

DONEGAL COUNTY COUNCIL

ALLOCATION SCHEME

(Adopted by Donegal County Council on 30th May 2011)

Legislative Background

Section 22 of the Housing (Miscellaneous Provisions) Act 2009 provides for the making – review by a Housing Authority of an Allocation Scheme.

The making of an Allocation Scheme, or the amendment to such a Scheme, are Reserved Functions. Before making or amending an Allocation Scheme, a 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 which may be specified by the Minister.

Application

This 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 a Housing Authority 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 Act of 1992 for the purposes of such provision.

Purpose of Scheme

The purpose of the Scheme is to determine the priority to be given in the allocation of dwellings to households assessed as being qualified for social housing support and to households already in receipt of social housing support that are approved for transfer to Local Authority or approved body dwellings, including new dwellings designated under the Incremental Purchase Scheme. Social Housing Support includes Traditional Local Authority Housing, Rental Accommodation Scheme Accommodation, Leased Property Accommodation or Voluntary and Co-operative Housing.

Meeting Special Needs

The Housing Authority may from time to time reserve a particular number of dwellings for all or any of the following purposes:

- (i) allocation to particular classes of households
- (ii) particular forms of tenure
- (iii) allocation to households transferring from other forms of social housing support.

Exceptional Circumstances

The Housing Authority may disregard the order of priority set out in this Scheme in specified circumstances. These include:

- (i) Displacement by fire, flood or any other emergency
- (ii) Development, redevelopment or regeneration of an area
- (iii) Exceptional medical or compassionate grounds

In any of the circumstances outlined above, the Housing Authority will use its own discretion to allocate a dwelling to the household(s) concerned.

Emergencies

The Housing Authority shall make particular provision for persons in need of accommodation arising from an emergency as they see fit in the particular circumstances notwithstanding the order of priorities set out in this Scheme.

Anti- Social Behaviour/Housing Estate Management

Notwithstanding the terms of this Scheme, the Housing Authority may refuse to allocate, or defer the allocation of, a dwelling to a person where:

- (i) 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
- (ii) 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.

Falsifying Need

The Housing Authority in applying this Allocation Scheme may disregard the circumstances of applicants who have willfully made themselves homeless or may disregard the accommodation that an applicant is occupying where the authority has reason to believe that the applicant has deliberately or without good and sufficient reason done or failed to do anything in consequence of which the accommodation they are occupying is less suitable for their adequate housing need than other accommodation which it would have been, or would be in the opinion of the Housing Authority, reasonable for them to occupy.

Medical/Disability

The Housing Authority shall obtain and have regard to a report from a Consultant, Occupational Therapist or other suitably qualified person in the allocation of dwellings where applicants are applying on medical/disability grounds.

Choice-based letting (CBL)

The Housing Authority may from time to time, in respect of particular dwellings, provide the option of choice-based letting (CBL) as a method of allocating properties, whereby qualified households may apply for tenancies in designated properties. Where more than two households of the same category bid for a property, the decision as to who will be offered the tenancy will be based on time on list. The refusal of a property following an offer under CBL will mean that the household concerned will not be considered for another CBL offer for 12 months. However such a refusal is not counted as a refusal for the purposes of the general refusals policy as contained within this Scheme.

Incremental Purchase Scheme (IPS)

Households already in receipt of social housing support can apply to the Housing Authority to purchase a dwelling that has been designated for the purposes of an IPS. Where the Housing Authority have set aside and designated a dwelling for sale under an IPS and where there are more than one qualifying household, priority will be given based on time on the list of having applied to purchase a dwelling under the Scheme. Where more than one qualifying household has the same time on the list, priority will be given to the household who has been in receipt of social housing support for the longest period of time. For the purpose of the IPS, two or

more households will be considered to have the same time on the list where their applications were received within three months of each other.

Allocations under Rental Accommodation Scheme (RAS)

A 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 form of the Rental Accommodation Scheme. Accordingly, where a household who is in receipt of rent supplement is being allocated a dwelling under a RAS contract, the Authority does not have to follow the general order of priority laid out in its Allocation Scheme. Notwithstanding this, in the interest of transparency and ensuring fairness in the allocation of properties, the general policy will be that RAS units will be allocated to qualifying households where:

- The Rent Supplement Recipient/Housing Applicant requests the Council to consider them for RAS.
- The landlord requests the Council to consider their tenant for RAS.
- The Community Welfare Officer either contacts the Council directly or requests that the Rent Supplement Recipient be considered for RAS or the Rent Supplement Recipient is referred to the Council by the Community Welfare Officer to be considered for RAS.
- The Housing Assessment Officer following interview and assessment of the household's need recommends RAS as an appropriate form of social housing support.

