



Rent

In Housing Benefit, “rent” is a term of art meaning any of the payments that are eligible to be met by Housing Benefit. The meaning of “rent” is not confined to payments that are regarded as true rent under a tenancy by a housing lawyer; conversely some payments that would be regarded as rent by a housing lawyer are not eligible to met by HB (mainly payments under a long tenancy).

Regulation 12(1) of the Housing Benefit Regulations 2006 lists the payments that are eligible to be met by HB, subject to some exceptions set out in Reg 12(2):

(12)

1. Subject to the following provisions of this regulation, the payments in respect of which housing benefit is payable in the form of a rent rebate or allowance are the following periodical payments which a person is liable to make in respect of the dwelling which he occupies as his home -
 - payments of, or by way of, rent;
 - payments in respect of a licence or permission to occupy the dwelling;
 - payments by way of mesne profits or, in Scotland, violent profits;
 - payments in respect of, or in consequence of, use and occupation of the dwelling;
 - payments of, or by way of, service charges payment of which is a condition on which the right to occupy the dwelling depends;
 - mooring charges payable for a houseboat;
 - where the home is a caravan or a mobile home, payments in respect of the site on which it stands;
 - any contribution payable by a person resident in an almshouse provided by a housing association which is either a charity of which particulars are entered in the register of charities established under section 3 of the Charities Act 1993 (register of charities) or an exempt charity within the meaning of that Act, which is a contribution towards the cost of maintaining that association’s almshouses and essential services in them;
 - payments under a rental purchase agreement, that is to say an agreement for the purchase of a dwelling which is a building or part of one under which the whole or part of the purchase price is to be paid in more than one instalment and the completion of the purchase is deferred until the whole or a specified part of the purchase price has been paid; and
 - where, in Scotland, the dwelling is situated on or pertains to a croft within the meaning of section 3(1) of the Crofters (Scotland) Act 1993, the payment in respect of the croft land.
- 2) A rent rebate or, as the case may be, a rent allowance shall not be payable in respect of the following periodical payments -
 - payments under a long tenancy except a shared ownership tenancy
 - payments under a co-ownership scheme;
 - payments by an owner;
 - payments under a hire purchase, credit sale or conditional sale agreement except to the extent the conditional sale agreement is in



MRAassociates[•]

Advisers to Supported
Housing

T - 01475 727 089
F - 07092 882 002
W - www.mrassociates.org

Kingston House,
3 Jamaica Street, Greenock,
Renfrewshire, PA15 1XX.

respect of land; and

- payments by a Crown tenant.
- payments by a person in respect of a dwelling where his partner is an owner of that dwelling.