



Comhairle Contae Thiobraid Árann
Tipperary County Council

HOUSING ALLOCATIONS SCHEME (Scheme of Letting Priorities)

01/02/24

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Section 1 Introduction
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1.1. The Purpose of the Scheme

This Allocation Scheme, made in pursuance of Section 22 of the Housing (Miscellaneous Provisions) Act, 2009 shall be used by Tipperary County Council (The Council) as a means of prioritising the allocation of all housing support to

- a) Households assessed as being qualified for social housing support in accordance with Section 20 of the Housing (Miscellaneous Provisions) Act, 2009 (and associated regulations);
- b) Households already in receipt of social housing who have been approved for a transfer to another dwelling in accordance with this scheme or, who have applied to purchase a dwelling under Part 3 of the Housing (Miscellaneous Provisions) Act 2009 (Incremental Purchase Dwelling)

1.2. Which Houses does the Scheme apply to?

This scheme applies to all properties owned or under the control of the Council, including those:

- a) Constructed or purchased under the Housing Acts 1966 to 2009 as amended
- b) Provided under Part V of the Planning Act 2000 as amended
- c) Leased dwellings
- d) Properties subject to Rental Accommodation Scheme (RAS)
- e) Dwellings owned and provided by Approved Housing Bodies (AHB)

1.3. What Houses may be excluded from the Scheme?

The Council may decide from time to time to set aside a number of properties for allocation under any of the following purposes:

- a) People with Disabilities: Including physical, sensory, intellectual/learning or mental health disability.
- b) Traveller Households: Households who wish to be housed in standard Local Authority/AHB/LTL/RAS social housing accommodation and/or in traveller specific accommodation. Accommodation under this category will be provided in accordance with the Council's traveller accommodation programme.
- c) Single person households: The Council may reserve a number of vacancies arising in 2-bedroom properties for this category of applicant.
- d) Particular forms of tenure, including an Incremental Purchase dwelling as set out in Part 3 of the 2009 Act and the Housing (Incremental Purchase) Regulations 2010 (S.I. No. 252 of 2010).
- e) Choice Based Lettings (CBL)
- f) For any other specific programme.

1.4. Ratio for Allocation of Vacancies

Where possible, 60% of allocations will be to applicants not in receipt of social housing supports and 40%¹ will be allocated to applicants in receipt of social housing supports (approved for a transfer or in receipt of HAP). At least 20% of all allocations will be based on length of time and reserved for those applicants approved under the basis of need (g) to (i) as set out in section 3(1)- Order of Priority for Allocation.

¹ The allocations to which this breakdown refers does not include the allocation of existing RAS tenants with an NTQ, allocations of tenants in situ of purchased properties and allocation of tenancies under succession.

Section 2	Assessment of Need
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The assessment process allows the Council to determine the most appropriate housing support for an applicant, to include a classification of the household need, size and composition and specific accommodation requirements.

2.1. Assessment of bedroom requirement based on household size and composition

When determining the number of bedrooms required, the Council will have regard to the provisions of section 63 of the Housing Act 1966 which sets out the rules around overcrowding and what constitutes overcrowding. Mixed-gender overcrowding is deemed to exist where two persons of opposite sex, not being spouses or partners and both aged 10 years or over sleep in the same room due to lack of accommodation. Once a child is aged over 10, the requirement for an additional bedroom will be examined.

All applicants are assessed in relation to the size and composition of a household. In certain cases, a household may be offered a property which differs from that from which they were approved, but is deemed suitable to meet their needs.

2.2. Occupation

In cases where an existing tenant is over-accommodated and wishes to down-size, they will be assessed and if approved, they will be given a basis of need of overcrowding (as per section 3.1.(e))²

2.3. Children in Shared Custody/Access Arrangements

The Council will assess separated parents with partial custody/access arrangements and the following will apply to the assignment of bedroom need:

² Section 3.1 (e) Preference shall be given to applicants living in dwellings deemed to be overcrowded as defined in Section 63 of the Housing Act, 1966 or in the case of down-sizing.

