 1 bedroom rate.

If you are 35 and over or a couple with no dependants and live in shared accommodation with only one room for yourself your benefit would be based on the shared room rate.

If you are aged under 35 and single and do not live with any dependants you can only get the Local Housing Allowance at the shared room rate. However, if you are any of the following you would be entitled to the one bedroom self contained room rate:

- Under the age of 22 and were formerly provided with accommodation by social services; or formerly in care under a court order.
- qualify for a severe disability premium in the assessment of your housing benefit, income support or job seekers allowance.
- have one or more non-dependant(s) living with you. (This does not include joint tenants).

Your request for an appeal must be in writing and made within one month of the date of the decision notification letter. If we do not get it within one month, the Tribunal Service may not be able to look at your claim.

In your appeal you must make it clear which decision you are appealing against and include the date of the official letter notifying the decision. You must also give the reasons why you are appealing. If you have any information or evidence to support your appeal, you should send it with your appeal letter.

The Tribunal Service may be able to consider an appeal outside the time limit if there are special circumstances. They cannot consider an appeal if it is made more than 13 months from the date of the original decision notification letter. To find out more about this, get in touch with the Tribunal Service ([www.appeals-service.gov.uk](http://www.appeals-service.gov.uk))

### **Who can make an appeal?**

Someone who is affected by the decision may appeal, including:

- the person making the claim;
- someone who is appointed by the courts to act on behalf of the person making the claim;
- someone who the council agrees is appointed to act on behalf of the person making the claim;
- a landlord—but only about who the benefit may be paid to;
- an agent—but only about who the benefit may be paid to;
- any person from whom an overpayment is to be recovered.

## What can I do if I disagree with your decision?

If you disagree with a decision we have made in the assessment of your claim you can challenge our decision in a number of ways. You can:

- ask us to explain the decision;
- ask us to look at the decision again. This is known as a reconsideration;
- submit an appeal, in writing, giving the reasons why you disagree with the decision.

## How do I ask for reconsideration?

You can ask us to reconsider our decision about your claim for housing benefit including the Local Housing Allowance rate we have applied to you.

Your request for reconsideration must be in writing and you must include details of why you think our decision is wrong.

We must get your request for a reconsideration within one month of the date of the decision notification letter. If we do not get it within one month, we may not be able to look at the claim again.

*You cannot ask for a reconsideration of the Local Housing Allowance rates for the area you want to live in.*

## How do I ask for an appeal?

If you are not happy with our decision following your reconsideration you can ask the Tribunal Service to look at it. This is called an appeal. You can appeal against our original decision or our reconsideration decision.

If you are single or a couple with dependant children, non-dependants or any other adult aged 16 or over you would qualify for the relevant room rate as detailed in the paragraph 'How many bedrooms am I entitled to?'

*By a couple we mean two people living together as if they were married or in a civil partnership.*

## Non-dependants:

If you claim benefit you can only get it for yourself and your family. If you share a property with someone over the age of 18 years of age who is not dependant on you, your benefit may be reduced. This is because we may expect them to contribute towards your rent. The level of contribution varies depending on their level of income.

## Joint Tenants:

In a joint tenancy, each joint tenant is allocated the category applying to himself or herself. This is likely to be one bedroom shared accommodation in the majority of cases.

## How do I get my benefit?

Usually you will have your benefit paid directly to you. It will be paid directly into your bank account.

If you do not already have a bank or building society account you will need to set one up. That way you can arrange to pay the rent to your landlord automatically, using a standing order or direct debit.

Basic bank accounts can be set up at:

- Santander
- Barclays
- Nationwide
- Natwest

Some identification and proof of where you are living will need to be provided.

## **Can I have my benefit paid directly to my landlord?**

Your benefit is paid to you unless you are likely to have difficulty paying your rent or are considered vulnerable. In these cases it may be paid to your landlord, after completion of a vulnerability form and provision of supporting evidence.

You might be considered vulnerable if you:

- have severe debt problems;
- have a recent county court judgment against you or you are bankrupt;
- are unable to open a bank account;
- are getting help from supporting people or a homeless charity
- have learning difficulties;
- have an illness that stops you managing on a daily basis;
- cannot read or speak English;
- were homeless;
- are addicted to drugs, alcohol or gambling.

## **Paying your rent**

As a tenant you are responsible for paying your rent to your landlord.

If you do not pay the rent, your landlord may apply to the Local Authority to have your benefit paid directly to them, or take action to recover the money from you.

If you are in rent arrears your landlord may be able to go to the courts and ask that you be evicted from your home.

Eviction means that:

- you will lose your home
- your benefit may not be paid to you in the future
- you may have difficulty finding new accommodation, as your landlord is unlikely to give you a reference
- you will still have to pay the landlord the money you owe and possibly extra money to cover any court costs
- an application for re-housing could be affected as you may be considered to have made yourself intentionally homeless.

## **What if my rent is not the same as the Local Housing Allowance rate that applies to me?**

If your rent is lower than the Local Housing Allowance rate that applies to you, any benefit you might get will be based on this rate.

If your rent is higher than the Local Housing Allowance rate that applies to you, you will have to pay the difference.