

Local Housing Allowance: tenants who are likely to have difficulty paying their rent

Local Housing Allowance is the new way of working out claims for Housing Benefit from 7 April 2008, 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 or other social housing, Local Housing Allowance will not affect you.

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 we can decide to pay benefit to the landlord.

Safeguard Policy

The Council recognises that some tenants may have difficulty paying rent themselves and it has a Safeguard Policy to protect vulnerable tenants from being placed at risk of eviction. A copy of the Council's Safeguard Policy is available from the Council Offices or from the Council's web-site on www.surreyheath.gov.uk.

When may a local authority make payments to the landlord?

The local authority must usually 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 we decide that the tenant is:

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

We can also decide to pay benefit to the landlord if, during the current claim to benefit, we have had to pay 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 local authority that they are 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 or 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 or speak English
- are addicted to drugs, alcohol or gambling
- are fleeing domestic violence
- are a care leaver
- are leaving prison

Who decides if we may pay the landlord?

The Council decides if payment should 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 contact us.

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

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

Making a decision

Once we have collected evidence 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 the tenant and explain our decision. We will also write to the landlord.

Reviews and appeals

If the tenant or landlord disagrees with our decision they can ask us to look at the decision 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, **SHBC(LHA)7** *Local Housing Allowance: reviews and appeals*.

Money advice

There are a number of places you can get advice on how to manage your money. See our leaflet, **SHBC(LHA)8** *Local Housing Allowance: money advice for tenants*, for further information.

Tenants can get help managing their money from the Citizens Advice Bureau. The local Citizens Advice Bureau is located at the rear of the library, Knoll Road, Camberley, Surrey. Telephone: 01276 684342

Or they can visit 'Money made clear' on the UK's Financial Services web-site at www.moneymadeclear.fsa.gov.uk.

Further information

If you want more information about anything included in this leaflet, please get in touch with us as follows:

- phone the Housing Benefit department on 01276 707121
- visit the Housing Benefit department at: Surrey Heath Borough Council
Surrey Heath House, Knoll Road, Camberley, Surrey GU15 3HD
- look on our website at www.surreyheath.gov.uk
- email us: benefits@surreyheath.gov.uk

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, we cannot cover all circumstances and some of the contents 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.