



## **DROGHEDA BOROUGH COUNCIL**

### **Allocations Scheme determining the order of priorities to be accorded in the allocation of dwellings**

*This scheme is prepared under Section 22 of the Housing (Miscellaneous Provisions) Act 2009 and the Social Housing Allocation Regulations 2011 (S.I. No. 198 of 2011) and replaces the Scheme of Letting Priorities approved by the Minister for the Environment, Heritage and Local Government on 22<sup>nd</sup> December 2008.*

*In preparing this Scheme, regard was taken to directions issued by means of Regulations and Circular made under above provisions from the Department of Environment, Community and Local Government, the Traveller Accommodation Programme 2009 – 2013 and North East Homeless Action Plan 2010 - 2013*

**Joan Martin**  
**Director of Services / Town Clerk**

**ADOPTED BY DROGHEDA BOROUGH COUNCIL ON 13<sup>TH</sup> JUNE 2011**

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### **1. INTRODUCTION**

The Scheme incorporates a scheme of priorities for the allocation of such dwellings under the provisions of Section 22 of the Housing (Miscellaneous Provisions) Act, 2009 and the Social Housing Allocation Regulations 2011 (S.I. No. 198 of 2011) and is applicable from 14 June 2011.

### **2. APPLICATION OF SCHEME**

This Scheme shall apply to the allocation of dwellings:

- Provided under the Housing Acts 1966 – 2009
- Provided under Part V of the Planning and Development Act 2000
- Dwellings provided under the Rental Accommodation Scheme and through the Social Leasing Model.
- Dwellings owned and provided by Approved Housing Bodies to whom assistance is given under Section 6 of the Housing Act 1992 for the purposes of such provision.

Dwellings becoming available under this Scheme may only be allocated to persons who are included in the most recent **Housing Needs Assessment** carried out by the Housing Authority under Section 20 of the Housing (Miscellaneous Provisions) Act, 2009 (and associated regulations) or who have been accepted by the Authority, after the making of that assessment, for inclusion in the next such assessment. Households in receipt of social housing support, that have applied to the Housing Authority to transfer to another dwelling or to purchase a dwelling under the Incremental Purchases Schemes under Part 3 of the Housing (Miscellaneous Provisions) Act, 2009, will also be considered.

### **3. APPLICATION FOR HOUSING ACCOMMODATION**

#### **(a) Eligibility**

Applications for housing accommodation will be accepted by the Housing Authority from persons who:

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- (i) **Are in need of accommodation, and**
- (ii) **Are unable to provide that accommodation from their own resources.**

Applicants for accommodation will be required to complete the statutory application form containing all the information required by the Housing Authority to properly assess their eligibility for inclusion in the assessment and to submit any documentary evidence or proof to verify any particulars submitted on the application form.

The Housing Authority will be entitled to carry out any enquiries it considers necessary in order to determine an applicant's eligibility.

**(b) False or misleading information**

Any applicant who deliberately gives false or misleading information, or who fails to give or withholds relevant information in order to further their application will be liable to being prosecuted under S32(f) of the Act and if found guilty would be liable for a fine of up to €2,000.

#### **4. ACCOMMODATION CHOICES**

Drogheda Borough Council can provide or assist in the provision of a wide range of options for persons in need of Housing accommodation. These include

- The provision of social housing units for letting on a weekly tenancy basis,
- The provisions of loans (including shared ownership)
- Provision of mortgage subsidies,
- Grants (Housing Adaption and Housing Aid for Older People Grants)
- Private subsidised sites for self build purposes.
- The provision of Affordable Housing either built directly by themselves or through agreements with private building developers under Part V of the Planning & Development Act 2000

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- The provision of Affordable Sites
- Schemes of improvement works in lieu of re-housing and schemes for extensions to privately owned houses to relieve overcrowding
- The utilisation of the Rental Allowance Scheme (RAS) for persons in private rented accommodation.

On receipt of an application for Social Housing Support the Housing Authority will make a full assessment of the application to ascertain on whether the household is qualified for social housing support. In this process the following will be considered.

- Residency Status,
- Income Levels,
- Accommodation and Availability of alternative accommodation

The decision made will establish how the applicant's housing need can most appropriately be catered for within the range of housing options available.

The following areas of choice have been identified on the housing application form, and must be indicated by the applicant but not on a priority basis

- Dundalk East
- Dundalk West
- Drogheda North
- Drogheda South
- Ardee/Collon/Tallanstown
- Louth Village/Knockbridge
- Clogherhead/Termonfeckin/Tullyallen
- Dunleer
- Blackrock/Haggardstown
- Carlingford/Omeath
- Kilsaran/Castlebellingham/Dromiskin

Housing Applications will be assessed on a County at Large basis.

