

EXPLANATORY NOTE

(This note is not part of the Order)

This Order confers functions on rent officers in connection with universal credit.

Articles 3 and 4 confer functions relating to the determination of local housing allowances, which will be used in calculating the amount of a person's housing costs for universal credit where the landlord is not a registered provider of social housing, registered social landlord or local authority. Article 3 requires that the rent officer determines broad rental market areas. These are broad geographical areas containing sufficient properties to enable the rent officer to determine local housing allowances for various categories of dwelling. When setting areas the rent officer must have regard to facilities and services for the purposes of health, education, recreation, personal banking and shopping and take account of the distance of travel by public and private transport to and from those facilities and services.

Article 4 requires that the rent officer determines local housing allowances each year for each broad rental market area. Schedule 1 sets out the method of calculating the local housing allowance. This will be the lower of the rent at the 30th percentile of available rents or the previous year's rate up-rated by reference to the Consumer Prices Index for September.

Articles 3 and 4 also make transitional provision to establish broad rental market areas and local housing allowances from 29th April 2013 until 1st April 2014. These will be the broad rental market areas and local housing allowances determined for housing benefit purposes and will form the basis of local housing allowance determinations for subsequent years.

Article 5 applies where the Secretary of State has requested that the rent officer determines whether payments in respect of accommodation in the social rented sector are reasonable. The rent officer must determine the level of reasonable payments in accordance with Schedule 2. The rent officer must consider both rent and service charge payments and take into account the level of those payments in similar properties in the local authority area.

Article 6 makes provision for redeterminations of broad rental market area determinations and local housing allowance determinations where the rent officer has made an error. It also makes provision for redeterminations of housing payment determinations where the rent officer made an error, used inaccurate information, or where the Secretary of State has requested a redetermination.

Article 7 makes provision for circumstances where the rent officer under this Order has received incomplete or inaccurate information.

Article 8 makes provision for any notice given by a rent officer to be given by electronic means, unless the Secretary of State requests that it is given in writing.

A full impact assessment has not been produced for this instrument as it has no impact on the private sector or civil society organisations.

Changes to legislation:

There are currently no known outstanding effects for the The Rent Officers (Universal Credit Functions) Order 2013.