

NORTH TIPPERARY COUNTY COUNCIL

ALLOCATION SCHEME

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

1. The purpose of this allocation scheme (scheme of letting priorities) 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), 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 (North Tipperary 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 bodies to whom assistance is given under section 6 of the Housing Act 1992 for the purposes of such provision.
2. The manner in which North Tipperary County Council (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 such households, shall have regard to –
 - the existing housing conditions of the household;
 - the period of time on the waiting list of the household;
 - report of a medical practitioner employed by the Health Service Executive, where priority is being claimed on exceptional medical grounds;

- the need to counteract undue segregation in housing between persons of different social backgrounds and to ensure where possible that a mixture of dwelling types and sizes and of classes of tenure is provided to reasonably match the requirements of households; *and*
- subject to the order of priority as determined in 2.1 to 2.9, and related matters in Clause No. 3 to No. 10 hereunder.

Subject to the foregoing paragraph:-

- 2.1 First preference shall be given to households who occupy dwellings deemed to be dangerous in accordance with the provisions of Section 3 of the Local Government (Sanitary Services) Act, 1964.
- 2.2 Second preference shall be given to households living in unfit or overcrowded conditions as defined in Section 66 and Section 63 of the Housing Act, 1966, where a member or members of the household are suffering from an illness which, in the opinion of a medical practitioner employed by the Health Service Executive, warrants their re-housing.
- 2.3 Third preference shall be given to households deemed to be homeless within the meaning of Section 2 of the Housing Act, 1988.
- 2.4 Fourth preference shall be given to households living in dwellings deemed to be unfit or materially unsuitable for human habitation or living in overcrowded conditions as defined in Section 66 and Section 63 of the Housing Act, 1966.
- 2.5 Fifth preference shall be given to households in need of housing on medical, compassionate or other similar grounds.
- 2.6 Sixth preference shall be given to households who are members of the travelling community who are not eligible under the aforementioned categories.
- 2.7 Seventh preference shall be given to older persons i.e. persons who are aged 65 or over, capable of independent living, and who are not eligible under the aforementioned categories.
- 2.8 Eighth preference shall be given to persons with disabilities (this includes persons with a physical, sensory, intellectual/learning or mental health disability), and who are not eligible under the aforementioned categories, provided the available accommodation is suitable for their needs.
- 2.9 Ninth preference shall be given to households 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 or households in need of housing on compassionate or other similar grounds e.g. households who are, in the opinion of the housing authority, not reasonably able to meet the cost of the accommodation which they are occupying or to obtain suitable affordable alternative accommodation.

For the avoidance of doubt, all nominations to dwellings owned and provided by Approved Housing Bodies shall follow this order of priority.

Households that fall into each preference group may be allocated accommodation on the basis of their time on the waiting list.

In the allocation of RAS properties, 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 having regard to Clause 8 hereunder.

3 Notwithstanding anything in Clause 2 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 displaced or to be displaced by the operation of the Council in pursuance of their Statutory duties and functions;*
- *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.*

4 The Housing Authority may, from time to time, as they see fit, reserve 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. to older persons, homeless, travellers, 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;
- (c) for particular forms of tenure, including an ***Incremental Purchase Scheme***.

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 must be designated by Manager's Order for use for Incremental Purchase Schemes.

5 In applying the terms of this allocation scheme to any person, where in the opinion of the housing authority, a person 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 occupying is less suitable for his/her adequate accommodation than other accommodation which would have been or would be reasonable for him/her to occupy, the housing authority may disregard the accommodation occupied by that person.

6 *Transfer of Tenants*

Tenants of the housing authority, including tenants of dwellings provided under the Social Housing Leasing Initiative or the Rental Accommodation Scheme, may apply in writing 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 Tenant Liaison Officer or An Garda Siochana support the transfer application;
- (e) change in financial circumstances, particularly for tenants of RAS and Leased properties;
- (f) other exceptional circumstances.

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

- hold tenancy in their present dwelling generally for a period of at least two years, unless it is a temporary tenancy;
- clear rent account – any transfer will take account of rent arrears but allowances may be made where an agreement is in place 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 housing authority may forgo any or all of the 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 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.

Existing tenants of a housing authority may be allowed to mutually exchange their houses subject to similar conditions.

7 *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 the allocation of that dwelling would, in the opinion of the authority, meet the accommodation needs and requirements of the qualified household concerned and, except in the case of a dwelling allocation offered under section 22(7)(b) of the Act of 2009, the dwelling is situated in an area of choice specified by the household in accordance with Regulation 8 or 9 of the Social Housing Assessment Regulations 2011.
- (c) Refusal of offers of RAS accommodation will be treated as a refusal of accommodation as set out in Clause 7(a) of this allocation scheme.

8 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 in the housing authority's adopted Anti-Social Behaviour Strategy 2010.

9 Succession Tenancy

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 housing authority 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 themselves an elderly person).

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 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 and approve the tenancy if considered appropriate. Where a person other than a spouse 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 remaining members of the household and approve the tenancy if considered appropriate.

- 10 North Tipperary 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 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.

*Housing Section,
North Tipperary County Council,
May, 2011.*
