



COMHAIRLE CONTAE
CHEATHARLACH
CARLOW COUNTY COUNCIL



Carlow County Council

Housing Allocation Scheme 2021 - 2025

Adopted on 14th June, 2021.

ALLOCATION SCHEME FOR DWELLINGS PROVIDED BY CARLOW COUNTY COUNCIL

1.0 Introduction & Background

1.1 This Allocation Scheme, made in pursuance of Section 22 of the Housing (Miscellaneous Provisions) Act, 2009 shall be used by Carlow County Council as a means for determining the order of priority to be afforded, in the letting of dwellings, provided by Carlow County Council and of which they are the owner or lessor, to persons:

(a) who are, in the opinion of Carlow County Council, unable to provide accommodation from their own resources, and

(b) whose need of accommodation:

- has been established, through their inclusion in the most recent assessment made by Carlow County Council under Section 20 of the Housing (Miscellaneous Provisions) Act, 2009 or
- has been accepted by Carlow County Council, after the making of that assessment in accordance *with Social Housing Assessment Regulations 2011, as amended* or
- households already in receipt of social housing who have been approved for a transfer to another dwelling in accordance with this scheme, or, who have applied to purchase a dwelling under Part 3 of the Housing (Miscellaneous Provisions) Act 2009 (Incremental Purchase Dwelling)

1.2 This scheme applies to all dwellings owned or under the control of Carlow County Council, including those:

(a) constructed or purchased under the Housing Acts 1966 to 2009

(b) provided under Part V of the Planning Act 2000

(c) leased dwellings

(d) dwellings subject to Rental Accommodation Scheme, and

(e) dwellings owned and provided by approved housing bodies

2.0 Priority of Applicants

2.1 In allocating a dwelling the Council shall have regard to the following order of priority:

- 1.** Applicants who are:
 - (a)** being displaced from dwellings deemed to be dangerous in accordance with Section 3 of the Sanitary Services Act, 1964
 - (b)** being displaced by operation of Carlow County Council
- 2.** Applicants who are homeless as defined in the Housing Act, 1988
- 3.** Applicants living in unfit and overcrowded conditions as defined in Sections 66 and 63 respectively of the Housing Act 1966
- 4.** Applicants in need of housing on disability, medical, compassionate or similar grounds
- 5.** Applicants who share accommodation with another person or persons and who, in the opinion of the housing authority, have a reasonable requirement for separate accommodation
- 6.** Approved applicants not included in any of the categories above who have been assessed and approved for social housing support

All allocations including new allocations, transfers and successions to tenancies shall be considered only for houses that meet the specific needs of the Household and only on condition that the household complies in all respects with:

- (a)** the Council's Anti-Social Behaviour Policy and Strategy
- (b)** all aspects of any previous Tenancy Agreement in any Housing Authority/Approved Housing Body
- (c)** and that the allocation is in the opinion of the Council in the interest of good estate management

2.2 Emergency/Exceptions

Where the need for accommodation arises from an emergency and/or medical/compassionate grounds, the Council may make a letting to that person as it considers necessary to meet the need not withstanding the order of priorities for lettings as set out in this scheme.

3.0 General

3.1 Medical/Disability and Compassionate Grounds

Where priority is claimed on grounds consisting of or including medical or disability grounds, the Council shall obtain and have regard to the HMD-Form1/report from a consultant. Where a priority is awarded, this priority may cover a particular type of accommodation and/or accommodation in a particular area. Where priority is claimed on compassionate grounds, assessment will be carried out on the supporting documentation submitted.

3.2 Length of Time

The Council may, at its discretion and in accordance with the Housing (Miscellaneous Provisions) Act 2009, and the Social Housing Guidance Regulations 2011, let a dwelling to any applicant having regard to the length of time the applicant has been included in the Council's housing needs assessment within the specific household category.

3.3 Refusal of Offers of Tenancy

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 consideration for social housing for a specified period (two refusals will also mean that a household may lose rent supplement),

In the event of two refusals, Carlow County Council will suspend a household from consideration for 12 months from the date of the second refusal. 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.

