



## **WICKLOW COUNTY COUNCIL**

# **DETERMINATION OF PRIORITY TO BE ACCORDED TO THE SCHEME FOR THE ALLOCATION OF DWELLINGS**

This scheme is prepared under Section 22 of the Housing (Miscellaneous Provisions) Act 2009 and replaces the Scheme of Letting Priorities approved by the Minister for the Environment, Heritage and Local Government on 22<sup>nd</sup> December 2008.

In preparing this Scheme, regard was had for the Traveller Accommodation Programme 2009– 2013 and Mid East Homeless Action Plan 2010 - 2013

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## *Wicklow County Council*

# **SCHEME FOR THE ALLOCATION OF SOCIAL HOUSING SUPPORT**

### **1. INTRODUCTION**

The Scheme incorporates a scheme of priorities for the allocation of such dwellings under the provisions of Section 22 of the Housing (Miscellaneous Provisions) Act, 2009.

### **2. APPLICATION OF SCHEME**

This Scheme shall apply to the allocation of dwellings:

- Provided under the Housing Acts 1966 – 2009
- Provided under Part V of the Planning and Development Act 2000
- Dwellings provided under a lease
- Dwellings provided by Approved Housing Bodies

Subject to the following provisions dwellings allocated under this Scheme may only be allocated to persons who are included in the most recent **Assessment of Needs (Housing List)** carried out by the Housing Authority under Section 20 of the Housing (Miscellaneous Provisions) Act, 2009 or who have been accepted by the Authority, after the making of that assessment, for inclusion in the next such assessment.

### **3. APPLICATION FOR HOUSING ACCOMMODATION**

#### **(a) Eligibility**

Applications for housing accommodation will be accepted by the Local Authorities from persons who:

- (i) **Are in need or accommodation, and**
- (ii) **Are unable to provide that accommodation from their own resources.**

Applicants for accommodation will be required to complete the statutory application form containing all the information required by the Housing Authority to properly assess their eligibility for inclusion in the assessment and to submit any documentary evidence or proof to verify any particulars submitted on the application form.

The Housing Authority will be entitled to carry out any enquiries it considers necessary in order to determine an applicant's eligibility. The Senior Executive Officer will obtain and have regard to a report from the Medical Officer of

Health of the HSE in the making of lettings where priority is claimed on medical grounds.

**(b) False or misleading information**

Any applicant who deliberately gives false or misleading information, or who fails to give or withholds relevant information in order to further their application will be liable to being prosecuted under S32(f) of the Act and if found guilty would be liable for a fine of up to €2,000.

**4. ACCOMMODATION CHOICES**

Wicklow County Council can provide or assist in the provision of a wide range of options for persons in need of Housing accommodation. These include

- The provision of social housing units for letting on a weekly tenancy basis,
- The provisions of House Purchase Loans
- Provision of mortgage subsidies, Housing Adaption, Mobility Aids and Housing Aid for Older People grants
- The provision of Affordable Housing either built directly by themselves or through agreements with private building developers under Part V of the Planning & Development Act 2000.
- Schemes of improvement works in lieu of re-housing and schemes for extensions to privately owned houses to relieve overcrowding
- The utilisation of the Rental Allowance Scheme (RAS) and the Housing Assistance Payment for persons in private rented accommodation.

On receipt of an application for Social Housing the Housing Authority will make a full assessment of that persons housing needs having regard for

- Residency Status,
- Income Levels,
- Accommodation and Availability of alternative accommodation

and in consultation with the applicant will make a decision as to how that applicants housing need can most appropriately be catered for within the range of housing options available.

The following areas of choice have been identified on the housing application form, and must be indicated by the applicant but not on a priority basis. A maximum of three areas of choice can be selected.

## Wicklow County Council

- Arklow
- Ashford
- Avoca
- Aughrim
- Blessington
- Baltinglass
- Barndarrig
- Ballinaclash
- Ballyconnell
- Ballycoogue
- Bray
- Carnew
- Conary
- Donard
- Dunlavin
- Enniskerry
- Glenealy
- Greystones
- Kilcoole
- Kilmacanogue
- Kiltegan
- Kirakee
- Knockananna
- Laragh
- Newcastle
- Newtownmountkennedy
- Rathdangan
- Rathdrum
- Rathnew
- Redcross
- Roundwood
- Shillelagh
- Stratford
- Tinahely
- Wicklow town
- Other Area of Interest  
(please specify \_\_\_\_\_)

**BrayTown Council**

- South Ward
- East Ward
- West Ward

**Wicklow Town**

- Wicklow town

**Arklow Town Council**

- Arklow town

**5. NON-DISCRIMINATION**

Wicklow County Council will treat all applicants with fairness and impartiality and will not discriminate against any applicant on any of the grounds specified in Section 3 (2) of the Equal Status Act 2000 (i.e. gender, marital status, family status, sexual orientation, religious belief, age, disability, race or membership of the Travelling Community) or any future additions or amendments to that Act.

