

Lincolnshire Landlords Newsletter



VOLUME 2

Forums

Councils in Lincolnshire are holding a series of Landlord Forums in October 2008 to keep you informed about the changes to Housing Benefit with the introduction of Local Housing Allowance since April 2008. There will be a forum held in every Council's area as shown in the table below.

Council	Date	Venue
East Lindsey District Council	Wednesday 1 st October 2008 at 6.30pm	Embassy Theatre SKEGNESS
North Kesteven District Council	Monday 6 th October 2008 at 6.30pm	Council Chamber Council Offices SLEAFORD
South Kesteven District Council	Tuesday 7 th October 2008 at 6.30pm	Council Chamber Council Offices GRANTHAM
South Holland District Council	Wednesday 8 th October 2008 at 6.30pm	Council Chamber Council Offices SPALDING
City of Lincoln Council	Monday 13 th October 2008 at 4.30pm	City Hall Beaumont Fee LINCOLN
Boston Borough Council	Tuesday 14 th October 2008 at 4.00pm	Council Offices West Street BOSTON
West Lindsey District Council	Wednesday 15 th October 2008 10.00am-12 noon	Council Chamber Guildhall Marshall's Yard GAINSBOROUGH

The forums will give you a chance to meet other landlords and raise any questions you might have about Housing Benefit. There may be other sections of the Council represented at the Forums. Just turn up at the time and venue specified above and see what you might learn. Light refreshments will be available at every forum.

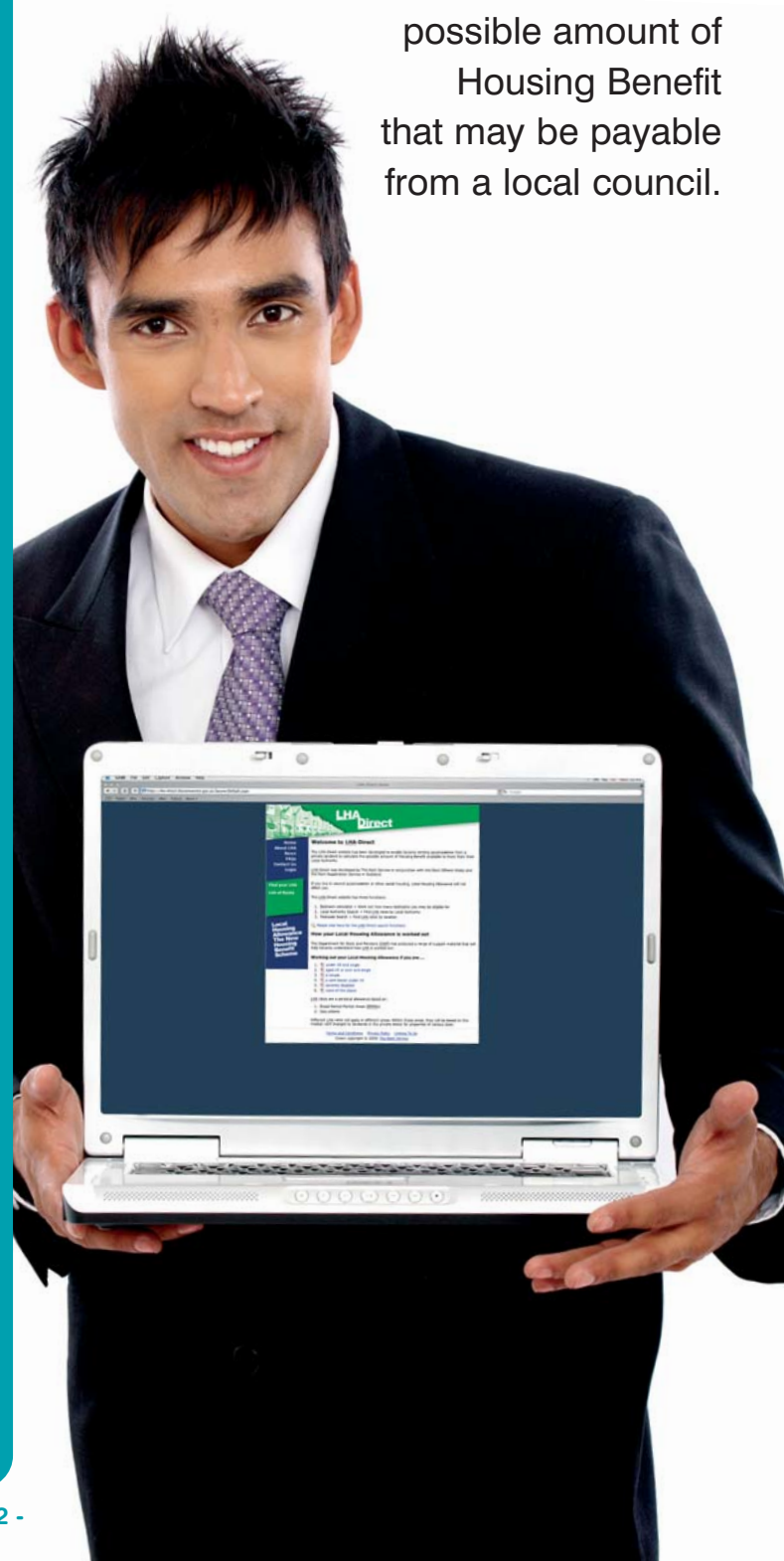
The aim of this newsletter is to keep you informed and consult you about how the changes are affecting you and your tenants.



