MRAssociates
Advisers to Supported Housing

T - 01475 727 089
F - 07092 882 002
W - www.mrassociates.org

Kingston House,
3 Jamaica Street, Greenock,
Renfrewshire, PA15 1XX.

Change of Circumstances

An event which causes the rate of Housing Benefit to change, or causes the local authority to consider the rate of Housing Benefit needs to change.

If the authority decides to change the rate of a person's Housing Benefit following a change of circumstance the action is known as a "superseding decision".

The Housing Benefit claimant is responsible for reporting changes of circumstance that the local authority has no way of knowing about independently, for example the birth of a child, forming a couple, splitting up with a partner, moving address, a change in the amount of income or capital (apart from some state benefits that the Council is told about by the Department for Work and Pensions). If the claimant fails to report an advantageous change of circumstance (one that causes more HB to be paid) within a month, the local authority will normally deal with the change as if it happened on the date when it was reported so the claimant will lose out on arrears of benefit at a higher rate. If the claimant fails to report a disadvantageous change of circumstance (one causing the amount of HB to go down or stop completely) before the next HB payment is made, the local authority will probably seek to recover overpaid HB from the claimant.

Examples of changes of circumstance that do not have to be reported

- Changes in the Regulations (including the annual uprating of benefits)
- Changes affecting State Pension Credit (DWP should notify the Council of these)
- A change in the age of someone whose date of birth is already known to the Council (but the claimant must still tell the Council when a dependant ceases to be dependant - mainly when the claimant stops receiving Child Benefit for a son or daughter aged 16-19)
- A change in the amount of rent payable to the Council

While the Council might well find out about other changes of circumstance from other sources (housing association rents from a bulk file provided by the HA; other DWP benefits through electronic communication from DWP) to be on the safe side claimants should report any changes apart from the ones referred to above

Date when a change of circumstance takes effect

Some changes take effect from the day when they happen; some are taken forward to the following Monday; and some are taken back to the start of the week.

Sources:

- Change of circumstance affecting rent: Paragraph 2(3) of Schedule 2 to the Housing Benefit Regulations 2006 (SI 2006/213)
- Duty to report changes: Regulation 88 of the Housing Benefit Regulations 2006
- Date from which a change has effect: Regulations 7 and 8 of the Housing Benefit and Council Tax Benefit (Decisions and Appeals) Regulations 2001 (SI 2001/1002); Regulation 79 of the Housing Benefit Regulations 2006