



OFFALY COUNTY COUNCIL

Scheme of Letting Priorities For Social Housing Accommodation

Revised 23rd May 2017

**Housing (Miscellaneous Provisions) Act 2009
(Section 22)**

**Social Housing Allocation Regulations 2011
(SI. No. 84 / 198 of 2011 as amended by SI. No. 136 of 2011
and SI. No. 321 of 2011)**

1. Introduction

Section 22 of the Housing (Miscellaneous Provisions) Act 2009 and Social Housing Allocation Regulations 2011 (SI No. 84 / 198 of 2011 as amended by SI. No.136 of 2011 and SI. No.321 of 2011) requires the local authority to determine eligibility for social housing supports by way of its 'Allocations Scheme' and to determine the order of priority to be accorded in the allocation of dwellings of which a housing authority is the owner, or of which the housing authority is not the owner and which are provided under the RAS / Leasing Scheme and dwellings provided by approved housing bodies with Exchequer funding under section 6 of the Act of 1992 for the purposes of such provision.

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 also apply to the proportion of tenants for which the local authority has nominating rights in relation to voluntary housing projects.

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 housing department, the applicant may 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 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 eligibility of the applicant(s) for inclusion on the housing list.
6. The council reserve the right to discuss any application for accommodation with an Garda Síochána 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 the local Residents Association. 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

Offaly County 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. Basis and Categories of Need

The following are the basis of need under which all households applying for social housing will be considered:

- Dependent on rent supplement
- Disability Requirement – Intellectual
- Disability Requirement – Physical
- Disability Requirement – Sensory
- Disability Requirement – Mental Health
- Homeless, Institution, Emergency, Accommodation or Hostel
- Unsuitable – Exceptional Medical or Compassionate Grounds
- Overcrowded
- Unfit
- Involuntary Sharing
- Unsuitable - Particular Household circumstances
- Concluded that Mortgage is unsustainable

Every applicant must be in a position to demonstrate that they have a housing need under one of the above headings in order to be included on the waiting list.

5. 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 with a clearly defined and documented disability or special need
- Persons unable to meet the cost of accommodation from own resources and are dependent on state support
- Persons who are home owners but where it has been determined that their mortgage is unsustainable
- 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
- Approved applicants who have expressed a preference solely for single rural type accommodation and who are in a position to provide a suitable site for the purpose of constructing the dwelling, will be facilitated where practicable

6. 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.

7. 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.

8. Choice Based Letting (CBL)

In line with Regulations 6 – 11 of Social Housing Allocation Regulations 2011 (SI No. 198 of 2011) Offaly County Council may from time to time designate specific properties for letting under CBL.

CBL properties will be designated for use for CBL by Manager's Order. There will be an open and transparent means for advising households of the availability of designated properties. Where more than two households of the same class bid for a property, the decision on which should get the new tenancy will follow the priorities set out in the Allocation Scheme. The refusal of a property following an offer under CBL will mean that the household concerned will not be considered for another CBL offer for 12 months.

9. 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.

A household with outstanding rent arrears from a previous local authority tenancy shall be considered only for social housing supports other than local authority or incremental purchase or RAS accommodation, where the household has entered into an arrangement with the authority to pay off the arrears. In order to be considered for the full range of housing supports, the household must not only enter into an arrangement with the authority to pay off the arrears but must be in substantial compliance with the terms of the arrangements, i.e. they must be actually paying off the arrears.

Applications for local authority or incremental purchase or RAS accommodation from households that damaged their previously rented local authority dwelling and have neither repaired the damage or paid for the cost of repairing it, or had their tenancy agreement terminated because they breached its terms may be considered for the full range of supports where the Council is satisfied that there are exceptional circumstances and to do so does not conflict with good estate management.

10. Elderly Property Owners

Housing applications from elderly persons who are residing in and 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.

11. 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.

12. Tenancy Agreements

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

13. 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.

14. 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 and each have 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.

15. 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 Housing Department. 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 Offaly County 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.

16. 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.

Two refusals of reasonable offers of social housing, over a twelve month period and within areas of choice, except in emergencies, etc., will result in a household being deemed to have forfeited its place on a waiting list for a period of 12 months.

Two refusals will also mean that a household may lose rent supplement. This will mean that the household will not be offered social housing for the suspension period and this period will not subsequently count for 'time on list' purposes.

The refusal of an offer made under Choice-Based Letting is not counted as a refusal for the purposes of the general refusals policy of Social Housing, Choice-Based Letting and the Time on List approach to prioritising households for allocation purposes.

