

**LEITRIM COUNTY COUNCIL**

**ALLOCATION SCHEME**



**Adopted by the Elected Members of Leitrim County Council on  
2<sup>nd</sup> July 2018 in accordance with Section 22 of the  
Housing (Miscellaneous Provisions) Act, 2009  
And  
Social Housing Allocation Regulations 2011 -2016  
(S.I No. 198 of 2011  
& S.I No. 503 of 2016)**

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### **(A) Introduction – Purpose of the Scheme**

The purpose of the Allocation Scheme is to provide a means of determining the order of priority to be accorded in the allocation of dwellings to:

- 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, including from a dwelling provided under the Social Housing Leasing Initiative or the Rental Accommodation Scheme (RAS) **and**, including transfers to new dwellings being purchased under the Incremental Purchase Scheme.

### **This allocation scheme applies to -**

Dwellings provided under the Housing Acts 1966 to 2009 or Part V of the Planning and Development Act 2000 –

- (i) of which the housing authority (Leitrim County Council) 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***
- (a) dwellings owned and provided by Approved Housing Bodies (AHBs) to whom assistance is given under section 6 of the Housing Act 1992 for the purposes of such provision.

### **(B) The manner in which dwellings are allocated**

The manner in which Leitrim County Council (hereinafter called the housing authority) will allocate dwellings, or different categories of dwellings, to households referred to in Section 22(3) of the Act of 2009, or to different classes of households, shall have regard to the order of priority as set out in (c) to (h) hereunder.

### **(C) Order of Priority**

In the making of an allocation, the following priorities shall apply in order as set out hereunder:

1. Applicants living in dwellings deemed to be dangerous as defined in Section 3 of the Local Government Sanitary Services Act, 1964 or being displaced by the operation of a local authority.
2. Applicants deemed to be homeless under Section 2 of the Housing Act, 1988.

3. Applicants living in unfit conditions as defined in Section of the Housing Act, 1966
4. Applicants living in overcrowded conditions as defined in Section 63 of the Housing Act, 1966
5. Applicants in need of housing on disability, medical, compassionate or other similar grounds.
6. Elderly applicants in need of housing where elderly is defined as 60 years of age or older and where such applicants are assessed and approved for social housing supports.
7. Applicants not included in any other specific category above, who have been assessed and approved for social housing supports.

### **‘Time on List’**

Whilst allocations will be made in accordance with the above order of priority, where a number of applicants fall within the same category, regard shall be had to the length of time that has elapsed since the applicant qualified for inclusion as a qualified applicant for housing by the housing authority. All allocations shall be subject to Section I (II) hereunder.

### **(D) Reviewing Eligibility for Social Housing Supports**

Applicants must be eligible for, and in need of, social housing support at the point of allocation of that support. Changing circumstances may result in a household becoming ineligible for social housing support. Taking into consideration the nature of the change in circumstances, the Housing Authority may undertake a full review of the assessment to determine whether the applicant household remains qualified for social housing support. Rent Supplement recipients must qualify for social housing support in the same way as other households seeking support.

### **(E) Exceptions**

In accordance with Section 20(8) of the 2009 Act, the housing authority, in applying the terms of this scheme to a person may disregard the accommodation that a household currently occupies where the housing authority has reason to believe that a household, or any member of it, has done something, or failed to do something, that has resulted in their accommodation now being less suitable to their housing need than it would formerly have been.

Notwithstanding anything in Section C above, the 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 following circumstances:

- Persons in need of accommodation arising from specified emergency circumstances, including displacement by fire, flood or any other emergency, development, redevelopment or regeneration of any an area by a housing authority, or exceptional medical or compassionate grounds.
- In a dwelling let to the household under a Chapter 4 tenancy agreement having been assessed under Section 20(3), i.e. RAS Accommodation.

In the allocation of RAS accommodation, the housing authority will have regard to the length of time a household has been in receipt of rent supplement; the length of time a household has been on the waiting list for social housing support, or a combination of both; and will be subject to Section (I) (II) hereunder.

