

Housing Benefit Help with paying rent

Introduction

Housing Benefit is benefit for people on a low income to help them pay their rent. It is a national scheme that local Councils run on behalf of the Department for Work and Pensions (DWP) using rules set by the Government.

You may be able to get Housing Benefit if you are on other benefits, work part-time or work full-time on a low income. Housing Benefit does not help with Council Tax, but if you are on a low income you may be able to get Council Tax Rebate to help pay your Council Tax.

For more information about Council Tax Rebate, see our Council Tax Rebate fact sheet.

You cannot get Housing Benefit to help with the costs of a mortgage or home loan. If you own the home you live in, you may be able to get help with your mortgage interest through Income Support, income-based Jobseeker's Allowance, income-related Employment and Support Allowance (ESA) or Pension Credit.

This information is only intended to give general advice that we hope will be helpful. People have different circumstances so for more individual advice please contact us.

Who can get Housing Benefit?

To get Housing Benefit you must pay rent. This could be for a property you rent from the Council, a private landlord or a Housing Association. Your home could be a bedsit, or a room in a shared flat or house or you could have use of the whole property. You must live in the accommodation for which you are claiming. If you are getting Income Support, income-based Jobseeker's Allowance or income-related Employment and Support Allowance, you will automatically be within the income and capital limits for Housing Benefit and you will qualify for the maximum amount.

If you are on Pension Credit and you get the guarantee credit (whether on its own or with the savings credit), you will also automatically get the maximum amount of Housing Benefit.

Who cannot get Housing Benefit?

You will not get Housing Benefit if you rent your home from:

- a close relative who lives in the home with you
- the Crown unless the Crown Estate Commissioners manage your home
- a former partner for the home where you used to live together
- a company or trust you are connected to

In some situations, we may refuse your claim for Housing Benefit even though you have to pay rent.

We may refuse your claim if we think your rental arrangement:

- is 'non-commercial', for example, because it cannot be lawfully enforced.
- was set up only to get Housing Benefit (or take advantage of the Housing Benefit scheme).

We may not be able to pay Housing Benefit if:

- you are 16 or 17 years old and you have been in care (because the Council will have a duty to house and support you)
- you (or your partner) used to own the home and your ownership ended within the last five years.
- you live in your home as a condition of your employment or your partner's employment
- you live in your home because you are a member of a religious order that provides you with your living costs.

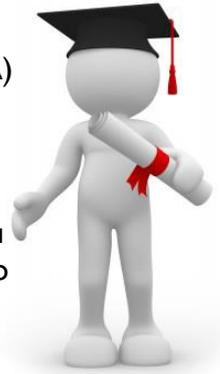


Students

Special rules apply to students. Student in full-time higher education (degree level or equivalent) cannot usually get Housing Benefit. However, you can claim if you are studying part-time or if you are under 19 and on a course below degree level.

Students getting Income Support, income-related Employment and Support Allowance (ESA) or income-based Jobseeker's Allowance, or students that are single parents or who are disabled will be able to claim Housing Benefit. This is regardless of the level of education they are in.

You can also claim if you are a member of a couple, you are both full-time students and you have dependent children. If you are a full-time student but your partner is not, contact us to see if your partner could make the Housing Benefit claim instead of you.



How do you work out Housing Benefit?



We compare your income to figures provided by the Government that reflect your basic weekly living needs. These figures make up your "Applicable Amount", which will vary according to your circumstances. If you have a partner living with you, we work out your benefit on your joint income and savings. The lower your income and the greater your needs, the more benefit you will receive.

To get Housing Benefit, your income and capital must be below a certain level. However, if you get certain benefits, different rules apply. Capital can be savings, land or property. However, we ignore some capital for example, your personal possessions.

If you or your partner have more than £16,000 in capital, you will not get any Housing Benefit, unless you are getting the guarantee credit part of Pension Credit.

How much Housing Benefit can I get?

The amount you can get depends on the rent you have to pay, your income and capital and who lives with you in your home.

Housing Benefit may not cover all of your rent or costs and services that could be included in your rent, for example, water charges, charges for heating, hot water, lighting or cooking, and payments for food or fuel.

If you are on Income Support, income-based Jobseeker's Allowance, income-related Employment and Support Allowance (ESA) or the guarantee credit of Pension Credit (whether you get it on its own or with the savings credit), Housing Benefit will cover all of your eligible rent. Remember this does not mean all of your rent or housing costs will be covered.

