



MONAGHAN LOCAL AUTHORITY

Allocations Scheme determining the order of priorities to be accorded in the allocation of dwellings

This scheme is prepared under Section 22 of the Housing (Miscellaneous Provisions) Act 2009 and replaces the Scheme of Letting Priorities approved by the Minister for the Environment, Heritage and Local Government on 22nd December 2008.

In preparing this Scheme, regard was taken to directions issued by means of Regulations and Circular made under above provisions from the Department of Environment, Community and Local Government, the Traveller Accommodation Programme 2009 - 2013 and North East Homeless Action Plan 2010 - 2013

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Monaghan County Council

TABLE OF CONTENTS

1.	INTRODUCTION.....	2
2.	APPLICATION OF SCHEME.....	2
3.	APPLICATION FOR HOUSING ACCOMMODATION.....	3
4.	ACCOMMODATION CHOICES.....	3
5.	NON-DISCRIMINATION.....	4
6.	RESIDENTIAL QUALIFICATION.....	4
7.	APPLICANTS MEANS.....	5
8.	ANTI-SOCIAL BEHAVIOUR AND SQUATTING.....	5
9.	PUBLIC ORDER OFFENCES.....	6
10.	SOCIAL HOUSING SUPPORT PREVIOUSLY PROVIDED TO AN APPLICANT HOUSEHOLD.....	6
11.	REFUSAL OF OFFER OF ACCOMMODATION.....	7
12.	GROUND FOR REFUSING TO OFFER ACCOMMDATION.....	7
13.	APPROACH TO ALLOCATIONS.....	8
14.	ALLOCATION OF DWELLINGS.....	8
15.	TRANSFERS.....	9
16.	SUCCESSION TO TENANCY.....	9
17.	DESIGNATED DWELLINGS.....	10
18.	INCREMENTAL PURCHASE SCHEME (IPS).....	10
19.	CHOICED BASED LETTING (CBL).....	10
20.	EMERGENCY ACCOMMODATION.....	10
21.	DISREGARDING ACCOMMODATION.....	11
22.	RENT ARREARS/OTHER DEBTS.....	11
23.	REVIEWING AN ASSESSMENT.....	11
24.	ORDER OF PRIORITY FOR LETTING OF DWELLINGS.....	12

Monaghan County Council

This document is the Housing Allocations Scheme for Monaghan County Council.

1. INTRODUCTION

The Scheme incorporates a scheme of priorities for the allocation of such dwellings under the provisions of Section 22 of the Housing (Miscellaneous Provisions) Act, 2009 and is applicable from ----- November 2016.

2. APPLICATION OF SCHEME

This Scheme shall apply to the allocation of dwellings:

- Provided under the Housing Acts 1966 – 2009
- Provided under Part V of the Planning and Development Act 2000
- Dwellings provided under the Rental Accommodation Scheme, HAP and through the Social Leasing Model.
- Dwellings provided by Approved Housing Bodies

Dwellings becoming available under this Scheme may only be allocated to persons who are included in the most recent **Housing Needs Assessment** carried out by the Housing Authority under Section 20 of the Housing (Miscellaneous Provisions) Act, 2009 or who have been accepted by the Authority, after the making of that assessment, for inclusion in the next such assessment. Households in receipt of social housing support, that have applied to the Housing Authority to transfer to another dwelling or to purchase a dwelling under the Incremental Purchases Schemes under Part 3 of the Housing (Miscellaneous Provisions) Act, 2009, will also be considered.

3. APPLICATION FOR HOUSING ACCOMMODATION

(a) Eligibility

Applications for housing accommodation will be accepted by the Housing Authority from persons who:

- (i) Are in need of accommodation, and**

(ii) Are unable to provide that accommodation from their own resources.

Applicants for accommodation will be required to complete the statutory application form containing all the information required by the Housing Authority to properly assess their eligibility for inclusion in the assessment and to submit any documentary evidence or proof to verify any particulars submitted on the application form.

The Housing Authority will be entitled to carry out any enquiries it considers necessary in order to determine an applicant's eligibility.

