

A guide to Housing Benefit for tenants living in Council and Housing Association Properties



North Tyneside Council

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What is Housing Benefit?

Housing Benefit is a national benefit paid by the Local Authority to help people pay their rent. You may be entitled to Housing Benefit if you have a low income, or are receiving welfare benefits. Your income and savings have to fall within certain limits for you to qualify.

Who can claim?

With a few exceptions, anyone who pays rent can claim Housing Benefit.

The main exceptions are:

- Some people with capital and/or assets of £16,000 or more
- Certain people from abroad
- Most full-time students**
- People whose tenancies are not on a commercial basis, or that have been created to take advantage of the Housing Benefit Scheme
- Some people who previously owned the home they are now renting
- People living in registered Nursing / Care homes
- Housing costs included in your Universal Credit

You can only get Housing Benefit if you are responsible for paying the rent for your home, or live with your partner who is responsible for the rent. Only one member of a couple who live together can claim Housing Benefit. You must also live in the accommodation for which you are claiming Housing Benefit.

There are some people who will be treated as though they are not responsible for paying rent even though they are paying it, for example, if you are renting from a close relative who also lives in the home.

You must be living in the UK to claim Housing Benefit. If you are from overseas or have recently come to live in the UK you may have difficulty claiming the benefit, depending on your immigration status.

**Students may be able to claim Housing Benefit, but special rules apply to you if you are a student. If you are a student in full-time higher education (degree level or equivalent), you cannot usually claim Housing Benefit. However, you can claim it if you are studying part-time. If you are under 19 and on a course below degree level, you can also claim Housing Benefit (unless you have recently left care). You can also claim Housing Benefit if you get Income Support, Jobseeker's Allowance (income-based) or Employment Support Allowance (income-related) you are a single parent or you are disabled, regardless of whether you are studying full-time, or what level of education you are in. You can also claim if you are a member of a couple, you are both full-time students and you have dependent children. If you are a full-time student but your partner is not, it is possible for your partner to make the Housing Benefit claim instead of you.

How do I claim?

There is no automatic entitlement to Housing Benefit. Housing Benefit cannot be paid unless a valid claim is made in one of the following ways.

If you make a claim for Income Support, Jobseekers Allowance (income based) or Employment Support Allowance (income related) the information that is used for these claims is passed to the Local Authority if you want to make a claim for Housing Benefit.

If you make a claim for Pension Credit, the information that is used for your Pension Credit claim is passed to the Local Authority if you want to make a claim for Housing Benefit.

If you do not claim any of the above benefits you will need to complete an online application form, this is available at www.northtyneside.gov.uk. For further guidance you can visit a local Customer First Centre.

Sometimes we will write to you and ask you to fill in another form or to provide some further information or evidence.

You must provide the necessary information or documentary evidence as requested on the claim form in support of your claim; failure to do so may delay your claim. If further information is requested by us, you must reply within one calendar month from the date it was requested. Failure to provide it within the time limit may result in loss of entitlement.

What will you use to work out my benefit?

When we work out your benefit we take into account a number of things such as:

- the age, health and income & capital for you and your partner if you have one
- your Applicable Amount (we will tell you more about this later on)
- dependant children that live with you
- the age and income of any non-dependants that live with you (non dependants are explained in more detail later on)
- the rent that you pay

What savings count?

We need to know about all of your savings and investments. This includes things like shares, National Savings Certificates, investment plans and any other properties you own. You need to tell us about all bank or building society accounts that you have even if they don't have any money in them or you only use them to have benefits or wages paid into them.

If you have savings or investments worth more than £16,000, and you are not claiming Guarantee Pension Credit, you are not entitled to Housing Benefit.

- For working age claimants we ignore any savings up to £6,000 and for every £250 or part of £250 that you have over £6,000, we add £1.00 a week to your income.
- For claimants who are pensionable age we ignore any savings up to £10,000, but for every £500 or part of £500 that you have over £10,000, we add £1.00 a week to your income.

What expenses are taken into account?

We can take into account some expenses such as deducting 50% of pension contributions if you work. If you are working or considered to be in remunerative work we can take into account child care costs if you use registered childcare.

What is an 'Applicable Amount'?

This is the amount we compare your income against; to decide how much Housing Benefit we can award you. The Applicable Amount is what is considered by Government as an amount you need to live on each week. The level of Applicable Amount depends on how your household is made up. We take into account you, your partner (if you have one) children you have and add in any premiums you may be entitled to.

