

ALLOCATIONS SCHEME FOR SOCIAL HOUSING SUPPORT
FINGAL COUNTY COUNCIL (the Council)

Adopted on 15th June 2011

Housing (Miscellaneous Provisions Act) 2009

1. Introduction

The purpose of this Allocations Scheme is to provide a means for determining the order of priority for the provision of Social Housing Support in accordance with the Housing (Miscellaneous Provisions) Act 2009 and regulations thereunder, to persons whose need has been established by the Council through their inclusion in the most recent assessment of housing needs or their acceptance afterwards for inclusion in the next such assessment or existing tenants who wish to transfer from their existing tenancy. To be eligible for inclusion in the assessment an applicant must:

- Be in need of accommodation and be unable to provide it from his or her own resources.
- Applicant's income must not exceed the limits set by the Minister.
- Applicants must not have accrued rent arrears with a local authority or an approved housing body.
- There must be no alternative accommodation available to the applicant.

This scheme applies to Housing Applicants, Transfer Applicants, RAS tenancy transfers and Long term lease tenancy transfers, alike.

Social Housing Support is provided:-

- (a) by the Council,
- (b) in accommodation sourced by the Council through the Rental Accommodation Scheme,
- (c) accommodation in the private sector leased by the Council,
- (d) by nomination of applicants to Approved Housing Bodies from the Council's list of approved housing applicants for housing support provided in the County by these Bodies and
- (e) through the provisions of the Incremental Purchase Scheme.

2. Applications for Social Housing Support

The following considerations will apply where applications are received by the Council for inclusion in the assessment of housing needs.

1. Applicants must reside in the functional area of Fingal 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 members lives in the area and has lived here for a minimum of two years

(b) Council's discretion

The Council may at its discretion accept an application from an applicant not resident in the Fingal area and who does not meet the local connection criteria. These applicants may only choose from the housing areas within Fingal County.

3. Areas of Choice

A household applying for social housing support to this Council shall specify a minimum of one area of choice in this County. Such applicants may also choose from the housing areas of Dublin City Council, Dun Laoghaire-Rathdown Council and South Dublin County Council to a total of 3 housing areas. Where the household resides outside the functional area of Fingal County Council, such applicants may apply in accordance with local connection criteria as above.

A qualified household may notify the housing authority that it wishes to change one or more than one area in the applicant's areas of choice. Changes to areas of choice by an applicant may only be made 12 months following approval of the application. Where a household notifies the housing authority that it no

longer wishes to receive housing support in an area of choice that it previously specified, the household may not, within the period of 12 months following such notification change its preferences so as to specify that area of choice again.

Where a qualified household changes its areas of choice to specify an area of choice in the functional area of a housing authority in the application area in which it was not, immediately prior to change, recorded as qualified for social housing support, the date of entry of the household on that housing authority's record of qualified households shall be the date on which the housing authority of application receives notice of the change in the area of choice.

4. False or misleading Information.

Where a person who is a member of a household requested to give information to the local authority under Section 32 of the 2009 Housing (Miscellaneous Provisions) Act knowingly gives false or misleading information, that person is guilty of an offence. Applicant(s) providing false/misleading information may be prosecuted and may be liable to a fine, not exceeding €2,000 and all associated costs.

5. Method of allocation

"Date in Need" is defined as the date on which the Council determines that the household is qualified for Social Housing Support. When an applicant moves from one category to another higher category "Date in Need" is the date on which the move is effected.

Applicants will be categorised by housing need in accordance with the scheme and will be placed on the housing list in accordance with their "Date in Need". Incomplete or partially supported applications will not be considered and will be returned to the applicant.

Applicants will be allocated dwellings suitable for their needs by **"Date in Need"** order, **starting from Category 1 through Category 2 to Category 3.**

Equality in Date of Need

In a case of equality of **Date in Need**, the final decision with regard to any letting will be made by the Manager who will have regard to all the circumstances including the area in which the applicants are currently residing and family size.

Applicants provided with Social Housing Support will be deemed to have their need fulfilled, and their housing applications will be closed.

Housing Categories

Category 1.

- ◆ 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.
- ◆ Families or persons displaced as a result of acts of the Local Authority.
- ◆ Families or Persons on exceptional medical or exceptional compassionate grounds. Where priority is claimed on exceptional medical or exceptional compassionate grounds, regard shall be had to the report of the Chief Medical Officer and/or **the Council's Welfare Committee** whichever is appropriate.
- ◆ RAS tenants where the landlord has indicated that the contract will not be renewed or the property is no longer available to the Council.

