

Factsheet 17

Housing Benefit

April 2019

About this factsheet

This factsheet explains what Housing Benefit is, who qualifies for it, and how it is calculated. It explains how to claim and what to do if you want to challenge a decision. It has information about Discretionary Housing Payments and what to do if you have a change of circumstance.

This information applies if you are over State Pension age. If you are under State Pension age, refer to factsheet 56, *Benefits for people under Pension Credit age* as the rules are slightly different.

The information in this factsheet is correct for the period April 2019 – March 2020. Benefit rates are reviewed annually and take effect in April but rules and figures can sometimes change during the year.

The information in this factsheet is applicable in England, Scotland and Wales. If you are in Northern Ireland, please contact Age NI for information. Contact details can be found at the back of this factsheet.

Contact details for any organisations mentioned in this factsheet can be found in the *Useful organisations* section.

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Glossary

AA – Attendance Allowance
AFIP – Armed Forces Independence Payment
CA – Carer’s Allowance
DHP – Discretionary Housing Payment
DLA – Disability Living Allowance
DWP – Department for Work & Pensions
EEA – European Economic Area
ESA – Employment and Support Allowance
HB – Housing Benefit
JSA – Jobseeker’s Allowance
LHA – Local Housing Allowance
PC – Pension Credit
PIP – Personal Independence Payment
UC – Universal Credit

1 What is Housing Benefit?

Housing Benefit (HB) provides help with rent and some service charges and is administered by local authorities. HB is not taxable and does not depend on your National Insurance contributions. You can receive it if you are working but most of your earnings are taken into account.

2 Who qualifies for HB?

The rules in this factsheet apply if you have reached State Pension age. If you are eligible, the claim is for '*pension age*' HB. This is different to '*working age*' HB which applies to people under State Pension age. If this is the case, see factsheet 56, *Benefits for people under Pension Credit age* as the rules are different.

You claim HB as a single person or jointly as a couple if you have a partner. Your partner is your husband, wife, civil partner or someone you live with as though you are married/civil partners. If you have a partner, the income and capital of both of you is taken into account when your HB is calculated. Only one of you can claim HB, although both of you may need to sign the claim form.

If you live with someone who is not your partner, such as a friend or relative and you have a joint tenancy, you are assessed separately and each can apply for HB. If you live with someone who is not your partner, and one of you is a sole tenant, that person can apply. The other person is treated as a non-dependant.

2.1 Basic requirements

To claim HB, you must:

- have reached State Pension age
- be liable or treated as liable to pay rent for the accommodation normally occupied by you and your family (see section 2.4)
- meet the income-related criteria (see section 2.5) and
- be habitually resident and have a right to reside in the UK, and not be excluded from claiming because of your immigration status (see section 2.6).

2.2 State Pension age

State Pension age has equalised between men and women and in April 2019, it is 65 years and 2-3 months. It continues to rise, reaching 66 years in 2020 and 67 years in 2028. Changes have also been made for mixed age couples where one partner has reached State Pension age and the other partner has not, see section 2.3.

2.3 Mixed age couples

A mixed age couple is where one person is over State Pension age and the other person is under. Currently, you can claim HB. The table below shows the first date you can claim HB based on you or your partner's date of birth, whichever is earlier (the older partner).

Date of Birth	Date you can claim HB
Before 6 January 1954	Can claim now
6 January 1954 to 5 February 1954	6 May 2019

From 15 May 2019, the rules change so that **both** members of a couple must reach State Pension age to claim HB. You can still make a claim until 13 August as HB can be backdated by up to three months.

Existing mixed age couples at the date of the change can stay on HB provided there is no break in your claim. However, the change in rules does not affect mixed age couples already claiming PC. If this is the case, you can make a new claim for HB even though one partner has not yet reached State Pension age.

Mixed age couples not already claiming PC when the rules change will have to claim UC rather than HB until they both reach State Pension age, at which point you can claim HB and PC.

The table below shows the first date you can claim HB based on you or your partner's date of birth, whichever is later (the younger partner).

Date of Birth	Date you can claim HB
6 February 1954 to 5 March 1954	6 July 2019
6 March 1954 to 5 April 1954	6 September 2019
6 April 1954 to 5 May 1954	6 November 2019
6 May 1954 to 5 June 1954	6 January 2020
6 June 1954 to 5 July 1954	6 March 2020
6 July 1954 to 5 August 1954	6 May 2020

2.4 Single person

If you are single, the tables above also apply to you based on your date of birth. If you were born after 5 August 1954 you can find out when you can claim HB by going to www.gov.uk/state-pension-age and entering your date of birth.

2.5 Liable to pay rent or housing costs

You do not need to have a written tenancy agreement but you must have a legal obligation or duty to pay rent, which could be made up of license charges, permission to occupy charges, or use and occupation charges.

