

CHAPTER

4

Your Rent

ADUR
DISTRICT COUNCIL



Your Rent

It is a condition of your tenancy that your rent is paid regularly and on time. Rent is due weekly in advance. The rent week begins on a Monday although in practice you have until the Friday to pay it before you go into arrears. If you pay your rent on a monthly basis your account should be paid one month in advance.

Ways to Pay-Summary

- **At the Council Offices**
- **By Direct Debit**
- **By Standing Order**
- **By Sending a Cheque to one of the Cash Offices**
- **Over the Telephone**
- **Door to Door Collection (for certain tenants only, please ask for details)**
- **By Credit/Debit card**

Ways in which you can pay your rent

1. **At the Council Offices**

A cashiering service is available at the Civic Centre, Shoreham and the Local Offices in Southwick and Lancing. Cash, cheque and debit/credit card payments can be made at these locations. The Local Office addresses can be found in the booklet entitled 'General Information'.

2. Direct Debit Payments

You can pay your rent automatically by Direct Debit on a weekly or monthly basis. The direct debit form can be obtained and returned at any of the Council Offices. Payment should be maintained until your Direct Debit payments have started. You will be advised in writing of the 1st payment date.

3. Standing Order Payments

You can instruct your bank to pay your rent by standing order on a date that is convenient to you, i.e. the date you get paid. Please contact your local office for the Council's bank account details so you can advise your bank accordingly. This arrangement is solely between you and your bank.

4. By Post

Please allow three working days before your rent is due if you are going to pay your rent by post. Cheques should be made payable to 'Adur District Council' and you should write your rent account reference number on the back. If you have enclosed your rent card with the cheque, this will be sent to you by return of post.

5. By Telephone

Debit and credit card payments can now be made over a pre-recorded telephone line, which is totally confidential. You will need to have your rent account reference number and card details to hand when making your payment. This service is available 24 hours a day 7 days a week. Tel (01273) 263458

6. Outside of Office Hours.

Manual payments can be made outside of office hours via the deposit box at the front entrance to the Civic Centre. All payments should be put in a sealed envelope with your rent account reference number and payment instructions enclosed.

7. Housing Benefit

Any person who is liable to pay rent can apply for Housing Benefit. You can pick up a claim form (which also covers council tax benefit) at any of the Council Offices. If you would like information on whether or not you may be entitled to Housing Benefit, please contact the benefits office on Tel (01273) 263444

8. Rent Collection

The Rent Collection service is available if you are above pensionable age or have a disability that prevents you from paying you rent by any of the methods above. Please contact your local office if you would like further information on this method of payment.

9. Telephone Banking

Customers who have access to telephone banking can pay their rent in this way. You should advise your bank of the Council's bank account details and your rent account reference number. Your bank can then make payments following your telephone instructions. Please contact your local office for the Council's bank account details.

Information

Your rent account reference number can be found on your rent card. It will have 10 digits and will begin with the numbers 90, i.e. 9020899909. If you do not know your rent account reference number, please contact your local council office and a member of staff will provide it for you.

Your rent does not include any amount for Council Tax, water rates or any other services, which have to be paid separately.

How Your Rent Is Worked Out

Your rent is worked out using a formula that was introduced by the Government. This formula is used by both Local Authorities and Housing Associations across the country.

The formula is based on the market value of the property in 1999 and the number of bedrooms in the property. This formula is applied to each dwelling. A "Target" rent is worked out for each individual property.

As this formula was introduced in April 2002 it will take some years to reach the new target rent. This process is due to be complete by 2012. The new targets also mean that rents of various properties will have to be increased whilst others will have to reduce. The process can only be done in annual installments so that the change is introduced gradually.

Examples are as follows:

Property type	Property Value	New Target Rent	Current Rent	2002/3 Restructured Rent
1 bed flat	£44000	£44000	46.46	48.12
2 bed flat	£53000	£53000	58.73	60.23
2 bed house	£51000	£51000	59.61	60.98
3 bed house	£77000	£77000	60.48	62.90
2 bed maisonette	£66000	£66000	44.41	47.36

If you are in receipt of Housing Benefit your benefit will change with your rent. Providing there have been no changes in your circumstances the amount you pay will not change.

Housing Benefit

This is a benefit payable according to your income and family circumstances. If you are eligible your benefit will be paid directly into your rent account. This will reduce any amount of rent you have to pay.

The amount of benefit varies according to the rules set down by the government. If you apply for housing benefit, you must complete a form and supply proof of your identity, income and circumstances. When you apply you will also be assessed for Council Tax benefit.

ADVICE

ALWAYS KEEP IN TOUCH WITH US

Prevention of arrears is easier than cure

Once you have submitted your claim and all the supporting evidence required a benefit officer will determine your claim. While you are waiting for this to happen it is a good idea to inform your housing management officer so that arrears action may be avoided.

Rent Arrears

We have a duty to keep rent arrears to a minimum, and we therefore monitor all rent accounts very carefully. As soon as an account goes into arrears, we write to or, if possible, call you to request payment or an agreement to clear the amount by installments. This is usually within the first two weeks of the arrears arising. The aim is to act quickly while the arrears are still quite low.

