



**TO: AN CATHAOIRLEACH
& EACH MEMBER OF KILKENNY COUNTY COUNCIL**

RE: SCHEME OF LETTING PRIORITIES
(Allocation Scheme for Social Housing Supports)

Dear Councillor,

Houses are allocated in accordance with each Council's Scheme of Letting Priorities. The Scheme of Letting Priorities (Allocation Scheme) was last updated in 2011 in accordance with the Social Housing Allocation Regulations (S.I. 198 of 2011).

The allocation scheme must cover all dwellings owned or under the control of housing authorities (including leased dwellings and dwellings subject to rental accommodation arrangements) and dwellings provided by approved housing bodies with Exchequer funding.

It is now timely to review the current Scheme of Lettings Priorities considering the many changes that have taken place in legislation and Regulations and the range of social housing options that are now available to approved housing applicants.

The existing Scheme of Letting Priorities was presented for discussion at the Housing SPC held on 24th October 2019. The main areas that were discussed were as follows:

1. Time on the Housing List as a basis for allocation after Priority Categories accommodated.
2. Clarification on Succession Rights to Tenancy.
3. Transfer Requests and need to have a Priority Scheme.
4. Downsizing/Rightsizing.
5. Mutual Transfers – New.
6. Refusal of Offers of Accommodation.
7. Anti-Social Behaviour.
8. Choice Based Letting (CBL).
9. Incremental Purchase Scheme (IPS).

A revised draft Scheme of Letting Priorities was prepared and presented at the Housing SPC held on 12th December 2019. Members were asked to forward any further amendments or comments to the Executive before the 31st December 2019. As statutorily required a copy of the draft Scheme was also sent to the Minister for Housing for comment.

Final changes were made to the draft Scheme of Letting Priorities and presented again at the Housing SPC Meeting held on 27th February 2020. One final amendment was proposed and agreed by all members present. It was also agreed at this meeting to recommend the adoption of the Scheme subject to this amendment being made at the next Council meeting.

The Minister for Housing has also responded and have no further observations to make to the proposed draft scheme.

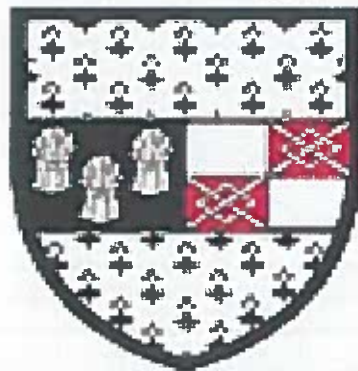
The adoption of the Scheme of Letting Priorities (Allocation Scheme) is a reserved function of the Council and is now recommended by the Housing SPC to have the Scheme attached adopted. All allocations of accommodation to those approved for housing supports will be made in accordance with this Scheme of Letting Priorities with effect from 24th March 2020.



Mary Mulholland
Director of Services

13th March 2020

KILKENNY COUNTY COUNCIL



SCHEME OF LETTING PRIORITIES

(Allocation Scheme for Social Housing Supports)

March 2020

**Allocation Scheme in accordance with
Section 22 Housing Miscellaneous Provisions Act 2009
Social Housing Allocation Regulations 2011 as amended**

TABLE OF CONTENTS

	Page No.
Introduction	3
Allocation Scheme: Order of Priority	4
Succession to Tenancy	5
Transfers	6
Transfer Conditions	7
Mutual Transfers	7
Appeals	7
General Provisions	8

A. Introduction

This Allocation Scheme sets out the order of priority for allocation of Social Housing supports in terms of category of dwelling and class of households whose need for accommodation has been approved by Kilkenny County Council.

1. This scheme applies to the full range of Housing supports offered by Kilkenny County Council, including Social Housing funded Schemes by the Department of Housing, Planning and Local Government and Leasing Schemes.
 2. Kilkenny County Council may, set aside dwellings for persons with special needs which may include the following; persons with disabilities, older persons, homeless, persons subject to domestic violence, Refugee resettlement programmes, Travellers, temporary accommodation to meet a homeless need or other special needs.
 3. All allocations including transfers and successions to tenancies shall be considered only on the condition that the household complies in all respects with
 - i. the Council's Anti Social Behaviour Policy and strategy
 - ii. all aspects of any previous tenancy agreement in any Housing authority.
 4. Persons in unauthorised occupancy of dwellings and who do not leave voluntarily shall not be considered for allocation of social housing support. Those who leave voluntarily may be considered after a period of twelve months following the date of voluntary surrender of dwelling to Kilkenny County Council.
 5. Kilkenny County Council reserves the right to refuse consideration of an allocation where false or misleading information is supplied or in the opinion of Kilkenny County Council the applicant has deliberately remained in or taken occupation of unsuitable accommodation primarily to improve the prospects of obtaining a tenancy.
 6. In the case of a parent living apart from his/her children to whom he/ she has shared custody social housing support may be allocated for such custody. Where custody of children is shared, evidence of such custody will be required as follows:
 - (a) Copy of the legal agreement or court order setting out the custody arrangements.
 - (b) If no such agreement / order exists both the applicant and the other parent/guardian of the child /children shall provide a statutory declaration to the effect that **overnight** access agreement is in place and submit details thereof.
- Kilkenny County Council assigns multiple bedroom unit requirements to the parent with whom the children reside for the greater part and a 1-bedroom requirement to the other parent.
7. Attendance at and successful completion of pre-tenancy courses is a requirement for all allocations including both parties in the case of joint applicants.

8. Refusal of Offer of Accommodation

In the event of two refusals of allocation offers in a twelve-month period the housing authority will suspend the application for a period of 12 months during which suspension period no allocation of social housing support can be made and this time will not be added on to the time on list period. Offers of accommodation will only be located in the stated areas of preference, and such that will meet the Household's need.

