

Housing Benefit and Council Tax Benefit

A guide for Landlords and Agents



What is Housing Benefit?

Housing Benefit is a social security benefit which helps people on low income to pay their rent. It is paid by local authorities and can sometimes be called rent rebate, rent allowance or local housing allowance (LHA).

What is Housing Benefit?

Anyone on a low income who pays rent for the home they normally live in can claim Housing Benefit. This may include boarders (people who get meals as part of their tenancy agreement) and sub-tenants. Only the tenant can claim. You cannot claim for them. To get Housing Benefit a tenant must:

- be responsible for paying the rent
- be living in the property as their normal home and
- make a claim for benefit.

You and your tenant should not assume that we will pay benefit until we tell you in writing.

Who cannot claim Housing Benefit?

Tenants cannot usually get Housing Benefit if they:

- live with and pay rent to a close relative
- used to live with their landlord as a member of their family
- are renting a home they used to share with their ex-partner
- are responsible for their landlord's child
- used to own the property which they now rent
- live in the home as part of their job
- live in a care home or
- are a full-time student

If your tenant is not sure whether they can get benefit, they should make a claim or contact us for more advice.

What is Council Tax and who must pay the bill?

Council Tax is a way of paying for our services, such as libraries and schools, emergency services (such as the police and the fire service), street lighting and collecting household rubbish.

The person who rents the property is usually responsible for paying the Council Tax. In some circumstances owners who do not live in the property must pay the Council Tax. This for example may be where the landlord lets out rooms in a property, to different tenants, where the tenants have their own (separate) tenancy agreements and share facilities, including a bathroom or kitchen. These properties are known as houses in multiple occupation or HMO's. In these circumstances, landlords pay the Council Tax but may include it as part of the rent charged.

What is Council Tax Benefit?

Council Tax Benefit is a social security benefit paid by local authorities, which helps people on low income to pay their Council Tax.

Who can claim Council Tax Benefit?

Any tenant aged 18 or over who is legally responsible for the Council Tax can claim Council Tax Benefit. To get Council Tax Benefit a tenant must:

- be living in the property as their normal home; and
- make a claim for benefit.

Who cannot claim Council Tax Benefit?

In a HMO the landlord or owner is responsible for paying Council Tax. However, if you (the landlord) have tenants in the property, you can charge them for Council Tax as part of their rent.

Additionally, tenants under the age of 18 cannot claim Council Tax Benefit

Please contact us if you need any more information or advice.

How is Council Tax Benefit worked out?

The amount of Council Tax Benefit awarded depends on three main things:

- How much money the claimant and any partner have coming in
- How much savings they have
- Other people who are living in the household.

How does my tenant claim Housing Benefit or Council Tax Benefit?

Tenants who claim Income Support, income related Employment and Support Allowance or income based Jobseeker's Allowance will get a Housing Benefit and Council Tax Benefit claim form (HCTBI) when they claim. They should send this form directly to our benefit section. Jobcentre Plus will normally tell us if the tenant gets Income Support, income related Employment and Support Allowance or income based Jobseeker's Allowance.

If your tenant applies for Pension Credit by phone, they will be asked whether they want to claim for Housing Benefit and Council Tax Benefit. If they apply by phone, the adviser will take the details for claim for Housing Benefit or Council Tax Benefit (or both) The Pension Service will then forward the claim to us.

If your tenant sends a claim form back to Jobcentre Plus, they will normally pass the form on to us. Your tenants do not have to be getting Income Support, income related Employment and Support Allowance or income based Jobseeker's Allowance or Pension Credit to get Housing Benefit and Council Tax Benefit. In these cases they can claim Housing Benefit and Council Tax Benefit directly from us by filling in a claim form.

They can ask us for a form or alternatively, a claim form can be download from the Council's website at:

www.rotherham.gov.uk/hbleaflets or they can email us at benefits@rotherham.gov.uk. Once they have filled in the form, they must send it back to us as soon as possible.

Our address is shown at the end of this leaflet, and can also be found on the Council's website, Council Tax bill or in the phone book.

What information do you need?

We will need details and proof of income and savings for your tenant(s) and their household (unless they are on Income Support, income based Job Seekers Allowance, Income related Employment and Support Allowance or Pension Credit).

We need to know the tenant's family circumstances, including details about who lives with them, and the tenants rent.

Your tenant will also need to provide proof of their (and their partner's) National Insurance Number and identity, for example by producing their passport, driving licence, birth certificate, P45, P60 or National Insurance card.

What proof of rent do you need?

Proof of rent can be either a tenancy agreement, letter from you or a rent book. The proof must include;

- The full address of the property they are renting
- The landlord's full name
- The landlord's address or agent's name and address, where the landlord employs an agent
- The full names of all the tenants occupying the property
- The start date of the tenancy
- The amount of rent you are charging them
- How often the rent is due, for example weekly, fortnightly, every four weeks, or calendar monthly
- What the rent includes, for example, meals, gas, electricity, council tax, water charges and service charges, and the amount charged for each of these services
- The date the tenancy agreement was signed
- How long the tenancy will last
- The landlord or agent's signature.

