

**COMHAIRLE CHONTAE ÁTHA CLIATH THEAS**  
**SOUTH DUBLIN COUNTY COUNCIL**



**ALLOCATION SCHEME**

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

**As adopted by South Dublin County Council on 13<sup>th</sup> June 2011**

The purpose of this Allocations Scheme is to provide a means of determining the order of priority to be afforded in the allocation of social housing support to persons whose need for accommodation has been assessed in accordance with Section 20 of the Housing (Miscellaneous Provisions) Act 2009 as being qualified for social housing support and to provide for the determining the order of priority for households who have applied for transfer to another dwelling and for incremental purchase.

Social housing support includes Council owned dwellings; Council leased dwellings, rental accommodation availability agreement dwellings (RAS) and dwellings owned by Approved Housing Bodies to whom assistance is given under section 6 of the Act of 1992 for the purposes of such provision.

### **Part 1: Consideration of Applications for Social Housing**

1. Applicants, other than those applicants applying for overall priority, will be considered on time on list basis.
2. The Council may, from time to time, set aside for persons of such category or categories as the authority may decide, a proportion of the dwellings becoming available to the authority for allocation and priority shall be afforded to the specified categories in the allocation of these dwellings. In general, allocations to categories of applicants will be made on the basis of reflecting the percentage of applications made up of those categories of applicants.
3. Nothing in the Scheme shall prevent the Manager making an allocation or granting a transfer in emergency circumstances.
4. In the case of equality of date of qualification, the final decision will be made by the Manager who will have regard to all the circumstances including the size of the families involved.
5. The Council will continue to implement the Applicant Sourced Homes initiative which will be rolled out in measured phases over time with everyone on the list being given the opportunity to source a suitable home of their choice which will be procured under the Social Housing Leasing Initiative. Applicant Sourced Homes will be implemented strictly in accordance with the order of applicants' entitlements as determined by this Allocations Scheme i.e. in order of the position of an application on the housing waiting list.

Similarly the Choice Based Lettings initiative will continue to be implemented with applicants being offered the opportunity to express an interest in a suitable available home. The successful applicant being determined strictly in accordance with the terms of this Allocations Scheme i.e. the applicant who will get the allocation will be the applicant whose position on the list is highest of those expressing an interest in the available home and subject to good estate management. Over time more and more available homes will be offered to applicants through Choice Based Letting.

A refusal of offer made under Choice Based Letting will not constitute a refusal under this Allocations Scheme. However, in these circumstances, the applicant will not be entitled to make a further application under Choice Based Letting for a period of twelve months from the date of the refusal.

- 6 Applicants, who without a satisfactory explanation, refuse two reasonable offers of accommodation within a twelve month period, will have their application suspended for one year. This period will not be considered for 'time on list' purposes.
- 7 Applicants must be aged 18 or over and must have long term permission to reside in the State.
8. The Council will operate a Financial Contribution Scheme where Older Persons, who are owners of private dwellings and who find their existing dwelling too large for their needs, may apply for accommodation in designated Older Persons Dwellings subject to the payment of a financial contribution scheme as follows:

<b>Applicant's Age</b>	<b>Financial Contribution</b>
60-64 years (on medical grounds only)	1/2 of net proceeds of sale
65-69 years	1/3 of net proceeds of sale
70-79 years	1/4 of net proceeds of sale
80 years and over	1/5 of net proceeds of sale

Applicants under this section will not be prioritised ahead of Older Persons on the Housing or Transfer Lists but will be included on the list from the date of approval. Applicants under this section must offer their existing dwelling to the Council for purchase in the first instance.

9. In the event of death in the case of joint tenancy, succession tenancy may be allowed to the surviving tenant or tenants.

Where the tenant(s) has died, the dwelling may be granted to the next member of the family, provided that the person has continued to reside in the house as their normal place of residence and has been assessed for rent purposes for a minimum of two years up to and including the time of bereavement.

Where there are two or more surviving members of the family who meeting the criteria above, a joint tenancy may be granted by the Council.

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).

## **Priority Status**

In certain circumstances, overall priority will be given to applicants that satisfy the following criteria. Priority will be granted in the order shown hereunder and subject to the availability of suitable accommodation at the time:

- (i) Families or persons living in dangerous premises on whom a requisition under Section 3 (9) of the Local Government (Sanitary Services) Act, 1964 has been served.
- (ii) Displacement (resulting from acts of the Local Authority).
- (iii) Families or persons rendered homeless through no fault of their own. A person shall be regarded by a housing authority as being homeless for the purposes of this Act if:
  - (a) there is no accommodation available which, in the opinion of the authority, he/she, 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) he/she is living in a hospital, County home, night shelter, or other such institution and is so living because he/she has no accommodation of the kind referred to in paragraph (a), and he/she, in the opinion of the authority, unable to provide accommodation from his/her own resources.
- (iv) Families or persons evicted through no fault of their own on foot of a Court Order who are not in a financial position to provide their own housing.
- (v) Exceptional medical/compassionate grounds.
- (vi) Persons aged 65 or over for Older Persons accommodation.

