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A General guide to Housing Benefit

INTRODUCTION

This Factsheet is one in a series, provided by HAD.org.uk that provides information for disabled people, their families, carers and professional supporting them. It focuses upon on Housing Benefit. This is a very important, but complex area of support available to households on low incomes.

WHAT IS HOUSING BENEFIT?

Housing benefit is help with rent and some other housing costs. This does not include mortgage costs, which may be met instead by income support, pension credit, income-based jobseeker's allowance or income-related employment and support allowance.

WHO CAN GET HOUSING BENEFIT?

You can get housing benefit if you:

- ▶ are liable to pay rent on your normal home;
- ▶ are on a low income (see paragraph 6 below for the calculation);
- ▶ do not have capital or savings above £16,000; and
- ▶ pass the habitual residence test (see paragraph 12 below) and are not subject to immigration control.

RENT RESTRICTIONS

The amount of housing benefit that you get is based on your weekly 'eligible rent'.

This may be less than your actual rent if a restriction applies. Whether a restriction applies, and the nature of the restriction, depends on whether you rent social housing or rent from a private landlord.

If you rent social housing

If you rent from the local authority, a registered housing association or a private registered provider of social housing, your eligible rent will normally be your actual rent (less any charges that cannot be met by housing benefit, such as charges for a garage, water charges, charges for fuel and meals, and certain service charges).

However, if it is considered that you have spare bedrooms, your eligible rent may be reduced.

Local authority and housing association rents will be capped at local housing allowance levels (see 5 below) from April 2018.

This restriction will only apply where a new tenancy is taken out or renewed after April 2016.

If you rent from any other landlord (including a private landlord)

If you moved or started to claim housing benefit before 7 April 2008, your eligible rent may be restricted to a maximum rate set by a Rent Officer.

If you moved or started to claim housing benefit on or after 7 April 2008, your eligible rent will be restricted to a set amount: the 'local housing allowance'.

The 'Bedroom Tax'

If you are of working age and are renting social housing, your 'eligible rent' is reduced if you are considered to have one or more spare bedrooms; this rule is commonly referred to as the 'bedroom tax'.

LOCAL HOUSING ALLOWANCE

Local housing Allowance is a standard amount of maximum housing benefit, set according to where you live and who shares your household. It applies if you are renting from a private landlord and you moved or started to claim housing benefit from April 2008.

The local housing allowance figure is used whatever the actual amount of your rent. If your local housing allowance is less than your rent, you are expected to make up the shortfall or seek cheaper accommodation.

How much is Housing Benefit?

If you (or your partner) are on a means-tested benefit*, your housing benefit will be your weekly eligible rent (see paragraph 3 above), less any amounts for non-dependants living with you.

If you (and your partner) are not on a means-tested benefit your housing benefit will be calculated by comparing your needs with your resources (i.e. any capital and income you have). *income support, income-based jobseeker's allowance, income-related employment and support allowance or the guarantee credit of pension credit.

Capital

You cannot get housing benefit if your (or your partner's) capital or savings are above an upper limit of £16,000.

There is no upper limit if you are getting pension credit guarantee credit.

The benefit Cap

Housing benefit is included in the list of benefits to which the 'benefit cap applies. This cap limits the total weekly benefits that can be claimed.

Non-dependants

Your housing benefit may be reduced if you have a 'non-dependant' living with you. A non-dependant is someone who is aged 18 or over who is not your partner or living with you on a commercial basis (e.g. a sub-tenant or boarder). Typically, an adult son or daughter will be considered to be a non-dependant.

Non-dependant deductions are not made if you or your partner is:

- ▶ Certified as severely sight impaired or blind by a consultant ophthalmologist, or have ceased to be certified in the past 28 weeks
- ▶ Getting disability living allowance care component;
- ▶ Getting personal independence payment daily living component;
- ▶ Getting armed forces independence payment;
- ▶ Getting attendance allowance; or
- ▶ Constant attendance allowance.

There is also no deduction made for a non-dependant if they are under 25 and on income support, income based jobseeker's allowance or assessment phase employment and support allowance.

How do you claim?

You can claim housing benefit at the same time as you claim income support, employment and support allowance, jobseeker's allowance or pension credit.

If you are not claiming these benefits, you can claim by phoning your local authority or using their claim form.

Discretionary housing payments

You may be able to get discretionary housing payments (DHPs) if your local authority thinks you need additional help with your housing costs on top of your housing benefit. You do not have a right to a DHP; it is up to the local authority whether they give you any payment.

Most local authorities have a form on which to request a DHP. If your authority does not, write a letter instead.

Moving into work

Your housing benefit can continue at your old rate for four weeks if you find work and you were getting:

- ▶ employment and support allowance;
- ▶ incapacity benefit;
- ▶ income support;
- ▶ income-based jobseeker's allowance; or
- ▶ severe disablement allowance.

To get the extended payments, you must have been on one of the above benefits for at least 26 weeks and your job must be expected to last at least five weeks.

You do not need to make a claim to receive extended payments but you do need to inform the local authority within four weeks of starting work.

The habitual residence test

The habitual residence test is a test to see if you normally live in the United Kingdom, the Channel Islands, the Republic of Ireland or the Isle of Man. You must also have a right to reside in one of these areas. The test will be applied if you have been living abroad.

There is no legal definition of 'habitual residence'. Relevant factors are where you normally live, where you expect to live in future, your reasons for coming to this country, the length of time spent abroad before you came here, and any ties you still have with the country where you have come from. The term 'right to reside' is not defined but is dependent on your immigration status and nationality.

Universal Credit

Universal credit is a new benefit which will eventually replace several means-tested benefits, including housing benefit. If you are already getting housing benefit, you will be moved, at some point, over to universal credit. For more information see HAD.org.uk Factsheet on Universal Credit (Fact Sheet No: 22)

Do you need further help?

Please contact the HAD.org.uk welfare benefits team:

020 8861 9920,

**Or visit us at The Wealdstone Centre, 38-40 High Street,
Wealdstone, Harrow, HA3 7AE.**

This fact sheet is one of a series, providing information and advice on a number of topics.

HAD.ORG.UK FACTSHEETS:

Fact Sheet 1	Blue Badges
Fact Sheet 2	Utilities
Fact Sheet 3	Wheelchairs
Fact Sheet 4	Accessible Public Transport
Fact Sheet 5	Voluntary Transport
Fact Sheet 6	Holidays
Fact Sheet 7	Dial-a-Ride and Taxicard Schemes
Fact Sheet 8	Motoring
Fact Sheet 9	Aids & Adaptations
Fact Sheet 10	Welfare Benefits
Fact Sheet 11	Direct Payments
Fact Sheet 12	Education & Learning
Fact Sheet 13	Sports
Fact Sheet 14	Visiting Places of Interest
Fact Sheet 15	Access to Shops, Cafes and Everyday Services
Fact Sheet 16	Leisure at Home
Fact Sheet 17	Performing Arts
Fact Sheet 18	Concessionary Travel
Fact Sheet 19	The Care Act 2014
Fact Sheet 20	A General Guide to Housing Benefit
Fact Sheet 21	Housing Benefit for Disabled Students
Fact Sheet 22	Universal Credit

HOUSING MATTERS:

1	General Guide to Housing Benefit
2	Homelessness (Out of Hours) Emergencies
3	10 Rights of Private Tenants
4	Applying as Homelessness (Priority Need)
5	Private Tenants: smoke and carbon monoxide alarms
6	The Right to Rent
7	Rent Increases : Assured Shorthold Tenancies