(b) False or misleading information

Any applicant who deliberately gives false or misleading information, or who fails to give or withholds relevant information in order to further their application will be liable to being prosecuted under S32(f) of the Act and if found guilty would be liable for a fine of up to €2,000.

4. ACCOMMODATION CHOICES

Monaghan County Council can provide or assist in the provision of a wide range of options for persons in need of Housing accommodation. These include

- ❖ **Rented Local Authority Accommodation**
- ❖ **Rental Accommodation Scheme and Leasing**
- ❖ **Voluntary\Co-operative Housing**
- ❖ **Traveller Accommodation**
- ❖ **Rural Houses (where applicant can provide site)**
- ❖ **Improvement Works in lieu of Local Authority Housing**
- ❖ **Special Needs Housing**
- ❖ **Demountable Dwelling**
- ❖ **Extension to Local Authority House**
- ❖ **Transfer**
- ❖ **Housing Assistance Payment**

Monaghan County Council

On receipt of an application for Social Housing Support the Housing Authority will make a full assessment of the application to ascertain on whether the household is qualified for social housing support. In this process the following will be considered.

- Residency Status,
- Income Levels,
- Previous rent arrears; and
- Accommodation and Availability of alternative accommodation

The decision made will establish how the applicant's housing need can most appropriately be catered for within the range of housing options available.

Housing Applications will be assessed on a County at large basis.

5. NON-DISCRIMINATION

Monaghan Local Authority will treat all applicants with fairness and impartiality and will not discriminate against any applicant on any of the grounds specified in Section 3 (2) of the Equal Status Act 2000 (i.e. gender, marital status, family status, sexual orientation, religious belief, age, disability, race or membership of the Travelling Community) or any future additions or amendments to that Act.

However, it is a legal requirement that in order to sign a Tenancy Agreement a person must have reached the age of eighteen years and no allocation of a tenancy can, therefore, be made to a person below that age.

6. RESIDENTIAL QUALIFICATION

Section 20 of the Housing (Miscellaneous Provisions) Act, 2009 requires a Housing Authority to accept applications for social housing support from persons who can demonstrate a local connection.

A local connection can be demonstrated if the applicant or member of the household:

- (i) has lived in the area for a continuous 5 year period previously

Monaghan County Council

- (ii) is employed in the area or within 15 km of the area
- (iii) is in full-time education, or attending specialist care in the area
- (iv) has close relatives living in the area for 2 years or longer

7. APPLICANTS MEANS

(a) Income Limits

The basic requirement for eligibility for Social Housing Support is that the applicant must be unable to provide adequate housing from his/her own resources. Monaghan County Council has a statutory designated income limit of €25,000 per annum threshold per single person or €30,000 per annum as a family income threshold.

The final decision as to whether an applicant is provided with social housing support will rest with the Housing Authority.

(b) Property and Other Assets

A household shall not be eligible for social housing support where the household has alternative accommodation that it owns which could be used to meet its housing need either by the household moving into it or by selling it and using the proceeds of the sale to secure other suitable accommodation.

8. ANTI-SOCIAL BEHAVIOUR AND SQUATTING

Under the provisions of Section 14 of the Housing (Miscellaneous Provision) Act, 1997, the Housing Authority may refuse to make or defer the making of a letting of a dwelling to a person where the Authority considers that the person 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.

Where an allocation for accommodation is to be made, a formal enquiry will be made with An Garda Síochána under Section 15 of the Act to ascertain convictions under the specified offences quoted on the statutory application form.

For this purpose anti-social behaviour shall be as defined in the Monaghan County Council Policy on Anti-Social Behaviour. If a

letting is deferred, such deferral shall continue until such time as the Housing Authority is reasonably satisfied that the anti-social behaviour is unlikely to re-occur in the future.

Any person who illegally occupies a Housing Authority dwelling will not be considered for an allocation of that or any other dwelling unless and until the occupied dwelling is surrendered to the Housing Authority in the same condition as existed prior to the illegal occupation. Any person who breaks this rule on a second occasion will be permanently removed from the Housing List.

