

# HB v UC and benefits

Welfare Rights Team - Housing Tenancy Services  
Supporting Council Tenants

Seminar Autumn 2020



Please note: These slides are correct at the time of distributing. The law changes frequently, and there will be changes in January 2021 to: SDP/UC and HB. The slides will become out of date so seek advice/check for updates.

# Aims and Objectives

## Provide awareness of the following:

- Benefits overview
- What is Housing Benefit and Universal Credit
- Exemptions to UC / gateway
- What is Severe Disability Premium – why it matters
- Triggers to UC
- When to claim HB, UC, or both
- How to make a claim for Housing Benefit and Universal Credit
- Question sessions

# Benefits

## WORKING AGE BENEFITS (means tested)

- 1) Income Support (IS)
- 2) Jobseekers allowance (JSA)
- 3) Employment & support allowance (ESA)
- 4) Child Tax Credit (CTC) and Working Tax Credit (WTC)
- 5) Child Benefit (CB)
- 6) Housing Benefit (HB) & Council Tax Reduction (CTR)
- 7) Universal Credit

## Contributions based benefits &

### New Style Benefits

- 1) Job-Seekers allowance
- 2) Employment & support Allowance
- 3) Incapacity Benefit (rare to find)

## DISABILITY BENEFITS (NON MEANS TESTED)

- 1) DISABILITY LIVING ALLOWANCE (DLA)
- 2) PERSONAL INDEPENDENCE PAYMENT (PIP)
- 3) ATTENDANCE ALLOWANCE (AA)
- 4) CARERS ALLOWANCE (CA)

## PENSIONER BENEFITS

- 1) STATE RETIREMENT PENSION (SRP)
- 2) PENSION CREDIT (PC)

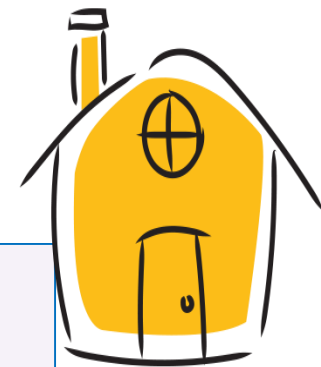
**NB: From slide 3: Contribution based benefits**

New Style benefits can be claimed by those who have paid enough national insurance contributions in the last 2 years and they are not getting Severe disability Premium

Contribution based ESA/JSA can be claimed by those who have paid enough national insurance contributions in the last 2 years and they are getting Severe Disability Premium

Both can be claimed by people that worked or were self employed

# Housing Benefit (HB)



- HB is help towards **eligible rent** for people liable for paying rent on their home
- Entitlement is dependent on **income, household composition and number of bedrooms** (Local Housing Allowance for private rented sector)
- Upper capital limit of **£16,000** (Pension Credit exemptions)
- HB pays eligible rent weekly, does not cover ineligible service charges
- HB payments have deductions for **non-dependant, bedroom tax, total benefit cap**

### **From Slide 5: Housing Benefit – Points to note:**

No new HB claim unless meet exemptions i.e. SDP, pensioners , supported accommodation and existing claimants,

If there is a change in circumstances the claimant needs to update HB (sometimes the change may result in moving to UC)

If the claimant doesn't update or respond to requests for information the HB claim can stop

You can ask for the decision to close the HB claim to be revised / claim to be reopened

You may have up to 13 months from the decision to close date to ask for the HB claim to be revised (don't delay and do seek urgent advice in these cases. You may not need to claim UC)

Asking for a revision doesn't mean you will be granted it.

### **What the Local Housing Allowance is: In a nutshell it's a restriction to Housing benefits on how much help you can get for your rent – similar to Social Sector Size Criteria (Bedroom tax)**

The Local Housing Allowance (LHA) rules restrict your rent for HB purposes to an amount that the Local Authority considers is appropriate for you (based on Government legislation). This is your maximum rent and is the amount used to calculate your Housing Benefit. It is based on the number of bedrooms you are allowed, or if lower, a cap rent. This is the rent you are liable to pay for your home (including service charges). The LHA depends on the area you live in and the category of dwelling that applies to you. You will need to know the number of bedrooms you are entitled to (it isn't automatically based on the number of children you have i.e. 2 children aged under 10 one boy and one girl will be entitled to 1 room only, 2 children of the same sex aged under 16 = 1 room only). The LHA is set by the rent officer annually. A LHA is usually the lowest of two figures, either: 1: the amount of rent at 30<sup>th</sup> percentile, point of local market rents for assured tenancies, what is known as a 'broad rental market'; or 2: the latest LHA determined by a rent officer.

