

Comhairle Chondae Chill Dara
KILDARE COUNTY COUNCIL



ALLOCATION SCHEME FOR SOCIAL HOUSING 2016

**In accordance with Section 22 of the Housing (Miscellaneous Provisions) Act 2009
and
Social Housing Allocation Regulations 2011 (S.I. 198 of 2011)**

Adopted by Kildare County Council on 28 November 2016

TABLE OF CONTENTS

Page No.

Introduction 2

Consideration of Applications for Social Housing 2

Priority Status 5

Transfer Policy 6

Miscellaneous Conditions 8

Appendix 1

**Application Rules and General procedures relating
to the allocations scheme – not part of the proposed scheme** 9

Appendix 2

**Procedure on Requiring a Contribution from Certain Categories
of Persons Seeking Local Authority Housing** 14

Appendix 3

**Access to social housing supports for non-Irish Nationals
including stamp 4 holders** 16

Appendix 4

Financial Contribution Scheme 22

Introduction

The purpose of this Allocations Scheme is to provide a means of determining the order of priority to be afforded in the allocation of social housing support to persons whose need for accommodation has been assessed, in accordance with Section 20 of the Housing (Miscellaneous Provisions) Act 2009, as being qualified for social housing support and to provide for determining the order of priority for households who have applied for transfer to another dwelling and for incremental purchase.

Social housing support includes Council owned dwellings, Council leased dwellings, rental accommodation availability agreement dwellings (RAS) and dwellings owned by Approved Housing Bodies to whom assistance is given under Section 6 of the Act of 1992 for the purposes of such provision.

The Scheme will come into operation on the 29 November 2016.

The Scheme may be inspected by any person at the Council Offices and will be available on the Council's Website www.kildarecountycouncil.ie

Part 1: Consideration of Applications for Social Housing

1. Applicants will be considered on time on list basis, other than those applicants applying for overall priority.
2. The Council may, from time to time, set aside for persons of such category or categories as the authority may decide, a proportion of the dwellings becoming available to the authority for allocation and priority shall be afforded to the specified categories in the allocation of these dwellings. In general, allocations to categories of applicants will be made on the basis of reflecting the percentage of applications made up of those categories of applicants.
3. Nothing in the Scheme shall prevent the Chief Executive making an allocation or granting a transfer in emergency circumstances.

4. In the case of equality of date of qualification, the final decision will be made by the Chief Executive who will have regard to all the circumstances including the size of the families involved.
5. Kildare County Council may from time to time make provision for the allocation of particular properties under Choice Based Letting, as part of this allocation scheme, whereby approved applicants may apply for tenancies in designated properties. A refusal under choice based lettings will not constitute a refusal under this Allocations Scheme. However, in these circumstances, the applicant will not be entitled to make a further application under choice based letting for a period of twelve months from the date of the refusal.
6. Applicants, who without a satisfactory explanation, refuse two *reasonable offers of accommodation within a twelve month period, will have their application suspended for one year. This period will not be considered for 'time on list' purposes.

*reasonable offer is defined as: "an offer of a dwelling allocation by a housing authority shall be deemed to be reasonable where the allocation of that dwelling would, in the opinion of the authority, meet the accommodation needs and requirements of the qualified household concerned and the dwelling is situated in an area of choice specified by the household, except where an allocation is arising from specified exceptional circumstances, including displacement by fire, flood or any other emergency, development, redevelopment or regeneration of an area by the housing authority, or exceptional medical or compassionate grounds".

7. Applicants must be aged 18 or over and must have long term permission to reside in the State. (Appendix 3)
8. The Council will operate a Financial Contribution Scheme where Older Persons, who are owners of private dwellings and who find their existing dwelling too large for their needs, may apply for accommodation in designated Older Persons Dwellings subject to the payment of a financial contribution as outlined in Appendix 4.

Applicants under this section will not be prioritised ahead of Older Persons on the Housing or Transfer Lists, but will be included on the list from the date of approval. Applicants under this section must offer their existing dwelling to the Council for purchase in the first instance.

9. In the event of death in the case of joint tenancy, succession tenancy may be allowed to the surviving tenant or tenants.

