

MERTON COUNCIL

Local Housing Allowance: The complete guide

London Borough of Merton Housing Benefit
April 2013

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Background to Local Housing Allowance (LHA)

Local Housing Allowance (LHA) is the main Housing Benefit (HB) scheme 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. LHA was introduced on 7 April 2008. If you live in social housing, Local Housing Allowance does not affect you.

With LHA, your HB is not usually based on the type of property you live in. It is usually based on:

- who lives with you
- which area you live in
- how much money you have coming in
- what savings you have.

In some cases the amount of HB you are entitled to will be affected by other things. These can include:

- how much your rent is, and
- whether you have other adults living with you.

See **Working out how much your LHA will be**, on page 5.

How will I get my HB if LHA applies to me?

Usually you will have your Housing Benefit (HB) paid directly to you. It will be paid into your bank or building society account.

You can arrange to pay the rent to your landlord automatically, using a standing order, from your bank or building society account.

If you do not already have a bank or building society account, you may want to set one up. We can help you to do this, if you tell us on our claim form or change of address form, or simply ask us for our Basic Bank Account pack. There is information on our web page about basic bank accounts at www.merton.gov.uk/benefits/basicbankaccounts/bctb.htm

If your existing bank or building society account is often overdrawn, you may need to either:

- write to them requesting the right of first appropriation of funds for your HB to be used to pay your rent; or
- set up another basic bank account for HB.

You can get advice about opening and running a bank account from any bank or building society or organisations such as the:

- Citizens Advice Bureau at www.mertoncab.org.uk ; or
- The Money Advice Service at www.moneyadviceservice.org.uk/yourmoney

Can I have my HB paid direct to my landlord?

Your Housing Benefit is paid to you:

- unless you are likely to have difficulty paying your rent, or
- it must be paid to your landlord; or
- to secure or renew a tenancy agreement.

If you or someone who knows you thinks you will have difficulties paying your rent, or your rent has been set or reduced to at least the LHA rate that applies to you 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**.

If you have already claimed but you are having difficulties paying rent, or your landlord has reduced the rent on renewal let us know immediately. We can consider paying your landlord. A form can be obtained at: www.merton.gov.uk/benefits/payment_hbprivate

What will happen if I use my HB for something else?

Your HB is for you to pay your rent with. If you do not use your Housing Benefit to pay your rent, your landlord may take you to court or try to evict you and you may lose your home.

Also see www.merton.gov.uk/living/benefits/money-advice

Working out how much your LHA will be

To work out how much Housing Benefit you might get you need to:

1. Find out how many bedrooms you are entitled to – see **How many bedrooms am I entitled too** on page 7;
2. Find out the Local Housing Allowance rate based on the number of bedrooms you are entitled to, for the area you live in or are moving to - To get the latest **Local Housing Allowance rates**
 - download them from our benefits web page www.merton.gov.uk/local_housing_allowance ; or
 - go to the Gov.uk website www.gov.uk/housing-benefit/what-youll-get and click on Local Housing Allowance Limit; or
 - visit us at Merton Link, ground floor Civic Centre, London Road, Morden, SM4 5DX; or
 - phone us on 020 8274 4903.
3. Find out if you can get the full amount of HB. The amount of HB you can get may be affected by:
 - any money you have coming in
 - any savings you have
 - how much your eligible rent is*
 - if you have other adults living with you
 - if you share paying the rent with someone else who is not your partner, by using a HB calculator like www.entitledto.co.uk

* Your maximum eligible rent will be based on the lowest of:

- your actual rent ; or
- the LHA rate that you are entitled to.

Points to note on LHA rates

Since April 2011, LHA rates are based on rents for three in ten properties being affordable to you, not five in ten as before this date. From April 2013, all LHA rates are revised. The maximum rate is for four bedrooms. The LHA rates are valid for the year published which runs from April to March. If you claim HB in an earlier year or your claim is backdated to an earlier year, the rates could be lower.

