

WICKLOW COUNTY COUNCIL



SCHEME OF LETTING PRIORITIES (ALLOCATION SCHEME FOR SOCIAL HOUSING)



This scheme is prepared in accordance with Section 22 of the Housing (Miscellaneous Provisions) Act 2009 & Social Housing Allocation regulation 2011 (S.I. 198 of 2011)

In preparing this Scheme, regard was had for the Traveller Accommodation Programme 2014-2018 and Mid East Homeless Action Plan 2018-2020

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Introduction

The objective of this Allocations Scheme is to assign a method of ascertaining the order of priority to be offered in the allocation of social housing support to applicants 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. This scheme will also allow for determining the order of priority for households who have applied for a transfer to another dwelling, and for Incremental purchase purposes.

Social housing supports comprise Local Authority owned dwellings, Local Authority Leasing Initiative, Rental Accommodation Scheme (RAS), as well as dwellings owned by Approved Housing Bodies.

This Scheme will commence on 9th April 2018.

The Scheme may be inspected by any person at Wicklow County Council offices and will be available on the Council's Website www.Wicklow.ie/housing

Consideration of Applications when allocating Social Housing

Eligibility

Applicants will be considered for allocation based on the Points System and/or Priority Status¹

The Local Authority may, on occasion, retain for households of such category or categories as the Authority may assess, a proportion of the dwellings becoming available

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¹ Page 8

for allocation with specific accommodation needs to meet such applicants e.g. Elderly, Homeless and Persons with a Disability.

Nothing in this scheme shall prevent the Chief Executive making an allocation or granting a transfer in emergency/exceptional circumstances.

Policy on preventing and combating anti-social behaviour in accordance with Section 14 of the Housing (Miscellaneous Provisions) Act 1997 and its policy on combating and preventing anti-social behaviour Wicklow County 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. In the regard, Garda checks will be carried out in advance of all allocations.

Choice Based Lettings

Wicklow County Council may, on occasion, make provision for the allocation of particular properties under Choice Based Letting, as part of this allocations scheme, whereby approved applicants may apply for tenancies in nominated dwellings. A refusal under Choice Based Lettings will not signify a refusal under this Allocations Scheme. However, 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.

Refusal of offer of Accommodation

The Regulations provide for a mandatory standard approach to dealing with refusals. The Regulations provide that:

- a) 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 of 12 months[two refusals will also mean that a household may lose rent supplement],
- b) 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.

**reasonable offer is defined as: "an offer of a dwelling allocation by a 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 the dwelling is situated in an area of choice specified by the household, except where an allocation is 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".*

Transfer Policy

It is the policy of Wicklow County Council to ensure that its housing stock is used to its optimum capacity. As such, Wicklow County Council will consider the transferring of households to relieve serious overcrowding, under occupancy and/or extenuating circumstances on medical and compassionate grounds.

Tenants of Wicklow County Council, including tenants of dwellings provided under the Social Housing Current Expenditure Programme e.g. RAS, Leasing, or by Approved Housing Bodies, may apply for consideration for a transfer to other dwellings, under the following conditions:-

- Overcrowding
- Where older persons and other households wish to move to smaller accommodation (downsizing)
- Medical/compassionate grounds
- On the basis of anti-social behaviour where the local authority's Tenant Liaison Officer and a Garda Superintendent supports the transfer application
- Other exceptional circumstances
- To facilitate Incremental Purchase, where the authority has consented to such a purchase

All 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 such 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.

Notwithstanding the above, in the case of emergency or exceptional medical/compassionate grounds, Wicklow County Council may relinquish any, or all, of the above conditions in assigning a transfer to alternative accommodation.

Also, priority may be given to a household in receipt of social housing support in a property that is not owned by the local authority and the dwelling is no longer available to them through no fault/act of their own; i.e. RAS and leasing initiatives etc.

RAS (Rental Accommodation Scheme)

Tenants who were transferred to RAS prior to the implementation of the Social Housing Assessment Regulations 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.

HAP (Housing Assistance Payment)

Wicklow County Council will inform all HAP applicants of their obligation to request a transfer back to the housing list within 2 weeks of signing up to HAP. Any HAP recipient who wishes to apply for a transfer from HAP to other forms of social housing supports may do so under the Transfer Application Process. Where a HAP recipient applies for a transfer immediately after entering the HAP Scheme, the transfer list will reflect **the length of time** that the HAP recipient previously spent on the housing list.