It is also helpful to include the amount of rent the tenant owes you (arrears).

Will Housing Benefit cover the full rent?

Housing Benefit may not cover all the rent you charge. Your tenant will need to pay the difference.

If the rent includes charges for services such as water rates, we may take the cost of these from the rent before we work out the Housing Benefit entitlement.

We will also check that the rent is not too high. If it is, we will work out the benefit on a lower rent. The rent may also be reduced if the home is too large for the size of the family.

How do you decide if the rent is too high?

The Rent Service will set rent levels for all sizes of properties and these will be published on the Rent Service website, and also on the council's website, if your tenant is subject to Local Housing Allowance (LHA) rules.

Although your tenant's benefit will be worked out by taking their income, savings and household members into account, it will not be more than the maximum rent that the Rent Service have set for that household size or property.

If your tenant needs more help with their housing costs they can apply for a Discretionary Housing Payment. However, it should be noted that this payment will not automatically be awarded and the tenants personal circumstances will be taken into account, including any exceptional circumstances that they may have. In all instances, Discretionary Housing Payment can only be granted for a limited period.

How do I find out the maximum Housing Benefit a tenant is entitled to before they move in?

You can find out the maximum amount of Housing Benefit that a tenant may be due to by checking the current Local Housing Allowance rates on either;

- The Council website at; www.rotherham.gov.uk
- The Rent Service website at; www.voa.gov.uk/lhadirect/
- At any of the Council's Customer Service Centres or by telephoning the Council's Contact Centre (contact details are given under the heading 'Where can I get more advice, or how do I contact you?' later in this booklet).

What if my tenant is a student?

Most students cannot claim Housing and Council Tax Benefit. Some students may get help if they are single parents, a couple with dependant children, disabled or getting income based Job Seekers Allowance, income related Employment and support Allowance or Income Support. Please contact us for more information.

How much Benefit will my tenant get?

If your tenant gets Income Support, income based Job Seekers Allowance, income related Employment and Support Allowance or the guaranteed part of Pension Credit, they will normally get maximum Housing and Council Tax Benefit less any non-dependant charges.

If their income is anything other than the benefits named above, the entitlement will be based on income, savings, how many people live with them and their ages and circumstances. The entitlement may be less than the maximum Housing Benefit.

When will the Housing Benefit start?

Housing Benefit will normally be paid from the Monday after your tenant makes their claim to us, Jobcentre Plus or the Pension Service.

If they are not sure whether to claim, they should still claim straight away, even if they are waiting for supporting documents, or they may lose money.

Housing Benefit for new tenants will start in the week the tenancy starts, providing they claim and move in during the first benefit week of their tenancy.

Housing Benefit cannot normally be backdated without good reason.

How long will the Benefit last?

Benefit will be paid until the tenant's circumstances change, when we will need to look at the claim again.

How is Housing Benefit paid?

Payments can be made by crossed cheque or BACS direct into a bank account. This is normally paid direct to the tenant, either two weekly or four weekly in arrears. There are some exceptions, including where the tenant is in rent arrears of 8 weeks or more, or have other circumstances that mean they are unable to deal with their own financial affairs – see more information about this in the Local Housing Allowance leaflet, or on the Council's website, where more information can be found about the 'Safeguards' policy.

Payment to landlord

Payments can only be made to the landlord if:

- The tenant has rent arrears of 8 weeks or more
- The landlord has agreed a lower affordable rent in order for the tenant to either secure or retain their tenancy. Proof will be required, which could be evidence that the property has been let for a higher rent in the past
- The Department for Work and Pensions pay you direct for rent owed by the tenant
- The tenant has other reasons why they are unable to deal with their own financial affairs and meet the criteria laid down in the Council's 'Safeguards' policy.

We will ask you to sign a declaration agreeing to repay any overpaid Housing Benefit, where benefit has been paid direct to you. Without this agreement, direct payment will not be made.

What can I do if my tenant has arrears?

You should let us know how much rent the tenant owes you. We will pay you direct if the rent arrears are equal to 8 weeks rent or more, unless we consider it in the tenants best interest not to do so. You can let us know by using the form on the council's website at www.rotherham.gov.uk/landlords, or by writing to us. Once we receive your information, we will decide what action to take.

How long does it take to sort out a claim for Housing Benefit?

Once we have received all information to work out the benefit, we should pay Housing Benefit within 14 days.

What happens if the tenant's circumstances change?

You and your tenant should tell us straight away about any change that may affect their benefit. This could include:

- a change in rent
- a change of address
- if the size of their family changes
- if anyone moves into or moves out of the house
- if they stop receiving Income Support, income related Employment and Support Allowance or income based Job Seekers Allowance
- if the tenant's income changes.

How do I report Benefit fraud?

