



Discretionary Housing Payment Policy (DHP)

Discretionary Housing Payments (DHPs) can be awarded to meet the following housing costs when the customer is in receipt of Housing Benefit or Universal Credit, has a liability to pay rent and requires further assistance with housing costs:

- shortfall in rental liability (except ineligible housing costs);
- liability to pay rent on two homes;
- rent in advance;
- rent deposits;
- lump Sum costs associated with housing.

Policy Objectives

The Council will consider the following to be key objectives when making decisions regarding applications for award:

- sustaining a tenancy for a period of time whilst other solutions can be put in place;
- preventing homeless, for example delaying or prevention an eviction;
- preventing families and young people living in temporary accommodation including bed and breakfast accommodation;
- helping those who are trying to help themselves;
- keeping families together;
- supporting domestic violence victims who are trying to move to a place of safety;
- supporting young people in the transition to adult life.

Priority Considerations

Any customer who meets the qualifying criteria may apply for a DHP award. All applications must be decided based on their individual merits, however, the following categories of applicants listed will be considered favourably to prevent them becoming statutorily homeless, when making a decision on a DHP application;

- a person who is pregnant (or where a person with whom they reside is pregnant);
- a person with whom dependent children reside;
- a person who is vulnerable as a result of old age, mental illness, disability or for some other reason;
- those who are homeless or threatened with homelessness as a result of an emergency such as flood, fire or other disaster;
- a person who is aged 16 or 17;
- a young person under 21 who has been looked after, accommodated or fostered but who is not a student in full time education;
- a person over 21 who is vulnerable as a result of having been looked after, accommodated or fostered;
- a person who is vulnerable as a result of having served in the armed forces;
- a person who is vulnerable as a result of having been imprisoned;
- a person who is vulnerable as a result of ceasing to occupy accommodation because of actual or threatened violence

The Council will consider each application for a DHP on its own merits, taking into account the applicant's household composition, financial and medical circumstances.

Payments and awards for Weekly Rent Liability

The Council expects payments only to be made in unusual or extreme circumstances where additional help with current rent will have a significant effect in alleviating hardship, reducing the risk of homelessness or alleviating difficulties that may be experienced in moving from long term unemployment into work, for example:

- costs that are beyond the applicant's control;
- housing choices which are forced on the applicant by an emergency or by serious health issues;
- extreme, temporary situations which make it difficult to move in the short term;
- imminent loss of the home where meeting some or the entire current shortfall between the benefit and eligible rent will prevent the applicant from becoming homeless.

In considering awards under this provision the Council will have regard to the reasons any debts arose and the involvement of other advisory services engaged in providing assistance to the customer to manage the debt.

Payments are expected to be made to meet current needs rather than past debts. No significant degree of payment for past periods is anticipated as requests for payment should be made promptly within the benefit period of the main benefit to which they relate and within a reasonable time of knowing the outcome of a claim for the main benefit.

However, retrospective payments may be appropriate to reduce rent arrears to avert eviction where there are grounds for confidence that this will enable the claimant to deal effectively with the remaining arrears in the longer term.

Key Considerations

As part of the application assessment process, officers will consider if the following would apply and therefore complement the award of a DHP:

- there is scope for the landlord to reduce the rent;
- the Housing Options team could help the customer to negotiate a lower rent if the customer feels unable to attempt to do so themselves;
- the customer has a fixed term tenancy and the date it ends;
- whether the tenant could leave the tenancy without incurring a financial penalty;
- whether the tenant could afford the tenancy before they took it on;
- whether a DHP would enable the accommodation to become affordable in the interim, allowing the tenant time to find alternative accommodation;
- whether the customer is taking long-term action to help their problems in meeting their housing costs;
- whether the customer could afford to pay the rent when they moved in;
- the possibility of the customer increasing their hours worked or overtime;
- the level of any high travel costs of getting to work, for example due to split shifts.

Medical circumstances

The Council will take into account a customer's medical circumstances when assessing an application for award including:

- the household's health or support needs which require them to remain in a particular property;
- whether the household has health problems which means that the choice of housing is restricted either temporarily or permanently;

- whether the customer or a member of their household requires an extra room because of a health problem;
- whether the household has to live where they do because of the need for access to medical or support services – for example closeness to a particular hospital;
- whether the household has extra health-related expenses, such as the need for therapeutic classes or non-prescription medicine.

