

## A Landlord's Guide to Housing Benefit

October 2009

## **A landlord's guide to Housing Benefit;**

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## **Introduction**

Housing Benefit is a means tested Social Security Benefit administered by the Housing Executive on behalf of the Department for Social Development. It assists people on low incomes with payment of their Housing costs. Housing Benefit is an income related benefit and the amount of entitlement a person may have is calculated in accordance with rules made by the Department for Social Development and will depend on their Income, needs allowance, and eligible rent.

To get Housing Benefit a person must make a claim, if entitled they will be awarded Housing Benefit for an indefinite period unless there is either a relevant change in their circumstances or they vacate the property and move elsewhere. The rules and laws concerning the administration of Housing Benefit are contained in the:

- Housing Benefit Regulations (Northern Ireland) 2006
- Housing Benefit Regulations((Persons who have attained the qualifying age for state pension credit) Regulations (Northern Ireland) 2006
- The Social Security Contributions and Benefits (Northern Ireland) Act 1992
- The Social Security Administration Act (Northern Ireland) Act 1992

## **Standards Of Service**

The Housing Executive is committed to delivering a quality Housing Benefit service to all of our customers.

We will ensure that all those who claim Housing Benefit are treated fairly and courteously and that the service they receive is accurate, timely and accessible, enabling them to secure accommodation and, where relevant, helping them in the transition from benefits into work.

## **Processing Housing Benefit Claims**

All Housing Benefit Units aim to process Housing Benefit claims within 29 days of receiving the claim. Delays in the processing of claims may occur as a result of claimants not providing the relevant evidence and information required in order to process their Housing Benefit claim.

## **Changes in circumstances**

The Housing Executive aims to action all reported changes in claimant's circumstances within 10 days of receiving notification of the change. Delays in processing may occur as a result of claimants not providing all the relevant evidence and information relating to the change. The Housing Executive will accept notifications of changes by phone or in writing.

## **Correspondence**

The Housing Executive aims to reply to all written correspondence within 14 days of receipt. Should a particular enquiry require more detailed investigation a holding reply will be issued.

## **Providing Information to Landlords**

The Housing Executive will provide the following information to landlords, **providing** the claimant has signed the 'Sharing Information with your Landlord' section on their Housing Benefit application form.

- We have received a Housing Benefit claim form from the claimant
- The date from which Housing Benefit will be paid and the date it is due to be paid.
- A request has been made to pay Housing Benefit directly to the landlord.
- A request has been made to stop direct payments to the landlord
- Housing Benefit has stopped
- That the claimant has not responded to a request for information relating to their claim.

## **Who can claim Housing Benefit?**

A person can only claim Housing Benefit if they have a liability to pay rent and / or rates for the dwelling they occupy as their home. In the case of partners, either partner (but not both) can claim Housing Benefit regardless of which partners name is on the rent book or tenancy agreement.

People are considered liable to make payments in respect of the dwelling they occupy as their home if:

- They are the rateable occupier of the dwelling: or
- Such payments are made under an agreement which governs their occupation of the dwelling.

Tenancies which began before 1<sup>st</sup> April 2007 do not have to have a written tenancy agreement unless the tenancy is for a fixed term of over a year and a day. However the landlord of a tenancy which began after 1<sup>st</sup> April 2007 must provide written confirmation of the terms of the tenancy agreement within 28 days of the start of the tenancy. The landlord is legally obliged to provide the tenant with a rent book, regardless of when the tenancy commenced.

More information about private sector tenancies can be found at the following website:

[www.rentofficer-ni.gov.uk](http://www.rentofficer-ni.gov.uk)

## **Who cannot claim Housing Benefit?**

- People who do not have a legal liability to pay rent or whose liability to pay rent appears to have been created to take advantage of the Housing Benefit scheme.
- Tenants who reside with their landlord, and their landlord is a close relative (by close relative we mean parent, parent in law, son, son in law, daughter, daughter in law, step parent, step son, step daughter, brother, sister). The definition of close relative also includes the partner of any of these.
- A tenant is not eligible for Housing Benefit if he or she is responsible (or their partner is responsible) for their landlord's child.
- Most full-time students do not qualify for Housing Benefit, however students who are disabled, those with dependant children or those students in receipt of Income support / Jobseekers Allowance (Income Based) or Employment and Support Allowance **may** be eligible.
- Anyone with savings over £16,000 is normally not eligible to claim Housing Benefit.
- Some care leavers aged under 18 are not entitled to Housing Benefit as Social Services are responsible for meeting their living costs.
- Some people who are subject to immigration control or some EEA nationals who do not fulfil the Habitual Residence Test as defined in European legislation.
- People who live in residential care and nursing homes

