

## Housing Benefit and Higher Rent Levels (*ref 32*)

- 1.** If you rent from a Local Authority or registered housing association, Housing Benefit (HB) will normally be set at a level that covers the actual rent if the tenant is on Income Support. If you rent from any other landlord, including parents or a private landlord, your benefit will be based on figures decided by the Rent Officer. The rent eligible for HB may be less than the actual rent that is demanded by the landlord or that required to meet the economic cost of renting out a property.
- 2.** For 'private' tenancies which begin after March 2008, the Rent Officer provides 'Local Housing Allowance' (LHA) figures for different size properties. These figures are publicly available. Tenancies which started before April 2008 have HB based on 'local reference rents'. These are taken from an average of rents in the area and are more complex than the new LHA system.
- 3.** HB uses the local reference rent or the LHA to determine the maximum payment available. For people with a learning disability this can be a problem. They may need a bigger property than normal for one person because of a carer's needs, or because they need a certain location or environment which means rents are above average.
- 4.** There are three things that may enable higher levels of HB to be obtained.
- 5.** First, you do not count as a 'young individual' subject to the single room rent limit if you satisfy the conditions for a severe disability premium. 'Young individuals' (people under 25) are otherwise restricted to the HB equivalent of a single room.
- 6.** Second, where a charity, housing association or voluntary organisation provides the accommodation and either provides support, care or supervision, or arranges for this to be provided on its behalf, then a different set of rules apply. This means that the council must meet all the eligible rent unless it can show that the charge is unreasonably high compared to other suitable properties. With a disabled person unable to work the onus is on the council, to show that suitable, cheaper accommodation is actually available. In these circumstances it is possible to obtain HB on higher than average rents because there may be very limited options.
- 7.** Third, every council has a set amount of money it can pay as 'discretionary housing benefit' to people who are needing extra help. There are however, no statutory rights to payment of this money.
- 8.** There have been various legal cases around HB and supported housing. The position is still changing, and anyone interested in finding out more should check with us about this.

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

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