You can get HB towards the following types of housing costs:

- rent and some types of service charges
- accommodation charges if you are a boarder or you live in bed and breakfast accommodation or a hostel
- payments for charitable almshouse accommodation
- houseboat mooring charges, even if you own your houseboat
- caravan or mobile home site charges even if you own your caravan or mobile home.

You cannot usually get HB to help with:

- care home fees if you are resident in a care home
- mortgage, service charges or ground rent if you own your own home - you may be able to get help with housing costs through PC
- rent if you live in the same household as your landlord and your landlord is a close relative (for example, son, daughter, brother, sister)
- rent if you do not have a commercial rent agreement or the agreement was set up to take advantage of the HB system (a contrived tenancy).

2.6 Income-related criteria

HB is based on your income and capital. In general, you must have less than £16,000 in capital although this does not apply if you receive the Guarantee Credit part of PC. Your HB is calculated differently, depending on whether you rent from a private landlord, or from a local authority or housing association (see section 3).

Section 3 provides a step-by-step guide to how HB is calculated depending on your circumstances and your income and capital.

2.7 Residence and immigration requirements

You must be habitually resident, have a right to reside and not be subject to immigration control. If you recently came to the UK or are an EEA citizen, you may be subject to tests relating to your residence in the UK.

Action

Residence tests and immigration conditions can be complex. Contact Age UK Advice or a local advice centre for help.

3 How is HB calculated?

This section is a step-by-step guide to help you work out how much HB you might be entitled to.

Note

If you receive the Guarantee Credit part of PC, you do not need to work out capital, income or applicable amounts, as you are entitled to maximum HB minus any non-dependent deductions. You only need steps 1 and 2 of this guide to calculate your HB entitlement.

Step 1: Calculate your maximum eligible rent

Your eligible rent may not be the same as the actual rent you have to pay. This is because your rent may include charges not covered by HB such as support charges, water rates/charges, sewerage or fuel charges. If you rent from a private landlord, your rent may be restricted in other ways, for example if your home is considered too expensive or too large.

Rent is calculated on a weekly basis regardless of when it is due to be paid. If you pay rent by calendar month, multiply by 12 and divide by 52 to work out the weekly rent.

Social housing tenant

If you are a local authority tenant, work out your maximum eligible rent by deducting any ineligible charges you pay from the actual rent you pay and move to step 2. This applies to most social housing tenants, for example, if you rent your home from a registered housing association.

Private tenant

If you are a private tenant, there are complicated rules for working out your maximum eligible rent. They vary depending on when you took up your tenancy and when you first applied for HB.

Local Housing Allowance (LHA) applies to most private tenants who moved or made a new claim for HB since April 2008. If you claimed before then, you move to the LHA rules if you change your address or there are other changes in your circumstances, for example a break in your claim. Other cases where LHA rules do not apply, include:

- protected tenancies with a registered fair rent (tenancies that started before 15 January 1989)
- protected cases, mainly supported housing provided by charities and voluntary organisations
- exceptional cases including caravans, houseboats, bed and breakfast accommodation and hostels
- registered social landlords, such as local authority and housing association accommodation.

In some circumstances, there is a delay before the LHA is used to assess your eligible rent:

- If you could previously afford the rent on your home and have not received HB in the 52 weeks before your current claim, the local authority cannot use the maximum eligible rent figure for 13 weeks.
- If a member of your household has died, and you have not moved, the local authority cannot use the maximum rent figure until 52 weeks after the death.

LHA – number of bedrooms

Under LHA rules, your maximum eligible rent is a standard amount based on who lives with you and the area where you live, rather than the actual rent your landlord charges. The LHA rate depends on the number of bedrooms you are allowed according to the size of your household.

One bedroom is allowed for each of the following (up to a maximum of four bedrooms):

- adult couple
- anyone over 16 years
- two children under the age of 16 of the same sex
- two children under the age of 10
- an additional bedroom for a child or adult who cannot share a bedroom. They must receive AA, middle or high rate care DLA, or the daily living component of PIP. The local authority must be satisfied they cannot reasonably share a room
- an additional bedroom for a non-resident carer staying overnight. This applies if you or the person being cared for gets AA, middle or high rate care DLA, or the daily living component of PIP
- an additional bedroom for adoption, fostering and kinship care

Your local authority must publish the amount of rent it pays for different size properties. You can check the LHA rate that applies to you by asking your local authority or online – search for LHA Direct on the Valuation Office Agency website. LHA rates are updated each April.

If you are a private tenant and the rent you pay is higher than the LHA rate that applies to you, your maximum eligible rent for HB is less than your actual rent. If your HB does not meet your full rent, you can apply for a DHP to make up the shortfall (see section 5.5).