## **Eligible Housing Costs**

Housing Benefit is intended to help people on low incomes with cost of rent, rates and other eligible housing costs. It is not intended to help with day to day costs such as food or heating. The amount of Housing Benefit a person is entitled to will depend on that person's maximum eligible rent and / or rates.

The amount paid by a tenant to their landlord usually comprises two elements, rent and rates, both of these are deemed eligible for Housing Benefit purposes.

The maximum eligible rent is not always the same as the rent being charged for the accommodation by the landlord or letting agent, however in case of exceptional hardship the Housing Executive has a discretionary power to pay above the maximum rent eligible for Housing Benefit through the Discretionary Housing Payment Scheme.

## **Local Housing Allowance (LHA)**

Local Housing Allowance is a rent assessment scheme for tenants who rent accommodation from private landlords. LHA is based on median rent levels for the Broad Rental Market Area the tenant lives in and how many people live with them. Entitlement to Housing Benefit will still depend on the tenant's income, how many people make up their household and any savings they have.

In setting the Local Housing Allowance, the Housing Executive gathers evidence of rents being charged in all areas across Northern Ireland and for all property sizes. These rent levels are updated and reviewed on a regular basis.

### **Who is affected by LHA?**

Local Housing Allowance applies to all tenants who make a new claim for Housing Benefit (including those who reclaim Housing Benefit) on or after 7 April 2008 for accommodation rented from a private landlord.

Local Housing Allowance also applies to tenants already claiming Housing Benefit who change address on or after 7 April 2008, and move into a property rented from a private landlord.

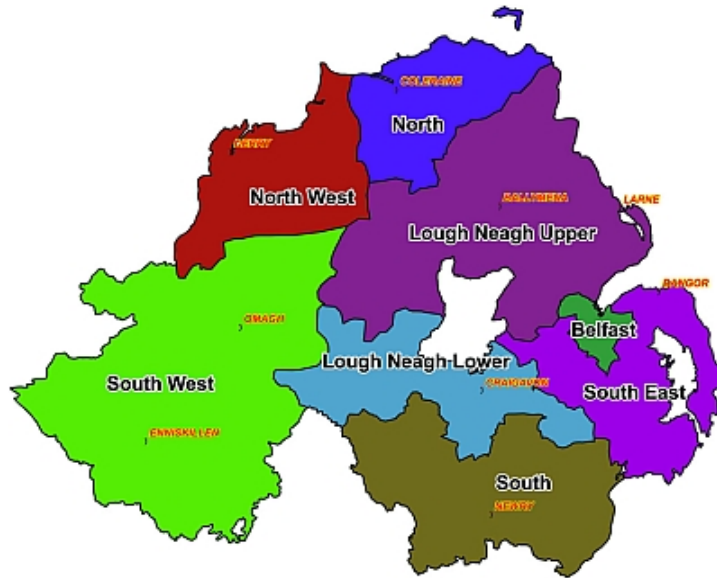
### **Who will not be affected by LHA?**

LHA will not apply to the following tenancies.

- A tenancy with the Housing Executive.
- A tenancy with a Housing Association.
- A tenancy where you get support from Health and Social Services, a Housing Association, a charity or a voluntary organisation.
- Some tenancies which started before April 1996
- A tenancy in a caravan, mobile home, houseboat or hostel.
- A tenancy where your rent is restricted under the Private Tenancies Order (2006) or the 1978 Rent Order.

### **How does LHA work?**

We have divided Northern Ireland into eight 'broad rental market areas' (BRMAs) as shown on the map.



A broad rental market area covers a number of neighbourhoods. In this broad area there will be different types of properties and other places to live within a reasonable travelling distance of similar public services.

The Housing Executive sets the LHA rates for different property sizes within each broad rental market area. Each rate of LHA is the middle of the range of rents for all types of properties with the same number of rooms in a broad rental market area.

