



Lewes District Council and Eastbourne Borough Council Crisis and Resilience Fund Housing Payment Policy

The Housing Payment Policy

Eastbourne Borough Council and Lewes District Council receive separate allocations from UK Government's Crisis and Resilience Fund and may only make awards from their separate allocations. Any payments made above the allocation can only be made if Members of the Individual Councils agree to give additional funds. Records for payments made and Government returns must be kept separately for each Local Authority.

1 Background

- 1.1 This scheme began on 1 April 2026. The regulations covering Housing Payments are The Crisis and Resilience Guidance for Local Authorities referred to as 'the guidance'.
- 1.2 The Housing Payments Policy will follow guidance provided by the UK Government.
- 1.3 The guidance gives the Council a very broad discretion. However, decisions must be made in accordance with ordinary principles about good decision making, i.e. administrative law. In particular, The Council has a duty to act fairly, reasonably and consistently.
- 1.4 This updated policy reflects any new guidance issued by the UK Government in response to legislative changes.
- 1.5 The main legislative changes are:
 - Council Tax liability will not be recognised as a Housing cost because Council Tax Benefit will be replaced by a Council Tax Reduction Scheme. Therefore, Housing Payments cannot be employed as further financial assistance in relation to Council Tax liability.
 - Housing Payments award is extended to include specific support for those applicants affected by welfare reform. Namely those affected by the benefit cap, the social sector size criteria and the Local Housing Allowance (LHA) reforms
- 1.6 All applications will continue to be considered in line with the policy but the decision to award (or not award) a Housing Payment is discretionary.
- 1.7 Housing Payments cannot cover ineligible service charges or deductions from Housing Benefit or Universal Credit Housing Costs to recover an overpayment.
- 1.8 Any reduction due to a Non-dependant deductions will not be eligible to be covered by Housing Payment

2 What are Housing Payments

- 2.1 Housing Payments provide successful applicants with further financial assistance when the Council considers that help with housing costs is needed.
- 2.2 The following objectives are at the heart of the decision making process
 - Promoting and sustaining appropriate tenancies
 - Homelessness prevention
 - Supporting the vulnerable in the local community
 - Helping applicants through personal and difficult events
 - Promoting financial and social inclusion
 - Benefit cap cases will be considered a priority
- 2.3 The Council's specialist teams in Customer First and Homes First will work together and with third parties (landlords, appointees, advice and advocacy groups, etc) to promote Housing Payments and to identify and support applicants whose needs meet the objectives of the scheme.

3 Housing costs that can be considered

- 3.1 Housing costs are not defined in the guidance, and this gives the Council a broad discretion to interpret the term. The minimum qualifying criteria is that to award Housing Payments in relation to rent the applicant must be in receipt of:
- Housing Benefit (HB); **or**
 - Universal Credit (UC) Housing Costs element; **and**
 - has a rental liability **and**
 - requires further financial assistance with housing costs.
- 3.2 In the narrowest sense, if an applicant has entitlement to Housing Benefit (HB), or Universal Credit (UC) Housing Costs element, then housing costs mean rent.
- 3.3 A wider interpretation can be applied to include rent in advance, deposits and other lump sum costs associated with a housing need such as removal costs.
- 3.4 The level of award may cover all or part of a shortfall or assist with the cost of taking up a tenancy. In effect this means there are three broad uses of the Housing Payments element of the Crisis and Resilience Fund
- to assist an applicant in receipt of HB/UC who has a shortfall between the level of their benefit and their ongoing rental liability (their housing costs)
 - to assist with the cost of taking up a tenancy
 - To help clear rent arrears to maintain a tenancy
- 3.5 An award of Housing Payments are at the discretion of the Council and every application will be considered on its own merit.
- 3.6 Examples of housing circumstances that might be considered for an award of Housing Payment are:
- Local Housing Allowance reforms
 - Social Sector Size Criteria (also referred to as the Bedroom Tax)
 - The Benefit Cap.
 - Other cases whose circumstances merit an award

4 Factors we may take into account.

4.1 Some of the factors that may be taken into account when deciding on the eligibility for Housing Payments are:

- The level of the shortfall between HB/UC and housing costs.
- Whether there is a genuine risk of eviction because of the shortfall.
- What steps the applicant has taken to alleviate the problem.
- Is there a guarantor for the rent
- Whether more affordable accommodation is available which the applicant could move to.
- Whether the applicant, or anyone in the household, suffers from a health condition, illness or disability, which means their choice of housing is restricted either temporarily or permanently
- If the applicant has other debts to pay, which make meeting the shortfall more difficult. Housing Payments are not to be provided to pay off other debts.
- If the applicant has debts, have they taken advice on how to manage these effectively.
- If the applicant or anyone in their household, has any exceptional expenses which make it harder than normal for them to meet the shortfall (e.g. frequent travel to hospital).
- If there has been a recent change of circumstances, which makes it more difficult to meet the shortfall.
- Could the applicant reduce other expenditure so that they can meet the shortfall?
- The applicant's rent has been increased during a benefit period which cannot be allowed because of the eligible rent rules.
- Is the claimant or member of their household fleeing domestic violence
- The extent of the shortfall between rent and Housing Benefit/UC, including whether the claimant has any capital or disregarded income which can be used to meet it, or whether anyone else is able and willing to help to meet it

