

If you have any questions about your
Housing Benefit or Council Tax Benefit
phone us on: **01322 343705**

We welcome calls via Talktype.

Write to us at:
**Benefit Section
Dartford Borough Council
Civic Centre
Home Gardens
Dartford
Kent
DA1 1DR**

E-mail us at benefits@dartford.gov.uk

Visit our main Dartford office at the following times:

Monday to Thursday: 8.45am - 5.15pm

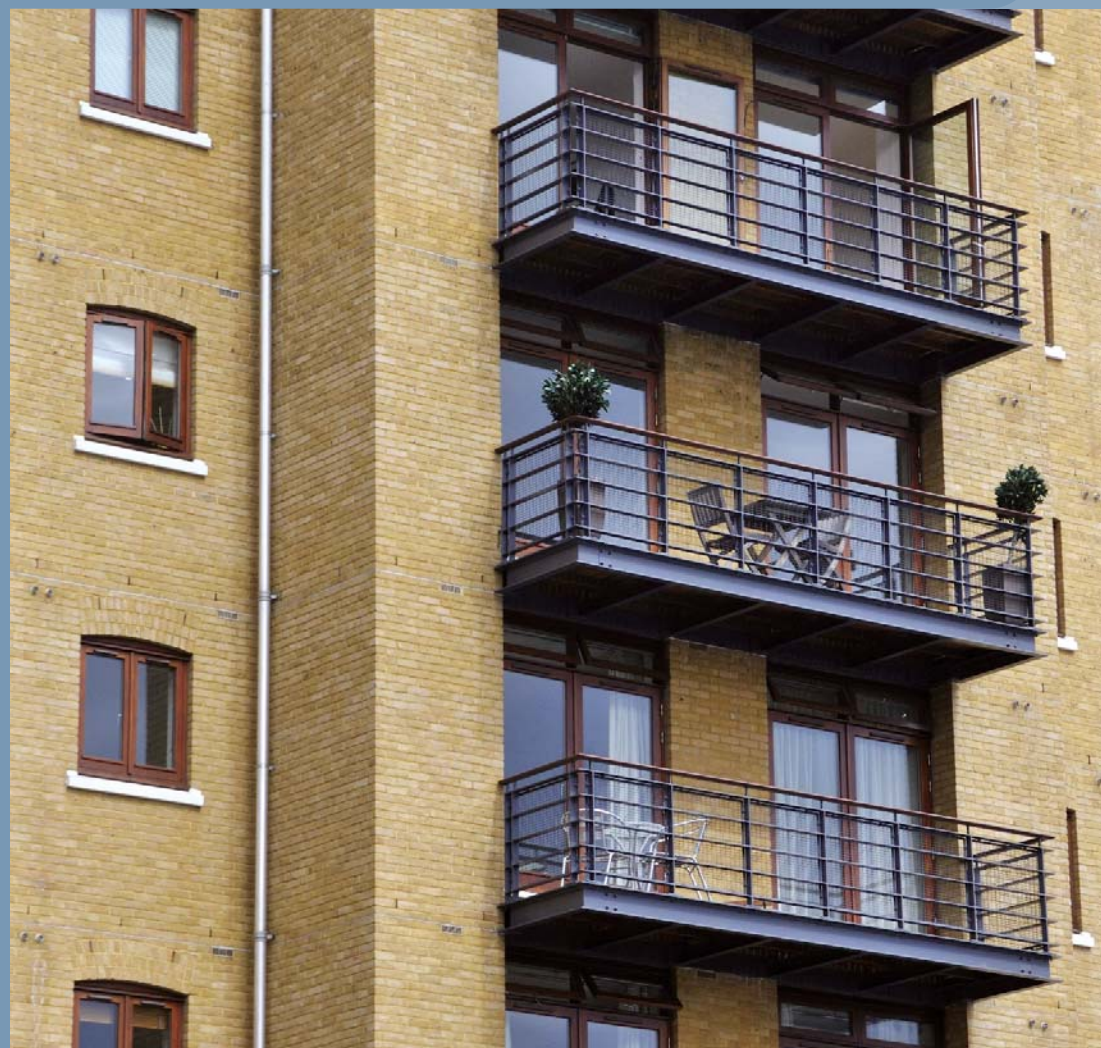
Friday: 8.45am - 4.45pm

What if I want to comment on your service?

