

Housing Benefit is a means tested benefit which help people on low incomes pay their rent. It is a Government scheme which is run by local authorities. In Moray this is administered by the Revenues Section. Anyone who rents their home can apply and this includes council tenants, private tenants, boarders and people living in hostels or bed and breakfast.

### **How to claim**

The Moray Council has a combined Housing Benefit and Council Tax Benefit form called a CHB1. Forms are available at all our local offices.

If you are in receipt of Income Support, Job Seekers Allowance or Pension Credit, the Job Centre or Pension Service may give you an alternative form to claim Housing Benefit and/or Council Tax Benefit.

Please contact the Revenues Section if you are not sure which form to complete, need help with filling in the form or need more advice.

### **When to claim**

Make a claim as soon as you think you need help to pay your rent. It is important that you do not delay sending us your claim as you could lose benefit.

Benefit normally starts from the Monday after we receive your claim. However, if you contact us because you want to claim, benefit will start from the Monday following your contact date, but only if you have returned your completed claim form within one month of us sending it to you. We will keep a record of the date you contacted us and the date we issued you the claim form.

If you are moving to a new property, make a claim as soon as you move in. Benefit is normally only paid for the period the claimant actually lives in the property. It is not always possible to cover periods of rent at the start or end of a move when the claimant is not actually living in the property.

### **Supporting evidence**

In order to process your benefit claim we need to see proof of identity and national insurance numbers for the claimant and partner and evidence of the income and savings of all the members of your household. All evidence provided must be the **original** documentation. **We cannot accept photocopies.** If you do not have all the documents to hand, give us what you have now and send the rest within one month.

Please do **not** delay in sending your form to us.

## **What happens to your claim?**

Once you have filled out your form and given us **all** the evidence we have asked for, we will work out if you qualify for benefit. We will then write to let you know the decision; if you qualify, how much you will get and when your benefit will start.

## **How your benefit is worked out**

It is calculated by comparing the income and savings of the people in the household with the amount the Government says they need to live on. It is then compared to the amount of rent that can be taken into account. If you are a council tenant then the rent can be met in full.

## **Rent levels – Local Housing Allowance (LHA)**

Local Housing Allowance was introduced in April 2008 and is a new way of working out Housing Benefit for tenants renting accommodation from a private landlord. The LHA rates have been set by the independent Rent Registration Service. They are standard rates that are updated and advertised locally every month and are based on the local average rents for properties of a given size and on the number of bedrooms you need for your household and will be the maximum amount of LHA you may get. You can find out, in advance, what size of property you require and what the level of LHA will be.

You will be affected by LHA if:

- You claim housing benefit for the first time;
- You change address; or
- You have a break in entitlement of one week or more.

You are **not** affected by LHA if:

- You are a council tenant;
- A Housing Association tenant;
- Your tenancy began before 2 January 1989;
- You live in a mobile home, caravan or house boat;
- You live in supported accommodation where the landlord provides care, support or supervision;
- A substantial part of the rent is attributable to board and attendance; or
- You are an existing claimant and have not had a break in entitlement

## **Rent levels - Non LHA**

For private tenancies not affected by LHA we have to ask the Rent Officer to carry out a valuation to tell us if the rent is reasonable. The Rent Officer may have to visit the property to carry out the valuation and considers the average market rent for the area and whether the property is suitable for the size of the household.

If the Rent Officer believes the rent being charged is too high, they will tell us the maximum figure we can use to work out the Housing Benefit.

The amount of rent you have to pay is not necessarily the level of rent we will use to work out your Housing Benefit. Some people may have charges included in their rent which cannot be covered by Housing Benefit. For example, water rates, fuel charges and meals.

While we are waiting for the Rent Officer's decision, we will not delay in dealing with your Housing Benefit claim. If you have provided all the information and evidence that we have asked for, we will assess your entitlement to Housing Benefit using an estimated rent level. Once we have been notified of the Rent Officer's decision, we will re-assess your entitlement.

### **Restrictions on Housing Benefit for single people under 25**

It is important to note the restrictions that have been imposed by Government on the amount of Housing Benefit which can be given to certain single people under 25 years old renting privately.

Young single people on low incomes are therefore advised to speak to an advice agency or Revenues staff before accepting any offer of rented accommodation.

### **How we pay your benefits**

If you are a council tenant your Housing Benefit will be paid directly to your rent account.

If you are a private tenant you will be paid, usually every four weeks, by crossed cheque. These payments will be sent directly to you or your landlord, depending on what you have requested.

However if you are a **private tenant receiving LHA**, these payments will be sent directly to you and **cannot** be paid to your landlord unless you have exceptional circumstances.

## Changes in your circumstances

As soon as you have claimed Housing Benefit and/or Council Tax Benefit, it is your responsibility to tell us immediately if any of the details you have given us have changed (even if you have already told the Department for Work and Pensions).

**Please note:** It is an offence not to notify us of any changes that may affect your benefit and you will have to pay back any benefit that has been overpaid.

## Discretionary Housing Payments

If you have exceptional circumstances or suffer from severe hardship you may be entitled to extra money to go towards paying your rent and council tax. For more information on how to do this, ask for our Discretionary Housing Payments leaflet.

## Appeals

If you are unhappy with the decision we have made about your benefit entitlement, you can challenge the decision. Your written appeal must be received by us within one calendar month of the date we notified you of our decision.

The appeals process allows us to look again at our decision before submitting your appeal to an independent tribunal. For more information on how to do this, ask for our appeals leaflet.

## More information

Detailed information and advice on all the assessment procedures for Housing Benefit will be willingly given by local Citizen's Advice Bureau (see Appendix B). Enquiries about Benefits can be made at the following offices (Monday, Wednesday to Friday 8.45am to 5pm and Tuesday 10am to 5pm):

Buckie Revenues Office Moray Council Cluny Square Buckie AB56 1AJ	Keith Revenues Office Moray Council The Institute Mid Street Keith, AB55 5BJ
Elgin Revenues Office Moray Council Council Building High Street Elgin, IV30 1BX	Forres Revenues Office Moray Council Auchernack High Street Forres, IV36 1DX

You can contact Revenues Section by e-mail at [revenues@moray.gov.uk](mailto:revenues@moray.gov.uk) or phone the contact centre at 01343 563456.

You can also access the website at [www.moray.gov.uk](http://www.moray.gov.uk)