

Housing Benefit and Council Tax Benefit

A GUIDE FOR
PENSIONERS



Equal Opportunities Statement

Sevenoaks District Council is committed to ensuring that no service user or customer is discriminated against on the grounds of gender, race, colour, ethnic origin, disability, sexuality or religion.

Leaflets available:



A Guide for Working Age People (Leaflet 1 WRK)



A Guide for Pensioners (Leaflet 2 PNS)



Can my claim be backdated (Leaflet 3 BKD)



Changes you need to tell us about (Leaflet 4 C/C)



A Guide for the Self-Employed (Leaflet 5 S/E)



Extra help towards your rent & Council Tax (Leaflet 6 DHP)



What do I do if I disagree with your decision (Leaflet 7 APP)



What happens when I have been paid too much (Leaflet 8 O/P)



A guide for landlords (Leaflet 9 L/L)



Attending an Interview Under Caution (Leaflet 10 IUC)



Can I ask someone to act on my behalf (Leaflet 11 ACT)

**This leaflet is available in large print, please phone:
01732 227414.**

This leaflet can be explained in other languages please phone :
01732 227000.

Please note that whilst every effort has been made to ensure that the details given in this leaflet are correct, the information should not be treated as an authoritative statement of benefit regulations.

What is Housing and Council Tax Benefit?

Housing Benefit and Council Tax Benefit are national welfare benefits to help people on a low income or in receipt of other benefits.

- Housing Benefit is paid to people who pay rent
- Council Tax Benefit is paid to people who pay Council Tax

Housing Benefit and Council Tax Benefit are means-tested benefits. In other words your income, savings and investments must be below a certain level for you to qualify. People in receipt of the guarantee part of Pension Credit usually get maximum Housing Benefit and all their Council Tax paid.

Local councils administer the Housing Benefit and Council Tax Benefit schemes according to Government rules.

There are two types of Council Tax Benefit:

- Main Council Tax Benefit
- Second Adult Rebate

Main Council Tax Benefit

The maximum Council Tax Benefit you can get is 100% of your bill. People getting guarantee Pension Credit usually qualify for the maximum. For other people the benefit is worked out after any discounts, such as the 25% discount for living alone, are applied.

Who can claim Housing and/or Council Tax Benefit?

- people on a low income
- people who are responsible for paying Council Tax can claim Council Tax Benefit
- people who are responsible for paying rent can claim Housing Benefit

What is Second Adult Rebate?

This is a Council Tax Benefit for individuals who share their home with someone other than a partner who is 18 years or over on a low income or in receipt of Income Support/Job Seekers Allowance (Income Based). The **second adult** must not be a joint tenant with you, nor paying you rent to live in your home. The maximum Second Adult Rebate payable is 25%. The level of discount will depend on the second adult's circumstances and income.

To claim Second Adult Rebate you must complete a Housing Benefit and Council Tax Benefit application form and provide proof of the second adult's income. You do not have to provide details of your own income or savings but we will need proof of your identity and National Insurance Number.

If you are entitled to Council Tax Benefit and Second Adult Rebate we will automatically award the larger of the 2 amounts.

Non-dependant deductions

A non-dependant is someone aged 18 years or over who lives with you in your home who is not a lodger or tenant, for example an adult son or daughter.

Housing Benefit and Council Tax Benefit are normally reduced for each non-dependant living in your home because it is expected that they will contribute towards the housing costs. This is called a **non-dependant deduction**. The amount of the deduction is set by the Government and varies according to the circumstances of your non-dependant. The non-dependant deduction is made regardless of whether or not the person actually contributes towards your housing costs.

No deduction is made if you or your partner are registered blind or receive Attendance Allowance or the care component of the Disability Living Allowance.

No deduction is made if the non-dependant living with you gets a youth training allowance, usually lives elsewhere, has been in hospital in-patient for more than 6 weeks, is a prisoner, or is in receipt of pension credits.

Over 65 years

If you (or your partner) are 65 or over and a non-dependant moves in to your household which would cause a deduction, no deduction will be made for 26 weeks. If the existing non-dependant's income goes up triggering an increase in the non-dependant deduction, the increased deduction will not take effect for 26 weeks.

There are other instances where no deduction is made - contact us for a complete list.

Can I claim Housing and/or Council Tax Benefit if I have savings?