Broad Rental Market Areas (BRMAs)

Always check go to the Gov.uk website www.gov.uk/housing-benefit/what-youll-get and click on Local Housing Allowance Limit. Type your current postcode or the postcode of the address you are thinking of moving to. The area that you live in will affect the level of LHA that you can get. The Valuation Office Agency (VOA) has decided that Merton has three areas, called Broad Rental Market Areas (BRMAs), which are different in terms of:

- Health
- Education
- Recreation
- Banking and
- Shopping

In the main, the boarders between two different areas follow natural boundaries like the Wandle River and the Tooting Railway Line. They sometimes follow borough boundaries, like the north of Wimbledon Village and Wimbledon Park, where Merton meets the London Borough of Wandsworth.

Merton's Broad Rental Market Areas (BRMAs)

Outer South London

This covers the eastern wards in Merton. These are: Cricket Green, Pollards Hill, Figges Marsh, Graveney (south of the Tooting Railway Line), Lavender Fields, Longthornton, Ravensbury and St. Helier.

Outer South West London

This covers the western wards in Merton. These are: Abbey, Cannon Hill, Dundonald, Hillside, Lower Morden, Merton Park, Trinity, Wimbledon Park and Wimbledon Village.

Inner South West London

This is the smallest area, north of the railway line from Tooting Station. This is the Merton part of Tooting Graveney.

Inner South West London

This is the smallest area, north of the railway line from Tooting Station. This is the Merton part of Tooting Graveney.

LHA anniversary dates abolished

LHA anniversary dates were abolished from 1st January 2013. From April 2013 all claims will be reassessed every April. The Valuation Office Agency (VOA) will set these new rates prior to April.

Rent increases and decreases under LHA rules

From April 2013 rent increases that occur at anytime can be used in the calculation of your maximum rent. This could benefit you and your landlord, if your new rent is still at or below the LHA rate, but you must tell us in writing, within one month. If the landlord decreases the rent to the LHA rate or below, we can decide to pay them HB direct.

How many bedrooms am I entitled to?

The number of people who live with you is used to work out how many bedrooms you are entitled to. We do not count other rooms such as a living room, kitchen or bathroom.

The number of bedrooms you are entitled to is then used to work out which LHA rate usually applies to you. In some cases, there are some more rules – these are looked at below and the rest of this guide.

You are entitled to **one** bedroom for:

- every adult couple (married, unmarried or in a civil partnership)
- any other adult aged 16 or over
- any two children of the same sex aged under 16
- any two children aged under 10
- any other child
- a foster child or foster children (see page 15)
- having an overnight non-resident carer (see page 8)
- having a severely disabled child (see page 9)
- having an adult child who is in the armed forces deployed on operations (see page 12).

Reena and Suki

Reena and Suki are a couple who have a child, Ben, who is nine years old. They are entitled to one bedroom for themselves and one for Ben. They are entitled to a LHA rate for two bedrooms.

Sharon

Sharon is a single mother who has three children, Tom, who is fourteen, Judy, who is eleven and Raymond, who is six.

Sharon is entitled to one bedroom for herself, one bedroom for Judy and one bedroom for Tom and Raymond to share. This means any HB will be based on the LHA rate for three bedrooms.

There is also a LHA bedroom calculator on the Gov.uk website at www.gov.uk/housing-benefit/what-youll-get and click on Local Housing Allowance Limit; or use the link on our page at www.merton.gov.uk/local_housing_allowance

Extra bedroom for overnight carer

Since 1 April 2011, you could be entitled to an extra bedroom if:

- you or your partner have an overnight carer or team of carers; and
- you provide a separate bedroom for them; and
- you or your partner qualify for the middle or higher rate of the care component of Disability Living Allowance; or
- you provide proof that you or your partner need overnight care.

The Local Housing Allowance rates

You need the LHA shared room or bedroom rate that you are entitled to and for the Broad Rental Market Area (BRMA) you live in or are going to move to. Figures are published at the start of each month.

You can find out what the LHA bedroom rates are by checking:

- The Gov.uk website www.gov.uk/housing-benefit/what-youll-get and click on Local Housing Allowance Limit; or
- Our LHA web pages at www.merton.gov.uk/local_housing_allowance ; or
- Ask for our leaflet **Local Housing Allowance rates**.

The Gov.uk website has two search functions:

- LHA bedroom calculator = Work out how many bedrooms you may be eligible for;
- Find LHA rates = Search LHA rates by postcode or Local Authority.