Premiums are awarded in certain circumstances for example if you or your partner is elderly or you, your partner or a dependant child is disabled.

What is a non-dependant?

We call any adult who lives in your household but is not your partner, a 'non-dependant'. We normally deduct some of your benefit for each non-dependant who lives with you. This is called a non-dependant deduction. The amount that we take off depends upon the income and age of the non-dependant.

We won't make any deduction for a non-dependant if you are blind; receive the care component of Disability Living Allowance (DLA), Attendance Allowance (AA), Daily Living Component of Personal Independence Payment (PIP) or Armed Forces Independence Payment (AFIP).

When will Housing Benefit start?

Generally a claim will start from the Monday following the date the claim is made, although there may be circumstances when a claim can start earlier depending on when a tenancy starts.

Where a claim is received during the week that the tenancy starts it may be awarded from the commencement of the tenancy date, as long as you, the claimant has physically moved into the property.

If a claim is submitted late, it can only be backdated to an earlier date in exceptional circumstances if the claimant can show "Good Cause" for failing to claim earlier. Only you, the claimant, can make a request for backdated benefit, the request has to be made in writing and must provide full details of why you made a late application.

Can you backdate my claim?

Housing Benefit can be backdated in certain circumstances. For **working age claimants**, benefit can be backdated by a **maximum period of one month**. You will need to prove that you had 'Good Cause' for not claiming sooner and that 'Good cause' existed throughout the whole of the period you are claiming backdated benefit for.

For claimants considered as pensioners, the **maximum period for backdating is three months**. However Pensioner claimants do not have to prove 'Good Cause'.

You can request that your Housing Benefit is backdated on the application form, when you first make your claim or when you receive your decision notice.

What is an Extended Payment?

An Extended Payment is an extra 4 weeks of Housing Benefit which you may be entitled to, if you or your partner start work after receiving certain state benefits continuously for 26 weeks. We pay this at the same rate as you were getting before you started work.

How much will I get?

Housing Benefit is worked out by using the rent that the council or housing association charge you, but we do not include things like heating, water rates or support charges. This is known as the Maximum Housing Benefit.

Housing Benefit is a means-tested benefit, which means that entitlement is affected by the amount of income and savings that you, the claimant /and partner and in some cases the other household members may have.

Rules introduced from 1st April 2013 mean that entitlement to Housing Benefit will be reduced for working age tenants of the Local Authority and Registered Social Landlords (Housing Associations) who are assessed as living in accommodation judged "too big for their needs". Claimants who have reached pensionable age will not be affected by this change.

What is meant by pensionable age?

'Pensionable age' is someone who has reached the age to qualify for State Pension Credit.

Is there a minimum amount of Housing Benefit?

Yes, the minimum amount we can pay is 50 pence.

Under occupancy - What does “too big for my needs” mean?

For working age tenants Housing Benefit will be based on the number of bedrooms the household is judged to need. All members of the household will be taken into account and then the number of rooms is worked out.

The rules allow one bedroom for the following:

- A couple
- An adult aged 16 or over
- Two children aged 10-15 of the same sex
- Any two children under 10
- Disabled member of a couple who is unable to share a bedroom
- A carer who regularly provides overnight care for the claimant, partner or other household member and does not reside with them
- Approved foster carer
- Adult, child in armed forces
- Disabled child who is unable to share a bedroom
- Any other child

Where a tenant is considered to have more bedrooms than the rules allow, the eligible rent we use to work out Housing Benefit will be reduced by a percentage. The percentage reductions are:

- 14% reduction for under-occupation by 1 bedroom
- 25% reduction for under-occupation by 2 bedrooms or more.

What will this mean?

If your household is assessed as needing less bedrooms than your home has, your benefit will be reduced. The important thing to remember is that the benefit you receive will be reduced by a percentage of your “eligible rent” NOT a percentage of the housing benefit you currently receive.

Some examples to show how the reduction in Housing Benefit (HB) works:

	Gross (Total) rent	Water Rates	Rent eligible for HB	Under-occupying by	Reduction in rent eligible for HB (%)	Current HB award	New HB award	HB reduced by
Family, girl 5 and boy 7 living in a 3 bedroom home	£94.00	£9.00	£85.00	1 bedroom	14%	£85.00	£73.10	£11.90 (14% of £85.00)
Couple living in a 3 bed home	£90.00	£8.00	£82.00	2 bedroom	25%	£80.00	£59.50	£20.50 (25% of £82.00)

If you share the care of your child with the child's other parent, your child will be treated as living with the parent who provides the child's main home. If your child spends equal amounts of time with both parents, they will be treated as living with the parent who claims Child Benefit for them. This may mean that you won't be allowed a bedroom for the child.

