

**COMHAIRLE CHONTAE ÁTHA CLIATH THEAS**  
**SOUTH DUBLIN COUNTY COUNCIL**

***ALLOCATION SCHEME***

In accordance with  
Section 22 of the Housing (Miscellaneous Provisions) Act  
2009 And  
Social Housing Allocation Regulations 2011 (SI 198 of  
2011) As adopted by South Dublin County Council on  
8<sup>th</sup> May 2019 and  
amended, 14<sup>th</sup> December 2020

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## Introduction

The purpose of this Allocation Scheme, made pursuant to Section 20 of the Housing (Miscellaneous Provisions) Act 2009, is to provide a means of determining the order of priority to be afforded in the allocation of social housing support to persons whose eligibility and need for accommodation has been assessed in accordance with Section 20 of the Housing (Miscellaneous Provisions) Act 2009 and associated regulations as being qualified for social housing support and to provide for determining the order of priority for households who have applied for transfer to another dwelling and for incremental purchase.

This scheme recognises the need to achieve a balance in allocating dwellings between the needs and preferences of applicants, the wellbeing of existing tenants and the community as a whole, and the need to make the best use of the social housing stock in the South Dublin County Council administrative area.

In the allocation of social housing stock, the Council is obliged to have regard to its housing services plan and the need to counteract undue segregation in housing between persons of different social backgrounds and ensure that a mix of dwelling types and sizes and of classes of tenure is provided to reasonably match the requirements of households.

This scheme is aligned to all relevant internal and national housing plans and strategies.

The scheme applies to the allocation of the following dwellings:

- Council owned dwellings;
- Council leased dwellings,
- Rental Accommodation Availability Agreement dwellings (RAS) and
- Dwellings owned by Approved Housing Bodies to whom assistance is given under section 6 of the Act of 1992 for the purposes of such provision.

The Scheme sets out the requirements and procedures for transfers of tenants of:

- Council owned dwellings;
- Contracted or leased dwellings,
- rental accommodation availability agreement dwellings (RAS) and
- dwellings owned or leased by Approved Housing Bodies to whom assistance is given under section 6 of the Act of 1992 for the purposes of such provision.
- those accommodated under the Housing Assistance Payment Scheme (HAP Transfer list)

- any additional social housing schemes

### **South Dublin County Council Housing List**

South Dublin County Council operates Housing and Transfer lists and all offers of accommodation and allocations are made from these lists.

Applicants assessed as qualifying for social housing support are placed on the housing list. Applicants assessed but deemed not eligible will be not placed on the list and any applicant who is reassessed but deemed not eligible will have their application cancelled and be removed from the list. All assessments are carried out in accordance with Section 20 of the Housing (Miscellaneous Provisions) Act 2009 and associated regulations.

All eligible applicants, those deemed in need of social housing support following assessment, will be considered on a 'time on list' basis other than those in respect of whom the order of priority may be disregarded under section 22(7) of the Housing (Miscellaneous Provisions) Act 2009 applies.

**The Choice Based Lettings (CBL)** initiative is the Council's chosen method of allocating properties and will continue to be implemented with applicants being offered the opportunity to express an interest in a suitable available home. CBL affords qualified households greater choice and involvement in selecting a new home.

Applicants on the Housing List should consult the Council's designated website on a weekly basis in order to check for suitable advertised properties. The successful applicant, i.e. the applicant longest on the Housing List of those who expresses interest, will be contacted immediately and offered the advertised property (subject to reassessment,). If the applicant has not been successful they will not be contacted by the Allocations Section and can apply for the next set of advertised properties.

The successful applicant will be determined strictly in accordance with the terms of this Allocations Scheme i.e. the applicant who will get the allocation will be the applicant whose position on the list is highest of those expressing an interest in the available home and subject to good estate management.

In the case of equality of date of qualification, the final decision will be made by the Chief Executive who will have regard to all the circumstances including the size of the families involved.

All offers will be considered in line with the South Dublin County Council anti-social policy. Applicants will be investigated, by way of Garda check, in accordance with the Housing (Miscellaneous Provisions Act) 1997 and applicants involved in anti- social behaviour will not be considered for inclusion on the housing list for a period of one year. Applicants engaging in Anti-Social Behaviour equivalent to Category "A" Status in the Council's Anti-Social Behaviour Strategy will not be considered for inclusion on the housing list for a period of two years. These periods will be subject to a rolling review process. The Council's Anti-social behaviour strategy is available to download on the Council's website.

The Council may refuse to offer accommodation to an applicant due to refusal or failure by the applicant to disclose or furnish information/documentation either relevant to the application or required for good estate management purposes.

Nothing in the scheme shall prevent the Chief Executive making an allocation in emergency circumstances.

## **Housing Assistance Payment (HAP)**

The Housing Assistance Payment (HAP) is a form of social housing support which is available to households who have been deemed eligible for inclusion on South Dublin County Council's housing list. Current rent supplement recipients who qualify for social housing support will be transferred from rent supplement to HAP on a phased basis.

