

## Help with Housing Costs – Mixed Age Couples

Prior to 15 May 2019 mixed age couples (one member of which has attained the qualifying age for state pension credit and the other has not) could choose which means tested benefit to claim. This choice has been removed, and since 15 May 2019, mixed age couples are not be eligible to make a new claim for Housing Benefit, and instead must apply for Universal Credit for help to pay their rent.

Housing Benefit claims with a mixed aged couple as at 14 May 2019 are protected from the new rules and can continue to claim Housing Benefit. Housing Benefit under 'Pension Age' rules can continue to be claimed while entitlement to Housing Benefit and/or State Pension Credit (if applicable) is continuous from 14 May 2019 and the integrity of the mixed age couple is retained.

However protection from this change ends when:

- A member of the protected couple leaves or passes away.
- A new couple (mixed age or otherwise) is formed on or after 15 May 2019. This includes those couples that were a mixed couple as at 14 May 2019 but one leaves for a period and then returns.
- There is a break in entitlement of Housing Benefit and State Pension Credit is not continuous from the 14 May 2019.

Protection does not end when:

- There is a break in entitlement to Housing Benefit but State Pension Credit has been continuous from 14 May 2019.

If a change in circumstances results in Housing Benefit entitlement ending, you will be informed in writing and advised that the partner under the Pension Credit qualifying age must now claim help towards rent through Universal Credit.

These changes do not apply to Council Tax Reduction. Mixed age couples are still eligible for Council Tax Reduction under pension credit rules.

### **Example 1 – New claim from a mixed age couple on or after 15 May 2019**

The claimant and partner have been continuously entitled to Pension Credit and pension age Housing Benefit since December 2018. The claimant and their partner move to a new address in a new local authority (LA) area so their current Housing Benefit claim closes. As they were entitled to Pension Credit on 14 May 2019 and continue to be entitled to it they are able to make a new claim for pension age Housing Benefit.

### **Example 2 – No longer entitled to either Pension Credit or pension age Housing Benefit as part of the same mixed age couple**

The claimant and partner have been continuously entitled to pension age Housing Benefit and Pension Credit since November 2016. In March 2019 the partner starts a temporary job. Their total income takes them off both Pension Credit and pension age Housing Benefit. When the partner's job ends they reapply for both benefits in August 2019. However, as they have not been continuously entitled to either benefit since 14 May 2019, they are not able to re-qualify and would need to make a claim for Universal Credit.

### **Example 3 – Existing mixed age couples who separate**

The claimant and partner have been continuously entitled to pension age Housing Benefit and Pension Credit since September 2017. Due to a change of circumstances in June 2019 they are no longer treated as a couple. The claimant's Pension Credit and pension age Housing Benefit award continues as an award for a single person. The couple subsequently re-form and as the partner is still under pensionable age the claimant ceases to be entitled to Pension Credit and pension age Housing Benefit. This is because the exemption from the new rule excluding mixed age couples from entitlement to Pension Credit and pension age Housing Benefit only applies to claimants who have remained continuously entitled to either benefit since 14 May 2019 as part of the same couple. Therefore, they have to make a claim for Universal Credit.

### **Example 4 – Single pensioners who form a mixed age couple**

The claimant has been in receipt of Pension Credit and pension age Housing Benefit from November 2018. The claimant forms a couple with a person below the qualifying age on 4 June 2019. This is a change of circumstances which ends the claimant's entitlement to Pension Credit and pension age Housing Benefit. The couple must claim Universal Credit.

### **Example 5 – Backdated claims**

A claim is made by the pension age partner in a mixed-age couple on 13 August 2019. The claimant satisfied the conditions of entitlement that applied on 14 May 2019. Therefore, the claim has been made in time for 14 May 2019 onwards and pension age Housing Benefit for a mixed age couple can be awarded.

### **Example 6 – Polygamous marriages**

Ravi, Imina and Kara are a polygamous unit, who make a claim for pension age Housing Benefit on a date after 15 May 2019. Ravi and Imina's marriage was the earliest and, as they are both over pension age, they are able to make a claim for pension age Housing Benefit and pension credit as a couple. However, as Kara has not reached pension age, she has to make a claim for Universal Credit as a single claimant.