



## **Housing Benefit under the Local Housing Allowance arrangements: tenants who are likely to have difficulty paying their rent.**

**The Local Housing Allowance was introduced from 7 April 2008 and is used to work out claims for Housing Benefit for tenants renting accommodation from a private landlord. If you live in council accommodation or other social housing, the Local Housing Allowance does not affect you. If you have been getting Housing Benefit since before 7 April 2008, the Local Housing Allowance will only apply to you if you change address or have a break in your claim.**

If a claim is assessed under the Local Housing Allowance rules, Housing Benefit is usually paid to the tenant directly into a bank or building society account, if the tenant has one, or by cheque. But in certain circumstances we can decide to pay benefit to the landlord. Tenants cannot choose to have their benefit paid direct to their landlord.

### **When can a local authority make payments to the landlord?**

The local authority is required to make direct payments to the landlord if the tenant is eight weeks or more in arrears with their rent.

Payment can also 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 benefit 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 people acting on the tenant's behalf, may tell the local authority that they are having difficulty paying their rent, or are likely to. The local authority may also identify tenants who may have difficulty managing their

money, for example, when carrying out home visits. And landlords can contact the local authority, 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/recent County Court judgement against them
- is an un-discharged 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 at risk of being made homeless and needs help from the local authority to find a new tenancy
- 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.

### **Who decides if we can pay the landlord?**

The local authority decides if payment can be made direct to 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/Disability and Carers Service/Jobcentre Plus
- homeless charities/organisations
- Supporting People teams
- local/council rent deposit arrangements administrators, Homelessness Prevention Teams or housing advice officers

We will work with the tenant in making our decision.

### **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 benefit while we are making our decision.

We will write to the tenant and explain our decision. We will also write to the landlord.

### **Reconsiderations and appeals**

If the tenant or landlord disagrees with our decision they can ask us to look at the decision again. This is called a reconsideration. Or they can appeal against the decision, giving reasons why they think the decision is wrong.

If you want more information about reviews and appeals please contact us. Details about how to get in touch with us are at the end of this leaflet.

### **Money advice**

Tenants can get help managing their money from The Citizens Advice Bureau:  
 Ammanford 01269 591091  
 Carmarthen 01267 234488  
 Llanelli 01554 759626

Or they can visit a welfare organisation such as Citizens Advice. See our leaflet, **HB (LHA) 8 Housing Benefit under the Local Housing Allowance arrangements: 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:

- phone your Housing Benefit department on 01554 742100
- look on our website [www.Carmarthenshire.gov.uk](http://www.Carmarthenshire.gov.uk)
- email us [housing.benefit@Carmarthenshire.gov.uk](mailto:housing.benefit@Carmarthenshire.gov.uk)
- visit your nearest customer service centre at:  
 3 Spilman Street, Carmarthen  
 Ty Elwyn, Llanelli  
 Town Hall, Iscennen Road, Ammanford

- visit [www.direct.gov.uk](http://www.direct.gov.uk)

Write to us at Housing Benefit Section, 2<sup>nd</sup> Floor, Ty Elwyn, Llanelli, SA15

Remember that this leaflet is a guide only. It is not meant to say exactly what your legal rights are. While we have tried to make sure that the information in this leaflet is correct at the date shown on the cover, it is possible that there may be incorrect information or some ideas may be oversimplified. Also, please remember that the information in this leaflet is likely to become less accurate over time because of changes to the law.