

## UC HM1: REQUEST FOR HOUSING COSTS ELEMENT TO BE INCLUDED FROM START OF CLAIM

Claimant's Name  
Claimant's Address

DWP Office

Date:

Dear Sir / Madam

### Re: Universal Credit Award- Request for Mandatory Reconsideration

#### Entitlement to the Housing Costs Element from the start of claim

My Nino:

I would like to request a Mandatory Reconsideration of your decision not to include a Housing Costs Element in my Universal Credit award for the period **date** to **date**.

Although I mistakenly failed to report my housing costs at the start of my claim, this does not alter the fact that I have been liable to pay housing costs for the whole of this period. As such the original decision was not based on my true circumstances.

To support this request I refer to the following legislation and case law: **Reg 5 of the The Universal Credit, Personal Independence Payment, Jobseeker's Allowance and Employment and Support Allowance (Decisions and Appeals) 2013** states that a decision which is wrong can be challenged by way of revision ('mandatory reconsideration') for any reason.

In **R(IB) 2/04** it was held that, if a tribunal considers an original decision to be wrong based the facts before it, the tribunal has the power to make the decision on the claim which it considers the Secretary of State ought to have made based on those facts.

I would like to make clear that this is not a late notification of a change of circumstance - where the date from which the change can take effect is the start of the assessment period in which it is notified. I have been liable for rent at my existing home since **date**. Instead this is a change in the information on which the DWP has based its original decision.

I would therefore be grateful if you would revise my Universal Credit award for the period **date** to **date** to include the Housing Costs Element to which I am entitled.

If you require any further information or evidence about my rental liability for this period please let me know as soon as possible.

**Add if necessary:** I am aware that I am outside the one calendar month time limit for requesting a Mandatory Reconsideration and would like to request that you extend this time limit on the grounds that my application has merit and there are special circumstances that apply in this case which made it impossible for me to make the request earlier. These reasons **are:**

If you feel unable to include a Housing Costs Element in my award as requested please ensure a Mandatory Reconsideration Notice is provided as I will wish to appeal that decision.

Thank you for your consideration in this matter.

Yours faithfully

Checked 1.10.18

**UC SP3: ASKING DWP TO PAY HOUSING COST ELEMENT SHOULD LA NOT ACCEPT THAT CLAIMANT LIVES IN 'SPECIFIED ACCOMMODATION'.**

Tenant's Name  
Tenant's Address

DWP Office

Date:

Dear Sir / Madam

**Re: Universal Credit Award  
Entitlement to the Housing Costs Element**

**My Nino:**

I am writing to notify you that I have claimed Housing Benefit for my rent and eligible service charges as I believe that I live in 'specified accommodation'.

However as it is down to the Local Authority to make the determination as to whether I am living in 'specified accommodation', it could be that they decide it is not 'specified', and so refuse to pay me Housing Benefit.

I have therefore submitted to you all required evidence, namely: **a tenancy agreement/ a letter from the landlord signed and dated by my landlord**; the names of all tenants on the tenancy agreement; the property address; the current rent and payment frequency; a breakdown of rent type, frequency and amount of each service charge; the number of bedrooms; my landlord's name and address; number of rent free weeks (*where applicable*).

Should you receive notification from the Local Authority that they have determined that I do not live in 'specified accommodation' please pay my Housing Cost Element accordingly, with effect from the Monthly Assessment Period from which I became liable and occupied this accommodation.

I understand that once the LA notify you of their determination you must follow the LA's decision.

In a Freedom of Information Response (3171) dated 10/01/17 the DWP stated:

*"In Paragraph 39 (of HB Circular A8/2014), it states the Local Authority (LA) makes a decision on whether the claimant lives in specified accommodation or not. The Universal Credit decision will follow the LA decision, so the claimant will either be entitled to Universal Credit housing support or will get Housing Benefit because they are living in specified accommodation. "*

I further understand from Knowledge Management Guidance provided in this FOI response that once the DWP has received this information via data sharing from the LA, the Housing Cost Element should be included in the UC assessment with effect from **my claim for UC at this address / the start of the monthly assessment period when I moved to this address**, so long as all required evidence (as detailed in the guidance) has been received.

If you have not yet sent your Specified Accommodation Data Share form UC321 to the LA please could you do so immediately, to enable the LA to notify you of their findings.

Yours faithfully

18.12.2018

**UC HCE6A: REQUEST FOR 'CHARGE FOR PERMISSION TO OCCUPY' BE INCLUDED IN UC AWARD WHERE TENANT HAS DIED**

Claimant's Name  
Claimant's Address

DWP Office

Date:

Dear Sir / Madam

**Request for "charge for permission to occupy" to be included as housing costs in my Universal Credit award**

I have made a claim for Universal Credit / am currently claiming Universal Credit with no Housing Cost Element and am requesting that a Housing Cost Element be included in my award in respect of the payments I am obliged to make to my landlord: (name of landlord).