Where the tenant(s) has died, the dwelling may be granted to the next member of the family, provided that the person has continued to reside in the house as their normal place of residence and has been assessed for rent purposes for a minimum of two years up to and including the time of bereavement.

Where there are two or more surviving members of the family who meet the criteria above, a joint tenancy may be granted by the Council. 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).

Each case will be examined on its merits. In all applications for succeeding tenancy the rent arrears on the dwelling, if any, must be cleared.

10. Where housing applicants are in possession of physical or financial assets and require social housing due to special circumstances, a reasonable contribution towards the cost of providing the applicant with social housing should be made. Details on this procedure are outlined in Appendix 2.

Part 2: Priority Status

In certain circumstances, overall priority will be given to applicants that satisfy the following criteria. Priority will be granted in the order shown hereunder and subject to the availability of suitable accommodation at the time:

1. Families or persons living in dangerous premises on whom a requisition under Section 3(9) of the Local Government (Sanitary Services) Act 1964 has been served.
2. Displacement (resulting from acts of the Local Authority).
3. Families or persons rendered homeless through no fault of their own. A person shall be regarded by a housing authority as being homeless for the purposes of this Act if:
 - a) there is no accommodation available which, in the opinion of the authority, he/she, together with any other person who normally resides with him/her or who might reasonably be expected to reside with him/her, can reasonably occupy or remain in occupation of, or
 - b) he/she is living in a hospital, county home, night shelter, or other such institution and is so living because he/she has no accommodation of the kind referred to in paragraph (a) and he/she, in the opinion of the authority, is unable to provide accommodation from his/her own resources.
4. Families or persons evicted through no fault of their own on foot of a Court Order who are not in a financial position to provide their own housing.
5. Exceptional medical/compassionate grounds.
6. Persons aged 65 or over for Older Persons accommodation.

Applicants with overall priority will be given priority over other applicants in the allocation of available accommodation in the order of priority indicated above and based on time on the list and subject to the availability of suitable accommodation at the time.

Where priority for housing accommodation is claimed on grounds consisting of or including medical grounds, regard shall be had to the report of the Council's Medical Advisors.

Part 3: Transfer Policy

It is the policy of Kildare County Council to ensure that housing stock (all types) is used to its optimum capacity.

Towards this end, Kildare County Council may give favourable consideration to application for transfer from one Local Authority dwelling to another where such transfer would relieve serious overcrowding, under occupancy in a dwelling or relieve a serious medical condition.

Tenants of the Council, including tenants of dwellings provided under the Social Housing Current Expenditure Programme eg. RAS or by Approved Housing Bodies, may apply for consideration for a transfer to other dwellings, under the following circumstances:-

- a) overcrowding
- b) where older persons and other households wish to move to smaller accommodation (downsizing)
- c) medical/compassionate reasons
- d) on grounds of anti-social behaviour where the Council's Estate Management Liaison Officer and a Garda Superintendent support the transfer application
- e) other exceptional circumstances
- f) to facilitate incremental purchase, where the authority has consented to such a purchase.

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

- hold the tenancy in their present dwelling for a period of at least two years, unless it is a temporary tenancy;
- 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;
- have kept their dwelling in satisfactory condition, subject to inspection;
- have complied with the conditions of their Tenancy Agreement and;
- have no record of anti-social behaviour.

In the case of emergency or exceptional medical/compassionate grounds, the council may forgo any or all of the above conditions in granting a transfer to alternative accommodation. Priority may be given to a household 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, long term leasing initiatives etc.

Tenants who were transferred to RAS prior to the implementation of the Social Housing Assessment Regulations 2011, on 1 April 2011 and were on the housing list since they commenced their RAS tenancy, will be given credit for their time on the housing waiting list from the date of their approved housing application, where they apply to transfer to another form of social housing support. Allocations shall be made to such tenants in accordance with the Order of Priorities as above.

