



# About Local Housing Allowance (LHA)

Updated: summer 2011

## About this booklet

This booklet provides information about Local Housing Allowance (LHA).

Please remember that this 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 booklet is correct at the time of production, it is possible that there may be incorrect information or some ideas that are oversimplified. Also, please remember that the information in this leaflet is likely to become less accurate over time because of changes to the law.

If you have any questions or require assistance, please contact us (see back page) or any of the other agencies referred to in this booklet (see page 9), depending on what you need help with.



To request this information in an alternative format or language please call 01395 516551 or email [csc@eastdevon.gov.uk](mailto:csc@eastdevon.gov.uk)

We consider requests on an individual basis

# What is Local Housing Allowance (LHA)?

Local Housing Allowance (LHA) was introduced on 7 April 2008. It is a way of working out new claims for Housing Benefit for tenants who rent their accommodation from a private landlord. If you live in council accommodation or other social housing, LHA will not affect you.

The LHA rates are set and reviewed by the Valuation Office Agency (VOA). You can find more information on the VOA website [www.voa.gov.uk](http://www.voa.gov.uk).

## Working out your LHA

The amount of LHA we will base your benefit on will be determined by:

- how many bedrooms you need for you and your family and anyone else living with you
- the LHA rates for the area you live in.

If your rent is higher than the LHA, we will not pay more than the rate you are entitled to get. Your claim will be based on the LHA rate for the month in which you make your claim and will be reviewed on the anniversary date.

## How many bedrooms am I entitled to?

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 years of age
- any other child.

The maximum LHA rate is for a four bedroom property.

## How your age affects your LHA rate

### **If you are 25 or over (35 or over from January 2012)**

If you are 25 or over, are single, and do not live with any dependants, we will base your benefit on the one bedroom LHA rate if you live:

- in a self-contained property (a self-contained property is where you have your own room and your own bathroom, toilet, and kitchen or facilities to cook with – for example, this could be a one-bedroom flat)
- in shared accommodation but have two or more rooms (bedrooms or living rooms) that no-one else can use.

## **If you are under 25**

If you are under 25, are single, and do not live with any dependants, you can only get the LHA shared room rate. Please note that from January 2012, these rules will apply if you are under 35.

## **If you are a couple**

If you are part of a couple and do not live with any dependants, your benefit will be based on the one bedroom LHA rate if you live:

- in a self-contained property
- in shared accommodation but have two or more rooms (living rooms or bedrooms) that no-one else can use.

‘A couple’ means a man and a woman who are married or living together as if they are married, or a same-sex couple who are in a civil partnership and live in the same household. If you are part of a couple and do not live with any dependants, we will base your benefit on the LHA shared room rate if you live in shared accommodation.

## **If you are a care leaver**

If you are a care leaver (someone who was in council care after the age of 15), are under 22, or live with a care leaver under 22 who is your partner, and have no dependent children, your benefit will be based on the one bedroom LHA rate.

## **If you have an overnight carer**

If you are severely disabled, or live with a severely disabled partner, and have no dependant children, your benefit will be based on the one bedroom LHA rate.

Extra help is available for disabled customers, or their partners, who have a carer who stays overnight but who doesn't normally live with them. To get this help, there must already be an extra bedroom in your home available for the carer to use.

This change applies to all tenants who meet the qualifying conditions and live in privately rented accommodation, no matter how their Housing Benefit is worked out.

## **What are the LHA rates for your area?**

You can find the rates for your area at the council offices in Sidmouth, at the town hall in Exmouth, or on our website at [www.eastdevon.gov.uk](http://www.eastdevon.gov.uk).

In East Devon we have three areas (called Broad Rental Market Areas): Exeter, East and Mid Devon, and Mid and West Dorset. The VOA reviews the rates for each area every month. The rates are based on actual rental values and LHA can only be paid up to a maximum of the rent levels within the lowest third of market rents for your area. This may mean that you will have to make up any shortfall yourself.

## **Who will we pay benefit to?**

We usually pay benefit direct to a tenant.

## **When can benefit be paid direct to the landlord?**

We may pay the landlord direct if the tenant is likely to have difficulty in managing their financial affairs or is unlikely to pay the rent. In certain circumstances we may also pay the landlord direct if it will assist the tenant in keeping an existing tenancy or securing a new one.

We will consider the following:

- whether the rent is affordable to the tenant and whether they are likely to be able to meet any shortfall
- whether the rent is likely to remain affordable – direct payments are conditional on the rent being kept affordable, so any rent increase could affect the decision
- whether there is written agreement from the landlord to vary the rent or, if the tenancy has been renewed, it is at a lower rent than before.