# Universal Credit (UC)



- Combines 6 legacy benefits
- People on low incomes & upper capital limit £16000
- Covers: eligible rent, child element, childcare costs, carers element, and additional amount paid for people that are sick/unable to work.
- Claimed & managed online (or by phone).
- Couples: Make joint claim & use linking code (even if immigration /NRPF is an issue)
- 5 week wait for first payment; paid in arrears thereafter
- Tenant can ask for an **Advanced Payment (loan)**
- Residents can have rent paid directly to Landlord for rent payments and arrears contributions **called APA** – see next slide

### From Slide 7: points to note:

Tier 1 and Tier 2 factors: see next slide for breakdown. Rent must be paid directly to landlords if in 2 month of rent arrears

### 3 types of APAs:

1. Housing costs directly to landlord
2. Fortnightly instead of monthly payments for whole UC award
3. Split payments between couples - DV

### Capital/Two homes where Domestic Violence is an issue and property jointly owned:

The person fleeing DV has 6 months where the capital on the joint home/mortgage is not treated as capital, and wont affect their entitlement to UC; there are then other categories they may fit into as well i.e. goes on to sell the property gives another 6 months. If she/he lives there and the partner leaves and she/he becomes a single parent she/he can live there and the capital of the home is ignored for the partner and her/him – so s/he can claim UC. If in doubt seek advice.



# APA – Highly Likely v Possible Need (protecting people)

## Tier 1 highly likely DWP will grant APA -

Addicts – drugs, gambling and alcohol

Learning disability/ literacy or numeracy

Severe debt/ in rent arrears / threat of eviction/ repossession

In Temporary or supported accommodation

Homeless

Domestic violence/ abuse

Care leavers or 16 or 17 year olds

Families with complex needs

## Tier 2 possible need for APA

Claimant has history of rent arrears

3<sup>rd</sup> party deduction in place (fines , utility arrears)

Refugee or asylum seeker

Previously homeless

Has a disability

Just left prison or hospital

Limited language skills

Recently bereaved

Not in education , employment or training

Ex service personnel

## When you can avoid claiming UC

- They are a single pensioner or couple both of pension age

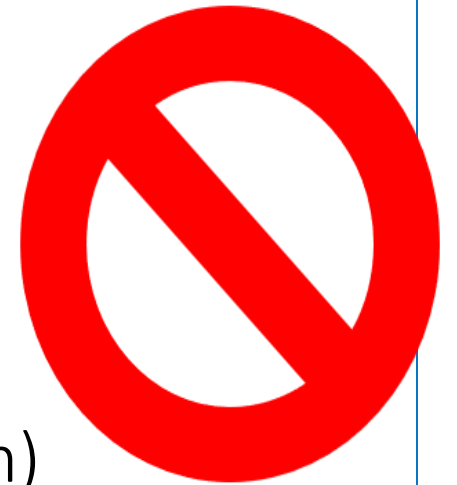
Or

- They are entitled to Severe Disability Premium (SDP)

Or

- For rent costs for specified/temporary accommodation claim HB ( can claim UC for personal allowance- split claim)

- \*\*Existing legacy benefit claimant (where not required to change benefits)



## From slide 10: Definition of supported/temporary accommodation.

A 'relevant body' is a county council in England, housing association, registered charity or voluntary organisation.

Exempt accommodation

➤ Accommodation provided by a relevant body (county council, housing association , registered charity or voluntary organisation) **which provides : care, support or supervision**

*or*

➤ Temporary accommodation provided by a local authority or a relevant body for people fleeing from domestic violence - **eg, a refuge**

*or*

➤ Local authority or relevant body **hostel for homeless people** where they get care, support or supervision;

*or*

➤ Exempt accommodation- accommodation provided by housing association, non-metropolitan county council , registered charity or voluntary organisation or body acting on their behalf which provides care, support or supervision.

