



TULLAMORE TOWN COUNCIL

Scheme of Letting Priorities For Social Housing Accommodation

Section 11 of the Housing Act 1988

*Adopted at Council Meeting held on the 8th April, 2010
Approved by the Minister for the Environment, Heritage & Local Government
on the 17th August, 2010*

1. Introduction

Section 11 of the Housing Act 1988 requires each Housing Authority to prepare a Scheme of Priorities for the letting of social housing accommodation. The purpose of this Scheme is to provide a means for determining the order of priority to be accorded in the letting of accommodation, to persons whose need for accommodation has already been established through their inclusion in the most recent assessment of housing needs or their acceptance afterwards for inclusion in the next such assessment.

To be eligible for inclusion in the assessment, an applicant must be in need of accommodation and be unable to provide it from their own resources. The terms of this scheme will apply to the allocation of social houses that are directly built or acquired by the housing authority under the Housing Acts 1966 to 2009 including social housing units acquired by the local authority under Part V of the Planning and Development Act 2000 as amended, social housing units which are not in the ownership of the housing authority but which are provided under a contract or lease between the housing authority and the owner concerned and dwellings owned and provided by approved bodies to whom assistance is given under section 6 of the Act of 1992 for the purposes of such provision, for which the housing authority has nomination rights.

2. Conditions for Application

1. In general, applicants for housing must be 18 years of age or over, be resident in the state or have a right to be resident in the state, at the date of application.
2. The standard housing application form must be completed in full. Incomplete application forms will be returned to the applicant.
3. When a fully completed form has been assessed by the Town Council, the applicant will be required to attend for interview to discuss the application in more depth.
4. Applications on medical grounds must be accompanied by documentation from a General Practitioner or Consultant confirming the details of the medical condition and how it is relevant to the applicants housing need.
5. Applications may be referred to Environmental Health Officers of the Midland Region Health Services Executive and the contents of such a report will form the basis of determining the applicants eligibility for inclusion on the housing list.
6. The council reserve the right to discuss any application for accommodation with An Garda Siochana in the interests of good estate management. All housing applications will be vetted on estate management grounds. The vetting process may also involve consultation with local Residents Associations. Applicants found to have engaged in anti-social behaviour in the preceding two years may have their application removed from the housing list.
7. The council reserve the right to refuse consideration of any application where the applicant has given false or misleading information.

8. Upon assessment of application, applicants may be referred to alternative housing options such as the Improvement works in lieu of re-housing scheme, affordable housing or a shared ownership loan.

3. Termination of Application

Tullamore Town Council reserves the right to terminate an application in the following circumstances:-

- a) Failure to provide information necessary to enable a proper assessment of the application.
- b) Failure by applicant to attend without prior notification for assessment/interview on more than two occasions.
- c) Failure to update or renew an application when requested to do so by the council. This will generally be required at least once a year.

4. General Order of Priority

The council generally apply the following order of priority in the letting of dwellings using the points system outlined in **Appendix 1**:-

- Persons who are homeless
- Persons living in unfit accommodation
- Persons living in overcrowded accommodation
- Persons sharing involuntarily with family, relatives or other persons
- Persons in need of accommodation on medical/compassionate grounds
- Persons who are elderly
- Persons with a disability or special needs
- Unable to meet the cost of accommodation from own resources
- Persons whose need for housing has been established and their inclusion in the most recent assessment of housing need or their acceptance thereafter for the next assessment

In applying the terms of the scheme to applications, the council shall also have regard to other relevant factors including:

- The family and financial circumstances of the applicant and dependants
- Standard and adequacy of the applicant's existing accommodation and the type/standard of accommodation required for applicant and dependants
- Applicants length of time on the waiting list. This will be calculated from the date the original application was completed and accepted for inclusion on the housing list.
- Applicants previous tenancy record with any local authority or voluntary housing association (if applicable)
- The council may reduce the priority of an applicant where there is reason to believe that the applicant has deliberately or without good and sufficient reason, done or failed to do anything (other than an action or omission in good faith) in consequence of which the accommodation they are so occupying is less suitable for their adequate housing than other accommodation which it would have been or it would be reasonable for them to occupy

5. Emergency Lettings

Where the need for accommodation arises from an emergency, the council may make a letting to that person as it considers necessary, notwithstanding the General Order of Priority as set out in No.4 above.

