

Housing Benefit

A Guide for landlords



*plain English
approved*
by the word centre



0845 129 77 77

High Peak Borough Council

working for our community

A Guide for Landlords

Introduction

This guide is one of a number of leaflets, which have been produced to help our customers understand the Housing Benefit Scheme.

This leaflet is intended as a quick reference guide to the Housing Benefit Scheme for private landlords.

What is Housing Benefit?

Housing Benefit is a government scheme designed to help people on a low income pay their rent.

- The scheme is a national one, and is administered locally by the council.
- The main rules are laid down by parliament and are within the Housing Benefit (General) Regulations 1987.
- The original law has been updated regularly over the last 15 years.

Who may claim?

- Anyone who pays rent for the home they normally live in.
- This may include boarders who receive meals as part of their tenancy arrangement.
- People on a low income may claim, including people in work, on state benefits, or getting a pension.
- There are special rules for claimants who live with a landlord who is a close relative. These people are not entitled to Housing Benefit.

Ways for tenants to claim Housing Benefit

There are several ways for the tenant to make their claim. This will depend on their type of income and where it comes from.

For example:

- The Department for Work and Pensions (formerly the DSS) gives claimants a form as part of their claim pack for Income Support or Jobseeker's Allowance. This form must be filled in and sent to us as quickly as possible. Working age customers make telephone calls.
- The council has its own form, which tenants can get from the Benefits Section. This form must be filled in and returned, with all the proof as soon as possible.

Levels of Housing Benefit

Housing Benefit may not cover:

- the full rent that is being charged. Your tenant will be responsible for paying the shortfall.
- 'ineligible service charges', for example, charges that you make in the rent for water or heating. These are taken from the rent used to work out the benefit and you will need to collect these charges from your tenant.
- A lower amount of Housing Benefit may be paid to claimants who are under 25 and who do not have children. This is called the Single Room Rent.

How we pay Housing Benefit

- We can pay your tenant's benefit directly to you if the tenant agrees, or if they owe you more than eight weeks rent.
- If you accept direct payment from us, and your tenant receives benefit they are not entitled to, you may have to pay the money back.
- We aim to work out the tenant's Housing Benefit within 14 days of receiving all the information. Occasionally there are delays in payment.
- We will write to you once we have made a decision and give you details of your tenant's benefit.

The role of The Rent Service

The council does not decide the amount of rent that can be used to work out Housing Benefit.

- The council will tell The Rent Service (an independent government agency) the amount of rent your tenant has to pay.
- The Rent Service may decide to visit the tenant's accommodation to complete their assessment.
- The Rent Service will then tell the council the rent figure that should be used to work out Benefit.
- If the Housing Benefit does not cover all the rent the claimant may ask the council to look at its decision again.

Pre-tenancy determination

Prospective tenants can ask The Rent Service to value the rent of a property before they sign up for the tenancy. This means you and the tenant can get an idea of the rent that will be used to work out Housing Benefit.

Tenants can get a form by contacting the council's Benefits Section.

The Benefits Section strongly recommend that tenants have a pre-tenancy determination before committing themselves to a tenancy.

Changes in circumstances

You must tell the council when you become aware that there has been a change in your tenant's circumstances likely to affect their entitlement to Housing Benefit.

You must tell the council when:

- your tenant leaves the address; or
- your tenant gives notice on their tenancy; or
- there is a change in the number of people living at the address.
- the terms of the tenancy change.

All changes must be reported to us immediately. Please note that it is against the law to make false statements or knowingly fail to declare changes likely to affect benefit entitlement. The council will take action to prosecute those committing fraud.

Recovery of Overpayments

When we pay Housing Benefit directly to you or your agent we may ask that you repay benefit which has been overpaid. We will send you a bill if we want you to repay the overpaid amount.

You may ask to repay the amount by instalments if paying it all at once would cause you hardship.

The law also allows the council to deduct overpayments from any payments we make to you in respect of other tenants benefit.

We will write to you explaining our decision and give you details of your rights.

If you think our decision is wrong

If Housing Benefit has been paid directly to you or your agent you may ask us to explain our decision to recover of an overpayment from you.

You must ask us in writing and this must be received by the council within one calendar month of the decision being sent to you.

- We will check our decision and tell you the outcome in writing.
- If you are still not satisfied you may have a further right of appeal to an independent agency called The Appeals Service.
- You cannot appeal against the amount of benefit payable on your tenant's claim or the period for which benefit is payable.



IMPORTANT

- The claimant's completed form must be returned as soon as possible even if proofs are not available or benefit entitlement may be lost.

Disclosure of information

The Data Protection Act only allows us to disclose information about your tenant's claim if we have the tenant's written permission to do this. This may mean that we are unable to answer all the questions you have about the claim.

Please quote your tenant's benefit reference number if you contact us about their claim.



MOST IMPORTANT

Your opinion counts

We believe that landlords are important stakeholders in the service we provide. We are always trying to improve the way we deliver services.

- We aim to pay Housing Benefit promptly and accurately.
- We also aim to work with landlords to make sure there are as few overpayments as possible, and that recovery is fair and reasonable.

If you have a suggestion about the service we provide and how it can be improved, please let us know.



We will look again at our decision if you ask us to. Please write to us saying why you do not agree with the decision.

Do I have to tell the council of any changes?



YES: If your circumstances change in any way, the law says you must tell the benefits section immediately

Would you like more information?



If you would like more information please phone the Housing and Council Tax benefit section on the following number.

0845 129 7777



High Peak Borough Council
The Benefits Service,
Town Hall, Buxton,
Derbyshire SK17 6EL



Website address:
www.highpeak.gov.uk



You can contact us

In person Between 9am and 4.30pm at
Town Hall, Market Place, Buxton
Municipal Buildings, Glossop
Council Offices, Chinley.

By telephone 0845 129 7777
Between 8am and 8pm

By writing to Benefits Service
High Peak Borough Council
Town Hall, Buxton
Derbyshire SK17 6EL

By fax 01298 28485

By textphone 0845 129 4876

By email at benefits@highpeak.gov.uk

FRAUDLINE

*Do you know someone who
is falsely claiming benefit?*

If you do please tell the Benefit Investigation Unit
on the fraudline number

01298 28433

You do not have to give your name



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