Applicants with overall priority will be given priority over other applicants in the allocation of available accommodation in the order of priority indicated above and based on time on the list and subject to the availability of suitable accommodation at the time.

Where priority for housing accommodation is claimed on grounds consisting of or including medical grounds, regard shall be had to the report of the Council's Medical Advisors.

## **Transfer List –**

Tenants of the Council, including tenants of dwellings provided under the Social Housing Leasing Initiative, RAS or by Approved Housing Bodies by 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 Council's Estate Management Liaison Officer and a Garda Superintendent support the transfer application;
- (e) other exceptional circumstances.
- (f) To facilitate incremental purchase, where the authority has consented to such a purchase.

Notwithstanding the above, tenants seeking a transfer must fulfil the following requirements to the satisfaction of the housing authority –

- hold the tenancy in their present dwelling, for a period of at least two years, unless it is a temporary tenancy;
- have a clear rent account – 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;
- have kept their dwelling in satisfactory condition, subject to inspection;
- have complied with the conditions of their Tenancy Agreement and
- have no record of anti-social behaviour.

In the case of emergency or exceptional medical/compassionate grounds, the council may forgo any or all of the above conditions in granting a transfer to alternative accommodation.

Priority may be given to a household in receipt of social housing support in a property that is not owned by the Council 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 implementation of the Social Housing Assessment Regulations 2011, on the 01 April 2011 and were on the housing list since they commenced their RAS tenancy, 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. Allocations shall be made to such tenants in accordance with the Order of Priorities as above.

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

## **Mutual Transfers**

Mutual transfers will be facilitated where the following criteria are met:

- Clear rent account – this condition may be waived on exceptional compassionate grounds.
- Compliance with terms of tenancy during existing tenancy.
- Acceptance of both parties to occupy dwellings in existing condition

The Council will maintain a register of tenants who have requested to be included on such a register for the purpose of seeking a Mutual Transfer. Register to be circulated to all such tenants included.

Tenants of other housing authorities will considered for mutual transfers with tenants of the Council subject to conditions agreed upon by both authorities and will also be included on the Register of Tenants for Mutual Transfer upon request.

## APPENDIX – explanatory information re Allocations Scheme – not part of proposed scheme

### APPLICATION RULES AND GENERAL PROCEDURES RELATING TO THE ALLOCATIONS SCHEME

The following considerations will apply where applications are received by the Council for inclusion in the assessment of housing needs. Assessment and eligibility criteria are covered in Regulations and are subject to change from time to time

1. Applicants must reside in the functional area of South Dublin County Council. Applicants residing outside the functional area of the Council may be included to such extent that (a) they have a local connection to the functional area or (b) at the Council’s discretion

(a) Local Area Connection

- Member of household has resided for a continuous five year period at any time in the area or
- Employment of any member of household is in the area or is located within 15 kilometres of the area or
- A household member is in full-time education in any university, college, school or other education establishment in the area or
- A household member with enduring physical, sensory, mental health or intellectual impairment is attending a related educational or medical establishment in the area
- A relative of any household member lives in the area and has lived here for a minimum of two years

(b) Council Discretion

- Applicants who are accepted under Council’s discretion cannot indicate Areas of Choice outside of the Council’s functional area

2. Applicants must express at least 1 area of choice in the Council’s functional area. They may also express Area of Choice in the other Dublin Authorities – Dublin City Council, DunLaoghaire/Rathdown and Fingal – overall they may only express 3 Areas of Choice. Such applicant’s details will be forward to the relevant authority. Applicants shall indicate in writing their preferred Housing Areas. Applicants may be offered suitable accommodation within any estate within their chosen Housing Areas of Choice. Area of Choice cannot be altered for 12 months, date of expression of Area of Choice will be listed separately to date of application.

3. Applicants will be considered for housing accommodation only where the Council is satisfied that their financial or other circumstances are such as to render it impossible, without hardship for them to provide adequate accommodation from their own resources.

Applicants whose household income exceeds the maximum income threshold as set out in the table below will not be considered.

Max Income threshold – single person NET	Maximum Income threshold – 3 adult & 4 children NET	Calculation as follows:- €35,000 + 5% for each additional adult household member subject to a maximum allowance of 10% and 2.5% for each additional child, subject to a maximum allowance of 10%
€35,000	€42,000	

Income will be assessed on the basis of applicant's P60 for the preceding tax year, a minimum of four out of the last six payslips or a minimum of 2 years accounts, where appropriate. Where applicants are in receipt of a social welfare payment, a statement from the Department of Social Protection is required.

