



Knowsl@y Council

www.knowsley.gov.uk

How to contact us

Information relating to the services which the Council provides and how to contact the various departments can be obtained from any Branch Library or One Stop Shop

In person: Please call at:

Huyton One Stop Shop
Municipal Buildings
Archway Road
Huyton
Merseyside
L36 9XJ

Kirkby One Stop Shop
Municipal Buildings
Cherryfield Drive
Kirkby
Merseyside
L32 1TX

Prescot One Stop Shop
Prescot Shopping Centre
Aspinall Street
Merseyside
L34 5GA

Halewood One Stop Shop
5/21 Ravens Court
Leathers Lane
Merseyside
L26 0UP

One Stop Shop opening times:

Monday to Friday 9.00am to 5.00pm
Saturday 9.30am to 1.00pm (Huyton, Kirkby and Prescot offices only)

By post: Please write to:

Housing Benefit Section
Knowsley Borough Council
Municipal Buildings
Cherryfield Drive
Kirkby
Merseyside
L32 1TX

By telephone:

Please ring contact centre on
0151 443 4042

By e-mail:

benefits@knowsley.gov.uk

By fax:

0151 443 4142

Disabled access is available at all of the One Stop Shops. The following facilities are available:

- Wheelchair/pram access and lowered desks
- Minicom telephone system for hearing impaired people. Please dial: 0151 443 4248
- Advisors trained in British Sign Language (up to Level 2)
- Access to BTs language line through which we can contact an interpreter in minutes
- Private interview rooms
- Friendly staff who are happy to assist

Leaflet MCL6

Information for Landlords



We believe that landlords are an important stakeholder in the service we provide. We aim to work with landlords to ensure they receive payment promptly and to make sure overpayments are minimised. In return we ask landlords to respect our obligations towards claimant confidentiality and the Data Protection Act when they make enquiries about their tenants.

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1. Who can claim Housing Benefit?

Housing Benefit is a scheme to help tenants who are unemployed or on a low income to pay their rent. Only the tenant can apply for Housing Benefit. A landlord cannot claim Housing Benefit on behalf of a tenant.

This is because benefit entitlement depends on the level of rent and on the personal circumstances of the tenant. To get Housing Benefit a tenant must:

- have a liability to pay rent; and
- be living in the property as their normal home; and
- make a claim for benefit

If a tenant fails, to meet any of these, they will not be eligible for Housing Benefit (there are some exceptions to this – see section 20 Temporary Absence).

All tenants must make a claim for Housing Benefit directly to the Council. Tenants who are claiming Income Support, Jobseeker's Allowance or Incapacity Benefit can make their claim for Housing Benefit directly to the Jobcentre Plus. The Jobcentre Plus will send the claim to us with confirmation of entitlement. Pensioners can claim through the Pension Service.

2. Can I find out how much you will pay before I take a tenant?

The landlord cannot find out how much the Housing Benefit entitlement will be before a tenant moves in. However, if a tenant is thinking of renting from you they can ask for a Pre-Tenancy Determination. This will give details of the maximum rent we can use when we work out benefit.

Your prospective tenant should make the application for a Pre-Tenancy determination but you will need to sign the form and arrange to allow the Rent Service access to the property. The Rent Service will write to you, your prospective tenant and the Council with the maximum rent details.

The maximum rent is not necessarily the amount of benefit someone will get. The amount of benefit is affected by income of the tenant and anyone else who lives in the household.

There is no appeal against the Rent Service's decision, at this pre-tenancy stage.

3. How long does it take to sort out benefit?

All Councils are required to pay Housing Benefit within 14 days of receipt of all information. There can be delays in making payments of benefits. These delays can be caused by:

- claim forms not fully completed or signed
- evidence of income, rent, identity or National Insurance number not being provided
- tenant not in when Rent Officer called

4. What can I do to help the process along?

Always make sure that your tenant has either a tenancy agreement, or some evidence of liability to pay rent. Photocopies are not acceptable.

It should be clear from this:

- how long the tenancy is for
- how much the rent is
- what services are included:
- how often the amount is due

The tenancy agreement should be signed by both the landlord and the tenant(s). If you are the agent for the landlord the agreement should give the landlord's full name and address.

5. When does the benefit start?

This depends on the date we get the form and the date the tenant moved into the address. This means that in most cases benefit entitlement will not start until the tenant moves in. Benefit is usually paid from the Monday following the date the claim is received.

If a tenant moves into a property and makes an application for benefit within the first week they are in occupation, we can pay benefit from the day they move in.

