

# **DÚN LAOGHAIRE-RATHDOWN 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)**

### **PART 1 – INTRODUCTION**

The purpose of this Allocation Scheme is to provide a means for determining the order of priority to be afforded in the letting of Social Housing support 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).

Housing applicants will be prioritised having regard to whether their need has been accorded overall priority or their place on the housing list has been reached for the type of accommodation appropriate to their need.

The social housing assessment and prioritisation of all applications and subsequently the allocation of accommodation are undertaken on the basis of fairness and equity. All applicants are treated fairly with equality of treatment. The Scheme welcomes housing applications from people of all backgrounds irrespective of age, race, disability, religion, gender, sexual orientation, marital status, family status, or being a member of the travelling community.

### **PART 2 - ASSESSMENT OF NEED**

#### **1. Categories of Need**

To be eligible to be considered for the allocation of social housing support by Dún Laoghaire-Rathdown County Council an applicant must have their need for such accommodation established by the Council having regard to the following categories (relating to an applicant's current accommodation) specified in the **Social Housing Assessment Regulations 2011** which have been made pursuant to Sections 3, 20 and 32 of the Housing (Miscellaneous Provisions) Act 2009:-

- (a) Whether it is an institution, emergency accommodation or a hostel;
- (b) Whether it is overcrowded within the meaning of section 63 of the Act of 1966;
- (c) its fitness for human habitation, having regard to the matters set out in the Second Schedule to the Act of 1966;
- (d) the extent to which it meets any accommodation requirement arising from the enduring physical, sensory, mental health or intellectual impairment of a household member;

(e) where it is shared with another household, whether the household that has applied for social housing support has a reasonable requirement for separate accommodation, and

(f) whether it is unsuitable for the household's adequate housing in any other material respect, having regard to particular household circumstances, or on exceptional medical or compassionate grounds.

## **2. Need on medical grounds**

A person will only be assessed as having a need on medical grounds where the provision of accommodation by the Council would in a material way improve the health of the applicant, relieve the condition from which they are suffering and/or significantly improve their ability to cope with that condition.

Where housing need on medical grounds is being considered the Council may have regard to the report of the Council's Medical Adjudicator.

## **3. Applicants deliberately disimproving their housing accommodation**

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 done or failed to do anything other than an action or omission in good faith in consequence of which the accommodation he/she is so occupying is less suitable for his/her adequate housing than other accommodation which it would have been, or would be reasonable for him/her to occupy.

## **4. Unauthorised occupation of Council dwellings**

Where an applicant is occupying a Council owned dwelling without the appropriate authorisation they shall not be eligible for inclusion on the housing list.

## **5. Sharing Information with other agencies**

Applicants, as part of their application will be asked to indicate their consent to the Council seeking information from other appropriate agencies e.g. Department of Social Protection, regarding their application. Similarly, information obtained by the Council as part of the application may be shared with other appropriate agencies where relevant to the application.

## **6. False or misleading information**

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) Place the application at the bottom of the housing list;
- (iv) Close the application.

In deciding which sanction should apply in any given case the Council will have regard to the extent to which the information was likely to affect any decisions, actually made or prospective, in relation to the application.

## **PART 3 - PRIORITISING NEED**

Accommodation becoming available for allocation to applicants who have been assessed as having a social housing need shall be allocated in accordance with the priorities set out hereunder. Nominations of housing applicants to accommodation provided by or through housing associations shall also be in accordance with these priorities.

## **7. Overall priority**

Overall priority will be given to the following provided suitable accommodation is available 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. Section 2 of the Housing Act, 1988 defines a homeless person as follows:  
"A person shall be regarded by a housing authority as being homeless for the purposes of the 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, 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 a paragraph (a),  
And he/she is, in the opinion of the authority unable to provide accommodation from his/her own resources."
- iv. Applicants who in the opinion of the Council having regard to a report of the Council's Medical Adjudicator may be accorded overall priority on medical grounds.
- v. Applicants who are proposed to be accommodated in standard Council housing in accordance with the Council's Traveller Accommodation Programme.
- vi. Applicants who have been forced to flee violence (domestic, racial or other) who are unable to return to their home and who are not in a financial position to provide their own accommodation.

## **8. Emergency / Estate Management Allocations**

Nothing in the scheme shall operate to prevent the County Manager or a person having delegated functions in this regard from allocating a tenancy in emergency circumstances or on Estate Management grounds.

