

## SCHEDULE 1

Regulation 4

### Local Housing Allowance Determinations

#### Categories of dwelling

1. The categories of dwelling for which the Executive is required to determine a local housing allowance in accordance with regulation 4 are—

- (a) a dwelling 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) a dwelling 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) a dwelling where the tenant has the use of only 2 bedrooms;
- (d) a dwelling where the tenant has the use of only 3 bedrooms;
- (e) a dwelling where the tenant has the use of only 4 bedrooms.

#### Local housing allowance for category of dwelling in paragraph 1

2.—(1) Subject to paragraph 4 (anomalous local housing allowances) the Executive must determine a local housing allowance for each category of dwelling in paragraph 1 in accordance with the following sub-paragraphs.

- (2) For all broad rental market areas the local housing allowance for a category of dwelling is—
  - (a) the local housing allowance determined for that category of dwelling on 30th January 2015, or
  - (b) the rent at the 30th percentile determined in accordance with paragraph 3(3) to (10), where that rent is lower than the allowance referred to in head (a).

(3) 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.

#### Rent at the 30th percentile

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

- (2) The Executive must compile a list of rents.
- (3) The Executive must compile a list of rents in ascending order of the monthly rents which, in the Executive's opinion, are payable—
  - (a) for a dwelling let under an uncontrolled tenancy for each category of dwelling specified in paragraph 1, 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.

*Status: This is the original version (as it was originally made).*

(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 that—

- (a) the dwelling let under an uncontrolled tenancy is in the broad rental market area for which the local housing allowance for that category of dwelling is being determined,
- (b) the dwelling is in a reasonable state of repair, and
- (c) 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.

(6) Sub-paragraph (7) applies where the Executive is not satisfied that the list of rents in respect of any category of dwelling 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 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.

(7) In a case where this sub-paragraph applies, the Executive may add to the list rents for dwellings in the same category in other areas in which a comparable market exists.

(8) Where rent is payable other than monthly the Executive 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 dwelling the Executive 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 (Northern Ireland) Act 1992<sup>(1)</sup> or universal credit under Part 2 of the Welfare Reform Order, and
- (b) exclude the amount of any rent which, in the Executive'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—

"P" is the position on the list found by multiplying the number of rents on the list by 3 and dividing by 10, and

"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—

$$R = \text{the amount of the rent at } P2$$

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.

#### **Anomalous local housing allowances**

4. Where—

- (a) the Executive has determined the local housing allowance for each of the categories of dwelling in paragraph 1 in accordance with the preceding paragraphs of this Schedule, and

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(1) 1992 c. 7.

- (b) the local housing allowance for a category of dwelling in paragraph 1(b) to (e) is lower than the local housing allowance for any of the categories of dwelling which precede it, that local housing allowance is to be the same as the highest local housing allowance which precedes it.