

- Details about any payments made and any payments to be made in the future

If your tenant has given us written permission to discuss their claim with you, we can give you information only to enable you to help them with their claim for Housing Benefit. If Housing Benefit is not being paid direct to you then you do not have the right to know anything about your tenant's claim. Because you are a landlord we will hold information about you irrespective of whether your tenant has indicated that they require payment to be made direct to you. You can see this information in accordance with the Data Protection Act 1998 by making a written request.

If Housing Benefit is paid direct to me for my tenant, what are my responsibilities?

If we are going to make direct payments to you we will ask you to sign a form to show you are aware of your responsibilities. You and your tenant must tell us immediately of changes of circumstance which might affect the entitlement to Housing Benefit. The types of changes you need to tell us about are:

- The rent is going up or down
- The tenant has moved out, even if their tenancy has not ended

Where can I get more advice?

- **For more information or advice:**

Website: www.wakefield.gov.uk/housing/benefits

Email: benefitsservice@wakefield.gov.uk

Telephone: 0845 8 504 504

In person or by post:

Housing and Council Tax Benefits Service, Ground Floor, Civic Centre, Ferrybridge Road, Castleford WF10 4JH.

Opening Hours: Monday - Thursday 8.30am to 5.00pm
Friday 8.30am to 4.30pm

- **Other useful contacts**

Official UK Government website for citizens at www.direct.gov.uk

- The tenant has moved to a different room in your property
- The number of people in the tenant's household has changed
- Any other changes which you think may affect the tenant's entitlement to Housing Benefit.

If we pay you too much Housing Benefit for any tenant, you may have to repay it. We can stop paying benefit to you if you do not tell us about any change of circumstances and can prosecute you if you accept Housing Benefit which you know you are not entitled to.

Can I appeal against your decision on my tenants Housing Benefit?

As a landlord you only have a right of appeal against decisions directly affecting you. So, you can only appeal against decisions on:

- Whether we pay benefit direct to you or not.
- Whether you should repay an overpayment or not.

You cannot appeal about the amount of benefit or the dates of award.

- **Independent Advice**

Citizens Advice Bureau at www.citizenadvice.org.uk, or ring 0844 499 4138.

Fact Sheet

Housing Benefit Information for Landlords

If you are the landlord of a property, don't be put off having a tenant who is claiming Housing Benefit just because you don't know how the system works. The information contained in this fact sheet is hopefully going to answer some of your questions and remove some of your doubts.

What is Housing Benefit?

It can often be hard to pay rent. We can give people on low income help to pay their rent. This is called Housing Benefit. Housing Benefit is calculated by us using rules set out by Parliament.

Who can claim Housing Benefit?

Anyone on a low income who pays rent for the home in which they normally live can claim Housing Benefit. 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 home
- Make a claim for benefit

The rules for working out Housing Benefit are complicated and you and your tenant should not assume we will be able to pay benefit until we tell you in writing.

Who cannot claim Housing Benefit?

Tenants cannot normally 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 own with their ex-partner
- Are responsible for their landlord's child
- Used to own the property they now rent
- Live in the home as part of their job
- Live in a care home
- Are a full time student (for more details see fact sheet entitled 'Students')
- Have capital including savings, shares and property of over £16,000 (unless they are over 60 and receiving the 'guaranteed pension' element of Pension Credit)

- Those paying a mortgage, and not renting their home.
- Have created a rental arrangement to take advantage of the Housing Benefit scheme

How does my tenant claim Housing Benefit?

Your tenant can claim Housing Benefit at any time, in one of the ways below:

- By telephoning us on 0845 8 504 504, where we can complete a form over the telephone, visit them or send an application form through the post
- By completing the forms given to them by the Job Centre or Pension Service when they claim Income Support, Job Seekers Allowance, Employment and Support Allowance or Pension Credit
- By obtaining a form from our reception area at the Civic Centre, Castleford or their local Wakefield District Housing, Service Access Point, and returning the completed form to us
- By completing and submitting the application form on our website at www.wakefield.gov.uk/housing/benefits

When should they make their claim?

Your tenant should claim Housing Benefit as soon as they think they need help with their rent. Benefit normally starts from the Monday following the date we receive an application form. We cannot normally backdate a claim.

If your tenant knows that they are going to need help some time within the next 13 weeks, for example their income is going to reduce; then, they can make a claim in advance of the change.

If they move home, it is important that they claim Housing Benefit within the first week of their tenancy starting.

We cannot usually pay benefit until they are living in their new home.

What information do you need to work out benefit?

To work out someone's Housing Benefit, as well as a completed application form, we will need:

- Proof of the income of both the customer and their partner
- In some cases, proof of savings for the customer and partner
- Proof of identity and National Insurance Numbers for the customer and partner
- Proof of rent. This would usually be a tenancy agreement, but could also be a rent book or letter from you. The proof must include:
 - The full name and address of the property they are renting.
 - The landlord's full name and address.
 - The full name and address of any agent.
 - The full name of all the tenants who live in the property.
 - The start date of the tenancy.
 - The amount of rent charged.
 - How often the rent is due (for example weekly, every four weeks or every month).
 - What is included in the rent (for example, meals, gas, electricity) and the amount charged for these services.
 - The date they signed their tenancy agreement.
 - How long the tenancy will last.
 - The landlord's signature.
 - The tenant's signature.

