



Comhairle Contae Thiobraid Árann
Tipperary County Council

HOUSING ALLOCATIONS SCHEME (Scheme of Letting Priorities)

**Adopted by Tipperary County Council Elected Members on 13th
September 2021**

- Section 1: Introduction**
- 1.1 The Purpose of the Scheme**
 - 1.2 Which Houses does the Scheme apply to?**
 - 1.3 Designation of Particular Dwellings**
 - 1.4 Exceptions**
 - 1.5 Ratio for Allocation of Vacancies**
- Section 2: Housing List**
- 2.1 Manner in which dwellings are allocated**
 - 2.2 Waiting Time**
 - 2.3 Housing Areas**
 - 2.4 Assessment of Bedrooms Required**
 - 2.5 Children in Shared Custody/Access**
 - 2.6 Requests for Extra Bedrooms**
 - 2.7 Refusal to Allocate**
 - 2.8 Allocation Conditions**
 - 2.9 Determination of Basis of Need**
 - 2.10 Change in Circumstances**
- Section 3: Transfers**
- 3.1 Grounds for Transfer Applications**
 - 3.2 Transfer Requirements**
 - 3.3 Exceptional Transfers**
 - 3.4 Applications from tenants of AHBs or Other Local Authorities**
 - 3.5 Extensions to Local Authority Dwellings**
- Section 4: Approved Housing Body (AHB)**
- 4.1 Nomination**
- Section 5: Homeless**
- 5.1 Homeless Persons**
 - 5.2 Consideration of Basis of Need**
 - 5.3 Determination of Social Housing Support**
 - 5.4 Housing First**
 - 5.5 Young People Leaving Care**
 - 5.6 People Leaving Prison**
- Section 6: Succession to Tenancy**
- 6.1 Succession to Tenancy**
 - 6.2 Allocation Conditions for Succession**
 - 6.3 Existing Local Authority Tenancies**
- Section 7: Refusals of Tenancy**
- Section 8: Choice Based Letting**
- Section 9: General**

Section 1 Introduction
--

1.1 The Purpose of the Scheme

The purpose of the Allocation Scheme is to determine the basis for prioritising the allocation of all housing support to persons hereunder:

- a. persons assessed as being qualified for social housing support in accordance with Section 20 of the Housing (Miscellaneous Provisions) Act, 2009 (and associated regulations);
- b. persons transferring from a Tipperary County Council (TCC) tenancy or other housing support including Approved Housing Body (AHB), Social Housing Leasing Initiative, Rental Accommodation Scheme (RAS) and Housing Assistance Payment (HAP) **and**, including transfers to new dwellings being purchased under the Incremental Purchase Scheme.

1.2 What Houses does the Scheme apply to?

Dwellings provided under the Housing Acts 1966 to 2009 (and as amended) or Part V of the Planning and Development Act 2000 (and as amended)–

- a. of which the housing authority is the owner,

or

- b. of which the housing authority is not the owner and which are provided under a contract or lease between the housing authority and the owner concerned, including rental accommodation availability agreements and leasing

and

- c. dwellings owned and provided by Approved Housing Bodies (AHBs) to whom assistance is given under section 6 of the Housing Act 1992 for the purposes of such provision.

1.3 Designation of Particular Dwellings

The following special conditions shall apply in respect of the Allocation Scheme for the Letting of Dwellings:

The housing authority may, from time to time, as they see fit, designate a particular number or proportion of dwellings becoming available to the Authority for allocation for all or any of the following purposes:

- a. allocation to particular classes of household as set out hereunder, e.g. persons with disabilities, thus affording priority in the allocation of those dwellings to approved households in the relevant category of need;
 - i. **People with Disabilities:** Including physical, sensory, intellectual/learning or mental health disability.
 - ii. **Traveller Households:** Households who wish to be housed in standard Local Authority/AHB/LTL/RAS social housing accommodation and/or in traveller specific accommodation. Accommodation under this category will be provided in accordance with the Council's Traveller Accommodation programme.
- b. allocation to households transferring from other forms of social housing support (e.g. RAS Units, Voluntary Housing Units) and leased units;
- c. for particular forms of tenure, including an Incremental Purchase dwelling - the procedure applied by the housing authority for an Incremental Purchase Scheme will be as set out in Part 3 of the 2009 Act and the Housing (Incremental Purchase) Regulations 2010 (S.I. No. 252 of 2010). Properties are designated by Manager's Order for use for Incremental Purchase Schemes
- d. for allocation under Choice Based Lettings (CBL)
- e. for allocation under Housing First
- f. for allocation under START
- g. for allocation as emergency accommodation
- h. for allocation under licence type agreements
- i. for allocation for community use
- j. for any other programme for specific cohorts of vulnerable persons as determined by Members