Once you have used the LHA bedroom calculator to work out how many bedrooms you are entitled to, click on the:

- Find LHA rates search all three BRMA select Merton; or
- Postcode search if you do not know which Broad Rental Market Area you live in or are going to move to.

The maximum is the four bedroom LHA rate.

Working out your LHA if you have a disabled child

Since 15 May 2012, LHA rules changed to allow for an additional bedroom entitlement where:

- You have a severely disabled child that needs care; and
- They need to sleep in a separate bedroom instead of being expected to share with another of your children; and
- The sleep of your other child would be seriously disrupted, if they were to sleep in the same bedroom; and
- You can provide medical evidence that your child's severe disability requires them to sleep separately; and
- For LHA purposes the two children would have normally only been entitled to one bedroom.

Working out your LHA if you are aged under 35

If you are aged under 35, are single and do not live with any dependants, you can only get the LHA shared accommodation rate, unless you are exempt (see page 12). You can find out what the shared accommodation rate is by checking:

- The Gov.uk website www.gov.uk/housing-benefit/what-youll-get and click on Local Housing Allowance Limit; or
- Our LHA pages at www.merton.gov.uk/local_housing_allowance; or
- Ask for our **Local Housing Allowance rates** leaflet. See **Further Information** on page 19.

You also need to find out if you can get the full amount of HB. The amount of benefit you can get may be affected by:

- any money you have coming in
- any savings you have
- how much your eligible rent is
- if you share paying the rent with someone else

Marcus

Marcus is single. He is aged 23. He has sole use of a one bedroom flat. As he is under 35, he can get the Local Housing Allowance shared accommodation rate.

If you are in any of the following groups called exemptions you could be entitled to the one bedroom self contained rate:

- severely disabled (see page 12)
- a care leaver aged under 22 (see page 13)
- a former hostel dweller aged 25 to 34* (see page 12)
- an ex offender aged 25 to 34, subject to Multi Agency Public Protection Arrangements* (see page 12)

* These are new exemptions from 1 January 2012 onwards.

Working out your LHA if you are aged 35 or over

If you are 35 or over, single and do not live with any dependants, your benefit will be based on the one bedroom LHA rate if you live in:

- a self-contained property
- shared accommodation but have two or more rooms (bedrooms or living rooms) that no-one else can use.

Tracey

Tracey is single and aged 40. She lives in house sharing with other tenants, but she has one bedroom and study room that no-one else can use.

She is entitled to one bedroom for herself. She is entitled to the LHA one bedroom self-contained rate.

If you are 35 or over, single and do not live with any dependants, your HB will be based on the LHA shared accommodation rate, if you live in shared accommodation, unless you have two or more rooms (bedrooms or living rooms) that no-one else can use.

Ken

Ken is single and aged 38. He lives in a house where he has his own bedroom and shares a kitchen, bathroom and toilet.

He is entitled to a shared room. He is entitled to the Local Housing Allowance shared room rate.

By a self-contained property we mean one where you have your own room plus your own:

- bathroom
- toilet, and
- kitchen (or facilities to cook with)

Joint tenants in a separate household

Single joint tenants are entitled to the shared accommodation rate.

Gary

Gary rents a three bedroom house as a joint tenant with two other adult friends for a total of £240 per week. They each pay an equal share of £80 per week. Gary's HB is based on the shared accommodation rate.

If a non dependant moved in this would increase to two bedrooms.

Joint tenants within the same household

You may have a joint tenant who is part of your household, but are not treated as members of your family for HB purposes. For example you may have a non dependant son or daughter who is a joint tenant, but they live as part of your household. In these rarer cases, the LHA bedroom rate can be more than the shared accommodation rate.

Working out your LHA if you are severely disabled

If you are severely disabled, or live with a severely disabled partner, and have no dependent children, your HB will be based on the one bedroom LHA rate. If you are receiving the middle or higher care component of Disability Living Allowance, or standard or enhanced rate of Daily Living component of Personal Independence Payment, you will be exempt from the shared accommodation LHA rate. This is the case whether you rent a shared room or self-contained accommodation.

Melanie is single and aged 23. She lives in a shared room. She is severely disabled and receives the middle rate of the care component of Disability Living Allowance.