## **9. RAS (Chapter 4 Tenancies):**

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 a dwelling let to the household under a RAS (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.

#### **10. Setting aside of dwellings**

The Council may, from time to time set aside for persons of such category or categories as the authority may decide, a particular number or proportion of the dwellings becoming available to the authority for letting and priority shall be afforded to the specified categories in the letting of these dwellings including;

- (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 and leased units.
- (c) For allocation under Choice Based Lettings (CBL)

#### **11. Classification of Accommodation Need and Requirements**

Social Housing Support Lists will be prepared for households with a general 1,2,3,4 bedroom need, older person accommodation, traveller accommodation, homeless accommodation and enduring physical, sensory, mental health or intellectual impairment accommodation.

Persons over the age of 55 years will be eligible for inclusion on the housing list for older person accommodation.

Any applicant who is a separated parent with partial custody arrangements or access arrangements to their children shall on production of relevant documentary evidence be deemed to have a two bedroom need.

#### **12. Placement on the Social Housing Support List**

Applicants who have been accepted by the Council as having a social housing support need and who have not been given overall priority shall be placed on the housing list appropriate to their household size in the chronological order of the dates on which their valid applications were received by the Council.

Where two or more applications are received on the same date they will be accorded priority in the order in which they were received by the Council. In any case of dispute regarding the order of receipt of applications the final decision shall be made by the Director of Housing.

#### **13. Housing areas**

The County shall form four housing areas from the date on which this Scheme comes into effect.

In accordance with the Social Housing Assessment Regulations 2011:-

Households may identify up to three areas, a minimum of one must be in the functional area of DLRCC and two may be in the functional areas of Dublin City Council or South Dublin County Council or Fingal County Council. However a household may identify the three areas in the Dún Laoghaire Rathdown County Council functional area. An applicant may change their choice(s) of area(s) once in any period of twelve months.

#### **14. Applicants refusing accommodation**

In accordance with the Social Housing Assessment Regulations 2011, there is a requirement for a mandatory standard approach to dealing with refusals.

- two refusals of reasonable offers of social housing [over a twelve month period and within areas of choice, except in emergencies, etc.] will result in a household being deemed to have forfeited its place on a waiting list for a period [two refusals will also mean that a household may lose rent supplement],
- in the event of two refusals, a housing authority will suspend a household from the waiting list 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 list' purposes.
- A refusal of an offer under Choice Based Lettings (CBL) 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 CBL for a period of twelve months.

#### **15. Rental Accommodation Scheme**

A household accommodated through the Rental Accommodation Scheme shall be deemed to have had their housing need met, under Section 19 of the Housing (Miscellaneous Provisions) Act 2009; RAS is a form of social housing support.

#### **16. Policy on preventing and combating anti-social behaviour**

In accordance with S. 14 of the Housing (Miscellaneous Provisions) Act 1997 and its policy on combating and preventing anti-social behaviour the Council may refuse to allocate a dwelling to an applicant or nominate that applicant for a housing association dwelling or to defer such allocation or nomination where it considers that the applicant has been engaged in anti-social behaviour.

#### **17. Pre-Tenancy Course**

Applicants will not receive offers of housing accommodation until they have attended and satisfactorily completed a pre-tenancy course.

#### **18. Joint Tenancy**

Tenancies of local authority dwellings 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 (e.g. where a need for care or support has been established by the Council's Housing Welfare Team).

Where a relationship subsequently breaks down, the County Manager or person having delegated functions may decide, after considering all the circumstances, which spouse/partner, if either is to be granted the tenancy. Preference will be given to the spouse/partner who has the sole or main custody of the children of the relationship.

### **19. Succession of tenancy**

On the death of a tenant the tenancy may be transferred to the tenant's spouse or to a member(s) of the family normally resident (i.e. included on the rent assessment for a minimum of five years or for an aggregate of ten years in the previous fifteen years) in the dwelling at the date of the tenant's death, subject to consideration of the accommodation needs of the person(s) applying to succeed to the tenancy.

## **PART 4 TRANSFERS**

In general, up to 50% (i.e. 10% for each transfer list, where not exhausted) of the dwellings, which become available for allocation by the Council or for nomination to housing association accommodation will be available to households who have been approved for a transfer in accordance with the scheme hereunder.