Other Considerations

The Council will take into account a customer's medical circumstances when assessing an application for award including;

- the customer is fleeing domestic violence so they do not have time to shop around for a reasonably priced property;
- the household has to live in a particular area because the community gives them support or helps them;
- the customer is expecting a child and had her Housing Benefit restricted to that of smaller accommodation until the child is born?
- the customer a single person living in an area where there is a shortage of shared accommodation;
- the customer is a care leaver who has a reduction in their Local Housing Allowance rate after becoming 22 years old;
- the property is the cheapest available in the area for the household's needs;
- the income the customer has available after expenses to meet housing costs. All income and expenses will be taken into account when making a decision except Disability Living Allowance/Personal Independence Payments.
- Disability Living Allowance (Mobility)/Personal Independence Payments for Mobility will be taken into account if the applicant has transport costs/needs.
- Disability Living Allowance (Care)/Personal Independence Payments for Care will be taken into account if the applicant has care costs/a care need (including an additional bedroom requirement due to a disability need).

Payments and awards for One-Off Housing Costs

When considering a request for a one-off housing cost, the following criteria for considering awards will apply:

- evidence of the amount of the one-off cost required (deposit/rent in advance/other housing cost);
- whether the housing cost required is in respect of a change of address to a new property, or if the rent for the new property is affordable with Housing Benefit. i.e. that the move will prevent further possibility of homelessness;
- whether there are any savings to meet amount required;
- If the request is for a deposit payment for a new property, whether the customer cannot get a rent bond guarantee from the Council's Housing Options Section or why the landlord will not accept the guarantee;
- whether the customer entitled to any other monies from housing;
- if the customer is asking for a payment of a deposit, evidence that payment of the deposit will give the applicant access to the property;
- any other steps taken to secure the deposit required;
- whether there is any money to come back on a bond/deposit from the existing rental agreement;
- whether they have received assistance with bonds from any other scheme previously (and if so the reason why they need another bond/deposit).

When making payment of a deposit

- Payment will be made directly to the new landlord.
- The landlord and customer must be notified of the landlord's duty to protect the deposit in a tenancy deposit protection scheme.

What DHPs cannot cover

These are the elements of a person's rent, and shortfalls in benefit that **cannot be met by DHP under the legislation.**

Ineligible charges: service charges that are not eligible for HB cannot be covered by a DHP. These are as specified in Schedule 1 to the Housing Benefit Regulations 2006 and Schedule 1 to the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006. Nor can DHPs cover charges for water, sewerage, and environmental services – as defined and calculated under the HB provisions.

Increases in rent due to outstanding rent arrears: Regulation 11(3) of the Housing Benefit Regulations 2006 and Regulation 11(2) of the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006 refer. This refers to those cases where a customer's rent is increased on account of outstanding arrears which are owed by the customer in respect of their current or former property.

Sanctions and reductions in benefit: DHPs cannot meet these because to do so would undermine the effectiveness of the sanctions or reduction in benefit. These are any reduction in Income Support (IS) or income-based Jobseeker's Allowance (JSA(IB)) due to a Reduced Benefit Direction (RBD) for failure to comply with the Child Support Agency in arranging maintenance. The RBD is a reduction in benefit of 40% of the personal allowance and only applies to IS or JSA(IB) any reduction in benefit as a result of non-attendance at a work-focused interview. This applies both where the person's HB/CTB is reduced and when any other benefit that the person is receiving, such as subject to a sanction

Any reduction or loss of benefit due to a JSA employment sanction. JSA is not payable for the period of sanction if they have contributed towards their unemployed status, for example, by leaving employment voluntarily or failing to attend a prescribed training scheme. In such cases, it may be possible for a reduced rate of JSA to be paid under the JSA hardship provisions

Any reduction in benefit due to a JSA sanction for 16/17 year olds – for certain young people who receive JSA under a Severe Hardship Direction. JSA is not payable for the period of the sanction if they have contributed towards their unemployed status, for example, by leaving

Unemployment voluntarily or failing to attend a prescribed training scheme, or any restriction in benefit due to a breach of a community service order.

Benefit suspensions: HB can be suspended either because there is a general doubt about entitlement or because a customer has failed to supply information pertinent to their claim. In such cases, it would not be permissible to pay DHPs instead. One of the intentions of the suspension provisions is to act as a lever to ensure that the customer takes the necessary steps to provide the authority with the necessary information/evidence - paying DHPs could reduce the effectiveness of this lever.

Rent, when the person is getting council tax support but not HB or help with housing costs in UC: in other words, when a person is only getting local council tax support, you should not take into account any financial assistance that they may require with their council tax, when considering the award of a DHP.

Shortfalls caused by HB overpayment recovery: Where Housing Benefit is reduced by a weekly amount collected from on-going entitlement to pay against an overpayment, the amount of this reduction cannot be met by Discretionary Housing Payment.