If the claim is received in the benefit week following occupation, the benefit will only be paid from the Monday following the date the claim is received. However, if they are in receipt of Income Support or income-based Jobseekers Allowance, they have up to one month to claim Housing Benefit.

Remember we may have already paid the tenant benefit based on their previous address.

6. How much benefit will I get on behalf of my tenant?

This depends on:

- what the rent covers
- if the rent is considered reasonable
- if the property is considered to be too large for the tenant and their household
- the tenant's personal circumstances and household composition

What the rent covers

Housing Benefit covers rent and a few services such as cleaning of communal areas and windows. It does not cover heating, cooking, hot water, lighting, water rates, laundry, room cleaning, meals etc. Personal care and support is not eligible as funding is from the Supporting People Fund.

7. How does the Rent Service decide market rents?

All claims from the private sector must be referred to the Rent Service. They will look at the referrals and decide whether the rent being charged is significantly higher than the landlord could achieve on the open market. They also look at whether the landlord would be likely to get the same rent from someone who was not claiming Housing Benefit.

The Rent Service collects information to decide whether a rent is significantly high or not. They may visit a property before deciding on a market rent figure.

Is the rent considered to be reasonable?

The Rent Service must consider the level of rent on all privately rented properties where the tenant intends to claim Housing Benefit.

We cannot pay Housing Benefit above the figures set by the Rent Service unless the tenant requires further assistance with their housing costs. In these circumstances a tenant can make an application for discretionary housing payments.

The Rent Service gives Housing Benefit specific rental values, which are used to work out the rent on which the benefit calculation is based. They will tell us whether they think the proposed rent is too high and will give a figure considered reasonable for the property. This is called the Market Rent.

The Rent Service will sometimes give a Local Reference Rent. This figure is an average of rents for the type of property in that locality. They will give a Local Reference Rent only where the market rent for the property is higher than the average rents for the type of property. This could mean that although the rent you are charging is considered reasonable by the Rent Service we cannot base our benefit calculation on it because it's higher than the Local Reference Rent. The purpose of this is to encourage tenants on Housing Benefit to look for affordable accommodation in the middle or lower rent brackets, so if they come off benefit they can afford to pay the rent themselves.

The Rent Service will also give a Single Room Rent for benefit claims for single people under the age of 25. Most single people under the age of 25 will have their benefit restricted to the cost of shared accommodation for example a house in multiple occupation. Tenants over the age of 25 living in a house of multiple occupation will also have their benefit restricted to a single room rent.

Is the property considered too large for the tenant?

If the Rent Service thinks the property has more rooms than the tenant needs they will give a figure for a suitably sized property. This is usually lower than the market rent for the property and is known as a size-related determination. When deciding whether a property is too large the Rent Service considers the number of living rooms and bedrooms but ignores the bathroom and kitchen and uses the following criteria:

- 1 bedroom for a couple or a single parent; plus
- 1 bedroom for 2 children under the age of 10 whatever the sex
- 1 bedroom for 2 children of the same sex under the age of 16
- 1 bedroom for a person aged 16 or over

One living room is allowed for up to 3 people, 2 living rooms are allowed for 4-6 people and 3 living rooms for more than 7 people.

For more information visit the Rent Service website at www.therentservice.gov.uk

The Rent Service when making a decision will not count children who are not normally resident at the property (for example visiting every weekend).

If The Rent Service provides a Market Rent, a Local Reference Rent and a Size Related determination, Housing Benefit will be calculated using the lowest figure.

What are the tenant's personal circumstances and household composition?

The amount of benefit payable depends on the tenant's individual circumstances. The income and capital of the tenant and his or her partner, age, dependant children and other adults, all have an effect. Special circumstances relating to disability may also have an effect.

8. Can I appeal against the amount of benefit my tenant is awarded?

No. Only the tenant can appeal against the amount of benefit they are entitled to. The tenant is the person who must make the claim for benefit, any benefit entitlement is the right and property of the tenant. It is up to the tenant to say whether they are unhappy with the amount of benefit being paid. Any appeal against the amount of benefit must be made and signed by the tenant at every stage of the appeal.

9. What rights do I have as a landlord?

If you receive direct payment, you then have the right to be told how much the weekly benefit is, how often it will be paid and the period covered. If we decide to stop paying you directly we must tell you that we have done this and the reasons why. You have the right to appeal against our decision to stop paying the rent direct.

If you ask for direct payments and we decide not to pay you, we must write to you giving the reasons. You can appeal against the decision.