### **20. Eligibility for Transfer**

Tenants who have completed 3 years tenancy with Dun Laoghaire Rathdown County Council will be entitled to apply for inclusion on the medical/overcrowding lists provided they meet either of the following criteria.

- (a) Living in overcrowded accommodation in accordance with the terms of the Council's Scheme of Letting Priorities. To qualify for a transfer on overcrowding grounds the household must be making best use of the accommodation which it is currently occupying so that the overcrowding is unavoidable. Where a person in a household under the age of 10 years is obliged to sleep in the same room as a person of the opposite sex over the age of 10 years that household shall be eligible for a transfer on overcrowding grounds. Where a parent is obliged to sleep in the same room as one or more of their children they will be eligible for a transfer on overcrowding grounds.
- (b) Medical condition for which the Council's Medical Adjudicator has awarded 5 or more medical points.

In all cases, an offer of transfer to alternative accommodation will only be made where:

- (i) The rent and service charges accounts are clear, where a binding legal agreement, to the satisfaction of the County Council's Law Agent, has been entered into to pay arrears of rent and service charges.
- (ii) The dwelling being vacated is in a good state of repair and decoration.
- (iii) The household concerned is, as far as the Council is aware, not anti-social.

**21. Number of Lists**

There will be five transfer lists, one for overcrowding, one for medical, as referred to above, *one RAS Fixed List*, one Fixed List and one HAP Transfer List.

**22. Position on Transfer Lists**

- (a) Position on Fixed List (which is only applicable to tenants appointed prior to 21<sup>st</sup> May, 2001)

Length of tenancy of a designated dwelling with Dun Laoghaire-Rathdown County Council's housing stock will determine a transfer applicant's position on the Fixed List. In the event of equality in length of tenancy, then priority will be decided on size of family.

Where an applicant has been placed on the one bed, two bed or three bed transfer list and his/her family size and housing need changes the applicant will be offered accommodation appropriate to his/her existing housing needs when his/her place is reached on the fixed list.

- (b) Position on Overcrowding List

Points will be awarded as follows:

- i) Overcrowding

Where simple overcrowding which cannot be avoided occurs	18
Where gross overcrowding which cannot be avoided occurs	20
Persons in a grossly overcrowded room	2 (per person)
Where sex overcrowding which cannot be avoided occurs	5
Secondary sex overcrowding which cannot be avoided	
- One bedroom	3
- Two bedroom	6

- ii) One point for each completed year on transfer list from date of application for transfer

- iii) One point per family member resident in the dwelling

In the event of equality of points priority will be determined by length of tenancy

- (c) Position on Medical List

Points will be awarded as follows:

- i) On recommendation of the Council's Medical Adjudicator.
- ii) One point per completed year of tenancy

In the event of equality of points priority will be determined by family size and length of tenancy.

(d) RAS (Chapter 4 Tenancies) Fixed List;

Tenants who were transferred to RAS (Chapter 4 Tenancies) prior to the implementation of the Social Housing Assessment Regulations 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.

Where an applicant has been placed on the one bed, two bed, three bed or four bed transfer list and his/her family size and housing need changes the applicant will be offered accommodation appropriate to his/her existing housing needs when his/her place is reached on the RAS Fixed List.

Tenants who opt for inclusion on the RAS Fixed List will be asked to nominate one area of choice. Should they refuse a second offer of alternative accommodation in that area of choice they will be removed from the list permanently.

The RAS Fixed List will expire when all tenants have either been re-housed or have refused two offers of housing. The closing date for application for inclusion on the RAS Fixed List will be 30<sup>th</sup> September 2011.

Section 22 (e) – Housing Assistance payment (HAP) Transfer List

All HAP recipients may apply to be placed on the HAP Transfer List.

There will be no minimum time in HAP accommodation imposed as a criteria for access to the HAP Transfer List.

HAP recipients who are approved for the HAP Transfer List will retain their time spent on the housing waiting list and will be placed on the Transfer List accordingly.

Where an applicant has been placed on the one bed, two bed, three bed or four bed transfer list and his/her family size and housing need changes the applicants will be offered accommodation appropriate to his/her existing housing needs when his /her place is reached on the HAP Transfer list.

Tenants who opt for inclusion on the HAP Transfer List will be asked to nominate one area of choice. Should they refuse a second offer of alternative accommodation in that area of choice they will be removed from the list permanently.