- a) Children of parents living apart will be recorded in the assessment of each parent (providing they submit the relevant documentation) but the type and extent of accommodation which they require will be assessed taking into consideration the extent to which their needs are met in the household of the other parent.
- b) Assign multiple bedroom unit requirements to the parent with whom the children reside for the greater part and a reduced number of bedrooms to the other parent.

2.4. Requests for Extra Bedrooms

A request for an extra bedroom (additional to that which would be ordinarily required by a household of the applicant's size) on exceptional medical grounds for the purpose of a carer to stay in the house at night may be considered and be assessed on a case by case basis by the Council, who may seek a recommendation from the appointed medical officer, having regard to medical reports submitted. This will be facilitated on an exceptional needs' basis only

2.5. Assessment of Applicants with a Disability or Medical Condition.

Applicants who wish to be considered for a priority of disability/medical grounds shall submit a fully completed HMD form 1, signed by 2 Healthcare Practitioners (the submission of a valid HMD form 1 does not guarantee medical priority).

The following will be considered as part of the assessment.

- a) Only medical evidence relating to persons included on the application will be assessed. Medical evidence relating to other occupants (who do not form part of the applicant's household/application) in the dwelling will not be considered
- b) Approval on the basis of disability or medical will only be awarded where an offer of housing would in a material way improve or stabilise the health or disability of the applicant, relieve the condition from which they are suffering and/or significantly improve their ability to cope with that condition.

- c) Where priority is awarded, this priority may cover a specific type of accommodation and/or location specified as part of the assessment process.
- d) Regard will be had to the diagnosis disclosed on the HMD form 1 and the relevance of the information provided and the council may seek a recommendation from a medical practitioner/consultant appointed by the Council.
- e) An Occupational Therapist report must be provided where there is a need for a specific accommodation requirement.

2.6. Homeless Applicants.

2.6.1. Assessment of Homeless Applicants.

As per Section 2 of the Housing Act, 1988 a person shall be regarded as homeless if in the opinion of the Council, the person is unable to provide accommodation from his/her own resources and:

- a) There is no accommodation available which in the opinion of the Council the applicant 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) The applicant is living in a hospital or other such institution and is so living because he/she has no accommodation of the kind referred to in paragraph (a).

The Council will undertake a homeless need assessment of applicants to determine if

- c) They are homeless
- d) The type of accommodation and other supports that would be required to meet that person's need.

2.6.2. Consideration of Basis of Need of Homeless Applicants.

The following criteria will be considered as part of the assessment to determine the basis of need of homelessness:

- a) Whether the applicant meets the social housing need criteria
- b) Whether the applicant has voluntarily surrendered a tenancy
- c) Whether the applicant has been asked to leave a tenancy by reason of a breach of tenancy
- d) Whether the applicant has satisfactorily engaged with services to secure HAP/Private Rented accommodation
- e) That consent has been given to be discussed at the Councils Homeless Action Team (HAT) meeting and details allowed to be updated on PASS.

2.6.3. Determination of Appropriate Social Housing Support for Homeless Applicants

On presentation of an individual to the Council as Homeless, the individual will be assessed by the Homeless team. In the event that the individual does not have an application for social housing support, he/she will be requested to complete one.

If the applicant has been approved for social housing support he/she will be provided with the assistance of the HAP Place finder Service if it is deemed appropriate.

In exceptional circumstances a decision may be made to provide emergency accommodation on a short-term basis. However, it is expected that the individual will actively engage with the HAP Place finder to secure private rented accommodation thereafter.

2.7. Determination of Appropriate Social Housing Support for Former Local Authority/AHB/RAS Tenants/Occupants

2.7.1. Former Local Authority/AHB/RAS tenants/occupants may be excluded from accessing social housing supports for a period of three years under the following circumstances.