An offer of a dwelling allocation by the housing authority shall be deemed to be reasonable where, in the opinion of the Council, the accommodation offered, would meet the accommodation needs and requirements of the household and the dwelling is situated in the area of choice specified by the household. The only exception to this is where the Council makes an offer because of specified exceptional circumstances, including displacement because of fire, flood or other emergency, development, redevelopment and regeneration of an area or exceptional and compassionate grounds. In these circumstances, the Council does not have to offer the household accommodation in their area of choice for it to be considered a reasonable offer.

Refusal of offers of accommodation offered under RAS, Leasing and/or dwellings provided by Approved Housing Bodies will be treated as a refusal of accommodation.

Applicants who are aggrieved with the decision of Carlow County Council have the right to appeal within 10 days of the date of said decision.

The refusal of an offer made under Choice-Based Letting does not count as a refusal for the purposes of the general refusals policy.

3.4 Change of Address/Particulars

Applicant(s) for re-housing are required to notify the Council of any changes in circumstances which would affect their applications, i.e. change of address, income, number of dependants etc. If an applicant changes address without informing the Council in writing, the Council may not consider him/her for housing even if the application is not withdrawn.

3.5 Giving of Information

An applicant who gives information which he/she knows to be false or misleading or fails to supply information which he/she knows to be material may be excluded from consideration under the scheme.

3.6 Designation of Dwellings

The Council may, from time to time as they deem fit decide to set aside a particular number, type or proportion of dwellings for specific purposes or categories of applicants in need of accommodation. The Council can further designate, by Chief Executive's order, these dwellings not for inclusion in Tenant Purchase Scheme(s).

The Council may, from time to time, as they see fit, designate 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 households, e.g. older persons, persons with disabilities, members of the traveling community 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 all forms of social housing support and leased units
- (c) for particular type of tenure, including an Incremental Purchase dwelling
- (d) for allocation under Choice Based Lettings (CBL)

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 may be designated by Chief Executive's Order for use for Incremental Purchase Schemes where appropriate.

The procedure applied by the housing authority for Choice Based Lettings is as set out in Sections 6 – 11 of the Social Housing Allocation Regulations 2011. In accordance with Regulation 12 (4), a refusal of an offer made under a CBL shall not constitute a refusal. In accordance with Regulation 10(1), where an applicant refuses a reasonable offer of a CBL, the household cannot bid for another CBL dwelling for 1 year.

Properties may be designated by Chief Executive's Order for use for Choice Based Lettings

4.0 Transfer of Tenancy

4.1 Existing tenants of Social Housing accommodation identified in 1.3 will be allowed to mutually exchange their houses subject to the agreement of the letting authority and the following conditions:

- (a)** The transfer is necessary for reasons of proximity to employment, social, medical or other compassionate grounds
- (b)** There are no arrears of rent due in respect of either dwelling
- (c)** Both dwellings are in good repair and require no pre-letting repairs
- (d)** Transfers, except in exceptional circumstances, will not be considered for at least two years after the initial allocation of tenancies
- (e)** Have complied with the terms of the Letting Agreement
- (f)** Have no record of anti-social behaviour
- (g)** The accommodation needs of both families can be fully met in the exchanged properties

4.2 This Council shall give consideration to the mutual exchange of tenancies by tenants of this Housing Authority, and other Housing Authorities, subject to the conditions set out at 4.1 above.

4.3 Other than those reasons stated above the Council will not consider transfer to other social dwellings except under the following circumstances:

- (a)** Overcrowding
- (b)** Where elderly or other small households wish to surrender a larger type accommodation to move to new accommodation
- (c)** Medical grounds
- (d)** Present accommodation is no longer suitable to cater for occupants needs
- (e)** To make better use of housing stock

(f) Other exceptional circumstances

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

- (a) Hold the tenancy in their present dwelling, for a period of at least two years, unless it is a temporary tenancy
- (b) Have a clear rent account – any transfer will take account of rent arrears but allowances may be made where an agreement is in place, and being adhered to by the tenant to address any such arrears over an agreed period of time
- (c) Have kept their dwelling in satisfactory condition, subject to inspection
- (d) Have complied with the conditions of their Tenancy Agreement
- (e) Have no record of anti-social behaviour

5.0 Exceptions & Exclusions

5.1 Anti-Social Behaviour

Under the provisions of Section 14 of the Housing (Miscellaneous Provisions) Act, 1997, the Local 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 or any other person who may intend to reside with them, 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.

