

SCHEDULE 4

Housing costs element for renters

PART 3

General provisions about calculation of amount of housing costs element for renters

Application of Part 3

5. This Part contains provisions of general application in calculating the amount of a renter's housing costs element under Part 4 or 5 of this Schedule.

Payments taken into account

Relevant payments to be taken into account

6.—(1) Where a renter meets the payment condition, liability condition and occupation condition in respect of one or more descriptions of relevant payment, each such description is to be taken into account for the purposes of the calculation under Part 4 or 5 of this Schedule.

(2) No account is to be taken of any amount of a relevant payment to the extent that all of the conditions referred to in sub-paragraph (1) are not met in respect of that amount.

(3) Any particular payment for which a renter is liable is not to be brought into account more than once, whether in relation to the same or a different renter (but this does not prevent different payments of the same description being brought into account in respect of an assessment period).

Relevant payments calculated monthly

7.—(1) Where any relevant payment is to be taken into account under paragraph 6, the amount of that payment is to be calculated as a monthly amount.

(2) Where the period in respect of which a renter is liable to make a relevant payment is not a month, an amount is to be calculated as the monthly equivalent, so for example—

- (a) weekly payments are multiplied by 52 and divided by 12;
- (b) four-weekly payments are multiplied by 13 and divided by 12;
- (c) three-monthly payments are multiplied by 4 and divided by 12; and
- (d) annual payments are divided by 12.

(3) Where a renter is liable for relevant payments under arrangements that provide for one or more rent free periods, the monthly equivalent is to be calculated over 12 months by reference to the total number of relevant payments which the renter is liable to make in that 12 month period.

(4) "Rent free period" means any period in respect of which the renter has no liability to make one or more of the relevant payments which are to be taken into account under paragraph 6.

Room allocation

Size criteria applicable to the extended benefit unit of all renters

8.—(1) In calculating the amount of the renter's housing costs element under Part 4 or 5 of this Schedule, a determination is to be made in accordance with the provisions referred to in sub-

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

paragraph (2) as to the category of accommodation which it is reasonable for the renter to occupy, having regard to the number of persons who are members of the renter's extended benefit unit (see paragraph 9).

(2) The provisions referred to in this sub-paragraph are the following provisions of this Schedule—

- (a) in respect of a calculation under Part 4, paragraphs 9 to 12 and 26 to 29;
- (b) in respect of a calculation under Part 5, paragraphs 9 to 12.

Extended benefit unit of a renter for purposes of this Schedule

9.—(1) For the purposes of this Schedule, the members of a renter's extended benefit unit are—

- (a) the renter (or joint renters);
- (b) any child or qualifying young person for whom the renter or either joint renter is responsible; and
- (c) any person who is a non-dependant.

(2) A person is a non-dependant if the person lives in the accommodation with the renter (or joint renters) and is none of the following—

- (a) a person within sub-paragraph (1)(a) or (b);
- (b) where the renter is a member of a couple claiming as a single person, the other member of the couple;
- (c) a foster child;
- (d) a person who is liable to make payments on a commercial basis in respect of the person's occupation of the accommodation (whether to the renter, joint renters or another person);
- (e) a person to whom the liability to make relevant payments is owed or a member of their household;
- (f) a person who has already been treated as a non-dependant in relation to a claim for universal credit by another person liable to make relevant payments in respect of the accommodation occupied by the renter.

(3) "Foster child" means a child in relation to whom the renter (or either joint renter) is a foster parent.

Number of bedrooms to which a renter is entitled

10.—(1) A renter is entitled to one bedroom for each of the following categories of persons in their extended benefit unit—

- (a) the renter (or joint renters);
- (b) a qualifying young person for whom the renter or either joint renter is responsible;
- (c) a non-dependant who is not a child;
- (d) two children who are under 10 years old;
- (e) two children of the same sex;
- (f) any other child.

(2) A member of the extended benefit unit to whom two or more of the descriptions in sub-paragraph (1) apply is to be allotted to whichever description results in the renter being entitled to the fewest bedrooms.

(3) In determining the number of bedrooms to which a renter is entitled, the following must also be taken into account—

- (a) the provisions of paragraph 11 as to treatment of periods of temporary absence of members of the renter's extended benefit unit;
- (b) any entitlement to an additional bedroom in accordance with paragraph 12;
- (c) for the purpose of any calculation under Part 4 of this Schedule, the additional requirements in paragraphs 26 to 29.

Temporary absence of member of renter's extended benefit unit

11.—(1) A member of the renter's extended benefit unit who is temporarily absent from the accommodation occupied by the renter is to be included in a determination of the number of bedrooms to which the renter is entitled ("relevant determination") in the circumstances specified in sub-paragraphs (2) to (4).

