

SCHEDULE

Regulation 3

Broad rental market area determinations and local housing allowance determinations

Categories of dwelling

1.—(1) The categories of dwelling for which the Executive is required to determine a local housing allowance in accordance with [F¹ regulation 3(2)] are—

- (a) a dwelling where the tenant has the exclusive use of only one bedroom and where the tenancy provides for him 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 (together with his partner where he has one) 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;
- (f) a dwelling where the tenant has the use of only 5 bedrooms.

(2) In—

- (a) sub-paragraph (1)(b) “partner” has the same meaning as in regulation 2 of the Housing Benefit Regulations or, as the case may be, regulation 2 of the Housing Benefit (State Pension Credit) Regulations;
- (b) sub-paragraph (1)(c) to (f) “bedroom” means a bedroom, except for a bedroom which the tenant shares with any person other than—
 - (i) a member of his household;
 - (ii) a non-dependant of the tenant (within the meaning of regulation 3 of the Housing Benefit Regulations or, as the case may be, regulation 3 of the Housing Benefit (State Pension Credit) Regulations), or
 - (iii) a person who pays rent to the tenant.

Textual Amendments

F1 Words in Sch. para. 1(1) substituted (2.4.2012) by [The Housing Benefit \(Executive Determinations\) \(Amendment\) Regulations \(Northern Ireland\) 2012 \(S.R. 2012/157\)](#), regs. 1(1), **2(4)(a)**

Local housing allowance for category of dwelling in paragraph 1

[F²2.—(1) Subject to paragraph 3 (anomalous local housing allowances), the Executive must determine a local housing allowance for each category of dwelling in paragraph 1 as follows.

[F³(2)

[F⁴(3) For all broad rental market areas the local housing allowance for a category of dwelling is—

Status: Point in time view as at 28/01/2016.

Changes to legislation: There are currently no known outstanding effects for the The Housing Benefit (Executive Determinations) Regulations (Northern Ireland) 2008. (See end of Document for details)

- (a) the local housing allowance determined for that category of dwelling on 30th January 2015 (or, where the determination is amended under regulation 14F of the Housing Benefit Regulations the allowance provided for in the amended determination); or
 - (b) the rent at the 30th percentile determined in accordance with sub-paragraph (4) to (8), where that rent is lower than the allowance referred to in paragraph (a),]
- (4) The Executive must compile a list of rents in ascending order of the 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.
- (5) In compiling the list of rents, the Executive must—
- (a) include within it the rent of an uncontrolled tenancy in relation to each category of dwelling if—
 - (i) the dwelling let under the uncontrolled tenancy is in the broad rental market area for which the local housing allowance for that category of dwelling is being determined;
 - (ii) the dwelling is in a reasonable state of repair; and
 - (iii) 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 is being compiled;
 - (b) include within it any rents which are of the same amount;
 - (c) where rent is payable other than weekly, use the figure which would be payable if the rent were to be payable weekly by—
 - (i) multiplying the rent by an appropriate figure to obtain the rent for a year;
 - (ii) dividing the total in (i) by 365; and
 - (iii) multiplying the total in (ii) by 7;
 - (d) assume that no one who would have been entitled to housing benefit had sought or is seeking the tenancy; and
 - (e) exclude the amount of any rent which, in the Executive’s opinion, is fairly attributable to the provision of services performed for, or facilities (including the use of furniture) provided for, or rights made available to, the tenant which are ineligible to be met by housing benefit.
- (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) The Executive must use the list of rents to determine the rent at the 30th percentile in the list (“R”) by—
- (a) where the number of rents on the list is a multiple of 10, applying the formula—

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

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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, applying the formula—

R= the amount of 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.

^{F3}(9)

(10) 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

- F2** Sch. para. 2 substituted (13.1.2014) by [The Housing Benefit \(Executive Determinations and Local Housing Allowance\) \(Amendment\) Regulations \(Northern Ireland\) 2013 \(S.R. 2013/303\)](#), regs. 1(1), **2(2)(a)**
- F3** Sch. paras. 2(2)(9) omitted (28.1.2016) by virtue of [The Housing Benefit \(Executive Determinations\) \(Amendment\) Regulations \(Northern Ireland\) 2016 \(S.R. 2016/6\)](#), regs. 1(1), **2(a)(i)**
- F4** Sch. para. 2(3) substituted (28.1.2016) by [The Housing Benefit \(Executive Determinations\) \(Amendment\) Regulations \(Northern Ireland\) 2016 \(S.R. 2016/6\)](#), regs. 1(1), **2(a)(ii)**

Anomalous local housing allowances

3. Where—

- (a) the Executive has determined the local housing allowance for each of the categories of dwelling in paragraph 1(1) in accordance with the preceding paragraphs; and
- (b) the local housing allowance for a category of dwelling in paragraph 1(1)(b) to (f) is lower than the local housing allowance for any of the categories of dwelling which precede it,

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

Broad rental market area

[^{F54} In this Schedule “broad rental market area” means an area within which a person could reasonably be expected to live having regard to facilities and services for the purposes of health, education, recreation, personal banking and shopping, taking account of the distance of travel, by public and private transport, to and from those facilities and services.]

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Textual Amendments

F5 Sch. paras. 4, 5 substituted for Sch. para 4 (5.1.2009) by [The Housing Benefit \(Executive Determinations\) \(Amendment\) Regulations \(Northern Ireland\) 2008 \(S.R. 2008/506\)](#), regs. 1(1), **2(b)**

[^{F5}5. A broad rental market area must contain—

- (a) residential premises of a variety of types, including such premises held on a variety of tenures; and
- (b) sufficient privately rented residential premises to ensure that, in the Executive’s opinion, the local housing allowance for the categories of dwelling in the area for which the Executive is required to determine a local housing allowance is representative of the rents that a landlord might reasonably be expected to obtain in that area.]

Textual Amendments

F5 Sch. paras. 4, 5 substituted for Sch. para 4 (5.1.2009) by [The Housing Benefit \(Executive Determinations\) \(Amendment\) Regulations \(Northern Ireland\) 2008 \(S.R. 2008/506\)](#), regs. 1(1), **2(b)**

Textual Amendments

F5 Sch. paras. 4, 5 substituted for Sch. para 4 (5.1.2009) by [The Housing Benefit \(Executive Determinations\) \(Amendment\) Regulations \(Northern Ireland\) 2008 \(S.R. 2008/506\)](#), regs. 1(1), **2(b)**

^{F6}6.

Textual Amendments

F6 Sch. para. 6 omitted (28.1.2016) by [The Housing Benefit \(Executive Determinations\) \(Amendment\) Regulations \(Northern Ireland\) 2016 \(S.R. 2016/6\)](#), regs. 1(1), 2(b)

Status:

Point in time view as at 28/01/2016.

Changes to legislation:

There are currently no known outstanding effects for the The Housing Benefit (Executive Determinations) Regulations (Northern Ireland) 2008.