

Housing Benefit – the Rent Officer and Housing Benefit

IMPORTANT the contents of this factsheet only apply to you :

- if you have claimed Housing Benefit without a break for the same home since before 7 April 2008
- if you claim for help with the rent for some exceptional tenancies, like board and lodgings (meal included), site rents and mooring charges

Most new claims and those changing address after 7 April 2008 are paid under Local Housing Allowance (LHA) rules. For further details of this scheme and how it may affect you, please contact your local Housing Benefit department.



What has Housing Benefit got to do with the Rent Officer?

Housing Benefit can help you pay your rent, but the amount you receive is also based on your personal circumstances and may not be the full amount you have agreed to pay your landlord. Housing Benefit levels are set by the Local Authority and if the Housing Benefit department asks, the Rent Officer will make a series of valuations. These are called 'determinations'. These determinations give the council the rent figure that they use to work out your benefit. They will be provided for most claims that date back to before 7 April 2008, and some newer claims (like board and lodgings, site rents and mooring charges).

How does the Rent Officer value rental properties for rent purposes?

The Rent Officer may look at the property before making the determinations, but it is not necessary for them to visit all properties. If a Rent Officer wants to visit you, they will make an appointment by phone or letter. Housing Benefit does not cover the cost of certain things that may be included in your rent, such as fuel, water charges, laundry or cleaning of your room. These items are called 'ineligible charges'. If these are included in your rent, the Rent Officer will take the value of these off the determination, as Housing Benefit cannot pay for them.

The Rent Officer then makes the following valuations which are explained in more detail below:

- Claim-related Rent – reasonable market rent for the size of property you are entitled to.
- Local Reference Rent – midpoint of rents for the size of property you are entitled to.
- Single Room Rent – a rent based on the midpoint of rents for single rooms with shared facilities (only applies where the Housing Benefit office request it)

Claim-related Rent

This has three parts:

1. Significantly high rent

The Rent Officer will decide if the rent you pay is reasonable compared with other properties in the 'vicinity'. If it is too high, they will set a reasonable figure. 'Vicinity' means the immediate area around the property. If the property is in a town or city, this could mean just the street the property is in or a few adjoining streets. If the property is in the country, the 'vicinity' could be a small village.

2. Number of rooms (size criteria)

The Rent Officer will consider whether your home has more rooms than the Housing Benefit rules say you need. If it has too many rooms, the Rent Officer will decide what the rent would be for a similar property with the right number of rooms for your household. Your Housing Benefit may be restricted based on this lower rent. The size criteria rules are strict and the Rent Officer has to follow them. Only the Local Authority can make discretionary payments where they decide they are appropriate.



The number of rooms you are entitled to is as follows: One bedroom for each of the following, counting each person once only, in the first group they come into.

- A couple
- Someone who is 16 or over
- Two children of the same sex
- Two children who are younger than 10
- A child (a 'child' is someone under 16)

You are also entitled to one living room if there are up to three people living in your home. You are entitled to a second living room if four, five or six people live there. You are entitled to a third living room if there are more than six people living in your home. The Housing Benefit department decides who counts as living at a property and the Rent Officer can only include these people in the decision. Children are only counted as living in the home where they normally live. They are not counted in a home where they visit, however often.

3. Exceptionally high rent

After making the above decisions, the Rent Officer decides if the lowest figure is still exceptionally higher than most rents for the right number of rooms in the "Neighbourhood", (which in a town might be an area with a recognised name, and in the country, it may be a group of villages). This might be because of the high quality of the property or because of the services or amenities provided.

If it is exceptionally higher, the Rent Officer must provide another figure. This will be the highest rent a landlord could reasonably expect to receive for a property with the right number of rooms in the neighbourhood that is not exceptionally high.

'Services' are things that the landlord does or supplies beyond providing the basic accommodation, such as doing the laundry or cleaning the property. 'Amenities' are the physical things at the property, such as a swimming pool or tennis court.

Once the Rent Officer has made the three decisions above, the lowest of them is the Claim-related Rent.

Local Reference Rent

The Rent Officer will also decide a Local Reference Rent for property with the right number of rooms in the same "Broad Rental Market Area" (BRMA). This figure will apply if it is lower than the Claim-related Rent. The Local Reference Rent is the midpoint of the range of rents for all types of property with the right number of rooms in the same 'BRMA' as your home. This will be an area within which you could be expected to live and enjoy reasonable access to health, education, recreation, shopping and banking services; it will also have a mix of property types and tenures and a sufficient quantity of privately rented properties. The range of rents used will not include any rent that is exceptionally high or low.

