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A Guide to Housing Benefit for Disabled Students

INTRODUCTION

This Factsheet is one in a series, provided by HAD.org.uk that provides information for disabled people, their family's carers and professional supporting them. This Factsheet focuses upon on Housing Benefit for Disabled students.

What is Housing Benefit?

Housing benefit is to 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.

Disabled students and housing Benefit

Most students on full-time courses are excluded from housing benefit until their course ends. However, you **can** get housing benefit as a disabled student in a number of circumstances, including if you:

- ▶ get income-related employment and support allowance (ESA), income support

- ▶ have or are treated as having a limited capability for work under ESA rules for a continuous period of 28 weeks (two or more periods of limited capability can be added together if they are no more than 12 weeks apart);
- ▶ qualify for a disability premium or severe disability premium, or you have been incapable of work for 28 weeks; or
- ▶ you qualify for a disabled students' allowance because of deafness.
- ▶ you can get housing benefit temporarily while waiting to return to your course after an agreed break because you were ill or had to care for someone. You can get housing benefit once you have recovered or your caring responsibilities have ended until either the date you return to your course or the date your education establishment has agreed you can return to your course, whichever ever is earlier, but only for a maximum period of one year and providing you are not eligible for a student loan or grant during this time.

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 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.

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 (eg 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 are:

- ▶ 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.

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

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. See the HAD Factsheet on Universal Credit (Factsheet number 22)

Do you need further help?

**Please contact the [HAD.org.uk](https://www.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.

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