

SCHEDULE 2

Housing payment determination

5. For the purposes of this Schedule—
- (a) a housing payment is reasonable where it is not higher than the payment which the landlord might reasonably have been expected to obtain for the tenancy at the relevant time;
 - (b) accommodation is let by the same type of landlord where—
 - (i) in a case where the landlord of the accommodation in respect of which the determination is being made is a local authority, the landlord of the other accommodation is also a local authority; and
 - (ii) in a case where the landlord of the accommodation in respect of which the determination is being made is a provider of social housing other than a local authority, the landlord of the other accommodation is also a provider of social housing other than a local authority;
 - (c) accommodation is let at an Affordable Rent where—
 - (i) the rent is regulated under a standard by the Regulator of Social Housing under section 194 of the Housing and Regeneration Act 2008 ^{M1} (“the 2008 Act”) which requires the initial rent to be set at no more than 80% of the local market rent (including service charges); or
 - (ii) the accommodation is let by a local authority and, under arrangements between the local authority and the Homes and Communities Agency (as established by section 1 of the 2008 Act), the Greater London Authority or the Secretary of State, the rent payable is set on the same basis as would be the case if the rent were regulated under a standard set by the Regulator of Social Housing under section 194 of the 2008 Act which requires the initial rent to be set at no more than 80% of the local market rent (including service charges).

Marginal Citations

M1 2008 c.17. Section 194 was amended by [S.I. 2010/844](#) and section 179 of, and Schedule 17 to, the [Localism Act 2011 \(c.20\)](#).

Changes to legislation:

There are currently no known outstanding effects for the The Rent Officers (Universal Credit Functions) Order 2013, Paragraph 5.