

Fact Sheet – No 5

Housing Benefit

If a tenant has a low wage or is claiming benefits, they may be able to get help from the Council with all or part of their rent under the Housing Benefit Scheme. You should check with your tenant to see if they are entitled to claim. It is important to remember, however, that it is the tenant who remains responsible for paying the rent, **not** the Council.

What will Housing Benefit cover?

The rules governing the amount of benefit paid are extremely complicated. Following a claim by the tenant, the property may be inspected by the independent Rent Officer Service, which will advise the Council whether the rent being charged is an appropriate market rent for the property.

Excessive rent

If the Rent Officer considers the rent to be too high, the Council may restrict the amount of housing benefit it will pay and the tenant will need to cover the difference out of their own income.

Pre-tenancy determination

To avoid the possibility of the rent being restricted by the Council after the tenant has taken the property and moved in, they can request a Pre-tenancy Determination by completing the appropriate form from the Council. The landlord must also sign this form, which is then forwarded to the Rent Officer Service by the Council. The Rent Officer will decide within five working days what appropriate market rent for the property is. This allows the tenant and landlord to consider the level on which Housing Benefit will be based **before** committing themselves to the tenancy.

Service charges

Housing Benefit does **not** cover meals or service charges included in the rent. Service charges include gas or electricity charges and heating and lighting of the tenants own areas, all of which the tenant must pay for himself.

Payment of benefit

Payment is made to the tenant by cheque, and normally paid fortnightly in arrears for a fixed period – usually six months or a year. The tenant must then renew their claim for the benefit to continue.

Direct payment to landlords

A tenant may authorise direct payment of housing benefit to be made to their landlord. This will be paid by cheque, normally four weeks in arrears. If the tenant is more than eight weeks in arrears with the rent and the Council is aware of this, then the benefit will be sent direct to the landlord without the tenant's authority.

If direct payments to a landlord are made, the law requires the landlord to notify the Council **immediately** of any change in circumstances of the tenant that the landlord might reasonably be expected to know could affect the tenant's entitlement to Housing Benefit.

Changes which a landlord would be expected to report include where a tenant leaves the property, where a tenant changes rooms within the property, where the level of rent changes, where the tenant goes in to hospital or where anyone leaves or joins the household.

If there is an overpayment of benefit that has to be repaid, then however it is caused, the Council will seek recovery from the landlord. If, as the landlord, you do not wish to be liable for such repayments, you should notify the Council. They will then pay Benefit direct to your tenant and will recover any overpayment from them.

Housing Benefit Regulations are complex and change frequently. If you want more information, please contact the Housing Benefit team.