

## HOUSING BENEFIT

### 1. What is housing benefit?

Housing benefit is help with rent and some other housing costs. This does not include mortgage costs, which may be met if you claim income support, pension credit, income-based jobseeker's allowance or income-related employment and support allowance.

### 2. Who can get housing benefit?

Universal credit has now been fully rolled out and most people cannot now claim it. You must claim universal credit instead.

If you are currently getting housing benefit you will eventually be moved onto universal credit. You may also have to claim universal credit if you have a change in circumstances.

You can get housing benefit if you:

- are liable to pay rent on your normal home;
- are on a low income (see paragraph 6 below for the calculation);
- do not have capital or savings above £16,000; *and*
- pass the 'habitual residence' test and have the right to reside (see paragraph 12 below).

### 3. Rent restrictions

The amount of housing benefit that you get is based on your weekly '*eligible rent*'. This may be less than your actual rent if a restriction applies. Whether a restriction applies, and the nature of the restriction, depends on whether you rent social housing or rent from a private landlord.

#### If you rent social housing

If you rent from the local authority, a registered housing association or a private registered provider of social housing, your eligible rent will normally be your actual rent (less any charges that cannot be met by housing benefit, such as charges for a garage, water charges, charges for fuel and meals, and certain service charges). However, if it is considered that you have spare bedrooms, your eligible rent may be reduced. See paragraph 4 below.

#### If you rent from any other landlord (including a private landlord)

If you moved or started to claim housing benefit before 7 April 2008, your eligible rent may be restricted to a maximum rate set by a rent officer.

If you moved or started to claim housing benefit on or after 7 April 2008, your eligible rent will be restricted to a set amount: the '*local housing allowance*'. For more information, see paragraph 5 below.

#### **4. The 'bedroom tax'**

If you are of working age and are renting social housing, your 'eligible rent' is reduced if you are considered to have one or more spare bedrooms; this rule is commonly referred to as the 'bedroom tax'. For more information contact us on 01736 759500.

#### **5. Local housing allowance**

Local housing allowance is a standard amount of maximum housing benefit, set according to where you live and who shares your household. It applies if you are renting from a private landlord and you moved or started to claim housing benefit from April 2008. The local housing allowance figure is used whatever the actual amount of your rent. If your local housing allowance is less than your rent, you are expected to make up the shortfall or seek cheaper accommodation.

The local housing allowance that applies in your case is determined by a local authority rent officer, according to the 'broad rental market area' where your home is situated, how many people live with you and how many bedrooms they are deemed to need (determined in a similar way to the 'bedroom tax' – see paragraph 4 above).

The '*broad rental market area*' is the area within which you could reasonably be expected to live, having regard to facilities and services, and including a range of accommodation and tenancy types.

Some types of tenancy are exempt from the local housing allowance, and some people are protected from it. For more information, contact a DIAL adviser on 01736 759500.

#### **6. How much is housing benefit?**

If you (or your partner) are on a means-tested benefit\*, your housing benefit will be your weekly eligible rent (see paragraph 3 above), less any amounts for non-dependants living with you (see paragraph 7 below).

If you (and your partner) are not on a means-tested benefit\*, your housing benefit will be calculated by comparing your needs with your resources (ie any capital and income you have). The calculation is as follows:

Set amounts for different needs are added together to reach the total amount the law says you need to live on: your '*applicable amount*'. Any income (including any earnings) you have is deducted from your applicable amount. If this income is greater than your applicable amount, you have '*excess income*'.

Your housing benefit will be your weekly eligible rent (see paragraph 3 above), less any amounts for non-dependants living with you (see paragraph 7 below) and less 65% of your excess income.

\*income support, income-based jobseeker's allowance, income-related employment and support allowance or the guarantee credit of pension credit

#### **Your applicable amount**

Your applicable amount is made up of the following:

- personal allowances;
- premiums; *and*
- additional components.

You can view the current rates for all benefits, including housing benefit [here](#).

## Personal allowances

These are paid to you for the people in your household. The amounts paid depend on your age, whether you are single, a lone parent, part of a couple (whether married or living together or a civil partner) or have children.

## Premiums

You can get extra amounts in the form of premiums if you satisfy certain conditions. There are five in all:

- carer premium;
- disability premium;
- disabled child premium;
- enhanced disability premium; *and*
- severe disability premium.

## Additional components

These are paid if you are claiming main-phase employment and support allowance. For more information on employment and support allowance, see our guide [here](#) or contact us on 01736 759500.

## Capital

You cannot get housing benefit if your (or your partner's) capital or savings are above an upper limit of £16,000. There is no upper limit if you are getting pension credit guarantee credit.

There is also a lower limit, normally set at £6,000. If your capital is between the lower and upper limits, a *'tariff income'* is assumed: one pound a week for every £250 (or part of £250) above the lower limit is included as your income in the housing benefit calculation. Different rules may apply if you (or your partner) are over the qualifying age for pension credit.

## The benefit cap

Housing benefit is included in the list of benefits to which the *'benefit cap'* applies. This cap limits the total weekly benefits that can be claimed.

