

Rent Arrears

Getting behind with your rent

It can be hard to keep things together when you're ill and stressed — but if you're struggling to pay your rent, you need to take action quickly. Don't ignore the problem — if the debt builds up, your landlord could *evict* you (throw you out of your flat or house).

If you don't pay rent by the day written in your tenancy agreement, that's known as *rent arrears*. If you start to fall into arrears, write to your landlord straight away and explain why you're having problems paying — perhaps because you've been ill, lost your job or claimed benefits that haven't arrived yet.

Rent arrears are called a *priority* debt, because you might end up losing your home.

Where to get help and advice

If you get behind with your rent, contact a housing adviser. You can find one through:

- CLIC Sargent helpline: 0800 197 0068
- Your local Citizens Advice Bureau
- The Shelter directory at: shelter.org.uk/home/index.cfm

Who's responsible for making sure the rent is paid?

- If you rent by yourself or have a **sole tenancy agreement** (even if you're sharing with other tenants) it's up to you alone to see that your rent is paid.
- If you have a **shared or joint tenancy agreement** with one or more other people, you are a **joint tenant**. What matters here is that any tenant whose name is on the agreement can be held responsible for paying the full rent. So if just **one** of the joint tenants gets behind with the rent or leaves, you are **all** still responsible for paying the full rent.

- If you share the house or flat with other people, but have a **separate tenancy agreement**, you are only responsible for your own rent or arrears and cannot be made to pay for someone else's share of the rent.

These are just three possible tenancy agreements. If your name is not on any tenancy agreement or you have not said to anyone that you agree to make payments you cannot be made to pay rent.

If you are not sure what kind of tenancy you have, check with the Shelter tenancy checker at shelter.org.uk/advice/advice-6988.cfm

The landlord's rights...

By not paying your rent on time, you have not kept your side of the tenancy agreement. The landlord has a right to try to recover the money, and may even try to evict you.

- If you are an **assured, secure or protected tenant**, your landlord can start a legal process to re-possess your home, but they must stick to the correct procedures to prove you're in arrears.
- If you're renting from a local authority or 'registered social landlord' (a housing association or co-operative, for example), they will already have a process for collecting rent arrears. Ask to see a copy of their 'rent arrears policy'.
- If you don't match either of the above descriptions, you have very little protection, as your landlord doesn't even need to prove that you're in arrears.

If your landlord is threatening to re-possess or evict you, get specialist advice as soon as possible from one of the experts listed above in 'Where to get help and advice'.

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... and yours

Even if you do owe rent, your landlord is not allowed to force you out of your home. If they try to change the locks or cut off your water, gas or electricity, you can report it to the council or the police.

Adding up the figures

If your landlord is trying to evict you or take you to court, you will receive a **Particulars of Claim** form, with a copy of your rent account, showing how much you owe. Check it right away against your own records (your rent book or bank statements) to make sure you agree with the amount in arrears.

- Has your landlord recorded all your payments?
- You may have been asked to pay rent in advance before you moved in — if so, has this been taken into account?
- Is all the money owed for rent, or does it include money for other things like getting keys cut, insurance or household repairs?
- Have the figures been added up correctly?
- Are you responsible for paying all the arrears or should other tenants also be paying their share?
- Have all your Housing Benefit payments been made correctly? For example, if there has been a Housing Benefit overpayment which was then reclaimed, your landlord **can't** class that as non-payment and claim you're in arrears.

Negotiating with your landlord

Once you're sure how much rent is overdue and how much is your responsibility, try to come to an agreement with your landlord. They might let you pay back the money in instalments, added to your normal rent. Be realistic about how much you can afford each week so you'll be

able to keep up the payments. Whatever you agree, get it confirmed in writing or make a note of the date and time of the conversation. If you write your landlord a letter, **date it, take a copy of it and keep it safe**. You may want to send the letter by recorded delivery.

What can the landlord do?

If the landlord wins their case against you, the court will order you to pay back the arrears of rent you owe. This is called a court order or CCJ, and it may mean you find it difficult to get credit in the future. If you owe more than £750 a landlord could apply to make you bankrupt.

Your landlord could also take further action against you. For example, they could:

- have money taken off your earnings
- send bailiffs to your home to take away your possessions — TV set, CD player and so on.

Get all the help you can

If you pay rent for your home and have a low income, or get welfare benefits, you may be entitled to claim Housing Benefit, Council Tax Benefit or Local Housing Allowance.

If you're already receiving benefits and you'd like to check you're getting the full amount you're entitled to, call CLIC Sargent's free helpline on 0800 197 0068 and ask for the Benefits Advisor, or visit your local Citizens Advice Bureau and ask for a benefits check.

Housing Benefit does not cover heating, hot water, lighting, cooking, meals, or charges for care and support. The amount you get also depends on how much you earn. If you have more than eight weeks of rent arrears, your landlord can ask for your Housing Benefit to be paid directly to them.

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If you are over 18, you can also apply for Council Tax Benefit. (People under 18 do not have to pay Council Tax, so they can't claim benefit for it.)

If you are under 25, single and without children, the amount of Housing Benefit you can get will usually be no higher than the average rate of a single room in your area. Even if you rent a whole flat, your Housing Benefit will only cover a single room.

However, if you are severely disabled and receiving the higher or middle rate care component of Disability Living Allowance and no-one receives Carer's Allowance for looking after you, the council could pay you more than a single-room rent.

If you are a full-time student you can't normally claim Housing or Council Tax benefit. (If you live in student halls, or a house occupied only by students, you don't have to pay Council Tax.) However, you may be able to claim Housing Benefit if:

- You receive Income Support or income-based Jobseeker's Allowance OR
- You qualify for the disability premium (or would if you weren't disqualified from incapacity benefit) OR
- You have been unable to work for 28 weeks (if two or more periods when you can't work are less than eight weeks apart, you can add them together) OR
- You meet the conditions to qualify for the severe disability premium.

If you think you might have been entitled to any of these benefits at any time in the last year, and you have a good reason for not having claimed them at the time (for instance, because you were ill), you may be able to get your benefit backdated. To find out more, contact your local council.

The rules for claiming can be complicated. You may need help filling in the forms. Contact the CLIC Sargent Helpline for further information. Or visit your local Citizens Advice Bureau, or housing aid centre. See our list of places where you can look for help.

If you are thinking of renting a house, flat, or a room, and would like to know how much of the rent Housing Benefit will cover, you can ask your local council Housing Benefit department for a Pre-tenancy Determination application form, which you should complete before you commit to the tenancy. If not, you might find out later that your new home will cost you more than you can afford, because the council will not pay you enough Housing Benefit.

Discretionary housing payments

If you are claiming Housing Benefit or Council Tax Benefit and the amount you receive does not fully cover your rent, you may be entitled to claim a **Discretionary Housing Payment**. Apply to the local council, explaining why you can't meet the shortfall and how long you may need help for.

Need help?

CLIC Sargent Social Workers or Youth Workers can give you more information, or talk things through with you. Or try the Benefits Advisor at CLIC Sargent's Child Cancer Helpline on **0800 197 0068** or if you prefer email, helpline@clicsargent.org.uk. Or visit your local Citizens Advice Bureau.