Please get in touch with us. We would like to know what you think.
Information on how we deal with comments about our services
is available on our website www.dartford.gov.uk

Alternatively, a leaflet entitled '**How to complain to Dartford Borough Council**'
is available from our offices. This leaflet includes an easy to use complaint form.

Housing Benefit and Council Tax Benefit A guide for landlords



www.dartford.gov.uk/benefits

DARTFORD
BOROUGH COUNCIL

Equal Opportunities Statement

Dartford Borough Council recognises that there are groups in society who are discriminated against and therefore aims to make sure that all the people it serves have equal access to all facilities and services.

Leaflets available:

- A Guide for Working Age People (Leaflet 1)
- A Guide for Pensioners (Leaflet 2)
- Can my claim be backdated? (Leaflet 3)
- Changes you need to tell us about (Leaflet 4)
- A Guide for the Self-Employed (Leaflet 5)
- Extra help towards your rent & council tax (Leaflet 6)
- What do I do if I disagree with your decision? (Leaflet 7)
- What happens when I have been paid too much? (Leaflet 8)
- A guide for landlords (Leaflet 9)

This leaflet can be made available in large print, please phone: 01322 343705

This leaflet can be explained in other languages please phone: 01322 343705

Please note that whilst every effort has been made to ensure that the details given in this leaflet are correct, the information should not be treated as an authoritative statement of benefit regulations.

What is Housing and Council Tax Benefit?

Housing Benefit and Council Tax Benefit are national welfare benefits to help people on a low income or in receipt of benefit.

- Housing Benefit is paid to people who pay rent
- Council Tax Benefit is paid to people who pay Council Tax.

Housing Benefit and Council Tax Benefit are means-tested benefits. In other words a person's income, savings and investments must be below a certain level for them to qualify.

Local councils administer the Housing Benefit and Council Tax Benefit schemes according to government rules.

To get either benefit a tenant must fill in a Housing Benefit and Council Tax Benefit application form. Application forms can be downloaded from our website **www.dartford.gov.uk** or obtained from our offices - see the back of this leaflet for details.

Who can claim Housing Benefit?

Anyone who is responsible for paying rent can claim Housing Benefit. Whether they qualify will depend on their personal circumstances.

They will not qualify if:

- their income, or their partner's income, is too high
- they, or their partner, have savings or capital of £16,000 and above
- they live with, and pay rent to, a close relative
- they used to live with the landlord as a family member, relative, or friend, and now pay that person rent
- they are a member of a religious order
- they live in a registered care home such as a nursing home or old people's home
- they rent a former joint home from their ex-partner
- they are responsible for a child of their landlord
- they rent from a trust and they are a trustee or a beneficiary or
- they owned the property, at some time within the last 5 years, which they now rent (there are some exceptions - please ask for details).

There are other circumstances when a person would not qualify for Housing Benefit. Contact us if you would like to discuss a specific situation.

A tenant who thinks they may qualify for Housing Benefit and/or Council Tax Benefit should fill in a form and return it to us with the required proof of identity and circumstances. Our leaflets **A Guide for Working Age** (leaflet 1) and **A Guide for Pensioners** (leaflet 2) provide more detailed information.

How much benefit can be paid?

This depends on:

- their (and their partner's) income and savings
- their rental amount
- their household - age and size of their family, whether anyone in their family is disabled, and whether anyone who lives with them could help pay the rent and
- if they share paying the rent with someone else who is not their partner.