Service charges

You may get help through HB for reasonable service charges you have to pay as a condition of occupying your home. These can include, for example, general management costs; charges for furniture; cleaning and general maintenance of communal areas and gardens; communal laundry facilities; refuse removal; lifts; portering; entry phone; some warden and caretaking services; and TV and radio relay charges.

Some charges are not eligible, including food/meals; support charges; medical or nursing care; personal laundry services; leisure facilities; transport; TV rental and licences; emergency alarms; and charges for services not related to the provision of adequate accommodation.

Support services, such as scheme managers in retirement housing and emergency/community alarms, are not eligible for help but may be funded separately through a system called 'Supporting People' (not available in Scotland). Contact your local authority for more information.

Fuel charges

If your rent includes an amount for fuel, this is not eligible for HB. For example, if your rent is £80 and £10 is for heating, the eligible rent is £70. If the fuel charges are not specified separately and you and your family have more than one room, the following fixed weekly amounts are deducted:

Heating	£32.70
Cooking	£3.80
Hot water	£3.80
Lighting	£2.60

The amounts are lower if you only occupy one room

Step 2: Make deductions for non-dependants

If someone lives with you other than your partner or dependant children, an amount is deducted from your eligible rent to determine your maximum HB. This is called a non-dependant deduction.

The deduction is made because it is assumed they contribute towards your rent and are made regardless of how much, or if, they actually contribute. If there is more than one non-dependant, a deduction is made for each of them but only one deduction is made for a couple. The deduction for a couple is the highest that would have been made if they were treated as individuals but based on their joint income.

No deductions are made if you or your partner are registered blind or receive AA, the care component of DLA, the daily living component of PIP or AFIP.

No deductions are made for:

- a joint owner or joint tenant
- boarders, sub-tenants or resident landlords
- someone receiving Pension Credit
- full-time students and people on some training allowances
- someone aged under 18
- a young person under 20 for whom you are responsible
- someone employed by a charitable or voluntary organisation as a resident carer for you or your partner and who you pay for that service
- someone staying with you who normally lives elsewhere
- someone in hospital for more than 52 weeks
- someone who is a prisoner
- someone under 25 receiving certain means-tested benefits
- an adult child in the armed forces while deployed on operations.

If a non-dependant deduction is made, a fixed amount is deducted. If someone lives with you who is aged 18 or over and is in paid work of at least 16 hours a week and does not get PC, the following rates apply:

Gross weekly income of non-dependant	Weekly deduction from HB
Less than £143.00	£15.60
£143.00–£208.99	£35.85
£209.00–£271.99	£49.20
£272.00–£362.99	£80.55
£363.00–£450.99	£91.70
£451.00 or more	£100.65

In all other cases, if a non-dependant deduction is made, the weekly deduction is £15.60.

In assessing the gross income of a non-dependant, most income is counted apart from AA, DLA, PIP and AFIP.

If you apply for HB and you have a non-dependant, try to provide evidence of their income; for example, pay slips or benefit award letters.

Otherwise, the local authority may try to impose the highest non-dependant deduction although they should not do this automatically.

Changes that reduce your HB due to non-dependants do not apply until 26 weeks after the change of circumstance.

Step 3: Calculate your capital

Capital refers to all forms of savings (including money saved from your benefits), lump sum payments, investments, land and property. If you have a partner, their capital is added to yours. Some forms of capital are disregarded.

If you (or your partner) receive the Guarantee Credit part of PC, there is no capital limit for HB. Guarantee Credit acts as a passport to maximum HB and all your capital is disregarded. You only need to do steps 1 and 2 to work out your HB entitlement.

For everyone else, including if you receive only the Savings Credit part of PC, you cannot receive HB if you have more than £16,000 capital. If your capital is under £10,000, it is disregarded. Capital between £10,000 and £16,000 affects the amount of HB you receive. Each £500 or part of £500 over £10,000 is assumed to produce extra income of £1 a week.

This is called '*assumed*' or '*tariff*' income. For example, if you have £12,200 savings, a weekly assumed income of £5 is included in your income assessment.

Valuation of capital

Your capital is assessed at its present-day value. If there would be expenses involved in selling your capital, 10 per cent of its value is deducted.

Any capital you jointly own with other people (other than your partner) is normally divided equally between the joint owners. For example, if you and your son have a joint bank account of £10,000, you are normally assessed as each owning £5,000.

Seek advice if there is a reason why jointly-owned property should not be valued on a proportionate, equal share basis.

Capital taken into account

Capital counted in full includes:

- cash and money in bank or building society accounts
- fixed-term investments including National Savings accounts and certificates (there are special rules for valuing these)
- income bonds
- stocks and shares
- the value of property you own (but not the home you normally live in)
- premium bonds
- your share of capital you own jointly with another person (unless they are your partner, in which case the whole of the capital counts)
- savings or capital held by another person for you.