## 7. Non-dependants

Your housing benefit may be reduced if you have a *'non-dependant'* living with you. A non-dependant is someone who is aged 18 or over who is not your partner or living with you on a commercial basis (eg a sub-tenant or boarder). Typically, an adult son or daughter will be considered to be a non-dependant.

Non-dependant deductions are not made if you or your partner is:

- certified as severely sight impaired or blind by a consultant ophthalmologist, or have ceased to be certified in the past 28 weeks
- getting disability living allowance care component;
- getting personal independence payment daily living component;
- getting armed forces independence payment;
- getting attendance allowance; *or*
- constant attendance allowance.

There is also no deduction made for a non-dependant if they are under 25 and on income support, income based jobseeker's allowance or assessment phase employment and support allowance.

## 8. How do you claim?

You can claim housing benefit at the same time as you claim income support, employment and support allowance or jobseeker's allowance or pension credit.

If you are not claiming these benefits, you can claim by phoning your local authority or using their claim form.

The DWP has produced a guide to the claims process at

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/251256/hb-claims-processing-guidance.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/251256/hb-claims-processing-guidance.pdf)

## 9. Disabled students and housing benefit

Most students on full-time courses are excluded from housing benefit until their course ends. However, you can get housing benefit as a disabled student in a number of circumstances, including if you:

- get income-related employment and support allowance (ESA), income support or income-based jobseeker's allowance as a full-time student;
- have or are treated as having a limited capability for work under ESA rules for a continuous period of 28 weeks (two or more periods of limited capability can be added together if they are no more than 12 weeks apart);
- qualify for a disability premium or severe disability premium, or you have been incapable of work for 28 weeks; *or*
- you qualify for a disabled students' allowance because of deafness.

You can get housing benefit temporarily while waiting to return to your course after an agreed break because you were ill or had to care for someone. You can get housing benefit once you have recovered or your caring responsibilities have ended until either the date you return to your course or the date your education establishment has agreed you can return to your course, whichever is earlier, but only for a maximum period of one year and providing you are not eligible for a student loan or grant during this time.

### Disability Rights UK Student Helpline

For further information on the above and the support that is available for disabled students, please contact the [Disabled Students Helpline](#):

Tel: 0330 995 0414

Tuesday 11.00am-1.00pm & Friday 11.00am-1.00pm

Email: [students@disabilityrightsuk.org](mailto:students@disabilityrightsuk.org)

The helpline provides free information and advice to disabled students in England, their parents, carers and key advisers about opportunities in post-16 education and training. This includes further and higher education and apprenticeships. The helpline also provides general information on the Equality Act as it applies to education and give advice on UK students' entitlement to welfare benefits.

## 10. Discretionary housing payments

You may be able to get discretionary housing payments (DHPs) if your local authority thinks you need additional help with your housing costs on top of your housing benefit. You do not have a right to a DHP; it is up to the local authority whether they give you any payment.

Most local authorities have a form on which to request a DHP. If your authority does not, write a letter instead.

You can view the *Discretionary Housing Payments Guidance Manual* at

[www.dwp.gov.uk/docs/discretionary-housing-payments-guide.pdf](http://www.dwp.gov.uk/docs/discretionary-housing-payments-guide.pdf).

## 11. Moving into work

Your housing benefit can continue at your old rate for four weeks if you find work and you were getting:

- employment and support allowance;
- incapacity benefit;
- income support;
- income-based jobseeker's allowance; *or*
- severe disablement allowance.

To get the extended payments, you must have been on one of the above benefits for at least 26 weeks and your job must be expected to last at least five weeks. You do not need to make a claim to receive extended payments but you do need to inform the local authority within four weeks of starting work.

## 12. The habitual residence test and the right to reside

There is no legal definition of '*habitual residence*'. Relevant factors are where you normally live, where you expect to live in future, your reasons for coming to this country, the length of time spent abroad before you came here, and any ties you still have with the country where you have come from.

The term '*right to reside*' is not defined but is dependent on your immigration status and nationality. You might have a right to reside under United Kingdom rules, European Union law or because you are a British citizen.

The habitual residence test is a test to see if you normally live in the United Kingdom, the Channel Islands, the Republic of Ireland or the Isle of Man. The test will be applied if you have been living abroad.

## 13. Universal Credit

Universal credit is a new benefit which will eventually replace several means-tested benefits, including housing benefit. If you are already getting housing benefit, you will be moved, at some point, over to universal credit.

If you are over pension credit qualifying age, you will be able to claim for rent support in your pension credit once housing benefit has been abolished. Your housing benefit will continue until this happens.

Once you are in receipt of universal credit you will remain on universal credit even if your circumstances change (subject to conditions of entitlement), for instance if you gain a partner or children, or move away from the universal credit area.

If you live in a local authority area which is outside a universal credit area you will normally be required to close down your housing benefit claim if:

- you leave the accommodation for which your housing benefit is paid, to move in with someone who is already getting universal credit; or
- someone who is already getting universal credit moves out of a universal credit area and moves in with you.

For more information see our [guide to universal credit](#).

If you need any further support or information please contact DIAL on 01736 759500 or you can refer directly to the link below:

[www.disabilityrightsuk.org](http://www.disabilityrightsuk.org)

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