

SCHEDULES

SCHEDULE 4

Housing costs element for renters

PART 3

General provisions about calculation of amount of housing costs element for renters

Relevant payments to be taken into account

5.—(1) Where a renter meets the payment condition, liability condition and occupation condition in respect of one or more descriptions of relevant payment, each such description is to be taken into account for the purposes of the calculation under Part 4 or 5 of this Schedule.

(2) No account is to be taken of any amount of a relevant payment to the extent that all of the conditions referred to in sub-paragraph (1) are not met in respect of that amount.

(3) Any particular payment for which a renter is liable is not to be brought into account more than once whether in relation to the same or a different renter (but this does not prevent different payments of the same description being brought into account in respect of an assessment period).

Relevant payments calculated monthly

6.—(1) Where any relevant payment is to be taken into account under paragraph 5, the amount of that payment is to be calculated as a monthly amount.

(2) Where the period in respect of which a renter is liable to make a relevant payment is not a month, an amount is to be calculated as the monthly equivalent, so for example—

- (a) weekly payments are multiplied by 52 and divided by 12,
- (b) two-weekly payments are multiplied by 26 and divided by 12,
- (c) four-weekly payments are multiplied by 13 and divided by 12,
- (d) three-monthly payments are multiplied by 4 and divided by 12, and
- (e) annual payments are divided by 12.

(3) Where a renter is liable for relevant payments under arrangements that provide for one or more rent free periods, subject to paragraph (4) the monthly equivalent is to be calculated over 12 months by reference to the total number of relevant payments which the renter is liable to make in that 12 month period.

(4) Where sub-paragraph (3) applies and the relevant payments in question are—

- (a) weekly payments, the total number of weekly payments which the renter is liable to make in any 12 month period shall be calculated by reference to the formula—

$$52 - RFP;$$

- (b) two-weekly payments, the total number of two-weekly payments which the renter is liable to make in any 12 month period shall be calculated by reference to the formula—

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26 – RFP;

- (c) four-weekly payments, the total of four-weekly payments which the renter is liable to make in any 12 month period shall be calculated by reference to the formula—

13 – RFP

Where “RFP” is the number of rent free periods in the 12 month period in question.

- (5) “Rent free period” means any period in respect of which the renter has no liability to make one or more of the relevant payments which are to be taken into account under paragraph 5.

Room allocation

Size criteria applicable to the extended benefit unit of all renters

7.—(1) In calculating the amount of the renter’s housing costs element under Part 4 or 5 of this Schedule, a determination is to be made in accordance with the provisions referred to in sub-paragraph (2) as to the category of accommodation which it is reasonable for the renter to occupy, having regard to the number of persons who are members of the renter’s extended benefit unit (see paragraph 8).

(2) The provisions referred to in this sub-paragraph are the following provisions of this Schedule—

- (a) in respect of a calculation under Part 4, paragraphs 8 to 11 and 25 to 28;
- (b) in respect of a calculation under Part 5, paragraphs 8 to 11.

Extended benefit unit of a renter for purposes of this Schedule

8.—(1) For the purposes of this Schedule, the members of a renter’s extended benefit unit are—

- (a) the renter (or joint renters),
- (b) any child or qualifying young person for whom the renter or either joint renter is responsible, and
- (c) any person who is a non-dependant.

(2) A person is a non-dependant if the person normally lives in the accommodation with the renter (or joint renters) and is none of the following—

- (a) a person within sub-paragraph (1)(a) or (b);
- (b) where the renter is a member of a couple claiming as a single person, the other member of the couple;
- (c) a foster child;
- (d) a person who is liable to make payments on a commercial basis in respect of the person’s occupation of the accommodation (whether to the renter, joint renters or another person);
- (e) a person to whom the liability to make relevant payments is owed or a member of their household;
- (f) a person who has already been treated as a non-dependant in relation to a claim for universal credit by another person liable to make relevant payments in respect of the accommodation occupied by the renter;
- (g) a child or qualifying young person for whom no-one in the renter’s extended benefit unit is responsible.

(3) “Foster child” means a child in relation to whom the renter (or either joint renter) is a foster parent.

Number of bedrooms to which a renter is entitled

9.—(1) A renter is entitled to one bedroom for each of the following categories of persons in their extended benefit unit—

- (a) the renter (or joint renters);
- (b) a qualifying young person for whom the renter or either joint renter is responsible;
- (c) a non-dependant who is not a child;
- (d) two children who are under 10 years old;
- (e) two children of the same sex;
- (f) any other child.