Capital that is disregarded

Types of capital that are disregarded include:

- the value of the property you normally live in
- the value of property you own that is not your home in specific circumstances, for example, if you are taking steps to sell it or a close relative who is over State Pension age or incapacitated lives there
- the surrender value of life insurance policies. If life insurance is not the only aspect of the policy but the terms state how payment on death is worked out, the whole investment is disregarded (if a policy is cashed in, the money you receive is counted as part of your capital)
- the value of a pre-paid funeral plan
- arrears of certain benefits including AA, DLA, PIP and PC – these are disregarded for at least one year after payment
- a lump sum payment received because you put off ('*deferred*') claiming your State Pension
- personal possessions such as jewellery, furniture or a car
- compensation payments under an insurance policy for damage to or loss of personal possessions are ignored for a year from the date paid
- personal injury compensation payments to you or your partner
- £10,000 ex gratia payment for Far Eastern Prisoners of War
- capital belonging to a dependant child
- in some cases, savings or capital in your name, but which belongs to another person (other than your partner).

Deprivation of capital and notional capital

If you deprive yourself of capital to qualify for HB or increase the amount you get, the local authority can treat you as still having that capital. This is known as '*notional capital*'. This can occur if you give money away to your family or buy expensive items in order to qualify for a benefit.

You have not deprived yourself of capital if you have paid off debts or used money on '*reasonable*' spending on goods and services. If the local authority decides you have notional capital, seek advice and consider appealing against the decision.

Step 4: Calculate your income

If you (or your partner) get the Guarantee Credit part of PC, you are entitled to maximum HB and the local authority does not assess your income. Only do steps 1 and 2 to work out your HB entitlement.

If you only receive the Savings Credit part of PC, the Pension Service give the local authority your assessed income figure. This is the income figure calculated for your PC claim.

The local authority adjust this figure and use it to work out your HB without looking at your income. The main adjustment made is to add in the amount of your Savings Credit, but other adjustments are made for people including working lone parents, war pensioners and people with childcare costs.

Income includes most regular payments you receive. All income is assessed after deductions for tax and NIC's and half of any contribution to an occupational or personal pension scheme. If you receive income without tax deducted, but are due to pay tax on this later, seek advice.

Income taken into account

Most income is taken into account when working out your entitlement to HB, including:

- all types of pension
- earnings (subject to disregards below)
- income from annuities
- most social security benefits
- Working Tax Credit
- assumed income from capital (as described in step 3)
- income from boarders or sub-tenants who live in the same property
- maintenance payments for you or your partner from a spouse, ex-spouse, civil partner or ex-civil partner unless you have a family premium in your applicable amount, in which case £15 is disregarded
- income from property held in trust (some types of trust are disregarded)
- income from an equity release scheme.

Income that is completely disregarded

Some income is disregarded completely, including:

- AA, Constant AA, DLA, PIP and AFIP
- Social Fund payments
- Child Benefit, Child Tax Credit, Guardian's Allowance, maintenance payments for children and child increases paid with your other benefits
- a dependant child's income
- Severe disablement occupational allowance and exceptionally severe disablement allowance, payable with War Pensions and Industrial Injuries Disablement schemes
- dependant additions paid in non means tested benefit if they are not a member of your family
- adoption allowances, fostering allowances and residence order payments

- voluntary or charitable payments (for example, from a friend or relative)
- actual income from capital/savings (only assumed income is counted as in step 3, but interest paid into an account counts as capital)
- special War Widow/Widower's Pension for 'pre-1973 widows' (in addition to the £10 disregard for war widows and widowers)
- mobility supplement under the War Pensions Scheme
- rent from property other than your home (but the value of the property is taken into account as capital – see step 3).

Income that is partly disregarded

Some types of weekly income are partially disregarded as follows:

- £5 of earnings if you are single (£10 if you have a partner)
- £20 of earnings if you are a lone parent, you or your partner are a carer or receive certain disability or incapacity benefits, or are registered blind/severely sight impaired
- £10 (or more at the local authority's discretion) of War Widow's, Widower's or surviving civil partner's Pension or War Disablement Pension
- £15 of Widowed Mother's Allowance or Widowed Parent's Allowance.
- £20 of payments from each sub-tenant or boarder (lodger) in your own home plus for boarders, half of payments above £20. If the boarder is a close relative and you claim PC, or the arrangement is not commercial, this does not apply, but a non-dependant deduction can apply.
- there are other earnings disregards and allowances if you work, including for childcare costs. These are on top of those listed above. The rules are complicated so seek advice if you think they might apply to you.

