

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

London Borough of Merton Housing Benefit
April 2009

With LHA, Housing Benefit (HB) is usually paid to the tenant. Tenants **cannot** choose to have their HB paid to their landlord. But in some circumstances we can decide to pay HB to the landlord.

When may a local authority make payments to the landlord?

We must usually pay the HB 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 HB 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 us that they are having difficulty paying their rent, or are likely to. If you or someone who knows you thinks you will have difficulties paying your rent or managing your HB, tell us on the:

- claim form in **Part 17 Direct payments to landlords**; or
- the change of address form in **Part 6 Direct payments to landlords**.

And landlords can contact us in writing, 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
- is getting 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 English
- cannot speak English
- are addicted to drugs, alcohol or gambling
- are fleeing domestic violence
- are a care leaver
- are leaving prison
- are homeless.

There may be other reasons why someone might have difficulties. Ask us for more information. Details about how to get in touch with us are at the end of this leaflet in **Further Information**.

Who decides if we may pay the landlord?

We decide if we may pay 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
- the landlord
- welfare groups (including money advisers)
- Social Services
- probation officers
- Jobcentre Plus
- The Pension Service
- homeless charities/organisations
- Supporting People teams
- local/council rent deposit scheme administrators, homelessness or housing advice officers.

Our priority is to protect tenants from losing their tenancy.

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 HB while we are making our decision.

We will write to you to explain our decision. We will also write to the landlord.

Reviews and appeals

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

Money advice

Tenants can get help managing their money from organisations such as.

- Citizens Advice Bureau at: <http://www.mertoncab.org.uk/> ; or
- Financial Services Authority at <http://www.moneymadeclear.fsa.gov.uk>

See our leaflet, **Local Housing Allowance: money advice for tenants**, for further information.

Further information

If you want more information about where we may consider direct payments to the landlord, or where we must pay the landlord:

- visit our website: <http://www.merton.gov.uk/benefits/hb-ctb> ; or
- visit the LHA website: <http://lha-direct.voa.gov.uk>; or
- phone us on: 020 8274 4903; or
- visit us in person at: Merton Link, ground floor Civic Centre,
- London Road, Morden, SM4 5DX.