# Severe Disability Premium (SDP)

Severe  
Disability  
Premium

- SDP is a premium, added to applicable amount in legacy benefits, can top up income *i.e.* JSA £73 + SDP £65 = £138 (not available in UC)
- Person entitled to it when:
  - they receive a qualifying disability benefit: PIP, DLA or AA and
  - they live alone or with dependant children or
  - if a couple, both receive PIP/DLA/AA and
  - no one receives Carers Allowance for looking after them and
- They must be entitled to, or receiving a legacy benefit: JSA, ESA, IS, HB or Pension Credit
- SDP is a UC gateway (exemption to claiming UC and can claim legacy benefits instead). SDP is not payable within UC.



Key: PIP: Personal Independence Payments. DLA: Disability Living Allowance. AA: Attendance Allowance

# Some changes that may trigger a claim for Universal Credit?

NB: Not all changes result in needing to claim UC, e.g. Found fit for work can challenge decision; being furloughed can remain on HB/Tax Credits if claiming already



Moving home to a new borough or becoming a tenant for the first time



Change in relationship status - becoming a couple or separating



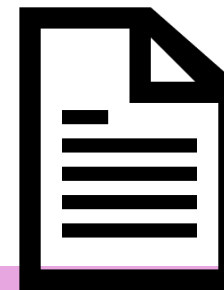
Having first child or youngest child turns 5  
Income Support ends



Starting employment or becoming unemployed



Becoming fit for work



Failing to provide information requested by HB or leaving the country for more than 4 weeks

## From slide 13: Changes

NB: Found fit for work on ESA can challenge decision if disagree with it, and may be able to avoid claiming UC – seek advice

Other changes:

Carer stops getting CA , IS stops

Disability Benefits stop i.e. PIP

Means Tested Benefits stops i.e. ESA

Savings increase/own property

Go to prison (remand v sentence)

Domestic violence (Fleeing)

Go into hospital

# Triggers – lost job / income reduced– what are the options

Lisa has two children, she has worked for the past 5 yrs, claims housing benefit, child and working tax credit . She has recently lost her job.

Lisa can claim contribution based JSA to help her until she finds another job. She needs to inform housing benefit that her income has changed and let tax credits know that she is unemployed. Housing benefit and tax credit will then reassess her entitlement. **(No NI contributions? =claim UC)**

Homer and Marge both work and have been furloughed. They get housing benefit and tax credits.

Homer and Marge need to inform housing benefit and tax credits that their income has changed so both claims can be reassessed while they are furloughed.

Bart has lost his job, he has two children, his earnings were too high for him to qualify for housing benefit and he gets a small amount of child tax credit . He needs help to pay for his rent and his bills.

Bart will need to claim Universal Credit to get help towards his rent. His child tax credits will stop when he claims UC. He can also claim contribution based JSA alongside his UC (its treat as income).

# QUIZ!

Jo's rent is £130 per week, £30 is service charges which covers her heating and water use. How much housing benefit can Jo receive?

**£100 – cannot get ineligible charges**

Sarah has a reduction in her housing benefit? What things could cause the reduction?

**Non-deps, bedroom tax, benefit cap**

Peter lost his job, he has savings of £16,000 can he claim UC or HB/legacy benefits?

**No**

How many benefits does UC replace? 2, 20, 6 or 50

**6**

Jane gets JSA, lives alone, she has just been awarded PIP daily living and no one gets Carer's Allowance for caring for her, can she get SDP paid in her JSA?

**Yes**





# DECISIONS

Which benefits should residents claim?

Housing Benefit /Legacy benefits

or

Universal Credit

or

Both Housing Benefit & Universal Credit

# Claiming benefits - working age: What to claim?



If a person needs to make a new claim for benefits, they will need to claim UC, unless:

- They are a pensioner (if couple both need to be pension age)
- They are entitled to Severe Disability Premium (SDP)

Working age residents that need to make a new claim for benefit for rent, will need to claim both UC and HB (split claim) if:

- They live in specified accommodation
- Live in temporary accommodation – local authority or housing association

If a resident has no change in their circumstances they will remain on the benefits they are receiving

- i.e. HB and ESA – they do not need to claim UC
- UC – remain on UC

# Do you claim HB v UC for rent?

## Checklist:

1. Are they receiving Universal Credit? if yes, then continue claiming
2. Are they living in specified or temporary accommodation? If yes, claim HB
3. Are they a single pensioner or couple both of pension age? If yes claim HB/legacy benefits
4. Are they entitled to or receive Severe Disability Premium? If yes claim HB/legacy benefits
5. If No to above, then they claim UC.
6. NB: Existing HB claimant moving within borough – continue to claim HB
7. Existing HB claimant moving out of borough & no SDP/pension claim UC
8. NB: If getting UC and move to specified/temporary accommodation – they claim HB for the rent and continue getting UC for personal allowance.