Deprivation of income and notional income

You can be treated as having income that you do not actually have. This is known as '*notional income*'. This can happen if you fail to apply for income you are entitled to, such as a private pension, or you have deliberately got rid of income with the intention of increasing your benefit entitlement. Seek advice if this applies to you.

Total income for Housing Benefit

To work out your income for HB, check what income is disregarded and add up all the rest, including any assumed income from capital in step 3.

Step 5: Work out your applicable amount

The applicable amount is a weekly amount that is compared with your income from step 4 to calculate your HB. It is made up of a standard allowance and amounts called premiums for some disabled people and carers and other amounts for dependant children.

The standard weekly personal allowances are:

Single person	£181.00
Couple	£270.60

The **severe disability premium** is £65.85 a week and should be included in your applicable amount if:

- you get AA, DLA middle or high rate care component, PIP daily living component or AFIP, and
- no one is paid Carer's Allowance (CA) to look after you (it does not matter if someone has an '*underlying entitlement*' to it), and
- you live alone or can be treated as living alone.

You can be treated as '*living alone*' even if you share your home with other people. The following are ignored in deciding if you live alone:

- anyone receiving AA, DLA middle or high rate care component, PIP daily living component, AFIP or constant Attendance Allowance
- anyone registered blind or severely sight impaired
- a child or young person under 18 or for whom Child Benefit is being paid
- a joint tenant or co-owner with you who is not a close relative
- someone who is not a close relative and is your landlord
- a licensee, tenant or sub-tenant who is not a close relative
- some live-in helpers.

If you have a partner and one of you gets a disability benefit, you only get a severe disability premium if the other person is registered blind or sight impaired. If you and your partner both receive a disability benefit and no one else counts as living with you and neither of you has a carer receiving CA, a double rate of £131.70 a week is included. If one of you has a carer who is actually paid CA, the single rate of £65.85 is included.

Note

This is a complex area of law: if you need more information, contact Age UK Advice or a local advice centre.

The **carer premium** is £36.85 a week and should be included in your applicable amount if you or your partner:

- receive Carer's Allowance, or
- you have an '*underlying entitlement*' to CA (meaning you have claimed CA and fulfil the conditions for it but cannot be paid it because you get your State Pension or another benefit instead)

If you are single and you qualify for the carer premium, an extra £36.85 a week is included in your applicable amount. If you and your partner both qualify for a carer premium, an extra £73.70 a week is included. If only one of you is a carer, the single rate is included.

The carer premium continues for eight weeks after you stop looking after someone, for example if they die or move into a care home.

It is possible to receive both carer and severe disability premiums. For example, a couple who provide a substantial amount of care for each other can receive the double rate of both.

The severe disability premiums can be affected if CA is paid to the carer. If there is an underlying entitlement to CA only and it is not being paid, then a severe disability premium can be included in your claim.

Action

The rules about CA and underlying entitlement are complicated. For more information see factsheet 55, *Carer's Allowance*.

If you have dependant children, a weekly personal allowance of £66.90 is included in your applicable amount for each child. This is not available for a third or subsequent child born on or after 6 April 2017.

A disabled child premium of £64.19 is included for each child who is blind or who gets DLA or PIP. An enhanced disability premium of £26.04 is included for each child who gets high rate care component of DLA or enhanced daily living component of PIP.

Step 6: Calculate your benefit

To calculate your applicable amount, work out the standard allowance that applies to you and add any premiums or extra amounts for dependant children you are entitled to. Once you have worked out your applicable amount, compare this with the income you worked out in steps 3 and 4.

If your income is the same as, or less than your applicable amount, you get the maximum amount of HB worked out in steps 1 and 2. If you do not already receive PC, you may be entitled and you should claim it.

If your income is more than your applicable amount, the maximum HB you can get is reduced by a 'taper'. First, work out the difference between your income and applicable amount. Reduce your maximum HB by 65 per cent of the difference to get your HB entitlement.

Effectively, your maximum HB is reduced by 65p for every £1 of your income that is more than your applicable amount.

Example

Jackie is a 66-year-old council tenant living alone. She pays rent of £88 including £9 for heating. She receives a State Pension of £110.00 a week, an occupational pension of £80 a week and has savings of £4,000.

1	Maximum eligible rent	=	£79 (£88 - £9 heating)
2	No non-dependant deductions as she lives alone		
	Maximum HB	=	£79
3	Capital of £4,000 does not affect HB		
4	Income:		
	State and occupational pension total	=	£190
5	Applicable amount	=	£181
6	Income is more than applicable amount		
	Difference	=	£9.00 (£190 - £181)
	65 per cent of difference	=	£5.85

HB calculation

£79 (maximum HB) minus £5.85 (65 per cent of difference)	=	£73.15 a week HB entitlement
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Jackie receives HB of £73.15 a week. She has to pay £5.85 rent plus the heating charge of £9 each week.