(2) A member of the extended benefit unit to whom two or more of the descriptions in sub-paragraph (1) apply is to be allotted to whichever description results in the renter being entitled to the fewest bedrooms.

(3) In determining the number of bedrooms to which a renter is entitled, the following must also be taken into account—

- (a) the provisions of paragraph 10 as to treatment of periods of temporary absence of members of the renter’s extended benefit unit;
- (b) any entitlement to an additional bedroom in accordance with paragraph 11;
- (c) for the purpose of any calculation under Part 4 of this Schedule, the additional requirement in paragraphs 25 to 28.

Temporary absence of member of renter’s extended benefit unit

10.—(1) A member of the renter’s extended benefit unit who is temporarily absent from the accommodation occupied by the renter is to be included in a determination of the number of bedrooms to which the renter is entitled (“relevant determination”) in the circumstances specified in sub-paragraphs (2) to (4).

(2) In the case of a child or qualifying young person the circumstances specified in this sub-paragraph are that the relevant determination relates to any time—

- (a) during the first 6 months of the absence of a child or qualifying young person for whom the renter is treated as not being responsible in accordance with regulation 4(6)(a) (child or qualifying young person looked after by an authority) where, immediately before the authority started looking after them, the child or qualifying young person was included in the renter’s extended benefit unit and the renter’s award included the housing costs element,
- (b) during the first 6 months of the absence of a child or qualifying young person for whom the renter is treated as not being responsible in accordance with regulation 4(6)(b) (child or qualifying young person is a prisoner) where—
 - (i) immediately before becoming a prisoner, the child or qualifying young person was included in the renter’s extended benefit unit and the renter’s award included the housing costs element, and
 - (ii) the child or qualifying young person has not been sentenced to a term in custody that is expected to extend beyond that 6 months, or

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- (c) before the renter or joint renter ceases to be responsible for a temporarily absent child or qualifying young person in accordance with regulation 4(7) (absence exceeding specified duration).
- (3) In the case of a renter, the circumstances specified in this sub-paragraph are that the relevant determination relates to any time when—
 - (a) the temporary absence from Northern Ireland of the renter is disregarded in accordance with regulation 11(1) or (2) (temporary absence from Northern Ireland), or
 - (b) the renter is a prisoner to whom regulation 19(2) (existing award includes housing costs when person becomes a prisoner) applies.
- (4) In the case of a non-dependant, the circumstances specified in this sub-paragraph are that—
 - (a) the relevant determination relates to any time during a period specified in sub-paragraph (5),
 - (b) immediately before the start of that period, the non-dependant was included in the renter's extended benefit unit and, in the circumstances specified in sub-paragraph (5)(a) to (c), the renter's award included the housing costs element.
- (5) The specified periods are—
 - (a) the first month of the non-dependant's temporary absence from Northern Ireland and, if the circumstances of the non-dependant are such as would be disregarded for the purposes of regulation 11(2) (death of a close relative), a further one month;
 - (b) the first 6 months of the non-dependant's temporary absence from Northern Ireland in the circumstances described in regulation 11(3)(a) (absence solely in connection with treatment for illness or physical or mental impairment);
 - (c) the first 6 months that the non-dependant is a prisoner where the non-dependant has not been sentenced to a term in custody that is expected to extend beyond that 6 months;
 - (d) any period during which a non-dependant who is the son, daughter, step-son or step-daughter of a renter or joint renters is a member of the armed forces away on operations.
- (6) Any non-dependant who is temporarily absent from the accommodation occupied by the renter in circumstances other than those specified in sub-paragraphs (4) and (5) is not to be treated as being a member of the renter's extended benefit unit if that absence exceeds, or is expected to exceed, 6 months.