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### 5. **NON-DISCRIMINATION**

Drogheda Borough Council will treat all applicants with fairness and impartiality and will not discriminate against any applicant on any of the grounds specified in Section 3 (2) of the Equal Status Act 2000 (i.e. gender, marital status, family status, sexual orientation, religious belief, age, disability, race or membership of the Travelling Community) or any future additions or amendments to that Act.

However, it is a legal requirement that in order to sign a Tenancy Agreement a person must have reached the age of eighteen years and no allocation of a tenancy can, therefore, be made to a person below that age.

### 6. **RESIDENTIAL QUALIFICATION**

Section 20 of the Housing (Miscellaneous Provisions) Act, 2009 requires a Housing Authority to accept applications for social housing support from persons who can demonstrate a local connection.

A local connection can be demonstrated if the applicant or member of the household:

- (i) has lived in the area for a continuous 5 year period previously
- (ii) is employed in the area or within 15 km of the area
- (iii) is in full-time education, or attending specialist care in the area
- (iv) has close relatives living in the area for 2 years or longer

### 7. **APPLICANTS MEANS**

#### **(a) Income Limits**

The basic requirement for eligibility for Social Housing Support is that the applicant must be unable to provide adequate housing from his/her own resources. Drogheda Borough Council has a statutory designated income limit of €30,000 per annum threshold per single person or €36,000 per annum as a family income threshold.

The final decision as to whether an applicant is provided with social housing support will rest with the Housing Authority.

**(b) Property and Other Assets**

A household shall not be eligible for social housing support where the household has alternative accommodation that it owns 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.

**8. ANTI-SOCIAL BEHAVIOUR AND SQUATTING**

Under the provisions of Section 14 of the Housing (Miscellaneous Provision) Act, 1997, the Housing Authority may refuse to make or defer the making of a letting of a dwelling to a person where the Authority considers that the person is or has been engaged in serious anti-social behaviour, or that a letting to that person would not be in the interest of good estate management.

Where an allocation for accommodation is to be made, a formal enquiry will be made with An Garda Síochána under Section 15 of the Act to ascertain convictions under the specified offences quoted on the statutory application form.

For this purpose anti-social behaviour shall be as defined in the Drogheda Borough Council Policy on Anti-Social Behaviour. If a letting is deferred, such deferral shall continue until such time as the Housing Authority is reasonably satisfied that the anti-social behaviour is unlikely to re-occur in the future.

Any person who illegally occupies a Housing Authority dwelling will not be considered for an allocation of that or any other dwelling unless and until the occupied dwelling is surrendered to the Housing Authority in the same condition as existed prior to the illegal occupation. Any person who breaks this rule on a second occasion will be permanently removed from the Housing List.

**9. TRANSFERS**

It is the policy of the Housing Authority to ensure that their housing stock is used to its optimum capacity.

Towards this end, the Housing Authority will give favourable consideration to applications for transfer from one Housing Authority dwelling to another where such transfer would relieve serious overcrowding or under occupancy in a dwelling.

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Transfer applications will also be considered in situations where a transfer would relieve a serious medical condition including physical or mental disability.

Only in very exceptional circumstances will the Housing Authority consider transferring a tenant because of unsatisfactory relations with a neighbouring tenant or because of dissatisfaction with the estate or neighbourhood generally.

Applicants for transfer from the Rental Accommodation Scheme, Voluntary Sector or Social Leasing Category will be considered, having regard to:

- (i) condition of current accommodation
- (ii) length of time in same
- (iii) length of time on waiting list
- (iv) period of contract of RAS or social lease contract

## **10. MUTUAL EXCHANGES**

The Housing Authority will be prepared to accommodate applications for mutual exchanges of tenancies between two tenants (including exchanges from one Housing Authority area to another) provided the following conditions are met in the case of each tenant:

- (i) Satisfactory tenancy record with no arrears of rent or other charges
- (ii) No verified instances of anti-social behaviour in previous 3 years
- (iii) House maintained in a satisfactory condition in accordance with the terms of the Tenancy Agreement and Tenants Hand Book
- (iv) House to which transfer is taking place is adequate in size layout and standard of accommodation for each applicant and dependants
- (v) Each tenant agrees in writing to accept the other house in its present condition in as far as any works or maintenance required is the responsibility of the tenant in accordance with (iii) above.

**11. SUCCESSION TO TENANCY**

Where a tenant dies or leaves a dwelling, a member of the tenant's family who is in need of accommodation will be entitled to succeed to the tenancy (where there is no remaining joint tenant) provided the Housing Authority is satisfied that such member was bona fide ordinarily resident in the dwelling with the deceased or departed tenant prior to and up to the time of death or departure. Other than in exceptional circumstances the minimum period of residency required will be twelve months. This shall be confirmed by inclusion in previous rent assessments.