If you're not getting Income Support, income-based Jobseeker's Allowance, income-related Employment and Support Allowance (ESA) or the guarantee credit of Pension Credit, Housing Benefit may cover all or part of your rent. The amount you can get depends on your income and capital. The income you can have before it reduces your Housing Benefit depends on your circumstances, for example, your age, whether you have a partner or children, or whether you are disabled or care for a disabled person. If you are of working age and you or your partner have capital of over £6,000, we will assume you have some income from that capital. If you or your partner have reached the qualifying age for Pension Credit and you have capital of over £10,000, we will assume you to have some income from capital.



Regardless of your income, we may reduce the Housing Benefit you can get if another person lives with you who could be expected to pay towards their accommodation. See the next section on non-dependants

Non-dependants

A non-dependant is someone who is aged 18 or over who is not your partner and who lives with you such as an adult son, daughter, relative or friend. We make a deduction from your Housing Benefit for each non-dependant living in your home. This is called a “non-dependant deduction”. This is because it is assumed that they will contribute towards your rent regardless of whether this actually happens. The amount varies because it depends on their income. We will not make a deduction if the non-dependant is:

- Getting Pension Credit; or
- Aged under 25 and getting Income Support, income-based Jobseekers Allowance or income-related Employment & Support Allowance that doesn't include a support or work related activity component

We will apply a weekly deduction of £14.65 for non-dependants who are:

- aged over 25 and getting either Income Support or income-based Jobseekers Allowance
- getting main phase Employment & Support Allowance
- over 18 and not working

If the non-dependant is in paid work, we need to know their gross weekly income and we will apply the following weekly deductions:

- £14.65 where earnings are less than £133 a week
- £33.65 where earnings are from £133 to £195 a week
- £46.20 where earnings are from £195 to £253 a week
- £75.60 where earnings are from £253 to £338 a week
- £86.10 where earnings are from £338 to £420 a week
- £94.50 where earnings are more than £420 a week



Benefit Cap

From April 2013 there is a limit on the total amount of certain benefits most working age households can get. This is called a Benefit Cap. You are of “working age” if you are under the qualifying age for pension credit.

The government will add up how much money you get from a range of benefits, including Housing Benefit, Universal Credit, Income Support, Jobseekers Allowance, Employment and Support Allowance, Child Benefit, Child Tax Credit, Bereavement Allowance, Maternity Allowance, Severe Disablement Allowance, Widow's Pension, Widowed Parent's Allowance, Widowed Mother's Allowance and Carer's Allowance. If the total comes to more than the maximum amount allowed your Housing Benefit will reduce.



The maximum amount of benefit you will be able to receive will be:

- ✓ £500 per week for single parents
- ✓ £500 per week for couples with or without children
- ✓ £350 per week for single people without children.

This will not apply to you if either you or your partner:

- ✗ work enough hours to qualify for Working Tax Credit.
- ✗ Industrial Injuries Benefit, War Widow's or Widower's Pension, Personal Independence Payment, Armed Forces Independence Payment, the support element of Employment and Support Allowance or Attendance Allowance

You will also be exempt from the cap if a child or young person for who you are responsible gets Disability Living Allowance, Personal Independence Payment or an Armed Forces Independence Payment.

The Government is introducing measures to reduce the cap to £257.69 a week for single people without children and £384.62 for everyone else. This reduced cap is expected to be introduced in Autumn 2016.

[Download the Benefit Cap factsheet for more information on www.westsomerset.gov.uk](http://www.westsomerset.gov.uk)

Council Tax Rebate

Council Tax Rebate is a means-tested benefit to help people on low incomes pay their Council Tax bill. If you complete a claim for Housing Benefit using our claim form, we will automatically work out if you can get Council Tax Rebate.

[Download more information on Council Tax Rebate on www.westsomerset.gov.uk.](http://www.westsomerset.gov.uk)

If you rent your home from a Housing Association or a Registered Social Landlord

We may have to restrict your Housing Benefit if you are of working age and you have more bedrooms than the Government say you need. If you are not sure how many rooms are considered as bedrooms in your home, your tenancy agreement will usually give this information. You will be allocated one bedroom for:

- ✓ each adult couple
- ✓ any other person aged 16 or over
- ✓ two children of the same sex under the age of 16
- ✓ two children under the age of 10 regardless of their sex
- ✓ any other child
- ✓ if you or your partner need overnight care.
- ✓ a carer (who does not normally live with you)
- ✓ a severely disabled child when it is inappropriate for them to share a bedroom
- ✓ an empty room expected to be used by a foster child for whom you will provide foster care
- ✓ a room left empty by an adult child serving in the Armed Forces while they are “away on operations”



The new rules **will apply** even if:

- ✗ you and your partner need to sleep apart because of a medical condition
- ✗ the main residence of your children is another address, but you have a spare room for when they stay with you.

