What is Housing Benefit?

Housing Benefit (HB) is a benefit paid by your local council to help with the rent. It can be paid to anyone on a low income who is legally liable to pay rent: you can qualify for HB if you are working, unemployed, or claiming other benefits.

How much rent will it cover?

You can normally get anything up to the full rent paid by HB. The amount of HB you receive depends on your circumstances, including the income and savings of you and your partner.

Some service charges included in your rent—for example, most fuel charges and charges for meals—cannot be covered by HB. Your HB might also be reduced if you have non-dependants, such as grown up sons or daughters, living with you. There are also rules about the number of bedrooms that can restrict your HB. These are explained below.

Private tenants

If you rent from a private landlord and have had a break in your claim since 6 April 2008, ‘local housing allowance’ (LHA) rules will apply to you. LHA rules mean you might receive less than the rent you are charged, because your maximum LHA is based on the average rent in your area for accommodation suitable for a family of your size and age.

The size restrictions are worked out similarly to the ‘size criteria’ for tenants of social landlords which are explained below. The maximum amount of LHA you can claim depends on how many rooms this formula says you need. If you are single, childless and aged under 35 you can only claim the maximum amount allowed for shared accommodation: a private bedroom but all other rooms shared.

The maximum LHA is reviewed every year and also varies from area to area. To check what the current maximum LHA is for someone in your circumstances, contact your local council.

Tenants of social landlords (housing associations, councils)

From April 2013 new ‘under-occupation’ rules were introduced for all new and existing working age tenants of social landlords (such as councils and housing associations).
These new rules do not apply to people who have reached the qualifying age for state pension, so if you are a tenant who is over state pension age you will not be affected by the following size restrictions.

Under the under-occupation rules, the amount of Housing Benefit that working age tenants receive may be restricted, depending on the age and gender of your family and the size of the property you rent. This means you might get a reduction in your Housing Benefit if the rules say your home is too large for your needs.

The size criteria state that one bedroom is allowed for:
- every adult couple (married or not);
- any other adult aged 16 or over;
- any two children of the same sex;
- any two children regardless of sex under age of 10;
- any other child.

If you have more than the number of rooms allowed by these criteria, your Housing Benefit will be reduced and you will have to make up the difference from your other income.

When working out the number of bedrooms your family needs, the rules do not count children who only stay with you temporarily because you are separated from the parent with care. However, a bedroom for a non-resident carer will be taken into account in deciding the number of rooms you need, but only if that carer provides necessary overnight care for you or your partner.

The Government also announced in March 2013 that severely disabled children who need their own bedroom, approved foster carers, and families of non-dependant children currently serving in the Armed Forces, will also be allowed a spare bedroom. (The last two exemptions only apply to tenants of social landlords, not private tenants.)

If you have one or more ‘spare’ bedrooms according to the size criteria, the maximum rent on which benefit can be paid will be reduced by:
- 14% if you have one spare bedroom, or
- 25% if you have more than one spare bedroom.

If you are concerned that these rules might affect you, you can contact your landlord to discuss the issue and see if there might be any options you can take to improve your situation.

**How do I claim?**

When you make a claim for Income Support, Income-based Jobseeker’s Allowance, or Income-related Employment and Support Allowance from the Department for Work and Pensions, you can also claim HB on a separate form.

If you are on another benefit or a low wage, you will need to claim HB directly from your local council. In County Durham you can obtain a claim form from your local area council office, or complete an application online at Durham County Council’s website. You should send your application as soon as possible even if you do not yet have all the supporting information.
**When will I get paid?**

You are only entitled to Housing Benefit from the first Monday following your date of claim and it is normally paid in arrears. If you are aged 60 or over you can sometimes have your claim backdated for up to three months. If you are aged under 60 you can only have your claim backdated for up to one month, and only where you show ‘good cause’ for failing to claim earlier. This is often difficult to prove: you should seek advice if you are in this situation.

If you are a private or registered social landlord tenant and your claim has not been decided within 14 days, you can ask for a payment on account. This should only be refused if it is clear that you are not entitled to HB or you have failed without good cause to provide supporting evidence for your claim.

**What do I do if I disagree with a decision?**

If you wish to challenge a decision, you can ask for a review within one month of its date. You can ask for an explanation of the decision to be sent: if you do this, the time limit for your review request will be extended by the amount of time it took to send the explanation. You can also appeal against a decision and have your case heard by an independent tribunal. You must appeal within one month of the decision on your claim, or of the decision made after your review request.

Seek advice if you wish to appeal. If you want to know more about appealing a decision, you might find our factsheet F04: *Disputing a Benefit or Tax Credit Decision* helpful.

**Are there any other rules I should know about?**

Housing Benefit can be quite complex. There are special rules for students, most of whom are not usually entitled to claim HB. There are also special rules for other groups, including people who are temporarily absent from their home, and some forms of tenancy can be excluded from HB altogether. Contact us for advice if you are unsure about your entitlement.

**What do I do if I receive Universal Credit?**

If you are receiving Universal Credit, you may still be paid Council Tax Reduction direct to the council, but you will not receive Housing Benefit. Instead, you will receive a payment within your Universal Credit called the housing element. This means you must pay your rent yourself from the money you receive each month.

In some circumstances you can apply to the DWP to have your housing element paid direct to your landlord. Contact your landlord or the DWP to enquire about direct payments.