Category 2

- ◆ Transfer applicants due to overcrowding .
- ◆ Transfer applicants who wish to down-size.
- ◆ Transfer applicants who wish to vacate 2 dwellings for 1
- ◆ Transfer applicants wishing to transfer to a **"Vacancy Rich"** area from a **"Vacancy deficient"** area.
- ◆ Transfer applicants wishing to transfer to an area in order to assist in care of a close relative or avail of the care of a close relative.

Category 3 (to include other transfer applicants)

- ◆ Families or persons rendered homeless through no fault of their own and who are not in a financial position to provide their own accommodation. (Section 2 of the Housing Act, 1988 defines homelessness).
- ◆ Families or persons evicted through no fault of their own on foot of a Court Order and who are not in a financial position to provide their own accommodation.
- ◆ Persons fleeing Domestic Violence.
- ◆ Families living in overcrowded conditions.

6. Inspection

In order to ensure full and accurate disclosure by applicants, random inspections will be carried out. The Council will inspect the accommodation of all those applicants who reach the **Offer Zone**.

“Offer Zone” is defined as that part of the housing list from which offers of accommodation are mostly likely to be made within the coming three months.

In addition, applicants applying for accommodation on account of the state of repair or lack of amenities in their current accommodation will have their accommodation inspected. Following such an inspection, the appropriate action will be initiated under the unfit code and/or private rented dwellings (standards) code if warranted.

7. Managers Prerogative Emergency Lettings

Nothing in the Scheme shall operate to prevent the Manager from allocating a tenancy in emergency circumstances.

8. Succession of Tenancy

On the death of a tenant, the tenancy may be transferred to the tenant’s partner/spouse or to a member of the tenant’s immediate family who has been resident in the dwelling at the date of the tenant’s death, and included in the rent assessment return by the deceased tenant for the preceding period of 2 years.

A tenant may apply to include a partner/spouse or a member of the tenant’s immediate family (i.e. son or daughter) as co-tenant provided such a person has been included in the rent assessment return for the preceding period of 2 years.

Such tenancy changes must be in the interest of good Estate Management and are at the discretion of the Manager.

9 Tenancies in Joint Names

Tenancies of Fingal County Council housing support will normally be in the joint names of husband and wife, where appropriate, but the Manager may put the tenancy in the name of either party in exceptional circumstances. In cases other than husband and wife, joint tenancies may be created where it is considered advisable.

Where a relationship subsequently breaks down, the Manager shall decide, after considering all circumstances, which spouse/partner, if either, is to be granted the tenancy.

10. Choice Based Letting (CBL)

The manager may designate properties for Choice Based Letting. CBL is a new approach to letting homes which allows tenants and prospective tenants to bid for the available designated properties they are interested in. Where there are 2 or more bids for the same property, the applicant with the highest priority in accordance with the Allocations Scheme will be offered the property.

An applicant having refused an offer under CBL will not be eligible for CBL for a period of 12 months.

11. Refusals of Accommodation

Applicants having refused two reasonable offers of accommodation within a 12 month period in areas of their choice (except in emergencies) will have their application suspended for 12 months. This will mean that the household will not be offered social housing for the suspension period and this period will not subsequently count for "time on the list" credit purposes.

Appendix

Application of Rules and General Administrative Procedures for the purpose of Allocations Scheme for Social Housing.

1. Age.

An applicant must have reached the age of 18 years on or before the date of any application for accommodation.

2. Income eligibility level

The income bands are expressed in terms of a maximum net income threshold for a single person household, with an allowance of 5% for each additional adult household member subject to a maximum allowance under this category of 10% and 2.5% for each child, subject to a maximum allowance under this category of 10%.

See the table below for examples of the limits for the difference sizes of household.

Single Person Household	2 adults no children	1 adult 1 child	1 adult 2 children	2 adults 1 child
€35,000	€36,750	€35,875	€36,750	€37,625
2 adults 2 children	2 adults 3 children	2 adults 4 or more children	3 adults 4 or more children	
€38,500	€39,375 €4,0250	€42,000		

The above income limits have been set by Ministerial regulation and may be subject to change from time to time.

3. Residential Requirement

An applicant must have the legal right to reside in the state. Applicants from EEA States other than Irish Citizens must have been resident in the State for a minimum period of 3 months and in employment. Bulgarian and Romanian nationals must have/hold employment for a continuous period of 12 months.

Applicants from non-EEA States must have established a long term right to reside in the State and have been issued with a Stamp 4 status and stamp 3 status for the spouse of an applicant by the Department of Justice. They must register with the Garda National Immigration Bureau. Such applicants are required to have been legally resident in the State for a minimum period of 5 years prior to application.