## HB, UC or Both

**Hamid** has one child who has recently turned 5, his income support has stopped and he also needs help to pay the rent for his new council flat. His only income is child tax credits and child benefit.

**UC & CTS**

**Gemma** has two young children. She has just moved from Barnet to Camden, she is receiving PIP and gets SDP within her ESA.

**HB & CTS**

**Doris** is 68 years old, her savings have ran out. She lives alone.

**HB & CTS (she is a single pensioner and cannot claim UC)**

**Alex** moves into Camden from Brent as a mutual exchange, and was receiving JSA and lives alone.

**UC & CTS**

**Barbara** is 70 years old and lives with her 55 year old partner **Jessica** who is getting JSA , they have moved to Camden

**UC & CTS.**

**Boris** has moved to Camden into temporary accommodation, he is not claiming any benefits .

**UC & HB**



How to claim HB,  
UC and report  
change of address

# Housing benefit

- How to claim?

Online application on Camden Council website

<https://www.camden.gov.uk/housing-benefit>

- Can it be backdated?

SDP claimants one month, pensioners 3 months

- Key points

Claimed together with **Council Tax Support** on the same form

The screenshot shows the Camden Council website interface for the Housing Benefit application. At the top left is the Camden Council logo. A navigation link "Back to previous page" is visible. The main heading is "Applicant Details". Below this, there is a "Pages" sidebar with a list of steps: 1. Introduction, 2. Guidance notes, 3. Your details, 4. About your claim, 5. Further details, 6. Your benefits, 7. Supporting documents, and 8. Declaration. A blue "Save" button is located below the sidebar. The main content area contains the instruction: "Please provide some information about the person applying for housing benefit and/or council tax reduction and any other household members". The form fields include: "Title" (a dropdown menu with "Please Select" selected), "First name" (a text input field), "Last name" (a text input field), and "Gender" (radio buttons for "Female", "Male", and "Unspecified/Prefer not to say").

## From slide 23: Points to note on Housing Benefit

Pensioners will claim HB (not if in mixed age couple)

Those in receipt of SDP or entitled to in in last 4 weeks will claim HB not UC

Those in specified or temp accommodation will claim HB

<https://www.camden.gov.uk/housing-benefit#yddo>

(Image is hyperlinked to claim so can go to form when in slideshow mode)

# HB change of address form

Those already in receipt of HB and moving from one property in Camden to another in Camden

## •Where do you find this?

In the Sign Up Pack or contact Benefits Service to request form

## Where do you send it?

-Email to [benefits@camden.gov.uk](mailto:benefits@camden.gov.uk)

-Drop in to Contact Camden 5PS




**Note:** Tenant should update DWP/HMRC of change of address as well.

*For those already in receipt of HB and moving from one property in Camden to another in Camden.*

**Housing Benefit and Council Tax Reduction - Additional Information Form**

**Fill in this form if you have moved to a Camden Council property**



**CLAIM:  
NAME:**

Do you pay rent for your new home?  
No   
Yes  answer the questions below.

Please give your previous address

Please give your new address

Daytime phone number

Do you know when you moved or will move to your new address?



# UC New Claim

- How does person claim?

- Online application [gov.uk/apply-universal-credit](https://www.gov.uk/apply-universal-credit)

- Make claim over the phone UC helpline: 0800 328 5644

- Home Visits for exceptional cases call DWP to request

- Citizens Advice Help to Claim service

- [camdencahservice.org.uk/universal-credit/](https://www.camdencahservice.org.uk/universal-credit/)

- Provide address, names of tenants, household members, bank details, income

- Need to verify ID and rents before paid

- Can it be backdated?