### **How much LHA will be used?**

We publish LHA rates on our website on a monthly basis. This allows landlords and tenants to find out the maximum amount of rent that we will use to work out Housing Benefit. If you are providing accommodation in Northern Ireland, you will be able to see the LHA rate that will apply to your tenants.

The rate of LHA we will use to work out Housing Benefit will depend on:

- the area the tenant lives in – this will set the BRMA they fall under; and
- who lives with the tenant – this will decide how many bedrooms they need.

Tenants will be entitled to one bedroom for:

- every adult couple;
- every other adult (an adult for LHA purposes is someone aged 16 or over);
- any two children aged under 10;
- any two children of the same sex aged 10 to 15; and
- any other child.

Other rooms, such as living rooms, kitchens and bathrooms do not affect the rate of Local Housing Allowance.

**If the tenant is under 25 and lives alone (not including people leaving care who are under 22 years old)**

If the tenant is single and aged under 25 they will be entitled to the standard rate for a room in shared accommodation irrespective of the size or type of accommodation actually rented. We will base this rate on a property where the tenant has a room of their own but shares all or some of the facilities (for example, a living room, kitchen or bathroom).

This is known as the shared-room rate.

**If the tenant is over 25 and single, or a couple and have no children, or joint tenants**

We will usually base the rate of LHA on the number of bedrooms the tenant needs (one) and not the size of the property they live in. However, this will not apply if the tenant only has one room and shares the living room, kitchen and bathroom with other people. In this situation we will work out their Housing Benefit using the shared-room rate.

**Amount of LHA**

If the actual rent is lower than the rate of LHA, the tenant may receive up to £15 of the difference a week. This additional allowance is subject to review and may no longer apply after April 2010. If the tenant decides to move into a property with a rent that is higher than their rate of LHA, they will need to pay the difference.

The rate of Local Housing Allowance used for any claim will be the rate applicable at the date of the tenant's claim.

**How often will the Housing Executive review the rate of LHA?**

The rate of LHA used for a tenant's claim will remain fixed for one year unless the tenant's circumstances change, for example, if people join or leave their household. In certain cases their LHA may be protected.

**How will LHA be paid?**

The LHA scheme in Northern Ireland is different from the scheme that was introduced in England, Scotland and Wales. The tenant is still able to choose if they want to receive their Housing Benefit or if they want us to pay it direct to their landlord.

## **Pre Local Housing Allowance Claims**

Claims for Housing Benefit within the Private Sector made before 7<sup>th</sup> April 2008, (excluding tenancies subject to the 1978 Rent Order and Private Tenancies Order) are calculated differently to Local Housing Allowance claims.

Average rent levels for pre Local Housing Allowance claims are based on evidence drawn from smaller areas than the Broad Rental market areas used for Local Housing Allowance. There are also some differences in the method of calculating the average rent. This means that the eligible rent used for such claims can differ from the Local Housing Allowance rate in the same general area.

As with Local Housing Allowance, a “single room rent” is a rent which a landlord might expect to obtain for a property which provides exclusive use of 1 bedroom and shared use of a kitchen and bathroom facilities. Single claimants under 25 years are restricted to a single room rent where the rent charged by the landlord “exceeds the single room rent” this is regardless of the size of the actual accommodation occupied by the claimant.

These rental determinations are valid for 1 year unless there is a relevant change of circumstances e.g. a change in household composition or a substantial change or improvement in the condition of the dwelling. If there is no relevant change of circumstances the amount of Housing Benefit cannot be increased during this period. An increase in the contractual rent alone by the landlord is not deemed to be a relevant change of circumstances.

## **Eligible Rates**

Eligible rates for Housing Benefit purposes are the amount of rates payable on the claimants dwelling. In cases of joint occupation, the total rates of the unit will be established and apportioned accordingly.

It is strongly recommended that landlords quote the contractual rent on the Housing Benefit Certificate of Occupation exclusive of rates (i.e. their rental charge for the property alone without rates included in it). This will enable rates to be uplifted at the beginning of each financial year without affecting the rent charged.

In relation to houses of multiple occupation the rates will be apportioned in accordance with the number of rooms in the property and will be paid to the landlord over and above the rental charge (provided that the rental charge is quoted exclusive of rates by landlord) the landlord will then be responsible for making payment of rates on the property directly to Land and Property Services.