(2) In the case of a child or qualifying young person, the circumstances specified in this sub-paragraph are that the relevant determination relates to any time—

- (a) during the first 6 months of the absence of a child or qualifying young person for whom the renter is treated as not being responsible in accordance with regulation 4(6)(a) (child or qualifying young person looked after by local authority) where, immediately before the local authority started looking after them, the child or qualifying young person was included in the renter's extended benefit unit and the renter's award included the housing costs element;
- (b) during the first 6 months of the absence of a child or qualifying young person for whom the renter is treated as not being responsible in accordance with regulation 4(6)(b) (child or qualifying young person is a prisoner) where—
 - (i) immediately before becoming a prisoner, the child or qualifying young person was included in the renter's extended benefit unit and the renter's award included the housing costs element, and
 - (ii) the child or qualifying young person has not been sentenced to a term in custody that is expected to extend beyond that 6 months; or
- (c) before the renter or joint renter ceases to be responsible for a temporarily absent child or qualifying young person in accordance with regulation 4(7) (absence exceeding specified duration).

(3) In the case of a renter, the circumstances specified in this sub-paragraph are that the relevant determination relates to any time when—

- (a) the temporary absence from Great Britain of the renter is disregarded in accordance with regulation 11(1) or (2); or
- (b) the renter is a prisoner to whom regulation 19(2) (existing award includes housing costs when person becomes a prisoner) applies.

(4) In the case of a non-dependant, the circumstances specified in this sub-paragraph are that—

- (a) the relevant determination relates to any time during a period specified in sub-paragraph (5); and
- (b) immediately before the start of that period, the non-dependant was included in the renter's extended benefit unit and the renter's award included the housing costs element.

(5) The specified periods are—

- (a) the first month of the non-dependant's temporary absence from Great Britain and, if the circumstances of the non-dependant are such as would be disregarded for the purposes of regulation 11(2) (death of a close relative), a further one month;

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

- (b) the first 6 months of the non-dependant's temporary absence from Great Britain in the circumstances described in regulation 11(3)(a) (absence solely in connection with treatment for illness or physical or mental impairment);
 - (c) the first 6 months that the non-dependant is a prisoner where the non-dependant has not been sentenced to a term in custody that is expected to extend beyond that 6 months.
- (6) Any non-dependant who is temporarily absent from the accommodation occupied by the renter in circumstances other than those specified in sub-paragraphs (4) and (5) is not to be treated as being a member of the renter's extended benefit unit if that absence exceeds, or is expected to exceed, 6 months.

Additional room where renter requires overnight care

12.—(1) A renter who is a single person is entitled to one additional bedroom if the renter requires overnight care.

(2) Joint renters are entitled to one additional bedroom if one or both of them requires overnight care.

(3) A renter requires overnight care if the first and second conditions are met.

(4) The first condition is that the renter is in receipt of—

- (a) the care component of disability living allowance at the middle or highest rate;
- (b) attendance allowance; or
- (c) the daily living component of personal independence payment.

(5) The second condition is that—

- (a) one or more persons who do not live in the renter's accommodation are engaged to provide overnight care for the renter and to stay overnight at the accommodation on a regular basis; and
- (b) overnight care is provided under arrangements entered into for that purpose.

Housing cost contributions

Housing cost contributions

13.—(1) In calculating the amount of the housing costs element under Part 4 or 5 of this Schedule, a deduction is to be made in respect of each non-dependant who is a member of the renter's extended benefit unit.

(2) Paragraph (1) is subject to paragraphs 15 and 16.

(3) Any amount to be deducted under sub-paragraph (1) is referred to in this Schedule as a "housing cost contribution".

Amount of housing cost contributions

14.—(1) The amount of each housing cost contribution to be deducted under paragraph 13 is £68.

(2) Deductions are not to be made until the amount has been determined which results from all other steps in the calculation required in relation to the renter under Parts 4 and 5 of this Schedule.

(3) Where the sum of all the housing cost contributions to be deducted in the renter's case exceeds the amount referred to in sub-paragraph (2)—

- (a) the amount determined under this Schedule is to be reduced to nil; but

- (b) no further reduction in respect of housing cost contributions is to be made from the renter's award.

Exempt renters

- 15.**—(1) No deduction is to be made under paragraph 13 in the case of—
- (a) any renter who is a single person to whom sub-paragraph (2) applies; or
 - (b) any joint renter where at least one joint renter is a person to whom sub-paragraph (2) applies.
- (2) This sub-paragraph applies to—
- (a) a person who is registered as blind;
 - (b) a person in receipt of the care component of disability living allowance at the middle or highest rate;
 - (c) a person in receipt of attendance allowance;
 - (d) a person in receipt of the daily living component of personal independence payment;
 - (e) a person who is entitled to a payment within paragraph (b), (c) or (d) but is not receiving it under, as the case may be—
 - (i) regulation 8 of the Social Security (Disability Living Allowance) Regulations 1991⁽¹⁾,
 - (ii) regulation 6 of the Social Security (Attendance Allowance) Regulations 1991⁽²⁾,
 - (iii) regulation 21 of the Social Security (General Benefit) Regulations 1982⁽³⁾, or
 - (iv) regulations under section 86 of the Act (payment of personal independence payment while a person is a hospital in-patient).