- One month with good reason (bereavement, sickness/disability)

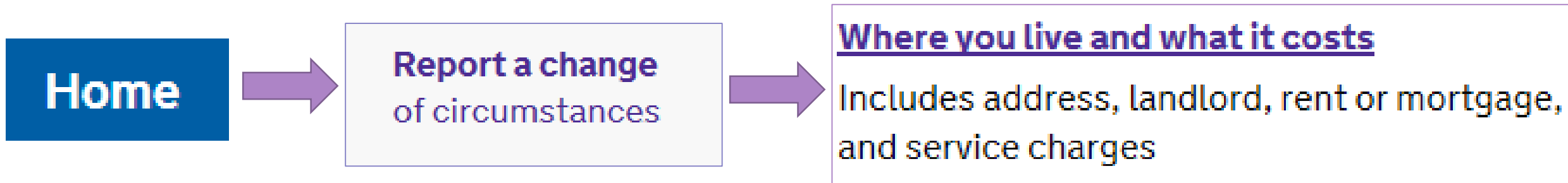
- Make request by adding note to journal



**Do they need to claim UC?**

# UC Change of Address - How to report the change?

Log onto UC online account and then select:



Landlord verification request will be sent via landlord portal or email



**Private rented residents need to provide proof of rent liability – letter from landlord, rent book or tenancy agreement.**

Any  
Questions /  
Cases to  
discuss?



# Recap: Aims and Objectives

## Provide awareness of the following:

- Benefits overview
- What is Housing Benefit and Universal Credit
- Exemptions to UC / gateway
- What is Severe Disability Premium – why it matters
- Triggers to UC
- When to claim HB, UC, or both
- How to make a claim for Housing Benefit and Universal Credit
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**THANKS FOR LISTENING**



**ANY QUESTIONS??**

minions

Addendum  
Useful Information  
flowcharts

# Advice Agencies & Useful Tools

Citizen's Advice Bureau: [www.camdencabservice.org.uk/](http://www.camdencabservice.org.uk/)

Mary Ward Legal Centre: [www.marywardlegal.org.uk/](http://www.marywardlegal.org.uk/)

Camden Community Law Centre: <https://cclc.org.uk/>

Adult Social Care Income Maximisation Welfare Rights Team : contact Gill Catherall

Early Years Welfare Rights Teams: Contact Hena Mannan-Islam & Dominic Twomey

Step Change Debt Charity: [www.stepchange.org/](http://www.stepchange.org/)

National Debtline: [www.nationaldebtline.org/](http://www.nationaldebtline.org/)

Money Advice Service: [www.moneyadviceservice.org.uk/en](http://www.moneyadviceservice.org.uk/en)

## Useful tools for tenants:

Turn2Us: [www.turn2us.org.uk/](http://www.turn2us.org.uk/)

Entitled To: [www.entitledto.co.uk/](http://www.entitledto.co.uk/)

## From slide 31: Info on advice agencies:

Mary Ward can help with benefits, debt and housing.

CAB have UC help to claim project and UC support project to help people maintain their claims.

Income Maximisation Welfare Rights Team ASC works with people known to adult social care, those not but aged over 55, those elderly and disabled and Bengali people

Early Years Welfare Rights Team: Works with families with children aged under 5 years old

Welfare Rights Team – Housing: Works with council tenants and people in single hostel pathways – provides benefits and debt advice and casework, and duty advice line.

Step Change and National Debtline provide debt advice.

Money Advice Service have online budget planner and can go through this over the phone with people.



# Benefits - DWP / HMRC contact phone numbers

- ESA/JSA/IS enquiry line: 0800 169 0310
- PIP enquiry line: 0800 121 4433
- PIP claim line: 0800 917 2222
- DLA enquiry line: 0800 121 4600
- AA enquiry line: 0800 731 0122
- Child benefit: 0300 200 3100
- Tax Credit: 0345 300 3900
- Universal Credit helpline: 0800 328 5644

Breakdown of working out  
HB or UC for rent.

# Housing Benefit: When to claim?



Is tenant already receiving HB and are they moving within the same borough?

Yes- can complete a change of address form to continue claiming HB

Unless split claim- HB stops

If tenant is not receiving HB, or is becoming a tenant for the first time or moving to a new borough:

- Are they receiving Universal Credit?
- Are they a single pensioner or couple both of pension age?
- Are they entitled to or receive Severe Disability Premium?
- Are they living in specified or temporary accommodation?