LHA Direct Website

www.lha-direct.org

The above web site has been developed as a useful tool for private tenants and private landlords to enable them to calculate the maximum possible amount of Housing Benefit that may be payable from a local council.



The website has three main functions:

- Bedroom calculator - this works out how many bedrooms a claimants household may be entitled to
- Local Authority Search - you can find the LHA rate payable by a council
- Postcode search - if you have a postcode for a property but not the council you can find the rates that are payable

LHA Bedroom Calculator

This will ask you for the number of people who live in the household, also:

How many couples

How many adults aged 16 or over and their sexes

How many children between 10 and 15 years and their sexes

How many children under 10 years and their sexes

Local Authority Search

This is when you know which council you want to search under.

You should select the month and year you wish to search about.

The LHA type you wish to know (amount of bedrooms - see above section) or you can look at all the rates - show all

Select the local authority from the drop down list, for example - Lincoln

Then you just need to click on the box 'LA Search'

This will give you all the LHA rates for Lincoln

Postcode Search

This is where you have the postcode for a specific address.

- You will have to select the Month and Year you wish to look at.
- The LHA type you wish to know (amount of bedrooms - see above section) or you can look at all the rates (show all)
- Then enter the postcode
- Then click on the box - Search Postcode

This will bring up all the LHA rates for that postcode.

Direct Payments

Since April 2008 new claims for Housing Benefit are to be paid direct to the tenant unless they are unlikely to pay their rent or have rent arrears.

Housing Benefit can be paid to a landlord or agent where we are given information that will allow us to make a decision to pay you. The type of information we need includes the period and amount of arrears, evidence of previous rent arrears or payment problems, court papers, details of any known debt or money management problems.

The more information provided the quicker the decision can be made to make future payments direct to the landlord or property agent to prevent arrears building up. A couple of typical examples are provided below

Example 1

Tenant placed by the local authority Homeless section in rented accommodation with a private landlord, this was because his mother was selling her home and she had to move into smaller accommodation and direct payment was requested to the private landlord.

Decision

Direct payment was turned down as there was no evidence to suggest that the tenant was either unable or unlikely to pay their rent.

A subsequent request to reconsider the decision was made and further evidence was supplied that said the reason why he was living at home with his mother was because he had been evicted for rent arrears from his last rented address. The information of the amount of arrears, period covered, address concerned along with a copy of the eviction notice was supplied and direct payment was made to the new landlord. Had all the information been supplied in the first place then the decision to pay the landlord would have been made much quicker and arrears would have been prevented.

Example 2

A young mother with 2 children who has a drug addiction is placed with a private landlord by a support agency. A request for direct payment to the landlord is made at the same time that she claims for Housing Benefit, the reason is that the mother is going through a programme with a drug rehabilitation programme. There is documented evidence to support this request, details of the programme and the support package the agency are going to give the mother.

Decision

Direct payment is made to the landlord as it is considered to be in the best interest of the tenant that payment is made direct to the landlord. This decision will be reviewed after a year, or sooner if the tenant or agency request it.

Breaks in Entitlement

Since the introduction of Local Housing Allowance (LHA) from 7 April 2008 the criteria for moving onto LHA is as follows:

- ✓ Change of Address
- ✓ New Claim
- ✓ Break in entitlement of a week or more

It is this last criterion that has created a lot of discussion, and councils have asked the Department for Work and Pensions (DWP) for further clarification. Whilst there is no statutory mechanism expressly permitting a customer to withdraw their claim after it has been decided, there is a body of case law which holds that a customer cannot be forced to continue receiving benefit when they have indicated that they no longer wish to do so.

