

Housing Assistance Payment Landlord Information Leaflet

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1. What is Housing Assistance Payment (HAP)?

Housing Assistance Payment (HAP) is a new social housing support being introduced by local authorities. HAP will replace Rent Supplement for those with a long term housing need who qualify for social housing support. The introduction of HAP will mean local authorities can now provide housing assistance for households with a long term housing need, including many long-term Rent Supplement recipients.

HAP is being introduced to provide a more integrated system of housing supports and has been designed to allow any households that find full-time employment to remain in the scheme.

Under HAP, local authorities will make payments on behalf of the tenants directly to landlords in respect of rent. HAP tenants will be responsible for finding their own accommodation in the private rented sector.

2. When will HAP be available?

The scheme is operated by local authorities and is being introduced on a phased basis in selected local authorities during September 2014.

3. Where will HAP be available?

During the first phase, starting in September 2014, it will be available in selected local authorities . beginning in Limerick City and County Council, Cork County Council and Waterford City and County Council, before being rolled out to Kilkenny County Council, Louth County Council, South Dublin County Council and Monaghan County Council before the end of 2014. General roll-out to all local authorities will begin on a phased basis during 2015.

4. How will HAP Work?

HAP is a new form of rental assistance which will be paid by local authorities directly to landlords for households with a long term housing need.

- 1) An applicant who is eligible for HAP will find a suitable property in the private rental sector. As part of their application process the landlord of the property will be required to submit certain information to the local authority. This information will include:

- a) The monthly rent amount
 - b) The landlord's bank account payment details
 - c) An undertaking regarding the property's compliance with standards for rental accommodation
 - d) An undertaking regarding the landlord's tax compliance
- 2) Where the application is approved, the local authority will commence making HAP payments in respect of the agreed rent amount directly to the landlord's bank account subject to certain conditions.
 - 3) In general, HAP payments to the landlord in respect of the rent will be made on a monthly basis.
 - 4) Similar to the Rent Supplement scheme, limits will apply regarding the maximum payment for different household types in different areas.
 - 5) As with other tenancies, the Residential Tenancies Act 2004 (RTA) will govern the relationship between the landlord and the tenant. This means that a landlord is required to register a tenancy with the Private Residential Tenancies Board (PRTB). Further information is available on the PRTB website www.prtb.ie. Local authorities will notify the PRTB periodically of all landlords receiving HAP payments, to allow the PRTB to ensure that tenancies have been registered.
 - 6) There is no contractual relationship between the local authority and the landlord. The local authority is making a payment on behalf of the HAP tenant.

5. What are the benefits of HAP for a landlord?

- 1) Normally landlords will receive payments directly from the local authority on a monthly basis.
- 2) There will be no need for rent collection from tenants leading to administrative savings for landlords.
- 3) All payments will be made electronically.

6. Terms and Conditions of HAP.

- 1) HAP properties must comply with rental accommodation standards. As part of a tenant's application process, a landlord must self-certify that the property meets the standards for rental accommodation. These standards are the same as applies to any rental accommodation. Information on the standards for rental accommodation can be obtained from your local authority. Alternatively information can be also be found on the housing section of the Department of the Environment, Community and Local Government website www.environ.ie. The local authority will carry out an inspection of the property within 8 months of following commencing HAP payments to ensure that the property is in compliance.
- 2) To receive HAP payments landlords must be tax compliant. A landlord must self-certify that they are tax compliant as part of the tenant's HAP application process. Landlords will have up to 5 months following commencement of HAP payments to produce a tax clearance certificate to demonstrate tax compliance to the local authority subject to total payments made by the local authority to the landlord not exceeding " 10,000 prior to the production of the certificate.
- 3) HAP tenants will be required to pay a weekly rental contribution to the local authority in accordance with the local authority's differential rent scheme. Payment of this contribution is a condition for the continued eligibility of the tenant to benefit from the local authority making HAP payments, on their behalf, to the landlord.

7. What rent limits will apply?

Under HAP legislation the Minister for the Environment, Community and Local Government will set limits for HAP payments taking account of household size and the prevailing rents in an area. Initially, as HAP is being introduced, these limits will be based on the current Rent Supplement limits. The limits that apply to your property, which may vary depending on the tenant's household composition, are available from your local authority.

8. What about a deposit?

Under HAP the local authority will not pay a deposit. The HAP tenant will be responsible for paying any deposit. In some cases, HAP qualified tenants may be eligible for an exceptional needs payment from the Department of Social Protection which may assist with paying a deposit subject to approval by the Department of

Social Protection.

9. Landlord and tenant relationship.

The key landlord and tenant relationship is between the landlord and the HAP tenant. As such, the tenancy will be governed by the terms of the Residential Tenancies Act 2004 as amended. This means that the HAP tenant will be a tenant of the landlord and will not be a tenant of the local authority.

10. Ceasing or Suspending HAP payments.

HAP payments will cease when either the landlord or the tenant terminate the tenancy for any of the normal reasons provided for by the Residential Tenancies Act 2004.

Payments may also be suspended or ceased by local authorities for other reasons. For example, a local authority may suspend or cease HAP payments if the HAP tenant fails to make the required rent contribution to the local authority. Should this arise the tenant will be liable for rent payments. HAP recipients will generally be required to enter into automatic electronic payment arrangements to minimise the likelihood of rent contribution arrears.

HAP payments may also be ceased if the accommodation, after inspection by the local authority, is found to be non-compliant with rental housing standards and the landlord fails to address the non-compliance. Also, payments may be ceased if the landlord fails to satisfy the local authority that they are tax compliant within the required time period. Local authorities will normally seek to suspend payments in the first instance to allow non-compliance issues to be addressed prior to ceasing payments.

11. Transition from Rent Supplement to HAP.

As part of the implementation of HAP local authorities in conjunction with the Department of Social Protection, are transitioning certain Rent Supplement tenants to HAP. Tenants who have been in receipt of Rent Supplement for a significant period of time and who have been qualified for social housing support will be transferred to HAP over a period of time.

Landlords with tenants in receipt of Rent Supplement may be contacted by their tenant regarding changing to HAP subject to the landlord agreeing to the terms

outlined elsewhere in this leaflet. It is envisaged that these tenants will remain in their existing accommodation wherever possible. The transition will take place on an agreed date after which direct payments in respect of the rent will be made by the local authority to the landlord's bank account on behalf of the tenant.

Rent Supplement will continue to be paid to tenants who need short-term support only. This payment will be paid by the Department of Social Protection as before. These Rent Supplement recipients do not require an assessment of housing need, as it is expected that their need for support is short-term. Typically, this support is given to those who lose income through temporary unemployment. A return to employment then removes the need for support.