We must usually pay benefit direct to the landlord if the tenant is eight weeks or more in arrears with their rent.

## **Who can ask for benefit to be paid direct to your landlord?**

Tenants, others acting on their behalf such as family members, or an advice agency like the Citizens Advice Bureau, can ask to have benefit paid to the landlord but we must have supporting evidence showing that it is in the tenant's interest to do so. Evidence should usually be in writing.

## **Making a decision**

We will decide as quickly as possible if direct payments to the landlord are appropriate. We will still pay benefit while we are making our decision. We will write to both the tenant and the landlord to explain our decision.

## **Reviews and appeals**

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

## **Paying your rent**

As a tenant you are responsible for paying rent to your landlord. If you do not pay the rent your landlord may apply to us to have it paid to them, or take other action to recover their money.

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.

## For other information and advice

Valuation Office Agency (VOA) Information on LHA, fair rents, and other related topics	Tel: 0845 026 4696 <a href="http://www.voa.gov.uk">www.voa.gov.uk</a>
Shelter Offering confidential housing, welfare benefits, debt advice	Tel: 0808 800 4444 <a href="http://www.shelter.org.uk">www.shelter.org.uk</a>
Directgov Government information	<a href="http://www.direct.gov.uk">www.direct.gov.uk</a>
Citizens Advice Bureau Free, independent, and confidential advice	Exmouth: Tel: 01404 44213 Honiton, Sidmouth, Axminster: Tel: 01395 264645 <a href="http://www.citizensadvice.org.uk">www.citizensadvice.org.uk</a>
Turn2us Help to access benefits	Tel: 0845 802 2000 <a href="http://www.turn2us.org.uk">www.turn2us.org.uk</a>
Age UK Information and advice for the elderly	Tel: 0800 00 99 66 <a href="http://www.ageuk.org.uk">www.ageuk.org.uk</a>

# How to work out your LHA rate

## **STEP 1: work out your bedroom allocation**

Allow one bedroom for each of the following:

- 🛏 Every adult couple
- 🛏 Any other adult aged 16 or over
- 🛏 Any two children aged under 16 years of the same sex
- 🛏 Any two children regardless of sex under the age of 10
- 🛏 Any other child

## **STEP 2: check the area that you live in**

Consult our map at [www.eastdevon.gov.uk/benefits\\_lha](http://www.eastdevon.gov.uk/benefits_lha) to see which 'broad rental market area' you live in

## **STEP 3: check the LHA rate for the month**

Visit [www.eastdevon.gov.uk/benefits\\_lha](http://www.eastdevon.gov.uk/benefits_lha) and look at the rates table for the month

## **STEP 4: work out your LHA rate**

Use our quick and easy Benefits calculator at [www.eastdevon.gov.uk/benefits\\_calculator](http://www.eastdevon.gov.uk/benefits_calculator)

## **STEP 5: contact us**

If you think that you qualify for Benefit, phone 01395 517446



### Those included:

- Those who live in property as normal home
- Children, where they spend the most time – if they spend equal time with both parents, then they will be included with the household of the parent who receives Child Benefit
- All non-dependant subtenants and boarders
- Any household member who is in hospital
- Persons from abroad with no access to public funds (if they are not the claimant)



### Not included:

- Visiting children
- Foster children
- Students coming on vacation
- Students aged 14–17 placed with family for one year or less (where they are placed with family for more than one year they are treated as non-dependant, subtenant, or boarder)

## Please note: if you don't have access to the Internet

If you don't have access to the Internet, to check which 'broad rental market area' you live in and the current LHA rates you can phone us on 01395 517446.

# How to contact us

## **Phone:**

01395 517446 (Monday–Friday, 8.30 am–5 pm)

## **Visit:**

Council Offices, Knowle, Sidmouth

(Monday–Friday, 8.30 am–5 pm)

Exmouth Town Hall

(Monday, Tuesday, Thursday, Friday, 9 am–4.30 pm)

Come and see us at one of our regular surgeries in Honiton,

or by appointment in Axminster or Seaton (please call

01395 517446 for times of opening)

## **Write:**

Housing Benefits, East Devon District Council,

Knowle, Sidmouth, EX10 8HL

## **Email:**

benefits@eastdevon.gov.uk

## **Online:**

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

## Questions about Housing Benefit

If you want to find out more about how much Housing Benefit you might get, please phone us or visit our website.