Social Security Commissioners consider appeals and set case law precedents that apply across the UK. They have decided that where a person no longer wishes to claim benefit then they may cancel their claim to stop entitlement. This means that some tenants may decide to cancel their claim to Housing Benefit and then a week later they may claim again to move onto the Local Housing Allowance (LHA) scheme if they would be better off.

If a tenant does this they will not get Housing Benefit for the break in their entitlement and will have to pay the rent themselves for the period of the break. They cannot move onto LHA rates without the clear break in entitlement of at least a week.

Employment and Support Allowance (ESA)

ESA is being introduced as part of the Welfare Reform Act 2007 and will be effective from 27 October 2008 and cover all new customers claiming Incapacity Benefit (IB), Severe Disablement Allowance (SDA) and Income Support (IS) paid on the grounds of incapacity. All new claims made on or after the 27 October for any reason of incapacity will fall under the new rules. Any existing customers in receipt of IB, SDA or IS will continue to receive the benefit as before.

If you wish to know more about this you can find this at the DWP website at

<http://www.dwp.gov.uk/esa/>



Backdating

The Department for Work and Pensions (DWP) are planning to change the rules for backdating Housing Benefit and Council Tax Benefit to limit it to 13 weeks down from the current 52 weeks. The change, subject to Parliamentary approval, comes in from October 2008. Other legislative changes are planned. We will update you at the Forums.

Landlords should make sure that rent arrears are tackled at an early stage, as this often leads to a claim for backdated benefit.

Tenants who are starting to build up arrears of rent should be advised about Housing Benefit as soon as possible in case they are entitled.

Statistics

One of the key aims of the Local Housing Allowance scheme introduced from 7th April 2008, is to pay Housing Benefit tenants direct wherever possible. Information currently available from the Lincolnshire councils suggests we are paying 93% of Local Housing Allowance claims direct to tenants and 7% direct to landlords.

During the forums in October we will provide information of each individual authority.

What other information is available?

DWP, The Rent Service and local authorities are working together to ensure that all stakeholders are kept informed of the changes being made to Housing Benefit and that everyone will be aware of where to obtain further advice and information. Your local authority contact details can be found below. They will be able to provide you with more information, alternatively you can visit the DWP and The Rent Service websites:

www.lha-direct.org

www.dwp.gov.uk/housingbenefit/lha

www.therentservice.gov.uk

Local Authority Contact Details

Local Authority	Address	Tel No, e-mail and web
Boston Borough Council	Municipal Buildings West Street BOSTON Lincolnshire PE21 8QR	Tel 01205 314460 housing.benefits@boston.gov.uk www.boston.gov.uk/benefits
City of Lincoln Council	Benefits Service City Hall Beaumont Fee LINCOLN LN1 1DB	Tel 01522 873355 (Customer Services) Tel 01522 873382 (for help in setting up a bank account) benefits@lincoln.gov.uk www.lincoln.gov.uk/lha
East Lindsey District Council	Housing Benefits Tedder Hall Manby Park Manby LOUTH Lincs LN11 8UP	Tel 01507 609333 or 08446 609333 (low rate) hbenquiry@e-lindsey.gov.uk or customerservices@e-lindsey.gov.uk www.e-lindsey.gov.uk/advice/benefits
North Kesteven District Council	Benefits Service District Council Offices Kesteven Street SLEAFORD NG34 7EF	Tel 01529 414155 or 01522 699699 benefits@n-kesteven.gov.uk www.n-kesteven.gov.uk
South Holland District Council	PO Box 8 Priory Road SPALDING Lincs PE11 2XQ	Tel 01775 761161 benefits@sholland.gov.uk www.sholland.gov.uk/services/services601.htm
South Kesteven District Council	Benefits Service Council Offices St. Peters Hill GRANTHAM Lincs NG31 6PZ	Tel 01476 406262 (Customer Services) Customerservices@southkesteven.gov.uk www.southkesteven.gov.uk
West Lindsey District Council	Guildhall Marshalls Yard GAINSBOROUGH Lincs DN21 2NA	Tel 01427 676676 benefits@west-lindsey.gov.uk www.west-lindsey.gov.uk/lha