1.4 Exceptions

The housing authority may disregard the order of priority given to a household under an allocation scheme where the household is being provided with social housing support in the following circumstances: -

- persons in need of accommodation arising from specified exceptional circumstances, including displacement by fire, flood or any other emergency, development, redevelopment or regeneration of an area by the housing authority, or exceptional medical or exceptional compassionate grounds;
- in a dwelling let to the household under a Chapter 4 tenancy agreement having been assessed under Section 20 (3), i.e. RAS accommodation.

In the allocation of RAS accommodation, the Housing Authority will have regard to the length of time a household has been in receipt of rent supplement; the length of time a household has been on the waiting list for social housing support, or a combination of both; and will be subject to the terms set out at 2.7 Refusal to Allocate.

1.5 Ratio for Allocation of Vacancies

Vacancies will be allocated on a pro-rata basis whereby 60% of vacancies will be allocated from the housing list and 40% will be allocated from the transfer list.

Tipperary County Council are conscious that a significant number of applicants whom are approved on the basis of "unsuitable accommodation – particular household circumstances" have been approved for over 5 years. In order to address this, at least 10% of vacancies within each of the lists will be allocated based on length of time on the list.

Section 2 Priority Need for Social Housing Support

2.1 The manner in which dwellings are allocated

Applicants assessed as being qualified for social housing support are placed on the Housing List.

The list of qualified households will be prioritised in the following order:

a) preference shall be given to applicants living in dwellings deemed to be dangerous as defined in Section 3 of the Sanitary Services Act, 1964 or being displaced by operations of the Local Authority
b) preference shall be given to applicants deemed to be homeless under Section 2 of the Housing Act, 1988
c) preference shall be given to applicants living in dwellings deemed to be unfit as defined in Section 66 of the Housing Act, 1966
d) preference shall be given to applicants with exceptional medical/compassionate grounds
e) preference shall be given to applicants living in dwellings deemed to be overcrowded as defined in Section 63 of the Housing Act, 1966
f) preference shall be given to applicants in need of housing who are deemed to have a need based on disability – physical/mental health/sensory/intellectual
g) preference shall be given to applicants in need of housing who are living in unsuitable accommodation having regard to the particular household circumstances in accordance with 23 (f) Social Housing Assessment Regulations 2011
h) preference shall be given to applicants in need of housing who are dependent on Rent Supplement
i) preference shall be given to persons who are sharing accommodation with another person or persons and who, in the

opinion of the Housing Authority, have a reasonable requirement for separate accommodation
j) preference shall be given to persons who are, in the opinion of the Housing Authority, not reasonably able to meet the cost of their mortgage and are unable to obtain suitable affordable alternative accommodation

2.2 Waiting Time

Whilst allocations will be made in accordance with the above order of priority, where a number of applicants fall within the same category, regard shall be had to length of time that has elapsed since the applicant qualified for inclusion as a qualified applicant for housing by the housing authority.

2.3 Housing Areas

An applicant may select up to 3 areas for consideration within the Tipperary County Council functional area.

An applicant may only change/amend areas of choice once in any 12 month period.

2.4 Assessment of Bedroom Requirement

Overcrowding is deemed to exist where two persons of opposite sex, not being spouses or partners and both aged 10 years or over sleep in the same room due to lack of accommodation.

When assessing need for accommodation based on overcrowding, the application will be assessed on the following basis:

Household Composition	No. Of Bedrooms
Single Person, Couple	1
Single Parent/Couple with 1 or 2 children under 10	2
Single Parent/Couple with 3 or 4 children under 10	3
Single Parent/Couple with 5 or 6 children under 10	4

Once a child is aged over 10, the requirement for an additional bedroom will be examined.

2.5 Children in Shared Custody/Access Arrangements

Tipperary County Council will assess separated parents with partial custody/access arrangements and the following will apply to assignment of bedroom need:

- a) Children of parents living apart will be recorded in the assessment of each parent (providing they submit the relevant documentation) but the type and extent of accommodation which they require will be assessed taking into consideration the extent to which their needs are met in the household of the other parent.
- b) Tipperary County Council assigns multiple bedroom unit requirements to the parent with whom the children reside for the greater part and a reduced number of bedrooms to the other parent.

