

SCHEDULE 1

Article 4

Local housing allowance determinations

Modifications etc. (not altering text)

- C1 Sch. 1 modified (28.1.2021) by [The Rent Officers \(Housing Benefit and Universal Credit Functions\) \(Modification\) Order 2020 \(S.I. 2020/1519\)](#), arts. 1, 4
- C2 Sch. 1 modified (31.1.2022) by [The Rent Officers \(Housing Benefit and Universal Credit Functions\) \(Amendment and Modification\) Order 2021 \(S.I. 2021/1380\)](#), arts. 1(1), 7
- C3 Sch. 1 modified (31.1.2023) by [The Rent Officers \(Housing Benefit and Universal Credit Functions\) \(Modification\) Order 2023 \(S.I. 2023/6\)](#), arts. 1(1), 4

Categories of accommodation

1. The categories of accommodation for which a rent officer is required to determine a local housing allowance in accordance with article 4 are—

- (a) accommodation where the tenant has the exclusive use of only one bedroom and where the tenancy provides for the tenant 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) accommodation where the tenant 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) accommodation where the tenant has the use of only two bedrooms;
- (d) accommodation where the tenant has the use of only three bedrooms;
- (e) accommodation where the tenant has the use of only four bedrooms.

[^{F1}Local housing allowance for category of accommodation in paragraph 1

2.—(1) Subject to [^{F2}paragraphs] 5 (anomalous local housing allowances [^{F3}and 7 (minimum local housing allowance)]) the rent officer must determine a local housing allowance for each category of accommodation in paragraph 1 as follows.

- [^{F4}(2) The local housing allowance for any category of accommodation is the lower of—
- (a) the rent at the 30th percentile determined in accordance with paragraph 3; and
 - (b) for a category of accommodation listed in column 1 of the following table, the amount listed in column 2 of that table (maximum local housing allowance)—

<i>1. Category of accommodation as specified in paragraph 1</i>	<i>2. Maximum local housing allowance for that category of accommodation</i>
paragraph 1(a) (one bedroom, shared accommodation)	[^{F5} £1,439.97]
Paragraph 1(b) (one bedroom, exclusive use)	[^{F6} £1,439.97]
Paragraph 1(c) (two bedrooms)	[^{F7} £1,793.98]

Changes to legislation: There are currently no known outstanding effects for the The Rent Officers (Universal Credit Functions) Order 2013, SCHEDULE 1. (See end of Document for details)

Paragraph 1(d) (three bedrooms)	[^{F8} £2,160.02]
Paragraph 1(e) (four bedrooms)	[^{F9} £3,060.00]]

- ^{F10}(2A)
- ^{F10}(2B)
- ^{F10}(3)
- ^{F10}(3A)

(4) 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.]

Textual Amendments

- F1** Sch. 1 para. 2 substituted (13.1.2014) by [The Rent Officers \(Housing Benefit and Universal Credit Functions\) \(Local Housing Allowance Amendments\) Order 2013 \(S.I. 2013/2978\)](#), arts. 1, **4(3)(a)**
- F2** Word in Sch. 1 para. 2(1) substituted (31.1.2024) by [The Rent Officers \(Housing Benefit and Universal Credit Functions\) \(Amendment\) Order 2024 \(S.I. 2024/11\)](#), arts. 1(1), **4(2)(a)(i)**
- F3** Words in Sch. 1 para. 2(1) inserted (31.1.2024) by [The Rent Officers \(Housing Benefit and Universal Credit Functions\) \(Amendment\) Order 2024 \(S.I. 2024/11\)](#), arts. 1(1), **4(2)(a)(ii)**
- F4** Sch. 1 para. 2(2) substituted (30.3.2020) by [The Social Security \(Coronavirus\) \(Further Measures\) Regulations 2020 \(S.I. 2020/371\)](#), regs. 1(1), **4(3)(b)**
- F5** Sum in Sch. 1 para. 2(2)(b) table substituted (31.1.2024) by [The Rent Officers \(Housing Benefit and Universal Credit Functions\) \(Amendment\) Order 2024 \(S.I. 2024/11\)](#), arts. 1(1), **4(2)(b)(i)**
- F6** Sum in Sch. 1 para. 2(2)(b) table substituted (31.1.2024) by [The Rent Officers \(Housing Benefit and Universal Credit Functions\) \(Amendment\) Order 2024 \(S.I. 2024/11\)](#), arts. 1(1), **4(2)(b)(ii)**
- F7** Sum in Sch. 1 para. 2(2)(b) table substituted (31.1.2024) by [The Rent Officers \(Housing Benefit and Universal Credit Functions\) \(Amendment\) Order 2024 \(S.I. 2024/11\)](#), arts. 1(1), **4(2)(b)(iii)**
- F8** Sum in Sch. 1 para. 2(2)(b) table substituted (31.1.2024) by [The Rent Officers \(Housing Benefit and Universal Credit Functions\) \(Amendment\) Order 2024 \(S.I. 2024/11\)](#), arts. 1(1), **4(2)(b)(iv)**
- F9** Sum in Sch. 1 para. 2(2)(b) table substituted (31.1.2024) by [The Rent Officers \(Housing Benefit and Universal Credit Functions\) \(Amendment\) Order 2024 \(S.I. 2024/11\)](#), arts. 1(1), **4(2)(b)(v)**
- F10** Sch. 1 para. 2(2) substituted for Sch. 1 paras. 2(2A)-(3A) (30.1.2020) by [The Rent Officers \(Housing Benefit and Universal Credit Functions\) \(Amendment\) Order 2020 \(S.I. 2020/27\)](#), arts. 1, **4(3)(a)**