# Housing Benefit: When to claim?

If tenant is not receiving HB, and they are a tenant/licensee for first time or are moving into new borough :

- Are they receiving Universal Credit? *If yes, update UC account*
- Are they a single pensioner or couple both of pension age? *If yes, claim HB, if no claim UC unless they get/entitled to receive SDP.*
- Are they entitled to or receive Severe Disability Premium? *If yes claim HB, if not claim UC*
- Are they living in specified or temporary accommodation? *If yes claim HB and claim UC - unless already receiving a legacy benefit*

# Universal Credit: When to claim?

UC Universal Credit



## Is tenant already receiving UC and moving?

- ❖ Yes: can complete change of circumstances via online account
- ❖ Yes: if moving to specified/temporary accommodation – claim HB & update UC to notify change of address

## If not in receipt of UC, check the following before claiming:

1. Are they a single pensioner or couple both of pension age
2. Do they receive or are entitled to Severe Disability Premium

If **YES** to 1 or 2 above then **claim Housing Benefit** and do not claim UC.

If **NO** to 1 or 2 above **claim Universal Credit**.

**If claiming UC don't forget to claim Council Tax Support and Single Person Discount !**

# When to claim Housing Benefit & UC

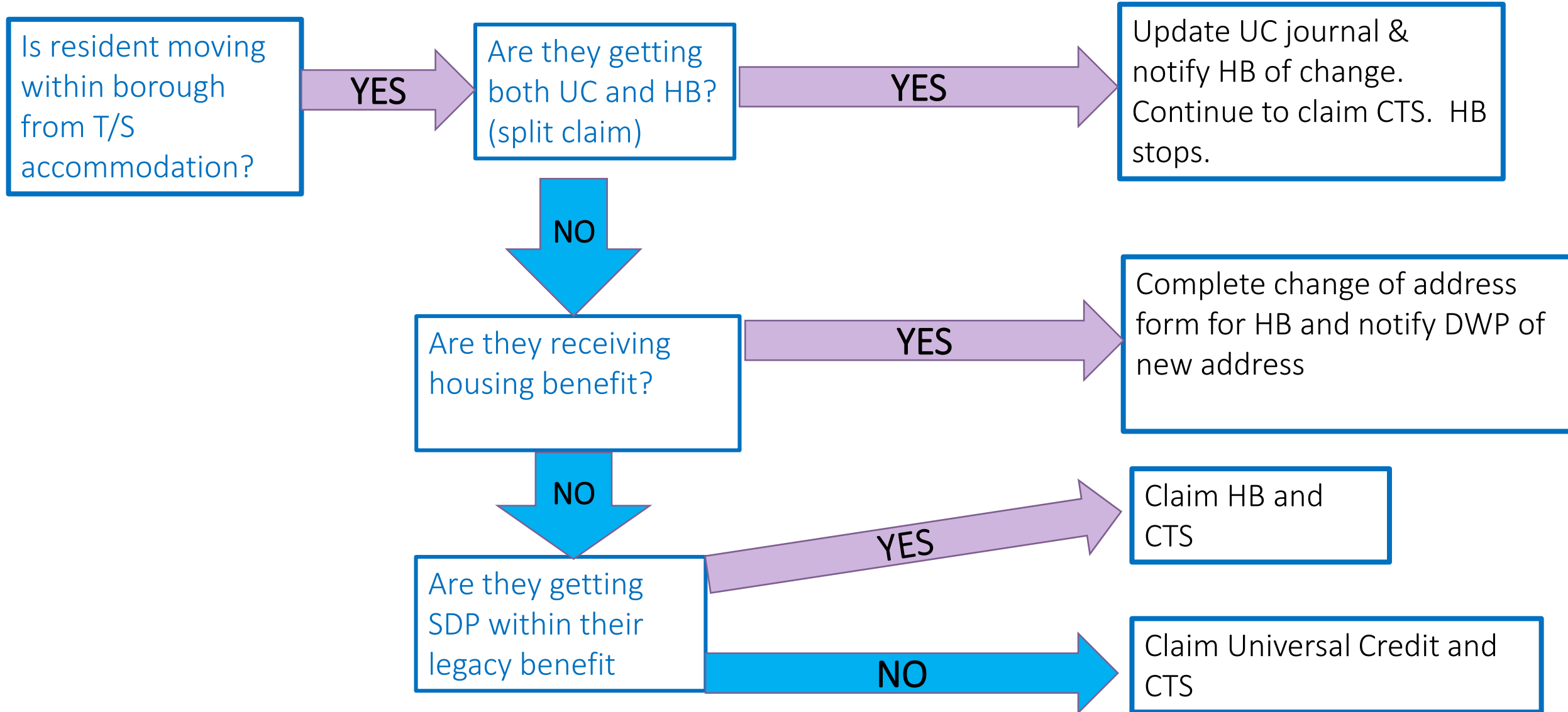


A claim for HB and UC can be made if:

- ✓ *The resident has to make a new claim for benefits*
  - ✓ *They are working age*
  - ✓ *They live in specified or temporary accommodation*
  - ✓ *They are not getting SDP*
- 
- When claiming UC and HB, UC will pay everything except the rent.
  - When the resident moves out of specified or temporary accommodation UC will continue, and HB claim will be closed.