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

Housing Assistance Payment (HAP) Clients

The Council will inform all HAP applicants of their obligation to request a transfer back to the housing list within 2 weeks of signing up to HAP. Any HAP recipient who wishes to apply for a transfer from HAP to other forms of social housing supports may do so under the Transfer Application Process. Where a HAP recipient applies for a transfer immediately after entering the HAP Scheme, the transfer list will reflect the time that the HAP recipient previously spent on the waiting list.

Mutual Transfers

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

- a) satisfactory tenancy record with no arrears of rent or other charges;
- b) no verified instances of anti-social behaviour in previous 5 years;
- c) house maintained in a satisfactory condition in accordance with the terms of the Tenancy Agreement and Tenancy Hand Book;

- d) house to which transfer is taking place is adequate in size layout and standard of accommodation for each applicant and their dependents;
- e) each tenant agrees in writing to accept the other house in its present condition in as far as any works or maintenance required is the responsibility of the tenant in accordance with (c) above.

Part 4: Miscellaneous Conditions

- The making of an allocation scheme is a reserved function of the elected members of the Council, however, the housing authority must comply with any direction or regulation as may be specified by the Minister in relation to amending an allocation scheme.
- Each applicant approved for social housing support shall be advised of the Council's allocation scheme.
- Any applicant who is aggrieved by the Council's decision has the right to appeal within 20 working days.
- In the interest of good estate management the local authority will have regard to the need to sustain a balanced community.

**Application Rules and General Procedures Relating
to the Allocations Scheme
(not part of proposed scheme)**

The following considerations will apply where applications are received by the Council for inclusion in the assessment of housing needs. Assessment and eligibility criteria are covered in Regulations and are subject to change from time to time.

1. Applicants must reside in the functional area of Kildare County Council. Applicants residing outside the functional area of the Council may be included to such extent that
 - a) they have a local connection to the functional area or;
 - b) at the Council's discretion.

a) Local Area Connection

- Member of household has resided for a continuous five year period at any time in the area or;
- Employment of any member of household is in the area, or is located within 15 kilometers of the area or;
- A household member is in full-time education in any university, college, school or other education establishment in the area or;
- A household member with enduring physical, sensory, mental health or intellectual impairment is attending a related educational or medical establishment in the area or;
- A relative of any household member lives in the area and has lived here for a minimum of two years.

b) Council Discretion

- Applicants who are accepted under Council's discretion cannot indicate areas of choice outside of the Council's functional area.

2. Applicants must express at least one area of choice in the Council's functional area. Applicants shall indicate in writing their preferred housing areas. Applicants may be offered suitable accommodation within any estate within their housing areas of choice. Area of choice cannot be altered for 12 months and date of expression of area of choice will be listed separately to date of application.

3. Applicants will be considered for housing accommodation only where the Council is satisfied that their financial or other circumstances are such as to render it impossible, without hardship, for them to provide adequate accommodation from their own resources. Applicants whose household income exceeds the maximum income threshold as set out in the table below will not be considered.

Maximum Income threshold – single person NET	Maximum Income threshold – 3 adults & 4 children NET	Calculation as follows:- €35,000 + 5% for each additional adult household member subject to a maximum allowance of 10% and 2.5% for each additional child, subject to a maximum allowance of 10%.
€35,000	€42,000	

Income will be assessed on the basis of applicant's P60 for the preceding tax year, a minimum of four out of the last six payslips, or a minimum of 2 years accounts, where appropriate. Where applicants are in receipt of a social welfare payment, a statement from the Department of Social Protection is required.

Any other special financial circumstances of a housing applicant may also be taken into account in calculating household income.

4. Where applicants are owners, or joint owners of dwellings, or tenants, or joint tenants of local authority dwellings, but are not living in these dwellings owing to marital problems, such applicants may be considered for housing accommodation if a legal separation has been entered into, or in comparable circumstances at the discretion of the Chief Executive, and the Council is satisfied with the housing provision of the agreement, and where it would not be possible for such applicants, due to financial or other circumstances, to provide adequate accommodation from their own resources. In

the case of joint owners a legal agreement contracting to provide a financial contribution from the proceeds of the sale of the house will be required.

