

Local Housing Allowance: Vulnerability Policy



Under Local Housing Allowance (LHA) a tenant cannot simply request that payment is made to their landlord. In general, direct payments will only be made to landlords for vulnerable tenants. This policy sets out the guidelines by which officers will make decisions on vulnerability and has been developed in consultation with stakeholders.

Aims and Objectives

- to provide a safeguard for the most vulnerable tenants and reassure them that their benefit will be paid direct to their landlord
- to help prevent rent arrears and tenants being put at risk of eviction
- to help sustain tenancies for vulnerable tenants
- to reassure landlords that their rent will be paid if they have vulnerable tenants or are approached by vulnerable tenants
- to ensure Council officers make reasonable, fair and consistent decisions
- to promote a transparent and simple process that is widely understood
- to treat each case individually and to avoid making assumptions about people's situations

The policy is not designed to:

- supersede support that is being received by tenants to help them be responsible for their own income and expenditure
- be a blanket policy for agencies providing support to private tenants
- be used by landlords to circumvent the aims of LHA

Procedure

1. Alerting the Council of potential vulnerability

The tenant or their representative makes the Council aware that they would prefer their LHA to be paid to the landlord. The request needs to be supported with written evidence from a third party, but initially can be by:-

- a letter/e-mail
- a phone call
- the application form

2. Gathering information and evidence

Officers will consider the information that has been received and whether there is enough evidence to make an appropriate decision. Evidence can be from:

- social workers, probation officers, support workers
- GP/Hospital
- support or advisory services like the Citizens Advice Bureau and Shelter
- a tenant's family or friends
- letter from a bank confirming that you are unable to open a bank account
- copy of a Court Order or County Court Judgment
- rent records and letters proving attempts to collect monies or evidence from a previous landlord

Please note that evidence from a landlord cannot be accepted without supporting evidence.

3. Making a decision

One of the following decisions will be recommended and approved by a manager:

1. the tenant is vulnerable and payment of LHA will be made to the landlord
2. the tenant is not vulnerable and payment of LHA will be made to the tenant

4. Notifying affected parties

The tenant and/or their representative will be written to and advised of the following:

- the decision and reasons for it
- if and when the decision will be reviewed
- appeal rights
- contact details for advice if they don't have a bank account and will be receiving excess LHA themselves

The landlord will also be written to and advised:

- if their tenant has been found vulnerable that the Council will pay them LHA up to the contractual rent
- if and when the decision will be reviewed
- request bank details if not previously received
- if their tenant has been found not to be vulnerable, the landlord's appeal rights against this decision

Examples of Vulnerability

1. Long Term

- tenant has a learning disability that prevents them from managing their financial affairs on a daily basis
- tenant suffers from a medical condition that makes it hard for them to cope with routine tasks eg schizophrenia, dementia, terminal illness
- tenant has a physical disability that means they are often housebound, making it difficult for them to manage their affairs

2. Short Term

- tenant has experienced recent changes that has meant that they need additional support in managing their affairs eg bereavement, (violent) relationship breakdown, a period in hospital, leaving prison
- tenant speaks English only as a second language, presenting obstacles to them in opening and running bank accounts or reading and dealing with invoices and bills
- Tenant is dealing with (or has a history of) addiction to drugs, alcohol, gambling and a substantial monetary payment to them would present a risk of relapsing
- Tenant has a history of homelessness and/or rough sleeping and is receiving help to sustain a tenancy in the private sector

There will be a need to regularly review tenants' circumstances where they may appear to be vulnerable for a limited period of time.

3. Financial

- Tenant has severe debt problems eg County Court Judgments, bankruptcy, bad credit rating preventing them from opening a bank account

For further information and application form please contact:-

**Housing Benefit Section
Herefordshire Council
Town Hall
St Owen's Street
HEREFORD
HR1 2PJ
Tel No: 01432 260333**