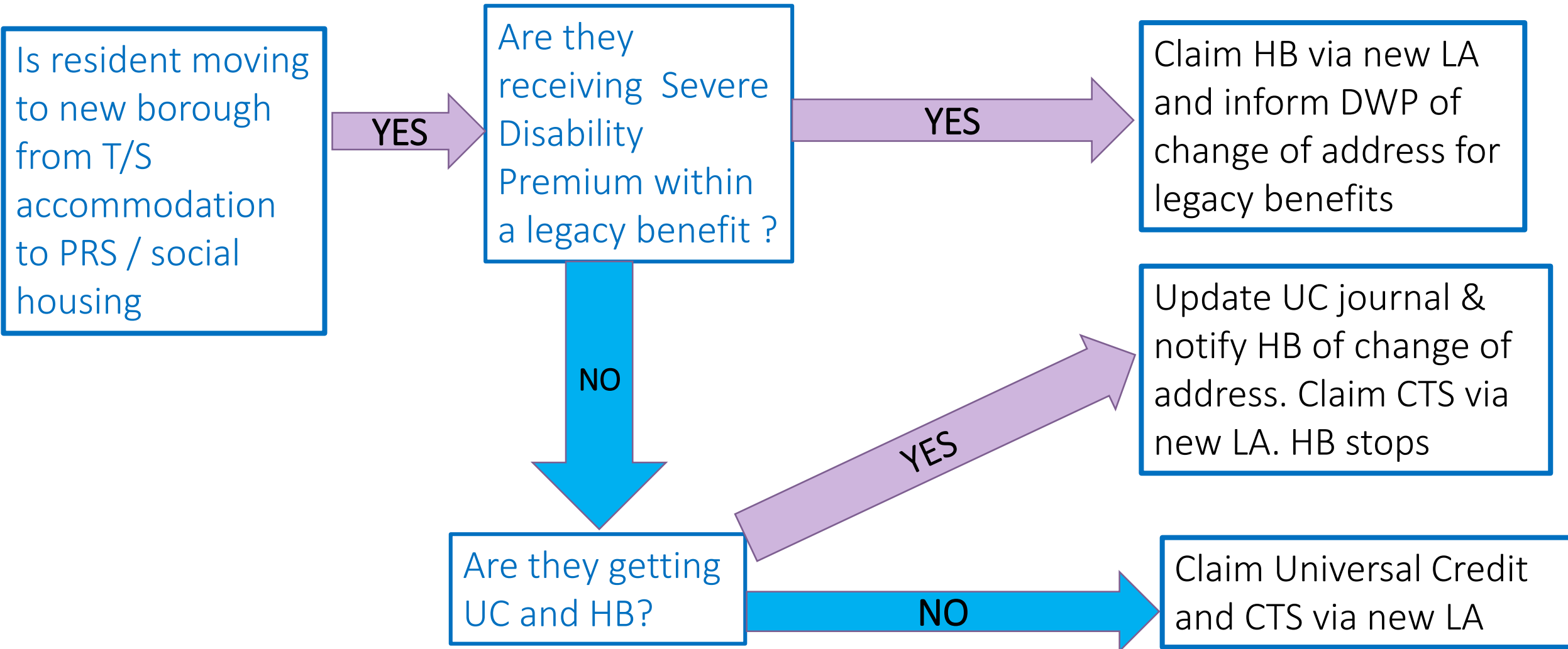
# Temporary & specified accommodation: Working Age people