However, it is a legal requirement that in order to sign a Tenancy Agreement a person must have reached the age of eighteen years and no allocation of a tenancy can, therefore, be made to a person below that age.

**6. RESIDENTIAL QUALIFICATION**

Section 20 of the Housing (Miscellaneous Provisions) Act, 2009 requires a Housing Authority to accept applications for social housing support from persons who can demonstrate a local connection.

A local connection can be demonstrated if the applicant or member of the household:

- (i) has lived in the area for a continuous 5 year period previously
- (ii) is employed in the area or within 15 km of the area
- (iii) is in full-time education, or attending specialist care in the area
- (iv) has relatives living in the area for 2 years or longer

**7. APPLICANTS MEANS****(a) Income Limits**

The basic requirement for eligibility for Social Housing Support is that the applicant must be unable to provide adequate housing from his/her own resources. Wicklow County Council has a statutory designated income limit of €35,000 per annum threshold per single person or €42,000 per annum family income threshold.

The final decision as to whether an applicant is provided with social housing will rest with the Housing Authority.

(b) **Property and Other Assets**

A household shall not be eligible for social housing support where the household has alternative accommodation that it owns which could be used to meet its housing need either by the household moving into it or by selling it and using the proceeds of the sale to secure other suitable accommodation.

**8. ANTI-SOCIAL BEHAVIOUR AND SQUATTING**

Under the provisions of Section 14 of the Housing (Miscellaneous Provision) Act, 1997, the Housing 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 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 the Wicklow County Council Policy on Anti-Social Behaviour and where the making of a letting is deferred, such deferral shall continue until such time as the Housing Authority is reasonably satisfied that the anti-social behaviour is unlikely to re-occur in the future.

Any person who illegally occupies a Housing 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 Housing Authority in the same condition as existed prior to the illegal occupation. Any person who breaks this rule on a second occasion will be permanently removed from the Housing List.

**9. TRANSFERS**

It is the policy of Wicklow County Council to ensure that its housing stock is used to its optimum capacity. As such, Wicklow County Council will consider the transferring of households where it deems there to be under occupancy and/or other extenuating circumstances.

Wicklow County Council will also consider transfers from one Housing Authority dwelling to another where such a transfer would relieve serious overcrowding or under occupancy in a dwelling. Transfer applications will also be considered in situations where a transfer would relieve a serious medical condition including physical or mental disability.

Only in very exceptional circumstances will the Housing Authority consider transferring a tenant because of unsatisfactory relations with a neighbouring tenant or because of dissatisfaction with the estate or neighbourhood generally.

Applicants for transfer from the Rental Accommodation Scheme, Voluntary Sector or Social Leasing Category will be considered, having regard to:

- (i) condition of current accommodation
- (ii) length of time in same
- (iii) length of time on waiting list
- (iv) period of contract of RAS or social lease contract

#### **10. MUTUAL EXCHANGES**

The Local Authorities will be prepared to accommodate applications for mutual exchanges of tenancies between two tenants (including exchanges from one Housing Authority area to another) provided the following conditions are met in the case of each tenant:

- (i) Satisfactory tenancy record with no arrears of rent or other charges
- (ii) No verified instances of anti-social behaviour in previous 3 years
- (iii) House maintained in a satisfactory condition in accordance with the terms of the Tenancy Agreement and Tenants Hand Book
- (iv) House to which transfer is taking place is adequate in size layout and standard of accommodation for each applicant and dependants
- (v) Each tenant agrees in writing to accept the other house in it's present condition in as far as any works or maintenance required is the responsibility of the tenant in accordance with (iii) above.

#### **11. SUCCESSION TO TENANCY**

Where a tenant dies or leaves a dwelling, a member of the tenant's family who is in need of accommodation will be entitled to succeed to the tenancy (where there is no remaining joint tenant) provided the Housing Authority is satisfied that such member was bona fide ordinarily resident in the dwelling with the deceased or departed tenant prior to and up to the time of death or departure. Other than in exceptional circumstances the minimum period of residency required will be twelve months. This shall be confined by inclusion in previous rent assessments.

