

Local Housing Allowance: Difficulty in paying rent?



Local Housing Allowance is a new 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. Local Housing Allowance is being introduced on 7th April 2008. If you are a tenant of a social landlord (e.g. Rother Homes), Local Housing Allowance will not affect you unless you move to a new home rented from a private landlord.

With Local Housing Allowance, benefit is usually paid to the tenant. Tenants cannot choose to have their benefit paid to their landlord. But in some circumstances the Council can decide to pay benefit to the landlord.

When may the Council make payments to the landlord?

The Council **must** pay the benefit to the landlord if the tenant is eight weeks or more in arrears with their rent.

Payment **may** be made direct to the landlord where the Council decide that the tenant is:

- likely to have difficulty in managing their financial affairs.
- unlikely to pay their rent

Payment of benefit may also be made to the landlord if, during the current claim to benefit, it has had to be paid to the landlord because the tenant was eight weeks or more in arrears with their rent.

Who can ask for the payments to be made to the landlord?

Tenants, landlords, tenants' families or persons acting on the tenants' behalf, may tell the Council that the tenant is having difficulty paying their rent, or are likely to. The Council may also identify tenants who may have difficulty managing their money, for example, when carrying out home visits. And landlords can contact the Council, especially if the tenant is getting into arrears with their rent.

Who may have difficulty paying their rent?

There are many reasons why someone may have difficulty paying their rent. They might be someone who:

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

Or someone may have difficulty paying their rent if they:

- have learning difficulties
- have an illness that stops them managing on a day-to-day basis
- cannot read English
- cannot 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 someone might have difficulties. Ask for more information. Contact details are shown at the end of this leaflet.

Who decides if payments will be made to the landlord?

The Council will decide whether or not payments will be made to the landlord.

There may be times when Housing Benefit staff know someone has difficulty in managing their money and may take action based on this knowledge. We recommend that, if someone thinks a tenant may have difficulty managing their money, they encourage the tenant to make contact.

Evidence must be provided to show that they have difficulty managing their money and that it is in their interest that the landlord is paid directly. Evidence should usually be in writing. People who can provide evidence include:

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

The Council will work with the tenant when making a decision.

Making a decision

Once evidence is provided, a decision will be made as quickly as possible if direct payments to the landlord are appropriate. Benefit will still be paid whilst a decision is being made.

Both the tenant and the landlord will receive a written explanation of the decision.

Reviews and appeals

If the tenant or landlord disagrees with the decision they can ask for it to be looked at again. This is called a review. Or they can appeal against the decision, giving reasons why they think the decision is wrong.

If you want more information about reviews and appeals, please see our leaflet, *Local Housing Allowance: Reviews and appeals*. Details about how to get in touch with us are at the end of this leaflet.

Money advice

Tenants can get help managing their money from a welfare organisation such as the Citizens Advice Bureau.

Further information

If you want more information about where direct payments to the landlord may be considered, or where the landlord must be paid:

- phone the Housing Benefit department on 01424 787740
- visit the Community Help Points at Bexhill, Battle and Rye
- look on the website www.rother.gov.uk/benefits
- email at benefits@rother.gov.uk

Remember that this leaflet is a guide only. It is not meant to say exactly what your legal rights are. Whilst every effort has been made to make sure that the information in this leaflet is correct at the date shown on the cover, 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.

This information can be available in large print, audiotape/CD or in another language upon request