- a) Accumulated arrears of rent which are outstanding and for which no repayment agreement has been put in place or having entered into such an arrangement, has not substantially complied with its terms.
- b) Breached the terms of a local authority tenancy, in consequence of which that council terminated the tenancy.
- c) Been evicted for anti-social behaviour as set out in the Anti-Social behaviour strategy

- d) Illegally occupied a Local Authority property that has been served a notice under S17 of Housing Act 2014. (exclusion applies from the date of vacating a property.)
- e) Abandoned a tenancy.
- f) Voluntarily surrendered the tenancy (except in the case of permanent marriage dissolution or relationship breakdown whereby the limit will be restricted to 1 year).
- g) Damaged a property previously provided by any housing authority and neither repaired the property nor paid for the cost of repairs.

They will not be considered for a housing allocation during this time.

2.8. Squatting

Where a person(s) occupies a council property without the appropriate consent of the council, they may be excluded from accessing social housing supports for a period of 5 years from the date of vacating a property.

2.9. Assessment of Need of HAP Tenants with HAP Rent arrears

In the event that an otherwise qualifying applicant has accrued HAP arrears and their HAP tenancy has ceased as a result, the council will not consider a new HAP application until such time as a repayment agreement has been put in place or having entered into such an arrangement, the applicant has substantially complied with its terms. Thereafter, the conditions outlined under section 2.7.1 will apply.

2.10. Change in Circumstances

In the event that an approved applicant's circumstances have changed since the decision to approve them has been made, the applicant should immediately notify the Council.

All changes in circumstances will be examined to ascertain whether there is a requirement to amend the decision to approve the applicant and/or to amend the basis of need, number of bedrooms or house type.

In the event that the notification of change in circumstances results in an amendment to the number of bedrooms, house type or basis of need, the original date of approval will continue to be used.

Section 3	Order of Priority for Allocation
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3.1. The manner in which social houses are allocated:

Housing and transfer applicants who have been assessed and deemed eligible for social housing support are placed on the social housing waiting list and they will be prioritised for offers of social housing in the following order:

a) preference shall be given to applicants living in dwellings deemed to be dangerous as defined in Section 3 of the Sanitary Services Act, 1964 or being displaced by operations of the Local Authority
b) preference shall be given to applicants deemed to be homeless under Section 2 of the Housing Act, 1988
c) preference shall be given to applicants living in dwellings deemed to be unfit as defined in Section 66 of the Housing Act, 1966
d) preference shall be given to applicants with exceptional medical/compassionate grounds
e) preference shall be given to applicants living in dwellings deemed to be overcrowded as defined in Section 63 of the Housing Act, 1966 or in the case of down-sizing.
f) preference shall be given to applicants in need of housing who are deemed to have a need based on disability – physical/mental health/sensory/intellectual
g) preference shall be given to applicants in need of housing where the accommodation is unsuitable for the household in any other material respect, having regard to particular house-hold circumstances.
h) preference shall be given to applicants in need of housing who are dependent on Rent Supplement
i) preference shall be given to persons who are sharing accommodation with another person or persons and who, in

the opinion of the Council, have a reasonable requirement for separate accommodation

j) preference shall be given to persons who are, in the opinion of the Council, not reasonably able to meet the cost of their mortgage and are unable to obtain suitable affordable alternative accommodation

3.2. Waiting Time

Where a number of applicants fall within the same category under the priority list, consideration will be given to the length of time the applicant has been qualified for housing.

3.3. Choice Based Letting

3.3.1. 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.

3.3.2. All of the terms of this allocation scheme shall apply to the letting of houses under Choice Based Letting.

3.3.3. Applicants are permitted to bid for properties in any area within the county and are not confined to the 3 areas on their application form. However, where there are a number of applicants for the same property and all have the same basis of need, the applicant who is longest on the list with that area as an area of choice will be given priority.

3.3.4. A refusal of an offer made under a CBL shall not constitute a refusal. Where an applicant refuses a reasonable offer of a CBL, the applicant cannot bid for another CBL dwelling for 1 year.