Will Housing Benefit cover the full rent?

Housing Benefit may not cover the full rent you charge. Your tenant will have to pay any amount left over.

There are a number of reasons why the full rent cannot be met. It could be that:

- Your tenant's income is higher than the Government set minimum levels
- Your tenant has savings
- Your tenant has other adults (other than their partner) in the property
- The rent includes charges for services we are unable to pay Housing Benefit for, such as water rates.

- The rent is too high, or the property is too large for the size of the family living and claiming in it. (Please see section entitled, ' How do you decide if the rent is too high')

How do you decide if the rent is too high?

In April 2008, the government introduced a new Housing Benefit scheme for people living in privately rented homes, known as Local Housing Allowance (LHA). The government introduced these new benefit rules to make claiming benefit fairer, easier and quicker. Tenants can now know how much benefit they will receive before they sign a new tenancy agreement and move in.

We will use the LHA rules for tenants making a new claim for Housing Benefit, or for those who have had a break in their current claim for more than a week.

Under the Local Housing Allowance rules we will calculate benefit by looking at your tenant's household size, income and savings.

The LHA rate we use is based on the number of bedrooms needed per household.

When looking at an appropriately sized house we must allow one bedroom for the following:

- Each adult /couple
- Any other adult (aged 16 or over)
- Any two children under aged 10
- Any two children of the same sex aged 10 to 15

The number of kitchens, living rooms and bathrooms in a property is ignored and we can only allow rooms for full-time household members.

If your tenant is under 25, without children, special rules apply. The LHA 'shared room rate' will usually be applied which is the LHA level that has been set for a room in a shared house.

Example one

A married couple with a 14 year old son are entitled to one bedroom for themselves as a couple and one bedroom for their son. This makes a total of two rooms and therefore they will qualify for the LHA rate for two rooms

Example two

A lone parent with a 12 year old boy, a 9 year old girl and a non dependant would be entitled to one room for themselves, one bedroom for the boy, one bedroom for the girl and one bedroom for the non dependant. This makes a total of four rooms and therefore they will qualify for the LHA rate for four rooms

The Rent Officer checks the rent levels in Wakefield each month, and gives us the LHA rates, so we can work out benefit based on different property sizes. We use this figure to work out the applicant's maximum award of benefit, regardless of whether the actual rent is higher or lower. The LHA rates for Wakefield will be displayed in our reception area at the Civic Centre, Castleford, in Wakefield District Housing, Service Access Points and also on our website at www.wakefield.gov.uk/housing/benefits

If your tenant's Local Housing Allowance doesn't cover the rent, they have a number of options. They can:

- Ask us to check their benefit claim to make sure they are receiving the correct amount
- Pay the shortfall between their benefit and their rent out of their income
- Ask you whether you will accept less rent
- Consider moving to a cheaper rented home
- Apply for a Discretionary Housing Payment if they think they have a good reason for needing to stay in their current home. The Council has a limited amount of money which we can spend each year to help people who need help paying rent or Council Tax. This extra help is called Discretionary Housing Payment (DHP) and your tenant must be in receipt of Housing Benefit or Council Tax Benefit to apply for this extra support

What happens if I increase the rent?

The Local Housing Allowance rate is set for one year starting on the date a claim is made for benefit. It will not be changed during the year unless there is a change in the size of the family unit or the tenant moves. If you increase the rent during the year your tenant will still need to tell us but we will not be able to consider paying the increase until they have reached their 52 week anniversary date.

When will Housing Benefit start?

Usually from the Monday after your tenant asks us for a form, as long as they return it within a month, together with all the necessary evidence we need to process the claim.

If they were on benefit at their previous address or moved into the property in the same week as they made a benefit claim, we may be able to pay them from the start of the new tenancy.

Can my tenant get help with a rent deposit?

Unfortunately we are unable to help towards a rent deposit or rent payments in advance. But a tenant may be able to get help by contacting the Wakefield Rent Deposit Scheme

Phone: 01924 304575

Website: www.wrds.org.uk

Fax: 01924 304557

Email: info@wrds.org.uk

Post: Wakefield Rent Deposit Scheme,
3rd Floor, Queens House,
Queens Row,
Market Street,
WF1 1DF

Who will the Housing Benefit be paid to?

It will normally be paid to your tenant. It is their responsibility to pay their rent to you. There will be very few circumstances where we will pay Housing Benefit direct to you. We will only do this if we think your tenant will have serious problems with paying their rent and managing their finances. If you think this may be the case with one of your tenants, you should contact us.

My tenant has rent arrears; can you pay Housing Benefit direct to me?

The Housing Benefit regulations say that if a tenant owes rent of 8 weeks or more, we must pay you direct, unless we consider it in the tenant's best interests not to.

If this is the case you should write to us and provide evidence.

Will I be told of my tenant's Housing Benefit entitlement?

When someone claims housing benefit we treat their claim confidentially. We cannot discuss your tenant's claim with you unless they give us permission on their claim form, or in writing. Where we make direct payments to you, we will tell you the following information:

- How much we will pay
- The date the claim is paid from and when it will end