I am unable to provide you with a tenancy agreement because the tenant has died. However I am paying a charge to enable me to live there with my (description of relative) who cannot claim UC as they are (age).

Please find enclosed a letter from my landlord / the owner of the property, confirming the charge, and that I have permission to occupy.

Universal Credit Regulation Schedule 1 (2) (b) states that "Rent payments" includes "payments for a licence or other permission to occupy accommodation" therefore this charge is covered by the regulation.

Thank you for your consideration in this matter.

*(If applicable)* I have no / limited access to the internet therefore please reply to me by post.  
*(applies to digital areas only)*

Yours faithfully

**UC HCE4: REQUEST TO BE TREATED AS LIABLE FOR THE RENT**

Claimant's Name  
Claimant's Address

DWP Office

Date:

Dear Sir / Madam

**Request to be treated as liable for the rent**

I have made a claim for Universal Credit and either:

- I am unable to provide you with a tenancy agreement as I am not the tenant of the above property, however I am paying **the rent / a permission to occupy charge** to enable me to continue to live there, or
- I have a joint tenancy for the above property and am only liable for part of the rent.

Please find enclosed a letter from **my landlord / the owner of the property**, confirming **the rent / permission to occupy charge** I am required to pay to remain living in the property. They are happy for me to remain living in the property as long as I ensure this charge is paid in full, but are unwilling to transfer the tenancy to me **because**:

My situation is that:

- I have lived in this property for: \_\_\_\_\_ years with **my**: \_\_\_\_\_, **name**: \_\_\_\_\_  
They have now left the property and are not making payments of rent.
- I am having to claim Universal Credit as a single person **because**: \_\_\_\_\_  
but my partner, **name** \_\_\_\_\_, is the person liable for the rent.
- The person who is liable for the rent is a child / young person, **name**: \_\_\_\_\_

I understand that in accordance with Universal Credit Regulations Schedule 2, you are able to include a Housing Costs Element in a Universal Credit assessment in respect of **rent / permission to occupy charges** and service charges where:

- the person liable for the payments is not doing so, and
- the claimant has to make payments to remain in the property, and
- it is unreasonable to expect them to make other arrangements, and
- it is reasonable to treat them as liable.

Or where:

- They are having to claim Universal Credit as a single person but their partner is the person liable for housing costs.

Or where:

- The person liable for the housing costs is a child or young person.

As I fit into one of these categories (as detailed above) - I would be grateful if you could treat me as liable to pay the **rent / permission to occupy charge**.

Thank you for your consideration in this matter.

Yours faithfully

Checked: 01.02.2017

## UC HCE3: REQUEST FOR WHOLE RENT TO BE COVERED WHERE JOINT TENANT LEFT PROPERTY

Claimant's Name  
Claimant's Address

DWP Office

Date:

Dear Sir / Madam

**RE: Request for Housing Costs Element to cover the full eligible rent where joint tenant no longer living at property**

NI No:

I have made a claim for Universal Credit/am currently in receipt of Universal Credit and would like to request that you include in the award a Housing Costs Element in respect of the whole of the rent being charged for the property I live in – the full eligible rent is: £xxx.xx a week/month.

Although I have a joint tenancy for this property, the joint tenant left the property on xx/xx/xxxx and has not since that date lived at the property. Neither have they contributed anything towards the rent since that date and it would be unreasonable to expect them to do so because:

As a joint tenant I am both jointly and severally liable for the whole rent and therefore MUST pay as a condition of my tenancy the whole rent ie £xxx.xx a week/month to continue to live in the property. If I fail to pay the whole rent my landlord will take action against me to evict me/my family from the property.

Please include in my Universal Credit award a Housing Costs Element in respect of the whole of the rent being charged for the property I live in – the full eligible rent is: £xxx.xx week/month, in line with the Regulations below.

Paragraph 6 of Schedule 4 of the Universal Credit Regulations 2013 states that no account is to be taken of any relevant payment (ie rent / service charge) where a renter does not meet each of the three conditions for a Housing Cost Element ie the payment, liability, and occupation conditions. As the other joint renter (joint tenant) is not meeting the occupation condition there are no other persons other than myself liable to make relevant payments. This means that therefore Paragraph 35 of Schedule 4 of the Universal Credit Regulations 2013, which considers the Housing Cost Element when each joint enter (joint tenant) meets these conditions, does not apply in my case, as there are no other persons other than myself liable to make payments in respect of the property where I live.