Mutual Transfers

Wicklow County Council may be agreeable to accommodate applications for mutual exchanges between two tenants (including exchanges from one Local Authority area/Approved Housing Body/Leasing Initiatives to another) provided the following conditions are met in the case of each tenant:-

- Compliance with the terms of tenancy was satisfactory during their previous tenancy
- Satisfactory tenancy record with no arrears or other charges
- No record of anti-social behaviour
- House maintained in a satisfactory condition in accordance with the terms of the Tenancy Agreement and Tenancy Hand Book;
- Transfer dwelling is suitable to applicants needs
- Acceptance of both parties to occupy dwellings in **existing condition**

Succession Tenancy

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

Where the tenant(s) has passed away, the dwelling may be allocated 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 three years up to and including the time of bereavement.

Family member who would not qualify for Social Housing Support on income grounds may not be allowed succeed to the tenancy.

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 Person Dwelling (and where the person applying for succession is not an elderly person).

Each case will be examined on its merits. In all applications for succession tenancy the rent arrears on the dwelling, if any, must be cleared in full.

All applicants must be capable of living on their own or, where considered necessary by Wicklow County Council, have engaged successfully with necessary support services at time of offer of accommodation and comply with good estate management.

Former Local Authority Tenants seeking Social Housing Support

Previous local authority tenants may be recognised as having a housing need, but will not be considered for inclusion on the housing list for a period of one year, subject to their compliance with the following conditions:

- 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 six months.

- Compliance with the terms of the tenancy was satisfactory during that tenancy
- Any costs that were incurred by the local authority in carrying out repairs/reinstatement works to the tenant's former dwelling, which were the tenant's responsibility, and/or where structural works were carried out without the permission of the local authority that don't meet the building standards must be refunded to the Council by the tenant in full, or a satisfactory arrangement entered into in order to pay the cost of the repairs and maintained for a period of six months.

Other Matters

The Allocation Scheme is a reserved function of the Elected Members of Wicklow County Council; however, the housing authority must comply with any direction or regulations that may be specified by the Minister in relation to amending an allocation scheme.

In the interest of good estate management the local authority will have regard to the need to sustain a balanced community.

Priority Status

In certain circumstances, overall priority may be given to applicants that satisfy any of the following criteria, and subject to the availability of suitable accommodation at the time:

- Families or persons living in dangerous premises on which a requisition under Section 3(9) of the Local Government (Sanitary Services) Act 1964 has been served
- Displacement (resulting from acts of the Local Authority).
- Families of 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 the Act if:
 - a) There is no accommodation available, which in the opinion of the authority, her/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 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, is unable to provide accommodation from his/her own resources.
- Exceptional medical grounds
- Compassionate grounds
- Persons age 60 or over for Older Persons Accommodation

Priority applicants may be given preference over other applicants in the allocation of available accommodation subject to the availability of suitable accommodation at the time.

Where priority for housing accommodation is claimed on medical grounds, regard shall be had to the report/s of the relevant medical consultants.

Wicklow County Council Scheme of Letting Priorities

Points System

Dwellings will be let in accordance with the scheme of points listed hereunder:-

Priority Status:	(Page 9)	1-10
Unfit/Unsuitable	Persons who are occupying unfit dwellings or living in unsuitable conditions	1-10
Overcrowding²	Persons living in overcrowding accommodation and who are not reasonably able to meet the cost of alternative accommodation	1-10
Length of time on Waiting list	1 Year	5
	2 Years	10
	3 Years	15
	4 Years	20
	5 Years	25
	6 Years	26
	7 Years	27
	8 Years	28
	9 Years	29
	10 Years	30
	11 Years and Over (1 point per year to a maximum of 35)	35
Living Long Term/Working in Area	Persons living and/or working within a 10km radius of letting or greater distance thereof if the place of letting is not close to an urban centre or town Or A permanent resident	1-10

² *Overcrowding - A house shall be deemed to be overcrowded at any time where the number of persons ordinarily sleeping in the house and the number of rooms therein either (a) are such that any two of those persons of ten years or more of opposite sex and not being persons living together as husband and wife, must sleep in the same room, or (b) are such that the free air space in any room used as a sleeping apartment for any person is less than 400 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.*

