



LONGFORD COUNTY COUNCIL

ALLOCATION SCHEME

**Adopted by the Elected Members of Longford County Council on
14th December 2016 In accordance with Section 22 of the Housing
(Miscellaneous Provisions) Act, 2009
and
Social Housing Allocation Regulations 2011
S.I. No. 198 of 2011)**

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ALLOCATION SCHEME OF PRIORITIES FOR LETTING OF DWELLINGHOUSES

1. Introduction

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

2. Purpose of the Scheme

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 (Longford County Council) 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.

(B) The manner in which dwellings are allocated

The manner in which Longford Local Authorities (hereinafter called 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 (c) to (e) hereunder.

(C) Order of Priority

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

1. Applicants living in dwellings deemed to be dangerous as defined in Section 3 of the Sanitary Services Act, 1964 or being displaced by operation of the Local Authority.
2. Applicants deemed to be homeless under Section 2 of the Housing Act, 1988
3. Applicants living in unfit and overcrowded conditions as defined in Sections 66 and 63 respectively of the Housing Act, 1966
4. Applicants living in unfit conditions as defined in Section 66 of the Housing Act, 1966.
5. Applicants living in overcrowded conditions as defined in Section of 63 of the Housing Act, 1966.
6. Applicants in need of housing on disability, medical, compassionate or other similar grounds
7. Applicants not included in any other category above, who have been assessed and approved for Social Housing Support.

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/other circumstances that has elapsed since the applicant qualified for inclusion as a qualified applicant for housing by Longford Local Authorities.

All Allocations shall be subject to Section (G) (ii) hereunder and all 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.

(D) Exceptions

In accordance with Section 20(8) of the 2009 Act, the housing authority, in applying the terms of this scheme to a person may disregard the accommodation that a household currently occupies where the housing authority has reason to believe that a household, or any member of it, has done something, or failed to do something, that has resulted in their accommodation now being less suitable to their housing need than it would formerly have been.

Notwithstanding anything in Section C 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: -

- 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;

(E) Medical Report

Where priority is claimed on Disability / Medical Grounds, the applicant shall submit a report from an appropriate Medical Practitioner detailing their disability/medical condition and how this impacts on their housing requirements. Consultants reports will be required in some instances. The Council in considering the awarding of a priority claimed on medical grounds may seek a recommendation from a medical practitioner appointed by the Council. Longford Local Authorities may obtain and have regard to a medical report. The council may obtain and have regard to a report from an Occupational Therapist in respect of any specific accommodation requirements.

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

(F) Property and Other Assets

A household shall not be eligible for social housing where the household has alternative accommodation that it owns in any country which could be used to meet its housing need either by the household moving into it or by selling it and using the proceeds of the sale to secure other suitable accommodation.

(G) General Provisions

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

The Council 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, e.g. older persons, persons with disabilities etc., thus affording priority in the allocation of those dwellings to approved households in the relevant category of need;
- (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.

(H) Choice Based Letting (CBL)

Longford County Council may utilise Choice Based Letting as a method of allocating properties. Where Choice Based Letting is to be used as a method of allocating Properties, the following general provisions apply:-

- Persons assessed as being qualified for social housing support in accordance with Section 20 of the Housing (Miscellaneous Provisions) Act, 2009 and associated Regulations, may apply for Tenancies of Properties designated for allocation by Choice Based Letting
- Properties must be designated for allocation by CBL by means of a Chief Executive Order
- Where properties are to be allocated by CBL, there must be an open and transparent means for advising households of the availability of the designated properties
- Where two or more households of the same class bid for a Property, the decision as to which household will be allocated the Property will be in accordance with the priorities as set out in this Allocation Scheme
- The refusal of a Property following a reasonable offer under CBL will mean that the household concerned will not be considered for another CBL offer for a period of 12 months
- The Refusal of an offer made under CBL will not be counted as a refusal for the purposes of the general refusals polic

(I) Emergency Allocations The housing authority, notwithstanding the order of priorities for lettings as set out in this scheme, may, where it considers necessary, make a letting to a person whose need for accommodation arises from an emergency.

(J) Refusals

(j)(i) Refusal of offers of dwelling allocations

(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 Council, the accommodation offered, would meet the accommodation needs and requirements of the household and the dwelling is situated in the area of choice specified by the household. The only exception to this is where the Council 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 Council does not have to offer the household accommodation in their area of choice for it to be considered a reasonable offer.

c) Refusal of offers of accommodation offered under RAS and/or Leasing will be treated as a refusal of accommodation.

d) Where the tenancy of a property, which has been deemed to meet the household needs, is voluntarily relinquished the provisions of Section 20 Subsection 8, Housing Miscellaneous Provisions Act 2009 will be taken into consideration.

(j)(ii) Refusal of Housing Authority 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, **and**
- (c) subject to any further provisions contained within Longford Local Authorities Adopted Anti-Social Behaviour Strategy and in the interest of good estate management.

Refusal of an Offer made under Choice Based Letting (CBL)

The Refusal of an Offer made under CBL will not be counted as a refusal for the purposes of the above/general refusals policy. However, the refusal of a Property following a reasonable offer under CBL will mean that the household concerned will not be considered for another CBL offer for a period of 12 months

(K) Transfers Of Tenants

Tenants of the Council, 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 Council's Estate Management Unit or An Garda Siochana 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 of tenancy.

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 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 Section C above.

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

(L) Succession Tenancies

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

Where both tenants have died or left, the house may be granted to the next member of the family, provided that: -

- (a) the person has continued to reside in the house as their normal place of residence and has been assessed for rent purposes, or
- (b) the person having left the house for a period has been living in the house for a period of at least two years (or such other period as the Council may allow) prior to the death or departure of the tenant(s).

Where there are two or more surviving members of the family who meet 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).

(M) Appeals Procedure

Appeals are to be made in writing to Senior Executive Officer, Housing Section, Longford County Council.

(N) Other Matters

Longford County Council 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 Council. 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 Council to amend the draft scheme or draft amendment, and the Council shall comply with any such direction within such period as may be specified by the Minister.

A copy of the Scheme will be available for public inspection at the offices of the Council during office hours and will also be available on the Council's website at www.longfordcoco.ie