In all other cases Housing Benefit in respect to the rates can be paid directly to Land and Property Services providing the rate payee is identified and the rates reference number provided. If a rates reference number is not provided the rates will be paid

to the landlord or claimant depending on who we decide as being responsible for making payment to Land and Property Services.

### **Discretionary Housing Payments**

The Housing Executive is allocated a Discretionary Housing Benefit budget each year by the Department for Social Development, the purpose of which is to assist claimants with any shortfall between that eligible for Housing Benefit and that being charged by the landlord.

As this budget is limited, the Housing Executive often has to prioritise discretionary housing payment claims and only award payment to those claimants considered to be in the most financial need. In the majority of cases claimants will still have shortfall to meet and are required to make arrangements to make these payments directly to their landlord themselves.

Housing Benefit claimants are required to apply for a Discretionary Housing Payment. Applications are available from Housing Executive Housing Benefit Units or can be downloaded from the Housing Executive's website ([www.nihe.gov.uk](http://www.nihe.gov.uk))

It is necessary for claimants to renew their claim for Discretionary Housing Payments at least once a year, and in many cases they will be required to renew every 3-6 months.

## **Making a claim for Housing Benefit**

Any claim for Housing Benefit **must** be made in writing by the claimant on a Housing Benefit application form (commonly referred to as a HB1)

There are two types of Housing Benefit claims received by the Housing Executive:

### **Passported Claims**

Claimants who make a claim for one of the following 'passported benefits'

- Income Support,
- Employment and Support Allowance (Income Related),
- Jobseekers Allowance (Income Based)
- Pension Credit (Guarantee)

should also be invited to claim Housing Benefit at the same time by the Social Security Agency.

If for some reason this does not happen, claimants should obtain an application form directly from the Housing Executive

In other cases, the Housing Benefit claim form should be completed by the claimant and returned to the appropriate Housing Benefit Unit together with all relevant supporting information required.

### **Non Passported Claims**

Other claimants not in receipt of the passported benefits listed above can obtain a Housing Benefit claim form directly from the Housing Executive or download a claim form from our website ([nihe.gov.uk](http://nihe.gov.uk)).

The claim form when fully completed will supply personal details concerning the claimant, his or her family, and their income, earnings from work and tenancy details. All of these details are required for the claim to be successfully processed.

### **Housing Benefit Application Form**

The application form should be fully completed by claimant. All questions must be answered. The claimant must sign the declaration on the application form.

### **Proof of identity for the claimant and any partner**

It is important that the Housing Executive is sure of a person's identity when they are making a claim for Housing Benefit. An original passport, driving license, valid electoral identification card, birth certificate or other documentation such as benefit payment book will be required as proof of identity. Further advice on acceptable forms of proof of identity can be obtained from the Housing Executive. Proof of Identity **must** be provided by the claimant. In addition, if the claimant has a partner, proof of identity will be required for both the claimant and their partner.

### **Certificate of Occupation & Proof of Legal Ownership of a property**

It is the responsibility of the landlord to complete the Certificate of Occupation form. This form must **not** be completed by the claimant. The landlord will also need to provide proof that he or she is the legal owner of a property for which Housing Benefit is being claimed for. Proof of ownership can include an original solicitors / bank letter, original deeds of the property listing the owner/s may be sought.

Further advice on Proof of Ownership can be obtained from the Housing Executive.

### **Claimants who are not in receipt of 'passported benefits'**

In addition to the information above, claimants who not in receipt of passported benefits will need to provide **all** of the following that apply to them:

- Copies of all bank account statements for the last 2 months, for both the claimant and any partner or dependants that the claimant may have.
- Original wage slips for the claimant and any partner the claimant may have. If paid weekly, last 5 wage slips. If paid monthly, last 2 wage slips.
- Original 4 page Working Tax Credit / Child Tax Credit award notice issued to the claimant by Inland Revenue.
- Original documentary proof of any occupational works pension held by the claimant and / or the claimant's partner. This proof should shows payment frequency and amounts of the pension.
- Proof of all capital held by the claimant and /or the claimant partner such as, but not limited to, ISA's, Stocks, Shares, Bonds and land – including value of any land held.
- If the claimant or claimant's partner is self employed then we will require a fully completed Self Employed Form in addition to the main Housing Benefit application form. All questions on this form should be answered; in addition to this, copies of their business accounts and bank statements may be required.
- In the cases of Social Security Benefits, the Housing Executive can generally obtain proof of these directly from the Social Security Agency. However, we may ask the claimant to provide evidence of their

entitlement to such benefits in the event that we are unable to readily obtain such proof directly.