Yes, if your (and your partner's, if you have one) total savings are under £16,000 or if you are in receipt of the guarantee part of Pension Credit.

Savings below £10,000 are ignored. Savings above £10,000 reduce the amount of benefit you receive. Please note that if you have a partner both your savings will be added together. If you are in receipt of the guarantee part of Pension Credit, savings are not taken into consideration and you would usually get maximum Housing and Council Tax Benefit.

If you dispose of savings by, for example, giving money to members of your family in order to qualify for benefit, or higher benefit, we can treat you as still having that money.

For benefits purposes, savings include cash, money in bank/building society accounts, National Savings Certificates, income bonds, stocks and shares, property or land you own (but not the home you live in), and Premium Bonds.

Can I claim Housing and/or Council Tax Benefit if I have an income?

Yes you can, but the higher the income, the less benefit you are likely to get. Income includes any earnings, pensions (state, occupational and personal pensions) and most social security benefits such as, Pension Credit (savings), Income Support, Job Seekers Allowance, Incapacity Benefit and Employment and Support Allowance.

Pension Credit guarantee credit will be ignored, as will voluntary or charitable payments.

Can I claim Housing and/or Council Tax Benefit if I work?

Yes you can, but the more you earn, the less benefit you are likely to get. You should apply to find out if you are entitled.

Can I claim Housing and/or Council Tax Benefit if I am self-employed?

Yes you can. Ask for a copy of A guide for the self-employed (leaflet 5 S/E).

How do I claim Housing Benefit and/or Council Tax Benefit?

You must complete (or have completed on your behalf) a Housing Benefit and Council Tax Benefit application form. Claim forms can be downloaded from our website www.sevenoaks.gov.uk or picked up from our offices. Alternatively, call us and ask us to send you one - see back of this leaflet for our telephone number and our opening times.

In exceptional circumstances, if you cannot leave your home and have no one who can help you, an officer may be able to visit you in your home to help you complete the form and check the proof we need.

Return the form within 1 month - delays can mean lost benefit. If you do not have all the proof of income and investments to hand at the time you complete the form, send what you do have and the rest as soon as you can. Documents supplied must be **originals** and they should be received within 1 month of your application. If you need longer please call us and tell us. We will photocopy your documents and return them to you immediately.

Once we have reviewed your application we will write to tell you if you qualify or not. How speedily we are able to do this depends on how soon you give us all the information we need.

When can you pay my benefit from?

If you qualify for Housing Benefit and/or Council Tax Benefit we usually pay it from the Monday after you claim. We will tell you how much you will receive, how you will get it and the date your benefit will start.

In certain circumstances we are able to pay benefit before the date you claim. This is called **backdating**. The law says that we can backdate a claim for up to 3 months for Pension Credit age customers if there is a good reason why your claim is late. This is known as **good cause**. Good cause must be continuous for the period you want benefit backdated. All requests for backdating must be in writing. See our leaflet **Can my claim be backdated** (leaflet 3 BKD) for more information.

What identification proof do I need to provide?

- proof of your (and your partner's) identity
- proof of your (and your partner's) National Insurance number
- proof of your (and your partner's) income and savings/capital
- proof of your rent

If you cannot find proof or do not have a National Insurance Number please call us.

What proof of rent do I need to provide?

You must provide evidence that you are currently liable to pay rent. This could be a tenancy agreement, rent book or letter from the landlord or landlord's agent. The proof must include:

- full name and business address of the landlord (or managing agent)
- full names of those renting the property
- address of the property
- date the agreement started
- the amount of rent payable
- payment frequency and
- what is included in the rent, eg meals, gas, electricity and water rates

If you rent your home from a private landlord, we may not be able to pay your rent in full. This is because the Rent Officer has to decide how much of your rent we can use to work out your benefit. We also have to take into account what is included in your rent, as we cannot pay Housing Benefit for services such as water, heating and lighting.

What proof do you need to see of my income?

If you are in receipt of Pension Credit the only proof of income we need is the award letter from the Pension Service.

If you are not in receipt of Pension Credit we will need proof of all income. This includes any earnings, pensions and any benefits such as Child Benefit, Tax Credits, Income Support, Job Seekers Allowance, Incapacity Benefit, Employment and Support Allowance, Attendance Allowance or Disability Living Allowance.

For benefits we need:

Benefit or pension slips, award letters or similar.