9. PUBLIC ORDER OFFENCES

Inclusion on the housing list, or the award of an allocation may be refused if:

In the 5 year period prior to the date of assessment for allocation the applicant or **any member** of the household has been convicted of offences under any of the following:

Section 5: Disorderly conduct in a public place

Section 6: Threatening, abusive or insulting behaviour in a public place

Section 7: Distribution or display in a public place of material which is threatening, abusive, insulting or obscene

Section 14: Riot

Section 15: Violent disorder, or

Section 19: Assault or obstruction of a peace officer or emergency services personnel of the Criminal Justice (Public Order) Act 1994 (No. 2 of 1994),

Or

If in the 5 year period prior to the date of assessment for allocation the applicant or **any member** of the household has been convicted of an offence relating to the unlawful possession, cultivation, use or supply of a controlled substance within the meaning of the **Misuse of Drugs Act, 1977** as amended.

Garda Clearance checks will be carried out on all applicant households prior to the making of an allocation of housing support.

10. SOCIAL HOUSING SUPPORT PREVIOUSLY PROVIDED TO AN APPLICANT HOUSEHOLD

The housing authority may take previous social housing support given to a household into consideration in determining what support would be appropriate now.

In cases where an otherwise qualified applicant household member has:

- Caused serious damage to accommodation previously allocated to them by any housing authority

Monaghan County Council

- where arrears of rent have accumulated which are outstanding and for which no repayment agreement has been put in place with the housing authority or
- where a local authority tenancy had previously been terminated for a breach of the tenancy agreement,

then the housing authority is not required to provide the following forms of social housing support to that household –

- any dwellings provided by the housing authority under the Housing Acts generally or Part V of the Planning and Development Act 2000;
- sale of a house under the Incremental Purchase Scheme; or
- accommodation under the Rental Accommodation Scheme (RAS).

11. REFUSAL OF OFFER OF ACCOMMODATION

An offer of accommodation (including offers for Local Authority dwellings, the Rental Accommodation Scheme or by a Voluntary Housing Body) is deemed to be a reasonable offer if the proposed accommodation is suitable to the housing needs of the household. In the event of two refusals within 12 months of the first offer of accommodation the Housing Authority will suspend a household for 12 months. This will mean that the household will not be offered social housing support for the suspension period and time will not be added on during this period for “time on list” or any other priority determining purposes.

12. GROUND FOR REFUSING TO OFFER ACCOMMODATION

Notwithstanding the provisions of the Scheme in regard to an applicant’s entitlement to be considered for accommodation, the housing authority may in exceptional circumstances refuse to allocate, or defer to allocate a dwelling or provide housing support where it considers any of the following apply:

- The person is or has been convicted of engaging in anti-social behaviour as defined under Government legislation,
- That a letting to that person would not be in the interest of good estate management,
- On the grounds of promoting social inclusion
- On the grounds of counteracting social segregation
- Where it has been assessed that a persons accommodation needs cannot appropriately be met, at that point in time,

Monaghan County Council

through independent living

The Housing Authority may also refuse to allocate a dwelling or provide housing support in cases where an applicant: -

- (a) Refuses to disclose any information which is requested by the housing authority either on the application form or at subsequent interviews and which is required either for the purpose of assessing the application or for estate management purposes.
- (b) Will not authorise the provision of data/information on the applicant by other agencies where this data/information is required by the housing authority for estate management purposes, or
- (c) Any applicant who deliberately gives false or misleading information, or who fails to give or withholds relevant information in order to further their application will be liable to being prosecuted under S32(f) of the Act and if found guilty would be liable for a fine of up to €2,000.

13. APPROACH TO ALLOCATIONS

In order to ensure that the best possible use of dwellings, which become available, larger dwellings will in general be allocated to larger households and smaller dwellings to smaller households. For instance, four-bedroom dwellings will generally be allocated to families with four or more children.

