

In all cases where a landlord is to receive Housing Benefit payments you will be asked to sign an undertaking, which requires you to inform us of anything that you become aware of which may affect the benefit entitlement of your tenant. It also advises you that you may be asked to repay any overpayment of benefit where that benefit has been paid directly to you. If you do not sign this undertaking we may refuse the request to make Housing Benefit payments direct to you.

## Overpayments

Overpayments are where people are paid too much Housing Benefit that they are not entitled to.

We can get back an overpayment from the tenant or you. We will take account of all the circumstances which caused the overpayment before we decide who to get the money back from.

If an overpayment happens because of a fraudulent claim or an unreported change of circumstances which you could not reasonably have been expected to know about, we will get the overpayment back from the tenant.

We will not ask for the overpayment to be paid back until we have given you or the tenant a reasonable opportunity to ask us to revise the decision, appeal against the decision or reach an acceptable payment agreement.

If we have made a decision to get an overpayment back from you, we will send you and your tenant a letter.

In some cases we may need to recover overpaid Housing Benefit for a customer who no longer receives Housing Benefit at your property. This may be offset against the benefit payments of current tenants, which are paid direct to you. These tenants are known as 'blameless tenants'. Where such a reduction in payments is being made the resulting shortfall in full Housing Benefit entitlement should not be deemed as rent arrears or collected from the blameless tenant.

If one calendar month has passed and you have not asked for an appeal or for us to revise the decision, we will send you an invoice showing the amount and how much to pay.

## Change of Circumstances

The tenant (or the landlord if it is reasonable for them to know about the tenant's change) must tell us about any changes in their circumstances within one calendar month of the date of the change.

If the change is not reported within this time, the tenant may lose out on any increased benefit entitlement, or an overpayment may be created.

## Can I appeal?

The claim for Housing Benefit is between your tenant and us even if the payments are going to you. This means that if you disagree with a decision we make you will generally not be able to appeal against it. Your tenant has the right to request a statement explaining any decision we make and also appeal against any decision.

You can only appeal against a decision to pay Housing Benefit direct to you or to recover an overpayment from you.

It is important for you to notify the Benefits Section if there has been a change of circumstances regarding the tenant. For instance, if your tenant has given notice to leave the property or if he/she leaves without giving notice.

You cannot appeal against the level of Housing Benefit or other aspects of the award. You may however support an appeal made by your tenant if you wish to.

You can contact the Benefits Section in the following ways

- You can email us at [benefits@winchester.gov.uk](mailto:benefits@winchester.gov.uk)
- You can telephone us on 01962 848 539  
Monday to Thursday from 8.30am to 5pm  
Friday from 8.30am to 4.30pm.  
Telephone calls may be recorded.
- You can fax us on 01962 848200
- You can write to us at  
The Benefits Section, Winchester City Council,  
City Offices, Colebrook Street  
Winchester, Hampshire, SO23 9LJ
- You can visit us at the City Offices (address above)  
Monday to Thursday from 8.45am to 5pm  
Friday from 8.45am to 4.30pm.

A private interview room is available at the City Offices

Website: [www.winchester.gov.uk](http://www.winchester.gov.uk)

Department for Work and Pensions Website:

[www.dwp.gov.uk](http://www.dwp.gov.uk)

# housing benefit information for landlords with tenants claiming housing benefit



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**Winchester**  
City Council

## What is Housing Benefit?

Housing Benefit helps people on low incomes pay their rent.

## Who can claim Housing Benefit?

A person may be entitled to Housing Benefit if he/she is liable to make rent payments in respect of a dwelling in the UK which he/she occupies as their normal home.

## Who may not claim Housing Benefit?

There are several instances where a person may not be eligible to receive Housing Benefit. The more common types are listed below.

- People living with a close relative (or a partner of a close relative)
- People under 16 years old and most people under 18
- Most students
- People renting a former jointly owned home from an ex partner, or persons renting their home from their child's other parent
- People living in tied accommodation
- A landlord cannot claim benefit on behalf of a tenant if a tenant does not wish to claim benefit.

## How is Housing Benefit worked out?

Housing Benefit Regulations are extremely complicated and cannot be detailed here.

However the basic principles are outlined below:

- An award of Housing Benefit depends on the applicant's income and their personal circumstances
- Please bear in mind when letting your property and setting your rent level that Housing Benefit cannot always pay all the rent
- The Housing Benefit calculation is based on the following:
  - Income e.g. earnings, pensions or other benefits
  - Savings and investments
  - Personal circumstances
  - Eligible rent.

If full benefit is not paid it is the responsibility of the customer to make up any shortfall of rent. If a tenant fails to do so, it will be a matter that must be resolved between the tenant and the landlord.

## Rent Levels

Currently we have two schemes in operation:

- Housing Benefit (HB)
- Local Housing Allowance (LHA).

## Housing Benefit

The full rent that a tenant is due to pay is not necessarily the rent level that we will use to work out their Housing Benefit. In most cases we ask the Rent Officer who works at The Valuation Office to tell us if the rent is reasonable. If the rent is not reasonable, they say what rent would be reasonable. The Rent Officer also tells us what the average rent for similar properties in the area are. For single people aged under 25, the Rent Officer will also tell us what the average rent for a single room is.

If the Rent Officer believes that the rent being charged is too high, we will use a lower figure provided by the Rent Officer to work out someone's Housing Benefit.

Some people's rent covers things that we cannot help with (for example, heating, lighting and meals) if the rent includes these things, we will not pay Housing Benefit to cover these items.

## Local Housing Allowance (LHA)

LHA was introduced in April 2008; it is a new way of working out Housing Benefit. LHA is based on the number of rooms people are allowed, not how much the rent is. The number of rooms allowed depends on who lives with the tenant as part of the household.

LHA affects any landlord who enters into a new private tenancy agreement with a person on HB.

Any person who is a private tenant and in receipt of Housing Benefit on 7 April 2008 will not be affected by LHA unless there is a break in their Housing Benefit entitlement or they move and enter into a new private tenancy agreement.

LHA does not apply to:

- Local Authority tenants
- Tenants of registered social landlords (Housing Associations)
- Tenants who have a registered or 'fair' rent
- Tenants whose tenancies commenced before January 1989
- Protected tenants, such as those in supported housing provided by social landlords, charities or voluntary organisations
- Tenants with tenancies of caravans, mobile homes, houseboats or hostels.

If you want more information on LHA, see LHA information for landlords leaflet.

## What are landlords entitled to know?

When someone claims Housing Benefit they have a right to expect that we will treat their claim confidentially. This means that we cannot discuss their claim with you. But if we are paying Housing Benefit to you, you have a right to know:

- How much we will pay to you; and
- The date we will start paying you from and how often.

We will always send you a letter telling you these things when we pay Housing Benefit directly to you.

If you require general advice on Housing Benefit this will be given to you.

## How is benefit paid?

Payment of Housing Benefit is normally paid by BACS transfer direct to the tenant. Payment may be made to you or your agent in the following circumstances:

- The tenant is vulnerable
- There are proven rent arrears of 8 weeks or more.

## When is benefit paid?

- Payments of Housing Benefit are normally made every 4 weeks, in arrears
- Where payment of Housing Benefit has been made to you or an agent as a result of current rent arrears; we may decide to resume paying the tenant again once the proven rent arrears have been cleared.