Qualifying households are transferred to RAS (mostly in their current accommodation but occasionally in alternative vacant accommodation) where:

- The household has been in receipt of rent supplement for 18mths+ and has been deemed qualified for social housing support (households on rent supplement for less than 18 months may be considered for RAS at the local authority's discretion)
- The property meets the household's housing need
- The property complies with The Housing (Standards for Rented Houses) Regulations, 2008 (as amended)
- The landlord is agreeable to transfer the property/tenancy to RAS
- The tenant is agreeable to transfer to RAS either in current or alternative vacant accommodation

Transfers (RAS)

While all households in receipt of social housing support, including RAS, are deemed to have had their housing need met and should not therefore be included on housing waiting lists, in recognition of the fact that RAS is still a relatively new form of social housing support and that many RAS tenants have expectations that they qualify for other forms of Social Housing Support, a special transfer path for RAS tenants is being included in the Scheme.

Proposed Transfer Path for RAS tenants to Council-owned/leased accommodation and accommodation provided by an Approved Body:

Existing RAS tenants may be considered for a transfer to Council-owned/leased stock, or to housing provided by an Approved Body subject to the following conditions:

- Minimum of 4 years from the commencement date of existing RAS tenancy in existing accommodation (in accordance with a Chapter 4 tenancy)
- Clear rent account – this condition may be waived on exceptional or compassionate grounds or where a Tenant has made sufficient efforts to clear the arrears
- Compliance with the terms of the RAS Residential Tenancy Agreement & Rent Contribution Agreement
- Dwelling being inspected and found to be in a satisfactory condition

A decision to accept a transfer application will have regard to the following criteria:

- Exceptional medical/disability grounds - regard shall be had to a report referred to in the Section entitled Medical / Disability
- On grounds of anti-social behaviour where a Garda Superintendent/Inspector has stated that there is a risk to personal safety
- RAS property no longer meets the tenants housing need i.e. overcrowding, dwelling too large as a result of family members moving out etc
- A tenant has good and sufficient reason for seeking a transfer from their RAS accommodation

Transfer applicants accepted under the above criteria will be prioritized in accordance with this allocation scheme.

Households wishing to transfer from existing RAS accommodation to an alternative RAS property will be subject to the same conditions/criteria as outlined above with the exception of the requirement that they are already in their existing accommodation for a minimum of 4 years from the commencement date of existing RAS tenancy in existing accommodation. Furthermore, such households will generally be expected to nominate an alternative, suitable/available property for consideration by the Housing Authority.

Transfers (Excluding RAS)

Households already in receipt of Social Housing Support (excluding RAS) may be considered for a transfer to alternative accommodation within the Housing Authority Area subject to the following conditions:

- Minimum two years tenancy in existing dwelling.
- Clear rent account – this condition may be waived on exceptional compassionate grounds or where a Tenant has made sufficient efforts to clear the arrears
- Compliance with the terms of Tenancy Agreement during existing tenancy.
- Dwelling being inspected and found to be in satisfactory condition.

A decision to accept a transfer application will have regard to the following criteria:

- Exceptional medical/disability grounds – regard shall be had to a report referred to in the Section entitled Medical / Disability.
- On grounds of anti-social behavior where a Garda Superintendent/Inspector has stated that there is a risk to personal safety
- On grounds of good housing management reasons
- Older Persons (aged 65 or over) downsizing accommodation
- Overcrowding
- Tenants other than those aged 65 or over downsizing accommodation to make better use of housing stock

Transfer applicants accepted under the above criteria will be prioritized in accordance with this allocation Scheme.

Mutual Transfers

Mutual Transfer will be facilitated where the following criteria are met:

- Clear rent account - this condition may be waived on exceptional compassionate grounds or where a Tenant has made sufficient efforts to clear the arrears
- Compliance with the terms of the Tenancy Agreement during existing tenancy
- Acceptance of both parties to occupy dwellings in existing condition
- The accommodation involved must suit the needs of both sets of households

Tenants of other housing authorities will be considered for mutual transfer subject to conditions agreed upon by both authorities.

Succession of Tenancy

In the case of the death or departure of a tenant of an existing rented dwelling, succession to the tenancy by a family member(s) will be allowed only where the Housing Authority is satisfied that that member has been in continuous occupation of the dwelling for at least two years prior to the death or departure of the former tenant and that their income was taken into account in determining the level of rent paid.