Rent at the 30th percentile

3.—(1) The rent officer must determine the rent at the 30th percentile in accordance with the following sub-paragraphs.

(2) The rent officer must compile a list of rents.

[^{F11}(3) The rent officer must compile a list of rents in ascending order of the rents which, in the rent officer’s opinion, are payable—

- (a) for each category of dwelling specified in paragraph 1—
 - (i) in England, let under an assured tenancy, or
 - (ii) in Wales—
 - (aa) before the day on which section 239 of the Renting Homes (Wales) Act 2016 comes into force, let under an assured tenancy, or
 - (bb) on or after that day, let under a relevant occupation contract; and

- (b) in the 12 month period ending on the 30th day of the September preceding the date of the determination.]
- (4) The list must include any rents which are of the same amount.
- (5) The criteria for including an assured tenancy [^{F12}or a relevant occupation contract, as the case may be,] on the list of rents in relation to each category of accommodation specified in paragraph 1 are that—
- (a) the accommodation let under the assured tenancy [^{F13}or relevant occupation contract] is in the broad rental market area for which the local housing allowance for that category of accommodation is being determined;
 - (b) the accommodation is in a reasonable state of repair; and
 - (c) the assured tenancy [^{F14}or relevant occupation contract] 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 accommodation in relation to which the list of rents is being compiled.
- [^{F15}(6) Sub-paragraph (7) applies where the rent officer is not satisfied that the list of rents in respect of any category of accommodation would contain sufficient rents, payable in the 12 month period ending on the 30th day of the September preceding the date of the determination for accommodation 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.]
- (7) In a case where this sub-paragraph applies, the rent officer may add to the list rents for accommodation in the same category in other areas in which a comparable market exists.
- (8) Where rent is payable other than monthly the rent officer must use the figure which would be payable if the rent were to be payable monthly by calculating the rent for a year and dividing the total by 12.
- (9) When compiling the list of rents for each category of accommodation, the rent officer must—
- (a) assume that no-one had sought or is seeking the tenancy who would have been entitled to housing benefit under Part 7 of the Social Security Contributions and Benefits Act 1992 ^{M1} or universal credit under Part 1 of the Welfare Reform Act; and
 - (b) exclude the amount of any rent which, in the rent officer's opinion, is fairly attributable to the provision of services performed or facilities (including the use of furniture) provided for, or rights made available to, the tenant and which would not be classed as service charge payments.
- (10) The rent at the 30th percentile in the list of rents (“R”) is determined as follows—
- (a) where the number of rents on the list is a multiple of 10, the formula is—

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

where—

- i P is the position on the list found by multiplying the number of rents on the list by 3 and dividing by 10; and
 - ii P1 is the following position on the list;
- (b) where the number of rents on the list is not a multiple of 10, the formula is—

Changes to legislation: There are currently no known outstanding effects for the *The Rent Officers (Universal Credit Functions) Order 2013, SCHEDULE 1.* (See end of Document for details)

R = the amount of the rent at P2

where P2 is the position on the list found by multiplying the number of rents on the list by 3 and dividing by 10 and rounding the result upwards to the nearest whole number.

- [^{F16}(11) In this paragraph, “relevant occupation contract” means—
- (a) a secure contract in relation to which the landlord is a registered social landlord, a private registered provider of social housing, or a private landlord,
 - (b) a standard contract, or
 - (c) an introductory standard contract in relation to which the landlord is a registered social landlord or a private registered provider of social housing.]