B: Allocation Scheme: Order of Priority

The following categories are considered to be priority cases and will be considered for **all forms of social housing support**. In all cases, 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 Kilkenny County Council.

1. **Emergencies:** Persons being displaced from Dangerous buildings under the Local Government (Sanitary Services) Act, 1964, or potentially dangerous buildings under the Fire Services Act 1981, as amended, or persons rendered homeless by fire, flood, storm damage etc. or by operations of the County Council from dwellings urgently required for redevelopment.
2. Households that are **homeless** as defined by section 2 Housing Act 1988.
3. Applicants living in **unfit** Conditions as defined in Section 66 of the Housing Act, 1966.
4. Applicants living in **overcrowded** conditions as defined in Section of 63 of the Housing Act, 1966.
4. **Older persons** (aged 55 years or more). Accommodation under this category will be those provided specifically for older persons or that is specifically suited to the older person's need.
5. Applicants in need of housing on **disability, medical, compassionate** or other similar grounds
6. **Traveller Households:** Including households who wish to be housed in standard social Housing supports and in Traveller specific accommodation under this category will be provided in accordance with the Kilkenny Local Authorities Traveller Accommodation Programme
7. Applicants not included in any other category above, who have been assessed and approved for Social Housing Support.

C: Succession to Tenancy

1. In the event of the death of one of the tenants in a joint tenancy, the tenancy will ordinarily be transferred to the surviving tenant or the spouse/partner, provided that he/she has been continuously resident in the dwelling for a continuous period of at least two years immediately prior to the death of the tenant and has been declared for and assessed for rent purposes for that entire period **and is 18 years or older**. Periods of residence not declared for rent assessment purposes are not applicable.
2. In the event of death of both spouses, tenancy will ordinarily be transferred to the eldest member of the family provided that:
 - a) He /she has a housing need and is resident and has continued to reside in the house throughout his/her lifetime and has been continually declared for and assessed for rent purposes; or
 - b) He /she is living in the house and has been declared/assessed for rent purposes, for a continuous period of at least 2 years immediately prior to the death of the tenant.
 - c) He/she must be 18 years or older

Where there are two or more surviving members of the family who meet the criteria at a), b) or c) above, a joint tenancy may be granted by Kilkenny County Council or where agreement cannot be reached regarding the family member to succeed, the House automatically reverts to Council.

All **Succession to Tenancy** applications are subject to;

- a) the Council's Anti Social Behaviour Policy and strategy
- b) all aspects of any previous tenancy agreement in any Housing authority.
- c) Family members who would not qualify for Social Housing Support on income grounds may not be allowed succeed to the tenancy.
- d) Council 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. In this case, alternative accommodation will be offered that meets their housing need.
- e) No succession to the tenancy will be considered where the property has been designated as an Older Person Dwelling or Specially adapted to meet a Disability Need.

In addition to the above, successions will only be considered for immediate family members and or those who have already been approved for permission to reside there.

D: Transfers

Tenants of the Council, including tenants of dwellings provided under the Social Housing Leasing Initiative, RAS, HAP Transfers or by (Approved Housing Bodies) AHB's may apply for consideration for a transfer to other dwellings, under the following circumstances and priority basis;

Priority 1: Overcrowding

Overcrowding is defined under section 63 Housing Act 1966 as;

'A house shall for the purposes of this Act be deemed to be overcrowded at any time when 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, being persons of ten years of age or more of opposite sexes 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 four hundred 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),'

Priority 2: Downsizing.

Older persons and other households wish to move to smaller accommodation (downsizing);

Priority 3: Disability/Medical Grounds.

Where priority is claimed on Disability / Medical Grounds, the applicant shall submit a Medical Assessment Form and report from a Medical Practitioner detailing their disability/medical condition and how this impacts on their housing requirements. The Council in considering the awarding of a priority claimed on medical grounds may seek a recommendation from a medical practitioner appointed by the Council.

Priority 4: Incremental Purchase

To facilitate incremental purchase, where the authority has consented to such a purchase

<p>Transfer Applications not falling into the above categories will not be considered.</p>

D:1 Transfer Conditions:

Notwithstanding the above, tenants seeking a transfer must fulfil the following: –

- 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.

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.

One refusal of reasonable offer of a transfer within a twelve-month period will result in a household being deemed ineligible for a transfer and their application for a transfer will be closed. No further transfer applications will be considered by KKC within 24 months.

Note: The Council may seek to transfer tenants in order to achieve maximum use of housing stock and on good estate management grounds.

E: Mutual Transfers

Kilkenny County Council may be agreeable to accommodate applications for mutual exchanges between two tenants within Kilkenny provided the above **transfer conditions** are met in the case of each tenant along with;

- Transfer is suitable to meet the accommodation needs of both applicants
- Written acceptance of both parties to occupy dwellings in their **existing condition**
- Applicants will be required to sign Terms & Conditions as set out by Kilkenny County Council at time of transfer.

F: Appeals

Any person who is aggrieved by the Council's decision has the right to appeal in writing to the Director of Services for Housing within 10 working days of the Council's decision.

G: General Provisions

The 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, members of the traveling community 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, HAP transfers and leased units.
- (c) for particular forms of tenure, including an **Incremental Purchase dwelling**;
- (d) for allocation under **Choice Based Lettings (CBL)**. A refusal under CBL will not signify a refusal under this Allocations Scheme. However, the applicant will not be entitled to make a further application under CBL for a period of twelve months from the date of the refusal.

The procedure applied by the housing authority for **Choice Based Lettings** is set out in Sections 6 – 11 of the Social Housing Allocation Regulations 2011.

Nothing in this scheme shall prevent the Chief Executive or their delegated officer(s) making an allocation or granting a transfer in emergency/exceptional circumstances.