Section 4 Transfer Applications

4.1. Grounds for Transfer Applications

Local Authority, RAS, LTL, or AHB tenants may apply for consideration for a transfer to other properties, under the following circumstances:

- a) Overcrowding/Down-sizing.
- b) Medical/disability grounds or compassionate reasons
- c) Other exceptional circumstances;
- d) To facilitate incremental purchase, where the authority has consented to such a purchase.

4.2. Requirements for Transfer Applications

Tenants seeking a transfer must fulfil the following requirements:

- a) Hold a Local Authority/RAS/LTL/AHB tenancy for a period of at least 2 years, unless it is a temporary tenancy.
- b) A clear rent account for at least 6 months and the rent account not to be in arrears for an accumulated period of 12 weeks or more at any time in the 3 years preceding the transfer application. 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.
- c) Have kept their dwellings in a satisfactory condition, subject to inspection.
- d) Have complied with all aspects of any previous tenancy agreement with any Housing authority.
- e) Have no record of anti-social behaviour.

4.3. Housing Assistance Payment (HAP) Tenant Transfers

Applicants who are in receipt of HAP and have opted to be included on the transfer list are deemed to be transfer applicants and will be placed on the list from the date they made their transfer application. In order to be considered for allocation, applicants must maintain a clear rent

4.4. Applications from tenants of AHBs or Other Local Authorities

Transfers between tenants of the council and tenants of another local authority or tenants of an AHB may be permitted, provided the conditions agreed between the two authorities and the conditions of this scheme for such transfers are satisfied.

4.5. Applications for Mutual Transfers

The Council may accept applications for mutual exchanges of tenancies between two households who meet the general conditions set out in section 4.2 and comply with the following.

- a) The house to which the transfer is taking place is adequate in size, layout and standard of accommodation for each applicant and their dependants.
- b) Each applicant agrees in writing to accept the other house in its present condition.

The written consent of the council is required prior to any such transfer.

Section 5 Allocation Provisions

5.1. Exceptional Circumstances

- a) The Council may disregard the terms of the allocation scheme and allocate a Local Authority/AHB/RAS property under any of the following exceptional circumstances
- Where the household requires accommodation arising from specific exceptional circumstances, including displacement by fire, or any other emergency.
 - Development, redevelopment or re-generation of an area by the Council.
 - Under exceptional medical or exceptional compassionate grounds.
- b) A termination of a RAS/LTL tenancy

5.2. Refusal/Deferral

The Council may refuse or defer an allocation of a Local Authority/AHB/RAS property under the following circumstances:

1. Anti-Social Behaviour

- a) Under Section 14 (1)(a) of the Housing (Miscellaneous Provisions) Act, 1997 as amended, the council may refuse to make or defer an allocation to a person where it considers that the person or any other person who may intend to reside with them, 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 council's strategy on anti-social behaviour and where the making of a letting is deferred, such deferral shall continue until such time as the Council is reasonably satisfied that the anti-social behaviour is unlikely to re-occur in the future.

2. Provision of Information

- a) Under Section 14 (1)(b) of the Housing (Miscellaneous Provisions) Act, 1997 as amended, the Council may refuse to make or defer an allocation to a person where it considers the person fails to provide information, including information relating to persons residing or to reside with that person, which is requested by the Council and which the Council considers necessary in connection with an application for an allocation.

Section 6 Succession

6.1. Succession

In the event of the death of one of the tenants in a joint tenancy, the tenancy will be transferred to the surviving tenant.

In the event of the death of a tenant/both tenants, or the vacating of the dwelling for reasons of long-term care, an application for succession will be granted provided the applicant satisfies the following criteria;

- a) Is approved for social housing in Tipperary County Council.
- b) Has resided in that property for the previous 2 years.
- c) Has already been approved for permission to reside and has been declared for and assessed for rent purposes.³
- d) Has complied with all aspects of any previous tenancy agreement with any Housing authority (if applicable).
- e) Has no record of anti-social behaviour.

Where there are two or more applicants who meet the criteria above, and where agreement cannot be reached regarding which applicant to succeed, no succession of tenancy will be granted.

