



Íocaíocht Cúnaimh Tithíochta  
Housing Assistance Payment

## Tenant Information Booklet



**Your questions answered**



Údarás Áitiúla Éireann  
Local Authorities Ireland



Comhshaol, Pobal agus Rialtas Áitiúil  
Environment, Community and Local Government

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# About this booklet

This booklet aims to answer questions that you, as a tenant, might have about the new local authority Housing Assistance Payment scheme - HAP.

## 1 What is the Housing Assistance Payment scheme (HAP)?

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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 means that local authorities can now provide housing assistance for households with a long-term housing need, including many long term Rent Supplement recipients.

HAP has been designed to simplify the current system of housing supports, and it allows households that get full-time employment to remain in the scheme. If you are eligible and approved for HAP, your local authority will pay your monthly rent directly to your landlord on your behalf. In return, you pay a contribution towards your rent to the local authority. This will be a 'differential rent' meaning that it is based on your household weekly income in the same way differential rents are charged to tenants in local authority housing.

## 2 How will HAP benefit me?

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HAP will:

- Allow you to apply for all housing supports through your local authority. Your local authority will be a one-stop shop for all housing supports.
- Allow you to take up full-time employment without losing your HAP payment.
- Make sure that your accommodation meets rental standards. Your local authority will inspect your accommodation to make sure it meets rental accommodation standards.

## 3. Where will HAP be available?

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HAP is being introduced on a phased basis. Phase 1 of HAP commenced in September and October 2014 in the following local authorities:

- Limerick City and County Council,
- Cork County Council, and
- Waterford City and County Council,

- Kilkenny County Council,
- Louth County Council,
- South Dublin County Council, and
- Monaghan County Council.

A special HAP pilot for homeless households also commenced in the Dublin region (Dublin City Council, Fingal County Council, South Dublin County Council and Dun Laoghaire Rathdown County Council) early in 2015. HAP is now being rolled out to further local authority areas.

## 4 How does HAP work?

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a) Under HAP, it's up to you to find accommodation for rent in the private rented sector. This accommodation must be within the HAP rent limits, which are based on the size of your household and the rental market in your area. Your local authority will let you know what the rent limits are.

b) Your local authority will pay your rent directly to your landlord on your behalf. This is subject to certain conditions, including that you pay a rent contribution to your local authority.

You should note that the earliest date from which your local authority will make HAP payments to your landlord is the date they receive a complete and valid HAP application form from you and your landlord. If you move into a property before this date you will have to pay any rent due yourself. You are advised to return the valid and complete HAP application to your local authority as soon as possible after agreeing a tenancy with your landlord.

c) Your tenancy will be covered under the terms of the Residential Tenancies Act 2004 (RTA). This means that the tenancy agreement is, or will be, between you and your landlord. The local authority is **not** your landlord. Your landlord is the person you made the rental agreement with and who the local authority pays the rent to. In addition, under the RTA, your landlord must register your tenancy with the Private Residential Tenancies Board (PRTB).

d) Under HAP, you are allowed to work full time and continue to benefit from HAP. Payments to your landlord will continue, but the amount of rent contribution you pay to your local authority will increase in accordance with your income.

- e) You will have to pay your rent contribution through the Household Budget service if you are receiving social welfare payments paid through the post office.
- f) Your local authority will inspect your accommodation within eight months of the first HAP payment made to your landlord. This is to make sure that your accommodation meets the rental housing standards.
- g) Once you are receiving HAP, your housing needs are met and you will not be on the local authority's housing list. However, you will be able to apply for transfer to other forms of social housing, for example a local authority house. When you're approved for HAP, you will receive a letter and a form to apply for a transfer from your local authority. If you apply for a transfer within two weeks of the date of the letter, any time you spent on the housing list before you entered HAP will be taken into account when your local authority considers your application. This means that you can be placed on your local authority's transfer list at the point you left the housing list. In other words, you don't have to start from scratch. You can apply for transfer at a later date too, but your previous waiting time on the housing list won't count.
- h) Once you have been approved for HAP, you will be expected to stay in the same property for at least two years. However, you may be able to apply for a new HAP payment for another property sooner if your circumstances change. For example, if you receive a job offer in another town, or if your family has another child and the property is no longer big enough.

## **5** Are there limits on HAP payments?

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Yes. Under HAP legislation, the Minister for the Environment, Community and Local Government sets limits for HAP payments based on the number of people in a household and the rental market in the locality. To begin with, as HAP is being introduced, these limits will be based on the current Rent Supplement limits. You can get further information on the limits that apply to accommodation suited to your household from your local authority.