6. Specified Categories of Need

The council may from time to time set aside for specific categories of applicants, a particular number or proportion of social housing units becoming available to the authority for letting. Such allocations will be made in line with the policy objectives contained in the council's multi-annual programme for Social and Affordable Housing and taking into account the achievement of social integration and a good social mix. The specified categories are:

- Members of the Travelling Community
- Homeless
- Elderly
- Single Applicants
- Applicants with special needs requiring a purpose built dwelling to suit their needs

A minimum of 10% of all new developments will be set aside for the above categories. This provision is subject to the accommodation being suitable to meet the needs of the particular approved applicants and sufficient demand from the category of applicants in question. This provision does not prevent the designation of specific schemes for specified categories of applicants from time to time e.g. housing scheme for the elderly, group housing scheme for Travellers.

7. Housing applications from Former Tenants

Applications may be accepted from former tenants of a local authority house or from those housed under the Rental Accommodation Scheme / Leasing Scheme where the following conditions are complied with:

- Previous tenancy was not abandoned
- Any rent arrears outstanding must be cleared in full (Subject to s.20 (5)(a)(b) Housing (Miscellaneous Provisions) Act 2009)
- There is a satisfactory previous tenancy record
- There is no history of anti-social behaviour
- Applicants must be considered and assessed as in need of housing.

8. Elderly Property Owners

Housing applications from elderly persons who are owners of sub-standard, unsuitable private dwellings and who are unable to improve their standard of accommodation from within their own resources, may be considered for tenure of a local authority house subject to the following conditions:

- a) The Council is given the option to purchase their existing dwelling at a cost of 50% of the market value.
- b) If the Council do not wish to acquire the dwelling, the dwelling will be sold on the open market by the applicant and 50% of the sale proceeds will be paid to the Council.

Both parties will be required to obtain their own separate independent valuations in relation to option (a) above. The applicant will nominate selling agent in relation to option (b). The applicant will also be required to obtain independent legal advice before entering into any such agreement with the council.

9. Separated/Divorced Applicants

Where applicants have been joint owners/tenants of a property but are not living in the property due to a separation/divorce, legal evidence will be required as to their current interest (if any) in the property. Where the applicant is claiming to have responsibility for dependants, such dependants must normally be permanently residing with the applicant. Legal evidence of custody/guardianship arrangements will also be required in support of the application.

10. Tenancy Agreements

It should be noted that all offers of accommodation are provisional until the tenancy agreement has been signed by both parties. A tenant handbook outlining the roles and responsibilities of both the tenant and the local authority will issue to all new tenants.

11. Joint Tenancies

Tenancies will normally be in the joint names of husband and wife or partners but the council may put the tenancy in the sole name of either party in exceptional circumstances. In cases other than husband and wife or partners, joint tenancies may be created where it is considered appropriate.

12. Succession / Transfer of Tenancy

Where the death of a tenant takes place that tenancy will normally be transferred / assigned to any surviving spouse/partner in the first instance.

On the death of both parents the tenancy will normally be assigned to a son or daughter provided that he/she has been living in the dwelling for at least two years immediately prior to the death of the tenant(s) and has been declared for rent purposes during this period.

Where there is more than one eligible member of the household remaining in the dwelling who have each applied for the succession of tenancy the tenancy will normally be assigned to the most appropriate person in the interests of good estate management.

A grandchild, nephew or niece who has resided in the dwelling for at least two years and has been declared for rent purposes during this period immediately prior to the death of the tenant(s) may be allowed to succeed where there is no son or daughter eligible to succeed and where the dwelling size is appropriate to his/her needs. A person who has not been declared for rent purposes for at least two years will not be considered for succession of tenancy.

In all applications for succeeding tenancy, any rent arrears on the dwelling must be cleared in full or a suitable arrangement is in place to clear the arrears before becoming eligible to succeed the tenancy.

13. Surrender / Abandonment of Local Authority and Voluntary Housing Dwellings

Tenancies must be surrendered in writing by each tenant using the approved Surrender of Tenancy form and the keys of the property surrendered immediately to an official of the Town Council. All rents due must be cleared in advance of Surrender of Tenancy.

In the event that a person has been adequately housed by Offaly Local Authorities under any social housing option or any other local authority / voluntary housing association and they choose to surrender or abandon that accommodation, a new application for housing will not be accepted by Tullamore Town Council for two years from the date of vacation, unless the applicant can provide evidence which would deem their surrender / abandonment exceptional.