Where an applicant meets the above criteria (a) to (e), but is

- i. Considered over-accommodated or
- ii. The property has been adapted for the use of someone with a disability or
- iii. Designated as an Older Persons Dwelling (and where the person applying for succession is not an elderly person),

they will be granted succession in an alternative property. They may be given two reasonable offers of alternative accommodation and if both offers are refused, the applicant will no longer have an entitlement to succession and will be provided with HAP supports and must vacate the property. Failure to vacate the property will result in legal proceedings being initiated.

³ a. Anyone wishing to reside in a Local Authority property will be required to complete a Permission to Reside Application form.

6.2. Exceptional Circumstances

In exceptional circumstances, where an applicant meets the criteria set out in (a) to (e) above

and

- f) The occupant has resided in the property consecutively for the previous 15 years prior to the death of the tenant or the vacating of the property by the tenant for the purposes of long-term care and the occupant has been returned for rent for this period.

and

- g) The occupant is aged 55 years or over at time of the death of the tenant or the vacating of the property by the tenant for the purposes of long-term care.

and

Is considered over-accommodated/the property has been adapted for the use of someone with a disability, they may be granted succession in that property regardless of the number of bedrooms/property type.

In all cases succession will not be granted to a property in a designated elderly area.

(**note:** grief associated with the loss of a loved one and the strong emotional connections with one's home are not deemed to be grounds for succession)

6.3. Legal Separation/Divorce

Where a legal separation/divorce exists, regard will be had by the Council to the terms of that agreement in the consideration of any application for succession to a tenancy.

In considering an application for succession, the Council reserves the right to assess each application on its merits and in the interest of good estate management.

Section 7 Refusals

- a) In the event of a refusal of 2 reasonable offers over a 12-month period, commencing on date of first refusal, and within areas of choice, the applicant will not for the period of 1 year commencing on the date of second refusal be considered by the Council for the allocation of social housing support and that period shall be disregarded in calculating the period of time and/or relative priority on the list.
- b) An offer of a property shall be deemed to be reasonable where, in the opinion of the Council, the accommodation offered, would meet the accommodation needs and requirements of the household and the property is situated in an area of choice specified by the household.
- c) One reasonable offer will be made to existing RAS/LTL tenants whose tenancy has been terminated and the reason for the termination is not a breach of tenancy.
- d) Where an offer of a property is made to a transfer applicant to specifically address an issue and the applicant refuses this offer, the decision to qualify that person for a transfer may be reviewed.
- e) Failure to engage with the AHB regarding the nomination and assessment process or refusal of an offer of a property will be considered in the same way as refusals of offers of Council accommodation.
- f) In the event of a refusal of an offer of a property by an applicant in emergency accommodation (B&B, OFD etc) the applicant will no longer have a basis of need of homeless as set out in the council's standard operating procedure for homeless services.

Section 8	General
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- a) The Council will endeavour to investigate each applicant's previous housing history and reserves the right to seek all relevant information from other Local Authorities and other statutory agencies such as the HSE, Túsla; Probation Services, or An Garda Síochána with particular reference to anti-social behaviour.
- b) In certain circumstances, it may be necessary to offer an applicant a temporary tenancy. In this instance, the applicant remains on the transfer list and will be considered for vacancies in their areas of choice subject to a satisfactory tenancy and no change in circumstances
- c) Joint tenancy applications will not be accepted after the original allocation is complete and the tenant has taken occupancy of the property.
- d) Any applicants whom are currently living in an unauthorised mobile home/caravan, of which they are the owner/occupier MUST remove same (or arrange to have same removed if not the owner) prior to taking up tenancy in the allocated dwelling and dispose of to an acceptable facility as indicated in writing by the LA. In the event that this is not complied with, Tipperary County Council will arrange for the removal of same and will retrieve cost of disposal from the applicant.
- e) Any person who is aggrieved by the Council's decision has the right to appeal within 14 days of the decision. A letter setting out the grounds of appeal should be addressed in writing to Tipperary County Council: Senior Executive Officer, Housing
- f) The making of an allocation scheme is a reserved function of the Council, and 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.