



Cavan County Council



Allocation Scheme in accordance with Section 22 of the Housing (Miscellaneous Provisions) Act, 2009 and Social Housing Allocation Regulations 2011 (S.I. No. 198 of 2011 to determine the order of priority in the letting of dwellings provided under the Housing Acts 1966 to 2009 or Part V of the Planning and Development Act 2000.

(A) The purpose of the Allocation Scheme is to provide a means for 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 **and**, including transfers to new dwellings being purchased under the Incremental Purchase Scheme.

This allocation scheme applies to –

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

(i) of which the Housing Authorities (Cavan County Council) are the owners,

or

(ii) of which the housing authorities are not the owners and which are provided under a contract or lease between the housing authorities and the owners concerned, including rental accommodation availability agreements,

and

(b) dwellings owned and provided by Approved Housing Bodies (AHB) to whom assistance is given under section 6 of the Housing Act 1992 for the purpose of such provision.

(B) The manner in which dwellings are allocated

The manner in which Cavan County Council (hereinafter called the housing authorities) 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 (e) hereunder

(C) Order of Priority

In the making of any allocation, the following priorities to be accorded to the letting of dwellings shall be in accordance with the following points system.

- **Conditions of Applicants' Dwelling**

1 -10 points having regard to the unfitness of the applicants dwelling.

- **Overcrowding**

1 – 10 points in accordance with the degree of overcrowding

- **Homelessness/Displaced Persons (No home)**

1 - 10 points

- **Lack of Household Facilities**

1 – 10 points

- **Need on Medical, Disability, Compassionate or other similar Grounds**

1 – 8 points

- **Length of Time in Housing Need**

1 point of every year subject to maximum of 10 points

- **Family circumstances or other factors of housing need not specifically mentioned under the other headings of this points systems**

1 – 10 points

- **Location/Distance from Work, Services etc.**

Maximum 4 points.

- **Efforts by applicant to improve living conditions**

1 – 5 points

Applicants not included in any other category above, who have been assessed and approved for Social Housing Supports.

Total Maximum Points – 77

- (1) 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 Cavan County Council.
 - (1.1) All Allocations shall be subject to Section (G) (ii) hereunder and all shall also be subject to principles of good estate management.
 - (1.2) All nominations to dwellings owned and provided by Approved Housing Bodies shall also follow the above order of priority.
 - (1.3) The Council, in applying the terms of this scheme to a person may disregard the accommodation that that person is occupying where the Council 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.
 - (1.4) The priority of persons who were former Cavan County Council tenants may be reduced having regard to the manner in which they complied with the previous Tenancy Agreement.
 - (1.5) The priority of a former tenant purchaser of a Cavan County Council dwelling who subsequently disposes of that dwelling to another person may be reduced.
 - (1.6) A 10% reduction of overall points up to a maximum of 10 may be applied where an applicant refuses an offer of accommodation unless the Council is satisfied that there are reasonable grounds for such refusal.
 - (1.7) An applicant who gives false or misleading information in pursuit of an application for re-housing by the Council will be excluded from consideration for re-housing. Any allocation of a dwelling made on foot of information supplied by the applicant or subsequently discovered to be false or misleading, will be rescinded and the offer will be withdrawn.

(D) Exceptions

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 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;
- 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 (F) (ii) hereunder.

(E) Medical Report

The Housing authority shall obtain and have regard to a report from a medical practitioner employed by the Health Service Executive in the allocation of dwellings where priority is claimed on grounds consisting of, or including, exceptional medical grounds..

(F) General Provisions

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

Cavan County Council may, from time to time, as they see fit, designate a particular number or proportion of dwellings becoming available to the Authority for allocation for all or any of the following purposes:

- (a) allocation to particular classes of household, e.g. older persons, persons with disabilities, single person households etc., thus affording priority in the allocation of those dwellings to approved households in the relevant category of need;
- (b) allocation to households transferring from other forms of social housing support (e.g. RAS Units, Voluntary Housing Units) and leased units;

- (c) for particular forms of tenure, including an Incremental Purchase dwelling;
- (d) for allocation under Choice Based Lettings (CBL).

