

Housing Benefit Administration

1. **With regard to the administration of housing benefit, does NIHE ensure that properties have a valid Energy Performance Certificate before approving applications for housing benefit?**

Follow up email to request:

Having an EPC is a legal requirement of rental so why do HE not check this?

I would like to ask if HE's legal team feel they have any obligation to ensure EPCs have been carried out regardless if it has been legislated or not? It's my view there would be a requirement for the organisation to demonstrate and promote "best practice" in housing?

Are NIHE inadvertently allowing public funds to go to landlords operating illegally by not providing Energy Performance Certificates to tenants?

HE not ensuring these EPCs are present could be conceived as financially condoning "slum landlord" conditions regardless of whether we have a legal obligation to check this or not.

Could we ask what HE's legal team feel in this matter?

Housing Benefit is a social security benefit administered by NIHE. The scheme is subject to the Housing Benefit Regulations (NI) 2006 for working age customers and the Housing Benefit (persons who have attained the qualifying age for state pension credit) Regulations NI 2006 for those of pension credit age.

This legislation sets out the matters to be considered when deciding entitlement to Housing Benefit. For example, a claimant must satisfy the law in respect of occupying the property, having a liability to make payments and where appropriate a means test must be applied.

The Housing Benefit Regulations do not refer to Energy Performance Certificates in terms of a requirement to have such a certificate as a condition of entitlement. Similarly there is no provision within the Energy Performance Certificate scheme (or any other

legislative requirement) placing a responsibility on NIHE to take an EPC into account when deciding if an award of Housing Benefit can be made or the value of such an award.

Energy Performance Certificates are enforceable by Local Councils.

A Housing Benefit decision maker cannot introduce a requirement which is not provided for by legislation.

I can confirm that Legal Services do not hold any information falling within the scope of the FOI request.