How will I be paid?

For Housing Association tenants - In the majority of cases we will pay you directly into a bank or building society account for reliability and safety. We normally pay your benefit in arrears every fortnight. In exceptional circumstances we can pay your landlord direct if you are 8 weeks in arrears and we believe that you are unlikely to pay your rent or the Local Authority considers that paying your landlord direct will assist you to secure or retain a tenancy. We normally pay your landlord in arrears every four weeks.

For Local Authority tenants - your Housing Benefit will be credited weekly onto your rent account.

Paying your rent

As a tenant you are responsible for paying your rent to your landlord. If you do not pay the rent your landlord may apply to the Local Authority to have it paid to them, or take other action to recover their money. Your landlord may also be able to go to the courts and ask that you be evicted from your home.

Eviction means that:

- you will lose your home
- your benefit may not be paid to you in the future
- you may have difficulty finding new accommodation, as your landlord is unlikely to give you a reference
- you will still have to pay the landlord the money you owe and possibly extra money to cover any court costs
- An application for re-housing could be affected as you may be considered to have made yourself intentionally homeless.

If you cannot pay your rent because of money problems you should ask for help. There are many organisations that can give you advice about debt and money problems. Please see the back of this booklet for a list of useful numbers.

Paying a landlord to secure a tenancy

Where the Local Authority considers it will assist the customer in securing or retaining a tenancy they can make the payment of benefit direct to the landlord.

Claimants, partner or other household member who are provided with overnight care

Where a claimant, or other household member partner needs, and is provided with overnight care which is provided by someone who does not live with them, we can include the carer in the household and allow a bedroom for the carer.

To qualify for this the claimant must show:

- That regular overnight care is needed and is provided by someone who does not live with them, and
- There is a bedroom available for that carer to use.

Foster carers

An additional bedroom may be allowed when working out a household's bedroom assessment if either the claimant or partner is an approved foster carer.

To qualify either the claimant or partner must match one of the following criteria:

- Approved foster carers who have a child placed with them
- Approved foster carers who are between placements, but only for a period of up to 52 consecutive weeks from the date of the last placement
- Newly approved foster carers but only for a period of up to 52 consecutive weeks from the date of approval if no child is placed with them during that period.

Before we can consider awarding an additional bedroom we require evidence of the letter from the social worker approving you as a foster carer.

A member of a couple who is unable to share a bedroom

An additional bedroom may be allowed for a member of a couple with serious disabilities that makes it inappropriate for them to share a bedroom.

The person must be in receipt of either the Disability Living Allowance Care Component at the middle or higher rate, the Daily Living Component of Personal Independence Payments, or Armed Forces Independence Payments.

Before making a decision we will need to consider the nature and severity of the disability, the frequency and nature of care required during the night and the extent and regularity of the disturbance to the sleep of the person who would normally be expected to share the bedroom.

Each case will be judged on it's own merits and we should be provided with sufficient medical evidence.

A child is unable to share a bedroom

An additional bedroom may be allowed for children with serious disabilities that make it inappropriate for them to share a bedroom.

The child must be in receipt of the Disability Allowance Care Component at the middle or higher rate.

Before making a decision we will need to consider the nature and severity of the disability, the frequency and nature of care required during the night and the extent and regularity of the disturbance to the sleep of the child who would normally be expected to share the bedroom.

Each case will be judged on its own merits and we should be provided with sufficient medical evidence.

Adult children in the armed forces

An additional bedroom may be allowed for an adult child in the armed forces while they are away on deployment. However the child must continue to live with their parents whilst they are not being deployed.

During the periods that they are not deployed (including time in barracks) the appropriate non-dependant deduction will be taken off your Housing benefit.

If my circumstances change do I have to tell you?

If you have a change in your circumstance that you think might affect your benefit **you must tell us about it** – a phone call may not be enough. We may require a signed statement or evidence. You must do this without delay and within 21 days at the latest. If you do not tell us you may lose benefit to which you are entitled to, or you may get too much benefit, which you may be asked to repay.

If you fail to notify a change in circumstance you may be liable to prosecution or the Local Authority could impose a penalty.