And where Paragraph 35 does not apply, the amount of the Housing Costs Element to be included in my award falls to be calculated under Paragraph 34 of Schedule 4 of the Universal Credit Regulations 2013. And as I meet the payment, liability and occupation conditions for 100% of the rent ie £xxx.xx a week/month the Housing Cost Element included in my Universal Credit award should be based on this amount.

Please note that even if Paragraph 35 did apply, this would be subject to sub-paragraph 5 which allows you to determine the proportions of Housing Cost Element for each joint renter (joint tenant) where it is unreasonable to divide them in accordance with the standard formula in sub-

paragraph 4. As the other joint renter is neither physically living in the property, nor contributing to the rent, then it would be reasonable to base the Housing Cost Element in my UC award on 100% liability. Please note that under Paragraph 35 no deduction should be made for under-occupancy.

Please find enclosed a letter from my landlord confirming that I am liable for the whole of the rent under the terms of my tenancy agreement.

**Either:**

My landlord is in the process of arranging for my tenancy to change to a sole tenancy but while awaiting this I need to have 100% of the eligible rent included in the calculation of my UC award to avoid arrears

**Or:**

My landlord is unable / unwilling to grant me a sole tenancy because:

- We have been unable to trace the absent joint tenant / the absent joint tenant is refusing to relinquish the tenancy and the landlord cannot create a sole tenancy without the joint tenancy ending.
- The landlord is unwilling to grant me a sole tenancy due to rent arrears on the account.
- The landlord cannot grant me a sole tenancy as this would mean I have effectively started a fresh tenancy which is under occupied, and this is against the landlord's policy.
- The landlord's policy is not to grant sole tenancies when a joint tenant has left.

I would therefore be grateful if you could increase the Housing Costs Element included in my award from the start of the Monthly Assessment Period during which the joint tenant left.

**If required:** If I am a little late making this request then please accept that there were special circumstances why I did not request this in time – **these are:**

Please could you take these factors into account and find that it is reasonable to allow a late notification in this instance in line with Universal Credit (Decisions and Appeals) Regulation 6 and action the increase in my Universal Credit entitlement from the monthly assessment period in which it occurred.

*(If applicable) I have no / limited access to the internet therefore please reply to me by post.  
(applies to digital areas only)*

Thank you for your consideration in this matter.

Yours faithfully

## UC CP12: UNIVERSAL CREDIT – SELF REFERRAL FOR A MANAGED PAYMENT OF RENT TO MY LANDLORD

DWP Office

Claimant's address

Date:

Dear Sirs,

**Request for alternative payment arrangements – managed payment of rent to my landlord**

Name:

Address:

NI number:

To safeguard my home and reduce the risk of me /my family being made homeless, I would be grateful if you could make a managed payment, equal to the housing costs element included when my Universal Credit is assessed, directly to my landlord – XXXXXXXXXXXXXXXXXXXX.

I am making this request because, although my rent arrears have not reached an amount at which my landlord would seek a possession order, I believe that due to the following challenging factors (**tick all boxes that apply and give more details overleaf**) I struggle to manage my Universal Credit payment effectively and am going to have difficulties ensuring my rent is paid and there is a real risk that my landlord will start eviction proceedings in the near future.

- I have a drug, alcohol or other addiction problem.
- Problems with reading, writing, numbers and / or maths.
- Debts that I am finding it difficult to manage.
- I have rent arrears or have been in rent arrears in the past.
- I am having deductions taken out of my benefit to repay one or more debts.
- My landlord has threatened me with eviction.
- I am currently classed as homeless or have previously been homeless.
- I currently live in or have previously lived in temporary / supported housing.
- I suffer from a mental health condition.
- I suffer from a sensory or physical disability that makes it difficult for me to pay my rent.
- I am / have recently experienced domestic violence and / or abuse.
- I have recently lost a close relative.
- I have recently left the armed forces.
- I am age under 25 and currently not in education, employment or training.
- I am 16 / 17 years old.
- I have previously been in care.
- I have been in hospital and left within the last 3 months.
- I have been in prison and left within the last 3 months.
- I am a refugee.
- English is not my first language.
- Other language difficulty.
- I do not have a bank account.
- I / my family have complex needs.

For further details please see overleaf.

I strongly believe that without a managed payment in place there is a real risk that my **rent account will go into arrears / my rent arrears will increase** to such a level that my landlord will start eviction proceedings.

Thank you for your consideration in this matter – if you require any further information please let me know as soon as possible.

*(If applicable) I have no / limited access to the internet therefore please reply to me by post. (applies to digital areas only)*

Yours sincerely,