4. Anti-Social Behaviour

In order to be considered for social housing support applicant households are required to provide the housing authority with a range of information including –

- (a) convictions in the 5 year period prior to the date of application for a variety of offences under the Criminal Justice Act (Public Order) Act 1994, and
- (b) convictions for breaches of orders relating to Anti-Social behaviour under the Criminal Justice Act 2006 and the Children Act 2001
- (c) Offences committed under the Housing (Miscellaneous Provisions) Act 1997 which include, *inter alia*, the contravention of an excluding or interim excluding order, and or failure to provide, or provision of false or misleading, information in relation to anti social behaviour offences. In accordance with the provisions of the 1997 Act, anti social behaviour includes offences in relation to the misuse of drugs (i.e. the manufacture, distribution, sale or intent to sale, of drugs etc).

This information is required to enable the housing authority, in appropriate cases, and when making an allocation of support to a household, to consider exercising its powers under Section 14 of the Housing (Miscellaneous Provisions) Act 1997, as amended. This provision allows a housing authority to **refuse to make or defer the making of**, an allocation of a dwelling to a person where the authority considers that he or she is or has been engaged in anti social behaviour or that an allocation to that person would not be in the interest of good estate management.

5. Separated Spouses/Partners.

Where applicants are owners or joint-owners or tenants or joint-tenants of dwellings, but are not living in those dwellings due to irreconcilable differences, such applicants may be considered for housing if, where appropriate, a legal separation agreement has been entered into and all other eligibility requirements apply.

Such applicants may be considered for 2 bed-roomed accommodation where the applicant does not have primary care of child/children but does have joint custody/access.

Custody/access may have been determined by Court Order or by mutual consent. Where no court order exists details of access arrangements must be provided by sworn Affidavit

6. Overcrowding

Overcrowding exists where there is a lack of a bedroom space, as defined in section 63 of the Housing Act 1966.

For the purpose of assessing how many bedrooms are required by an applicant the following table will apply:

7. Social Housing Need

<u>Family Number</u>	<u>Bedroom Requirement.</u>
◆ Single Person, or Cohabiting Couple, or Two children over 10yrs of same sex	1
◆ Two Persons over 10yrs not of the same sex & not living together as a cohabiting Couple.	2
◆ Cohabiting Couple/Lone Parent with 1or 2 Children Under 10 yrs.	2
◆ Cohabiting Couple/Lone Parent, 2 Children of opposite Sex and over 10 years of age.	3
◆ Cohabiting Couple/Lone Parent with 3 or 4 Children Under 10 yrs.	3
◆ Cohabiting Couple/Lone Parent with 3 or 4 Children Over 10 yrs.	4
◆ Cohabiting Couple /Lone Parent with 5 or 6 Children	4

8. Exceptional Medical Grounds

Medical Priority may be recommended in respect of an applicant or a person who is part of the applicant household who suffers from Chronic illness (physical or mental) or disability where the Chief Medical Officer considers that the persons health will significantly deteriorate unless

he/she is re-housed, and that re-housing will have a beneficial effect on that person. Priority may cover a particular type of accommodation and/or accommodation in a particular location. The decision to award Category 1 priority will rest with the Welfare/Medical Committee.

9. Medical Evidence

Medical evidence **will only** be considered, by the Chief Medical Officer, based on written information received from a medical doctor.

Photocopies and letters from individuals who are not medical doctors **will not** be considered.

If access to the housing list is being claimed on medical grounds, supporting medical evidence should be submitted at application stage.

10. Exceptional Welfare Grounds.

Priority for accommodation may be awarded on exceptional compassionate grounds. This priority may cover a particular type of accommodation and/or accommodation in a particular location. The Council's Welfare committee shall consider the report of the Council's Welfare Officer before making any recommendation to the manager under this heading.

Cases will only be re-examined if there is a change of circumstances.

Recommendations by the Welfare Committee will be made on the basis of:

- ◆ The exceptional nature of the case
- ◆ The stated urgency and
- ◆ The likelihood of a vacancy occurring in an area to relieve the stress and suffering of the applicant.

Examples of cases that may be considered under this heading are:-

- ◆ Victims of sexual abuse.
- ◆ Child care issues, e.g. non-accidental injury.
- ◆ Domestic Violence
- ◆ Bereavement, e.g. suicide, multiple deaths, grieving difficulties which effect social functioning.
- ◆ Elderly persons at risk.
- ◆ Traumatic life events.

