

Tipperary County Council Allocation Scheme 2015

**In accordance with
Section 22 of the Housing (Miscellaneous Provisions) Act, 2009
and
Social Housing Allocation Regulations 2011 (S.I. No. 198 of 2011)**

Part A: Purpose of the Scheme

1. The purpose of the Allocation Scheme is to provide a means of determining the order of priority to be accorded in the allocation of dwellings to:
 - persons assessed as being qualified for social housing support in accordance with Section 20 of the Housing (Miscellaneous Provisions) Act, 2009 (and associated regulations);
 - persons transferring from a dwelling, including from a dwelling provided under the Social Housing Leasing Initiative or the Rental Accommodation Scheme **and**, including transfers to new dwellings being purchased under the Incremental Purchase Scheme.

This allocation scheme applies to –

- (a) Dwellings provided under the Housing Acts 1966 to 2009 or Part V of the Planning and Development Act 2000 –
 - (i) of which the housing authority is the owner,
or
 - (ii) 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
- (b) 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.

2. The manner in which dwellings are allocated

The manner in which the housing authority will allocate dwellings, or different categories of dwellings, to households referred to in Section 22(3) of the Act of 2009, or to different classes of households, shall have regard to the order of priority as set out in 2.1 to 2.9 hereunder.

In the making of any allocation, the following priorities shall apply in the order as set out hereunder:

- 2.1 **1st** 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.

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- 2.2 **2nd** preference shall be given to applicants deemed to be homeless under Section 2 of the Housing Act, 1988.
- 2.3 **3rd** preference shall be given to applicants living in dwellings deemed to be unfit as defined in Section 66 of the Housing Act, 1966.
- 2.4 **4th** preference shall be given to applicants living in dwellings deemed to be overcrowded as defined in Section 63 of the Housing Act, 1966.
- 2.5 **5th** preference shall be given to applicants in need of housing on disability, medical, compassionate or similar grounds.
- 2.6 **6th** 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.
- 2.7 **7th** preference shall be given to applicants in need of housing who are dependent on Rent Supplement.
- 2.8 **8th** 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.
- 2.9 **9th** 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.

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 the length of time that has elapsed since the applicant qualified for inclusion as a qualified applicant for housing by the housing authority.

All Allocations shall be subject to Clause 15 hereunder and shall also be subject to principles of good estate management.

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

Part B: Exceptions

3. Notwithstanding anything in Section A above, 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: -

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- 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 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 Clause 15, hereunder.

Part C: Medical Report

4. Where priority is claimed on Disability/Medical Grounds, the applicant shall submit a report from a Medical Practitioner detailing their disability/medical condition and how this impacts on their housing requirements. 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.

Where priority is awarded, this priority may cover a particular type of accommodation and/or accommodation in a particular area.

Part D: General Provisions

5. 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;

- **People with Disabilities:** Including physical, sensory, intellectual/learning or mental health disability.
- **Traveller Households:** Households who wish to be housed in standard social housing supports and in traveller specific accommodation. Accommodation under this category will be provided in accordance with the Council's Traveller Accommodation programme.

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- (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;
- (d) for allocation under Choice Based Lettings (CBL).

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.

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 Part E below. 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.

6. 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.
7. The housing authority may from time to time decide to allow for the setting aside of a house or houses for Community use subject to specified terms and conditions.
8. In the case of a parent living apart from his/her children to whom he/ she have shared custody, social housing support may be allocated for such custody. Where custody of children is shared, evidence of such custody will be required as follows:
 - a. Copy of the legal agreement or court order setting out the custody arrangements.
 - b. If no such agreement / order exists both the applicant and the other parent/guardian of the child /children shall provide a statutory declaration to the effect that an access agreement is in place and submit details thereof.
9. In the interest of good estate management the housing authority will have regard to the need to sustain a balanced community.

Part E (i): Refusal of Offers of Accommodation

10. 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

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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.

11. 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 and 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.
12. 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.
13. 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.
14. The refusal of an offer made under Choice-Based letting is not counted as a refusal for the purposes of this general refusals policy.

Part E (ii): Refusal of Housing Authority to Allocate

15. 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, and
 - (c) Subject to any further provisions contained within the housing authority's adopted Anti-Social Behaviour Strategy.

Part F: Transfer Policy

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16. Tenants of the Housing Authority, including tenants of dwellings provided under the Social Housing Leasing Initiative, RAS, 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) medical/compassionate reasons;
 - (d) on grounds of anti-social behaviour where the Housing Authority's Community Liaison Officer and An Garda Síochána support the transfer application;
 - (e) other exceptional circumstances;
 - (f) to facilitate incremental purchase, where the authority has consented to such a purchase.

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 Clause 2 above.

17. Notwithstanding the above, tenants seeking a transfer must fulfil the following requirements to the satisfaction of the housing authority –
- a) Hold tenancy in their present dwelling [Local Authority/Voluntary/RAS/Leased] 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.
 - g) To facilitate house purchase, where tenant is in a Voluntary Body dwelling and the Local Authority is satisfied that the tenant has the resources to purchase a Local Authority dwelling.

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

18. 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.
19. The Refusal Policy will also apply to applicants for a Transfer.

Part G: Succession to Tenancy

20. 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.
21. Where both tenants have died or left, tenancy will ordinarily be transferred to the eldest member of the family provided that:
 - a. He/she has a housing need and is resident and has continued to reside in the house throughout his/her lifetime and has been continually declared for and assessed for rent purposes; or
 - b. He/she is living in the house and has been declared/assessed for rent purposes, for a continuous period of at least 2 years (or such other period as the Council may allow) immediately prior to the death or departure of the tenant.

Where there are two or more surviving members of the family who meet the criteria at a) or b) 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 two years, 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/tenant of a dwelling and has not resided in that dwelling for a period of at least two years, the housing authority may consider an application for succession from the

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remaining members of the household and approve the tenancy if considered appropriate.

22. All succession to Tenancy applications are subject to Clause 17 above. In addition to the above, 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).

Part H: Miscellaneous conditions:-

23. 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 or An Garda Síochána with particular reference to anti-social behaviour.
24. 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.
25. Where an applicant for housing assistance has voluntarily surrendered Social Housing in Ireland or any other Country, they may not be considered for any allocation of Social Housing Support for a period of 12 months from the date of the said surrender.
26. 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.
27. Every applicant approved for housing support will be advised of the Housing Authority's allocation scheme.
28. 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 Department, Civic Offices, Emmet Street, Clonmel, Co.Tipperary.

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Adopted by Tipperary County Council at its meeting held on

Monday 13th April 2015, Council Chamber, Civic Offices, Clonmel

Signed: _____
Cathaoirleach.

Date: _____

Senior Executive Officer,
Housing.

Date: _____

Senior Executive Officer,
Corporate Affairs.

Date: _____

And the Seal of the Council Affixed hereto: