

## North Derbyshire Landlords Forum

The annual meeting of the North Derbyshire landlords forum was held on the evening of 24<sup>th</sup> June 2008 at the Agricultural Centre, Bakewell.

The event was well attended by landlords from all districts.

Presentations were given on the Local Housing Allowance and Topical Benefit Issues.

A general discussion then took place and various issues were raised.

The next landlord forum will be held between 6 pm and 8.30 pm on Tuesday 2<sup>nd</sup> June 2009 at the Agricultural Centre in Bakewell.

Refreshments will be available from 5.45pm

## Goodbye CORGI -Hello Gas Safe Register

The Gas Safe Register has replaced CORGI gas registration from 1st April 2009. It is the official industry stamp for gas safety.

From 1st April, by law, only Gas Safe registered engineers should carry out work on gas appliances or installations. Legal information about landlord's gas safety obligations can be found on the Gas Safe Register website [www.gassaferegister.co.uk](http://www.gassaferegister.co.uk).

Gas safety checks are compulsory in private rented accommodation and help to prevent deaths due to explosions or CO exposure. In 2007-2008 14 people died from CO poisoning and 234 suffered health problems from CO exposure.

Always ask for the engineer's card. All Gas Safe registered engineers have an ID card with their licence number and photograph on it. The licence number is easily verified on the website [www.gassaferegister.co.uk](http://www.gassaferegister.co.uk) or by telephoning 0800 408 5500.

## Notifying us of changes in circumstances

Please remember to tell us about any changes in circumstances that could affect the amount of Housing Benefit a tenant is entitled to. This helps us administer Housing Benefit efficiently and helps prevent overpayments.

In cases where you receive Housing Benefit directly for your tenants you have a legal duty to notify us of any change in circumstances that you become aware of or could reasonably be expected to be aware of. Failure to do so could lead to you being prosecuted through the courts.

You should inform the council of changes in tenancies as they happen, even if you have tenants who are not entitled to Housing Benefit.

Providing late information can hamper the collection of Council Tax if tenants are billed late.

## Backdating rules have changed

In October the rules on backdating changed. Working age claimants can have their Housing Benefit claim backdated for up to a maximum of six months if they can prove good cause for backdating.

Pensioner age customers can have their claim backdated for a maximum of three months.

## We would like to hear from you

If you have any questions or queries, please do not hesitate to contact us, we will be pleased to discuss any issues you may have.

**Chesterfield Borough Council**  
Phone 01246 345483 Fax 01246 345486  
Website [www.chesterfield.gov.uk](http://www.chesterfield.gov.uk)  
Email [benefits@chesterfield.gov.uk](mailto:benefits@chesterfield.gov.uk)

**Derbyshire Dales District Council**  
Phone 01629 761188 Fax 01629 761148  
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**High Peak Borough Council**  
Phone 0845 129 7777 Fax 01298 28485  
Website [www.highpeak.gov.uk](http://www.highpeak.gov.uk)  
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## LHA UPDATE

From April 2008 the method by which Housing Benefit is calculated for any new claims by tenants in the private rented sector has changed.

All landlords with tenants who claim housing benefit have received information about the changes.

The main change is that, in most cases payment of Local Housing Allowance is be made direct to the tenant, who then pays the rent to the landlord. The benefits are:-

- \* Increased rent entitlements for tenants with the LHA.
- \* With the LHA being paid direct to tenants any overpayments cannot be claimed back from the landlord.
- \* Where excess entitlement to LHA is paid to the tenant, landlords can currently request this be paid direct to them to clear rent arrears.
- \* LHA processing times are quicker.
- \* Landlords can request payments direct where there is evidence that a tenant is vulnerable and unlikely to manage payment of rent.

To date the feedback from landlords is mixed with some landlords experiencing problems with collecting rent from tenants. In such cases landlords need to be aware of the **Safeguarding policy**, which is in place to protect the interests of claimants and landlords.

### ***Moving a claim onto Local Housing Allowance***

One of the most common enquiries we receive, from both landlords and tenants, is how a tenant's claim that is being calculated under pre LHA rules can be calculated under LHA rules so that they become entitled to more money.

Following guidance issued by the Department for Work and Pensions we will now allow a tenant to withdraw their existing claim for Housing Benefit for their current address and to submit a new claim to be calculated using LHA rules. The new claim and the withdrawal of the old claim will be processed at the same time and if successful would result in a one week break in their claim.

However, anyone considering making such a request should be aware of the following:

- When they make a new claim for benefit they must provide all information relating to their income, capital, household composition, tenancy and proof of their liability to pay rent, in exactly the same way as they would if they were claiming for the very first time. Failure to do so could result in delays in paying benefit and potentially create rent arrears.
- That there will be a period of one week for which no benefit can be paid.
- Not all tenants will be better off. Information on LHA rates is available on our websites
- In most cases the new award will be paid directly to the tenant.
- The request to move the claim onto LHA can only come from the tenant; the Landlord cannot request it.

#### **LHA – Direct Payments**

If you ask us to pay Housing Benefit direct to you for your tenant you can help us to process the claims faster by providing as much evidence as possible in support of your application. Decisions can be delayed where we have to write out for additional evidence.

If you ask us to pay direct because your tenant is 8 weeks or more in arrears, the money owed is not classed as rent arrears until the period to which the payments relates has actually passed. So if the rent is due on the first day of the month for the whole of that month, the tenant is not one month in arrears until the first day of the following month.

#### ***Recent budget announcement – LHA rules to change***

“Since the Local Housing Allowance was introduced in April 2008, costs have exceeded the planned expenditure for this policy. To bring the cost into line with what is affordable, whilst still ensuring all recipients can afford their rent, the Budget announced that from April 2010 there will no longer be scope for anyone to receive more LHA than they have to pay in rent. Existing claimants will move onto the new arrangements on the anniversary of their claim.”

In practice, this means that those tenants who get more benefit than rent, won't anymore. The effective date will depend on when the tenant first claimed, anytime between April 2010 and March 2011. However, housing benefit will continue to be awarded up to the level of the LHA rate for the family room requirement.