Your Rent

If you find that you are having trouble paying the rent, you should talk to us about it before the problem gets too big. We may be able to advise on whether you can claim housing benefit, or other benefits to maximise your income.

OUR PROCEDURE-SUMMARY

Our initial reminder that rent is owed

We ask that you contact your local housing office

**We serve a Notice of Possession Proceedings.
This gives you 4 weeks to clear the rent
account before we can take
further legal action**

**Court action will be taken unless the
account is cleared**

**County Court hearing
(If arrears are not cleared)**

**If you fail to comply with the County Court
order, we will ask for your eviction**

**Eviction is carried out.
The arrears must still be paid**

It is always possible to negotiate a weekly sum to pay in addition to your weekly rent so that an outstanding debt is cleared at a rate you can afford. Do not offer more than you know you can afford every week as this can lead to further problems. If you are in work, some employers will be prepared to deduct an amount towards rent and arrears from your wages and send it directly to us; we will always consider such arrangements.

It is often the case that people have other debts as well as the rent and in order to find out what you can afford we will normally ask you about other outgoings and debts. Such interviews will be informal and confidential, and any information you provide will be kept confidential.

If housing staff are unable to help with debt advice, specialist debt counselling is available from either the Council's Housing Advice staff, or from your local Citizens' Advice Bureau, whose services are free and of course confidential.

If voluntary arrangements are not kept then the Council has a duty to all its tenants to take action against persistent debtors. The following section gives an idea of the Council's powers and practices in relation to recovering rent arrears.

The Councils' Legal Rights to Recover Rent Arrears

At present there are several types of legal action the Council can take to recover rent arrears. We will only resort to the law when it becomes clear to us that voluntary methods have failed, or else where it is a case of 'can pay, won't pay'. Housing staff have to follow strictly laid down procedures in all cases.

1. Suing for Rent.

The Council can apply to the County Court for a money judgement against you for a particular amount outstanding. We can also ask for an Attachment of Earnings Order from the Court if you are in work to take a regular amount from your wages.

We do not often use this method for current tenants as it only relates to a fixed amount, and does not deal with any further arrears if you continue not to pay. Nevertheless it remains an option.

2. Using Bailiffs to Take your Goods.

We only use this method in cases where our staff have been unable to get you to keep to an agreement to clear a debt by weekly installments, where the debt is starting to get out of hand, where you have goods of value and where it seems reasonably likely that you have the money to pay but simply have not done so ('Can pay, won't pay').

After a seven day warning of what we intend to do, if there is no response we will instruct bailiffs to call. At this late stage it may be possible to make an agreement to clear by installments either with the bailiffs direct or with the Council; if so, we will instruct the bailiffs to hold off taking your goods away unless you break your agreement.

The bailiffs' instructions from the Council are to recover the debt from you; they are certified bailiffs who know what goods they can and can't take, when they are allowed to call, etc. We take no pleasure at all in using bailiffs, especially if we have to take goods, but if the circumstances require this action we will do so. The way to prevent this happening is of course not to ignore warnings or requests to make voluntary agreements.

3. Legal Action To Repossess Your Home

This is the Council's main form of action once voluntary agreements have failed. To get possession of your home requires a Possession Order from the County Court. A hearing in front of a District Judge is required.

The first step is to serve a Notice of Proceedings for Possession (NPP), which must set out in detail the reasons for taking the action. After 28 days we can then ask the Court for a hearing. If during that 28 days you come to a voluntary agreement we will not apply to the Court unless you do not keep to this agreement. The NPP lasts for 12 months, at any time in that year if you are still in arrears and default again, we can apply straight to the Court for a hearing.

If you have not made any arrangements to clear the debt within the initial 28 days then we will have little alternative but to take you to Court. We will ask the Court for a hearing, and in due course both you and we will be advised of the date and time. You are well advised to attend. Again, at any time, you can come to

an agreement with us to reduce the debt by weekly installments prior to the Court date and we will be prepared to consider accepting any viable offers. You will be liable for Court costs. In such a case we will be prepared to ask the Court for a Possession Order, but suspended on condition that you keep to the agreement you made.

If the whole debt is cleared before it gets to Court then no further action need be taken, but you will still be liable for a reduced amount of court costs.

If no sensible agreement is made before the Court date, then the Council will ask the Court for possession and it is up to the judge whether or not he or she chooses to grant it. If this happens, then you will have 28 days to clear the debt, after which we apply for an eviction warrant. At this late stage you still have a right to appeal, but it is up to the Court whether to give another chance or not. If all fails and you have still not cleared the debt, then on the due date, set by the Court, you will be evicted.

If evicted you may be entitled to advice and some temporary help, but you will not be re-housed.

At every stage in the above process you will be contacted in person and by letter to ensure that you understand the position, offering advice and requesting agreements to clear, and advising you of the consequences of not co-operating. Any other agencies you have contact with, such as the Social Services, Probation, etc., as well as our own welfare staff will be advised of the action we are proposing to take.

We regard eviction as the last resort but if all other options have failed, we will act

Adur Homes Service

Adur & Worthing Councils
Portland House
44 Richmond Road
Worthing
West Sussex
BN11 1HS

The information in these leaflets is available in alternative formats (e.g. large print). If you should require these please contact us.