

RENT ARREARS

If you are a tenant of the local authority (council) you are responsible for paying the rent. Rent is a priority debt and failure to make payments could result in your landlord going to court to evict you.



WHAT TO DO IF YOU HAVE RENT ARREARS

- Speak to your landlord explain the difficulties you are having
- Complete a personal budget to work out what you can afford to pay towards your arrears
- Make an arrangement to clear your arrears
- If you are in receipt of Income Support, Universal Credit, Jobseekers Allowance or Employment Support Allowance you can ask for direct deductions from your benefit
- Check entitlement to Housing Benefit which could help towards rent payments
- Pay as much as possible towards your rent to stop the arrears increasing.
- Check whether you can increase your income so that you can afford your payments

HOUSING BENEFIT

Housing Benefit is paid to help with rent payments. This can be paid if you are unemployed or in work. The amount you are entitled to is dependent on your household income and personal circumstances (whether you have children, whether you pay child care costs, whether you are in receipt of disability benefits, etc). If you want to check whether you are entitled you should contact your local council Benefit Service Office (Birmingham Benefit Service 0121 464 7000).

OTHER BENEFITS & INCREASING YOUR INCOME

It is worth checking to see whether you may be entitled to any other types of benefits which could assist you financially. Examples are Tax Credits, Free school meals, Council Tax Benefit, disability benefits. If you are working you should have your tax code checked to ensure you are not paying too much tax. The following agencies may be able to assist you:

- Disabled/Carers Benefits 0345 6056055
- Low Income & Jobseekers Jobcentre Plus Office on 0800 055 6688
- Child Benefit 0845 302 1444
- National Insurance 0845 302 1479
- Tax Credit & Child Tax Credits 0845 300 3900
- Income Tax Office 0300 200 3300

LEGAL ACTION

Even if the landlord refuses to accept your offer of repayment, you should continue to pay your rent as well as any offer you have made towards your arrears. Prior to legal action commencing your landlord will send you a **Notice Seeking Possession (NSP) if you are a secure tenant**. This does not mean you have to leave your property and you will still have an opportunity to agree a payment arrangement and avoid court action. **Please note that if you are an Introductory Tenant then you will be served with a different notice that will allow the council to take possession of your property quicker.**

If you have not been able to make an arrangement with your landlord, your landlord can ask the court to send you a **Claim for Possession**. This will give you a date and time for a county court hearing. You should have at least 28 days' notice of the hearing date. This will be your opportunity to explain to the court why you have rent arrears and again offer an amount to pay towards your arrears. You will receive a form **Particulars of Claim** from the court. This will give the reasons why your landlord is requesting possession. With this form you will also receive a form called a **Defence Form** which you will need to complete and return to the court within 14 days. It is important that you complete the defence form with details about your circumstances, details of your income and expenditure and what you can afford to pay towards your arrears. If you disagree with the amount you are being asked to pay you should explain why you think it is incorrect.

COURT HEARING

The hearing will be conducted by a District Judge in a closed Chamber with your landlord present. Wherever possible you should attend the Possession Hearing. You can bring along a family member or representative for support. Many courts have a duty desk providing a Court Welfare Officer who can represent you. You should ensure that you are able explain the difficulties you are experiencing (loss of work, illness, etc), you are able to provide your personal budget and that you can offer an affordable amount towards repayment

COURT ORDERS

The judge will make a decision called an 'Order' based on what s/he has been told during the hearing. The judge can make one of the following Orders

- **To dismiss your landlord's action** – normally if the arrears are cleared by the hearing date.
- **To Adjourn the case** – this allows you time to provide extra information or to sort out issues such as housing benefit claims
- **Possession to the Landlord** - Postponed on the agreement that you make regular payments as ordered by the court. It is essential that you maintain payments otherwise a Warrant of Possession can be obtained.
- **Outright Possession** – this give the landlord permission to commence eviction proceedings. You will normally be given 28 days notice. See our factsheet on Eviction for further information.

**The information provided in this factsheet is for guidance only.
Before you take any action it is important to seek independent legal advice.**

Local Authority tenants can obtain Debt Advice from the Rent Service Debt Advice Team on 0121 303 2087 or by visiting the Council's website:

www.birmingham.gov.uk/debtadviceteam