Where possible the above information should be securely attached to the claimant's application form at the time of application. This helps us to process the application as quickly as possible.

We recognise that it is not always possible for claimants to provide us with all of this information immediately. We will allow them one month to supply information that we have requested on receipt of their application form.

The Housing Executive may allow an extra period of time for the claimant to provide the information needed if we consider their delay to be reasonable.

If the claimant fails to provide the Housing Executive with information that Housing Executive has requested from them in writing within one month, and the claimant has not contacted the Housing Executive to request more time to provide the information requested, the Housing Executive may withdraw their Housing Benefit claim.

It may also be necessary for some claimants to be visited before their claim is processed and if a successful home visit cannot be carried out then this can delay the processing of their claim.

## How Housing Benefit is Calculated

Housing Benefit is determined by comparing the claimant's weekly income with their applicable amount, (this is an amount of income which the government sets as a needs allowance).

If a claimant's income is less than their applicable amount they will be entitled to maximum Housing Benefit. However, if a claimant's income exceeds their applicable amount, maximum Housing Benefit is progressively reduced.

The amount of Housing benefit a person may be entitled to may also be reduced because of non-dependants deductions. A non-dependant is someone who normally resides with the claimant such as an adult son or daughter, or other relative.

### The main elements in calculating Housing Benefit are:

- The claimants rent and rates converted to a weekly figure
- Any deductions for non-dependants living with the claimant
- The claimant's applicable amount; and
- The claimant's net income

When calculating Housing Benefit the first step is to establish whether the claimant is in receipt of a passported benefit. In these cases there is no need to calculate their applicable amount or net income and any capital they may have.

A Housing Benefit calculator is available from the Housing Executive's website at the following link:

[www.nihe.gov.uk/index/housingbenefit.htm](http://www.nihe.gov.uk/index/housingbenefit.htm)

Tenants can use this link to access this quick online calculator to get a rough guide to how much Housing Benefit they might be entitled to.

Please note, however that the rules governing Housing Benefit are very complex and the calculator is intended only to give an indication of your entitlement. The Housing Executive cannot guarantee that tenants will receive the amount of Housing Benefit shown on the calculator should they apply.

**Please note that neither the landlord nor the tenant should make any assumptions about whether Housing Benefit will be granted, or the amount payable, until a written notification of entitlement has been issued by the Housing Executive.**

### Effective date of claim for Housing Benefit

The general rule is that the date of claim for Housing Benefit is the date the application form is received by the Housing Executive. The date of claim determines

when entitlement to Housing Benefit starts. When a claimant contacts the Housing Executive (in person or by phone) and confirms that they intend to claim Housing Benefit, their date of claim will be the date of contact as long as they return their claim form within one month of this date.

### **Housing Benefit Decisions**

Once a decision is made on a claim, a notification letter is issued to the claimant. If payment of Housing Benefit is to be made to a landlord, he/ she will also receive notification of the start of payment.

### **Backdating Housing Benefit**

Housing Benefit is normally only paid from the Monday after receipt of the Housing Benefit claim form. Any request for backdating for a period before this must be made in writing by claimant outlining the reasons for the delay. Backdating will only be agreed when continuous good cause for delay is clearly demonstrated by the claimant. The maximum limit for backdating is 6 months for claimants aged under 60, or 3 months for claimants aged over 60.

### **Paying Housing Benefit**

The frequency of Housing Benefit payments is set down in the Housing Benefit Regulations. The Housing Executive has the discretion to decide how to pay benefit in any particular case, but must take into account the reasonable needs and convenience of the claimant. Where tenant wishes payment to be made directly to them, it is paid fortnightly in arrears. Payments made directly to landlord must be paid 4 weekly in arrears once the Housing Executive has been able to fully decide the claim.