In all cases where costs, over and above normal wear and tear, have been incurred by the local authority in carrying out repairs to the tenant's former dwelling an application for housing will only be considered in the event that the former tenant refunds costs to the Council in full.

Subject to s.20 (5)(a)(b) Housing (Miscellaneous Provisions) Act 2009) the rent account on a previous tenancy must be clear or a satisfactory arrangement acceptable to the local authority is made to clear any arrears due before an applicant is considered for inclusion on the housing list.

14. Refusal of Housing Offer

All refusals of offers of accommodation under any social housing option must be received in writing from the applicant outlining the specific reasons why the offer is being refused. In the event that an offer of accommodation is refused, Tullamore Town Council reserves the right to remove that applicant from the housing list if the grounds for the refusal are considered unreasonable and not deemed to be for legitimate reasons.

Reasonable grounds for refusal include:

- medical suitability
- outside area of preference
- family size suitability
- other exceptional circumstances e.g. (e.g. on grounds of anti social behaviour, where a Garda Superintendent has stated that there is a risk to personal safety)

A new application will not be considered for at least a 2 year period following removal from the waiting list. If an applicant supplies sufficient grounds for refusing an initial housing offer, they will be entitled to one more offer of accommodation. A second refusal will result in the removal of the applicant from the housing list and a new application will not be considered for at least a 2 year period.

15. Transfers

Transfer requests from tenants will only be considered in the following circumstances, upon receipt of a completed Transfer Request application form.

- (a) Overcrowding
- (b) Downsizing

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- (c) Medical grounds
- (d) Other exceptional circumstances (e.g. on grounds of anti social behaviour, where a Garda Superintendent has stated that there is a risk to personal safety)

(Supporting evidence and independent validation to support the application will be required particularly in the case of (c) and (d) above)

The tenant making the application must also comply with the following criteria:

- a) Rent account on current dwelling must be up to date and subject to s.20 (5)(a)(b) Housing (Miscellaneous Provisions) Act 2009)
- b) Current dwelling has been kept and maintained in a satisfactory manner and is being handed back to Tullamore Town Council in an acceptable condition
- c) The tenant(s) must not have engaged in any act of anti-social behaviour whilst a tenant of a local authority or voluntary housing association
- d) Tenant(s) must have complied with the terms of the Tenancy Agreement at all times
- e) Applicant must be a tenant of a local authority dwelling for a minimum of 2 years.

Applicants will be notified of the outcome of their application within 15 days after assessment.

Mutual Exchange of Tenancies

Applications for mutual transfers between two tenants either within Tullamore or from another local authority area may also be considered and will be assessed in line with the compliance criteria outlined below. Terms and conditions must also be mutually agreed where the transfer involves two separate housing authorities or a voluntary housing association. Approval for a Mutual Exchange will only be considered by Tullamore Town Council where the following conditions are complied with:

- Both parties must have maintained a clear rent account for at least six months prior to the application being made and subject to s.20 (5)(a)(b) Housing (Miscellaneous Provisions) Act 2009).
- All conditions of the Tenancy Agreement must be complied with and the property maintained in good condition.
- In the opinion of the Council, the exchange must result in both tenants being appropriately accommodated, i.e. the size of the properties is suitable for the size of both families.
- The tenants must not have engaged in anti-social behaviour in the previous three years.
- The tenants must have resided in their current dwelling for at least two years.
- Applicants who are approved for a Mutual exchange will not be considered by Tullamore Town Council for a further Mutual Exchange for a minimum of 1 year following the Mutual Exchange save in exceptional circumstances.
- Where Tullamore Town Council is satisfied that there has been any financial gain by either party as a direct result of the Mutual Exchange, the application will be refused and removal from the transfer list will be immediate.
- Properties which have been specially adapted for elderly or disabled persons can only be exchanged by persons assessed as having a requirement for such a property.
- The Council will not approve exchanges where overcrowding will result.
- If the tenant applying for the Mutual Exchange is a joint tenant, agreement must be given by both joint tenants.