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 household suspended from a waiting list for 12 months because it refused 2 reasonable offers of accommodation cannot be entered on the waiting list of another housing authority during the suspension period. Thus, while a suspended household may, during the suspension period specify an area of choice in the area of a housing authority from which it was not qualified for support at the time of suspension, the said household, if found to be qualified for support from that authority, shall not be entered on its waiting list during the suspension period.

Similarly, a suspended household that, during the suspension period and in accordance with the assessment Regulations, submits a fresh application to a housing authority in another application area (thus withdrawing its original application for support) and is found to qualify for support, shall not be entered on the waiting list of any new housing authority during the suspension period.

17. 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
- (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 Offaly County 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.

18. Transfers from RAS tenants

A Rental Accommodation Scheme property is a legitimate social housing support and as such all applicants who secure such support are deemed to have had their housing needs adequately met. RAS tenants will continue to be included on the social housing list and time in RAS will be considered as time on the waiting list in the context of any future changes to the Scheme of Letting Priorities whereby 'time on the list' is a consideration for allocation of a Council house.

Offaly County Council will keep RAS tenant applications open as transfer requests in the event that they satisfy the transfer application criteria at some point subsequent to acquiring the RAS property e.g. if they develop a medical condition that deems the existing property unsuitable, if the property becomes too small / too large for the tenant, etc.

19. Mutual Exchange of Tenancies

Applications for mutual transfers between two tenants either within Offaly 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 Offaly County 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 Offaly County Council for a further Mutual Exchange for a minimum of 1 year following the Mutual Exchange save in exceptional circumstances.
- Where Offaly County 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:-

- 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)

20. 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

21. 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.

22. Pre-Tenancy Induction & Estate Management

Applicants offered tenancies 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.

Offaly County Council employs a Housing 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.

23. 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.

24. 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.

In addition, and in line with S.I No. 321 of 2011, where a household provides written confirmation to the housing authority that its mortgage has been deemed unsustainable under the Mortgage Arrears Resolution Process set out in the Code of Conduct for Mortgage Arrears 2011 issued under section 117 of the Central Bank Act 1989 (No. 16 of 1989), the housing authority may carry out a needs assessment, even though the household may remain the legal owners of the property at that point in time (i.e legal proceedings to repossess may not yet have been instituted by the lender).

25. Applicants residing in a Mobile Home

Before placing an applicant residing in a mobile home located within the boundaries of the family home on the housing list, the number of persons living in the family home will be ascertained for the purpose of verifying that the household has to reside in the mobile home because of overcrowding or for other valid reasons.

26. Offers of Accommodation to persons residing outside the County

Offaly County Council will accept housing applications from people resident outside of its functional area. Such applicants will be required to provide details of any local connection e.g. employment, educational needs, relatives in the area, etc. However, the Council reserves the right not to offer accommodation to any applicant resident outside the County.

In most cases, in order to apply for social housing support, a household must live in, or have a local connection with, the area of the housing authority of application. If on review, such a household does not meet either requirement, it will be sufficient for qualification purposes for the household to either live in, or have a local connection with, the area of any housing authority in the application area.

27. Applicants Evicted from RAS / Leasing Scheme

Where a previous tenant of RAS / Leasing Scheme 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.

28. 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.

29. Review of Assessment

A review of a social housing assessment shall involve a determination of whether the household concerned qualifies, or continues to qualify, for social housing support from each housing authority in the application area in respect of which the household has, at the time of the review, specified an area of choice. A housing authority shall have the same powers in reviewing a social housing assessment as a housing authority of application has in carrying out a social housing assessment.

Offaly County Council may where it becomes aware of changes in household circumstances or of other information relevant to the social housing assessment carried out in respect of a qualified household, or whenever it considers it appropriate, review the social housing assessment carried out in respect of the household.

Where Offaly County Council is considering the provision, or the facilitation of the provision, of social housing support to a qualified household, it shall review the social housing assessment carried out in respect of that household.

Where Offaly County Council determines a household's qualification for social housing support following a review of a social housing assessment, it shall forthwith notify the outcome to the household and each housing authority concerned. Where a housing authority determines that a household does not qualify for social housing support from one or more than one authority in the application area, the notification of the outcome of the review shall, in each case, set out the reason therefor.

30. 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 Senior Executive Officer, Housing Section using the Housing Department's complaint form. This form is available from the Housing Department.

The final decision on an appeal will be made by the Director of Services in the case of a dispute with the findings of the Senior Executive Officer.

Appendix 1

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 .	
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
Damage to Property	
Minor damage caused by a former tenant	-10
Extensive damage caused by a former tenant	-20