Changes you should tell us about

The list is not exhaustive but a change in your circumstance could be something like:

- Any of your children leave school or leave home;
- Anyone moves into or out of your home, including lodgers and sub tenants;
- Your income or the income of anyone living with you, including benefits, changes;
- Your savings or investments change
- You or anyone living with you becomes a student, goes on a Youth Training Scheme goes into hospital or a nursing home, goes into prison, or changes or leaves a job.

Changes in circumstances are effective generally from the Monday following the date of change.

If the change means that you are entitled to more benefit, then we will only be able to increase your benefit from the Monday after you tell us about the change, if you do not tell us within one month of the change happening.

However, if the change means that you are entitled to less benefit, we will reduce your benefit back to the date the change happened. We will also ask you to pay back any overpaid benefit.

What happens if benefit is overpaid?

Overpayments of benefit can occur for a number of reasons including:

- The claimant moving out of the property
- A change in the claimant's financial circumstances

When an overpayment has been identified, the Local Authority will inform the claimant of the overpayment, and if the landlord is receiving direct payments, they will also be informed of the overpayment.

The Local Authority must then decide whether or not the overpayment is one that can and should be recovered before deciding who to recover the overpayment from.

Overpayments that are to be recovered from claimants will be deducted from their ongoing benefit, if they are still in receipt of benefit. If they are no longer in receipt of benefit they will be issued with an invoice.

Overpayments that are to be recovered from a landlord can be recovered by issuing an invoice, or the Local Authority can seek recovery by deductions from payments made to the landlord in respect of other tenants.

Can I make an appeal about my benefit?

Yes you can make an Appeal. Appeals must be made within 1 month of the date of the decision letter. Appeals are heard by the Tribunals Service which is an independent body and is not part of the Local Authority. You can ask for an 'Explanation' of the decision if you want to know more about how a decision is made or for a 'Revision' if you think there may have been a mistake. You have one month in which to make an appeal, but the clock stops if you ask for a statement of reasons or reconsideration. Please ask for our appeal form if you wish to appeal your Housing Benefit decision.

Discretionary Housing Payments (DHP's)

These are extra payments that we can award a claimant to help them pay the shortfall in rent if they are unable to pay this from their income. They are a short-term solution only and awarded at the discretion of the Local Authorities. Further information can be found on the website.

Useful contact numbers

Working Homes Outreach Team

The Working Homes Outreach Team can help you with employment advice; they provide one to one advice on job search, support with application forms, interview coaching and provide access to training.

Tel: (0191) 643 8504

Email: employability.skills@northtyneside.gov.uk

Citizens Advice Bureau

Telephone advice line: 0344 245 1288

Email: www.ntcab.org.uk

StepChange

Debt charity

Tel: 0800 138 1111

www.stepchange.org

Five Lamps (Registered charity)

General enquiries, utility bill arrears, support & guidance moving into work.

Tel: 01642 608 316

Email: info@fivelamps.org.uk

Jobcentre Plus

Tel: 0800 055 6688

www.gov.uk/contact-jobcentre-plus

Money Advice Service

Tel: 0300 500 5000

www.moneyadviceservice.org.uk

You can get more information at www.gov.uk
it provides information on public services in one place.

Council contact numbers and addresses

Telephone Contact Centre

Tel: 0345 2000 101

Monday to Friday, 7.30am - 8pm

Email:

contact.us@northtyneside.gov.uk

benefits@northtyneside.gov.uk

envirolink@northtyneside.gov.uk

nt.repairs@kier.co.uk

Killingworth Customer Service Centre

White Swan Centre, Citadel East, Killingworth, NE12 6SS

Monday to Thursday, 9am - 4.30pm

Friday, 9am - 4pm

North Shields Customer First Centre

Northumberland Square, North Shields, NE30 1QU

Monday to Thursday, 9am - 4.30pm

Friday, 9am - 4pm

Wallsend Customer First Centre

16 The Forum, Wallsend, NE28 8JR

Monday to Thursday, 9am - 4.30pm

Friday, 9am - 4pm

Whitley Bay Customer First Centre

York Road, Whitley Bay, NE26 1AB

Monday to Thursday, 9am - 4.30pm

Friday, 9am - 4pm

Report fraud

Tel: 0800 854 440

Text phone: 0800 328 0512



North Tyneside Council

North Tyneside Council
Revenue and Benefit Services
Quadrant East, The Silverlink North
Cobalt Business Park, North Tyneside, NE27 0BY