Additional room

- 11.—(1) A renter is entitled to an additional bedroom if they satisfy any of the following conditions—
- (a) the overnight care condition (see sub-paragraph (3));
 - (b) the foster parent condition (see sub-paragraphs (4) and (5)); or
 - (c) the disabled child condition (see sub-paragraph (6)).
- (2) Sub paragraph (1) applies subject to sub-paragraphs (7) to (9)
- (3) A renter satisfies the overnight care condition if—
- (a) they are in receipt of—
 - (i) the care component of disability living allowance at the middle or highest rate;
 - (ii) attendance allowance; or
 - (iii) the daily living component of personal independence payment;

- (b) one or more persons who do not live in the renter's accommodation are engaged to provide overnight care for the renter and to stay overnight in the accommodation on a regular basis; and
 - (c) overnight care is provided under arrangements entered into for that purpose.
- (4) A renter satisfies the foster parent condition if the renter is—
- (a) a foster parent; or
 - (b) an adopter with whom a child has been placed for adoption.
- (5) For the purposes of sub-paragraph (4) “foster parent” includes a person who would be a foster parent, but for the fact that they do not currently have any child placed with them, provided that any period since the date when their last placement ended (or, if they have not yet had a child placed with them, since the date when they were approved to be a foster parent) does not exceed 12 months.
- (6) A renter satisfies the disabled child condition if they or another member of their extended benefit unit are responsible for a child who would (but for the provisions of this paragraph) be expected to share a bedroom and that child is—
- (a) in receipt of the care component of disability living allowance at the middle or highest rate; and
 - (b) by virtue of their disability, not reasonably able to share a room with another child.
- (7) Where a renter, or one or both of joint renters, satisfy—
- (a) the overnight care condition; or
 - (b) the foster parent condition,
- or both, they are entitled to one additional bedroom by virtue of satisfying each condition.
- (8) Where a renter, or one or both of joint renters, satisfy the disabled child condition in relation to one or more children, they are entitled to as many additional bedrooms as are necessary to ensure that each such child has their own bedroom.
- (9) Where a renter, or one or both of joint renters, satisfy two or more of—
- (a) the overnight care condition;
 - (b) the foster parent condition; or
 - (c) the disabled child condition,
- the total number of additional bedrooms they are entitled to is determined by adding together the number of additional bedrooms which they are entitled to by virtue of satisfying each of those conditions.

Housing cost contributions

Housing cost contributions

- 12.—(1) In calculating the amount of the housing costs element under Part 4 or 5 of this Schedule, a deduction is to be made in respect of each non-dependant who is a member of the renter's extended benefit unit.
- (2) Sub-paragraph (1) is subject to paragraphs 14 and 15.
- (3) Any amount to be deducted under sub-paragraph (1) is referred to in this Schedule as a “housing cost contribution”.

Amount of housing cost contributions

13.—(1) The amount of each housing cost contribution to be deducted under paragraph 12 is £69.37.

(2) Deductions are not to be made until the amount has been determined which results from all other steps in the calculation required in relation to the renter under Parts 4 and 5 of this Schedule.

(3) Where the sum of all the housing cost contributions to be deducted in the renter's case exceeds the amount referred to in sub-paragraph (2)—

- (a) the amount determined under this Schedule is to be reduced to nil; but
- (b) no further reduction in respect of housing cost contributions is to be made from the renter's award.

Exempt renters

14.—(1) No deduction is to be made under paragraph 12 in the case of—

- (a) any renter who is a single person to whom sub-paragraph (2) applies; or
- (b) any joint renter where at least one joint renter is a person to whom sub-paragraph (2) applies.

(2) This sub-paragraph applies to a person—

- (a) who is blind;
- (b) in receipt of the care component of disability living allowance at the middle or highest rate;
- (c) in receipt of attendance allowance;
- (d) in receipt of the daily living component of a personal independence payment;
- (e) who is entitled to a payment within paragraph (b), (c) or (d) but is not receiving it under, as the case may be—
 - (i) regulation 8 of the Social Security (Disability Living Allowance) Regulations (Northern Ireland) 1992(1),
 - (ii) regulation 6 of the Social Security (Attendance Allowance) Regulations (Northern Ireland) 1992(2),
 - (iii) regulation 19 of the Social Security (General Benefit) Regulations (Northern Ireland) 1984(3), or
 - (iv) regulations under Article 91 of the Order (hospital in-patients).

No deduction for housing cost contributions in respect of certain non-dependants

15.—(1) No deduction is to be made under paragraph 12 in respect of any non-dependant who is a member of the renter's extended benefit unit to whom sub-paragraph (2) applies.

(2) This sub-paragraph applies to a person—

- (a) who is under 21 years old;
- (b) in receipt of state pension credit;
- (c) in receipt of the care component of disability living allowance at the middle or highest rate;
- (d) in receipt of attendance allowance;

(1) SR. 1992 No. 32; regulation 8 was amended by regulation 3(2) of S.R. 1992 No. 481, regulation 4(2) of S.R. 1999 No. 221 and regulation 3(2) of S.R. 2000 No. 195.