This entitlement will not apply where the Housing Authority is satisfied that the applicant for succession deliberately took up occupation in the dwelling for the sole or principal purpose of obtaining the 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 including reference to rent assessment forms or other particulars submitted by the previous tenant.

**12. DISPLACED PERSONS**

The Housing Authority will, where necessary, take steps to provide alternative housing accommodation for any person who will be displaced from his/her existing dwelling through any operation of redevelopment, construction, roadworks, urban renewal or other such activities being carried out by or on behalf of the Authority.

**13. REFUSAL OF OFFER OF ACCOMMODATION**

The Local Authorities will allow applicants for social housing support to indicate their preferences for the areas in which they wish to be housed.

While the Housing Authority will endeavour, as far as possible, to offer accommodation on the basis of the location preferences expressed, this will not always be possible. Subject to the above, where an applicant refuses a reasonable offer of Housing Authority accommodation, further consideration of their application will be deferred or cancelled in accordance with the following table:-

<b>Offer</b>	<b>Period of Deferral</b>
1 <sup>st</sup> Refusal	12 Months
2 <sup>nd</sup> Refusal	application suspended for a twelve month period

**Refusal of offers of accommodation**

The Regulations provide for a mandatory standard approach to dealing with refusals. The Regulations provide that:

- a) two refusals of reasonable offers of social housing [over a twelve month period and within areas or choice, except in emergencies, etc.] will result in a household being deemed to have forfeited its place on a waiting list for a period [two refusals will also mean that a household may lose rent supplement],
- b) in the event of two refusals, a housing authority will suspend a household from the

waiting list for 12 months. 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.

- c) the refusal of an offer made under Choice-Based Letting is not counted as a refusal for the purposes of the general refusals policy.

#### **14. RESERVATION OF DWELLINGS**

The Housing Authority will reserve a proportion of dwellings for the following categories of applicants – those exiting emergency homeless accommodation, travellers and special needs based on medical evidence subject to the general requirements of section 19(4) of the Housing (Miscellaneous Provisions) Act 2009 with regard to minimalising segregation and mix issues.

#### **15. CHOICE BASED LETTINGS (CBL)**

The Regulations provide the option of Choice-Based letting [CBL] as a method of allocating properties, as part of a general scheme, whereby qualified candidates may apply for tenancies in designated properties. The Regulations provide that:

- if CBL is to be used, it must be included as part of the allocation scheme approved by elected members
- properties must be designated for use for CBL [by manager’s order]
- there must be an open and transparent means for advising households of the availability of designated properties
- where more than two households of the same class bid for a property, the decision on which should get the new tenancy must follow the priorities set out in the allocation scheme
- 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.

#### **16. EMERGENCY ACCOMMODATION**

Where the need for accommodation of any person arises from an emergency, the Authority may make a letting to that person as it considers necessary, notwithstanding any order or priorities for lettings as set out in this Scheme.

**17. DISREGARDING ACCOMMODATION**

In applying the terms of this Scheme to a person, the Authority may disregard the accommodation that the person is occupying where the Authority has reason to believe that he/she 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 he/she is so occupying is less suitable for his/her adequate housing than other accommodation which it would have been, or would be, reasonable for him/her to occupy.

**18. RENT ARREARS/OTHER DEBTS**

The Housing Authority may accept an application for Housing accommodation from a person who owes rent arrears or other charges from a previous tenancy either to that Housing Authority or to another Authority. However, no allocation of a dwelling will be made to that person until such time as the arrears have been fully discharged, or alternative satisfactory arrangements have been made in relation to the debt.

Similar provisions shall apply in the case of any monies owed to a Housing Authority in respect of any damage caused to a Housing Authority House either during the course of a previous tenancy or any period of illegal occupation or squatting.

**19. ORDER OF PRIORITY FOR LETTING OF DWELLINGS**

Subject to the forgoing provisions of this scheme, the following order of priorities shall apply to the allocation and letting of Social Housing accommodation:-

- 1) Applicants will be considered on their merits having particular regard to period of time which has elapsed since they were first included in an assessment of Housing Need (i.e. length of time on the Housing List), and the inadequacy of their existing accommodation
- 2) Second priority will be given to applicants who are living in accommodation that is dangerous or materially unsuitable to such a degree that there is, in the opinion of the Housing Authority a serious and immediate risk to their health and safety by their continued occupation thereof.
- 3) Third priority will be given to applicants who are in need of alternative accommodation on very serious or exceptional medical grounds including severe physical or mental disability.