Overpaid Housing Benefit can be recovered from you, but there is a right of appeal. The Housing Benefit Regulations say the tenant must make the claim, provide the information we need to deal with the claim and decide how benefit will be paid. The tenant has the right of appeal in relation to the amount of benefit he or she is entitled to or the amount of rent we are counting for benefit purposes.

10. Why does the Housing Benefit sometimes go down?

We may review a claim from time to time. All details of a claim are looked at when a claim is reviewed.

This includes looking at the level of rent being charged. It is necessary to get up-to-date market rent information from the Rent Service before we continue paying benefit and this can go down as well as up.

Benefit can also go down because a tenant's personal circumstances have changed. For example, the tenant may have had an increase in income or a change in the number of people in the household.

11. What information can I expect to get if I ring the contact centre?

The Data Protection Act is specific about what information can be given about someone's claim for benefit. If we award benefit and it is to be paid directly to you, we can tell you:

- the amount of the benefit
- how often it will be paid
- when we stop paying benefit

We will be happy to discuss other issues provided the tenant gives written permission to discuss their claim.

The important thing to remember is that the benefit claim belongs to the tenant and they are responsible for paying the rent for the duration of the tenancy.

12. What should I do if arrears of rent are building up?

The first thing to do is to speak to your tenant, remember they are responsible for the rent. If you think that the tenant is getting Housing Benefit and there are eight weeks arrears of rent, contact us straight away in writing. We normally pay the rent directly to the landlord in these circumstances.

Always contact us before you take any court action for rent arrears. We will try to help you and your tenant if we can.

13. Can I have benefit paid to me?

The tenant can ask us to pay the benefit directly to you but they can change their mind at any time. Some landlords make it a condition of the tenancy agreement that the benefit is paid directly to them. This agreement is with the tenant and not with the Council, even in these cases if the tenant asks for rent to be paid directly to them we must do this, but we will tell the landlord.

We can pay benefit directly to a landlord where there is evidence to show that a tenant is eight weeks or more in arrears with their rent. We will usually only refuse to pay a landlord direct where it is decided that the landlord is not fit and proper. Landlords may be considered to be not fit and proper if there are problems in getting overpayments back or the landlord is implicated in fraudulent claims for benefit.

14. How will payments be made?

Payments will be direct to your bank or building society account and you will be sent a schedule. This will tell you whose benefit is being paid to you, how much it is and what period it is covering. It will also tell you when we stop making payments to you for a particular tenant. Payments will be made every four weeks in arrears and may be affected by a deduction where we are recovering amounts to reduce or clear an overpayment.

15. Will I have to repay overpayments of benefit paid directly to me?

All overpayments are recoverable unless:

- It has been caused by official error. This is when the Council or the Department of Work and Pensions has made a mistake and the person entitled to the benefit couldn't reasonably have been expected to know they were getting too much
- If the person who received the overpayment or notice relating to the payment, could not reasonably be expected to realise they were being overpaid

Overpayments can be recovered by offsetting the overpayment against the tenant's ongoing benefit entitlement. If the benefit is being paid directly to you, a reduced payment will be made.

In some instances we will recover the benefit directly from the tenant even

though the benefit was paid directly to you. This will normally happen when we are happy that the landlord could not have known that they were not entitled to the payment. If there is still entitlement to benefit, future payments will be reduced until the overpayment is clear and you should collect any shortfall in rent.

16. How will you recover overpayments?

The 1997 Fraud Act allows us to recover overpayments of benefit by making deductions from future payments.

In the first instance we will normally only recover new and recent overpayments from your schedules. We can recover old overpayments from the schedules but we will do this only when all other attempts have failed – even then we will normally contact you first before recovering old outstanding overpayments by making deductions from future schedules. Your rights as a landlord are not affected by these powers of recovery.

You are still entitled to information about the overpayment and you can still appeal against the overpayment. However, you only have one month from the date you were notified about the overpayment to make an appeal. The time limit can be extended by up to one year in special circumstances. If your appeal is successful, any amount recovered from you will be refunded.

17. How does the Fraud Act affect me as a Landlord?

The Fraud Act is a significant act of law, it gives councils additional powers to help prevent and detect fraudulent claims for benefit.

It allows councils to get information directly from a landlord or agent if there are suspicions about a claim. The suspicions do not have to involve the landlord and could be in relation to any claim at any property the landlord owns or manages.

There are fines for landlords who fail to provide the information. Any time we ask you for information using these powers we will make it clear that we are doing so and what happens if you don't provide the information.

Landlords who allow or encourage a tenant not to report a change in circumstances can be guilty of an offence.

Where you are receiving payments directly, you have a duty to report changes in circumstances straight away, which may affect the amount of benefit you receive. Failure to do so may be an offence.