How much rent will my tenant get?

This depends on various factors, including whether they are affected by Local Housing Allowance. The LHA Scheme was introduced on 7 April 2008 and affects:

- new claims from tenants in privately rented accommodation
- tenants who move to a new address that is privately rented who are already getting Housing Benefit and
- private tenants who have a break in their claim of one week or more.

Are there exemptions?

If you are a landlord providing accommodation in one of the following types of tenancy, your tenants are **exempt** from the LHA scheme:

- registered social landlords' tenancies
- protected cases such as supported housing provided by certain social landlords, charities and voluntary organisations
- tenancies which are excluded from the current rent restrictions such as pre-1989 tenancies or
- exceptional cases such as caravans, houseboats and hostels.

Customers renting within these sectors continue to receive Housing Benefit calculated under existing rules.

How is Local Housing Allowance calculated?

LHA is calculated by the Rent Service for individual areas, known as Broad Market Rental Areas (BMRA's), each month. It is based on the mid point of a list of values for that size of property within the BMRA.

What are the rates based on?

Different LHA rates apply in different areas. Within those areas, they are based upon the median rent charged by landlords in the private sector for properties of various sizes.

LHA rates are further broken down into "Room Rates" that apply depending on the size of the household including non-dependants. Size criteria are based on allowing one bedroom for:

- every adult couple
- every adult who is not part of a couple
- any other adult aged 16 or over
- any two children of the same sex
- any two children regardless of sex under 10 or
- any other child (under 16).

The number of living rooms, kitchens and bathrooms is ignored for the purpose of the size criteria.

There is a separate LHA rate for one room with some shared facilities. This applies to people who are under 25 and live on their own, as well as anyone else who is living in non-self-contained accommodation or in a single room 'bedsit' flat.

Where will LHA rates be published?

We will publish the LHA rates each month on our website, at the Civic Centre in Dartford, and at our local office in Swanscombe. They will also be available at the Local Citizens Advice Bureau.

Who is Housing Benefit paid to?

Customers entitled under LHA

In the majority of cases, benefit is paid to the customer who will be responsible for making their own payments of rent to their landlord. In certain limited circumstances, benefit can be paid directly to the landlord.

What are these circumstances?

We have discretion to pay rent direct to the landlord where there is evidence that the customer would be unlikely to pay their rent and making direct payments would be in the interest of the customer. The following factors, which are not exhaustive, may be considered when deciding on whether direct payments should be made:

- the tenant is unlikely to pay their rent
- the tenant is eight weeks in arrears
- the tenant may have difficulties handling their own affairs.

Your tenant, you, or persons acting on your tenant's behalf, should write to us providing any relevant evidence if they or you feel the above is applicable. We will then make a decision taking into consideration our safeguard policy and the information provided and write to your tenant with our decision.

I already receive direct payment for some of my tenants. Will these payments stop?

No. Any tenant who was getting Housing Benefit on 7 April, 2008, will continue to be paid the old way. If you are receiving Housing Benefit payments direct on behalf of your tenant(s), these will continue to be paid to you.

The Local Housing Allowance rules only affects any tenants who make a new claim, move address to new private rented accommodation or have a break in their claim, on or after 7 April 2008.

All other customers

Housing Benefit is normally paid to the tenant. The tenant, however, may choose to have the benefit paid directly to their landlord. Housing Benefit Regulations also say that if a tenant has not paid a landlord for 8 weeks or more, we must:

- pay the landlord direct or
- suspend payment altogether if it is in the best interests of the claimant not to pay the landlord direct.

Please contact us as soon as your tenant owes you 8 weeks' rent or more. We would also like to know if you are considering issuing a notice seeking possession as we may be able to assist.

Can you pay me direct?

The choice of having the payment made directly to the landlord does not exist under LHA. Taking responsibility for the payment of essential items such as accommodation is an important aspect of helping customers with the move into work.

The requirement to pay directly is intended as a safeguard to protect vulnerable tenants as well as legitimate landlords, and remedial action may be taken if there is evidence that this safeguard is being abused.

For all other customers we usually agree to requests from a tenant to pay their landlord direct.

The tenant may also ask us to stop paying you direct. We will write and tell you if this happens.

If we pay you direct because your tenant owes rent, we will only start paying the tenant again if we are satisfied that they owe you less than 8 weeks' rent.

If we pay you direct we can ask you to repay any overpayment, even if you could not have known we were paying too much. But, if the overpayment was because of a change in a tenant's income or family, we may ask the tenant rather than you to repay it.

What is eligible rent?

Eligible rent is the rent we use to work out your tenant's Housing Benefit.

Eligible rent is not always the same as the rent being charged for the following reasons:

Housing Benefit does not cover service charges such as heating, water or meals, so they are not included in the rent.

Housing Benefit is based on LHA rates or rents set by the Rent Service, not on the rent landlords charge a tenant. All the rents charged by private landlords are referred to this service for consideration unless they fall under the LHA scheme or are otherwise exempt.

Housing Benefit is not always the same as the eligible rent. Once we have the eligible rent, we then take off certain amounts because of the tenant's income, or because they have other adults living with them - for example, an adult son or daughter, other relative or friend.

The tenant is always responsible for ensuring that the landlord receives the rent due.

What proof of rent will you need to see?

We need to see original proof of the rent the tenant has to pay. This is often a tenancy agreement, which must include:

- full name and business address of the landlord (or managing agent)
- full names of those renting the property
- address of the property
- date the agreement started
- the amount of rent payable
- payment frequency
- what is included in the rent, for example, meals, gas, electricity and water rates
- how often rent is payable
- how long the tenancy will last for
- the landlord's or agent's signature
- the tenant's signature and
- the date the document was signed.

When is Housing Benefit paid?

We usually pay Housing Benefit from the Monday after a claim is made and we will normally only pay benefit once the tenant has moved in.

If we get a claim in the same benefit week as a tenancy starts we will pay Housing Benefit from the start of the tenancy unless we have paid benefit at a previous address.

In certain specific circumstances we can pay benefit for an earlier period. This is called **backdating** and strict rules apply. See our leaflet **Can my claim be backdated?** (leaflet 3) for more information.

What could delay the payment of Housing Benefit?

A number of things can delay payment:

- the tenant has not sent us their claim
- the tenant has not filled in the form correctly
- we have not been given all the proof we have requested or
- we need to make further enquiries.

It is the tenant's responsibility to supply proof of identity, income, rent and anything else we require.

What if I have several tenants on Housing Benefits?

If you have several tenants on benefit we will combine all the payments in one BACS payment and provide you with a list of payment details.

How do you recover overpayments?

We can ask you or your tenant to pay back any overpayment of benefit.

The usual ways are:

- sending you a bill/invoice
- making weekly deductions from a tenant's ongoing benefit
- taking money from other state benefits a tenant is getting or
- taking money from your payments for other tenants.

What can I do if I disagree with a bill you send me?

You have the right to appeal against our decision to recover an overpayment from you.

What if I disagree with your decision about benefit?

You can appeal if:

- we refuse to pay you direct or
- we decide you should repay an overpayment.

Landlords cannot appeal about the amount of a tenant's benefit, or which weeks it has been awarded for, or the LHA rates.

What if my tenant disagrees with your decision about their benefit?

Your tenant can appeal against any decision we make about their benefit claim. They are told about their rights on each decision letter we send them. Further information is in our leaflet **What do I do if I disagree with your decision?** (leaflet 7).

What if my tenant's circumstances change?

You, or your tenant, must write to us straight away. If you are not sure whether a certain change will affect benefit, tell us anyway. We will let you, or your tenant, know whether or not the change in circumstance will result in a change in benefit.

See our leaflet **Changes you need to tell us about** (leaflet 4).

What should my tenant do if they change address?

If a tenant moves to a new address within the Dartford Borough Council area they should complete a change of address form. If they move out of the Borough, or come into the Borough from another area they must complete a Housing Benefit and Council Tax Benefit application form.

When a tenant leaves your property the benefit will normally end even if you are still charging them rent. The tenant is responsible for any rent due after benefit ends. In certain specific circumstances we can pay up to four weeks' Housing Benefit once your tenant has moved. This typically occurs when a tenant has an unavoidable liability to pay rent on two properties at the same time. If you think this situation applies to your tenant please contact us.

You, or your tenant, should tell us straight away if they are moving out.

If a tenant changes rooms in a house in multiple occupation, or board and lodgings accommodation, you should notify us using the tear out form at the back of this leaflet. Your tenant must complete and return a change of address form.

You must tell us immediately if a tenant moves out, or any other changes come to your attention that may affect their benefit. Please complete the form on page 15 and send it to us.

What information will you give me?

All details about a tenant's claim are confidential. We cannot give them to anyone without the tenant's written permission.

We cannot even confirm that a claim has been made.

If we pay Housing Benefit to you direct, we can tell you the date benefit started and ended, the weekly amount of benefit and how often it was paid, the amount we are taking directly from benefit to recover an overpayment, and details of any BACS payment made directly to you.

If we start or stop paying you direct, we will write to tell you.

It is up to you to collect any difference between the benefit we pay and the rent that is due.

If we pay Housing Benefit to your agent direct, we cannot give you any information. You must ask your tenant. We will give your agent the same information we would give you if we paid you direct.

Who pays the Council Tax?

A tenant aged 18 or over living in the property is usually responsible for paying the Council Tax.

There are however instances where owners who do not live in the property must pay the Council Tax. One example would be where a house is in multiple occupation.

What is a house in multiple occupation?

A house in multiple occupation or HMO is a property where a tenant, or tenants, rent a room in the property and share facilities, for example a bathroom or kitchen and each has a separate tenancy agreement with only their name on it.

In this instance the landlord or owner is responsible for paying the Council Tax.

Do students pay Council Tax?

If all the tenants are full-time students the property will normally be exempt from Council Tax for as long as they remain full-time students, even if it is an HMO.

For further information contact our Council Tax Section by telephone on 01322 343700 or email revenues@dartford.gov.uk

What about joint tenants?

A joint tenancy should show all the tenants' names and should have only one rent charge. The tenants are responsible for paying the Council Tax.

Landlord's Declaration of Tenant's Change of Circumstances

Reference number (if known): _____

Tenant's Name and Address: _____

Your Name and Address: _____

Date of change: _____

Details of change:

Continue over the page (if necessary)

Declaration. To my knowledge the details on this form are true and correct. I understand that if I give incorrect information, or withhold information, I will have to pay back any overpayment of benefit, and you may also take action against me. I know I must let the Benefit Section know about any further changes in my circumstances that may affect my claim.

Signature: _____ Date: _____

Landlord/Managing Agent: _____

Where can I get help?

You can always phone us for help and advice. For details visit our website www.dartford.gov.uk or see the back of this leaflet.

You could also contact or visit the following:

Dartford Citizens Advice Bureau
Trinity Resource Centre
High Street
Dartford
Kent
DA1 1DE

Telephone: 01322 224686
Fax: 01322 220448
Website: www.citizensadvice.org.uk

Telephone Advice:

Tues, Wed & Thurs 10am-1pm

Open Door (no appointments necessary):

Monday 10am-1pm

Wednesday 10am-1pm

Thursday 10am-1pm

Home visits are available by appointment for clients who are housebound and can be arranged by telephoning 01322 224686.

Free independent advice and information on a range of issues including legal rights, housing rights, welfare benefits and debt counselling.