## Moving within Borough - What to claim?



# Temporary & specified accommodation: Working Age People

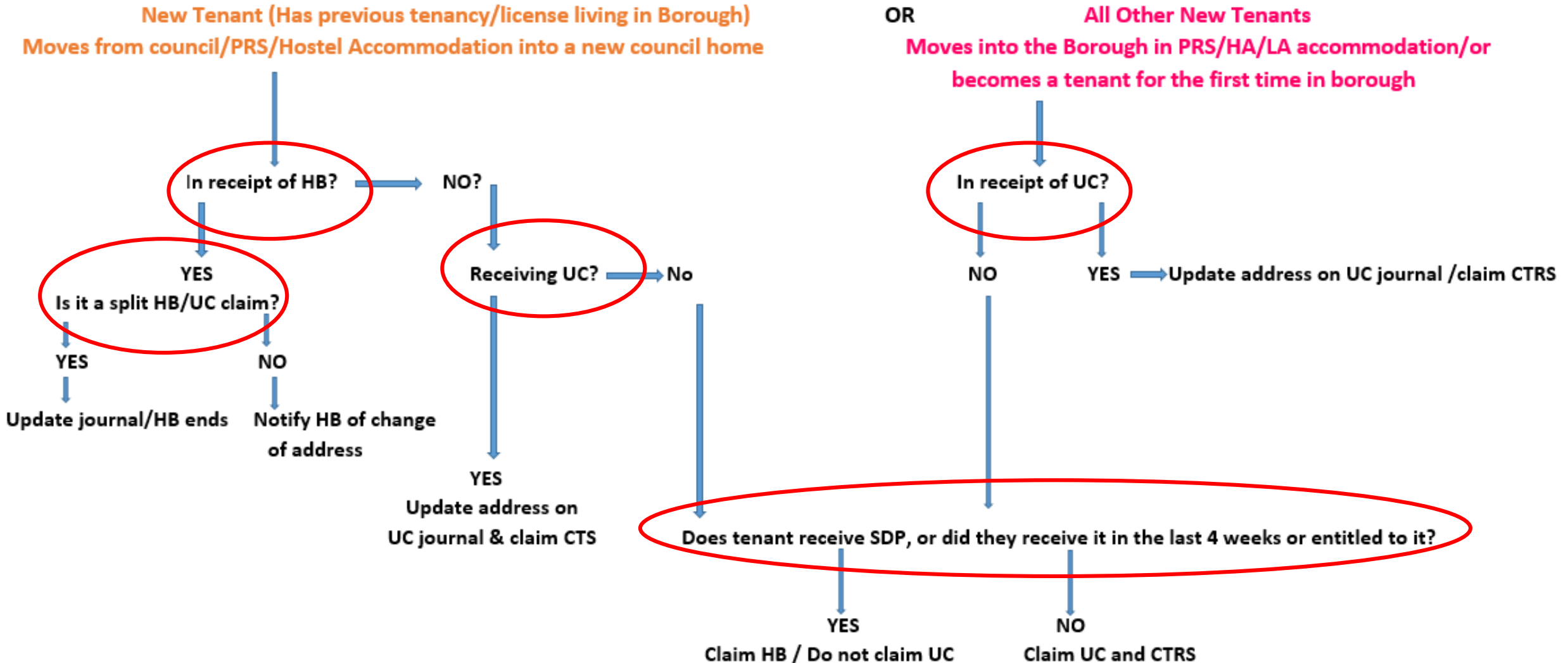
## Moving out of the Borough - what to claim?





## New Tenants – Decision Making Flow Chart Claiming Housing Benefits (HB) or Universal Credit (UC) in Borough

The diagram shows the different benefit pathways working age tenants can take when they move home and need help towards the cost of rent.



## From slide 41: points to note

Correct at the time of distribution 20102020.

### This slide does not cover temporary and specified accommodation

#### Points to note:

\***Right to reside:** European nationals may be refused UC if they do not have right to reside – please seek welfare rights advice in those situations.

\***Pensioners:** Pensioners usually do not claim UC **unless** they are part of a mixed aged couple with a younger spouse under pension age. Mixed age pensioners not receiving HB would need to claim UC. If a pensioner has dependant aged children seek advice.

\***Non Dependants:** If a non-dependant is receiving PIP, seek advice as the tenant may be better off on UC existing legacy benefits.

\***SDP explanation:** Severe Disability Premium (**SDP**) is money that a person is entitled to claim when they receive DLA or PIP, live alone or alone with dependent children, and no one receives carers allowance for looking after them; or where a couple both receive DLA/PIP and qualify, and no other adult lives with them.

PRS- private rented sector, HA- Housing Association, LA – Local Authority

Please note:

These slides are correct at the time of distribution. The law changes frequently, and there will be changes in January 2021 to: SDP/UC and HB. Please check for updates.

The slides will become out of date so seek advice/check for updates.