### **(F) Medical Report**

Where priority is claimed on Disability / Medical Grounds, the applicant shall submit a report from a Medical Practitioner detailing their disability/medical condition and how this impacts on their housing requirements. The housing authority in considering the awarding of a priority claimed on medical grounds may seek supplementary medical reports in respect of any specific accommodation requirements.

### **(G) Special Category Allocations**

The housing authority may, from time to time, determine as they see fit to set aside for persons of such category or categories as the authority may decide, a particular number or proportion of the dwellings becoming available to the authority for letting.

The following special conditions shall apply in respect of the Allocation Scheme for the Letting of Dwellings:

- allocation to particular classes of household, e.g. older persons, persons with disabilities etc., thus affording priority in the allocation of those dwellings to approved households in the relevant category of need;
- allocation to households transferring from other forms of social housing support (e.g. RAS Units, Voluntary Housing Units) and leased units;
- for particular forms of tenure, including an **Incremental Purchase dwelling**;

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 are designated by Manager's Order for use for Incremental Purchase Schemes.

### **(H) Choice Based Letting (CBL)**

Leitrim County Council may utilise Choice Based Letting as a method of allocating properties. Where Choice Based Letting is to be used as a method of allocating Properties, the following general provisions apply:-

- Persons assessed as being qualified for social housing support in accordance with Section 20 of the Housing (Miscellaneous Provisions) Act, 2009 and associated Regulations, may apply for Tenancies of Properties designated for allocation by Choice Based Letting

- Properties must be designated for allocation by CBL by means of a Chief Executive Order
- Where properties are to be allocated by CBL, there must be an open and transparent means for advising households of the availability of the designated properties
- Where two or more households of the same class bid for a Property, the decision as to which household will be allocated the Property will be in accordance with the priorities as set out in this Allocation Scheme
- The refusal of a Property following an reasonable offer under CBL will mean that the household concerned will not be considered for another CBL offer for a period of 12 months
- The Refusal of an offer made under CBL will not be counted as a refusal for the purposes of the general refusals policy

### **(I) Emergency Allocations**

The housing authority, notwithstanding the order of priorities for lettings as set out in this scheme, may, where it considers necessary, make a letting to a person whose need for accommodation arises from an emergency.

### **(J) Refusals**

#### **Part I - Refusals of Offers of Accommodation by Housing Applicants**

Following the coming into force of this Scheme, where a qualified household refuses two reasonable offers of the allocation of different dwellings in any continuous period of one year commencing on the date of the first refusal, the said household shall not, for the period of one year commencing on the date of the second refusal, be considered by Leitrim County Council for the allocation of a dwelling to which Section 22 of the Act of 2009 applies and the latter period shall not subsequently be reckonable in any way for the purposes of determining the relative priority of that household for a dwelling allocation.

Refusal of offers of accommodation of Council-owned dwellings, offers of accommodation under the Rental Accommodation Scheme or leased dwellings, or a dwelling owned by an Approved Housing Body will be treated as a refusal of accommodation.

A reasonable offer is defined in Regulation 12(3) as an offer of accommodation which in the opinion of the authority would meet the needs and requirements of the household and the dwelling is situated in the area of choice specified by the household.

A household will not be offered social housing support during the suspension period and time will not be added on during this period for 'time on list' or any other priority determining purposes.

All offers of accommodation shall be notified to the relevant Community Welfare Officer who is responsible for enforcement of the regulations in respect to payment of rent supplement [refusal of accommodation may result in loss of rent supplement payment from the H.S.E].

In general a household at the top of the list will stay there until they either have accepted a property or refused two offers of social housing support.

The only exceptions to this is where the housing authority is offering accommodation because of specified exceptional circumstances, including displacement by fire, flood or other emergency, development, redevelopment and regeneration of an area or exceptional and compassionate grounds. In these circumstances, the housing authority does not need to offer the household accommodation in their area of choice for it to be considered a reasonable offer. Households will not be penalised for refusing an initial offer if the offer is deemed to be a reasonable refusal.

The Refusal Policy will also apply to applicants for a Transfer.