2.6 Requests for Extra Bedrooms

A request for an extra bedroom (additional to that which would be ordinarily required by a household of the applicant's size) on exceptional medical grounds for the purpose of a carer to stay in the house at night may be considered and be assessed on a case by case basis by TCC, who may seek a recommendation from the appointed medical officer, having regard to medical reports submitted.

This will be facilitated on an exceptional needs basis only.

2.7 Refusal to Allocate

Notwithstanding anything contained in the Housing Acts 1966 to 2009 or in an Allocation Scheme made under section 22 of the 2009 Act, the housing authority may use its right under Section 14(1) (as amended) of the Housing (Miscellaneous Provisions) Act, 1997 to refuse to allocate or defer the allocation of a dwelling to a person where -

- a) The authority considers that the person is/has been engaged in anti-social behaviour or that an allocation to that person would not be in the interest of good estate management, or
- b) The person fails to provide information, including information relating to persons residing or to reside with that person, which is requested by the housing authority and which the authority considers necessary in connection with an application for an allocation
- c) Subject to any further provisions contained within the housing authority's adopted Anti-Social Behaviour Strategy.
- d) Where an allocation is deferred as a result of anti social behaviour, the deferral shall continue until such time as the Local Authority is reasonably satisfied that the anti social behaviour is unlikely to re-occur in the future.

- e) Where a person illegally occupies a Local Authority dwelling, he/she shall not be considered for allocation of social housing supports for a period of 5 years. This 5 year period will not be reckonable as time on list when being considered for vacancies in the future.
- f) Where an applicant for housing assistance has voluntarily surrendered social housing they may not be considered for Social Housing Support for a period of 3 years from the date of the said surrender except in the case of permanent marriage dissolution or relationship breakdown, whereby an application may be considered after a period of 12 months.
- g) Where an applicant for housing assistance has abandoned social housing they may not be considered for Social Housing Support for a period of 5 years from the date of the said surrender
- h) Where a former tenant has caused damage to a Local Authority property and is now seeking rehousing, no consideration will be given to the application until such time as the cost of repair of the dwelling (excluding normal wear and tear) has been repaid and for a period of 3 years.

2.8 Allocation Conditions

- a) Allocations may be subject to a report by the relevant Community Liaison Officer (CLO) having regard to the past history of the applicant and the principles of good estate management.
- b) All applicants whom have been allocated a property and have accepted same must complete Pre Tenancy Training prior to taking up occupation of the accommodation (unless exempted from doing so for exceptional reasons and in such scenarios, tenancy training to occur within the 1st three weeks of occupation).
- c) Any applicants whom are currently living in an unauthorised mobile home/caravan, of which they are the owner/occupier **MUST** remove same (or arrange to have same removed if not the owner) prior to taking up tenancy in the allocated dwelling and dispose of to an acceptable facility as indicated in writing by the LA. In the event that this is not complied with, Tipperary County Council will arrange for the removal of same and will retrieve cost of disposal from the applicant.
- d) In certain circumstances, it may be necessary to offer an applicant a temporary tenancy. In this instance, the applicant remains on the transfer list and will be considered for vacancies in their areas of choice subject to a satisfactory tenancy and no change in circumstances.

- e) Applicants may be allocated a dwelling subject to engagement with Tenancy Sustainment Services – the requirement for TSS will be determined by the individual’s circumstances.

2.9 Determination of Basis of Need

- a) The housing authority may, in certain circumstances, disregard any applicant’s present accommodation and circumstances, if the Council has reason to believe that the applicant has, deliberately or without good cause and sufficient reason, remained in or taken occupation of unsuitable accommodation primarily to improve the prospects of obtaining a tenancy from the Council or sought to significantly worsen their financial situation through reduced working hours or through other means.
- b) Where priority is claimed on Disability/Medical Grounds, the applicant shall submit a fully completed HMD Form, signed by 2 Healthcare Practitioners.
 - i. Only medical evidence relating to persons included on the application will be assessed. Medical evidence relating to other occupants in the dwelling will not be considered.
 - ii. Approval on the basis of disability or medical will only be awarded where an offer of housing would in a material way improve or stabilise the health or disability of the applicant, relieve the condition from which they are suffering and/or significantly improve their ability to cope with that condition.
 - iii. Where priority is awarded, this priority may cover a particular type of accommodation and/or accommodation in a particular area.
 - iv. The Council in considering the awarding of a priority claimed on medical grounds may seek a recommendation from a medical practitioner/consultant appointed by the Council.
 - v. An Occupational Therapist report must be provided where there is a need for a specific accommodation requirement.

