



**Housing Benefit:
A guide for landlords**

Introduction

This leaflet has been produced for private residential landlords and is intended as a quick reference guide to the Housing Benefit scheme.

What is Housing Benefit?

Housing Benefit is a national social security benefit, administered locally by the Borough Council, designed to help people on low incomes pay their rent.

Who can claim?

Generally, anyone who is liable to pay rent for a dwelling and who lives there as their normal home can claim Housing Benefit. However some people who are liable are specifically excluded from receiving Housing Benefit and, in certain circumstances, some people who are not liable to pay can be treated as if they are.

How to claim

A claim for Housing Benefit can be made in several ways:

- by completing the Borough Council's own claim form
- through Jobcentre Plus, when a claim for Income Support or Jobseekers Allowance is made
- through The Pension Service, when a claim for Pension Credit is made

It is important your tenant returns their completed claim form promptly even if they are unable to supply all the information and evidence needed to support their claim straightaway. Failure to return their claim form promptly may result in benefit being lost.

Maximum rent - The role of the Rent Service

A claimant's eligible rent for benefit purposes is not always the same as the contractual rent you charge. In most cases where Housing Benefit may be involved, rent charged by private landlords must be referred to the Rent Service.

The Rent Service, which is independent of the Borough Council, assesses the level of rent your tenant is liable to pay then informs us of the maximum level of rent we can use when calculating your tenant's Housing Benefit award.

Whenever Housing Benefit cannot meet the full rent it is your tenant's responsibility to ensure their contractual liability to you is met.

Prospective tenants can find out if their Housing Benefit is likely to be restricted by asking for a Pre-Tenancy Determination. Forms are available from the Borough Council. If your prospective tenant does request a Pre-Tenancy Determination they must ask you to sign the form consenting to the information being passed to the Rent Service.

What information do we need?

Before any Housing Benefit award can be made the claimant must provide information and evidence so that their claim can be verified. This includes proof of the rent they are liable to pay e.g. the tenancy agreement, rent book or a letter from you detailing their contractual rent. In addition, your tenant should register with us for Council Tax.

The responsibility to supply the information we need, within the time limit given, rests solely with your tenant.

How the amount paid is worked out

The amount of Housing Benefit awarded depends on:

- how much money the claimant and any partner have
- the amount of any capital, savings or investments they have
- their personal circumstances, including the number of people living in the household
- the maximum rent for the property

The above information is then compared with the amount the Government says the household needs to live on.

When is Housing Benefit paid?

Subject to certain conditions and if the claimant makes a valid claim promptly, Housing Benefit can normally be paid from when the claim is received. Housing Benefit will not be backdated unless the claimant can show they had a good reason for not claiming earlier.

How are payments made?

Housing Benefit payments are usually paid in arrears every fourth week. Claimants are given the option of receiving the payments themselves or choosing to have the payments paid direct to you.

We aim to work out the award and make a payment within fourteen days of your tenant supplying the information and evidence we need. However sometimes delays can occur.

Payments direct to a landlord

The Borough Council's preferred method of payments is by BACS. When your tenant indicates they want payments to be paid direct to you we will send a form to you to enable you to supply details of the bank account payments should be paid into.

When Housing Benefit payments are not paid direct to you, if your tenant subsequently falls into arrears with their rent and the level of arrears is equivalent to eight weeks or more, the Borough Council can make payments direct to you. Please contact us if this happens.

In an effort to stop rent arrears accumulating, prevent possible Court proceedings or the threat of eviction, you should contact us promptly whenever your tenant falls into arrears with their rent.

What we can tell you about a claim

The Data Protection Act restricts the amount of information we can give you.

If we pay Housing Benefit direct to you and your tenant has given us their written permission to do so, we can tell you the following:

- a claim has been received
- the date when benefit will be awarded from
- how much is likely to be paid
- when you will receive a payment
- if an award has changed, been cancelled or suspended

However, we will not give you any personal details about your tenant, their claim or any forwarding address.

Changes in circumstances - What you should tell us

You should tell us about any changes in your tenant's circumstances which could affect their Housing Benefit and Council Tax Benefit awards. For example:

- if your tenant moves home
- if the amount of rent you charge changes
- if someone moves into or out of your tenant's home

Overpayments

Overpayments occur when a claimant is paid more Housing Benefit than they are entitled to.

Having identified that an overpayment has been made, the Borough Council must decide if it is recoverable and, if it is, from whom recovery should be sought.

Recoverable overpayments can be recovered from the claimant and/or the person to whom payment was made.

However, there are exceptions including when the landlord has notified the Borough Council, in writing, where they suspect there has been an overpayment.

Overpayments can be recovered in a number of ways, including:

- deduction from a claimants ongoing benefit award
- deduction from the Housing Benefit paid to you on behalf of other claimants/tenants to whom the overpayment does not relate
- sending a bill

If you think our decision is wrong

You have a right of appeal against some aspects of an overpayment decision but you cannot appeal against the level of Housing Benefit awarded or the period for which benefit is payable.

Any appeal must be made in writing within one month of the decision being notified to you. We will check our decision and notify you of the outcome in writing. If you are still dissatisfied there may be a further right of appeal to an independent agency called the Tribunal Service.

If things go wrong

We aim to provide you with a service of the highest standard. However, things do go wrong. If you are unhappy about the way in which a payment or overpayment has been dealt with, or the way we have acted or failed to act, please contact us.

If after contacting us you are still dissatisfied, you can write to the Head of Revenues and Benefits, who will review the matter and write to advise you of the outcome.

Your opinion counts

We welcome any comments you have on this guide and on the service we provide. If you have suggestions please let us know.

How to contact us

Address: Housing Benefit and Council Tax Benefit Section
Berwick-upon-Tweed Borough Council
Council Offices
Wallace Green
Berwick-upon-Tweed
TD15 1ED

Office hours: Monday and Friday – 8.45am to 5pm
Tuesday, Wednesday, Thursday – 8.45am to 5.15pm

Telephone: 01289 330044

Minicom: 01289 301769

Facsimile: 01289 332564

E-mail: benefits@berwick-upon-tweed.gov.uk

Website: www.berwick-upon-tweed.gov.uk

Reporting benefit fraud

Address: Counter Fraud Investigation Section
Berwick-upon-Tweed Borough Council
Council Offices
Wallace Green
Berwick-upon-Tweed
TD15 1ED

**Confidential
Telephone
Hotline:** 0800 195 4747

Independent help and advice

Free, independent and confidential advice is available from:

Berwick Citizens Advice Bureau
5 Tweed Street
Berwick-upon-Tweed
Northumberland
TD15 1NG

Telephone: 01289 330222

Other information is available on the following websites:

www.dwp.gov.uk
www.therentservice.gov.uk
www.citizensadvice.org.uk
www.shelter.org.uk

**If you need information in another format or language
other than English please contact the Benefits Service
by telephoning 01289 330044**

This leaflet is a general guide and is not a full and authoritative statement of the law. We have made every effort to ensure that the information in this leaflet is correct at the date shown on the cover. However changes in the law may make the leaflet become gradually less accurate.

