



Temporary absence from home

One of the requirements of an assured tenancy is that a tenant must occupy their home as his or her only or principal home.

Most of our tenancy contracts request a tenant to notify us if they intend to be away from the property for more than 28 days.

It is really important that you tell us the reason why you will be away from your home and the length of time you plan to be away or else you will be in breach of your tenancy contract with us.

We will normally allow temporary absence from the home provided:

- it is still your intention to occupy the premises as your main or principal home
- you continue to pay your rent and do not get into arrears
- you notify the housing benefit and council tax departments
- you keep us regularly informed and let us have your new contact address
- you ensure that your home is kept safe and secure, with a named key holder for emergencies.

If we receive reports that a property has been abandoned we will carry out investigations and may serve a Notice Seeking Possession and serve Notice To Quit to regain possession of the property.

If you pay your rent by Housing Benefit and you are temporarily absent from your home your entitlement to housing benefit may stop and you will get into rent arrears. This fact sheet looks to address any questions you may have about your entitlement to housing benefit whilst away from your home.

I have to stop living at my home for a while, will I still be able to claim Housing Benefit and Council Tax Benefit?

Housing Benefit and Council Tax Benefit is only normally paid if you are living at your property. There are, however, certain circumstances when you can continue to receive housing benefit during a period of temporary absence from your home.

There are two rules that apply in cases of temporary absence from home.

The 13-week rule

Housing Benefit and Council Tax Benefit can continue to be paid for up to 13 weeks from when your absence from home begins providing that:

- you intend to return to live in the property
- the property has not been let or sub-let
- you are unlikely to be absent for longer than 13 weeks.

The 52-week rule

Under this rule Housing Benefit and Council Tax Benefit can continue to be paid if you are absent from your home for longer than 13 weeks but less than 52 weeks providing that:

- you intend to return to the property
- the property is not let or sub-let
- you are unlikely to be absent for longer than 52 weeks
- you are a prisoner on remand (not sentenced)
- you are a hospital in-patient
- you, your partner or a dependant child are receiving medical treatment or convalescence away from home
- you are providing medical care to someone away from your home
- you are caring for a child whose parent or guardian is receiving medical treatment or care
- you are on an approved training course
- you are a student and would be eligible for Housing Benefit and Council Tax Benefit if you were not absent from your home
- you are under threat of violence if you remain at home
- you are receiving care in a residential accommodation - but only on a trial basis.

If you are not sure whether a change will affect your Housing Benefit and Council Tax Benefit - you should contact your housing benefit office for advice.

Prisoner on remand

Remand prisoners includes:

- those held in custody
- those who have been tried but not convicted
- those who have been tried and convicted, but not sentenced
- those who are required to live in a bail hostel as a condition of bail.
- awaiting trial

If you are a remand prisoner, you may still be entitled to benefit for up to 52 weeks. If, during this time, you are sentenced and committed to prison, your benefit will stop unless your total absence (remand and sentence) is 13 weeks or less.

You do not have to inform the housing benefit office before you go into prison, however, you or someone acting on your behalf, should notify them of what has happened as soon as possible.

Hospital in-patient

If you or your partner goes into hospital you may be entitled to benefit for up to 52 weeks, provided that you are expected to return home within that time.

You do not need to contact housing benefits before you go into hospital, however, as soon as possible, you should ask a friend, relative or hospital social worker to let them know you are in hospital.

If you are in receipt of Attendance Allowance or Disability Living Allowance these allowances will be withdrawn after you have been in hospital for 4 weeks. This may affect your entitlement to Housing Benefit and Council Tax Benefit, because your Applicable Amount will reduce. Applicable Amounts are the standard amounts that the Government say you need for your day-to-day living expenses.

Further help and information for hospital patients, their families and carers is available from the Patient Advice and Liaison Service (PALS).

Threat of violence

It is possible for benefit to be paid for up to 52 weeks if you have had to leave your home because of actual, or fear of, domestic violence. If you are in a refuge, you should ask one of the workers to contact housing benefit department on your behalf, if you feel unable to do so yourself. As with all other cases, they will deal with your claim in complete confidence. You can be assured that they will not tell anyone the address of the refuge.

The Government's Crime Reduction website provides some useful links to organisations dealing with domestic violence. We can also provide help and support.

Residential accommodation

If you are going into residential care on a trial basis, to see if it would suit you as a permanent home, benefit can be paid for up to 13 weeks, so long as you intend to return to your home if you decide that the residential care is not suitable, and your home has not been let or sub-let.

If you are going into residential accommodation to receive temporary care or nursing, but intend to return home, benefit can continue to pay for up to 52 weeks.

Longhurst & Havelok Homes is committed to equality and diversity and recognises diversity in all areas of our work. We seek to treat people with respect and deliver services that meet individual need.

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