

Subsidiary Legislation made under s.62.

Housing (Rent Relief) Rules 2009

LN.2009/073

Commencement **26.11.2009**

ARRANGEMENT OF RULES

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SCHEDULE

2007-36

Housing

2009/073

Housing (Rent Relief) Rules 2009

In exercise of the power conferred upon him by section 62 of the Housing Act 2007, the Minister has made the following Rules—

Title and commencement.

1. These Regulations may be cited as the Housing (Rent Relief) Rules 2009 and shall come into operation on the date of publication.

Scope.

2. These Rules apply to dwellings to which Part II of the Housing Act 2007 applies.

Prescribed amount.

3.(1) For the purposes of section 62(1) of the Act and these Rules the prescribed amount shall be an amount calculated by—

- (a) multiplying the minimum hourly remuneration by 37;
- (b) multiplying the result of (a) by 52.2; and
- (c) multiplying the result of (b) by 1.5.

(2) In this rule “minimum hourly remuneration” means the amount which appears in the table in the Schedule to the Conditions of Employment (Standard Minimum Wage) Order, 2001 as the “hourly remuneration”.

Application for rent relief.

4. A person may apply for rent relief where the gross household income does not exceed the amount prescribed under rule 3.

Rate of rent relief.

5. Where the Principal Housing Officer receives an application for rent relief in accordance with the provisions of these Rules he shall apply the formula set out in the Schedule to these Rules to assess the extent of rent relief, if any.

Documentary evidence.

6.(1) An application for rent relief under these Rules shall be accompanied by such documentary evidence as the Principal Housing Officer may require.

(2) Where information requested by the Principal Housing Officer is not supplied or where the Principal Housing Officer establishes that any particular supplied in support of an application is incorrect in any material particular, he may reject that application.

(3) Before authorising the payment of any monies under these Rules the Principal Housing Officer shall ensure that the rent payable does not exceed the statutory rent, and that the circumstances described in rule 7 below do not apply.

Exclusions from rent relief.

7.(1) The persons described in sub-rule (2) of this rule shall not be entitled to apply for, or receive any payment in respect of, rent relief under these Rules.

(2) The persons referred to in sub-rule (1) above are any tenant—

- (i) who is the owner or part owner of the dwelling or of the building of which it forms a part;
- (ii) who is entitled to, actually or contingently, directly or indirectly, legally or beneficially, to ownership of, or any share in the rental or other income from (whether directly or indirectly), the dwelling or the building of which it forms part, including such interests as is held through estates of deceased persons, trusts, companies or any other form of legal entity;
- (iii) who is related to any person which person while not being the tenant otherwise falls within the description in (i) or (ii) above. (In this sub-rule “related” means grandmother, grandfather, uncle, aunt, cousin, mother, father, son, daughter, brother, sister or grandchild);
- (iv) who does not occupy the dwelling as his principal and only residence; or
- (v) who owns any other real estate property whatsoever or has an interest therein.

SCHEDULE

Rule 5

CALCULATION OF RENT RELIEF

Step 1.

The weekly statutory rent (“WSR”) is determined by applying Part II of Schedule 4 to the Housing Act 2007 and after establishing the annual rent payable, dividing that sum by 52.2.

Step 2.

The gross monthly income of the household shall be established and then multiplied by 12 and divided by 52.2 to arrive at the gross weekly income (“GWI”) for the household.

Step 3.

From the total under step 2 subtract the following allowance (“A”)–

- (a) Married over 65 years £64.00
- (b) Single over 65 years £46.00
- (c) Married under 65 years £57.90
- (d) Single under 65 years £36.80

Step 4.

The total, after completing steps 2 and 3 is divided by 4.

Step 5.

Where the application declares any children in the household £0.60 is subtracted from the figure at the conclusion of step 4.

Step 6.

The figure at step 5 is deducted from the weekly statutory rent (determined under step 1) and the total represents the rent relief (“RR”) to be allowed by the Principal Housing Officer.

The foregoing is represented in the formulae below–

$$\text{WSR} - \left(\left(\left(\frac{\text{GWI} \times 12}{52.2} - A \right) \right) - 0.60^1 \right) = \text{RR}$$

¹. This is deducted if the claim includes children.