For this purpose, anti-social behaviour shall be as defined in Carlow County Council's Strategy on Anti-Social Behaviour and where the making of a letting is deferred, such deferral shall continue until such time as the Local Authority is reasonably satisfied that the anti-social behaviour is unlikely to re-occur in the future.

Any person who illegally occupies a Local 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 Local Authority in the same condition as existed prior to the illegal occupation. Any

person who breaks this rule will be permanently removed from the Housing List.

5.2 Applications from Former Local Authority/AHB/RAS Tenants

In relation to applications made by former Local Authority/AHB/RAS Tenants the following applies:

- (a)** Where a house was abandoned the application shall not be considered for a period of **five** years
- (b)** Where the tenants have been evicted for the non-payment of rent or anti-social behaviour the application will not be considered for a period of **five** years
- (c)** Where a house/tenancy was surrendered the application shall not be considered for a period of **three** years except in the case of permanent marriage dissolution or relationship breakdown, whereby an application may be considered after a period of 6 months

The acceptance of such applications will then only be considered:

- (a)** if the applicants had complied with letting agreement and they have not engaged in anti-social behaviour.
- (b)** If an applicant was previously a Local Authority/AHB/RAS/HAP tenant and incurred arrears of rent for an accumulated period of 12 weeks or more in any period of three years and where the arrears have not been paid and an arrangement has not been entered into with the housing authority for the payment of the arrears or where such an agreement has not been substantially complied with, the Council may not consider the applicant for social housing supports in conjunction with Section 25 of Social Housing Assessment Regulations 2011.

5.3 Arrears

In relation to HAP Tenants being considered for allocation, Tenants shall provide evidence of a clear rent account. This will not entail any review of eligibility.

Information Supplied to Carlow County Council

In considering an applicant's entitlement to accommodation, the Council will require information in relation to current and previous circumstances. This may require provision of data/information by other agencies in order to assess their eligibility for accommodation. In cases where such information is not forthcoming the Council reserve the right to defer indefinitely an application for housing.

Where information is supplied in support of applications the Council will undertake such enquiries as necessary, in order to verify this information from other Local Authorities, Voluntary Bodies, H.S.E. & Gardai particularly in relation to anti-social behaviour.

6.0 Succession of Tenancy

In the event of death of a tenant, where there is a joint tenant the tenancy may automatically be transferred to the surviving tenant or tenants

- (a)** In the event of death of tenant or joint tenant the tenancy shall ordinarily pass to any member of the family provided they are over 18 and have resided at the house and been assessed for rent purposes for a minimum of **18 months** preceding the death of the tenant(s). Where there are two or more surviving family members meeting the criteria, a joint tenancy may be granted
- (b)** No succession shall be considered where the property has been designated as an older person's dwelling or otherwise designated for special needs
- (c)** Families may be required to move to smaller accommodation if the house is deemed too large for their need
- (d)** Likewise, families may be required to move to alternative accommodation where a dwelling has been adapted for a person with a disability who no longer resides at the property
- (e)** In the case of anti-social behaviour of qualifying family member(s), the Council reserve the right to refuse succession to the tenancy

7.0 Permission to Reside in dwellings being let by the Council

The prior written consent of the Council is required where a tenant wishes to have a person reside with them in the tenancy. Applications by a tenant for such consent will be considered on their merits based on the following assessment:

- (a)** The reasons for the application
- (b)** The Housing need being met
- (c)** Suitability and capacity of the accommodation
- (d)** Income eligibility
- (e)** Any previous relevant tenancy
- (f)** Conditions met as per Carlows Anti-Social Behaviour Policy
- (g)** Medical reasons

The granting of a Permission to Reside may not be used to secure a Succession to tenancy nor does it confer any right or entitlement whatsoever to a Succession of Tenancy.

8.0 Adoption of Allocation Scheme

The Council may, from time to time, or as directed, review or amend this Scheme.