## **6** Who is eligible for HAP?

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To be eligible for HAP, you must first apply for and be approved for social housing support by your local authority. If your household is already on your local authority's housing list, you will

be eligible for HAP. If you are on your local authority's housing list and currently in receipt of Rent Supplement, you will be eligible for HAP.

Rent Supplement will still be available from the Department of Social Protection for people who don't qualify for social housing support – for example, someone who is temporarily unemployed. Normally, you need to show that you have been renting in the private sector for at least six months of the previous year and that you could afford your rent at the beginning of the tenancy. You may also qualify if you have received Rent Supplement at any time during the 12 months before applying.

### **7 What conditions do I have to meet for HAP?**

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In order to have the local authority pay your rent directly to your landlord, you must meet the following conditions:

- a) You must pay your weekly rent contribution to the local authority. If you don't pay this rent contribution, HAP payments to your landlord will be stopped or suspended.
- b) You, or any member of your household, must not engage in antisocial behaviour.
- c) Your accommodation must meet the standards for rented accommodation. Your local authority will carry out an inspection to make sure the property meets these standards. This inspection will happen within eight months from the time the first HAP payment is made to your landlord.
- d) Your landlord must be tax compliant – that is, the landlord's tax affairs must be in order and they must be able to supply a current tax clearance cert to the local authority.

Your local authority may not approve a HAP application if the accommodation is not suitable for your household's needs. You should also note that your local authority can decide not to make HAP payments in certain circumstances – for example, they could stop payments if a member of your household is engaged in antisocial behaviour.

### **8 How do I apply for HAP?**

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Once you are qualified for social housing support, you are eligible to apply for HAP.

If you are already on your local authority's housing list, you can ask for the HAP application form and find your own accommodation. The HAP application form only needs to be filled in **after** you have found accommodation that suits you. This could be your existing accommodation if you are in receipt of Rent Supplement. If this is the case, you need to talk to your landlord as they need to agree to the terms and conditions of the HAP scheme.

If you have been receiving Rent Supplement for a significant period of time, the Department of Social Protection may ask you to contact your local authority about your social housing support qualification and applying for HAP.

### 9 What documents do I need when applying for HAP?

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If you are a new applicant for social housing support, you first need to fill out the Social Housing Support application form. You then need to send your completed form to your local authority along with **all** of the documents needed to assess your case. You will get a list of these documents on your local authority's social housing support application form.

When you're approved for social housing support, or if you are already on your local authority's housing list, you will need to fill in the HAP application form. Both you and your landlord **must** sign this form. Most of the information on this form is about the accommodation, and the form includes sections to be filled out by your landlord. The accommodation may be the property you are already living in if you are an existing Rent Supplement recipient, and your existing landlord agrees to enter the HAP scheme.

If your application is approved, you will have to sign a Rent Contribution Agreement with your local authority. You may also be asked to provide a copy of the tenancy agreement with your landlord. Your landlord may also be asked to provide additional documents – for example, a tax clearance cert.

### 10 How often is HAP paid?

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Normally, a HAP payment covering your rent will be made to your landlord on a monthly basis, provided you comply with the terms of the scheme.

### 11 Will my landlord know about HAP?

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They might, but, as the HAP scheme is new and not available in all local authority areas yet,

there is every chance that they won't be familiar with it. If you would like to bring HAP to your landlord's attention, your local authority will give you an information booklet which you can give to your landlord. The booklet will explain how HAP works for landlords.

### 12 Do I have to pay the deposit?

Yes. Under HAP, the local authority will **not** pay a deposit to your landlord. You will be responsible for paying the deposit yourself. In some circumstances, you may be eligible to apply for an 'exceptional needs' payment from the Department of Social Protection to help with paying a deposit. This is subject to approval by the Department of Social Protection.

### 13 What happens to my Rent Supplement if I move to HAP?

If you enter the HAP scheme, your Rent Supplement payments will stop once your landlord receives the first HAP payment.

Rent Supplement will continue to be paid by the Department of Social Protection to tenants who don't qualify for social housing support - for example, someone who loses income through temporary unemployment. When they return to work, there is no longer a need for support.

#### Useful information resources:

For further information about HAP, visit the Department of the Environment, Community and Local Government website: [www.environ.ie](http://www.environ.ie) or Citizen's Information website: [www.citizensinformation.ie](http://www.citizensinformation.ie)