

Housing Benefit Restrictions (*ref 27*)

- 1.** Housing Benefit (HB) is a means-tested benefit administered by local councils to help people with their rent. There are occasions when the council can restrict your HB by calculating it on a lower rent than you actually have to pay or even refusing to pay.
Want to know more about Housing Benefit? Go to [Quick Brief Housing Benefit \(ref 08\)](#).
- 2.** Who your landlord is makes a difference. If you rent your home from a housing association the council can restrict your 'eligible rent' (this is the figure on which Housing Benefit starts to be assessed) if they think the rent you pay is too high or the size of the property is unreasonable, too large for your needs. These rules will usually also apply if you are renting supported accommodation from a charity or a voluntary organisation.
- 3.** When making a decision about whether you are living in a place that is too big for you ('under occupation') the needs of everyone living in your accommodation have to be considered. So, if you need additional space because of your disability or need a spare bedroom for a care or a support worker, this should be allowed.
- 4.** The council also has to decide whether your rent is unreasonably high. To do this, your accommodation has to be compared with the full range of alternatives (not just the cheapest!). If the council thinks you are 'under occupying' or paying too much rent, it can calculate your Housing Benefit on an artificially low figure.
- 5.** Rent cannot be restricted without first considering whether *Regulation 11 of the Housing Benefit (general) Regulations 1987* as in force prior to 2nd January 1996 applies.
- 6.** If you are in a 'protected group' there are some safeguards against this happening. If people are 60 or more, or incapable of work, or have dependent children living with them, they are 'protected'. This means that before your Housing Benefit is restricted because your accommodation is too big or expensive, the council has to demonstrate that there is suitable alternative accommodation available and that it is reasonable to expect you to move.
- 7.** These are very important provisions for disabled people. The effect is to help ensure that the higher rents that sometimes have to be paid to get suitable housing remain eligible for HB.
- 8.** If you rent accommodation from a private landlord, or organisation other than a Registered Social Landlord, there is a totally different system. The council must refer your claim to the Rent Officer, an independent official.
- 9.** The Rent Officer compares your rent to other private sector rents and makes decisions about whether your rent is more than a landlord could reasonably expect to get for such a property. The Rent Officer also decides whether you are 'under occupying' the property, and decides on the figure on which your Housing Benefit claim will be based, which could be less than the amount you have to pay.
- 10.** When a rent is considered to be unreasonable you must gather your own evidence on the appropriate rent level.
- 11.** If you are single and under 25 and renting from a private landlord, your Housing Benefit will be based on the rent for a single room. This will not happen, however, if you have a Severe Disability Premium as part of your 'applicable amount' – See [Quick Brief Income Support \(ref 09\)](#), or have a non-dependent living with you. It also does not apply if you are renting from a Housing Association.

12. Because of the complexities of this aspect of the Housing Benefit system, it is essential to get advice about your likely entitlement to money before committing yourself. Local Housing Benefit Departments, CABx etc should be able to give you information. It is also worth bearing in mind that councils have to make payments on account after 14 days if they have not made final decisions about a claim and that they can make discretionary payments on top of ordinary Housing Benefit entitlement.

13. It should be noted that there are rules, which give councils the power not to increase your HB, by the full amount if it feels that a rent increase is unreasonably high or has come too soon after a previous increase.

14. The system is changing in April 2008 for new claims from people who are renting from a 'private' landlord, i.e. not a registered social landlord or a council. These people will claim 'Local Housing Allowance', which is a set amount decided by the Rent Officer. If your rent is more than the allowance, you have to pay the difference from your own pocket. If the rent is less than the allowance, you will be able to keep the difference, up to a maximum of £15 per week. See our *Quick Brief Local Housing Allowance* (ref 42).

If you require further information or have other queries contact Housing Options.

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