

SCHEDULE

Broad rental market area determinations and local housing allowance determinations

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.

[^{F1}(1A) Subject to sub-paragraph (12), the local housing allowance for a category of dwelling is—

- (a) the rent at the 30th percentile determined in accordance with sub-paragraphs (2) to (10) where that does not exceed the amount determined in accordance with sub-paragraph (11); or
- (b) in any other case, the amount determined in accordance with sub-paragraph (11).]

(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;
- (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.

[^{F2}(5A) Where the Executive is not satisfied that the list of rents in respect of any category of dwelling would contain sufficient rents, payable at the date of the determination for dwellings in the broad rental market area, to enable a local housing allowance to be determined which is representative of the rents that a landlord might reasonably be expected to obtain in that area, the Executive may add to the list rents for dwellings in the same category in other areas in which a comparable market exists.]

(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.

^{F3}(8)

^{F4}(9)

Status: Point in time view as at 02/04/2012. This version of this provision has been superseded.
Changes to legislation: There are currently no known outstanding effects for the *The Housing Benefit (Executive Determinations) Regulations (Northern Ireland) 2008, Paragraph 2. (See end of Document for details)*

(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.

[^{F5}(11) The amount to be determined by the Executive for the purposes of sub-paragraph (1A) is as follows—

- (a) where the applicable consumer prices index is a positive number, the local housing allowance last determined for that category of dwelling multiplied by the factor “M”; or
- (b) where the applicable consumer prices index is a negative number or zero, the local housing allowance last determined for that category of dwelling.]

[^{F5}(12) Where the local housing allowance would otherwise not be a whole number of pence, it 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.]

[^{F5}(13) In this paragraph the factor “M” is determined as follows—

$$M = 1 + (\text{CPI}/100)$$

where “CPI” is the applicable consumer prices index in relation to the year in which the determination is made.]

Textual Amendments

- F1** Sch. para. 2(1A) inserted (2.4.2012) by [The Housing Benefit \(Executive Determinations\) \(Amendment\) Regulations \(Northern Ireland\) 2012 \(S.R. 2012/157\)](#), regs. 1(1), **2(4)(b)(i)**
- F2** Sch. para. 2(5A) inserted (12.10.2009) by [The Housing Benefit \(Executive Determinations\) \(Amendment\) Regulations \(Northern Ireland\) 2009 \(S.R. 2009/328\)](#), regs. 1(1), **2**
- F3** 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)**
- F4** Sch. para. 2(9) omitted (2.4.2012) by virtue of [The Housing Benefit \(Executive Determinations\) \(Amendment\) Regulations \(Northern Ireland\) 2012 \(S.R. 2012/157\)](#), regs. 1(1), **2(4)(b)(ii)**
- F5** Sch. para. 2(11)-(13) substituted for Sch. para. 2(11)(12) (2.4.2012) by [The Housing Benefit \(Executive Determinations\) \(Amendment\) Regulations \(Northern Ireland\) 2012 \(S.R. 2012/157\)](#), regs. 1(1), **2(4)(b)(iii)**

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