



10<sup>th</sup> July 2023

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

**RE: Right to Reside Policy**

Dear Councillor,

As part of the delivery of housing services a significant increase has occurred in applications for right to reside at local authority tenancies. Due to the increase in applications and the complexity of these cases it has been deemed appropriate to adopt a clear policy on the right to reside process to assist the housing section, tenants and elected members with respect to when it will be agreed to accept another occupant at a local authority tenancy.

The Housing Strategic Policy Committee has discussed all aspects of the right to reside process and it was agreed at the Housing SPC held June 29<sup>th</sup> last to recommend the attached Right to Reside Policy for adoption at the plenary session of the Council.

It is essential that clarity be brought to this matter to assist both tenants and housing staff to more efficiently process applications for right to reside at local authority tenancies and the draft policy as agreed by the Housing SPC is recommended for the approval of Kilkenny County Council at its July meeting 2023.

**Mary Mulholland,  
Director of Services,  
Kilkenny County Council.**



### **Right to Reside Policy**

Where a Tenant of a Local Authority property in Kilkenny wishes someone to come and live with them, the tenant/s must apply to the Housing Section, Tenancy Management Team for permission for any additional person to live at a local authority tenancy by filling out a Permission to Reside form. A tenant shall not allow someone to live at their home without prior written permission from Kilkenny County Council as Landlord.

It is the responsibility of the tenant to ensure that all occupants of their tenancy are notified to Kilkenny County Council as part of each rent review completed by the tenant. Where the tenant wishes to have another person reside on a temporary or permanent basis at their tenancy it is their responsibility to seek the agreement/consent of the local authority as landlord before the person moves in. The consent of the local authority must be sought by submission of an application for right to reside.

All persons living at a council tenancy must be included in the calculation of rent. It is the responsibility of the tenant/s of each household to notify Kilkenny County Council of all persons living at their tenancy. Failure to include all occupants in the calculation of rent is a breach of tenancy and will result in enforcement action.

Applications for Right to Reside will not be eligible for agreement where: -

- The applicant or tenant have been either investigated or convicted in respect of anti-social behaviour, drug or public order offences within the 5 years prior to making of the application.
- The applicant has had a tenancy terminated due to rent arrears or anti-social behaviour which has resulted in the application for Right to Reside.
- The applicant is considered to have rendered themselves homeless through refusal of accommodation, abandonment or surrender of tenancy in Kilkenny or elsewhere.
- The application will, in the view of the local authority, cause overcrowding at the tenancy.



- The application does not include all documentation or information required as part of the Right to Reside application form.
- False information is provided as part of the application process.
- The agreement of the Right to Reside may, in the view of the local authority, result in estate management issues.
- The applicant has rent arrears in their current or previous accommodation.
- The applicant owns or has an interest in a property in Ireland or any other country.

Applications for the Right to Reside may be approved as follows: -

- Temporary Right to Reside, where the application is made to provide care to an elderly, disabled or seriously unwell tenant in need of full-time care.  
This right to Reside will be linked to the requirement for care by a family member and will not result in a Right to Succeed the tenancy. This Right to Reside will cease when this care is no longer required.
- Conditional Right to Reside, where the application is made to provide short-term support to a relative, or to provide a temporary housing solution to a family member in need of accommodation. Where the applicant is not eligible for social housing supports and the application is made to meet the short-term needs of the tenant or applicant a conditional right to reside may be provided. Where a conditional right to reside is provided, it will be clarified whether a Right to Succeed the tenancy arises. Where the applicant does not qualify for social housing supports, a conditional right to reside may be permitted including a condition that the applicant will not be eligible to apply for succession of tenancy.
- Permanent Right to Reside will be agreed where a family member intends to live permanently in the tenancy and may meet the criteria for succession of tenancy in the future.
- Where an application for Right to Reside is approved and that applicant is an open applicant for social housing support that application may be closed if they are deemed to be adequately housed.