14. ALLOCATION OF DWELLINGS

1. The Housing Authority may, from time to time determine to set aside a particular number or proportion of dwellings becoming available for letting to particular categories of persons, e.g. disabled, homeless, elderly etc and those transferring from other forms of social support e.g. RAS properties.
2. The Housing Authority may, from time to time determine to set aside a particular number or proportion of dwellings becoming available for letting to particular categories of persons e.g. disabled, homeless, elderly etc. thus affording priority in the letting of those dwellings to qualified applicants in the relevant category of need.

15. TRANSFERS

It is the policy of the Housing Authority to ensure that their housing stock is used to its optimum capacity.

Towards this end, the Housing Authority will give favourable consideration to applications for transfer from one Housing Authority dwelling to another where such transfer would relieve serious overcrowding or under occupancy in a dwelling.

Transfer applications will also be considered in situations where a transfer would relieve a serious medical condition including physical or mental disability.

Applicants for transfer from the all Social Housing Supports, including Rental Supplement, Rental Accommodation Scheme, HAP, Voluntary Sector or Social Leasing Category will be considered, having regard to:

- (i) condition of current accommodation
- (ii) length of time in same
- (iii) length of time on waiting list
- (iv) period of contract of RAS or social lease contract

During the period of tenancy, where it is necessary for a tenant to have access to more than one house, responsibility for maintenance of both houses remains with the tenant. Any damage caused during this period will be recouped by the Local Authority as it sees fit.

16. SUCCESSION TO TENANCY

Where a tenant dies or leaves a dwelling, a member of the tenant's family who is in need of accommodation will be entitled to succeed to the tenancy (where there is no remaining joint tenant) provided the Housing Authority is satisfied that such a member was bona fide ordinarily resident in the dwelling with the deceased or departed tenant prior to and up to the time of death or departure. Other than in exceptional circumstances the minimum period of residency required will be twelve months. This shall be confirmed by inclusion in previous rent assessments.

This entitlement will not apply where the Housing Authority is satisfied that the applicant for succession deliberately took up occupation in the dwelling for the sole or principal purpose of

obtaining the tenancy in these circumstances. The Housing Authority will make whatever enquiries are necessary to verify any particulars furnished in support of an application for succession including reference to rent assessment forms or other particulars submitted by the previous tenant.

17. DESIGNATED DWELLINGS

A number of dwelling units are designated for specific categories of tenants. These units are of

- Old Persons Dwelling (OPD) type or
- Special Needs use

And were specifically designed for such use. When lettings occur in these units, only households from the same category, will be considered, unless within the exceptions of Paragraph 24 of this Scheme.

18. INCREMENTAL PURCHASE SCHEME (IPS)

It should be noted that, while houses sold under the **Incremental Purchase Scheme (IPS)** are classed as social housing support, existing social housing tenants who are applying for IPS will not need to be assessed under the provisions and eligibility criteria of section 24. Instead, an assessment under the terms of the IPS, as set out in Part 3 of the 2009 Act and the Housing (Incremental Purchase) Regulations 2010 (S.I. No. 252 of 2010), will be made. Where the number of applications exceed the number of units available for purchase under the Incremental Purchase Scheme at any given time the Housing Authority shall draw by lot the successful applicants

19. CHOICE BASED LETTING

The Regulations allows Local Authorities to make provision for Choiced Based Lettings (CBL). . Monaghan County Council intends to use Choice Based Letting in instances where there are properties that have been refused by a number of applicants on the housing list; and there are no applicants who have chosen that areas of choice in their application.

In these circumstances letters will be issued to suitable applicants who have made choices of considered areas surrounding these areas to write in and make an expression of interest in the properties. The properties will also be advertised in the local newspaper in the area and on the Council's website

Upon the expiry date a decision will be made as to the allocation. In cases where there are a number of applications for the same “bid dwelling”, the decision as to who will be offered the tenancy will be based on the Council’s Allocation Scheme.

20. EMERGENCY ACCOMMODATION

Where the need for accommodation of any person arises from an emergency, the Authority may make a letting to that person as it considers necessary, notwithstanding any order or priorities for lettings as set out in this Scheme.