If you have one “spare” bedroom we have to reduce the maximum amount of Housing Benefit you can get by 14% of the rent you pay every week. If you have two or more spare bedrooms, we will reduce the maximum Housing Benefit you can get by 25%.

For example, if you have 2 spare bedrooms and your weekly rent is £100 and your Housing Benefit is £30 a week, we must cut your Housing Benefit by £25. This means you will get Housing Benefit of £5 a week and you must pay £95 towards your rent.

We will not apply a restriction for the following people:

- those over working-age or with a partner over that age
- disabled people in “supported exempt” accommodation. This is accommodation provided by a county council, housing association, registered charity or voluntary organisation that provides care, support or supervision for the tenant
- homeless people in temporary accommodation
- those in shared ownership homes
- those in “non-mainstream” accommodation, such as mooring charges for house boats and site charges for caravans and mobile homes
- people who are under-occupying because of a death in the household - no restriction for up to 12 months
- people who could previously afford to pay their rent and haven’t claimed Housing Benefit in the last 52 weeks - but they will only be exempt from the restriction for the first 13 weeks of their claim.

In joint tenancies, we’ll make a deduction based on the proportion of rent the Housing Benefit claimant has to pay.

Example 1

Jane is a lone parent with one child, Freya. She lives in a four bedroom house as a joint tenant with her friend Wendy and pays half the rent of £120 a week. Wendy is unemployed and claims Housing Benefit. Because of the under-occupancy rules, Jane and Wendy only need three rooms. To work out Housing Benefit, we would reduce the whole rent of by 14%, making it £103.20. Wendy has to pay half, so the maximum Housing Benefit she could get would be £51.60.

Download the Under-Occupancy factsheet for more information on www.westsomerset.gov.uk



If your Housing Benefit does not cover all of your rent and you need more help, you may be able to get some extra help through a Discretionary Housing Payment.

Download the DCTA and DHP fact sheet for more information on www.westsomerset.gov.uk.

If you rent your home from a private landlord

If you pay rent to a private landlord, we will normally restrict the rent your Housing Benefit can cover to an amount set by the Valuation Office Agency (VOA). The information below is for anyone who claims Housing Benefit on or after 7 April 2008

If you rent your home from a private landlord, when you make a new claim for Housing Benefit we normally work out how much rent your Housing Benefit can cover using the **Local Housing Allowance** rules. Local Housing Allowance rules will also normally apply if you move address, even if this is within West Somerset.

The VOA base the Local Housing Allowance (LHA) on rent prices for the area you live in and the number of rooms Housing Benefit rules say you need for your household. This may not be the same number of rooms you are actually living in. We work out the number of bedrooms you need in your home by looking at the people who live with you. We do not count other rooms such as a living room, kitchen or bathroom.

Each non-dependant, non-dependant couple, sub tenant or boarder adds one bedroom to the number of bedrooms you are entitled to under LHA. However, there may be non-dependant deductions that will reduce your Housing Benefit. This is because we may expect them to pay towards your rent. You must tell us about any sub tenants and boarders too.

The following information is a guide to work out how many bedrooms you are entitled to. You are entitled to one bedroom for:

- every adult couple (married, unmarried or in a civil partnership)
- any other adult aged 16 or over
- any two children of the same sex aged under 16
- any two children aged under 10
- any other child
- an overnight non-resident carer
- a severely disabled child when it is inappropriate for them to share a bedroom
- an empty room expected to be used by a foster child for whom you will provide foster care
- a room left empty by an adult child serving in the Armed Forces while they are “away on operations”



If you're single, under 35, and have no dependent children, we base your Housing Benefit on the rent for a single room with shared facilities. However, some people are exempt from this, for example, care leavers under 22, some disabled people and people aged 25 to 34 who have been living in a homeless hostel.

The Local Housing Allowance rates for the West Somerset area from April 2016 are:

- £63.25 - £64.14 a week for a room in a shared house.
- £92.05 a week for a one bedroom property.
- £115.07 - £120.82 a week for a two bedroom property.
- £138.08 - £145.67 a week for a three bedroom property.
- £168.46 - £184.11 a week for a four bedroom property. This also applies to property with more than four bedrooms.