No deduction for housing cost contributions in respect of certain non-dependants

- 16.**—(1) No deduction is to be made under paragraph 13 in respect of any non-dependant who is a member of the renter's extended benefit unit to whom sub-paragraph (2) applies.
- (2) This sub-paragraph applies to—
- (a) a person who is under 21 years old;
 - (b) a person in receipt of state pension credit;
 - (c) a person in receipt of the care component of disability living allowance at the middle or highest rate;
 - (d) a person in receipt of attendance allowance;
 - (e) a person in receipt of the daily living component of personal independence payment;
 - (f) a person who is entitled to a payment within paragraph (c), (d) or (e) but is not receiving it under, as the case may be—
 - (i) regulation 8 of the Social Security (Disability Living Allowance) Regulations 1991,
 - (ii) regulation 6 of the Social Security (Attendance Allowance) Regulations 1991,
 - (iii) regulation 21 of the Social Security (General Benefit) Regulations 1982, or
 - (iv) regulations under section 86 of the Act (payment of personal independence payment while a person is a hospital in-patient);

(1) [S.I. 1991/2890](#).

(2) [S.I. 1991/2740](#).

(3) [S.I. 1982/1408](#).

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

- (g) a person in receipt of carer's allowance;
- (h) a person who is a prisoner;
- (i) a person who is responsible for a child under 5 years old.

Calculations involving more than one accommodation

Single calculation for renter treated as occupying single accommodation

17.—(1) This paragraph applies to any renter where, under paragraph 4 of Schedule 3 (claimant housed in two dwellings by provider of social housing), two dwellings (“accommodation A” and “accommodation B”) occupied by a renter are treated as the single accommodation in respect of which the renter meets the occupation condition.

(2) The amount of the renter's housing costs element is to be determined by a single calculation in respect of accommodation A and accommodation B as if they were one, taking account of—

- (a) all relevant payments in respect of accommodation A and all relevant payments in respect of accommodation B; and
 - (b) the total number of bedrooms in accommodation A and accommodation B taken together.
- (3) The single calculation is to be made under Part 5 of this Schedule in any case where—
- (a) the renter's liability to make rent payments in respect of accommodation A and accommodation B is to a provider of social housing; and
 - (b) neither accommodation A nor accommodation B is temporary accommodation within the meaning of paragraph 21.
- (4) In any other case, the single calculation is to be made under Part 4 of this Schedule.

Calculation where move to new accommodation delayed for adaptations for disabled person

18.—(1) Sub-paragraph (2) applies to any renter where, under paragraph 5 of Schedule 3 (moving home: adaptations to new home for disabled person), the renter meets the occupation condition in respect of both the new accommodation and the old accommodation.

(2) The amount of the renter's housing costs element under this Schedule is to be calculated as follows.

Step 1

Calculate an amount in accordance with Part 4 or Part 5 of this Schedule (as the case may be) in respect of both—

- (a) the new accommodation; and
- (b) the old accommodation.

Step 2

Add together the amounts determined in step 1.

Step 3

If a deduction was made for housing cost contributions in respect of both the new accommodation and the old accommodation, take the amount of the housing costs contributions deducted in respect of the new accommodation and add that to the amount resulting from step 2.

(3) In this paragraph, references to “the new accommodation” and “the old accommodation” are to be understood in accordance with paragraph 5 of Schedule 3.

Calculation where renter moves out because of reasonable fear of violence

19.—(1) Sub-paragraph (2) applies to any renter where, under paragraph 6(2) of Schedule 3 (claimant living in other accommodation because of reasonable fear of violence), the renter meets the occupation condition in respect of both the home accommodation and the other accommodation.

(2) The amount of the renter’s housing costs element under this Schedule is to be calculated as follows.

Step 1

Calculate an amount in accordance with Part 4 or Part 5 of this Schedule (as the case may be) in respect of—

- (a) the home accommodation; and
- (b) the other accommodation.

Step 2

Add together the amounts determined in step 1.

Step 3

If a deduction was made for housing cost contributions in respect of both the home accommodation and the other accommodation—

- (c) determine which accommodation the renter normally occupies as their home; and
- (d) take the amount of the housing costs contributions deducted in respect of the accommodation not so occupied and add that to the amount resulting from step 2.

(3) In this paragraph, references to “the home accommodation” and “the other accommodation” are to be understood in accordance with paragraph 6 of Schedule 3.