Applicants who qualify for Affordable Housing, Shared Ownership or other such scheme will not be eligible for inclusion on the Housing list.

Any other special financial circumstances of a housing applicant may also be taken into account in calculating household income.

- 4 Where applicants are owners or joint owners of dwellings, or tenants or joint tenants of local authority dwellings, but are not living in these dwellings owing to marital problems, such applicants may be considered for housing accommodation if a legal separation has been entered into, or in comparable circumstances at the discretion of the Manager, and the Council is satisfied with the housing provision of the agreement, and where it would not be possible for such applicants, due to financial or other circumstances, to provide adequate accommodation from their own resources. In the case of joint owners a legal agreement contracting to provide a financial contribution from the proceeds of the sale of the house will be required.
- 5 Each complete application shall be recorded when received. If deemed eligible for housing support the application will be placed on the appropriate list for accommodation most suitable to their needs. Time on list will commence with the date the applicant qualified for inclusion on the list.
- 6 In assessing homeless persons, the Council will have regard for recommendations from its Homeless Assessment and Placement Service who shall, in the course of investigating the circumstances of applicants for homeless priority, consult with relevant statutory and voluntary agencies as appropriate.
- 8 The following minimum standards for bedroom accommodation will apply to lettings made by the Council

Single person or Couple (Certain 1-bed units may be designated for older persons only)	1-bed
Lone Parent or Couple with 1 or 2 children	2-bed
Lone Parent or Couple with 3 or 4 children	3-bed
Lone Parent or Couple with 5 or more children	4-bed

In addition to these minimum standards, persons over 10yrs of the same sex will be considered for allocation of one bedroom.

Applicants who are separated parents with partial custody/access arrangements will be eligible, upon production of relevant legal documentation for an additional bedroom.

- 9 Applicants are required to complete the Council's Pre-Tenancy Course before being allocated any accommodation.
- 10 In order to examine and consider applications for housing accommodation, the Council may inspect and examine applicants' housing circumstances and may require applicants to furnish documentary evidence to support their applications.

An application shall be excluded from consideration if the applicant refuses access to the Council's nominated Inspectors existing accommodation, supplies false information or withholds relevant information either on the application form or in subsequent interviews or inspections. If an allocation is made on the basis of false, incorrect or out of date information, such allocation will subsequently be rescinded and the offer withdrawn or if a tenancy has already been created in such circumstances, such tenancy will be terminated.

- 11 The Council may disregard the accommodation an applicant is occupying where the Council has reason to believe that the applicant has deliberately or without good and sufficient reason remained in, or taken up occupation of, unsuitable accommodation primarily to improve the prospects of obtaining local authority housing.
- 12 Applicants who take up illegal occupation of a local authority dwelling will not be considered for a tenancy of a dwelling unless the dwelling the applicant occupies illegally is willingly surrendered to the Council in the same condition it was in prior to the illegal occupation.
- 13 The Council may refuse to offer accommodation to an applicant due to refusal or failure by the applicant to disclose information either relevant to the application or required for good estate management purposes.
- 14 Applicants will be investigated, by way of Garda check, in accordance with the Housing (Miscellaneous Provisions Act) 1997 and applicants involved in anti-social behaviour will not be considered for inclusion on the housing list for a period of one year. Applicants engaging in Anti-Social Behaviour equivalent to Category "A" Status in the Council's Anti-Social Behaviour Strategy will not be considered for inclusion on the housing list for a period of two years. These periods will be subject to a rolling review process.
- 15 Former local authority tenants who apply for re-housing will only be placed on the housing list if the following conditions are complied with:
  - A period of one year has elapsed since the surrender of previous tenancy (may be waived in exceptional circumstances)
  - The rent account on their previous tenancy is clear, or a satisfactory arrangement acceptable to the local authority is made to clear any arrears due and is maintained for a period of at least six months
  - Compliance with the terms of tenancy was satisfactory during their previous tenancy.
  - Any costs that were incurred by the local authority in carrying out repairs to the tenant's former dwelling which were the tenant's responsibility must be refunded to the Council by the tenant in full, or a satisfactory arrangement is entered into to pay the cost of these repairs. Any such arrangement must be maintained for a period of at least six months.
- 16 Former local authority tenants who have been evicted may be recognised as having a housing need but will not be considered for inclusion on the housing list for a period of two years and only if the following conditions are complied with:

- The rent account on their previous tenancy is clear, or a satisfactory arrangement acceptable to the local authority is made to clear any arrears due and is maintained for a period of at least six months
- Any costs that were incurred by the local authority in carrying out repairs to the tenant's former dwelling which were the tenant's responsibility must be refunded to the Council by the tenant in full, or a satisfactory arrangement is entered into to pay the cost of these repairs. Any such arrangement must be maintained for a period of at least six months.