



# A guide to Local Housing Allowance



## What is Local Housing Allowance?

If you are a private tenant and you make a new claim for Housing Benefit, change address or have a break in your claim, we will work out your Housing Benefit under the Local Housing Allowance (LHA) rules.

Every month the Government sets the Local Housing Allowance figure based on:

- the area where you live; and
- the number of bedrooms you need.

If you are charged more rent than the LHA figure, the part of your rent that is above the LHA amount will not be covered by Housing Benefit.



## Does LHA apply to me?

Local Housing Allowance will not apply to you if:

- you pay rent to the council or to a registered social landlord
- your Housing Benefit claim started before 7 April 2008 and you have continued to claim at the same address
- you began your tenancy before 1989 or have a registered rent (the Valuation Office has set your rent)
- you have a tenancy where a large part of the rent covers board and attendance (such as hotel accommodation) or
- you live in a caravan, mobile home, hostel or houseboat.

## I have been on benefits since before April 2008.

### How can I move on to LHA?

If you have a break of more than one week in your Housing Benefit claim, you will automatically move on to LHA.

So to move on to LHA you need to end your claim in writing and then make a new claim a week later. There **must** be a one-week break in your Housing Benefit claim.

If you are only part way through your tenancy agreement you should not sign a new one at a higher rent, as we may continue to pay you benefit using the rent on the original agreement until the original agreement ends.

## How do you work out my LHA rate?

The country is separated into 'broad market rental areas' (BMRAs). A BMRA is made up of a number of local neighbourhoods and contains a mix of property types within a reasonable distance of local services. Hackney has three BMRAs. Each separate area has its own LHA rate.

From 1 April 2011, the way we work out LHA is changing. LHA rates for properties of different sizes will be set so that 3 in 10 properties of each size should be affordable to people on Housing Benefit (before this change rates were set so that 5 in 10 properties of each size would be affordable).

There will also be a limit on the maximum amounts you can claim for properties at different sizes.

- £250 a week for one bedroom
- £290 a week for two bedroom
- £340 a week for three bedroom
- £400 a week for four bedroom

If you are already receiving Housing Benefit at the time of the change on 1 April 2011, you may have more time before your rent changes. Please contact us on **020 8356 3399** for more details.

The LHA rate is the maximum rent we can use when working out your Housing Benefit and it depends on the number of rooms you need. You will come under a different LHA rate (called the 'shared rate') if you:

- live in one room and share some facilities with other people (for example, a kitchen or bathroom);
- are a joint tenant; or
- are under 25 and live alone.

We update the LHA rate for each area every month. You can get details of these rates at our reception, by contacting our call centre on **020 8356 3399**, or online at [www.hackney.gov.uk/brma-rates.doc](http://www.hackney.gov.uk/brma-rates.doc).



## How many rooms am I entitled to?

Under LHA rules, we must decide how many rooms you need. You need one bedroom for each of the following.

- A couple
- A person over 16
- Two children of the same sex aged under 16
- Two children of any sex who are younger than 10
- A single child under 16

For example, Sarah, 22, lives alone in a two-bedroom flat. Because she is a single person and under 25, she will be limited to the shared rate of LHA.

Sarah then has a daughter but stays in the same property. She becomes eligible for the two-room rate of LHA from the date her daughter is born.

Her friend Karen lives in a three-bedroom house. She has a boy aged 9 and a girl aged 7. She is entitled to the two-room rate of LHA as children under 10 are expected to share a room.

When her son turns 10, Karen becomes entitled to the three-bedroom rate as her children are no longer expected to share a room.



From 1 April 2011, if you make a new claim you will only be able to claim for four bedrooms, even if you qualify for more bedrooms because of the size of your household.

If you are already receiving Housing Benefit at the time of the change on 1 April 2011 and your circumstances do not change your rent will not be affected straight away as you will be protected for a period. Please contact us on 020 8356 3399 for more details about this.

From 1 April 2011 you may also be entitled to claim for an extra bedroom if you or your partner have a carer who does not live with you, but stays overnight. You or your partner must be able to prove that you need overnight care and must have the extra bedroom for the carer. You will still not be able to receive Local Housing Allowance for more than four bedrooms.

## What if my rent is lower than the LHA rate?

From 1 April 2011, you cannot be paid more in Housing Benefit than your total rent charge.

If you are already receiving Housing Benefit at the time of the change on 1 April 2011, you may be receiving up to £15 a week more than your rent. This will stop when we review your LHA rate. Please see 'When will my LHA rate change?'.



## When will my LHA rate change?

LHA rates last for 12 months from the date you claim Housing Benefit. After 12 months we will adjust your rate based on the new rates for that month.

The LHA rate will only change during these 12 months if there is a change in the number of bedrooms you need.

When we adjust your Local Housing Allowance rate after 12 months, you may find that it goes up, down or stays the same.

If we reduce the LHA rate, and you cannot afford the difference between the Housing Benefit you receive and your rent, you can apply for a Discretionary Housing Payment to help you meet the extra rent costs for a short time. Please contact us on 020 8356 3399 for more details.

## What if my rent increases?

Your Local Housing Allowance is set for 12 months. If your rent increases within this 12 month period we cannot change your LHA rate, so your Housing Benefit will stay at the existing LHA rate. We can only change your LHA rate when we review it at the end of the 12 months, or if there is a change in the number of bedrooms you need.

## What happens if my claim is backdated?

We normally pay Housing Benefit and Council Tax Benefit from the Monday after we receive your claim. But if you are of working age and can show you have good reasons for not claiming earlier, we can backdate benefit for up to six months. If you are a pensioner we can automatically backdate your claim for three months. In both cases you will need to qualify for benefit based on your income and savings during the time you want to claim backdated benefit for.

If we agree to backdate your Housing Benefit, we will use the LHA rate set for the month your claim is backdated to. Unless there is a change in your circumstances which affects the number of rooms your household is entitled to (for example, a baby is born or an adult dependant moves in to or out of your home) this rate will stay in place for 12 months.

For example, if we receive your claim in January 2011 and we agree to backdate your claim to November 2010, we will use the LHA rate from November 2010 to assess your claim. This could mean that you get more or less Housing Benefit than if we used the LHA rate on the date you applied. If we backdate your claim to November 2010, we will review your LHA claim in November 2011.



Remember that if we have been paying you at one LHA rate, and then agree to backdate your claim to a date when the LHA rate was lower, we will have paid you more than you are entitled to. We may claim this extra money back.

### How will you pay my Housing Benefit?

We usually pay Housing Benefit direct into your bank account. This is safer, quicker, and cheaper than paying you by cheque.

If you do not have a bank account, contact your local bank about opening one. If you have problems doing this, please contact us for more information and advice.

### Can you pay Housing Benefit direct to my landlord?

Under LHA rules, we will almost always pay Housing Benefit direct to you. We cannot make payments direct to your landlord just because you would prefer this.

However, in very exceptional cases we may consider paying your landlord. We will only do this if we believe that paying Housing Benefit to you direct will cause you serious problems, or if we believe it is in your best interest to pay your landlord.

Paying your landlord could be appropriate in certain situations, for example if you have serious debt problems, an addiction to drugs, alcohol or gambling, or a medical condition which makes managing money difficult. It may also be appropriate if you have had problems with paying your rent in the past.

If you think you might find it difficult to receive Housing Benefit direct, please contact us for advice. You will need to fill in a form explaining the reasons why.

We may also need to see evidence from an independent person or organisation such as a GP, Social Services, or a welfare group.

You can get a friend, family member or support worker to help you fill in the form, or you can contact Citizen's Advice or other support organisations for more information and help.

We will pay your landlord direct if you owe them more than eight weeks' rent. You will need to provide evidence from your landlord, for example a rent statement showing that you owe more than eight weeks' rent. As soon as you have less than eight weeks of unpaid rent, we will start paying Housing Benefit to you again.

If you or your landlord disagrees with our decision about who should receive the payment, you both have the right to ask us to look at the decision again. You should ask within one month of our decision. If you are still unhappy, you have the right to appeal. You can do this by contacting us in writing within one month of our decision.