Where Local Housing Allowance rules apply, we base your rent for Housing Benefit on the lowest of either:

- your rent; **or**
- The Local Housing Allowance rate that applies to you.

You may find the Housing Benefit you are entitled to won't cover all your rent. If this is the case, you may have to make up the difference out of any other income you have, or find cheaper accommodation.

You cannot appeal the VOA's Local Housing Allowance rates. However, you can challenge our decision on how much Housing Benefit we pay you if you think it's wrong.



If you need information on rules that apply for people who claimed before 7 April 2008, please contact us.

Can I get Housing Benefit on two homes?

You can usually only get Housing Benefit for one home at a time. However, if you have to pay rent for two homes, you may be able to get Housing Benefit for both homes for a limited period. This might apply, for example, if you move home quickly and have to pay rent on your old home, if a new home is being adapted for a disabled person, or if you have to leave home because of domestic violence.

Housing Benefit can be paid on two properties **for up to four weeks** in the following circumstances:

- You have moved into the new property, and
- You could not reasonably have avoided having to pay rent on both properties.

It can be paid for up to 52 weeks in the following circumstances:

- Leaving a property through fear of violence (providing there is an intention to return to the main home)
- Students and their partners unavoidably occupying two properties, or
- Large families that need to be housed in two properties:



Housing Benefit before moving in

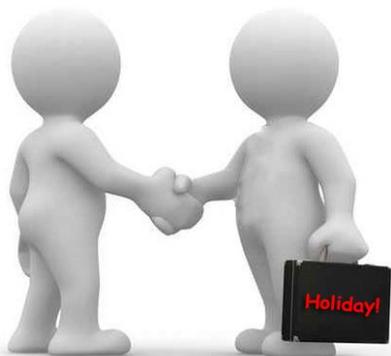
You must make a claim for Housing Benefit before you move into your new property.

Benefit can be paid for a maximum of 4 weeks before you move into your new home if;

- You have actually moved into the new home; **and**
- You had to pay rent on your new home before moving in; **and**
- You make a claim for Housing Benefit before moving in; **and either**
 - The move was delayed while necessary adaptations were made to the new home to meet the disabled needs of you or a member of your household; or
 - The move was delayed waiting for the outcome of a social fund application relating to your new home and your household includes a child aged 5 years or less, or a pensioner or a disability premium applies; or
 - You had to pay for your new home while you were a patient in residential care, hospital or a nursing home.

You must tell us immediately if you think you may be entitled to benefit on two homes or benefit for rent that is due for a period before you moved into your new home. We will write to you if we need any more information. We will tell you in writing whether you qualify for any extra benefit.

If you are away from home



If you are temporarily away from home and still have to pay rent, you may be able to carry on getting Housing Benefit. This might apply, for example, if you are in hospital or if you are away from home because of a fear of violence. You can only get Housing Benefit for up to a set number of weeks while you are not living at home. Contact us for more information if you need Housing Benefit while you are temporarily away from home.

Minimum payments

The minimum amount of Housing Benefit that we can pay each week is 50p. If we work out your benefit and you are entitled to less than 50p a week, you will not get any Housing Benefit.

How to claim Housing Benefit



You can claim Housing Benefit (and Council Tax Rebate) using our **Tele-claim Service**.

Telephone us on **01823 356321**.

Our lines are open weekdays from 8.30am to 5.00pm. We will ask you the questions we need to work out your claim. We will complete a claim for you, print it and send it to you to sign to confirm all the information is correct.

You can also come to see us. We can arrange a private appointment to help you with your claim. If you give us all the information and proof we need, we can work out your claim with our **There and Then Service**.

You must answer all the questions on the claim form that apply,

Information to support your claim

When you claim Housing Benefit, you must give us your national insurance (NI) number. If you do not have a national insurance number, you must apply for one. We will need to see proof that the number belongs to you. If it is your first claim from West Somerset Council, we will need to see evidence of your identity, for example, a birth certificate.

If you get Income Support, income based Jobseeker's Allowance, income-related Employment and Support Allowance or Pension Credit, we can get details of your income and capital from the DWP or the Pension Service. We will use these details to work out your Housing Benefit.

If you don't get Income Support, income based Jobseeker's Allowance, income-related Employment and Support Allowance or Pension Credit we will need to see proof of your income and capital, for example, a savings book or wage slips.