(2) S.R. 1992 No. 20; regulation 6 was amended by regulation 2(2) of S.R. 1992 No. 481, regulation 3 of S.R. 1999 No. 221 and regulation 2(3) of S.R. 2000 No. 195.

(3) S.R. 1984 No. 92.

- (e) in receipt of the daily living component of personal independence payment;
- (f) who is entitled to a payment within paragraph (c), (d) or (e) but is not receiving it under, as the case may be—
 - (i) regulation 8 of the Social Security (Disability Living Allowance) Regulations (Northern Ireland) 1992,
 - (ii) regulation 6 of the Social Security (Attendance Allowance) Regulations (Northern Ireland) 1992,
 - (iii) regulation 19 of the Social Security (General Benefit) Regulations 1982, or
 - (iv) regulations under Article 91 of the Order;
- (g) in receipt of carer’s allowance;
- (h) is a prisoner;
- (i) is responsible for a child under 5 years old;
- (j) is a member of the armed forces away on operations who—
 - (i) is the son, daughter, step-son or step-daughter of a renter or joint renters, and
 - (ii) resided with the renter or joint renters immediately before leaving to go on operations and intends to return to reside with the renter or joint renters at the end of the operations.

Calculation involving more than one accommodation

Single calculation for renter treated as occupying single accommodation

16.—(1) This paragraph applies to any renter where, under paragraph 3, of Schedule 3 (claimant housed in two dwellings by provider of social housing), two dwellings (“accommodation A” and “accommodation B”) occupied by a renter are treated as the single accommodation in respect of which the renter meets the occupation condition.

(2) The amount of the renter’s housing costs element is to be determined by a single calculation in respect of accommodation A and accommodation B as if they were one, taking account of—

- (a) all relevant payments in respect of accommodation A and all relevant payments in respect of accommodation B, and
- (b) the total number of bedrooms in accommodation A and accommodation B taken together.

(3) The single calculation is to be made under Part 5 of this Schedule in any case where—

- (a) the renter’s liability to make rent payments in respect of accommodation A and accommodation B is to a provider of social housing, and
- (b) neither accommodation A nor accommodation B is temporary accommodation within the meaning of paragraph 20.

(4) In any other case, the single calculation is to be made under Part 4 of this Schedule.

Calculation where move to new accommodation delayed for adaptations for disabled person

17.—(1) Sub-paragraph (2) applies to any renter where, under paragraph 4 of Schedule 3 (moving home: adaptations to new home for disabled persons), the renter meets the occupation condition in respect of both the new accommodation and the old accommodation.

(2) The amount of the renter’s housing costs element under this Schedule is to be calculated as follows.

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Step 1

Calculate an amount in accordance with Part 4 or Part 5 of this Schedule (as the case may be) in respect of both—

- (a) (a) the new accommodation, and
- (b) (b) the old accommodation.

Step 2

Add together the amounts determined in step 1.

Step 3

If a deduction was made for housing cost contributions in respect of both the new accommodation and the old accommodation, take the amount of the housing cost contributions deducted in respect of the new accommodation and add that to the amount resulting from step 2.

(3) In this paragraph, references to “the new accommodation” and “the old accommodation” are to be understood in accordance with paragraph 4 of Schedule 3.

Calculation where renter moves out because of reasonable fear of violence

18.—(1) Sub-paragraph (2) applies to any renter where, under paragraph 5(2) of Schedule 3, (claimant living in other accommodation because of reasonable fear of violence), the renter meets the occupation condition in respect of both the home accommodation and the other accommodation.

(2) The amount of the renter’s housing costs element under this Schedule is to be calculated as follows.

Step 1

Calculate an amount in accordance with Part 4 or Part 5 of this Schedule (as the case may be) in respect of—

- (a) (a) the home accommodation, and
- (b) (b) the other accommodation.

Step 2

Add together the amounts determined in step 1.

Step 3

If a deduction was made for housing cost contributions in respect of both the home accommodation and the other accommodation—

- (c) (c) determine which accommodation the renter normally occupies as their home, and
- (d) (d) take the amount of the housing cost contributions deducted in respect of the accommodation not so occupied and add that to the amount resulting from step 2.

(3) In this paragraph, references to “the home accommodation” and “the other accommodation” are to be understood in accordance with paragraph 5 of Schedule 3.