Step 7: Is your benefit above the minimum payable

The minimum amount of HB payable is 50p a week. If your HB calculation results in an amount less than this, you cannot receive HB.

4 How to claim

If you live in Great Britain and apply for PC you should be asked whether you want to claim HB at the same time. The Pension Service should send all the information about your claim directly to your local authority so they can work out your HB. It is worthwhile contacting your local authority to confirm this has happened or to make a separate claim if necessary. If you claim PC on a paper form, you should be given an extra short form to claim HB.

If you are not claiming PC, contact your local authority to make a HB claim. Local authorities have paper claim forms you can use, and some accept telephone, face-to-face and online claims.

Someone acting on your behalf

If you are unable to act for yourself, an appointee or an attorney can make the claim (and receive payment) on your behalf. This includes corporate appointees, where an organisation such as a local Age UK, a solicitor or a local authority acts on behalf of clients.

For more information see factsheet 22, *Arranging for someone to make decisions on your behalf*.

4.1 Information to support your claim

Before the local authority work out how much HB to pay, it may require documentary proof of things like your identity, income, savings and the amount of rent you pay. If asked to provide further evidence, make sure you return it within one month of the request, or explain why you cannot.

If you do not want to post the documents and would have difficulty getting to their offices to provide this evidence, ask for a home visit. It is very important to provide information or evidence required. Until you do, you may not count as having made a valid claim.

4.2 Backdating

Your claim usually starts from the first Monday after the date the local authority receives notification of your intention to claim, as long as you submit a complete claim within one month of notifying them. If you do not notify them of your intention to claim, it usually starts on the Monday after the day they receive your claim form.

If you claim HB at the same time as PC or within one month of a successful PC claim, your HB should start from the Monday after the start of your PC.

HB can be backdated for up to three months before the date of your claim, as long as you met the qualifying conditions during the backdating period. There is no need to show good cause for the delay in claiming, it is simply a case of making the request for backdating when you claim.

4.3 How long will the claim take?

Your application should be decided within 14 days of the local authority receiving the complete claim or as soon as possible after that. Unfortunately it often takes longer than 14 days. If claims from private and housing association tenants cannot be processed within 14 days, the local authority should make a payment on account, which is an estimated amount.

Payment on account should be made automatically, if it is not, remind the local authority they can make these payments. The only time when they do not make a payment on account is if you have not supplied the evidence the local authority has requested. If you experience hardship because of a delay with your claim, get advice.

5 Decisions and payments

You should receive a written decision on your claim. If your claim is refused, the decision notice should give the reasons. If your claim is successful, the decision notice has details of the amount of HB awarded, how it will be paid and your duty to report any relevant changes in your circumstances.

The decision notice usually includes a breakdown of the applicable amount and income figure used in the calculation, which you can check against the steps set out in section 3. In particular, it's a good idea to make sure they have used the correct income and capital figures.

The decision notice explains how you can ask for a fuller explanation of how your HB was calculated and your appeal rights. If the local authority makes a new decision on your claim, for example if your circumstances change, you are sent a new decision notice.

5.1 If you disagree with a decision about your benefit

If you disagree with a decision about your HB, you can ask for the decision to be reconsidered or make an appeal.

You are sent details of how to do this in the decision letter. It is important to challenge a decision or get advice as quickly as possible because there are time limits that generally mean you must take action within one month.

Note

See factsheet 74, *Challenging welfare benefit decisions*, for more information about what you can do if you disagree with a decision.

5.2 Payment

If you are a council tenant, HB is usually paid directly to your rent account, reducing the rent you actually have to pay.

If you are a private or housing association tenant, your HB may be paid into your bank account, or direct to the landlord. HB is often paid directly to the landlord when eight weeks or more rent is owed and this is also possible in other circumstances if you request it.

5.3 Continuing payments when you claim Pension Credit

If you move from Income Support, JSA or ESA to PC, you can continue to receive HB at the same rate for four weeks, providing you otherwise continue to qualify for HB, and:

- the DWP certifies that you or your partner has claimed PC, or
- your entitlement to Income Support, JSA or ESA stops because you are no longer entitled to it because of your age.

5.4 Overpayments

If you are paid too much HB, there is an overpayment and you may have to repay the money. This can occur if the local authority made a mistake on your claim or you did not tell them about a change in your circumstances.

You cannot normally be required to repay an overpayment if it was caused by '*official error*' and you could not reasonably be expected to have known you were being overpaid at the time.

If the local authority can recover overpaid HB, it has discretion about doing so. You should ask the authority to use its discretion not to recover the overpayment. Explain why they should apply discretion to your case, for example the impact on your health, if you have ill health, or if you will experience financial hardship.

If asked to repay an overpayment, check whether the overpayment is calculated correctly and whether you should have to repay it. You have a right to appeal about the amount of an overpayment and the decision to recover it.