2.10 Change in Circumstances

In the event that an approved applicant's circumstances have changed since the decision to approve them has been made, the applicant should immediately notify Tipperary County Council.

All changes in circumstances will be examined to ascertain whether there is a requirement to amend the decision to approve the applicant and/or to amend the basis of need, number of bedrooms or house type.

In the event that the notification of change in circumstances results in an amendment to the number of bedrooms, house type or basis of need, the original date of approval will continue to be used.

Section 3 Transfers

3.1 Grounds for Transfer Applications

In the interests of trying to address the significant waiting list over the next 3 years, application for transfers will be tightly managed and only approved where there is a very strong rationale to facilitate same.

In this context:-

Tenants of the Housing Authority, including tenants of dwellings provided under the Social Housing Leasing Initiative, RAS, HAP or by AHB's may apply for consideration for a transfer to other dwellings, under the following circumstances:

- a) overcrowding;
- b) where older persons and other households wish to move to smaller accommodation (downsizing);
- c) exceptional medical/exceptional compassionate reasons on grounds of significant anti-social behaviour where the Housing Authority's Community Liaison Officer and An Garda Síochána support the transfer application and where all attempts at resolution have failed ;
- d) other exceptional circumstances;
- e) to facilitate incremental purchase, where the authority has consented to such a purchase.

Accepted transfer applicants will be placed on the list from the date they made their transfer application.

The list of qualified households will be prioritised in the following order:

The list of qualified households will be prioritised in the following order: a) preference shall be given to applicants deemed to be homeless under Section 2 of the Housing Act, 1988
b) preference shall be given to applicants with exceptional medical/compassionate grounds
c) preference shall be given to applicants living in dwellings deemed to be overcrowded as defined in Section 63 of the Housing Act, 1966 & as amended
d) preference shall be given to applicants in need of housing who are deemed to have a need based on disability – physical/mental health/sensory/intellectual
e) preference shall be given to applicants in need of housing who are living in unsuitable accommodation having regard to the particular household circumstances in accordance with 23 (f) Social Housing Assessment Regulations 2011

3.2 Transfer Requirements

Tenants seeking a transfer must fulfil the following requirements:

- a) Hold tenancy in their present dwelling [Local Authority/Voluntary/RAS/Leased/HAP for a period of at least **2 years**, unless it is a temporary tenancy.
- b) A clear rent account for at least 6 months and the rent account not to be in arrears for an accumulated period of 12 weeks or more at any time in the 3 years preceding the transfer application. Any transfer will take account of rent arrears but allowances may be made where an agreement is in place, and being adhered to by the tenant to address any such arrears over an agreed period of time.
- c) All service and other charges paid up to date.
- d) Have kept their dwellings in a satisfactory condition, subject to inspection.
- e) Have complied with all aspects of any previous tenancy agreement with any Housing authority.
- f) Have no record of anti-social behaviour.

No transfer shall take place until the written consent of the local authority has been received.

No mutual transfers shall take place until the written consent of the local authority has been received.

3.3 Exceptional Transfers

In the case of emergency or exceptional medical/exceptional compassionate grounds, the Housing Authority may forego any or all of the conditions in granting a transfer of tenancy, for example:

- a. Tipperary County Council tenants displaced by fire or flood
- b. Applicants requiring specifically adapted units where their current accommodation has been deemed unsuitable for modifications under a DPG

Priority may be given to a household in receipt of social housing support in a property that is not owned by the Housing Authority and the house is no longer available to them through no fault/act of their own; i.e. rental accommodation availability arrangements, long term leasing initiatives etc.

Tenants who were transferred to RAS prior to the introduction of the Social Housing Assessment Regulations 2011, on the 01 April 2011, will be given credit for their time on the housing waiting list from the date of their approved housing application, where they apply to transfer to another form of social housing support, and were on the housing list since they commenced their RAS tenancy. Allocations shall be made to such tenants in accordance with the Order of Priorities as per above.

