

Local Housing Allowance: Reviews and Appeals



What is Local Housing Allowance?

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, your benefit is not usually based on the property you live in. It is usually based on:

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

In some cases the amount of benefit you are entitled to will be affected by other things. These can include:

- how much your rent is
- whether anyone living with you is expected to contribute to your rent.

What can I do if I disagree with your decision?

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

- ask for an explanation of the decision
- ask for the decision to be looked at again – this is known as a review
- submit an appeal in writing giving the reasons you disagree with the decision.

How do I ask for a review?

You can ask for a review of the decision about your claim for Housing Benefit including the Local Housing Allowance rate we have applied to you. Your request for a review must be in writing. You must include details of why you think the decision is wrong.

Your request for a review must be made within one month of the date of the decision notification letter. If it is not, we may not be able to look again at your claim.

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

Contact details are at the end of this leaflet.

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How do I ask for an appeal?

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

Your request for an appeal must be in writing. Details of how to appeal will be included in your notification letter.

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

If you want to appeal, it must be made within one month of the date of the decision notification letter. If not, the Tribunal Service may not be able to look again at your claim.

The Tribunal Service may be able to consider an appeal outside this time limit if there are special circumstances. An appeal cannot be considered 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 at:

Address: Copthall House, 9 The Pavement, Grove Road, Sutton, SM1 1DA
Telephone: 0208 710 2900 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.

Further information

If you want more information:

- 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 to benefits@rother.gov.uk
- You may find it helpful to talk to a welfare rights organisation, such as the Citizens Advice Bureau. You can get their details from the phone book.

Alternatively contact the Appeals Service at the above address

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 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.