### **Overlapping Housing Benefit**

Payment of Housing Benefit must end when a tenant leaves the property. There are however some circumstances where payment can continue during a period of temporary absence or where the tenant moves to a new property but can satisfy the Housing Executive that they still had an unavoidable liability for rent at the previous dwelling.

## **Housing Benefit Overpayments**

### **What is an overpayment?**

An overpayment is an amount of Housing Benefit which has been paid, but to which there was no entitlement under Housing Benefit Regulations.

For example, if a claimant failed to tell the Housing Executive that their income had increased and a re-calculation of their entitlement meant that they had been paid too much Housing Benefit.

The claimant would be responsible for repaying any overpayment as a result of this reduction in entitlement.

A fraudulent overpayment may occur when a person has deliberately provided a false statement or document, or has deliberately failed to report a change in circumstances with intention of obtaining or retaining benefit.

### **How does the Housing Executive deal with overpayments?**

The rules concerning the administration of Housing Benefit overpayments are contained in the Housing Benefit Regulations and other Social Security legislation.

The Housing Executive has a statutory requirement to implement these rules and has a duty to recover overpayments from claimants, letting agents and landlords. This includes:

- deciding that an overpayment has occurred
- deciding if the overpayment is recoverable and from whom
- deciding the amount and period of overpayment,
- issuing an overpayment notification
- taking appropriate recovery action.

### **Who is responsible for an overpayment?**

An overpayment is recoverable from either the person who caused the overpayment, or the person who received the overpayment. It may, for example, be recovered from a landlord or letting agent to whom Housing Benefit has been paid directly. However the circumstances in which the overpayment occurred normally help establish who the overpayment may be recovered from.

### **Claimant responsibility for an overpayment**

Where a claimant fails to report any changes in their circumstances which he or she has a duty to report to the Housing Executive, or provides inaccurate information in

relation to their claim any resulting overpayment is the responsibility of the claimant.

Examples of this would be:

- The claimant is no longer in receipt of Income Support / Jobseekers Allowance.
- The claimant failed to notify the Housing Executive of a change in circumstances relating to dependants or non dependants.
- The claimant's income changed (for example, they started work or claimed Tax Credits)
- The claimant or anyone living with them go into hospital a nursing home or prison, or has left home for more than a month
- Overpayments which occur as a result of the claimant committing fraud will always be recovered from the claimant.

### **Landlord / Letting agent responsibility for an overpayment**

Generally the Housing Executive will only recover an overpayment from the landlord where they receive direct payment of Housing Benefit and;

- The overpayment has been caused by a change in circumstances which the landlord could reasonably be aware of. This usually arises only where the claimant has left the property either with or without giving notice, or
- Where the landlord contributed to the overpayment by knowingly falsifying or omitting a material fact, or
- Where the landlord could clearly have realised they were being overpaid, e.g.: where the landlord was paid £500 per week when the rent was only £50 per week.

The Housing Executive must notify landlords when an overpayment is deemed to be the land lord's responsibility. The letter must state:

- The period to which the overpayment relates
- The amount of the overpayment
- The reason why there is a recoverable overpayment
- The landlords right to request a written statement
- The landlord's right to request an appeal of the determination.

## **How Housing Benefit Overpayments are recovered**

### **Recovery from the claimant**

When the tenant is responsible for the Housing Benefit overpayment, the Housing Executive may recover this overpayment by one or more of the following methods:

- From any arrears of Housing Benefit that may be due to the claimant
- By weekly deduction from the claimant's ongoing Housing Benefit which is paid to the claimant. When weekly deductions are made from the claimant, the landlord must ensure that he/ she collects the shortfall.
- By deduction from the claimant's other Social Security benefits
- By invoicing the claimant for the amount of outstanding overpayment
- By civil proceedings

### **Recovery from the landlord**

When the landlord is responsible for the Housing Benefit overpayment, the Housing Executive may recover this overpayment by one or more of the following methods:

- By weekly deduction from ongoing Housing Benefit which is paid directly to the landlord on behalf of the claimant to whom the overpayment relates. This may be in the form of:
  - A single payment of benefit owed to the landlord, or
  - A series of deductions from ongoing payments to the landlord
- Deduction from any benefits the landlord is entitled to. This method is only available when recovery could be made by deduction from any benefits including Housing Benefit and some other Social Security Benefits that the landlord is entitled to.
- By invoicing the landlord
- By civil proceedings

### **Blameless Tenant Recovery**

Where the Housing Executive decides that an overpayment is recoverable from the landlord, recovery may be made from Housing Benefit payments paid directly to that landlord in respect of any of their tenants. This method of recovery is known as the 'blameless tenant' recovery method.