18. Are deposits paid by Housing Benefit?

No. Deposits are not eligible for Housing Benefit. If you require a deposit from a tenant, they will need to provide this from their own funds. If they are unable to do this, they can ask the Department for Work and Pensions for help.

From 6 April 2007 you must protect your tenants' deposits, in either a custodial or insurance-based scheme. For information visit www.direct.gov.uk/tenancydeposit.

19. Will the Council pay a month's notice if the tenant leaves without telling me?

We can only pay Housing Benefit if a tenant has a liability to pay rent and occupies the property as their home. A tenant who has left without giving notice may still have a liability to pay rent but no longer occupies the property as their home will not normally be entitled to benefit.

The only time we can pay benefit on a home that the tenant has left is if they qualify for overlapping benefit. Overlapping benefit means that the tenant is entitled to Housing Benefit at two different addresses for the same period. To get overlapping benefit the tenant must:

- have a liability to pay rent at a new address; and
- have claimed Housing Benefit at the new address; and
- have a liability to pay rent at the old address, which could not reasonably have been avoided

The tenant does not have to make a claim for overlapping benefit. However, they should tell us why he or she didn't give notice. If we agree that the tenant took all reasonable steps to prevent the liability at the old address continuing, we will pay overlapping benefit, but only for a maximum of four weeks.

20. Will you pay benefit if my tenant is absent from the property for a while?

We can continue to pay benefit if a tenant is away from home on a temporary basis. We can normally only pay for a maximum of 13 weeks if:

- the tenant's absence is temporary i.e. the tenant intends to return to the property; and
- the tenant's absence is likely to last no more than 13 weeks and

- the property is not let in the meantime

Some tenants may be temporarily absent for up to 52 weeks and still get benefit during this period. These are:

- A prisoner on remand
- A vulnerable student
- Absent through fear of violence
- A hospital in-patient
- Receiving medically approved treatment, care or convalescence
- Providing medically approved care or caring for a child whose parent or guardian is receiving medical treatment or medically approved care
- Absent because partner or dependant child is receiving medical treatment or medically approved care outside a residential home
- In a residential care home on a temporary basis

For example, if a tenant went into hospital with the intention of returning home within 52 weeks we would be able to pay Housing Benefit. If, after two weeks, it became clear that the tenant would not be returning home, the benefit would stop straight away.

The rules change for those in prison once they are sentenced. At that point they become subject to the 13-week rules.

21. What about Council Tax?

If you are liable for the Council Tax on the property and you pass this charge on to your tenants as part of their rent, the Rent Service will take this into consideration when setting the Market Rent.

If your tenant is liable to pay the Council Tax on the property, they can claim Council Tax Benefit on the same form as for Housing Benefit.

If you are liable for Council Tax on a property when it is classed as a house in multiple occupation, the decision is based on whether the property is built or adapted for tenants who do not form part of a single household or have separate tenancies or who pay rent for only part of the property.

22. What if I have a query?

You can call our Contact Centre or you can call in person at any of the One Stop Shops. You can write a letter to us, or email us. Contact details are at the back of this leaflet.

Merseyside authorities working together

This leaflet is one of a series produced by a number of Merseyside authorities to help you understand Housing Benefit and Council Tax Benefit. It is a general guide. People have different circumstances, so please contact us if you need more detailed advice. Addresses are on the back of this leaflet.



Leaflets and where to get them

All of these leaflets are available free of charge. You can get them from the One Stop Shops, Citizen Advice Bureaux and libraries. You can also download copies on www.knowsley.gov.uk.

For your ease, all of the leaflets have a reference to identify them:

MCL1	Starting Work
MCL2	Help with Rent
MCL3	Help with Council Tax
MCL4	How to claim Housing Benefit/Council Tax Benefit
MCL5	Help with Disputing a Benefit Decision
MCL6	Information for Landlords
MCL7	Housing & Council Tax Benefit Discretionary Housing Payments
MCL8	Housing & Council Tax Benefit for Young People
MCL9	Second Adult Rebate
MCL10	Council Tax Discounts and Exemptions
MCL11	Council Tax Disabled Relief
MCL12	Students



FIGHT FRAUD – PLAY YOUR PART

Benefit Thieves take money from your pocket. Don't turn a blind eye and let them get away with it. If you know or suspect a Benefit Thief, report it in confidence. You do not have to give your details.

Call FREE on **0800 0730532** or use the simple Online Form at www.knowsley.gov.uk

You can also get this information in other formats and languages. Please phone **0151 443 4031** or email customerservices@knowsley.gov.uk

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