



## Housing Payment Support policy

### Funded by the Crisis & Resilience Fund

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<b>Location:</b>	<a href="http://www.lichfielddc.gov.uk/hps">www.lichfielddc.gov.uk/hps</a>

## Introduction

Where residents are receiving Housing Benefit (HB) or Universal Credit (UC) and are struggling to pay their housing costs, they can apply to us to get extra help through Housing Payment Support (HPS). These were previously called Discretionary Housing Payments (DHPs) and were governed by the Discretionary Financial Assistance Regulations 2001. Awards made under this policy are now funded through the Crisis and Resilience Fund (CRF) and are therefore made under the council's discretionary powers, including the general power of competence under the Localism Act 2011 and other relevant legislation.

We look at every application individually and aim to make fair, reasonable, and consistent decisions based on your personal circumstances. This support is provided under national regulations, which allow us flexibility to respond to people's needs.

This policy underpins our aim to **support people to stay in their homes** and be part of strong, thriving communities across our district. Through this support, we want to help create confident communities where people aspire to live, prosperous communities where our towns and villages can flourish, active communities where residents can lead healthy and engaged lives, and green communities that make our district the most environmentally sustainable in the country.

There is a **limited amount of funding available each year**, so we prioritise helping those most in need. In developing this policy, we have followed guidance and good practice published by the Department for Work and Pensions to make sure we are supporting residents in the best possible way. This policy helps ensure that support is provided in a fair, consistent, and transparent way.

## Purpose and scope

Anyone in rented accommodation who needs further financial assistance with their housing costs and is claiming Housing Benefit or Universal Credit (that includes a housing element) can apply for housing payments support. The purpose of this policy is to provide temporary assistance with housing costs with the aims of:

- Alleviating poverty.
- Preventing homelessness and assisting people to maintain tenancies.
- Encouraging and sustaining people in employment.
- Safeguarding residents in their own homes.
- 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 disabled people to remain in adapted properties.
- Supporting the vulnerable or the elderly in the local community.
- Helping applicants through personal and difficult events.
- Supporting young people in the transition to adult life.
- Promoting good educational outcomes for children and young people.
- Supporting the work of foster carers.
- Supporting care leavers.

Further financial assistance is defined as additional financial help that is needed where an applicant is unable to meet their housing costs from their available household income, for example because they have a shortfall as a result of welfare reforms or need help with rent arrears.

Housing costs generally means rent but can be interpreted more widely to include:

- Rent in advance.
- Rent deposits.
- Storage/removal costs.
- Other lump sums associated with a housing need.

Housing Payment Support cannot help with:

- Ineligible service charges<sup>1</sup>.
- Increases in rent payments due to outstanding rent arrears.
- Sanctions, reductions and suspensions in benefit. For example, a reduction in another primary benefit or shortfalls caused by HB/ UC overpayment recovery, or a restriction in benefit due to a breach of a Community Service Order.
- Rent arrears where Housing Benefit or housing costs (in UC) have been paid for the period that the rent arrears are for.

## Equality, diversity, fairness and respect

We are committed to developing and delivering services in a way that ensures we treat people fairly and promote equality of opportunity and social cohesion within the wider community.

This policy has been subject to an equality impact assessment to ensure there is no discrimination in the way that it has been designed, developed or how it will be delivered and that, wherever possible, equality is promoted. Within this policy, vulnerable groups are those whose welfare may be particularly adversely affected by the application of an empty or second homes premium charge.

To ensure we treat our customers in a fair and equitable manner, we may from time to time, choose to vary the steps outlined in this policy at the discretion of the responsible manager/director, or responsible cabinet member if doing so has a financial impact beyond delegated levels.

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<sup>1</sup> As specified in Schedule 1 of the Housing Benefit Regulations 2006 and Schedule 1 of the Housing Benefit (Persons who have attained the qualifying age for pension credit) Regulations 200