### **Refusal of an Offer made under Choice Based Letting (CBL)**

The Refusal of an Offer made under CBL will not be counted as a refusal for the purposes of the above/general refusals policy. However, the refusal of a Property following a reasonable offer under CBL will mean that the household concerned will not be considered for another CBL offer for a period of 12 months

### **Part II - Refusal of Housing Authority to Allocate**

Notwithstanding the provisions of the Scheme in regard to an applicant's entitlement to be considered for accommodation, the housing authority may in exceptional circumstances refuse to allocate, or defer to allocate a dwelling where it considers any of the following apply:

- the person is or has been convicted of engaging in anti-social behaviour as defined under Government legislation,
- that a letting to that person would not be in the interest of good estate management,
- on the grounds of promoting social inclusion
- on the grounds of counteracting social segregation
- where it has been assessed that a person's accommodation needs cannot appropriately be met, at that point in time, through independent living

**The housing authority may also refuse to allocate a dwelling in cases where an applicant:**

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- refuses to disclose any information which is requested by the housing authority either on the application form or at subsequent interviews and which is required either for the purpose of assessing the application or for estate management purposes.
- will not authorise the provision of data/information on the applicant by other agencies where this data/information is required by the housing authority for estate management purposes, or
- provides false or misleading information at any stage in the assessment or allocation process.

### **(K)Transfers**

Tenants of the housing authority, including tenants of dwellings provided under the Social Housing Leasing Initiative, RAS, or by AHB's may apply for consideration for a transfer to other dwellings, under the following circumstances -

- **Down-sizing:** – tenants who wish to transfer to a smaller unit of housing authority accommodation.
- **Exceptional medical/disability or compassionate grounds:** where the tenant has a serious disability /medical condition or illness for which the allocation of a transfer to an alternative housing authority dwelling would improve the tenant's medical condition. The housing authority shall obtain and have regard to a report from an Occupational Therapist/Medical Practitioner in respect of any specific accommodation requirements.
- **Overcrowding:** where the existing accommodation is no longer suitable on the grounds of over-crowding due to an increase in the family composition since the original date of allocation of the property.

The housing authority will not consider transferring a tenant because of unsatisfactory relations with a neighbouring tenant or because of dissatisfaction in general with the estate or the neighbourhood.

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

#### **The following conditions also apply to the approval of a transfer request:**

1. Tenants must have a clear rent account with no arrears relating to their existing tenancy
2. The tenants must have complied with all the conditions of their letting agreement
3. The tenants must not have engaged in anti-social behaviour for the previous two years
4. The tenants must have resided in their current accommodation for the previous two years



5. Subject to an inspection of the existing accommodation the property must be in a satisfactory condition
6. The date of application for a transfer will only be set after all the conditions for a transfer have been met in the opinion of the housing authority.

### **(L) Succession Tenancies**

On the death of a tenant, the tenancy may be transferred to the tenant's partner/spouse or to a member of the tenant's immediate family normally resident in the dwelling at the date of the tenant's death. In determining whether or not the tenant's immediate family was normally resident in the dwelling on the date of the tenant's death, details included on the previous Rent Assessments will be taken into account. It is a requirement that the details in relation to all persons residing in a housing authority property are declared to the authority and that the rent account is re-assessed to reflect the additional member of the household residing in the accommodation. The entitlement to make an application for a succession of tenancy will not apply where the housing authority is satisfied that the applicant for succession deliberately took up occupancy in the dwelling for the sole purpose of obtaining 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.

Under some circumstances where succession is being considered, the housing authority may require the family member to move to another property if it considers the property to be too large or the property has been designed or adapted for the use of someone with a disability who no longer resides in the property. No succession to the tenancy will be considered where the property has been designated as an Older Persons Dwelling (and where the person applying for succession is not an elderly person) save in exceptional circumstances.

### **(M) Review of /Amendments to the Allocation Scheme.**

Leitrim County 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 Elected Members of the Council. Before making or amending an allocation scheme, the Council shall provide a draft of the scheme or amendment to the scheme, as the case may be, to the Minister, who may direct the Council to amend the draft scheme or draft amendment, and the Council shall comply with any such direction within such period as may be specified by the Minister. A copy of the Allocation Scheme will be available for public inspection at the offices of the housing authority during office hours and will also be available on the website at [www.leitrimcoco.ie](http://www.leitrimcoco.ie).