Housing Benefit

Information for landlords
This leaflet tells you:

- who can or can't claim Housing Benefit;
- how we work out how much Housing Benefit someone is entitled to;
- what information about your tenants you are entitled to know;
- what date we pay Housing Benefit;
- what to do if your tenants' circumstances change; and
- what Housing Benefit overpayments are and how we recover them.

We have tried to include everything we feel that you, the landlord, need to know but if you have any other questions, please visit any of our enquiry offices - their contact details are at the back of this leaflet.

**Registering private landlords in Scotland**

Since 30 April 2006, all private landlords renting out properties in Scotland must be registered on the register of landlords.

For more information contact:

Private Sector Services Unit
Dundee City Council
Dundee House
50 North Lindsay Street
Dundee
DD1 1NB
Phone: 01382 435407

**Register of sasines**

When we receive a claim for Housing Benefit we may check the owner details to confirm that they are the actual legal owner of the property. We do this by checking the 'register of sasines'.

This register includes the following information
for each house sale since January 1989.

- A description of the property, or the name of the building
- The full postal address, including where in the building the flat is
- The date the sale was registered
- How much the buyer paid for the property
- Names of the sellers
- Names of the buyers
- Town name of buyer's origin
- Title numbers or sasine reference numbers

If we receive a claim for Housing Benefit and your details do not match the details on the register of sasines, we may ask you to provide proof that you are the legal owner of the property, or their agent. We must have this information under the terms of the Social Security Act 1992.

**What is Housing Benefit?**

Housing Benefit help people on low incomes pay their rent. It is a national scheme managed by local councils.

**Who can claim Housing Benefit?**

Anyone on a low income who pays rent for the home they normally live in can claim Housing Benefit. This may include boarders who receive meals as part of their tenancy agreement.

**Who cant claim Housing Benefit?**

Tenants cannot usually get Housing Benefit if they:

- pay rent to a close relative they live with;
- used to live with their landlord as a member of their family;
- are renting a home they used to share with their ex-partner;
• used to own the property which they now rent;
• live in some kind of housing-association co-ownership scheme;
• are from certain countries;
• live in a registered residential care or nursing home; or
• are a full-time student.

How do we work out someone's Housing Benefit?

The amount of Housing Benefit someone gets depends on:

• the rent level that the Rent Officer says is reasonable for the property (or the rate of Local Housing Allowance that your tenant is entitled to);
• their income, savings and investments (and their partner's, if they have one); and
• their age, their partner's age and the age of anyone else living with them.

We compare their income and savings and investments with a figure set by the Government that reflects what they need to live on. The more money a person has, the less help they get from us.

Rent

When applying for Housing Benefit, any tenant must provide written proof of how much rent they pay and what it covers

Examples of proof of rent are:

- an original lease or rental agreement; and
- a rent book.

For tenancies that began after 1 January 1989 and tenancies that will not be assessed under Local Housing Allowance rules, we must send details of the tenancy to the Rent Officer.
The Rent Officer does not work for us. They must tell us whether the rent you are charging is reasonable. If the Rent Officer believes the rent is too high, they will give us a lower rent figure which we will use to work out your tenant's Housing Benefit. This figure is called the 'eligible rent' figure.

Some people's rent covers things that we cannot help with, for example, heating, lighting, hot water, cooking and meals. If the rent you are charging includes any of these things, the tenant will get less money from us as we expect them to pay for these things themselves.

If a tenant's claim for Housing Benefit is to be assessed under Local Housing Allowance (LHA) rules, we will use the LHA rate that the tenant is entitled to, or their rent (whichever is lower) to work out their Housing Benefit.

For more information on Local Housing Allowance, please see our range of LHA leaflets. (You can find these at any of our enquiry offices.)

**Single tenants under 35 years old**

There are different rules for people under 25. If you have a single tenant who is under 25, the maximum rent we will use to work out how much Housing Benefit they are entitled to will be based on the cost of renting a single room. Or, if their claim is to be assessed under LHA rules, we will use the shared-room rate of LHA (whichever is lower) to work out their Housing Benefit.
What are landlords entitled to know?

When someone claims Housing Benefit they have the right to expect us to treat their claim confidentially. This means that we cannot discuss their claim with you unless they have given us permission to do so. But if we are paying Housing Benefit to you, you have a right to know:

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

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

Who do we pay?

In most cases we pay Housing Benefit to the tenant, but we will pay it to you if:

- the tenant asks us to pay it to you (unless the claim has been assessed under the LHA scheme);
- the tenant has rent arrears of eight weeks or more (unless we feel that it would not be in the tenant's interest to pay you);
- we feel that it would be in the tenant's interest to pay you; or
- if the tenant has left and has rent arrears.

You must let us know if the tenant has rent arrears. If you do, we will look into the matter and decide who we should pay.

You should tell us in writing about any rent arrears your tenant may have and provide supporting evidence, for example, a copy of a rent book.
About Local Housing Allowance (LHA)

Any new claim made on or after 7 April 2008 may be assessed under LHA rules. For these claims Housing Benefit is paid direct to the tenant unless they are classed as 'vulnerable'. (For example, have learning difficulties or an addiction of some sort.)