If the Housing Executive notifies the landlord of an overpayment, and the time limits for the landlord's appeal rights (see page 20) have expired, we can recover the overpayment from the next payment due to the landlord.

If an overpayment recovery is made from the Housing Benefit of a tenant other than the one to whom the overpayment relates, that other tenant will be deemed to have

paid his rent to the value of that recovery. This tenant is known as the 'blameless tenant'.

When the Housing Executive uses this form of recovery, by law it must notify the landlord of the tenant that the overpayment relates to and the tenant from whom the overpayment is being recovered.

## **Landlord's rights**

### **Payment of Housing Benefit directly to landlords**

Housing Benefit can be paid to either the claimant or the landlord depending on the claimant's choice. However, payment **must** be made directly to a landlord where:

- The claimant has rent arrears of 6 weeks or more, (except where the Housing Executive considers it not to be in the best interests of the claimant to make direct payments to the landlord)
- An amount of Income Support / Jobseekers Allowance (Income Based) payable to the claimant / partner is being paid directly to the landlord to meet rent arrears.

**The landlord must always advise the Housing Executive when either of these applies.**

Direct payment **may** also be implemented where:

- The claimant requests or consents to such an arrangement or;
- The Housing Executive considers it to be in the interest of the claimant or;
- Housing Benefit is owing to a claimant who has left a dwelling with rent arrears (the amount paid will be limited to the amount of arrears of Housing Benefit).

### **Notifications to landlords**

Where payment is to be made directly to the landlord the Housing Executive must issue a written notification. The notification must include the following details:

- The date the arrangement will commence
- The right of a landlord to receive a written statement of reasons
- The right of a landlord to request an internal review or further review

The notification must also inform landlords that where an overpayment is recoverable from a landlord it may be recovered from direct payments in respect of other tenants. In such circumstances, the landlord must not treat those other claimants as being in arrears. Landlords will be advised of their responsibility to

report any change of circumstances they are aware of that might affect the claimant's Housing Benefit entitlement.

### **Landlord's Appeal Rights**

A landlord is defined as a "person affected" by a Housing Benefit decision and is entitled to use the appeal procedures in relation to:

- Any matter arising in connection with the payment of Housing Benefit directly to landlord.
- The recovery of any overpayment which is sought to be recovered from the landlord.

However a landlord receiving payment directly cannot appeal a decision relating to the amount of Housing Benefit awarded and whether an overpayment is recovered by deduction from the Housing Benefit of a tenant who has been overpaid: This is because this constitutes recovery from the tenant not landlord.

### **Landlord responsibilities**

#### **Landlords are responsible for:**

- Ensuring the prompt, accurate and full completion Certificate of Occupation.
- Providing the Housing Executive with proof that they are the legal owner of a property which they are letting to a claimant who is claiming Housing Benefit (when requested to do so by the Housing Executive).
- Reporting any changes in tenant circumstances which they might reasonably be expected to know will affect Housing Benefit entitlement.
- Advising the Housing Executive in writing of any changes in their bank account details, their address or telephone number.
- Repaying recoverable overpayments when requested to do so by the Housing Executive.

## **Disclaimer**

The Housing Executive has tried to ensure that the information contained in this guidebook is accurate.

Housing Benefit is a complex social security benefit, and the rules and regulations relating to Housing Benefit are constantly changing. Such changes can have a very significant effect on the administration of Housing Benefit.

This guidebook has been produced to provide landlords with an overview of Housing Benefit. It provides only basic information and cannot provide a full interpretation of the law governing Housing Benefit. This can only be provided in the relevant Acts and Regulations concerning Housing Benefit.

For the purpose of this guide, the term 'landlord' shall include property lettings agents appointed by the owner of a property to manage rental of that property on their behalf.

This guidebook has been written specifically for landlords and letting agents and does not apply to Hostels or Housing Associations.