If we decide to make payments direct to your landlord, we will usually check the situation from time to time so that we are sure the decision is still correct.

### Can I appeal against the amount of Housing Benefit I am being paid?

If you disagree with our decision, you must write to us within one month of the decision and tell us why. Once we reply, and if you still disagree, you can ask that we send the decision to an independent tribunal to consider. Or, you may appeal direct to an independent tribunal.

Unfortunately there is no right of appeal against the LHA figure we use to work out your LHA rate as these are set by the Valuation Office. However, if your Housing Benefit is not enough to cover your rent, you could apply for a Discretionary Housing Payment to help you meet the extra rent costs (although whether you are entitled to this depends on your circumstances).



#### More information

You can contact us by in the following ways.

Revenues and Benefits  
Hackney Service Centre  
1 Hillman Street, London E8 1DY  
Website: [www.hackney.gov.uk](http://www.hackney.gov.uk)

Phone: **020 8356 3399**

Textphone: **020 8356 3725**

Fax: **020 8356 3655**

Email: [benefits@hackney.gov.uk](mailto:benefits@hackney.gov.uk)

Counter enquiries Monday to Friday 9am to 5pm

If you would like to find out what this document says please tick the appropriate box, put your name, address and phone number at the bottom of this page and return it to the address below.

**Bengali**

এই দলিলে কি লেখা আছে সে সম্পর্কে যদি আপনি জানতে চান তাহলে অনুগ্রহ করে উপযুক্ত বাঞ্ছা টিক দিন, এই পাতার নীচে আপনার নাম, ঠিকানা ও ফোন নম্বর লিখুন এবং এটি নীচের ঠিকানায় ফেরত পাঠান।

**Somali**

Haddii aad jeclaan lahayd in aad ogaato waxa dokumeentigani sheegayo fadlan calaamadi godka ku haboon, ku qor magacaaga, cinwaanka iyo telefoon lambarkaaga boggan dhankiisa hoose ka dibna ku celi cinwaanka hoose.

**French**

Si vous désirez connaître le contenu de ce document, veuillez cocher la case appropriée et indiquer votre nom, adresse et numéro de téléphone au bas de cette page et la renvoyer à l'adresse indiquée ci-dessous.

**Spanish**

Si desea saber de lo que trata este documento, marque la casilla correspondiente, escriba su nombre, dirección y numero de teléfono al final de esta página y envíela a la siguiente dirección.

**Kurdish**

Ger hun dixwazîn bizanibin ku ev dokument çi dibêje, ji kerema xwe qutîka minasib îşaret bikin, nav, navnîşan û hejmara telefona xwe li jêrê rûpel binivîsin û wê ji navnîşana jêrîn re bişînin.

**Turkish**

Bu dökümanda ne anlatıldığını öğrenmek istiyorsanız, lütfen uygun kutuyu işaretleyerek, adınızı, adresinizi ve telefon numaranızı bu sayfanın alt kısmına yazıp, aşağıdaki adrese gönderin.

**Polish**

Jeśli chcesz dowiedzieć się, jaka jest treść tego dokumentu, zaznacz odpowiednie pole, wpisz swoje nazwisko, adres i nr telefonu w dolnej części niniejszej strony i przeslij na poniższy adres.

**Vietnamese**

Nếu bạn muốn biết tài liệu này nói gì hãy đánh dấu vào hộp thích hợp, điền tên, địa chỉ và số điện thoại của bạn vào cuối trang này và gửi lại theo địa chỉ dưới đây.

**Urdu**

اگر آپ یہ جاننا چاہتے ہیں کہ دستاویز میں کیا لکھا ہے تو ازراہ کرم مناسب باکس میں صحیح کا نشان لکائیے اور اپنا نام، پتہ اور فون نمبر اس صفحہ کے نیچے لکھئے اور اسے نیچے دیئے گئے پتہ پر واپس بھیج دیجئے۔

**Chinese**

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Name:

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**Return to:** Hackney Revenues and Benefits Service,  
Hackney Service Centre, 1 Hillman Street, London, E8 1DY.