21. DISREGARDING ACCOMMODATION

In applying the terms of this scheme the housing authority may disregard the applicant’s present accommodation if there is reason to believe that the applicant has deliberately or without good cause remained in or taken occupation of unsuitable accommodation primarily with the purpose of improving the prospects of obtaining accommodation from the Housing Authority.

22. RENT ARREARS/OTHER DEBTS

The Housing Authority will not accept an application for Social Housing Support or transfers from a person who owes rent arrears or other charges from a previous tenancy either to that Housing Authority or to another Authority, until such time as the arrears have been fully discharged, or alternative satisfactory arrangements have been made in relation to the debt.

Similar provisions shall apply in the case of any monies owed to a Housing Authority in respect of any damage caused to a Housing Authority House either during the course of a previous tenancy or any period of illegal occupation or squatting.

23. REVIEWING AN ASSESSMENT

The housing authority will build in an assessment review element into their housing assessment process. Applicants must be eligible for, and in need of, social housing support at the point of allocation

Monaghan County Council

of that support. A household's changing circumstances may result in the household becoming ineligible for State support. The following will be taken into consideration prior to any allocation of housing support:

- a change in the household's circumstances where that change, the housing authority feels, would effect the household's qualification for social housing support e.g. change in employment status, income, additional children. It is the responsibility of the applicant to ensure that the housing authority is kept reasonably up to date as regard changing circumstances.

Taking into consideration the nature of the change in circumstances, a housing authority may undertake a full review of the assessment to determine whether the applicant's household remains qualified for social housing support.

24. ORDER OF PRIORITY FOR LETTING OF DWELLINGS

1. Condition of Housing Accommodation.

The degree of unfitness shall be established and points awarded accordingly.

Maximum points allowed 10

2. Overcrowding.

The minimum standards will be one and a half people per room, one (1) point will be allowed for each adult and a half ($\frac{1}{2}$) a point for each child under ten years. Points allowable will be the total in respect of number of persons (less the number of rooms x $1\frac{1}{2}$).

3. Overcrowded Conditions.

The existence of such conditions shall be determined and points will be awarded.

Maximum points allowable 10

4. Lack of facilities.

Points will be awarded under this heading where cooking facilities, water supply or sanitary accommodation etc., either do not exist or are shared. Also the accessibility of accommodation will be taken into account, as in the case of tenants of upper storey flats where there may be difficulty in bringing fuel, pram, etc., or in disposing of refuse. Points will not be allowed in respect of conditions, which contravene the Housing Bye-laws where such conditions have already been taken into account under No. 1 – condition of housing accommodation.

Maximum points allowable 8

5. Homeless

A person will be regarded as homeless if (1), there is no accommodation available to him which he can reasonably occupy or remain in occupation of, (2), he is living in a hospital, county home or other such institution because he has no accommodation which he can reasonably occupy. Person, particularly families, residing in temporary utility accommodation i.e. caravans, tents etc.

Maximum points allowable 10.

6. Medical Grounds

Points will be awarded where in the opinion of the relevant Town Manager/Director of Services for housing, persons suffering from infirmity of mind or body are in need of re-housing due to their infirmity. In awarding points under this heading, the Manager will have regard to a report from a registered medical practitioner.

Maximum points allowable 6.

7. Compassionate Grounds.

Under this heading other relevant social factors, not already covered, will be considered i.e.

- Elderly persons residing in remote or isolate areas.
- Persons separated from families due to change in place of employment.
- Excessive rent.
- Domestic abuse or problems, such as friction between families where married couples reside with in-laws.
- Distance from place of employment.

Maximum points allowable 10.

8. Length of time on waiting list.

One point per year, half point per half year.

OVERCROWDED AND UNFIT HOUSES.

9. A house shall for all purpose 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) and “overcrowding” shall be construed accordingly.

SECOND SCHEDULE

MATTERS TO WHICH A HOUSING AUTHORITY ARE TO HAVE REGARD IN CONSIDERING WHETHER A HOUSE IS UNFIT FOR HUMAN HABITATION. THE LOCAL AUTHORITIES WILL HAVE REGARD TO THE HOUSING (STANDARDS FOR RENTED HOUSES) REGULATIONS 2008.