

SCHEDULE

Regulation 3

Broad rental market area determinations and local housing allowance determinations

Categories of dwelling

1.—(1) The categories of dwelling for which the Executive is required to determine a local housing allowance in accordance with regulation 3(2)(a) are—

- (a) a dwelling where the tenant has the exclusive use of only one bedroom and where the tenancy provides for him to share the use of one or more of—
 - (i) a kitchen;
 - (ii) a bathroom;
 - (iii) a toilet, or
 - (iv) a room suitable for living in;
- (b) a dwelling where the tenant (together with his partner where he has one) has the exclusive use of only one bedroom and exclusive use of a kitchen, a bathroom, a toilet and a room suitable for living in;
- (c) a dwelling where the tenant has the use of only 2 bedrooms;
- (d) a dwelling where the tenant has the use of only 3 bedrooms;
- (e) a dwelling where the tenant has the use of only 4 bedrooms;
- (f) a dwelling where the tenant has the use of only 5 bedrooms.

(2) In—

- (a) sub-paragraph (1)(b) “partner” has the same meaning as in regulation 2 of the Housing Benefit Regulations or, as the case may be, regulation 2 of the Housing Benefit (State Pension Credit) Regulations;
- (b) sub-paragraph (1)(c) to (f) “bedroom” means a bedroom, except for a bedroom which the tenant shares with any person other than—
 - (i) a member of his household;
 - (ii) a non-dependant of the tenant (within the meaning of regulation 3 of the Housing Benefit Regulations or, as the case may be, regulation 3 of the Housing Benefit (State Pension Credit) Regulations), or
 - (iii) a person who pays rent to the tenant.

Local housing allowance for category of dwelling in paragraph 1

2.—(1) Subject to paragraph 3, the Executive must determine a local housing allowance for each category of dwelling in paragraph 1 in accordance with the following sub-paragraphs.

(2) The Executive must compile a list of rents.

(3) A list of rents means a list in ascending order of the rents which, in the Executive's opinion, are payable at the date of the determination for a dwelling let under an uncontrolled tenancy which meets the criteria specified in sub-paragraph (5).

(4) The list must include any rents which are of the same amount.

(5) The criteria for including an uncontrolled tenancy on the list of rents in relation to each category of dwelling specified in paragraph 1 are—

- (a) that the dwelling let under the uncontrolled tenancy is in the broad rental market area for which the local housing allowance for that category of dwelling is being determined;

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- (b) that the dwelling is in a reasonable state of repair; and
 - (c) that the uncontrolled tenancy permits the tenant to use exclusively or share the use of, as the case may be, the same number and type of rooms as the category of dwelling in relation to which the list of rents is being compiled.
- (6) Where rent is payable other than weekly the Executive must use the figure which would be payable if the rent were to be payable weekly by—
- (a) multiplying the rent by an appropriate figure to obtain the rent for a year;
 - (b) dividing the total in head (a) by 365; and
 - (c) multiplying the total in head (b) by 7.
- (7) When compiling the list of rents for each category of dwelling, the Executive must—
- (a) assume that no one who would have been entitled to housing benefit had sought or is seeking the tenancy; and
 - (b) exclude the amount of any rent which, in the Executive's opinion, is fairly attributable to the provision of services performed for, or facilities (including the use of furniture) provided for, or rights made available to, the tenant which are ineligible to be met by housing benefit.

^{F1}(8)

(9) The local housing allowance for each category of dwelling specified in paragraph 1 is the amount of the median rent in the list of rents for that category of dwelling.

(10) The median rent is determined as follows—

- (a) where there is an even number of rents on the list, the formula is—

$$\frac{\text{the amount of the rent at P} + \text{the amount of the rent at P1}}{2} = \text{the local housing allowance}$$

where P is the position on the list defined by dividing the number of rents on the list by 2 and P1 is the following position on the list;

- (b) where there is an odd number of rents on the list, the formula is—

$$\frac{\text{the number of rents on the list} + 1}{2} = L$$

where L is the position on the list in which the rent used to identify the local housing allowance lies.

(11) Where the median rent is not a whole number of pence, the rent must be rounded to the nearest whole penny by disregarding any amount less than half a penny and treating any amount of half a penny or more as a whole penny.

Textual Amendments

F1 Sch. para. 2(8) omitted (5.1.2009) by virtue of [The Housing Benefit \(Executive Determinations\) \(Amendment\) Regulations \(Northern Ireland\) 2008 \(S.R. 2008/506\)](#), regs. 1(1), 2(a)

Anomalous local housing allowances

3. Where—

- (a) the Executive has determined the local housing allowance for each of the categories of dwelling in paragraph 1(1) in accordance with the preceding paragraphs; and
- (b) the local housing allowance for a category of dwelling in paragraph 1(1)(b) to (f) is lower than the local housing allowance for any of the categories of dwelling which precede it,

that local housing allowance shall be the same as the highest local housing allowance which precedes it.

Broad rental market area

[^{F24}. In this Schedule “broad rental market area” means an area within which a person could reasonably be expected to live having regard to facilities and services for the purposes of health, education, recreation, personal banking and shopping, taking account of the distance of travel, by public and private transport, to and from those facilities and services.]

Textual Amendments

- F2** Sch. paras. 4, 5 substituted for Sch. para 4 (5.1.2009) by [The Housing Benefit \(Executive Determinations\) \(Amendment\) Regulations \(Northern Ireland\) 2008 \(S.R. 2008/506\)](#), regs. 1(1), **2(b)**

[^{F25}. A broad rental market area must contain—

- (a) residential premises of a variety of types, including such premises held on a variety of tenures; and
- (b) sufficient privately rented residential premises to ensure that, in the Executive’s opinion, the local housing allowance for the categories of dwelling in the area for which the Executive is required to determine a local housing allowance is representative of the rents that a landlord might reasonably be expected to obtain in that area.]

Textual Amendments

- F2** Sch. paras. 4, 5 substituted for Sch. para 4 (5.1.2009) by [The Housing Benefit \(Executive Determinations\) \(Amendment\) Regulations \(Northern Ireland\) 2008 \(S.R. 2008/506\)](#), regs. 1(1), **2(b)**

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Changes to legislation:

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