5. Each complete application shall be recorded when received. If deemed eligible for housing support the application will be placed on the appropriate list for accommodation most suitable to their needs. Time on list will commence with the date the applicant qualified for inclusion on the list.
6. In assessing homeless persons, the Council will have regard to recommendations from its Homeless Assessment Service who shall, in the course of investigating the circumstances of applicants for homeless priority, consult with relevant statutory and voluntary agencies as appropriate.
7. The following minimum standards for bedroom accommodation will apply to lettings made by the Council.

Single person or Couple (Certain 1bed units may be designated for older persons only)	1bed
Lone Parent or Couple with 1 or 2 children	2 bed
Lone Parent or Couple with 3 or 4 children	3 bed
Lone Parent or Couple with 5 or more children	4 bed

In addition to these minimum standards persons over 10 years of the same sex will be considered for allocation of one bedroom.

Applicants who are separated parents with partial custody/access arrangements will be eligible, upon production of relevant legal documentation, for an additional bedroom.

8. Applicants are required to complete the Council's Pre-Tenancy Course before being allocated any accommodation.
9. In order to examine and consider applications for housing accommodation, the Council may inspect and examine applicants' housing circumstances and may require applicants to furnish documentary evidence to support their applications. An

application shall be excluded from consideration if the applicant refuses to allow the Council's nominated inspectors access to existing accommodation, supplies false information or withholds relevant information either on the application form or in subsequent interviews or inspections. If an allocation is made on the basis of false, incorrect or out of date information, such allocation will subsequently be rescinded and the offer withdrawn or if a tenancy has already been created in such circumstances, such tenancy will be terminated.

10. The Council may disregard the accommodation an applicant is occupying where the Council has reason to believe that the applicant has deliberately or, without good and sufficient reason, remained in, or taken up occupation of unsuitable accommodation primarily to improve the prospects of obtaining local authority housing.
11. Applicants who take up illegal occupation of a local authority dwelling may not be considered for a tenancy of a dwelling unless the dwelling the applicant occupies illegally is willingly surrendered to the Council in the same condition it was prior to the illegal occupation.
12. The Council may refuse to offer accommodation to an applicant due to refusal or failure by the applicant to disclose information either relevant to the application or required for good estate management purposes.
13. Applicants will be investigated, by way of Garda check, in accordance with the Housing (Miscellaneous Provisions Act) 1997 and applicants involved in anti-social behaviour will not be considered for inclusion on the housing list for a period of one year.
14. Former local authority tenants who apply for re-housing will only be placed on the housing list if the following conditions are complied with:
 - A period of one year has elapsed since the surrender of previous tenancy (may be waived in exceptional circumstances);
 - The rent account on their previous tenancy is clear, or a satisfactory arrangement, acceptable to the local authority, is made to clear any arrears due and is maintained for a period of at least six months;

- Compliance with the terms of tenancy was satisfactory during the previous tenancy;
- Any costs that were incurred by the local authority in carrying out repairs to the tenant's former dwelling, which were the tenant's responsibility, must be refunded to the Council by the tenant in full, or a satisfactory arrangement entered into to pay the cost of the repairs. Any such arrangement must be maintained for a period of at least six months.

15. Former local authority tenants who have been evicted may be recognised as having a housing need, but will not be considered for inclusion on the housing list for a period of two years and only if the following conditions are complied with:

- The rent account on their previous tenancy is clear, or a satisfactory arrangement, acceptable to the local authority, is made to clear any arrears due and is maintained for a period of at least six months;
- Any costs that were incurred by the local authority in carrying out repairs to the tenant's former dwelling, which were the tenant's responsibility, must be refunded to the Council by the tenant in full, or a satisfactory arrangement entered into to pay the cost of the repairs. Any such arrangement must be maintained for a period of at least six months.

**Procedure on Requiring a Contribution from Certain Categories of Persons
Seeking Local Authority Housing**

1. Background:

The Allocation Scheme provides that applicants who are in possession of physical or financial assets must make a reasonable contribution towards the cost of providing them with social housing from public funds. This document sets out the procedures for implementation of this policy.

