



Comhairle Contae
Ros Comáin
Roscommon
County Council

**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 Social Housing Allocation Regulations 2011
Adopted by Members on 20th December, 2021*

ROSCOMMON COUNTY COUNCIL

ALLOCATION SCHEME 2016

**In accordance with Section 22 of the Housing (Miscellaneous Provisions) Act, 2009
and
Social Housing Allocation Regulations 2011 (S.I. No 198 of 2011)**

The purpose of the Allocation Scheme is to provide a means of determining the order of priority to be given in the allocation of dwellings provided by the Council under the Housing Acts 1966 to 2014 or Part V of the Planning & Development Act 2000 as amended of which

- i. The housing authority is the owner
- ii. The housing authority is not the owner and the dwellings are provided under the Social Housing Leasing Initiative or the Rental Accommodation Scheme.
- iii. Dwellings provided by Approved Housing Bodies (AHBs) to whom assistance is given under section 6 of the Housing Act 1992 for the purposes of such provisions

to persons assessed as being qualified for Social Housing Support under Section 20 of the Housing (Miscellaneous Provisions) Act 2009 and also includes persons seeking a transfer.

The Council as a housing authority may, from time to time, determine as they see fit, to set aside for persons of such category or categories as the authority may decide, a particular number or proportion of the dwellings becoming available to the authority for letting. Where such a number or proportions is set aside, priority shall be afforded to the specified categories in the letting of these dwellings.

The Housing Authority may from time to time decide to allow for the setting aside of a house or houses for a Community use subject to specified terms and conditions.

In accordance with Section 20(8) of the 2009 Act, the Council in applying the terms of this scheme to a person may disregard the accommodation that a household currently occupies where the housing authority has reason to believe that the household, or any member of it, has done something, or failed to do something, that has resulted in their accommodation now being less suitable to their housing needs than it would formerly have been.

The Council shall obtain and have regard to HPL1 Form completed by two Medical Practitioners employed by the Health Service Executive and any other reports specifying the nature of a medical condition or disability where priority is claimed on grounds consisting of, or including medical grounds. The Council shall obtain and have regard to a report from an Occupational Therapist in respect of any specific accommodation requirements.

The Council, notwithstanding the order of priorities for lettings as set out in this scheme, may, where it considers necessary, make a letting to 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; Such offers may be outside areas of choice stated by an Applicant (where applicable).

Priorities of Letting

Subject to the foregoing the following order of priority shall be accorded in the letting of dwellings:-

- 1 First preference shall be given to persons who are homeless as defined in Section 2 of the Housing Act 1988.
(a) Roscommon County Council will determine the appropriate Housing support to be offered to Applicants assessed for, as having an accommodation need based on homelessness.
- 2 Second preference shall be given to persons who are living in accommodation that is unfit for human habitation as referred to in Section 66 of the Housing Act 1966, and the Second Schedule thereto or in accommodation that is materially unsuitable for their adequate housing.
- 3 Third preference shall be given to persons who are living in overcrowded accommodation as defined in Section 63 of the Housing Act, 1966.
- 4 Fourth preference shall be given to persons in need of accommodation for medical or compassionate reasons.
- 5 Fifth 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.
- 6 Sixth preference shall be given to persons who in the opinion of the Council are not reasonably able to meet the cost of the accommodation which they are occupying or to obtain suitable alternative accommodation.

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 the housing authority.

The Council may disregard the order of priority given to a household under an allocation scheme where the household is being provided with Social Housing Support under the Rental Accommodation Scheme.

The housing authority 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 as set out hereunder, e.g. persons with disabilities., thus affording priority in the allocation of those dwellings to approved households in the relevant category of need;
- **People with Disabilities: Including physical, sensory, intellectual/learning or mental health disability.**

(where there are two or more qualifying households in this category for an adapted dwelling, the priorities from 1 to 6 will then be applied between such applications)

Period of time on the Approved Housing List

The length of time households are entered on the relevant list for social housing support, or the list of households in receipt of such support that have applied to transfer to other social housing, will be a determining factor in the order of priority for dwelling allocations to individual households.

Anti-Social Behaviour

Under the provisions of Section 14 of the Housing (Miscellaneous Provisions) Act 1997, the Council 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 Síochana under Section 15 of the 1997 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 Act and includes any behaviour which causes or is likely to cause any significant or persistent danger, injury, damage, loss or fear to any person living, working or otherwise lawfully in or in the vicinity of a house provided by a housing authority under the Housing Acts, 1966 to 2016, or a housing estate in which the house is situate and, without prejudice to the foregoing, includes violence, threats, intimidation, coercion, harassment or serious obstruction of any person.

If a letting is deferred, such deferral shall normally be for one 12 month period at which time the case will be reviewed and a further formal enquiry will be made to An Garda Síochana.

