



## **Medway Council Housing Payment Policy**

### **1. Objective**

The purpose of this policy is to set out how Medway Council administers Housing Payments to residents who require additional financial assistance with housing costs. Housing Payments are discretionary and are intended to provide short-term support where an applicant is unable to meet their housing-related financial commitments.

### **2. Legislative and Regulatory Framework**

Housing Payments form a part of the Crisis and Resilience fund, therefore the Department for Work and Pensions stipulate the circumstances for when a payment can be made.

Housing Payments may be awarded where the applicant is entitled to:

- Housing Benefit (HB), or
- Universal Credit (UC) with an element for housing costs, including Shared Ownership properties with a rental liability.

For the purposes of this policy, entitlement includes individuals who qualify for HB or UC housing costs but have not yet received their first benefit payment.

### **3. Scope**

This policy applies to:

- Those ordinarily resident in Medway rental liability.
- Claimants with an active or pending HB or UC housing costs award.
- Applicants requiring financial support to secure, maintain, or move home.

Where an applicant is not eligible for Housing Payments (for example, due to benefit ineligibility, owner-occupation, or exhausted funding), they may be

considered under Medway Council's Crisis Payment Scheme, subject to meeting that scheme's criteria.

Where temporary accommodation is provided directly by a local authority that owes the homelessness duty, that same local authority is responsible for administering and funding Housing Benefit and Housing Payments under CRF.

#### **4. Definition of Housing Costs**

"Housing costs" are not rigidly defined in legislation. Medway Council interprets housing costs to include, but not be limited to:

- Rental liability (ongoing rent)
- Rent in advance\*
- Tenancy deposit\*
- Removal or relocation costs
- Other lump-sum payments essential for securing or maintaining accommodation\*

\*Adhering to the Renters Rights Act Limits from 1 May 2026

#### **5. Purpose of Housing Payments**

Housing Payment funding may be used to support:

- Rental deposits
- Rent in advance
- Costs associated with securing or downsizing accommodation (e.g., removals, tenancy set-up fees)
- Shortfalls between housing support and actual rent, including those caused by:
  - The Benefit Cap
  - Removal of the Spare Room Subsidy (RSRS)
  - Local Housing Allowance (LHA) restrictions

#### **6. Circumstances Where Housing Payments Cannot Be Awarded**

Housing Payments must not be used for:

- Ineligible Service Charges as specified in [Schedule 1 of the Housing Benefit Regulations 2006](#) or [Schedule 1 to the Housing Benefit \(Persons who have attained the qualifying age for state pension credit\) Regulations 2006](#) or, for UC, a service charge not listed in [Schedule 1 paragraph 7 of the Universal Credit Regulations 2013](#)
- Increases in rent due to outstanding rent arrears as set out in [Regulation 11\(3\) of the Housing Benefit Regulations 2006](#) and [Regulation 11\(2\) of the Housing Benefit \(Persons who have attained the qualifying age for state pension credit\) Regulations 2006](#)
- Sanctions and reductions in benefit as specified under regulations 100 to 114 of the Universal Credit Regulations 2013 or due to a breach of a community service order
- Shortfall caused by HB or UC overpayment recovery

Benefit suspensions where there is doubt about entitlement or because a claimant has failed to supply information pertinent to their claim as specified in section 21, 22 or 24 of the [Social Security Act 1998](#) or section 68 of, and paragraphs 13 and 14 of Schedule 7 to, the [Child Support, Pensions and Social Security Act 2000](#)

## 7. Assessment Process

When the Housing Payment is being considered for rent costs, it should not exceed the weekly HB or UC Housing element. Medway Council will consider the Court of Appeal's decision in R v. LB Lambeth, ex parte Gargett

### 7.1 Universal Credit Claimants

When assessing applications from UC claimants, Medway Council will consider:

- total monthly household income including the whole value of the UC award, **less**
- total monthly household expenditure (which the Authority deem reasonable), **equals**
- **shortfall** in income to consider for a Housing Payment award

## 7.2 Housing Benefit Claimants

Assessment will be based on:

- Current HB entitlement.
- Household finances.
- The nature and extent of the shortfall.

## 7.3 Temporary Absence

A Housing Payment may be awarded for two homes where:

- The claimant is treated as liable for both properties, and
- A shortfall exists on each tenancy.

This includes cases where an applicant has fled domestic abuse. Awards will follow the time limits set out in the Housing Benefit Regulations 2006 and Universal Credit Regulations 2013.

## **8. Duration and Method of Payment**

- Payments may be made as a one-off lump sum or ongoing instalments.
- The award period will be determined based on individual circumstances and clearly communicated to the applicant.
- One-off payments (e.g., rent in advance or deposits) do not require a defined duration.
- Payments may be made directly to the landlord or to the claimant, depending on the circumstances. This will be at the discretion of the decision maker.

### 8.1 Backdating

Medway Council may backdate Housing Payments where appropriate.

Backdating is discretionary and must relate only to a period during which HB or UC housing costs were payable.

## **9. Applicant Responsibilities**

Applicants must:

- Provide accurate information to support their application.
- Notify Medway Council promptly of any changes in circumstances, such as:

- Income changes.
- Household composition.
- Change of address.
- Changes affecting benefit entitlement.

Failure to report relevant changes may affect eligibility and could result in recovery of overpaid Housing Payments.

## **10. Decision-Making and Review**

- All decisions will be made on a case-by-case basis, considering the applicant's financial circumstances and housing needs. When deciding how to treat income from disability-related benefits such as Disability Living Allowance or the Personal Independence Payment, Officers must have regard to the decision of the 'High Court in R v. Sandwell MBC, ex parte Hardy'.
- Applicants will receive written notification of:
  - The outcome.
  - Award amount.
  - Duration.
  - Method of payment.
  - Review rights.

Applicants may request a review if they disagree with the decision. Reviews will be conducted by a senior officer not involved in the original decision.

## **11. Fraud and Misrepresentation**

Where a claim is found to be fraudulent or based on misrepresented information:

- The award may be revoked.
- Overpayments will be recovered.
- The matter may be referred for investigation and prosecution.

## **12. Monitoring and Reporting**

Medway Council will:

- Monitor budget allocation and expenditure.
- Return management information to the Department for Work and Pensions.
- Review policy effectiveness annually.
- Ensure fairness, transparency, and compliance with statutory obligations.

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