She is entitled to one bedroom for herself. She is entitled to the LHA one bedroom self-contained rate.

Working out your LHA if you are a former hostel dweller

Since 1 January 2012, if you are aged between 25 to 34 and have spent at least three months in hostels, receiving support to recover and resettle due to an alcohol or drug dependence, you could get the one bedroom self contained LHA rate at the home you move onto. We would need proof from your support worker.

Working out your LHA if you are an ex offender

Since 1 January 2012, if you are aged between 25 to 34 and an ex offender you could get the one bedroom self contained LHA rate at the home you move onto. You would be subject to Multi Agency Public Protection Arrangements (MAPPA). We would need proof from your probation officer or support worker.

Adult children who are armed forces personnel

If you have an adult child who is in the armed forces and deployed on operations, they can add an additional bedroom entitlement to your LHA rate from 1 April 2013. The bedroom must be kept available for them and they must intend to return home. There will be non dependant deduction from HB whilst they are deployed.

Working out your LHA if you are a care leaver under 22

If you are a care leaver under 22 years of age, or live with a care leaver who is under 22, who is your partner, and have no dependent children your benefit will be based on the one bedroom Local Housing Allowance rate.

By care leaver we mean someone who was in council care after the age of 15. For more information about what we mean by care leavers, please get in touch with us. See **Further Information** on page 19.

Ahmed

Ahmed is a single care leaver aged 21. His 22nd birthday is 11 October 2012.

He is entitled to one bedroom until 14th October 2012. From 15th October 2012 he is entitled to the LHA shared accommodation rate.

You can find out what the LHA room rates are by checking:

- The Gov.uk website www.gov.uk/housing-benefit/what-youll-get and click on Local Housing Allowance Limit; or
- Our web pages at www.merton.gov.uk/local_housing_allowance; or
- Ask for our leaflet **Local Housing Allowance rates**. See **Further Information** on page 19.

Working out your LHA if you are a couple

If you are part of a couple and do not live with any dependants, your benefit will be based on the one bedroom LHA rate if you live in:

- a self-contained property
- shared accommodation but have two or more rooms (bedrooms or living rooms) that no-one else can use

Abdul and Gita

Abdul and Gita live as a couple with no children. They live in a self-contained one bedroom terraced house.

They are entitled to one bedroom. They are entitled to the Local Housing Allowance one bedroom self contained rate.

If you are part of a couple and do not live with any dependants, your Housing Benefit will be based on the Local Housing Allowance shared room rate if you live in shared accommodation.

Michael and Jane

Michael and Jane live as a couple, with no children. They live in a room, but share a kitchen, bathroom and toilet with other tenants.

They are entitled to a shared accommodation rate of LHA.

By couple we mean a man and a woman who are married or are living together as if they are married, or two people of the same sex who are civil partners of each other and are members of the same household.

By a self-contained property we mean one where you have your own room plus your own:

- bathroom
- toilet; and
- kitchen (or facilities to cook with)

For example, this could be a one-bedroom flat.

Non dependants, sub tenants and boarders

Each non dependant, non dependant couple, sub tenant or boarder would add one bedroom to the number of bedrooms you are entitled to under LHA. However, there may be non dependant deductions, that will reduce the level of HB you are entitled to. This is because we may expect them to pay towards your rent. Sub tenants and boarders must be declared to us too.

Students studying at college or university

If your son or daughter is studying away from home on a temporary basis, we can treat them as an occupier of your home for LHA. But, we can only do this, if they regularly return home during the winter, spring and summer breaks and the bedroom is left for them.

Foster children

You can be entitled to one additional bedroom, if you or your partner is an approved foster carer with one or more foster children from 1 April 2013.

What will my rent for Housing Benefit be based on?

Your rent for Housing Benefit purposes, where Local Housing Allowance rules apply, will be based on the lowest of:

- Either your rent; or
- The Local Housing Allowance rate that applies to you.

If you claimed before 1 April 2011, your eligible rent may still be based on your rent plus up to £15 per week. This top up only applies up to your LHA anniversary date. It can end earlier, if you have a change in your household or a break in your claim.

What if my rent is less than the LHA rate?

If you have made a new or change of address claim on or after 1 April 2011, your eligible rent will be your actual rent. There is no top up of £15 since that date.

