

## Housing Benefit and Council Tax Reduction Information leaflet for private landlords

Torfaen County Borough Council administers the Housing Benefit and Council Tax Reduction Schemes on behalf of Monmouthshire County Council.

### Guidance notes for landlords

The Housing Benefit (HB) Scheme is run by local councils on behalf of the Government.

**The Council Tax Reduction scheme** replaced Council Tax Benefit from 1 April 2013. In Wales responsibility for the new scheme has been devolved to the Welsh Government and will be administered by local authorities.

This leaflet explains some of the main features of the HB and Council Tax Reduction schemes and answers some of the questions you may have. However, if you need more detailed information please contact us.

### Who can claim?

A tenant can claim HB and Council Tax Reduction if they have to pay rent/council tax for their home and:

- are on a low income for example if they are in receipt of benefits, work part-time or work full-time; and
- have savings of less than £16,000.

However, if your tenant is living with you and is a close relative of yours, they will not usually be able to get HB.

### How does my tenant claim Benefit?

Depending on your tenant's circumstances, they will have to make a claim by contacting: Jobcentre Plus, the Pension, Disability and Carers Service or the Council.

They can contact us on **0800 028 2569**. We will need their name, address and contact phone number. We will then arrange to complete the claim with them by personal interview in one of our Customer Centres or One Stop Shops (located in Cwmbran, Pontypool, Blaenavon, Chepstow, Caldicot, Monmouth or Abergavenny).

If your tenant has difficulty getting into one of our offices we can arrange for a Housing Benefit Visiting Officer to visit them in their own home in order to complete the claim.

Alternatively your tenant can now apply for HB and a Council Tax reduction online using the [benefit calculator](#)

Your tenant should contact us if they need more information on making a claim.

## What do you need to process a tenant's application?

Your tenant will need to provide **original** documents as evidence of their income, savings and National Insurance Number. We also need these details for their partner (if they have one).

In addition we require tenancy details, including the type of tenancy they have and the rent they pay. Suitable evidence of tenancy details include a rent book or rent statement from you, a copy of the current tenancy agreement, a letter from you setting out the terms of the tenancy, or our **proof of rent form** filled in by you. Your tenant can get this form from us.

## How much benefit can my tenant expect to receive?

The amount your tenant will receive depends on the following:

- Your tenant's circumstances, such as their age, the ages and size of their family, whether they or any of their family is disabled, and whether anyone who lives with them could help with the rent.
- The money your tenant and their partner have coming in, including earnings, benefits, tax credits and occupational pensions.
- Your tenant's savings and their partner's savings.
- the number of bedrooms allowed for your tenant's household.

## Local Housing Allowance (LHA)

LHA is used to work out HB for private tenants. A LHA rate is included in the claim based on the number of bedrooms allowed for the tenant's household size. However if the rent is less than the weekly LHA rate, the maximum HB a tenant can receive is the same amount as their rent (they cannot get more money in HB than they pay in rent).

LHA rates are set for different types of accommodation in each Broad Rental Market area (BRMA) by the Rent Officer Service. In Torfaen and Monmouthshire there is one BRMA in each local authority area which covers the borough boundaries exactly. The rates range from a single room in a shared house up to properties with four bedrooms.

### Please note

LHA rates are frozen for four years from April 2016. This means that the rates will remain at the April 2015 level rate or the 30th percentile of local market rents, whichever is the lowest value.

The Rental Market Areas and the LHA rates are set by the Rent Officer Service Wales (part of the Housing Division of the Welsh Government). This service is totally independent from the local authority, therefore we have no control over the LHA rates set.

## Does LHA apply to all private tenancies?

**LHA applies to most private tenancies however it does not apply to**

- council or housing association tenancies
- tenancies that started before 1989, or
- tenancies in caravans, mobile homes, houseboats and hostels
- some supported housing schemes
- tenancies where the Rent Officer has decided that a substantial part of the rent is for board and attendance

- private tenancies where the tenant has continuously been in receipt of Housing Benefit prior to 7 April 2008. They will however move onto LHA if they change address or have a break in their claim.