Textual Amendments	
F11	Sch. 1 para. 3(3) substituted (1.12.2022) by The Renting Homes (Wales) Act 2016 (Consequential Amendments to Secondary Legislation) Regulations 2022 (S.I. 2022/907) , reg. 1(2), Sch. 1 para. 28(b)(i)
F12	Words in Sch. 1 para. 3(5) inserted (W.) (1.12.2022) by The Renting Homes (Wales) Act 2016 (Consequential Amendments to Secondary Legislation) Regulations 2022 (S.I. 2022/907) , reg. 1(2), Sch. 1 para. 28(b)(ii)
F13	Words in Sch. 1 para. 3(5)(a) inserted (W.) (1.12.2022) by The Renting Homes (Wales) Act 2016 (Consequential Amendments to Secondary Legislation) Regulations 2022 (S.I. 2022/907) , reg. 1(2), Sch. 1 para. 28(b)(iii)
F14	Words in Sch. 1 para. 3(5)(c) inserted (W.) (1.12.2022) by The Renting Homes (Wales) Act 2016 (Consequential Amendments to Secondary Legislation) Regulations 2022 (S.I. 2022/907) , reg. 1(2), Sch. 1 para. 28(b)(iv)
F15	Sch. 1 para. 3(6) substituted (13.1.2014) by The Rent Officers (Housing Benefit and Universal Credit Functions) (Local Housing Allowance Amendments) Order 2013 (S.I. 2013/2978) , arts. 1, 4(3)(b)(ii)
F16	Sch. 1 para. 3(11) inserted (W.) (1.12.2022) by The Renting Homes (Wales) Act 2016 (Consequential Amendments to Secondary Legislation) Regulations 2022 (S.I. 2022/907) , reg. 1(2), Sch. 1 para. 28(b)(v)
Marginal Citations	
M1	1992 c.4.

Maximum local housing allowance

4. ^{F17}

Textual Amendments	
F17	Sch. 1 para. 4 omitted (2.11.2015) by virtue of The Rent Officers (Housing Benefit and Universal Credit Functions) (Local Housing Allowance Amendments) Order 2015 (S.I. 2015/1753) , art. 4(3)(c) , art. 1

Anomalous local housing allowances

5. [^{F18}Subject to paragraph 7, where—]

Changes to legislation: There are currently no known outstanding effects for the The Rent Officers (Universal Credit Functions) Order 2013, SCHEDULE 1. (See end of Document for details)

- (a) the rent officer has determined the local housing allowance for each of the categories of accommodation in paragraph 1 in accordance with the preceding paragraphs of this Schedule; and
- (b) the local housing allowance for a category of accommodation in paragraph 1(b) to (e) is lower than the local housing allowance for any of the categories of accommodation which precede it,

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

Textual Amendments

F18 Words in Sch. 1 para. 5 substituted (31.1.2024) by [The Rent Officers \(Housing Benefit and Universal Credit Functions\) \(Amendment\) Order 2024 \(S.I. 2024/11\)](#), arts. 1(1), **4(3)**

^{F19}**5A.**

Textual Amendments

F19 Sch. 1 para. 5A omitted (30.1.2020) by virtue of [The Rent Officers \(Housing Benefit and Universal Credit Functions\) \(Amendment\) Order 2020 \(S.I. 2020/27\)](#), arts. 1, **4(3)(b)**

^{F20}**6.**

Textual Amendments

F20 Sch. 1 para. 6 omitted (2.11.2015) by virtue of [The Rent Officers \(Housing Benefit and Universal Credit Functions\) \(Local Housing Allowance Amendments\) Order 2015 \(S.I. 2015/1753\)](#), **art. 4(3)(c)**, art. 1

[^{F21}Minimum local housing allowance

7. Where—

- (a) the rent officer has determined the local housing allowance for each of the categories of accommodation in paragraph 1 in accordance with paragraphs 2 and 3 and, where relevant, paragraph 5 (anomalous local housing allowances); and
- (b) the local housing allowance as so determined for a category of accommodation is lower than the local housing allowance determined for that category of accommodation on 31st March 2020,

that local housing allowance is to be the same as the local housing allowance determined for that category of accommodation on 31st March 2020.]

Textual Amendments

F21 Sch. 1 para. 7 and cross-heading inserted (31.1.2024) by [The Rent Officers \(Housing Benefit and Universal Credit Functions\) \(Amendment\) Order 2024 \(S.I. 2024/11\)](#), arts. 1(1), **4(4)**

Changes to legislation:

There are currently no known outstanding effects for the The Rent Officers (Universal Credit Functions) Order 2013, SCHEDULE 1.