Here is an example, to illustrate how this works.

Susan and her daughter Anne

Susan is a lone parent with a daughter Anne, aged three. They live in a one-bedroom house, where the rent is £150.00 per week.

They are entitled to the two bedroom LHA rate of £190.00 per week, in the month that they claim.

Susan's rent of £150.00 per week is lower than the LHA rate of £190.00. If she claimed on or after 1 April 2011, her HB will be based on a maximum of £150.00 per week only.

What if my LHA rate is less than my rent?

If the LHA rate that applies to you is less than the rent you are charged by your landlord, or the rent you are considering, if you are going to move, you are responsible to pay the shortfall.

Remember, that the LHA rate that applies to you is the maximum that you could get through Housing Benefit.

Peter and Sarah

Peter and Sarah are a couple, with no children. They want to move to a two bedroom flat, where the rent is £1,200.00 per calendar month.

They are entitled to only one bedroom for themselves under LHA rules. The LHA rate for one bedroom for the Outer South West London BRMA they want to move to, is £800.00 per calendar month.

Comparing the proposed rent of £1200.00 per month, with the LHA rate of £800.00 per calendar month for one bedroom the lowest would be their eligible rent. Their HB will be based on a maximum of £800.00 per calendar month. Even if they get maximum HB, they would have to find an extra £400 per calendar month. They should look for one bedroom accommodation and an affordable rent.

What help can I get if my LHA rate is less than my rent?

You may be eligible for a Discretionary Housing Payment (DHP), if the LHA rate leaves you with a shortfall between your rent and your Housing Benefit. DHP cannot pay for some services included in your rent, like water rates and fuel. To make a claim:

- Download and print a DHP form from our web page www.merton.gov.uk/benefits/dhp; or
- Phone us on 020 8274 4903; or
- Come into Merton Link, ground floor Civic Centre, London Road, Morden, Surrey, SM4 5DX; or

You may also need to phone Housing Options on 020 8545 3636.

The LHA rules for claims made before 1 April 2011

LHA rules were more generous prior to 1 April 2011, because there were higher LHA rates based on five in ten rent being affordable, no restriction to a four bedroom maximum. If this applies to you, you could get transitional protection for up to nine months from the date of your claim or your first LHA anniversary date after 1 April 2011. Nine month transitional protection does not apply if you were better off at your LHA anniversary. If you previously got up to £15.00 top up and excess above your actual rent, this is lost at your first LHA anniversary date after 1 April 2011. The last claims to have lost transitional protection, did so on 31 December 2012.

Reviews and appeals

With LHA, your HB is not usually based on the property you live in. It is usually based on:

- who lives with you
- which area you live in
- how much money you have coming in
- what savings you have.

In some cases the amount of HB you are entitled to will be affected by other things. These can include:

- how much your rent is
- whether any other adults live with you.

What can I do if I disagree with your decision?

If you disagree with a decision we have made in the assessment of your claim you can challenge our decision in these ways. You can:

- ask us to explain the decision
- ask us to look at the decision again – this is known as a review
- submit an appeal in writing giving the reasons you disagree with the decision.

How do I ask for a review?

You can ask us to review our decision about your claim for Housing Benefit including the LHA rate we have applied to you. Your request for a review must be in writing. You must include details of why you think our decision is wrong.

We must get your request for a review within one month of the date of the decision notification letter. If we do not get it within one month, we may not be able to look again at your claim. You cannot ask for a review of the LHA rates for the area you live in.

How do I ask for an appeal?

If you are not happy with our decision you can ask Her Majesty's Courts and Tribunal Service to look at it. This is called an appeal. You can appeal against our original decision or our review decision.

Your request for an appeal must be in writing. Details of how to appeal will be included in your notification letter.

In your appeal you must make it clear which decision you are appealing against and include the date on the official letter notifying the decision. You must also give the reasons why you are appealing. If you have information or evidence to support your appeal, you should send it with your appeal.

If you want to appeal, we must get your request within one month of the date of the decision notification letter. If we do not

get it within one month, H M Courts and Tribunal Service may not be able to look at it again. H M Courts and Tribunal Service may be able to consider an appeal outside this time limit if there are special circumstances. They cannot consider an appeal if it is made more than 13 months from the date of the original decision notification letter. To find out more about this, get in touch with the Tribunal Service (www.appeals-service.gov.uk).