2. These procedures shall apply in the following situations:

- a) Persons applying for social housing who have received/will receive proceeds from the sale/transfer of a dwelling or other property in situations such as marital separation or for any other reason.
- b) Persons applying for social housing who own their existing dwelling where the dwelling is unfit or otherwise inadequate for their proper housing and who do not have the financial or other means to render the dwelling adequate.
- c) Persons applying for social housing who have received/will receive a substantial cash asset as a result of a gift, inheritance, prize money, compensation claim or otherwise.

3. In the case of a) above the following terms will apply:

- i. Where the proceeds were obtained within the period of 5 years prior to the housing application, or at any time after the application, a sum equal to 40% of the proceeds, after disregarding the first €20,000, shall be paid to the local authority.
- ii. The sum to be paid shall be based on the net proceeds received by the housing applicant, after payment of all legitimate costs and expenses associated with the sale/transfer, including outstanding mortgage (but no allowance shall be made for any other personal debts or expenses paid by the applicant).
- iii. The contribution must be paid to the local authority before any allocation of a house takes place.

- iv. Payment of this contribution will not in any way influence a decision on an allocation of a tenancy and does not guarantee allocation of a tenancy within any timeframe. Applicants will be considered on their merits in the same way as other applicants.
- v. The contribution is non-refundable and is not allowable against any future purchase of the house allocated under the Tenant Purchase Scheme.

4. In the case of b) above the following terms shall apply:

If the Improvement Works in Lieu Scheme (I.W.I.L.) is not appropriate the following options are available:

- i. The applicant arranges to sell existing house/land on the open market and 40% of net proceeds (disregarding the first €20,000) are paid to the local authority.
- ii. The existing house/land is valued by the local authority and 40% of the market value (disregarding the first €20K) is paid to the local authority.
- iii. The applicants' title in existing house/land is transferred to the local authority who may retain or dispose of the property as it sees fit. 60% of the market value, or of the net sale proceeds, as appropriate, will be paid to the applicant together with a sum, which will yield the same benefit to the applicant as if the arrangement at i or ii above was being implemented. In the event of a transfer of title as above the local authority may appoint the applicant as tenant of the property pending the allocation of an alternative suitable dwelling. Each party will be responsible for its own legal costs.

Option i, ii or iii must be concluded before the allocation of a new tenancy.

- 5. In the case of c) above, each individual case will be considered on its merits having regard to the nature and amount of the asset.
- 6. In all cases sufficient documentary evidence must be furnished by the applicant.
- 7. These procedures will apply in the case of all relevant housing applications received on or after the date that the Allocation Scheme is adopted also in the case of applications received before this date where no prior agreement had been made by that date

Access to Social Housing Supports for Non-Irish Nationals Including Stamp 4 Holders

Joint applications from spouse/civil partners, one of whom is an Irish citizen.

An application from a non-EEA national, married to/in a civil partnership with an Irish citizen, may be considered as part of a joint application for that household, provided he/she holds a valid stamp 4₂

UK Nationals

UK nationals may be considered for assessment for social housing support.

EEA Nationals

All EEA nationals may be considered for assessment for social housing support if

- They are in employed/self employed in the State;
- Where they are not currently employed/working it is because they are:
 - Temporarily unable to work because of illness/accident;
 - They are recorded as involuntarily unemployed after being employed for longer than a year and are registered as a job seeker with the Department of Social Protection and FAS.

Spouse/Civil Partner/Cohabitant Partner of EEA Nationals

A non EEA national, married to/in a civil partnership with an EEA national, can be considered to have the same rights and entitlements as afforded their EEA national spouse/civil partner in relation to accessing housing supports.

Asylum Seekers

Asylum Seekers are persons who are seeking refugee status in the state and are **not** eligible to be assessed for social housing support. If the applicant is a former asylum seeker who has been **given leave to remain**, and has a **stamp 4** in their passport, the application may be accepted for assessment.

Refugees

A non EEA national, who has been granted Refugee, Programme Refugee, or Subsidiary Protection status, is eligible to be considered for social housing supports from the date of granting such status on the same basis as an Irish citizen. These persons will have a declaration of refugee/subsidiary protection status from the Department of Justice as proof of their status.