## The size criteria under LHA

The details of who lives with the tenant (the number of people who share the accommodation with them) are used to work out the number of bedrooms a tenant is entitled to – the number of living rooms, bathrooms and kitchens are not included in the calculation.

**One bedroom** is allowed for each of the following:

- every adult couple (married or unmarried).
- any other adult aged 16 or over.
- any two children of the same gender aged under 16.
- any two children aged under 10.
- any other child, (other than a child whose main home is elsewhere)
- a carer or team of carers who provide the claimant, their partner, a disabled child or non-dependant adult with overnight care (providing they have a spare room for this purpose and as long as certain criteria are met. Please ask us for more information)
- A foster child/foster children (only one bedroom is allowed providing they have a spare room for this purpose. The foster-carers must be approved).
- Any non-dependant in the armed forces who is temporarily absent from their home (as long as they intend to return home) e.g. grown up son or daughter living with their parents who is away on operations.
- a couple or disabled child who is unable to share a bedroom because of their severe disabilities as long as certain criteria are met. Please ask us for more information.

### Single people

Single people under the age of 35 will normally be entitled to the shared accommodation rate, whatever type of accommodation they live in unless they are covered by one of the exemptions. Please contact us if you need more information regarding the exemptions.

### Childless couples

Childless couples will be entitled to the one bedroom rate of LHA if they rent a property of this size or any self contained accommodation. However if they live in a shared house e.g. if they are a joint-tenant they will normally be entitled to the shared accommodation rate.

### Example

Miss A is a single parent with 2 children under 10.

Under the LHA rules she would be allowed the LHA rate for 2 bedrooms.

## How can I find out about LHA rates?

The figures below show the Local Housing Rates will apply in Torfaen and Monmouthshire from 1 April 2019.

	<b>Torfaen</b>	<b>Monmouthshire</b>
<b>Accommodation Type</b>	<b>Weekly</b>	<b>Weekly</b>
<b>Shared Accommodation</b>	49.44	55.70
<b>One Bed</b>	75.14	90.90
<b>Two Bed</b>	97.81	115.07
<b>Three Bed</b>	110.41	136.93
<b>Four Bed</b>	131.64	172.60

If you want to find out the LHA rates for another local authority area you can access a room and [LHA calculator](#) on the government website [www.gov.uk](http://www.gov.uk) website under local housing allowance.

## Payment of Housing Benefit?

Payment will normally be made to the tenant.

However the Council will consider paying HB to the landlord in the following circumstances if:

- paying the landlord will assist the tenant to secure or retain their tenancy;
- the tenant is likely to have difficulty managing their financial affairs e.g. if the tenant is known to have a learning disorder or a drug/alcohol problem that would mean they are likely to have difficulty handling a budget;
- it is improbable that the tenant will use their HB entitlement to pay their rent;
- the tenant has not paid part or all of their rent and the Council considers feels that it is in the best interests of efficient administration to pay the landlord; or
- the tenant has left the accommodation with arrears owing to the landlord (in which case payment is limited to the level of the arrears).

Additionally the Council must pay the landlord if the tenant is in

- 8 weeks rent arrears or more-unless it is in the overriding interests of the tenant not to do so; or
- Part of the claimant's entitlement to Jobseekers Allowance, Employment and Support Allowance or Pension Credit is being paid direct to the Landlord or agent.

If you think your tenant has difficulty managing their affairs please advise them/their representative to contact us.

If you know your tenant is in receipt of HB and misses a rent payment you should contact us immediately so that we may review the payment arrangements.

Note-If we pay HB to the landlord it is the tenant's responsibility for paying the difference between the rent due and the HB we pay.

Any entitlement under the Council Tax Reduction Scheme will be credited to the Council Tax account.

