



Comhairle Cathrach & Contae Phort Láirge  
Waterford City & County Council

# **HOUSING ALLOCATION SCHEME**

**Adopted by Waterford City & County Council at the April Plenary  
meeting on 13<sup>th</sup> April 2017**

# **Waterford City & County Council's Housing Allocation Scheme**

**in accordance with**

## **Section 22 Housing (Miscellaneous Provisions) Act 2009 as amended and the Social Housing Allocation Regulations, 2011 & The Social Housing Allocation (Amendment) Regulations 2016.**

The Allocation Scheme sets out the order of priority for allocation of Social Housing support of dwellings or categories of dwellings, to households or particular classes of households who are deemed eligible for housing supports and whose need for accommodation has been approved.

Persons assessed as being qualified for social housing support in accordance with Section 20 of the Housing (Miscellaneous Provisions) Act, 2009 (and associated regulations);

Persons transferring from a dwelling, owned by a Local Authority or Approved Housing Body, or from a dwelling provided under the Social Housing Leasing Initiative or the Rental Accommodation Scheme, or other approved schemes as appropriate.

### **Allocation Scheme - General Conditions**

1. This scheme applies to the full range of Housing supports, including Social Housing and Housing provided through the Capital Assistance, Capital Loan and Subsidy, Rental Accommodation and Leasing Schemes. i.e. Council owned and leased houses and houses owned by Approved Housing Bodies.
2. Dwellings may be set aside for persons with special accommodation needs as follows; people with disabilities, older people, homeless, travellers, or other special accommodation needs.
3. The Council will operate Choice Based Letting (CBL) for designated houses for allocation whereby qualified households or classes of eligible households may apply for tenancies in such designated houses in accordance with the Sections 6 – 11 of the Social Housing Allocations Regulations 2011, and any subsequent regulations specific to CBL. All of the terms of this allocation scheme shall apply to the letting of Houses under Choice Based Letting.
4. Choice Based Letting (CBL) as provided for under the Social Housing Allocation Regulations 2011 may be used for the majority of dwelling types being let by the Council. However, certain dwellings may be withheld from CBL for special and other needs. The Council reserves the right to allocate a dwelling outside of CBL where there is a small number of applicants for that specific area of choice.

5. 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.
  - c. And that the allocation is in the opinion of the Council in the interest of good estate management
6. The Condition of a household's present accommodation may be disregarded if the household is deliberately taking occupation of accommodation primarily to improve their allocation priority.
7. Persons in unauthorised occupancy of Local Authority dwellings and who do not leave voluntarily on request shall not be considered for allocation of social housing supports. Those who leave voluntarily on request may be considered after a period of twelve months following the date of voluntarily leaving the dwelling. This twelve month period is discounted from time on list period.
8. The Council reserves the right to refuse consideration of an allocation where false or misleading information is supplied, or where a person fails to provide information requested by the Council in relation to persons residing, or is to reside with that person .
9. In the case of a parent living apart from his/her children to whom he/ she has shared custody, social housing support may be allocated for such custody, based on the housing need. Where custody of children is shared, evidence of such custody will be required as follows:
  - a. Copy of the legal agreement or court order setting out the custody arrangements.
  - b. If no such agreement / order exists both the applicant and the other parent/guardian of the child /children shall provide a statutory declaration to the effect that an access agreement is in place and submit details thereof.
10. Attendance at and successful completion of Pre-Tenancy courses (by both parties in the case of joint applicants), is a requirement prior to any offer of accommodation.
11. In the event of two refusals of reasonable allocation offers by one or more than one Housing Authority, in any continuous period of one year, the household shall not for the period of one year, commencing on the date of the second refusal, be considered by any Housing Authority for the allocation of a dwelling. This time period will not be added on to the time on list period. Offers of accommodation will only be located in the stated areas of preference, and such that will meet the Household's need. Such offers will be considered reasonable.

12. In the case of a Choice Based Letting (CBL) offer, if an applicant refuses a CBL offer of a council property that they, or a member of their household, have expressed an interest in, they will not be entitled to make further expressions of interest on further CBL council properties for a period of one year.

The Council may from time to time review this allocation scheme, and revise it by way of amendments to the scheme or make a new scheme, subject to the approval of the Council.

### **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:

- The reasons for the application
- The Housing need being met
- Suitability and capacity of the accommodation
- Income eligibility
- Any previous relevant tenancy
- Applicants need for full time care
- 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.

### **Allocation Scheme Order of Priority**

#### **1) Allocations**

The following categories are considered to be priority cases and will be considered for housing support on the basis of need.

#### **(a) Emergencies**

Persons being displaced from:

- a. Dangerous buildings under the Local Government (Sanitary Services) Act, 1964,
- b. or potentially dangerous buildings under the Fire Services Act 1981, as amended
- c. or Unfit dwellings under section 66 Housing Act 1966,
- d. or by operations of the City Council in dwellings urgently required for redevelopment.
- e. Where persons are rendered homeless because of fire, flood, storm damage etc. short term emergency accommodation may be provided.

**(b) Homeless households as defined by Section 2 Housing Act 1988**

Accommodation made available in this category may include tenancy sustainment supports.