3.4 Applications from tenants of AHBs or Other Local Authorities

Tenants of other Local Authorities may be considered for inclusion on the Housing List providing there are exceptional circumstances warranting this.

Transfers between tenants of Tipperary County Council and tenants of another Housing Authority or Approved Housing Body may be permitted, provided the conditions agreed between the two Authorities and the conditions of this scheme for such transfers are fully met.

3.5 Extension to Local Authority Dwellings

In exceptional cases, where an existing tenant of a local authority dwelling is seeking a transfer on the basis of overcrowding, an extension to the dwelling may be considered.

Any consideration of proceeding with an extension will have regard to the budget available to the Local Authority, the existing dwelling and the impact an extension would have on same and the principles of good estate management and the availability of other more suitable property in the area.

Section 4 Approved Housing Body (AHB) Accommodation

4.1 Nomination for houses provided by AHB

Applicants whom have been approved may be considered for nomination for vacancies with an AHB.

The selection process for suitable nominees to an AHB will be based on the same criteria as any applicant for housing with Tipperary County Council i.e. bedroom requirement, basis of need etc.

The nomination is forwarded to the AHB and the applicant is notified of their nomination to the AHB by Tipperary County Council.

Failure to engage with the AHB regarding the nomination and assessment process or refusal of the offer will be taken into account the same way as refusals of offers of Tipperary County Council accommodation.

All nominations to dwellings owned and provided by Approved Housing Bodies shall also follow the order of priority of this scheme.

Section 5 Homeless Persons

5.1 Homeless Persons:

As per Section 2 of the Housing Act, 1988 a person shall be regarded as homeless if in the opinion of Tipperary County Council the person is unable to provide accommodation from his/her own resources and:

- a. There is no accommodation available which in the opinion of Tipperary County Council the applicant together with any other person who normally resides with him/her or who might reasonably be expected to reside with him/her, can reasonably occupy or remain in occupation of

OR

- b. The applicant is living in a hospital or other such institution and is so living because he/she has no accommodation of the kind referred to in paragraph (a)

5.2 Consideration of Basis of Need:

The following will be considered as part of determining the basis of need having regard to homelessness:

- a. Whether the applicant meets the social housing need criteria
- b. Whether the applicant has voluntarily surrendered a tenancy
- c. Whether the applicant has been asked to leave a tenancy by reason of a breach of tenancy including rent arrears and anti social behaviour
- d. Whether the applicant has satisfactorily engaged with services to secure HAP/Private Rented accommodation
- e. That consent has been given to be discussed at Tipperary County Councils Homeless Action Team (HAT) meeting and details allowed to be updated on PASS.

5.3 Determination of Appropriate Social Housing Support

On presentation of an individual to the Local Authority as Homeless, the individual will be assessed by the Homeless Prevention Officer. In the event that the individual does not have an application for social housing support, he/she will be requested to complete one.

If the applicant has been approved for social housing support he/she will be provided with the assistance of the HAP Placefinder Service if it is deemed appropriate.

In exceptional circumstances a decision may be made to provide emergency accommodation on a short term basis. However, it is expected that the individual will actively engage with the HAP Placefinder to secure private rented accommodation thereafter.

Tipperary County Council will determine the appropriate housing support to be offered to applicants assessed as having an accommodation need based on homelessness.

5.4 Housing First

Tipperary County Council may set aside a number of dwellings for homeless households for Housing First all of which will have robust wrap around supports from all of the necessary services.

5.5 Young People Leaving Care

In accordance with the Protocol for Young People Leaving Care, Túsla will continue to establish Aftercare Steering Committees in line with their structures and that of Housing Authorities, to manage the local transition of young people leaving State care. Both the Agency and Housing Authorities are represented on Aftercare Steering Committees.

Tusla's Aftercare Service will refer the young person to the Aftercare Steering Committee when the young person is 16 years, where appropriate to do so, to ensure that appropriate services are informed and work in partnership to plan and deliver services. This information sharing is vital to inform the young person's Preparation for Leaving Care Plan and Aftercare Plan.

Where social housing is assessed as the most appropriate form of accommodation for a young person leaving the care of the Agency, the Housing Authority's representative will meet with the young person (prior to their 18th birthday) and Tusla's Aftercare Service and shall provide information on housing options and processes.

