



Clare County Council
Social Housing Allocation Scheme
2017

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COMHAIRLE CONTAE AN CHLÁIR
CLARE COUNTY COUNCIL

Clare County Council Comhairle Contae an Chlair

Social Housing Allocation Scheme

In accordance with section 22 of the Housing (Miscellaneous Provisions) Act, 2009, Social Housing Allocation Regulations 2011 & Social Housing Allocation (Amendment) Regulations 2016

1. Introduction

The purpose of this scheme is to set out the basis for allocating social housing support to qualified households, i.e. households who are deemed eligible for support, having had their application assessed and housing need confirmed. It also covers households already in receipt of social housing support (including those in RAS and Lease tenancies and households receiving HAP support) that are approved for a transfer.

This scheme covers all dwellings owned or under the control of the Council, including leased dwellings, dwellings subject to the Rental Accommodation Scheme, and dwellings provided by approved housing bodies with exchequer funding. The scheme is governed by the legislative framework referred to herein.

2. Eligibility

A household's eligibility for social housing support will be established via the required application and assessment process. The application and assessment process is governed by the following regulations:

- Social Housing Assessment Regulations 2011 S.I No 84 of 2011
- Social Housing Assessment (Amendment) Regulations 2011 S.I. No. 136 of 2011
- Social Housing Assessment (Amendment) (No. 2) Regulations 2011 S.I. No. 321 of 2011
- Social Housing Support Household Means Policy issued under regulation 17 of the Social Housing Assessment Regulations 2011
- Social Housing Assessment (Amendment) Regulations 2016 S.I. No. 288 of 2016

Where the housing authority is considering the allocation of a tenancy to a qualified household, a review of the initial assessment is required to be carried out in respect of the household.

3. Prioritisation

The following sequence of priorities in allocating social housing support shall apply to qualified households.

- Households living in dwellings deemed to be dangerous

- Households residing in dwellings deemed to be unfit for human habitation
- Households living in overcrowded conditions
- Households in need of housing because of a disability, in accordance with the national housing strategy for people with a disability, or because of exceptional medical reasons
- RAS tenants who require alternative accommodation as a result of a lease expiry or non-renewal of contract by a landlord
- Households identified by the Housing Welfare Officer(s) who have a requirement for accommodation for exceptional reasons
- Households who have a reasonable requirement for separate accommodation or who require accommodation on compassionate or other similar grounds including persons who are not able to meet the cost of rented accommodation

In determining priorities within the categories defined by the scheme, regard may be given to the length of time on the housing waiting list of a qualified household.

Where the need for accommodation arises from an emergency, such as a household finding themselves facing homelessness, the Council may make a letting as it considers necessary to meet this need, notwithstanding the order of priorities for lettings as set out in this scheme.

Households seeking priority because of a disability or exceptional medical reasons will only be considered where supporting written medical evidence is received from a medical professional and where the management of the illness will be improved by a change in housing.

In applying the terms of this scheme, the housing authority may disregard the accommodation a household is occupying, where in the opinion of the housing authority, the household 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 they are occupying is less suitable for their adequate accommodation than other accommodation which would have been or would be reasonable for them to occupy.

Notwithstanding clause 3 above, the housing authority may disregard the order of priority given to a household under the allocation scheme where the household is being provided with social housing support in a dwelling let to the household under Chapter 4 tenancy agreements, having been assessed under section 20(3) of the 2009 Housing Act.

4. Other Provisions

The housing authority, may from time to time, determine to set aside for particular categories of persons a particular number or proportion of the dwellings becoming available for letting. Where dwellings are set aside for a particular category(ies), priority shall be afforded to such category(ies) in the letting of such dwellings.

The housing authority may allow, subject to appropriate conditions and eligibility criteria being satisfied, succession of tenancies by family members normally resident in the dwelling at the time of death or departure of a tenant. The minimum criteria being that the family member(s) has been living in the dwelling for at least two years immediately prior to the death or departure of the tenant, and has been declared for rent assessment. Single people or smaller family units seeking a succession tenancy may not be granted tenancy of family type houses, as they may be overly accommodated. Each case will be examined on its own merits. Departure of the tenant by way of purchasing or providing own alternative accommodation will, not be grounds for a family member over 18 years of age to remain in the dwelling and apply for succession.

The housing authority, may introduce a Choice Based Lettings (CBL) allocations model, in accordance with Sections 6 – 11 of the Social Housing Allocation Regulations 2011. A refusal of an offer made under CBL, shall not constitute a refusal of offer as per Section 6 below. Where an applicant refuses a reasonable offer under CBL, the household cannot bid for another CBL designated dwelling for a period of one year.

Applicants who have been deemed eligible for inclusion on the housing waiting list may be eligible for nomination to an Approved Housing Body and may be referred to that body for consideration for suitable vacancies by the housing authority.

5. Transfers

The housing authority may consider applications for transfer by tenants to facilitate :

- (i) Large families to move from overcrowded conditions, e.g. moving from a 2 bedroom to a 3 bedroom house, and/or;
- (ii) Senior citizens and other smaller households to move to smaller and more appropriate accommodation, e.g. moving from a 3 bedroom to a 2 bedroom house, and/or;
- (iii) For reasons of exceptional medical circumstances, where the transfer would facilitate medical care needs, e.g. ground floor bedroom & toilet facilities.
- (iv) The housing authority may consider applications for transfer by tenants to and from other housing authorities on conditions mutually agreed between the authorities.

Applications for transfer can only be considered after tenants, including those in RAS and Social Leasing accommodation as well as tenants of approved housing bodies, have been residing at their current address for a minimum of 2 years.

6. Refusals of Offers of the Allocation of Dwellings

Two refusals of reasonable offers of social housing, in the area(s) of choice specified by the household, over a 12 month period starting on the date of the 1st refusal will result in the following:

- a) for the period of one year from the date of the 2nd refusal, the household will not be considered by the housing authority for the allocation of a dwelling;
- b) the one year period from the date of the 2nd refusal will not be reckonable as 'time on the list' for the purpose of determining the relative priority of that household for any future dwelling allocation;

Refusal of offers of accommodation offered under the Social Leasing Scheme or the Rental Accommodation Scheme or by an Approved Housing Body will be treated as a refusal of accommodation.

7. Support Previously Provided

The housing authority will not consider the provision of social housing support in the form of providing a dwelling, selling a dwelling under the tenant/incremental purchase schemes or providing a RAS or Lease tenancy or support via HAP, where a household member:

- (a) damaged a dwelling or site previously provided by any housing authority and neither repaired the property nor paid the cost of repairing the property, and/or
- (b) was previously a tenant of a dwelling or site provided by a housing authority and either or both: (i) incurred arrears of rent for an accumulated period of 12 weeks or more in any period of 3 years as such tenant, which arrears have not been paid and the household member concerned has not entered into an arrangement with the housing authority for the payment of such arrears, and (ii) breached the terms of the tenancy agreement, in consequence of which the housing authority terminated the tenancy.

8. Anti-Social Behaviour Strategy/Estate Management Considerations

Notwithstanding anything contained in the Housing Acts 1966 to 2014 or in any allocation scheme made under section 22 of the 2009 Housing Act, the Council 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 household where:

- The Council considers that the household is or has been engaged in anti-social behaviour or that a letting/allocation would not be in the interest of good estate management or where
- The household has failed to provide information, including information relating to persons residing or to reside with the household, which is requested by the Council and which the Council considers necessary in connection with the application for housing support

Allocations may be subject to any provision contained in the Council's adopted anti-social behaviour strategy