For more information on LHA, please see our range of Local Housing Allowance leaflets.

How often do we pay Housing Benefit?

We pay Housing Benefit every four weeks for the four weeks just gone. For claims made before 7 October 1996, we pay four weeks Housing Benefit to cover the previous two weeks and the following two weeks.

There is a list of the payment dates on our website, www.dundeecity.gov.uk.

Changes of circumstances

The tenant (or the landlord if it is reasonable for them to know about the tenant's change) must tell us about any change in their circumstances within one month of the date of the change. If we have not been told about the change within this time, the tenant may lose out on any increases in their benefit.

We may suspend all, or part of, the tenant's Housing Benefit if we have reason to believe that:

- the tenant may not be entitled to it;
- we have not been given the information we need;
- a question arises as to whether we should change the amount of benefit the tenant receives; or
- we are waiting for the outcome of an appeal against a decision made by an appeal tribunal, a commissioner or a court.
**Overpayments**

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

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

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

**Getting back overpayments**

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

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

If one month has passed and you have not asked for an appeal or for us to revise the decision, we will send you an invoice showing the amount and how to pay. We will give you four weeks to pay this invoice or make a payment arrangement.

If the four weeks have passed and you have not made a payment, we will take action.

**What if you disagree with us?**

In most things, unfortunately, you do not have the right to ask us to look at our decision again.

This is because it is the tenant's Housing Benefit and they have the right to ask us to look at our decision again.
But you can ask us to look at a decision again about:

- who we pay the benefit to; and
- an overpayment that we are asking you to pay back.

If you want us to look at a decision again, you have two options.

1. You can ask us to revise our decision
   Please write to us within one month of the date of the letter telling you our decision, giving the reasons why you disagree. We will look at our decision again and tell you what the outcome is.

2. You can appeal against the decision.
   Please write to us within one month of the date of the letter telling you our decision, giving the reasons why you disagree. We will look at our decision again and tell you what the outcome is. If we do not change our decision, we will automatically pass your appeal to the Tribunal Service and a tribunal hearing will be arranged to consider your appeal.

If you have a complaint

It is our policy to be polite and helpful at all times. But if you are not happy with the way we have treated you, or the way we have dealt with your claim, please tell us. You can fill in a complaints and suggestions form which you can get from local libraries and centres and other Dundee City Council Offices. Or, you may phone the complaints and suggestions helpline service on 01382 434800. You can also make a complaint or suggestion through our website at www.dundeecity.gov.uk.
Where can I find out more about Housing Benefit and Council Tax Reduction?

If you want to talk about any Housing Benefit or Council Tax Reduction matter, please contact us in one of the following ways.

- **Visit** any of our enquiry offices

**Finance Department Office**
Dundee House
50 North Lindsay Street
Dundee
Open from 8.30am to 5.00pm
(Mondays, Tuesdays, Thursdays and Fridays),
9.30am to 5.00pm (Wednesdays)

**West District Housing Office**
3 Sinclair Street
Lochee
Dundee
Open from 8.30am to 5.00pm
(Mondays, Tuesdays, Thursdays and Fridays),
and 9.30am to 5.00pm (Wednesdays)

**East District Housing Office**
169 Pitkerro Road
Dundee
Open from 8.30am to 5.00pm
(Mondays, Tuesdays, Thursdays and Fridays),
and 9.30am to 5.00pm (Wednesdays)

- **Phone us** on our Freephone number: 0800 250025

- **Write** to: Director of Corporate Services
  Revenues Division
  PO Box 218
  Dundee
  DD1 3YS

- **E-mail** us at revenues.division@dundeecity.gov.uk

You can also get more information about Housing Benefit and Council Tax Reduction from our website [www.dundeecity.gov.uk](http://www.dundeecity.gov.uk)
Getting independent advice

If you would like advice from someone who does not work for our Revenues Division, you can contact the organisations below:-

**Citizens Advice**
Central Library
The Wellgate
Dundee
DD1 1DB
Phone: 01382 307494

**Dundee North Law Centre**
101 Whitfield Drive
Dundee
DD4 0DX
Phone: 01382 307230

**Shelter Housing Aid Centre**
1 Court Square
Dundee
DD1 1NH
Phone: 0844 5152528

**Welfare Rights**
Social Work Department
Jack Martin Way
Claverhouse East
Dundee
DD4 9FF
Phone: 01382 431167

The information in this leaflet is for guidance only and is not a statement of the law. We will not be responsible for any loss you may suffer as a result or relying on any information in this leaflet.
This is called Housing Benefit - information for landlords.

If you would like this leaflet in large print, in Braille, on audio tape, on CD or in another language, please phone 01382 431205.

Jeżeli chcieliby Państwo tę ulotkę napisaną większą czcionką, alfabetem Braille'a, w innym języku lub nagraną na taśmę audio bądź płytę CD prosimy o kontakt pod numerem 01382 431205.

"Если Вы хотели бы получить этот рекламный листок в крупном шрифте, в шрифте Брайля, в аудио записи, на компакт-диске или на другом языке, пожалуйста позвоните по телефону 01382 431205."