

Discretionary Housing Payments

What are Discretionary Housing Payments?

Discretionary Housing Payments (DHPs) are stand alone payments that support tenants who need further financial assistance to help meet their housing costs. They are not benefit payments. All payments are made at the discretion of Durham County Council and are mainly short-term temporary payments.

DHPs are administered by us from funds granted by the Department for Work and Pensions (DWP). They can only be made to tenants who are in receipt of Housing Benefit (HB) or the housing element of Universal Credit (UC).

How do you qualify for DHP?

In order to encourage tenants to support themselves in the longer term, an application for DHPs must be made through the relevant referral process set out in the DHP policy.

Awards will only be made where the council considers that additional support will help tenants to find a longer term solution to their housing and financial problems.

DHPs are means-tested, and can be made to residents entitled to HB or UC who are suffering financial hardship, provided the qualifying conditions are met.

In order to be considered for a DHP award, the following qualifying conditions must be met:

- a. Before making an application for a DHP, a tenant, or their representative, must demonstrate to their housing provider or our Housing Solutions team that they are doing everything they can to address the issues affecting them.

An application for support will only be considered if the tenant is cooperating with either their housing provider or Housing Solutions team to address these issues, for example:

Housing needs This will include engaging with a variety of landlords in order to secure cheaper, alternative accommodation.

Debt advice/maximising income/welfare benefits advice This will include referral to our Welfare Rights team or to external organisations, for example, Citizens Advice Bureau (CAB) for advice covering the maximisation of a tenant's income, welfare benefits advice and debt advice.

Employability This will include referral to the our Employability team to help you back into work.

- b. The tenant must be in receipt of one of the following benefits:
 - ✓ Housing Benefit; or
 - ✓ Universal Credit (housing element).
- c. The tenant must be unable to pay all or part of their rent (a rental liability).
- d. The tenant requires further financial assistance with housing costs (this will be tested via a financial means-test assessment).
- e. The tenant, their partner and any other non-dependants in the household do not have savings that could be used to meet the shortfall (evidence of savings will be required as part of the application).
- f. The tenant must not have sufficient disposable income to meet the housing costs shortfall. This will be determined by completing a financial means-test assessment.

- g. The tenant must be willing to comply with any reasonable conditions concerning the payment award.
- h. The tenant must continually cooperate with their Housing Provider/Housing Solutions Team for the DHP award to continue.

How much DHP will I receive?

Discretionary Housing Payments (DHPs) are means-tested, so the amount received will vary according to your circumstances. The amount awarded will not exceed the shortfall in the rent.

The length of the award is discretionary and will be determined by us. The maximum period of award is normally up to 60 weeks, for those groups who do not fall within a priority group.

For specific priority groups a longer term award of 60 weeks followed by a review, might be granted, these include:

- ✓ People with disabilities, in receipt of any element of Disability Living Allowance or Personal Independence Payments and living in a property that has been significantly adapted, including adaptations made for disabled children. Or, where one or more bedrooms cannot be used as they are being used to store disability related equipment or are required for additional needs relating to the disability.
- ✓ Couples who are unable to share a bedroom due to a disability or long term illness/medical condition.
- ✓ People who are terminally ill.
- ✓ Registered foster carers.
- ✓ Approved adoptive parents.
- ✓ Families with a child temporarily in care but where the child is expected to return home.
- ✓ Families with a social services intervention.
- ✓ Families with kinship care arrangements.
- ✓ Families with children at a critical point in their education who are in the academic year in which they will be taking their GCSE or A Level examinations.
- ✓ Care leavers under 25.
- ✓ Vulnerable people who rely on a community and/or medical support network.
- ✓ Carers in receipt of Carer's Allowance to provide care for someone who does not reside with them.
- ✓ People within 12 months of a significant change trigger which would affect HB entitlement, for example:
 - birth of a child;
 - children nearing age 10 or 16;
 - people nearing age 35; or
 - approaching pension age.
- ✓ People within 12 months of a significant change trigger which would improve their financial circumstances enabling them to afford the shortfall in their rent, for example:
 - single persons reaching the age of 25 receiving an increase in their welfare benefit.
- ✓ Tenants who have signed a fixed term tenancy agreement where their landlord refuses to release them from the tenancy unless the tenant pays a penalty as stated on the tenancy agreement.
- ✓ People who need to live near their jobs because they work unsocial hours or split shifts, and moving home would mean living an area where public transport would be inadequate to enable them to sustain their current job.
- ✓ People who are responsible for a disabled child who requires a bedroom of their own but where the child is not entitled to the care component of Disability Living Allowance at the highest or middle rate and the child is unable to share a bedroom with another child.
- ✓ People who are responsible for a child who is not disabled but who they consider requires a bedroom of their own due to some underlying personal/behaviour/emotional situation that has a detrimental effect on both the child and the child they share with.
- ✓ People who are placed in a property at short notice, which has too many bedrooms to avoid homelessness.

- ✓ People who reside in a property which has been adapted under the *Sanctuary Scheme*.
- ✓ Households where an additional bedroom is used for an overnight carer, who is not a member of the household, to provide care to a member of the household other than the claimant/partner on a regular basis.

Full details of the priority groups are detailed in Durham County Council's Discretionary Housing Payments Policy.

What DHPs can and cannot cover

Discretionary Housing Payments (DHPs) can cover:

- ✓ Reductions in HB/Universal Credit (UC) due to:
 - The Benefit Cap;
 - Under Occupation in the social rented sector; or
 - Local Housing Allowance restrictions.
- ✓ Rent shortfall while alternative housing is explored.
- ✓ Rent officer restrictions:
 - local reference rent; and
 - shared room rate.
- ✓ Costs associated with moving into more appropriate accommodation.
- ✓ Costs associated with overcoming circumstances that prevent you from moving immediately.

DHPs cannot cover:

- ✓ service charges not covered by Housing Benefit (HB);
- ✓ water, sewerage or environmental services;
- ✓ increase in rent due to arrears;
- ✓ reductions in Income Support, Jobseeker's Allowance or Employment Support;
- ✓ benefit suspended in relation to HB;
- ✓ shortfall due to HB overpayment recovery; or
- ✓ rent where the tenant is receiving Council Tax Reduction but not HB or the housing element of Universal Credit (UC).

How will the DHP be paid?

DHPs are paid together with HB. If you are a private tenant the DHP will be issued to the normal payee alongside the HB payment.

How will I be notified?

You will be notified of the outcome of your application in writing. If the application is unsuccessful the notification will state the reasons why. When the application is successful the notification will advise:

- ✓ the weekly amount of DHP award;
- ✓ the period of the award;
- ✓ how, when and to whom the DHP will be paid;
- ✓ the requirement to report any relevant change; and
- ✓ information for the tenant detailing how to request a reconsideration of the council's decision.

Reconsiderations

DHPs are discretionary and not payments of HB, and therefore not subject to the statutory appeals mechanism.

A tenant or appointee who disagrees with the outcome of a DHP assessment may dispute the decision. The request must be made in writing, signed by the tenant (or signed authorisation for someone to act on their behalf) and received by the Benefit Service within one month of the written decision about the DHP.

The outcome of the reconsideration will be final and binding, and may only be challenged via the judicial review process or by complaint to the Local Government Ombudsman.

Further information

Further information and advice on DHPs:

- ✓ your landlord; or
- ✓ Durham County Council's Housing Solutions team; See Key Contacts for details.
- ✓ Discretionary Housing Payments Policy is available to download at www.durham.gov.uk and search for **housing payments**.