If you believe that someone is receiving benefit that they are not entitled to, please phone us on; 0800 0282080 Or the National Fraud line on; 0800 3286340

All calls will be treated in strict confidence.

What happens if Housing Benefit is overpaid?

If we have paid you too much benefit, we will ask you to repay it. This may be deducted from payments we make to you for other tenants.

If we have paid your tenant too much benefit, we will ask them to repay it. This may be deducted from ongoing benefit entitlement, by reducing the amount we pay.

Alternatively, we may send you or your tenant a bill.

What if I or my tenant do not agree with any decision you have made?

If we pay Housing Benefit direct to you, you have the right to appeal against certain decisions. Appeal rights for landlords are limited to decisions about who Housing Benefit is paid to and certain matters on overpayment recovery. You have no right of appeal against the amount of Housing Benefit that has been awarded.

If you are asked to repay overpaid benefit, you can appeal against the decision on the following issues.

- Whether there is an overpayment
- That the overpayment is recoverable
- Our decision to recover from you

What can you tell me about my tenants claim?

If we pay Housing Benefit direct to your tenant, we cannot tell you anything about their claim without their written agreement.

If we pay direct to you, we will tell you how much you will receive and from when it is paid. We cannot give you any personal or financial details about your tenant. This includes income or a forwarding address.

Where can I get more advice, or how do I contact you?

You can get more information by telephoning us on 01709 336065 between 8.30 and 5.30 (Monday to Friday); or by visiting a Customer Service Centre. Customer Service Centres are located at:

- Riverside House, Main Street, Rotherham, S60 1AE
- Rawmarsh Joint Service Centre, Barbers Avenue, Rawmarsh S62 6AE.
(Also open Saturday mornings 9.00am – 1.00pm)
- Station Street, Swinton, Rotherham, S64 8PZ (next to the library)
- New Street, Dinnington, Rotherham, S25 2EX
- Maltby Leisure and Service Centre, Braithwell Road, Maltby, Rotherham S66 8LE
- Worksop Road, Swallownest, Sheffield, S26 4WD

Opening times can be found on the Councils website at: [**www.rotherham.gov.uk/CSCs**](http://www.rotherham.gov.uk/CSCs)

An Interpretation Service is available by prior appointment.

For the Deaf and Hard of Hearing, we provide a Communication Support Service by prior appointment.

For any appointments at a Customer Service Centre, please enquire at a Customer Service Centre or telephone us on 01709 336065 between 8.30am and 5.30 pm (Monday to Friday).

Minicom Users please phone 01709 823536

Benefit Advice Sessions are available at the following offices.

- Kimberworth Park District Office, Ox Close Avenue, Kimberworth Park
Wednesday 9am to 12 noon;
- Munsbrough District Office, Munsbrough Rise, Greasbrough
Tuesday 9am to 12 noon;
- Wath Town Hall, Church Street, Wath Upon Dearne
Tuesday 1.45pm to 4.15pm
Friday 9am to 12 noon

Further information regarding the information in this leaflet and the services we offer, can be found on [**www.rotherham.gov.uk**](http://www.rotherham.gov.uk)

or by email; [**benefits@rotherham.gov.uk**](mailto:benefits@rotherham.gov.uk)

Alternatively, you may want to take independent advice, from somewhere such as the Citizens Advice Bureau (CAB). The telephone number for the CAB and other advice centres can be obtained from any library or you can look them up in the telephone directory, or on the internet.

If you or someone you know needs help to understand or read this document, please contact us:

Telephone: 01709 336065

Email: benefits@rotherham.gov.uk

Minicom: 01709 823536

Ak vy alebo niekto koho poznáte potrebuje pomoc pri pochopení alebo čítaní tohto dokumentu, prosím kontaktujte nás na vyššie uvedenom čísle alebo nám pošlite e-mail.

نهگهر تو یان که سیک که تو دهناسی پیویستی بهیارمتهی هه بیت بو نهوهی لهم به لگه نامه یه تیبگات یان بیخوینتتهوه، تکایه په یوه ندیمان پیوه بکه له سهر نهو ژماره یه ی سهره وه دا یان بهو نیمه یله.

إذا كنت انت أو اي شخص تعرفه بحاجة إلى مساعدة لفهم أو قراءة هذه الوثيقة، الرجاء الاتصال على الرقم اعلاه، أو مراسلتنا عبر البريد الإلكتروني

اگر آپ یا آپ کے جاننے والے کسی شخص کو اس دستاویز کو سمجھنے یا پڑھنے کیلئے مدد کی ضرورت ہے تو برائے مہربانی مندرجہ بالا نمبر پر ہم سے رابطہ کریں یا ہمیں ای میل کریں۔

اگر جناب عالی یا شخص دیگری که شما اورا می شناسید برای خواندن یا فهمیدن این مدارک نیاز به کمک دارد لطفاً با ما بوسیله شماره بالا یا ایمیل تماس حاصل فرمایید.