# 1. Policy details

- 1.1 Each application will be considered on its own merits and in accordance with the purpose and scope of this policy.
- 1.2 Where a one-off payment is required, for example a deposit or rent in advance, the applicant must demonstrate that they do not have any capital or immediate access to monies that they could put towards the payment.
- 1.3 To qualify for help with rent in advance, it must be conditional as part of the tenancy agreement for a payment to be made to secure the tenancy.
- 1.4 Where the Housing Payment Support is a 'top up' of the existing Housing Benefit or housing costs within Universal Credit, we will take into account the applicant's ability to contribute towards their rent.
- 1.5 Housing Payment Support will not normally be awarded where a tenancy was taken on that was not affordable from the outset, unless the applicant can show they have a realistic plan to improve their circumstances and reduce the need for Housing Payment Support in the future.
- 1.6 An assessment may be made of the income and expenditure of the applicant. All income, with the exception of disability living allowance, attendance allowance and personal independence payments, and capital will be taken into account. Evidence may be requested of any income and expenditure if deemed necessary.
- 1.7 When considering income and expenditure, priority debts will be taken into account first. Other debts may be taken into account of a case by case basis. Priority debts are:
  - Court fines
  - Rent
  - Utilities (gas, electricity, council tax)
  - Maintenance/child support
  - Income tax/VAT
  - TV licence
- 1.8 Standard figures may be used for utilities, TV licence and food. If the applicant's actual expenditure is higher than the standard figures, the applicant may be required to provide evidence of their actual expenditure – [view standard figures](#).
- 1.9 If an applicant requests a further award, it may not be at the same level as any previous award. In addition, the applicant will be required to demonstrate that they have made significant efforts to improve their circumstances. This may be seeking financial advice, looking at alternative accommodation or reducing other debts.

## 2. Application procedure

### Application and award

- 2.1 A request for Housing Payment Support (HPS) must be made by the applicant. A third party may request a HPS providing they have Power of Attorney or the applicant's consent.
- 2.2 To apply online visit: [www.lichfielddc.gov.uk/hps](http://www.lichfielddc.gov.uk/hps)
- 2.4 All applications will be dealt with by the benefits team and will be processed within 10 working days of receiving all the information needed.
- 2.5 The applicant will get the decision in writing, and this will confirm the amount and period of the award and the review procedures.
- 2.6 Where the HPS is a 'top up' of Housing Benefit or housing costs (paid in UC) the award will be for a maximum period of 26 weeks within a financial year unless there are exceptional circumstances such as:
- To prevent homelessness.
  - To enable homeless households to take on a new tenancy where the local authority has a continuing statutory duty.
  - Where the applicant has had their property adapted for disablement needs and it would be unreasonable to expect them to move.
  - Where the applicant has demonstrated they have made significant efforts to improve their circumstances, such as seeking employment or training.
- 2.7 The award will be calculated by looking at the income of the applicant, reduced by all reasonable expenditure (using figures as referred to in paragraph 5.7) taking into account the applicant's ability to contribute towards their rent.
- 2.8 Backdated awards will be considered but will be limited to the current financial year.

### Payments

- 2.9 If a one-off payment of HPS is required, including a backdated award, it will be paid within 2 weeks of a successful application.
- 2.10 A HPS will be made directly to a landlord where it is appropriate.

### Change in circumstances

- 2.11 The applicant must inform the council of any changes in their circumstances promptly.
- 2.12 If a change in circumstances increases or decreases the amount of HB or UC, the HPS will be amended accordingly.
- 2.13 If HB or UC stops, the HPS will end from the same date.
- 2.14 If HPS is overpaid, the local authority will recover the overpayment from the person who received the payment.
- 2.15 If a landlord has received the HPS, the local authority will consider recovering it from the applicant if the landlord could not have reasonably been aware of the change.

## **How to request a review**

- 2.16 Housing Payment Support is discretionary and administered outside HB and UC legislation and are not subject to the same rights of review or appeal process.
- 2.17 Any request for a review must be made in writing within one calendar month of the date of the decision letter and include the reasons why the decision is not satisfactory.
- 2.18 Where the request for the review is made outside of one calendar month, the time limit may be extended if the applicant can show compelling reasons for the delay.
- 2.19 A senior officer not involved in the original decision will consider the review request and the applicant will be notified of the decision in writing, which will be final.

## **3. Key information**

### **Fraud**

- 3.1 We are committed to reducing fraud in all its forms. A ratepayer who falsely declares their circumstances or provides a false statement or evidence in support of an application for discretionary rate relief, may have committed an offence under the Fraud Act 2006.

### **Data protection**

- 3.2 The council will treat all personal information submitted as part of the application process in accordance with the Data Protection Act 2018 and the General Data Protection Regulation (GDPR).

### **Policy review**

- 3.3 This policy will be reviewed biannually, or sooner if required by changes in legislation or council priorities.

ENDS