This entitlement will not apply where the Housing Authority is satisfied that the applicant for succession deliberately took up occupation in the dwelling for the sole or principal purpose of obtaining the tenancy in these circumstances. The Housing Authority will make whatever enquiries are necessary to verify any particulars furnished in support of an application for succession including reference to rent assessment forms or other particulars submitted by the previous tenant.

**12. DISPLACED PERSONS**

The Housing Authority will, where necessary, take steps to provide alternative housing accommodation for any person who will be displaced from his/her existing dwelling through any operation of redevelopment, construction, roadworks, urban renewal or other such activities being carried out by or on behalf of the Authority.

**13. REFUSAL OF OFFER OF ACCOMMODATION**

The Housing Authority will allow applicants for social housing support to indicate their areas of choice in which they wish to be housed and will make offers of accommodation on that basis.

The Social Housing Allocations Regulations stipulate that two refusals of reasonable offers of social housing accommodation over a 12 month period in areas of choice, except in emergencies will result in a household being deemed to have forfeited its place on the waiting list for a period.

The Table below illustrates the implications.

<b>Offer</b>	<b>Period of Deferral</b>
1 <sup>st</sup> Refusal	0 Months
2 <sup>nd</sup> Refusal within 12 Months of 1 <sup>st</sup> Offer	application deferred for 12 months

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**14. DESIGNATED DWELLINGS**

A number of dwelling units are designated for specific categories of tenants. These units are of

- Old Persons Dwelling (OPD) type or
- Special Needs use

And were specifically designed for such use. When lettings occur in these units, only households from the same category, will be considered, unless within the exceptions of Paragraph 20 of this Scheme.

**15. CHOICED BASED LETTING**

The Housing Authority may utilise Choice Based Lettings where dwellings have been so designated. When utilised and two or more households bid, the dwelling shall be allocated using the Priorities indicated in Paragraph 20 of this Scheme. If a Choice Based Letting is refused, no further such offer will be made for 12 months.

**16. RESERVATION OF DWELLINGS**

The Housing Authority will reserve a proportion of allocations for lettings for the following categories of applicants, at the following minimum rates

<b>Category of Household</b>	<b>Rate</b>
Exiting Emergency Homeless Accommodation provided under Section 10 of Housing Act, 1988.	5% of Lettings
Membership of the Travelling Community	To meet the targets set in the Traveller Accommodation Programme 2009-13.

This will be subject to the general requirements of section 19(4) of the Housing (Miscellaneous Provisions) Act 2009 with regard to ensuring that no segregation or mix issues are created.

**17. EMERGENCY ACCOMMODATION**

Where the need for accommodation of any person arises from an emergency, the Authority may make a letting to that person as it considers necessary, notwithstanding any order or priorities for lettings as set out in this Scheme.

**18. DISREGARDING ACCOMMODATION**

In applying the terms of this Scheme to a person, the Authority may disregard the accommodation that the person is occupying where the Authority has reason to believe that he/she 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.

**19. RENT ARREARS/OTHER DEBTS**

The Housing Authority may accept an application for Social Housing Support from a person who owes rent arrears or other charges from a previous tenancy either to that Housing Authority or to another Authority. However, no allocation of a dwelling will be made to that person until such time as the arrears have been fully discharged, or alternative satisfactory arrangements have been made in relation to the debt.

Similar provisions shall apply in the case of any monies owed to a Housing Authority in respect of any damage caused to a Housing Authority House either during the course of a previous tenancy or any period of illegal occupation or squatting.

**20. ORDER OF PRIORITY FOR LETTING OF DWELLINGS**

Subject to the forgoing provisions of this scheme, the following order of priorities shall apply to the allocation and letting of Social Housing accommodation:-

- 1) Applicants, eligible for housing support of a general, designated or reserved nature as detailed in Sections 4, 14 and 15 of this scheme will be considered on their merits having particular regard to period of time which has elapsed since they were first included in an assessment of Housing Need (i.e. length of time on the Housing List

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- 2) To Households in receipt of Social Housing Support who have applied to the Housing Authority to transfer to another dwelling or to purchase a dwelling under the Incremental Purchase Scheme

**Subject to the following Exceptional Circumstances**

- To Households who are living in accommodation that is dangerous or materially unsuitable to such a degree that there is, in the opinion of the Housing Authority a serious and immediate risk to their health and safety by their continued occupation thereof.
- To Households who are in need of alternative accommodation on very serious or exceptional medical grounds including severe physical or mental disability which has been confirmed by a Specialist Medical Consultant.
- To Households who are living in conditions of severe overcrowding.
- Or in the interest of Good Estate Management and in compliance with section 19(4) of the Housing (Miscellaneous Provisions) Act, 2009 to minimise segregation and ensure that the needs of all tenants in a given estate are met.