The Housing Authority will have regard to all housing supply options available that may be utilised to support the accommodation needs of young people leaving the care of the Agency.

Where the assessment of accommodation needs of the young person leaving the care of TUSLA determines that social housing is the most appropriate form of accommodation for that young person, the provision of such social housing will be subject to availability of suitable housing.

When the young person reaches 21 years, the housing needs of young person in question will be managed through the existing arrangements to address Adult Homelessness.

5.6 Persons Leaving Prison

Individuals whom are currently incarcerated and who have informed their Prison Resettlement Worker that they have no accommodation available to them on release will make an application for housing through their Resettlement Officer prior to the scheduled release date.

The application will be processed and assessed prior to the release date.

The applicant will then be further processed having regard to the procedure at 5.1, 5.2 and 5.3 above.

Section 6 Succession

6.1 Succession

In the event of the death of one of the tenants in a joint tenancy, the tenancy will ordinarily be transferred to the surviving tenant or the spouse/Civil partner, provided that he/she has been continuously resident in the dwelling for a continuous period of at least two years immediately prior to the death of the tenant and has been declared for and assessed for rent purposes for that entire

period. Periods of residence not declared for rent assessment purposes are not applicable.

In the event of death of both tenants, or the vacating of the dwelling for reasons of long term care, the tenancy will ordinarily be transferred to the member of the family longest residing provided that:

- a) He/she having an assessed social housing need is living in the house and has been declared/assessed for rent purposes, for a continuous period of at least 2 years immediately prior to the death or departure of the tenant and they meet the criteria of 6.2 below.
- b) Where there are two or more surviving members of the family who meet the criteria above, a joint tenancy may be granted. Where agreement cannot be reached regarding the family member to succeed, the dwelling automatically reverts to the Housing Authority.

Where a legal separation/divorce exists, regard will be had by the housing authority to the terms of that agreement in the consideration of any application for succession to a tenancy.

Where there is no legal separation or divorce agreement and where the housing authority is satisfied that a spouse/Civil partner has vacated the tenancy for a period of at least 24 months, the housing authority may consider an application for succession to the tenancy from the remaining spouse/civil partner and approve the tenancy if considered appropriate.

Where a person other than a spouse/Civil partner is a joint tenant of a dwelling and has not resided in that dwelling for a period of at least 24 months, the housing authority may consider an application for succession from this remaining tenant and approve the tenancy if considered appropriate.

6.2 Allocation Conditions for Succession

All Succession to Tenancy Applications are subject to the following:

- a. Must have been determined to have a social housing need
- b. Residing in their present dwelling [Local Authority/Voluntary/RAS/Leased] for a period of at least 2 years
- c. Have complied with all aspects of any previous tenancy agreement with any Housing authority (if applicable)
- d. Have no record of anti-social behaviour
- e. Property suitable and will not result in tenant being over accommodated

Successions will only be considered for immediate family members and or those who have already been approved for permission to reside there. Under some circumstances where succession is being considered, the housing authority may require the family member to move to another property if it considers the property to be too large or the property has been designed or adapted for the use of someone with a disability who no longer resides in the property. No succession to the tenancy will be considered where the property has been

designated as an Older Persons Dwelling (and where the person applying for succession is not an elderly person).

Where a household has qualified for succession and cannot be allocated the existing accommodation due to the property being too large, designed or adapted for the use of someone with a disability or is designated elderly, Tipperary County Council will offer the household alternate accommodation. Where this household refuses 2 reasonable offers of alternative accommodation, the said household will no longer have an entitlement to succession and will be provided with a HAP pack so as to vacate the current property.

The Council reserves the right to assess each application on its merits and in the interest of good estate management.

Where an individual has been determined to have a housing need, Tipperary County Council may, at its own discretion forego any or all of the conditions as listed above at 6.2 (b)(c) & (e), in granting a succession of tenancy where it considers that exceptional circumstances exist. (**note**: grief associated with the loss of a loved one and the strong emotional connections with one's home are not deemed to be grounds for exceptional circumstances)

6.3 Existing Local Authority Tenancies

- a. All people whom wish to reside in a L.A. property including RAS, Long Term Lease and L.A. properties will be required to complete Permission to Reside Application form. All Applicants must demonstrate that they have a social housing need.
- b. Joint tenancy Applications will not be accepted after the original allocation is complete and the tenant has taken occupancy of the property. The original applicant whom was assessed as having a housing need and was offered the tenancy will always be the tenant/s.
- c. Tenancies must be surrendered in writing to the relevant Local Authority by each tenant. The keys of the property must only be submitted to an employee of the Local Authority.