If an overpayment has to be repaid, it can be recovered from you, your partner or the person who received HB, for example, your landlord. HB overpayments are usually recovered by reducing your future HB.

Recovery of the overpayment is normally at the rate of £11.10 a week, although it can be higher if the overpayment was caused by fraud, or you are working or receive war widows or war disablement pension.

You may be able to negotiate the amount of the reduction and how quickly the debt is recovered. Typically, you need to demonstrate the financial difficulties you may suffer due to the proposed rate of recovery.

5.5 Discretionary Housing Payments

If you receive HB but you do not receive enough to pay your full rent, you may be able to get a Discretionary Housing Payment (DHP) from the local authority.

These are if you need extra financial assistance and are entirely discretionary. Lump sums for rent in advance or deposit can be covered by a DHP.

The following cannot be covered by a DHP:

- ineligible service charges under the HB scheme
- water and sewerage charges
- liability for council tax
- rent payments increased to cover rent arrears, service charges or other unpaid charges
- reduction in HB because an overpayment recovery
- suspension of HB payments.

The local authority has a right to decide whether to grant a DHP, how much it is and how long to grant it for. You cannot appeal a DHP decision but you can write and ask them to reconsider a decision.

Ask your local authority how to apply as there is usually a DHP application form. You are asked to breakdown your income and expenditure and you should explain any special circumstances that apply to you or members of your household. Special circumstances include:

- you are disabled and have to pay for special equipment, care costs or a special diet
- your heating bills are high because you are at home most days or feel the cold because of a medical condition
- it would be unreasonable to expect you to find and move to cheaper accommodation because your current home has adaptations to help you cope with a disability or is near to someone who helps you
- your HB is affected by welfare reforms such as changes to LHA rates.

Action

If you want to apply for a DHP, it is a good idea to ask a local advice agency to help with the application.

6 Changes of circumstances

Your local authority should tell you about the changes you need to report. If in doubt, tell them anyway to make sure you do not have to repay money or get less benefit than you are entitled to. It is important to report changes within one month of the date of the change.

If you delay reporting a change in circumstances for longer than one month, an increase in your HB is only paid from the Monday after you report the change, unless there is a good reason for the delay.

If a change in circumstances reduces your HB, the reduction is made from the date the change occurred, and so any delay in reporting the change can result in an overpayment (see section 5.4).

6.1 Reporting changes if you are not getting Pension Credit

If you do not get PC, you need to report any changes that might affect your HB to the local authority, including changes to:

- your tenancy or rent unless you are a local authority tenant
- your income and capital
- your household or your status as a single person or member of a couple
- number of boarders or sub-tenants you have or the payments they make
- the number or circumstances of any non-dependants
- any absences from home likely to exceed four weeks.

6.2 Reporting changes if you are getting Pension Credit

If you get PC, you must report the following changes to the local authority:

- changes to your tenancy or rent unless you are a local authority tenant
- changes to the number or circumstances of non-dependants like an increase in income
- absences from home likely to exceed four weeks.

If you receive the Guarantee Credit part of PC, you do not have to report other changes to the local authority.

You may need to tell the Pension Service, depending on whether you have an assessed income period (a specified period during which you do not need to report changes to your pensions, annuities, equity release income or capital).

Assessed income periods (AIPs) are being phased out for existing claimants and there are no new AIPs awarded. See factsheet 48, *Pension Credit* for more information.

If you receive only the Savings Credit part of PC you need to tell the local authority about:

- increased capital that takes you over the £16,000 capital limit (whether or not you have an assessed income period)
- changes affecting a child in your household that could affect your HB
- changes to your status as a couple or your partner's income and capital that has not been taken into account in your PC award. This is only likely to apply in very limited circumstances, for example, if a partner abroad is no longer included for PC but is for HB.

The Pension Service should inform the local authority of other changes in your circumstances. If your PC stops for any reason, the Pension Service inform the local authority and your HB is also stopped.

If a PC Guarantee Credit claim ceases and is not reinstated, the normal capital limit for HB applies (£16,000). You may qualify for HB, so make a new HB claim, requesting backdating to the date your PC stopped.

6.3 Changes to non-dependant deductions

Changes due to non-dependants that reduce your benefit do not apply until 26 weeks after the change of circumstances.

This applies when:

- the claimant or partner is State Pension age or over, and
- a non-dependant arrives in the household, or
- an existing non-dependant's income increases, and
- the non-dependant change would reduce HB.

6.4 Temporary absence from home

You can continue to get HB whilst you are temporarily away from home. To keep getting HB when you are temporarily away, you must:

- usually live in that home
- intend to return to your home
- not rent out your home while away.