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.

The procedure applied by the housing authority for *Choice Based Lettings* will be as set out in Sections 6 – 11 of the Social Housing Allocation Regulations 2011. In accordance with Regulation 12 (4), a refusal of an offer made under a CBL shall not constitute a refusal as per Section (G) (i) below. In accordance with Regulation 10(1), where an applicant refuses a reasonable offer of a CBL, the household cannot bid for another CBL dwelling for 1 year. Properties are designated by Manager's Order for use for Choice Based Lettings.

(G) Refusals

(G)(i) Refusal of offers of dwelling allocations

- (a) Where a qualified household refuses 2 reasonable offers of the allocation of different dwellings made by one or more than one housing authority in the relevant application area 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 any housing authority 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.
- b) An offer of a dwelling allocation by the housing authority 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 dwelling is situated in the area of choice specified by the household. The only exception to this is where the Council makes an offer because of specified exceptional circumstances, including displacement because of fire, flood or other emergency, development, redevelopment and regeneration of an area or exceptional and compassionate grounds. In these circumstances, the Council does not have to offer the household accommodation in their area of choice for it to be considered a reasonable offer.
- c) Refusal of offers of accommodation offered under RAS and/or Leasing will be treated as a refusal of accommodation.

- d) The processing of Refusals and appeals of same will be carried out in accordance with the Council's policy in relation to Refusals of Offers of Tenancy.

(G)(ii) Refusal of Housing Authority to allocate

Notwithstanding anything contained in the Housing Acts 1966 to 2009 or in an Allocation Scheme made under section 22 of the 2009 Act, the housing authority may use its right under Section 14(1) (as amended) of the Housing (Miscellaneous Provisions) Act, 1997 to refuse to allocate or defer the allocation of a dwelling to a person where -

- (a) the authority considers that the person is/has been engaged in anti-social behaviour or that an allocation to that person would not be in the interest of good estate management,

or

- (b) the person fails to provide information, including information relating to persons residing or to reside with that person, which is requested by the housing authority and which the authority considers necessary in connection with an application for an allocation,

and

- (c) subject to any further provisions contained within Cavan County Council adopted Anti Social Behaviour Strategy.

H) Transfers Of Tenants

Tenants of the Council, 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 -

- (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 or An Garda Siochana support the transfer application;
- (e) other exceptional circumstances.
- (f) To facilitate incremental purchase, where the authority has consented to such a purchase.
- (g) by tenants to and from other housing authorities, on conditions mutually agreed between the authorities.

Notwithstanding the above, tenants seeking a transfer must fulfil 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 of tenancy.

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.

Section 19 of the Housing Act 2009 commenced in April 2011. Tenants who were transferred to the RAS prior to the 1st January 2012, 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, and were on the housing list since they commenced their RAS tenancy. Allocations shall be made to such tenants in accordance with the Order of Priorities as per Section C above.

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

(I) Succession Tenancies

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

Where both tenants have died or left, the house may be granted to the next member of the family, provided that: -

- (a) the person has continued to reside in the house as their normal place of residence and has been assessed for rent purposes, or
- (b) the person having left the house for a period has been living in the house for a period of at least two years (or such other period as the Council may allow) prior to the death or departure of the tenant(s).

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).

(J) Other Matters

Cavan 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 authorities. Before making or amending an allocation scheme, the housing authority 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 Cavan County Council shall comply with any such direction within such period as may be specified by the Minister.

A copy of the Scheme will be available for public inspection at the offices of the Council during office hours and will also be available on the Council's website at www.cavancoco.ie.

Present when the common seal of

Cavan County Council

was affixed hereto:-

Chairman Cavan County Council: _____

Chief Executive: _____