Section 7 Refusals

- a. Where a qualified household refuses 2 reasonable offers of the allocation of different dwellings made by one or more than one housing authority in the relevant application area in any continuous period of one year commencing on the date of the first refusal, the said household shall not, for the period of one year commencing on the date of the second refusal, be considered by any housing authority for the allocation of a dwelling to which section 22 of the Act of 2009 applies and the latter period shall not subsequently be reckonable in any way for the purposes of determining the relative priority of that household for a dwelling allocation.

- b. An offer of a dwelling allocation by the housing authority shall be deemed to be reasonable where, in the opinion of the housing authority, the accommodation offered, would meet the accommodation needs and requirements of the household and the dwelling is situated in an area of choice specified by the household. The only exception to this is where the Housing Authority makes an offer because of specified exceptional circumstances, including displacement because of fire, flood or other emergency, development, redevelopment and regeneration of an area or exceptional medical and exceptional compassionate grounds. In these circumstances, the Housing Authority does not have to offer the household accommodation in their area of choice for it to be considered a reasonable offer.
- c. Where an offer of housing is made to a transfer applicant to specifically address an issue and the applicant refuses this offer, the decision to qualify that person for a transfer may be reviewed.
- d. Refusals of offers of accommodation offered under RAS/Leasing or Approved Housing Body will, for the purposes of its refusal policy, be treated as a refusal of accommodation for the purpose of this Allocation Scheme.
- e. The processing of refusals and appeals of same will be carried out in accordance with the Council's Policy in relation to Refusals of Offers of Tenancy.

Section 8 Choice Based Letting
--

The procedure applied by the housing authority for Choice Based Lettings will be as set out in Sections 6 – 11 of the Social Housing Allocation Regulations 2011. In accordance with Regulation 12 (4), a refusal of an offer made under a CBL shall not constitute a refusal as per Section 7 Refusals (above) - In accordance with Regulation 10(1), where an applicant refuses a reasonable offer of a CBL, the household cannot bid for another CBL dwelling for 1 year. Properties are designated by Manager's Order for use for Choice Based Lettings.

Applicants are permitted to bid for properties in any area within the County and are not confined to the 3 areas on their application form. However where there are a number of applicants for the same property and all have the same priority need, first consideration will be given to the individual who had identified the location as one of their preferred areas.

The allocation of CBL vacancies will be allocated on a 60:40 basis.

Section 9 General

- a. The housing authority will endeavour to investigate each applicant's previous housing history and reserves the right to seek all relevant information from other Local Authorities and other statutory agencies such as The HSE, Túsla;

Probation Services, or An Garda Síochána with particular reference to anti-social behaviour.

- b. The housing authority may from time to time review this allocation scheme, and revise it by way of amendments to the scheme or make a new scheme, subject to the approval of the Housing Authority. Before making or amending an allocation scheme, the housing authority shall provide a draft of the scheme or amendment to the scheme, as the case may be, to the Minister, who may direct the Housing Authority to amend the draft scheme or draft amendment, and the Housing Authority shall comply with any such direction within such period as may be specified by the Minister. The making of the allocation scheme is a reserved function of the Council.
- c. A copy of the Scheme will be available for public inspection on the housing authority's website at www.tipperarycoco.ie and at the Housing Department at Civic Offices, Emmet Street, Clonmel and Civic Offices, Limerick Road, Nenagh during normal working hours.
- d. Every applicant approved for housing support will be advised of the Housing Authority's allocation scheme.
- e. In the interest of good estate management the housing authority will have regard to the need to sustain a balanced community.
- f. Where a housing applicant withholds information or provides false or misleading information, such information being material to their application, the Council, at its absolute discretion, shall have the right to:
 - i. Withhold an offer of accommodation
 - ii. Suspend the application for a period of time
 - iii. Close the application
- g. In deciding which sanction should apply, in any given case the Council will have regard to the extent to which the information was likely affect any decisions, actually made or prospective in relation to the application.
- h. Any person who is aggrieved by the Housing Authority's decision has the right to appeal within 14 days of the Housing Authority's decision. A letter setting out the grounds of appeal should be addressed in writing to:-

Tipperary County Council: Senior Executive Officer, Housing