

## Landlords Forum 26 January 2011

### Discussion group – Local Housing Allowance Rates and the 30<sup>th</sup> Percentile

Group leaders – Ian Biggadike, Andreas Mylonas from Housing Benefit.

The group had a lively discussion about the change in housing benefit payments and generally about the housing benefit system.

Case study notes were handed out and gave examples of how the changes would affect particular claims.

These notes take the form of the questions that were asked during the discussion period.

**Q** – Could the landlord ask HB for the date of the anniversary even if the rent was being paid directly to the tenant?

Yes – there should not be a problem with this. Landlords should be able to phone the HB department and be given this information.

**Q** – Will the LHA rate still be changed every month after April 2011?

Yes – but there are thoughts to look at fixing it for longer periods. But for the moment the monthly rate change will continue.

**Q** – Can all contracts be terminated in March and then set up again to benefit from 12 months lock of old rates plus the then additional 90 month protection?

No – all HB claims are in a 12 month cycle meaning that the HB rate will be changed or will be eligible for the 9 month transition period from the 1 year anniversary date.

**Q** – What constitutes a change in circumstances for the purposes of ending the transitional payments?

Increase or decrease in bedroom size or change of address.

**Q** – Can landlords receive direct payments?

From 1 April 2011 landlords and tenants can request that payments that are paid directly to the landlord if it can be justified that it is for the purpose of retaining or sustaining a tenancy. This could be a tenant simply stating he would have difficulty in paying if he was paid it directly.

**Q** – Can a tenant a later date request the payment back to him?

Yes – it is the tenant’s claim. If he wishes the money to be paid to him directly then HB will pay it him.

**Q** - Currently when can payments be paid directly to landlords?

Once 8 weeks of arrears have accrued payment can be directed to the landlord. Landlords letting properties through the Home Finder Scheme will however receive direct payments from the beginning of the tenancy.

**Q** – Is the landlord responsible for paying back an overpayment if they have been receiving the money directly?

It depends on the circumstances. The landlord must notify HB if he is aware of any changes. In the first instance HB will always chase the tenant for any overpayment.