If you rent your home from anyone other than the Council, we will need to see proof that you are responsible for paying rent, for example, a tenancy agreement and rent receipts.



Getting Housing Benefit backdated

You may be able to get some Housing Benefit for a period before you make your claim if you could have claimed earlier. Getting benefit for a period before you claim is called 'backdating'. You can get backdated Housing Benefit for up to one month if you can show you have a good reason for not claiming earlier, for example, you were ill.

You also have to show you were entitled to Housing Benefit throughout the period of backdating – that you were paying rent, and your income was low enough. You will not usually get any backdated benefit just because you did not know that you could make a claim. You should explain on your claim form that you want to claim benefit from an earlier date, and give your reasons for not claiming earlier.

The rules are different if you or your partner have reached State Pension Credit age and you are not claiming Income Support or income-based Jobseeker's Allowance. If this applies, you do not have to have a good reason for making a backdated claim. We will backdate claims for these people for three months in most cases.

Problems with Housing Benefit

If you think our decision on your claim for Housing Benefit is wrong you can ask us to look at our decision again, or you can appeal. You should do this within one month of our decision about your Housing Benefit.

Download the Appeals fact sheet for more information on www.westsomerset.gov.uk.

If you are not happy with the service you have received from us, for example, because of long delays or errors that we have not sorted out, you can complain. You can do this whether or not you are also challenging a Housing Benefit decision.

How is Housing Benefit Paid?

If you are a West Somerset Council tenant, we will pay your Housing Benefit into your rent account, so you either pay no rent or a reduced rent (also known as a rent rebate).

If you are a private or housing association tenant and you don't come under the Local Housing Allowance rules, you may get Housing Benefit paid directly to you or to your landlord, depending on your circumstances.

If you come under the Local Housing Allowance Rules, we will normally pay Housing Benefit to you, rather than to your landlord. You will not be able to choose to have it paid direct to your landlord. However, there will still be some circumstances where we decide to pay Benefit direct to your landlord instead of you, for example, if you're unlikely to pay the rent or you have difficulty managing money, or you are already 8 weeks in arrears.

If your landlord agrees to lower the rent to help you stay in the property, it may also be possible for us to pay your Housing Benefit to your landlord.

If we pay Housing Benefit directly to you, this will be straight into your bank or building society account. We usually pay Housing Benefit every 4 weeks in arrears. This means that it is paid after your rent is due.

If your circumstances change



You should tell us about any changes of circumstances that could affect your benefit, for example, a change in the people who live with you, or a change in your income or capital. If you move, you must tell us your new address and we will tell you what other information we need to work out Housing Benefit for your new home. If you move outside West Somerset, you will have to claim Housing Benefit from another Council.

If you are not sure whether to report a change, you should do so anyway. If you do not report a change, we may pay you less than you are entitled to, or we may overpay you and you may even be investigated for fraud. **If you want more information about what changes to report, you should contact us.**

Checks on Housing Benefit, change of circumstances and fraud

You may commit benefit fraud if you deliberately give false or misleading information when you apply for Housing Benefit, or you fail to report a change of circumstances. Even if you are not committing fraud, you can cause an overpayment that you will have to repay. We can check your circumstances at any time while you are claiming and Fraud Investigation Officers can also get information about you from other government agencies and from your employer, bank or utility companies.

Benefit fraud is a criminal offence and you can be prosecuted, asked to pay a penalty or receive a formal caution. Your benefit may be reduced if you are convicted more than once.

For more help and advice contact the Revenues and Benefits Service:

- Telephone:** 01643 703704 (lines open Monday -Thursday 8.30am - 5.00pm, Friday 8.30am - 4.30pm)
- Email:** benefits@westsomerset.gov.uk
- Post:** Revenues and Benefits Service, West Somerset House, Killick Way, Williton, TAUNTON, TA4 4QA
- In person:** WILLITON : West Somerset House, Killick Way, Williton, TA4 4QA
Monday to Thursday 8.30am to 5.00pm, Friday 9.30am to 4.30pm
MINEHEAD: Customer Centre, 1-3 Summerland Avenue, MINEHEAD, TA24 5BP
Monday to Thursday 9.00am to 12.30pm and 1.30pm - 5.00pm
- Download:** Forms, factsheets and information from our website at www.westsomerset.gov.uk



Independent Advice

The **West Somerset Advice Bureau** can offer a wide range of advice on Welfare Benefits and can help those who are dealing with financial difficulties.

Telephone: 01643 704624

Website: www.westsomersetadvice.org.uk