- 4) Fourth priority will be given to applicants who are living in conditions of severe overcrowding.
- 5) Consideration will also be given to allocations that contribute to good estate management and minimise the risk of Anti Social Behaviour.

Please see Appendix 1, which outlines the Scheme of Letting Priorities points system employed by Wicklow County Council

**Appendix 1 – Wicklow County Council Scheme of Letting Priorities – Points System**

Dwellings will be let in accordance with the scheme of points listed hereunder:-

**(a) Family Type Dwellings**

- (i) Persons who are occupying unfit dwellings or living in unsuitable conditions. (1 -10)  
Unfit (1 - 5)  
Very Unfit (5 - 10)
- (ii) Persons living in overcrowded accommodation and who are not reasonably able to meet the cost of alternative accommodation. (1 - 10)

*Overcrowding - A house shall be deemed to be overcrowded at any time where the number of persons ordinarily sleeping in the house and the number of rooms therein either (a) are such that any two of those persons of ten years or more of opposite sex and not being persons living together as husband and wife, must sleep in the same room, or (b) are such that the free air space in any room used as a sleeping apartment for any person is less than 400 cubic feet - the height of the room, if it exceeds eight feet, being taken to be eight feet for the purpose of calculating free air space.*

- (iii) Applicants in need of housing on medical/compassionate grounds. (*Where priority is claimed on these grounds the Council shall obtain and have regard to the report from the medical officer of health from the East Coast Area Health Board.*)  
(1 - 10)
- (iv) Persons who are sharing accommodation with another person or persons, and who it is considered have a reasonable requirement for separate accommodation and are not reasonably able to meet the cost of alternative accommodation.  
(1 - 5)

(v) Length of time on waiting list:

1 Year	-	5 points
2 Years	-	10 points
3 Years	-	15 points
4 Years	-	20 points
5 Years and over		25 points

- (vi) Persons living and/or working within a 10km radius of letting (5 - 15)  
or greater distance thereof if the place of letting is not  
close to an urban centre or town  
or

persons who can be described as a permanent native resident in accordance with Policy SS9 of the County Wicklow Development Plan 2004-2010. A permanent native resident shall be described a person who was either born and reared in the family home within 10kms of the proposed letting or who has resided within 10 kms of the proposed letting for at least 10 consecutive years prior to time of the proposed letting.

**(b) Specially adapted and single storey dwellings**

- (i) First preference shall be given to persons who are disabled, handicapped or in need of this type of dwelling because of other medical conditions.
- (ii) Second preference shall be given to eligible applicants in accordance with the priorities as set out in Clause (a) above.

**(c) Elderly persons dwellings**

- (i) First preference will be given to approved applicants aged 60 years or over in accordance with the priorities as set out at Clause (a) above.
- (ii) Second preference will be given to approved applicants in accordance with the priorities set out at clause (a) above, where there is no eligible applicants under clause (c)(i).

**(d) Safe Home Programme**

That the Council in considering the allocation of a dwelling may consider the allocation of a dwelling o a housing applicant approved for inclusion in the 'Safe Home Programme' -such allocation not to exceed one allocation in any housing scheme (including dwellings provided under Part V of the Planning & Development Act 2000-2002) - while not exceeding 2 allocations in any one calendar year - unless in a situation where there are more dwellings than there are applicants in a particular preference area. The Council will also ensure that the Voluntary Housing Sector adopt a similar policy particularly in cases where the Council has provided the land to the Voluntary Housing Sector for the provision of Social Housing.

**Nothing in this scheme shall operate to prevent the Council from:-**

- (i) Allocating a house to a person who is without housing accommodation through emergency such as fire, collapse of house, eviction on foot of a court order through no fault of the tenant or any other occurrence which, in the opinion of the Council would justify such an allocation.
- (ii) Allowing the transfer by tenants within the Councils own housing stock to facilitate
  - Large families to move from overcrowded conditions
  - Transfers by tenants to and from other housing authorities on conditions mutually agreed between the authorities.
  - The surrendering of family type accommodation and moving to smaller and more appropriate accommodation by senior citizens and small households.