A. Immigration stamps that may be considered when working out reckonable residence for social housing qualification purposes:

STAMP NUMBER 1 – below – time on this stamp may be counted for “reckonable residence”.

Permitted to remain in Ireland on condition that the holder does not enter employment unless the employer has obtained a permit, does not engage in any business or profession without the permission of the Minister for Justice, Equality & Law Reform and does not remain later than _____

for Minister for Justice, Equality and Law Reform

Date: _____

STAMP NUMBER 3- below - time on this stamp may be counted for “reckonable residence” (in certain cases, see below).

Holders of Stamp 3 are permitted to remain in Ireland on condition that the holder does not enter employment, does not engage in any business or profession and does not remain later than a specified date. This includes non-EEA spouses/dependents of employment permit holders, non-EEA visitors, non-EEA retired persons of independent means and non-EEA religious ministers and members of religious orders. In relation to Stamp 3 holders, only non-EEA spouses/dependents of employment permit holders with sufficient reckonable residence may be eligible for assessment.

Permitted to remain in Ireland on condition that the holder does not enter employment, does not engage in any business or profession and does not remain later than _____

for Minister for Justice,
Equality & Law Reform

Date _____

STAMP NUMBER 4 – below - time on this stamp may be counted for “reckonable residence”.

Permitted to remain in Ireland until _____ _____
for Minister for Justice, Equality & Law Reform
Date _____

STAMP NUMBER 4EUFam – below - time on this stamp may be counted for “reckonable residence”.

Permitted to remain in Ireland until _____ _____
for Minister for Justice, Equality & Law Reform
Date _____

STAMP NUMBER 5 – below - A holder of this Stamp may be considered for social housing support without reference to previous Stamps.

The holder of this passport is permitted to remain in Ireland without condition as to Time

for Minister for Justice, Equality & Law Reform
Date _____

B. Immigration stamps that may **not** be considered when working out reckonable residence for social housing qualification purposes.

STAMP 1A – below - time on this stamp may NOT be counted for “reckonable residence”.

Permitted to remain in Ireland for the purpose of full time training with.....

Until.....

No employment allowed.

For the Minister for Justice Equality & Law Reform

Date: _____

STAMP NUMBER 2A – below - time on this stamp may NOT be counted for “reckonable residence”.

Permission to remain in Ireland to pursue a course of Studies and on condition that the holder does not enter employment, does not engage in any business or profession, has no recourse to public funds and does not remain later than _____

For Minister for Justice, Equality & Law Reform

Date: _____

STAMP NUMBER 2 – below - time on this stamp may NOT be counted for “reckonable residence”.

Permitted to remain in Ireland to pursue a course of Studies on condition that the holder does not engage in any business or profession other than casual employment (defined as 20 hours per week during school term and up to 40 hours per week during school holidays) and does not remain later than _____

For Minister for Justice, Equality & Law Reform

Date: _____

Stamp 0 (Zero) – below – time on this stamp may **not** be counted for “reckonable residence”.

Permitted to remain in Ireland until _____

Limited to purpose set out in letter dated / / from INIS.

Permission issued on condition that the holder does not receive State benefits and has private medical insurance. Person is fully supported by a sponsor in the State and/or is of independent means. Not entitled to:- work, engage in a trade, business or profession unless

specified in letter from INIS.

_____ for Minister for Justice, Equality & Law Reform

Financial Contribution Scheme

Applicant's Age	Financial Contribution
60 to 65 years (on medical grounds only)	35% of net proceeds of sale
66 years	34% of net proceeds of sale
67 years	33% of net proceeds of sale
68 years	32% of net proceeds of sale
69 years	31% of net proceeds of sale
70 years	30% of net proceeds of sale
71 years	29% of net proceeds of sale
72 years	28% of net proceeds of sale
73 years	27% of net proceeds of sale
74 years	26% of net proceeds of sale
75 years	25% of net proceeds of sale
76 years	24% of net proceeds of sale
77 years	23% of net proceeds of sale
78 years	22% of net proceeds of sale
79 years	21% of net proceeds of sale
80 years and over	20% of net proceeds of sale