Full details of evidence required is given on the application form.

What proof do you need to see of my investments and savings?

We need the last 2 months' bank statements for all accounts, up to date building society or post office passbooks for all your accounts plus any share certificates, national savings certificates and premium bonds you hold.

If you cannot find proof please call us.

How much benefit will I get?

This depends on:

- your (and your partner's) income
- your (and your partner's) savings
- your rental amount
- your household - age and size of your family, whether anyone in your family is disabled, and whether anyone who lives with you could help pay the rent and
- if you share paying the rent with someone else who is not your partner.

How much rent will I get?

If you are currently living in your home and receiving Housing Benefit or renting from/going to rent from a social landlord (eg Housing Association), Housing Benefit payments will continue as normal, and you will not be affected by Local Housing Allowance. The amount you receive will depend on the above.

From 7 April 2008, if you rent from a private landlord or you have a break in your claim of 1 week or more your rent will be considered under the Local Housing Allowance scheme.

Local Housing Allowance is based on:

- who lives with you
- which area you live in
- how much money you have coming in and
- what savings you have

How is Local Housing Allowance calculated?

LHA is calculated by the Rent Service for individual areas, known as Broad Market Rental Areas (BMRA's), each month. It is based on the mid point of a list of values for that size of property within the BMRA.

What are the rates based on?

Different LHA rates will apply in different areas. Within those areas, they will be based upon the median rent charged by landlords in the private sector properties of various sizes. LHA rates will be further broken down into "Room Rates" that will apply depending on the size of the household including non-dependants. Size criteria will be based on allowing one bedroom for:

- every adult couple
- every adult who is not part of a couple
- any other adult aged 16 or over
- any 2 children of the same sex
- any 2 children regardless of sex under 10 and
- any other child (under 16)

The number of living rooms, kitchens and bathrooms is ignored for the purpose of the size criteria.

There is a separate LHA rate for 1 room with some shared facilities. This will apply to people who are under 25 and live on their own, as well as anyone else who is living in non-self-contained accommodation or in a single room 'studio' flat.

Local Housing Allowance

With Local Housing Allowance, you will know before you find somewhere to live, how much help with your rent you might get. By knowing how much you might get, it is easier for you to decide what type of property you can afford.

If you are looking for somewhere to rent you can choose to:

- rent a property where the rent is the same as the Local Housing Allowance rate you are entitled to
- pay more than the Local Housing Allowance rate you are entitled to and rent a more expensive property using other money you have coming in or
- pay less than the Local Housing Allowance rate you are entitled to and rent a less expensive home. In this case your Local Housing Allowance rate can be up to £15 more than your rent.

The following examples show how this works. These examples are for tenants who are entitled to the maximum amount of benefit.

Fred's Local Housing Allowance rate is £65 a week. His rent is £60 a week. Fred gets benefit of £65 a week and can keep £5 a week to spend on other things.

Helen's Local Housing Allowance rate is £80 a week. Her rent is £90 a week. Helen gets benefit of £80 a week and has to pay the extra £10 a week from other money she has coming in.

Where will LHA rates be published?

We will publish the LHA rates each month on our website, at our main Sevenoaks office, and our local offices in Edenbridge, Swanley and Hartley. They will also be available at the local Citizens Advice Bureaus.

How do I get paid my benefit?

If you are currently living in your home and receiving Housing Benefit or renting from/going to rent from a social landlord (eg Housing Association) rental payments will continue as normal, and you can request payments to go to you or your landlord, as you are not affected by Local Housing Allowance. If you are in arrears of 8 weeks or more your landlord can request that payments go directly to them.

With Local Housing Allowance, benefit is paid to **you** and not to your landlord. We can decide in certain circumstances to pay your landlord direct if we decide that you are likely to have difficulty paying your rent, or you owe 8 weeks' rent or more. We will write to you if this is the situation.

It will be paid to you directly into your bank or building society account, if you have one, or by cheque.

Who can ask for the payments to be made to the landlord?

You, your family, your landlord, or persons acting on your behalf, can request payments to go to your landlord. If you are not affected by LHA, once we have received your request we will normally action your request and write to you.

If you are affected by LHA you may request payments still to go to your landlord; however, we will need you to complete an Application Form for payments of LHA to be paid to your landlord. This will need to be fully completed and detail why you feel that you will have difficulties managing your rent and provide evidence to support this. If you feel this applies to you, please contact us for a form. Once we have received your completed form we will write to you with our decision.