Applications, from persons or families residing in council estates, which allege that they are the subject of harassment and/or intimidation must

be investigated by the Council's Estate Management Section in the first instance. It is only when Estate Management Section have been unable to resolve the matter Estate Management may refer the application to the Welfare Committee for consideration on exceptional compassionate grounds.

11. Composition of the Councils Welfare Committee.

The committee shall be appointed by the manager to examine housing welfare cases referred to it.

Recommendations of the committee will be by collective majority vote.

12. Applications for Former Tenants

Former tenants of the Council or indeed of any Housing Authority or Approved Housing Body will be placed on the housing list if they comply with the following:

- ◆ They are in need of accommodation and are unable to provide it from their own resources.
- ◆ They did not abandon their tenancy. The former tenancy has been appropriately surrendered.
- ◆ The rent account on their previous tenancy is clear.
- ◆ The letting conditions relating to their previous tenancy including the conditions relating to anti social behaviour were complied with.

13. Transfers Applications.

General

An applicant will only be eligible for consideration if they have complied with the following:

- Have a clear rent receipt.
- Tenants with arrears of Rent who have not entered into an arrangement to clear the arrears are not eligible to apply for a transfer to alternative accommodation where the arrears accumulated to an equivalent of 12 weeks debit during the preceding 3 years.
- Have resided in their current dwelling for at least two years.

The Manager may in exceptional circumstances waive compliance with any or all of the above conditions.

The Council may refuse to make or defer the making of, an allocation of a dwelling to a person where the authority considers that he or she

is or has been engaged in anti social behaviour or that an allocation to that person would not be in the interest of good estate management.

14. Mutual Inter Transfers.

A tenant of the Council, may with the consent of the manager, exchange the tenancy of his/her existing dwelling for the tenancy of another Council, Housing Authority or Approved Voluntary Housing Association dwelling.

Applications for inter transfer between a Council tenant and another Housing Authority tenant are subject to the approval of both the Council and the other Authority. Applications for inter transfer between a Council tenant and an Approved Voluntary Housing Association tenant are subject to the approval of both the Council and the Association.

In addition to the conditions at section 13 above, the Councils consideration of an inter transfer application will have regard to the following:

- ◆ The reasons given by the applicants for the inter transfer in either applicant household
- ◆ If the transfer would result in overcrowding in either moving group.
- ◆ If the transfer would result in under utilisation of either dwelling.

If the Council is satisfied that there has been any financial gain by either party as a direct result of the Inter Transfer e.g., any payment being made by one party to the transfer to the other party to the transfer in respect to any aspect of the transfer, the application will be refused. If evidence is received after the transfer takes place the transfer will be reversed.

Applicants will be required to sign a declaration that they will go into occupation of and continue to occupy the respective dwellings. If one of the parties does not take up residence or vacates it within a period of six months, the Council will move, in the absence of a satisfactory explanation, to have the other dwelling in the exchange repossessed.

15. Illegal Occupation

Applicants who take up illegal occupation of a Housing Authority or Approved Voluntary Housing Association property will not be considered for the tenancy of any Council Dwelling unless the dwelling the applicant occupies illegally is voluntarily surrendered to the relevant authority or association in the same condition in which it was first illegally occupied by them.

16. Financial Contributions

Senior Citizens who are owners of private dwellings and who find that their existing dwelling is too large for their needs may apply to the Council for senior citizen accommodation subject to the payment of a financial contribution which is set at 1/3 of the net proceeds of the sale price. However, should the Senior Citizen die or enter a nursing home within 5 years of the tenancy being awarded a refund, in accordance with the table below, will be made to the tenants estate or to the tenant which ever is appropriate.

Time as Tenant	Refund
Less than 1 year	80% refund
1 year less than 2 years	60% refund
2 years less than 3 years	40% refund
3 years less than 4 years	20% refund
4 years or greater	No refund.

Refunds will be calculated on the original contribution made exclusive of any interest that might have accrued

The Council will not allocate vacancy deficient senior citizen units of accommodation under this heading at the expense of senior citizen applications on the Housing List.

17. Unfit Dwellings

Persons who knowingly take up residence in a dwelling which is unfit for human habitation and cannot be made fit at reasonable cost and on which Orders or Notices under Section 66 of the Housing Act, 1966 have been made or served will not be considered for housing accommodation by the council.

18. Tenant Induction

All applicants will be required to attend and participate in the Council's **Tenant Induction Module following acceptance of an offer of accommodation.** Failure to attend and participate may result in the withdrawal of an offer of accommodation.

19. Appeals

All appeals for any decision taken in accordance with this Allocations Scheme should be made in writing within 28 days to the Senior Executive Officer, Housing Department.

15th June 2011