### **Will I be told about my tenant's Housing Benefit entitlement?**

If we are paying the benefit direct to you, we will tell you how much HB your tenant is entitled to each week and the date of their claim. We will also tell you if the tenant's HB entitlement changes, for example if the benefit is cancelled.

However, if we are paying the benefit direct to your tenant, we will not tell you about their entitlement unless they have given us written permission to do so.

### **Will I be told anything else?**

If your tenant gives us written permission, we would be able to tell you whether:

- your tenant has claimed HB;
- we have made a decision on your tenant's claim; or
- we need more information to make a decision on your tenant's claim, and what that information may be.

### **We will not give you any information about your tenant's:**

- personal or household circumstances; or
- financial circumstances.

Your tenant can give us written permission to discuss their claim with you by completing the council's Sharing Information with you Landlord Form. This can be downloaded from the council's website under [Local Housing Allowance](#).

### **Do I need to tell you about changes in my tenant's circumstances?**

You must tell us about any changes in your tenant's circumstances if you:

- know about those changes; and
- think those changes may affect the tenant's HB entitlement.

Examples of changes we must be told about include if

- your tenant moves out;
- another person moves in with the tenant; or
- the tenant goes into hospital on a long-term basis.

### **Are Landlords responsible for paying back overpayments?**

If we pay you too much HB, we will look at the circumstances of the overpayment in order to decide:

- whether the overpayment is recoverable; and
- who the overpayment should be recovered from.

Consideration will be given to who has misrepresented or failed to disclose information and who could have reasonably been expected to realise they were being overpaid.

We will write to you if we decide to recover the overpayment from you.

### **Note**

In most cases we normally recover from the tenant even if the landlord was paid direct unless

- The tenant has moved address: or
- The landlord misrepresented or failed to disclose information and could have reasonably been expected to realise they were being overpaid.

## Can I appeal against your decision?

You can appeal against:

- the decision to pay benefit direct to your tenant; or
- the decision that there is an overpayment, the amount and the recoverability of that overpayment.

However, you cannot appeal against the amount of HB your tenant is receiving.

## Our Contact details

If you need more help, please contact us.

<b>TORFAEN RESIDENTS</b> should contact <b>TELEPHONE:01495 766430 or 01495 766570</b> <b>E-MAIL: <a href="mailto:benefits@torfaen.gov.uk">benefits@torfaen.gov.uk</a></b>  <b>Minicom</b> for those who are deaf or hard of hearing. The number is <b>01495 767871</b>	<b>MONMOUTHSHIRE RESIDENTS</b> should contact <b>TELEPHONE:01633 644644</b> <b>E-MAIL: <a href="mailto:benefits@monmouthshire.gov.uk">benefits@monmouthshire.gov.uk</a></b>	
<b>OUR ADDRESS-</b> Shared Benefit Service Level 3, Civic Centre Pontypool Torfaen NP4 6YB		
<b>IN PERSON at any of our One Stop shops, Community Hubs in Monmouthshire or Customer Centres in Torfaen.</b>		
<b>ABERGAVENNY</b> Abergavenny Market -Cross St, Abergavenny NP7 5HD	<b>CHEPSTOW</b> Chepstow Library- Manor Way, Chepstow, NP16 5HZ	<b>CALDICOT</b> Caldicot Library - Woodstock Way, Caldicot, NP26 5DB
<b>MONMOUTH</b> Monmouth Library, Rolls Hall, Monmouth, NP25 3BY	<b>USK</b> Usk Library - 35 Maryport St, NP15 1AE	
<b>PONTYPOOL</b> Level One Civic Centre, Pontypool NP4 6YB	<b>CWMBRAN</b> Cwmbran Library, Gwent House, Gwent Square, Cwmbran, NP44 1XQ	<b>BLAENAVON</b> Blaenavon World Heritage Centre Church Road Blaenavon NP4 9AS

**WELSH TRANSLATION** - If you require a copy of this document in Welsh please contact us on the telephone numbers above.