Where the Council's Anti-Social Behaviour Policy is reviewed, the provisions relating to Anti-Social Behaviour in that Policy will supersede these provisions.

Illegal Occupation

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

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 Sections of the Criminal Justice (Public Order) Act 1994 as amended:

Section 5:	Disorderly conduct in a public place
Section 6:	Threatening, abusive or insulting behaviour in a public place
Section 7:	Distribution of display in a public place of material which is threatening, abusive, insulting or obscene.
Section 14:	Riot
Section 15:	Violent disorder,

Section 19: Assault or obstruction of a peace officer or emergency services personnel

- 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.

Refusals of offers of dwelling allocations:

Where a qualified household refuses two reasonable offers of the allocation of different dwellings made by the Council 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 the Council 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.

The offer of a dwelling allocation by the Council shall be deemed to be reasonable where, in the opinion of the Council, the allocation of that dwelling would meet the accommodation needs and requirements of the qualified household concerned and the dwelling is situated in an area of choice specified by the household.

An offer made in specified exceptional circumstances, (including displacement because of fire, flood or other emergency, development, redevelopment and regeneration of an area or exceptional and compassionate grounds) made to an applicant but outside a stated area of their choice, cannot be reasonably refused, solely on that basis.

Refusal of offers of accommodation of Council-owned dwellings, offers of accommodation under the Rental Accommodation Scheme or leased dwellings, or a dwelling owned by an Approved Housing Body will be treated as a refusal of accommodation.

Choice-Based Letting (CBL)

The procedure applied by the Council for Choice-Based Lettings will be as set out in Articles 6–11 of the Social Housing Allocation Regulations 2011 as amended.

Where a household refuses a reasonable offer of the allocation of a bid dwelling under Choice-Based Letting, that household shall not, for the period of one year commencing on the date of such refusal, be entitled to make a further application under choice-based letting to the housing authority for the allocation of a bid dwelling.

However, the refusal of an offer of the allocation of a bid dwelling (under Choice-based letting) shall not constitute a refusal for the purposes of the Social Housing Allocation Regulations (above).

Properties specified for use under Choice Based Letting will be designated by Chief Executive Order.

Transfers

Tenants of the Housing Authority, including tenants of dwellings provided under the Social Housing Leasing Initiative, RAS, HAP 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 Housing Authority's Community Liaison Officer and An Garda Síochána support the transfer application;
- (e) other exceptional circumstances;
- (f) to facilitate incremental purchase, where the authority has consented to such a purchase.

Priority may be given to a household in receipt of social housing support in a property that is not owned by the Housing Authority 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.

Tenants who were transferred to RAS prior to the introduction of the Social Housing Assessment Regulations 2011, on the 01 April 2011, 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. RAS tenants post 2011 are treated as normal transfers. Allocations shall be made to such tenants in accordance with the Order of Priorities as set out above.

Notwithstanding the above, tenants seeking a transfer must fulfil the following requirements to the satisfaction of the Housing Authority:

- (a) Hold tenancy in their present dwelling [Local Authority/Voluntary/RAS/HAP/Leased] 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 must not 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) All service and other charges paid up to date.
- (d) Have kept their dwellings in a satisfactory condition. The dwelling will be subject to inspection.
- (e) Have complied with all aspects of any previous tenancy agreement with any other Housing Authority.
- (f) Have no record of anti-social behaviour.
- (g) To facilitate house purchase, where tenant is in a Voluntary Body dwelling and the Local Authority is satisfied that the tenant has the resources to purchase a Local Authority dwelling.

In the case of emergency or exceptional medical/compassionate grounds, the Housing Authority may forego any or all of the conditions in granting a transfer of tenancy.

The provision relating to refusals in this Scheme will also apply to applicants for a Transfer.

Succession

All succession Tenancies must be at least 18 years of age.

- Where the death of a tenant takes place that tenancy will normally be transferred/assigned to any surviving spouse/partner in the first instance provided that he/she was declared for rent purposes for at least one year.

- On the death of both parents the tenancy will normally be assigned to a son or daughter provided that he/she has been living in the dwelling for at least one year immediately prior to the death of the tenant(s) and has been declared for rent purposes during this period.
- Where there are more than one eligible member of the household remaining in the dwelling and each have been declared for rent purposes for at least one year and have applied for the succession of tenancy, the tenancy will normally be assigned to the most appropriate person in the interest of good estate management or joint tenants.
- A grandchild, nephew or niece who has resided in the dwelling for at least one year and has been declared for rent purposes during this period immediately prior to the death of the tenant(s) may be allowed to succeed where there is no son or daughter eligible to succeed and where the dwelling size is appropriate to his/her needs. A person who has not been declared for rent purposes for at least one year will not be considered for succession of tenancy.
- In all applications for succeeding tenancy, any rent arrears on the dwelling must be cleared in full or a suitable arrangement put in place to clear the arrears before becoming eligible to succeed the tenancy.