Completion of this form does not guarantee that payments of Housing Benefit will go directly to your landlord. Each application is assessed on its own individual merits.

I don't have a Bank Account

If you don't have a bank account, we will pay your Housing Benefit by cheque although we prefer to pay into a bank account as it is safer and more efficient.

The Citizens Advice Bureau can give advice and information about how to open a bank account. We also have leaflets available at our office for you to pick up on opening a basic bank account or on our website at www.sevenoaks.gov.uk

Paying rent

As a tenant you are responsible for paying your rent to your landlord.

If you do not pay the rent your landlord may apply to us to have it paid to them, or take other action to recover their money.

If you are in rent arrears your landlord may be able to go to the Courts and ask that you be evicted from your home.

What should I do if anything changes while I'm getting Housing and/or Council Tax Benefit?

You should tell us straightaway if your circumstances change. It might affect how much you get, and if you don't tell us you may lose benefit.

If you don't tell us about a change and we pay you too much benefit, you will have to pay it back.

If you have a change of circumstances complete the form **fully** on page 17 and send it to us.

For more information see our leaflet Housing and Council Tax Benefit - **Changes you need to tell us about** (leaflet 4 C/C).

What can I do if I disagree with your decision on application for Housing and/or Council Tax Benefit?

Once we have looked at your claim we will write to you with a decision. Our letter will tell you if you qualify or not, how much benefit you will get, how you will be paid and the date the benefit will start.

If you disagree with our decision, you can ask us to look at it again. Our letters tell you what your rights are.

For more information see our leaflet Housing and Council Tax Benefit - **What do I do if I disagree with your decision** (leaflet 7 APP).

What can I not appeal against?

You cannot appeal against the LHA rates for the area you are living in, because these statutory rates are set by the Rent Service, an independent body separate from us. You can however request us to reconsider your claim if you think our decision is wrong.

DOCTYPE:

Change of Circumstances

My benefit ref no

My full name

My address

Date of change

Details of change (your new address/income, etc)



Continue over the page (if necessary)

Declaration. To my knowledge the details on this form are true and correct. I understand that if I give incorrect information, or withhold information, I will have to pay back any overpayment of benefit, and you may also take action against me. I know I must let the Benefit Section know about any further changes in my circumstances that may affect my claim.

Signature Date / /

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📍 WHERE CAN I GET HELP?

You can always phone us for help and advice. For details visit our website www.sevenoaks.gov.uk or see the back of this leaflet.

You could also contact or visit the following:

Edenbridge & Westerham Citizens Advice Bureau

68 High Street

Edenbridge

TN8 5AR

Call 01732 865131

Email: Edenbridge@cabnet.org.uk

Swanley Bureau

16 High Street

Swanley

BR8 8BG

Call 01322 664949

Email: Swanley.cab@dial.pipex.com

Sevenoaks Bureau

Buckhurst Lane

Sevenoaks

TN13 1HW

Call 01732 454443

Email: info@sevenoakscab.org.uk

Shelter Kent Housing Aid

Bull Yard

High Street

Ashford

TN24 8SN

Call 01233 610669

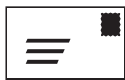
Email: ashford@shelter.org.uk

IF YOU HAVE ANY QUESTIONS ABOUT YOUR HOUSING BENEFIT OR COUNCIL TAX BENEFIT.



Phone us on: 01732 227000

A service is available for minicom users on: 01732 227496 (for textphone users only)



Write to us at:

Benefit Section
Sevenoaks District Council
PO Box 102
Argyle Road
Sevenoaks
Kent TN13 1GT



E-mail us at benefits@sevenoaks.gov.uk



Visit our main Sevenoaks office at the following times.

Monday to Wednesday 8.45am - 5.00pm

Thursday 9.30am - 5.00pm

Friday 8.45am - 4.45pm

For appointments at our Edenbridge, Swanley & Hartley surgeries please call 01732 227000

WHAT IF I WANT TO COMMENT ON YOUR SERVICE?

Please get in touch with us. We would like to know what you think.

Information on how we deal with comments about our services is available on our website www.sevenoaks.gov.uk.

Alternatively a leaflet entitled 'Comments, Compliments and Complaints' is available from our offices.

This leaflet includes an easy to use complaint form.