Single Room Rent

If you are single and under 25, with no partner or children living with you, the Rent Officer will also decide how much is generally paid in the 'BRMA' for a single room with a shared living room, kitchen, bathroom and toilet, but without any food or fuel bills included. This is called the Single Room Rent and will apply if it is lower than the Claim-related Rent or Local Reference Rent. The Rent Officer will only give a Single Room Rent decision if the Housing Benefit department asks us to provide one. Rent Officer decisions usually stay in force for 52 weeks, but the Single Room Rent lasts for 52 weeks or until your 25th birthday, whichever is sooner.

Frequently asked questions

Will my benefit be delayed?

The Rent Officer has fixed time limits to carry out the valuations. In most cases, the Rent Officer should be able to send a decision back to the council within a few days. If the Rent Officer needs to visit, there may be a short delay; the council can usually pay some benefit on account if there is a delay.

How does the Rent Officer know what figures to set?

Rent Officers continually monitor the local rental market. They collect details about properties available to rent and the rents that have been agreed for properties let recently. This information comes from different sources, including letting agents, landlords and tenants.

Can I ask the Rent Officer to explain these decisions?

Yes, you have a right to ask your Housing Benefit office or the Rent Officer to give you reasons for all or any of these decisions.

What if I am unhappy about the Rent Officer's decision?

If you are unhappy about the Rent Officer's decision, you can ask the Local Authority for your case to be looked at again. You should give your reasons. The Local Authority will then ask for another Rent Officer (called a Redetermination Officer) to make a new decision. At this stage you can make representations about the Rent Officer's decisions, and give them any information you think would help. You should make your representations in writing to your Housing Benefit office.

Who are Redetermination Officers?

Redetermination Officers are experienced valuers who make new decisions when a redetermination is requested. They work for a different team of Rent Officers.

The Redetermination Officer who deals with your case will not discuss your case with the Rent Officer who made the original decision, but will consult with another Rent Officer before making their redetermination decisions.



What does the Redetermination Officer do?

The Redetermination Officer will make new decisions based on market rents at the date of the original referral from the Local Authority. The Redetermination Officer will look at all the evidence available, even if the Rent Officer did not see it. They will also take into account any representations you have made.

Will the Redetermination Officer visit my home?

The Redetermination Officer may want to visit your home, but this is not always necessary. We will contact you by phone or letter if we need to visit you.

How will I find out about the Redetermination Officer's decisions?

The Redetermination Officer will send the decisions to you and your Housing Benefit office. The new decisions could be higher than, the same as, or lower than the Rent Officer's valuations. The Redetermination Officer will always send you written reasons for the decisions. They will also answer any specific points you raised when you or your Housing Benefit office asked for the redetermination.

What if I don't understand some of the information I have been given?

You have the right to ask the Redetermination Officer to explain anything you don't understand. You should let the Redetermination Officer or your Housing Benefit office know if you would like anything explained in more detail.

Can I find out how much I might get before I take a tenancy?

If you are thinking of renting a different property your claim for Housing Benefit will generally be dealt with under the Local Housing Allowance (LHA) scheme. Some types of property are exempt from the LHA scheme and you should ask your local Housing Benefit department if these exemptions apply to you. If the property you are intending to rent is exempt from the LHA scheme, or you are remaining in your existing accommodation and your existing agreement is coming to an end you may be able to apply for a pre-tenancy determination.

What is a pre-tenancy determination?

A pre-tenancy determination is the same as any other determination made by the Rent Officer except that it is done in advance of you committing yourself to the tenancy. The information in the pre-tenancy determination may help you decide whether you can afford the rent that you are being asked to pay.

You will need to complete a pre-tenancy application form available from the Housing Benefit department or download it from

http://www.voa.gov.uk/housing_benefit/index.htm.

The Housing Benefit department will forward it to the Rent Officer.

The pre-tenancy determination will show you the maximum figure that the Housing Benefit department will use to work out your benefit. It does not guarantee that you will qualify for Housing Benefit or say how much your benefit will be. This will depend on your income and personal circumstances. If you decide to take the property, you should claim Housing Benefit as soon as possible. You can get a claim form from your local authority Housing Benefit office.

If you are unhappy about the Rent Officer's decision, you can ask for your case to be looked at again, but only if you take up the tenancy and claim Housing Benefit. The Housing Benefit office will then ask for a Redetermination Officer to make a new decision. If you get Housing Benefit, it will be paid from the date of your claim, not from the date of this pre-tenancy determination.

If you want to claim Housing Benefit or you need any more information about your benefit, you should contact your local Housing Benefit office.

Further information

For more information contact the VOA:

Telephone enquiries: 08450 26 46 96

E-mail: NSOhelpdesk@voa.gsi.gov.uk

Further information is also available on our website: www.voa.gov.uk

Details of how to contact your local Housing Benefit office are available at www.direct.gov.uk