Nothing shall prevent the Council from transferring tenants to another dwelling in the following situations:-

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- Where there is a risk to the health and safety of the tenants
- For reasons or redevelopment or regeneration in the area (e.g. Remedial Works Scheme)

16. Illegal Occupation of Local Authority Dwelling

Applicants who take up illegal occupation of a local authority dwelling or approved voluntary housing association dwelling will not be considered for tenancy of any local authority dwelling or approved voluntary housing association dwelling

17. Differential Rent Scheme

Tenants are required to pay a weekly rent in accordance with the Council's Differential Rents Scheme which is based on household income and the type of accommodation provided by the local authority.

18. Pre-Tenancy Induction & Estate Management

Applicants offered tenancies in new housing schemes will be required to complete a pre-tenancy training course prior to moving into their new home. Failure to participate in this training may result in the withdrawal of the provisional offer of accommodation.

Tullamore Town Council employs a Community Liaison Officer, one of whose functions is to encourage and facilitate tenant participation in estate management. All tenants are actively encouraged to become involved with their local Residents Association which in the case of a new development is generally formed during the pre-tenancy training.

19. Provision of False Information

Applicants who provide false or misleading information in their application or who withhold relevant information will automatically have their application terminated. A new application will only be considered whereby the applicant can prove to the satisfaction of the council that the new information being submitted is true and accurate.

20. Appeals

An applicant has the right to appeal if they are not satisfied with the manner in which their application has been dealt with. Appeals should be made in writing to the Town Clerk, Tullamore Town Council using the Council's Complaints Form available from the Town Hall.

The final decision on an appeal will be made by the Director of Services/Town Manager in the case of a dispute with the findings of the Town Clerk.

21. Applicants who have had Homes Repossessed

The Council will accept and consider applications from people who have had their privately owned family home formally repossessed by a financial institution or approved lender i.e. keys handed back and the house vacated. Appropriate supporting documentation will be required in such instances.

22. Offers of Accommodation to persons residing outside the County

Tullamore Town Council will accept housing applications from people resident outside of its functional area. However, the Council reserves the right not to offer accommodation to any applicant resident outside the County.

23. Applicants Evicted from Rental Accommodation Scheme

Where a previous tenant of RAS accommodation has been evicted for either anti-social behaviour, rent arrears or non-maintenance of property, the following will apply:

- Their social housing application will be closed for a period of two years and in the event of rent arrears may be reconsidered subject to full repayment of any arrears outstanding.
- The applicant will not be entitled to homeless services from Offaly Local Authorities as they have rendered themselves homeless.

24. Property Ownership

Applications from persons who have previously sold a dwelling or an interest in same will only be considered where the Council is satisfied both with the reasons for the sale put forward by the applicant and with the disposal of any net financial surplus which accrued to the applicant or to a member of his/her household.

The applicant will have to satisfy the Council that it is impossible for the applicant to provide or to have provided adequate accommodation from his/her own resources.

Points Awarded to Approved Housing Applicants

Category	Points Awarded
Medical Grounds	
(a) Not relevant to housing needs	0
(b) Minor	2
(c) Moderate	4
(d) Severe	8
Unfit Dwelling (As per definition in Housing Acts)	
(a) Marginally Unfit	5
(b) Moderately Unfit	10
(c) Grossly Unfit	15
Overcrowding (As per definition in Housing Acts)	
(a) Sex overcrowding <i>(2 points per person up to a maximum of 8 points)</i>	Max 8
(b) Cubic capacity overcrowding <i>(6 points per person up to max of 12 points)</i>	Max 12
Materially Unsuitable	
(a) Involuntary sharing of facilities	4
(b) Inadequate Access (applicants with special needs)	4
No. of Children	
2 Points for each dependent child	
No. of Years on Waiting List (calculated from date of receipt of fully valid application)	
2 points per full year since valid application received up to a max of 6 points	Max 6
Compassionate or Hardship Grounds (Awarded at discretion of Housing Officer)	
(a) Elderly Persons in remote area	10
(b) Social, Domestic & Family Considerations	10
(c) Economic, Rental & Tenure Problems	10
Discretionary Grounds (Awarded at discretion of Housing Officer based on available facts)	
Exceptional Circumstances	Max 30
Discounted Points	
Refusal of Offer of Accommodation - 5 Point deducted for each refusal up to a maximum of 10 points <i>(application removed from housing list after 2 refusals)</i>	Max - 10
History of Anti-Social Behaviour	-20
Providing misleading or false information or deliberate worsening of circumstances	-10