Who can make an appeal?

Someone who is affected by the decision may appeal, including:

- the person making the claim
- someone who is appointed by the courts to act on behalf of the person making the claim
- an person we have appointed to act on behalf of the claimant
- a landlord – but only about who HB may be paid to
- an agent – but only about who HB may be paid to
- any person from whom an overpayment is to be recovered.

Changes of circumstance

The following changes affect the rate of LHA you are entitled to and the amount of HB you can get:

- reaching 35 years of age can increase your LHA from the shared accommodation rate to the one bedroom self contained rate
- children reaching 11 and 16 years of age

You should tell us straightaway, if the following changes occur:

- a partner, child or non dependant moving out can reduce your LHA bedroom rate
- a partner, child or non dependant moving in can increase your LHA bedroom rate
- If you are getting HB and you move rooms or address this can change the LHA and HB you are entitled to.

If you are moving within Merton, ask for our change of address form.

Further information

If you want more information:

- look at our LHA: www.merton.gov.uk/local_housing_allowance ; or
- look at the Gov.uk website www.gov.uk/housing-benefit/what-youll-get and click on Local Housing Allowance Limit;or
- phone us on: 020 8274 4903; or
- visit us at: Merton Link, ground floor Civic Centre, London Road, Morden, SM4 5DX; or
- email us at: Housing.Benefits@merton.gov.uk

If you would like more information in your own language, please contact us at the address shown in the box below.

Albanian

Nese deshironi me shume informacion ne gjuhen tuaj, ju lutemi te na kontaktoni ne adresen e dhene ne kutine me poshte.

Arabic

إذا أردت معلومات إضافية بلغتك الأصلية الرجاء الاتصال بنا في العنوان المدون ضمن الإطار أدناه.

Bengali

যদি আপনার নিজের ভাষায় লেখা আরও তথ্য চান তাহলে দয়া করে আমাদের সঙ্গে যোগাযোগ করুন, তার বক্‌সে আমাদের ঠিকানা রয়েছে।

Chinese

如果你需要用中文印成的資料，請按低端方格內提供的地址與我們聯系。

Farsi

اگر مایل به اطلاعات بیشتر به زبان خود هستید، لطفاً با ما از طریق آدرس زیر تماس بگیرید.

French

Pour tout renseignement complémentaire dans votre propre langue, veuillez nous contacter à l'adresse figurant dans l'encadré du bas.

Polish

Jeśli życzy sobie Pan/i więcej informacji w swoim języku, proszę się z nami skontaktować pod adresem podanym w dolnej ramce.

Punjabi

ਜੇਕਰ ਤੁਸੀਂ ਪੰਜਾਬੀ ਵਿਚ ਹੋਰ ਜਾਣਕਾਰੀ ਲੈਣੀ ਚਾਹੁੰਦੇ ਹੋ ਤਾਂ ਫ਼ਿਰ ਪਾ ਕਰਕੇ ਹੇਠ ਲਿਖੇ ਖਾਨੇ ਵਿਚ ਦਿੱਤੇ ਪਤੇ 'ਤੇ ਸਾਡੇ ਨਾਲ ਸੰਪਰਕ ਕਰੋ।

Somali

Hadii aad u baahan tahay faahfaahin intaa kabadan oo ku soobsan afkaaka hooyo ama Af Somali fadlan lana soo xiira cinwaanka hoos ku qoran.

Spanish

Si usted desea más información en su propia lengua, por favor contáctenos en la dirección al pie del formato.

Tamil

உங்கள் மொழியில் மேலதிக தகவலைப் பெற விரும்பினால், ஆடியிலுள்ள பெட்டிக் குள் தரப்பட்டுள்ள விலாசத்தில் எம்முடன் தொடர்பு கொள்ளுங்கள்.

Urdu

اگر آپ اپنی زبان میں مزید معلومات حاصل کرنا چاہتے ہیں تو براہ کرم ہم سے اس پتے پر رابطہ قائم کریں جو کہ نیچے کے بکس میں درج ہے۔

You can also get this information in large print, in Braille and on audiotape

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