Depending on why you are away from home, you can continue to get HB for periods between four and 52 weeks. You must expect to return within the time limit. HB stops as soon as you go away if you know you are going away for longer than the rules allow.

You do not have to tell the local authority every time you are away from home for short periods. You must tell the local authority if you know your stay away will be longer than the rules allow. If you do not tell them, you may be overpaid HB and have to pay money back.

Absence in Great Britain

You can get HB for up to 13 weeks if you are in Great Britain and you are away from home for any reason, for example, on holiday.

You can get HB up to 52 weeks in Great Britain if you are away due to:

- fleeing home due to violence or a fear of violence
- being in hospital
- being on a government-approved training course
- receiving care in a residential home
- providing care for a child whose parent or guardian is away from home receiving medical treatment.

Absence abroad

If you go abroad, you usually only get HB for up to four weeks. Going abroad is anywhere outside Great Britain. Staying in Northern Ireland, the Channel Islands and the Isle of Man counts as going abroad.

In certain circumstances you can get HB when you are abroad for a longer period, for example up to:

- eight weeks if your absence is connected to the death of a close relative
- 26 weeks if you are receiving medical treatment, in hospital, or fleeing domestic violence.

6.5 Moving home

You normally only get HB for one home but there are exceptions. For example, you may be able to get benefit for two homes for up to four weeks if you have moved to a new home and you are still liable to make payments on the other; or if your move to a new home is delayed because it is being adapted to meet disability needs.

You cannot normally get HB towards the rent on a new home until you move in, although you may qualify for HB for a period of up to four weeks before you move in if you were in hospital or a care home when you took on the tenancy. You cannot get HB on two homes in this situation.

6.6 If your HB stops and you are a mixed age couple

From 15 May 2019, if you are part of a mixed age couple (where one partner is under State Pension age, see section 2.2) and you lose entitlement to HB for one day, you cannot re-claim it until both of you reach State Pension age. You may have to claim Universal Credit in the meantime.

The only exception to this is if, during the period you were not entitled to HB, you remained entitled to Pension Credit. In which case, you can re-claim pension age HB.

6.7 Forming a mixed-age couple when claiming HB

From 15 May 2019, if you claim HB only and become a couple with a partner who is below State Pension age, your HB claim stops and you cannot reclaim until you both reach State Pension age. You may have to claim Universal Credit instead.

6.8 Changes in the Local Housing Allowance rate

If you are a private tenant with HB assessed under LHA rules, the LHA rate that applies to you normally stays the same until the following January. Your HB claim is reviewed every January when the new LHA rate is applied to your claim. The new rate can be higher, lower or the same as the previous LHA rate. Note, LHA rates have been frozen by the Government for the years 2016/17 – 2019/20.

If you have a change of circumstances between annual reviews, a new LHA rate might apply if, for example, you change address, a change in your actual rent or a change in the number of people you live with.

6.9 New determinations by the Rent Officer

If you are a private tenant whose eligible rent is determined by the Rent Officer, their determination normally stays the same for a year. Your HB claim is reviewed once a year at which time the Rent Officer makes a new determination. The new eligible rent can be higher, lower or the same as the previous determination.

There are other circumstances where the local authority can ask for a new determination by the Rent Officer including if there is a change to your household, a change in the condition of the property, or an increase in the rent.

Useful organisations

Citizens Advice

England or Wales go to www.citizensadvice.org.uk

Northern Ireland go to www.citizensadvice.co.uk

Scotland go to www.cas.org.uk

In England telephone 0344 411 1444

In Wales telephone 0344 477 2020

In Scotland telephone 0808 800 9060

National network of advice centres offering free, confidential, independent advice, face to face or by telephone.

Gov.uk

www.gov.uk

Official website for government information and services for citizens.

Pension Service (The)

www.gov.uk/browse/working/state-pension

Telephone 0800 731 0469

State Pension Forecasting Team 0800 731 0176

For details of state pensions, including forecasts and how to claim your pension.

Shelter

www.shelter.org.uk

Telephone 0808 800 4444 (free call)

A national charity providing telephone advice to people with housing problems on tenancy rights, homelessness, repairs and housing benefit.

Shelter Cymru

www.sheltercymru.org.uk

Telephone 0345 075 5005

Age UK

Age UK provides advice and information for people in later life through our Age UK Advice line, publications and online. Call Age UK Advice to find out whether there is a local Age UK near you, and to order free copies of our information guides and factsheets.

Age UK Advice

www.ageuk.org.uk

0800 169 65 65

Lines are open seven days a week from 8.00am to 7.00pm

In Wales contact

Age Cymru Advice

www.agecymru.org.uk

0800 022 3444

In Northern Ireland contact

Age NI

www.ageni.org

0808 808 7575

In Scotland contact

Age Scotland

www.agescotland.org.uk

0800 124 4222

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