Refusal of Offer

A household who refuses two reasonable offers of Social Housing Accommodation within a twelve month period, without valid and sufficient reason in the opinion of the Housing Authority, will be suspended from the Housing list for a period of twelve months from the date of the most recent refusal. Such a household will not be offered social housing support for the suspension period and the period will not be subsequently counted for “time on the list” purposes. An offer of Social Housing accommodation includes an offer by any Local Authority of traditional Local Authority Housing, Rental Accommodation Scheme Accommodation, Leased Property Accommodation, or Voluntary and Co-Operative Housing.

ALLOCATION PRIORITIES

Homeless

In the allocation of dwellings, the Housing Authority will give first priority to applicants who are HOMELESS.

Section 2 of the Housing Act 1988 stipulates that a person shall be regarded as “Homeless” if:

- (a) There is no accommodation available which, in the opinion of the Housing Authority, they, together with any other person who normally resides with them or who might reasonably be expected to reside with them, can reasonably occupy or remain in occupation of

Or

- (b) They are living in a hospital, county home, night shelter or other such institution, and are so living because they have no accommodation of the kind referred to in (a) above, and they are, in the opinion of the authority, unable to provide accommodation from their own resources.

Allocation of Points

The Housing Authority will give second and all subsequent priorities to households on a points basis as determined under this Scheme. Points shall be awarded to applicants in accordance with the following criteria and as set out in Appendix 1.

Unfitness

Points shall be allocated to applicants whose accommodation is UNFIT for human habitation, or is materially unsuitable for their adequate housing needs. **Maximum 40**

Overcrowding

Points shall be awarded to applicants who are living in OVERCROWDED accommodation. **Maximum 30**

Medical/Disability

Points shall be awarded to households where the allocation of an alternative dwelling would improve any serious medical condition or would improve the living conditions of any member of the household who has applied on medical/disability grounds. **Maximum 10**

Compassionate

Points will be awarded to applicants on COMPASSIONATE grounds where individual circumstances dictate. **Maximum 10**

Time on List

Points will be awarded to applicants who are not offered re-housing within two years of applying, or, of turning down two reasonable offers of social housing support without valid and sufficient reason. **Maximum 20**

Number Requiring Re-Housing

Points will be awarded in respect of the NUMBER OF PERSONS seeking re-housing. **2 Points per Person**

Revisions: None (Inaugural Scheme)

APPENDIX 1

Allocation Scheme: Points System

Unfitness

Section 66(2) of the 1966 Act, in conjunction with Schedule 2 of the same Act, provides the requirement and criteria by which a housing authority establishes whether accommodation is fit for human habitation. Housing authorities must assess whether an applicant's current accommodation is deficient in any way and the extent of that deficiency in respect of the following –

- stability;
- resistance to spread of fire;
- safety of staircases and common passages;
- resistance to moisture;
- transmission of heat;
- transmission of sound;
- infestation;
- water supply, sanitary arrangements and drainage;
- air space and ventilation;
- facilities for preparing, storing and cooking food;
- the extent to which the house does not comply with any relevant standard or requirement (standards for private rented accommodation are set out in the Housing (Standards for Rented Accommodation) Regulations 2008 (S.I. 534 of 2008), as amended, which applies to both private and local authority rented accommodation).

Points for unfitness shall be awarded as follows:

Absence of Amenities

Amenity	None	External Only	Max. Points
W.C.	5	3	5
Water Supply	5	3	5
Bath/Shower	5	3	5
Cooking Facilities			3
Discretionary			2

Absence of Amenities	Max. Points	20
General Unfitness As Outlined Above	Max.Points	10
Material Suitability	Max Points	10
	Total	40

Overcrowding

Overcrowding is defined by Section 63 of the Housing Act 1966 as occurring when, at any time the number of people that would normally sleep in a particular accommodation (house, apartment etc) and the number of rooms are such that –

(a) any two of those persons, if they are older the 10 years old and of the opposite gender, must sleep in the same room (with the exception of those living together as ‘husband and wife/partners’); or

(b) that the ‘free air’ space in any bedroom for any person is less than 400 cubic feet (approximately 11 cubic meters. The height of the room, if it exceeds eight feet, being taken to be eight feet, for the calculation of free air space).

Points for “overcrowding” shall be awarded as follows:

Unalterable Sexual Overcrowding as at (a)	Max. Points	20
Insufficient free air apace as at (b)	Max. Points	10
	Total	30

Medical/Disability

Must be supported by documentary evidence	Total	10
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Compassionate

Total	10
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Time on List

Years	Points
0 - 2	0
2 - 3	5
3 - 4	10
4 - 5	15
More than 5	20
Maximum	20

Number Requiring Rehousing

2 Points Per Person - No maximum