**(c) Older persons (aged 65 yrs or more)**

Accommodation under this category will be those provided specifically for older persons or that are specifically suited to the older person's accommodation need.

**(d) People with Disabilities**

Including physical, sensory, intellectual/learning or mental health disability.  
Priority subject to Medical Consultant / Area Medical Officer or Occupational Therapist recommendation.

**(e) Traveller Households**

Including households who wish to be housed in standard social housing supports and in traveller specific accommodation in accordance with the Council's Traveller Accommodation Programme

**General applications**

Applications which do not fall in to any of the above special need categories priority will be considered based on the length of time on the list.

**2) Transfers**

Tenants with not less than two years continuous tenancy in their current accommodation may be considered for a transfer to any of the housing supports available, only under the following priority categories.

**First priority:** On medical grounds where the allocation of alternative social housing support would materially improve the person's medical condition or would materially improve living conditions for that person or persons.

**Second priority:** will be given to households where there is serious overcrowding.

**Other priorities:**

- a) Transfers which in the opinion of the Council will create vacancies required by for re-letting to meet special need category households.
- b) Households including older person households wishing to surrender family type accommodation to move to smaller accommodation.

- c) Tenants of Leased and Rented houses under the Leasing and Rental Accommodation Schemes seeking a transfer to avail of the incremental purchase scheme of Local authority or approved body owned housing.
- d) Households in receipt of social housing support in a property that is not owned by the Council and the house is no longer available to them through no fault/act of their own; i.e. rental accommodation availability arrangements, and long term leasing and where they continue to have a housing need.

Applications not falling in to any of the above categories will have a low priority and will only be considered where there are verifiable exceptional circumstances which may warrant a transfer.

Transfers between tenants of the Council and tenants of another Housing Authority may be permitted in exceptional circumstances, where all conditions of their tenancy agreement have been fully complied with by both parties and provided all the conditions as agreed between the two Authorities and the conditions of this scheme for such transfers are fully met.

All Transfer applications are subject to full compliance with the Council's Anti Social behaviour strategy and full compliance with any previous Tenancy agreement in any Housing Authority and in the interest of good estate management and the house meeting the household needs. Under occupancy will not be permitted where there is an established need for such property.

### **3) Succession to Tenancies**

- 1) In the event of the death of one tenant where there is a joint tenancy, the tenancy will ordinarily be transferred to the surviving tenant or the spouse, provided that he/ she still has a housing need, and provided that he/she has been continuously resident in the dwelling for a continuous period of at least two years immediately prior to the death of the tenant and has been declared for and assessed for rent purposes for that entire continuous period. Periods of non residence or residence not declared for rent assessment purposes are not applicable.
- 2) In the event of death of both spouses, or the vacating of the dwelling, other than departure by way of purchase or acquiring/inheriting of own property, by the tenant or tenants, and where no new social housing need is created in the State, tenancy will ordinarily be transferred to the member of the family longest residing provided that:
  - a. he /she has a housing need and has continued to reside in the house throughout his/her lifetime and has been continually declared for and assessed for rent purposes; or

- b. he /she has a housing need and has been living in the house and has been declared/assessed for rent purposes , for a continuous period of at least two years immediately prior to the death of the tenant.
- 3) Where there are two or more surviving members of the family who meet the criteria at 2 a) or b) above, a joint tenancy may be granted by the Council. If agreement cannot be reached regarding the family member to succeed, the House automatically reverts to Council.
- 4) A person other than a joint tenant, spouse, partner, son or daughter who having had permission to reside if required, and can verify residing in the dwelling for 5 years and has been declared and assessed for rent purposes for 5 years immediately prior to the death or departure of the tenant, other than departure by way of purchase or acquiring/inheriting of own property, and has been declared and assessed for rent purposes, and has a continuing housing need, may apply to succeed to the tenancy.
- 5) All succession to Tenancy applications are subject to the following:
  - a. Shall be in the interest of good estate management;
  - b. Housing need being verified, and the house meets the needs of the household;
  - c. Full compliance with the Council's Anti Social Behaviour Strategy;
  - d. Full compliance with any previous tenancy agreement in any housing authority;
  - e. In compliance with 'Rebuilding Ireland' which specifically requires Local Authorities to ensure that the existing housing stock is used to the maximum degree possible. Under-occupancy may not be permitted where there is an established need for such house. In such cases the household may be required to move to an alternative property, with their agreement, which in the Council's opinion, is suitable to their household need.
- 6) Succession to certain tenancies may not be allowed in respect of houses which have been adapted for use by people with disabilities, or for houses designated for older persons or other special needs, if the applicant for succession does not fall in to one of those categories.
- 7) In cases where there is an existing tenancy of a dwelling provided by Waterford City & County Council to tenants who have been married and who separate under a legal separation agreement, the Council will have regard to the terms of that agreement provided it is produced in determining the status of the tenancy. In cases where a court order exists, the Council will determine the status of the tenancy in compliance with the order of the court when produced.
- 8) The Council reserves the right to assess each application on its merits and in the interest of good estate management.