5. Making an application

- 5.1 The guidance require that an application has to be made for a Housing Payment and that the Council must act consistently.
- 5.2 Applications will only be accepted on a prescribed form (submitted by email or letter) or via the online application.
- 5.3 The person who applies for a Housing Payment will be the person entitled to HB/UC or someone acting on behalf of the person concerned, such as an appointee or third party, if it is reasonable to do so. The application must be signed by the claimant or the appointee. In the case of an application made via the online application it must be verified as being from the applicant.
- 5.4 Only the benefit section of the authority can accept applications for Housing Payments. Our policy is that Housing Payments are administered by a Specialist Officer to ensure consistency of decision making and to facilitate payment alongside the existing HB/UC scheme.
- 5.5 An applicant can make a new application at the end of an award but there is no automatic extension of awards. The new award will be considered on its own merits

6 Assessing an application

- 6.1 Decisions may be made collaboratively between Customer First and Homes first staff. This ensures that due consideration is given to the impact of the decision on issues of homelessness and sustainable housing.
- 6.2 If the application is for a payment to cover rent arrears the Local Authority may take into account whether there is a guarantor or if the landlord has insurance that includes cover for unpaid rent.

7 Limits on the size of an award

- 7.1 Guidance places a limit on the Housing Payments award so that it does not exceed the weekly eligible rent on the applicant's home. The limit only applies where the award is calculated as a weekly sum, for example, to meet a shortfall.

8 Duration of a Housing Payment award

- 8.1 The length of time over which a Housing Payment is awarded is discretionary. In most cases payments will not extend beyond the end of the financial year in which an application is made. The length of time is determined on a case-by-case basis.

- 8.2 A Housing Payment award is not intended to be an ongoing payment. It is designed to assist on a short-term basis to provide applicants with an opportunity to address their housing situation.
- 8.3 The Council can use Housing Payments for a rent deposit or rent in advance for a property that the applicant is yet to move into if they are already entitled to HB/UC Housing Element for their present home. If the applicant is moving into the Local Authority area the previous authority is responsible for a Housing Payment for rent in advance/deposit.
- 8.4 There are no rules on backdating other than the duty to act consistently. However, guidance states that Housing Payments can only be considered for periods where the linked Housing Benefit or Universal Credit Housing Element is payable.

9 Notification of decisions

- 9.1 Applicants will be notified of the outcome of the decision in writing or electronically. This includes an explanation of the decision, the amount and duration of the award (where applicable) and how to dispute the decision.
- 9.2 Where appropriate the applicant's landlord will also be notified of the Housing Payment decision, in accordance with data protection.

10 Appeals

- 10.1 A decision on a Housing Payment award does not carry a right of appeal to a Social Security Tribunal. The route of judicial review is available, and a complaint may be made to the Local Government and Social Care Ombudsman if there is an allegation of maladministration or service failure.
- 10.2 The Council's policy is that any request to review a Housing Payment decision will be considered by a second specialist officer, who was not involved in the original Housing Payment decision.
- 10.3 Any request for review must be received from the applicant in writing (submitted by email or letter), within 1 month of the original decision.
- 10.4 The review decision will be notified to the applicant either in writing or electronically and is final.

11 Paying an award of Housing Payment

- 11.1 Housing Payments will normally be paid to the person or organisation in receipt of HB alongside the existing HB payment method. If UC is in payment the payment will be separate from the UC housing costs payment.
- 11.2 In the case of council tenants and council placements payment would usually be in the form of a rebate to the rent account.
- 11.3 Housing Payments may be paid to someone other than the applicant if it is considered reasonable to do so. That could be an agent, an appointee or a landlord.

11.4 Where a Housing Payment is used to meet the cost of securing a new home (rent in advance or deposit) making the payment to the landlord will be considered in most cases.

12 Change of Circumstances

12.1 It is the applicant's responsibility to notify the Council of any change of circumstance which may affect the award of a Housing Payments. For example, if a change in income resulted in an increase in HB/UC which meant the Housing Payment was no longer required.

12.2 Housing Payments can be stopped where the award was made on the basis of the applicant's misrepresentation or failure to disclose a material fact.

12.3 Housing Payments can be stopped where they have been paid on the grounds of an error.

12.4 In all cases Housing Payments are recoverable from the applicant to the fund, at the discretion of the Council.

13 Recovery of overpaid Housing Payments

13.1 The method of recovery if a Housing Payment is overpaid is to request repayment of the debt from the applicant. This is generally in the form of an invoice. Overpaid Housing Payments may be recovered by reducing further Housing Payment awards (if applicable) but cannot be recovered by reducing future Housing Benefit payments.