

# Housing Benefit Overpayments

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Even in direct landlord payment situations this means that we will ordinarily be seeking recovery from the claimant rather than the landlord unless the landlord is clearly responsible.

A housing benefit overpayment notification letter will be issued to the claimant and/or landlord. They are referred to as an 'affected person'.

Having determined the amount of the overpayment, its recoverability and from whom we should be seeking it, we are then required to decide the method and rate of recovery.

## **Recovery of Housing Benefit Overpayments**

The aim of the Benefit Service is to maximise the recovery of housing benefit overpayments using all of the methods allowed by law. This will be done with sensitivity, and in the light of anti-poverty principles, by taking due account of a claimant's individual circumstances.

The methods are:

- Deductions from ongoing housing benefit entitlement

- Deductions from ongoing DWP benefit entitlement

- Deductions from housing benefit payments due to landlords/agents. This includes overpayments relating to current tenants and/or former tenants.

- Issuing a sundry debt invoice

- By debiting the overpayment to a Council Tenants Housing Benefit account

- Passing the debt onto the City's approved Debt Collection Agencies for collection

- Enforcement action through the courts which includes – Charging orders on properties, Bankruptcy proceedings, seizure of goods and collection of the debt from any capital/assets you possess.

- Direct Earnings Attachments (DEA) – We ask your employer to recover the

## **Appeals against housing benefit overpayment decisions**

If you disagree with the housing benefit overpayment decision you can submit an appeal in the circumstances below or ask us to review our decision.

### **You may appeal about**

- The decision which caused the overpayment
- Whether an overpayment is recoverable
- The amount of the overpayment
- Who an overpayment can be recovered from

### **You may not appeal about**

- What 'an overpayment means'
- The exercise of discretion to recover or not
- The method of recovery