**23. Offers**

Transfer applicants will be required to nominate their area of choice. An applicant on the Overcrowding, Medical List, RAS Fixed List, Fixed List or HAP List who

refuses a second offer of alternative accommodation in his/her area of choice will be removed from the list permanently.

Any such applicant who is included on more than one list will have his/her name removed from the relevant list only.

#### **24. Mutual Transfer**

Mutual transfers will be allowed between tenants with similar properties and in cases where a transfer achieves a better use of accommodation. The Council can consider applications for mutual transfer from tenants of dwellings of different sizes in certain circumstances.

#### **25. Downsizing**

Priority will be given to tenants seeking to downsize their accommodation.

#### **26. Emergencies/Estate Management**

Nothing in the terms of this scheme shall operate to prevent the Manager from granting a transfer in emergency circumstances or on estate management grounds, as defined by the Housing (Miscellaneous Provisions) Act 1997.

#### **27. RAS (Chapter 4 Tenancies)/Long Term Leasing**

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.

#### **28. Proportion of dwellings to be offered to the five transfer lists**

The dwellings which become available shall be allocated equally between the Overcrowding List, Medical List, RAS Fixed List, Fixed List and HAP List where not exhausted.

#### **29. Tenants of housing designated under the Fixed Transfer Scheme.**

Tenants who opted for inclusion on the Fixed List will be asked to nominate their area of choice. Should they refuse a second offer of alternative accommodation in their area of choice they will be removed from the list permanently.

The Fixed List will expire when all tenants have either been re-housed or have refused two offers of housing. The closing date for inclusion on the fixed list was 21<sup>st</sup> May 2001.

#### **30. RAS & HAP Tenants**

RAS & HAP Tenants may apply for inclusion on the Overcrowding Transfer List and/or Medical Transfer List to transfer to alternative social housing support provided they have completed a minimum of 3 years in a RAS/HAP dwelling and are overcrowded within the meaning of section 63 of the Act of 1966 and or have a medical condition which necessitates a change in their accommodation and for which the Council's Medical Adjudicator has awarded 5 or more medical points. A

RAS/HAP tenant who refuses a second offer of accommodation may not be considered for a further offer.

In all cases, an offer of transfer to alternative accommodation will only be made where:-

- (i) The rent and service charges accounts are clear, where a binding legal agreement, to the satisfaction of the County Council's Law Agent, has been entered into to pay arrears of rent and service charges.
- (ii) The dwelling being vacated is in a good state of repair and decoration.
- (iii) The household concerned is, as far as the Council is aware, not anti-social.

## **APPENDIX**

### **Explanatory Notes in relation to the categorisation of housing need**

1) Simple overcrowding is deemed to exist when the number of persons ordinarily sleeping in the dwelling and the number of rooms therein either:

- (i) are such that any two of these persons being persons of ten years of age or more of opposite sexes and not being persons living together as husband and wife must sleep in the same room

or

- (ii) are such that the free air space in any room used as a sleeping apartment for any person is less than four hundred cubic feet (the height of the room, if it exceeds eight feet, being taken to be eight feet, for the purpose of calculating free air space) and where living accommodation is not separately available to the applicant the first 100 square feet of the accommodation being taken as living room for the purpose of assessing overcrowding in sleeping accommodation.

2) Gross overcrowding is defined at 240 cubic feet or less for the third (or more) person sleeping in a bedroom allowing 800 cubic feet for the first two persons.

3) Sex overcrowding is deemed to exist when persons of ten years of age or more of opposite sexes and not being persons living together as husband and wife must sleep in the same room.

4) Secondary sex overcrowding is defined as sex overcrowding in another family as a result of the applicant's family being accommodated in the same dwelling.

5) Where a family with children are living in separate dwellings due to lack of accommodation, such a family shall be categorised as overcrowded on the basis of that accommodation occupied by the larger portion of the family and the entire family shall be considered to be living in that accommodation.

6) In the case of a family who have been allocated a dwelling and where the death of a member of the family occurs prior to the completion of the tenancy agreement, the family will be deemed to have a housing need as if the circumstances had not altered, provided that the remaining members of the family are capable of entering into a legal tenancy.

7) Where applicants occupy the following temporary dwellings:

- a) Tent or
- b) Van or other conveyance (whether on wheels or not) or
- c) Shed, hut or similar structure or
- d) Vessel, ship, boat or barge

They will be considered to be living in unfit accommodation.