HAP recipients who wish to do so will be able to access other social housing supports such as local authority housing or housing provided by an AHB. The HAP recipient, if they choose, will move onto the HAP transfer list when the HAP tenancy begins. This transfer list will reflect the time that the recipient previously spent on the housing list and the effective date for the recipient's position on the HAP transfer list will be their date of qualification for social housing support. All those on the Housing Assistance Payment (HAP) Transfer List will have access to CBL and are eligible to express interest in accommodation advertised. The refusal policy outlined previously applies.

## **The Rental Accommodation Scheme (RAS) & Applicants Sourced Homes (ASH)**

The Rental Accommodation Scheme is an initiative to cater for people who are in receipt of Rent Supplement and who have been living in the private rented sector for eighteen months or more. Under the scheme South Dublin County Council enters into direct contracts with Landlords and tenants for the properties for a specified time, usually a minimum of four years.

In order to apply, a landlord must be tax compliant and their property must pass an inspection to ensure the accommodation meets required standards.

In the interest of good estate management, checks are carried out on all potential RAS tenants.

RAS tenants who are in need of a transfer to alternative accommodation through no fault of their own, as a result of Lease Expiry or non-renewal by their current landlord, will be given a specific priority for alternative RAS accommodation or can source their own accommodation under the RAS scheme.

All RAS tenants must:

- Have a clear rent account for six months or have an agreement in place and being adhered to by the tenant to address any such arrears over an agreed period of time
- Have kept their RAS dwelling in satisfactory condition, subject to inspection have complied with the conditions of their Tenancy Agreement and
- Have no record of anti-social behaviour.

Offers of accommodation under the RAS scheme will be recorded and refusals of any such offers will be taken into account in the same way as refusals of offers of Council and AHB accommodation. Only two reasonable offers of accommodation will be made.

RAS tenants on the RAS fixed transfer list will also retain access to CBL.

RAS and ASH Tenants on a Notice To Quit and until alternative accommodation is found will have access to Choice Based Letting.

## Priority

The Council may set aside for persons of such category or categories as the authority may decide, a proportion of the dwellings becoming available to the authority for allocation and priority may be afforded to the specified categories in the allocation of these dwellings.

In certain circumstances, THE ORDER OF PRIORITY UNDER THIS ALLOCATION SCHEME MAY BE DISREGARDED IN RESPECT OF applicants that satisfy the following criteria subject to the availability of suitable accommodation at the time:

- Households living in dangerous premises on whom a requisition under Section 3 (9) of the Local Government (Sanitary Services) Act, 1964 has been served.
- Displacement (resulting from acts of the Local Authority).
- Households rendered homeless through no fault of their own or evicted through no fault of their own on foot of a Court order, who are regarded by the housing authority as homeless the meaning of section 2 of the Housing Act 1988.
- Exceptional /compassionate grounds.
- Medical grounds
- Persons aged 55 or over in response of older persons' accommodation (in accordance with the Policy for Rightsizing and Allocation of Age Friendly Accommodation).

Such applicants may be given an allocation of available accommodation based on time on the list and subject to the availability of suitable accommodation at the time.



## **Medical Grounds**

Where housing accommodation is sought on grounds consisting of or including medical grounds, regard shall be had to the report of the Council's Medical Advisors.

Those applicants qualifying under medical grounds and not needing specially adapted accommodation will also continue to have access to the Choice Based Letting (CBL) which will take account of their time on the housing list.

Those who do need specially adapted accommodation will not have access to Choice Based Letting (CBL).

## **Transfer**

Tenants of the Council, including tenants of dwellings provided under the Social Housing Leasing Initiative, RAS or by Approved Housing Bodies 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 and a Garda Superintendent support the transfer application;
- (e) other exceptional circumstances.
- (f) To facilitate incremental purchase, where the authority has consented to such a purchase.

Notwithstanding the above, tenants seeking a transfer must fulfil the following requirements to the satisfaction of the housing authority –

- Occupy their present dwelling under a tenancy agreement, for a period of at least two years, unless the tenancy agreement provides otherwise;
- have a clear rent account for 6 months or have an agreement 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 housing authority may forgo any or all of the above conditions in granting a transfer to alternative accommodation at the discretion of the Chief Executive.

Preference 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.

Where application is made on grounds consisting of or including medical grounds, regard shall be had to the report of the Council's Medical Advisors.

The provisions specified in this scheme regarding refusals will also apply to applicants for a Transfer.

RAS Tenants are deemed to be adequately housed but may opt to be included on the Transfer list and will be eligible for transfer to other RAS dwellings under the following circumstances:

- overcrowding
- where older persons and other households wish to move to smaller accommodation (downsizing);
- medical/compassionate reasons;

RAS Tenants seeking a transfer must

- hold the tenancy in their present dwelling, for a period of at least two years,
- have a clear rent account for 6 months or have an agreement in place and being adhered to by the tenant to address any such arrears over an agreed period of time
- have kept their RAS dwelling in satisfactory condition, subject to inspection;
- have complied with the conditions of their Tenancy Agreement and
- have no record of anti-social behaviour.

Two offers, which are reasonable in the opinion of the housing authority, of alternative accommodation in their chosen areas will be made. No further offer will be made and the applicant will be removed from the transfer application list. RAS tenants may be considered for an alternative RAS, SDCC, AHB or social housing leasing initiative tenancy.

Nothing in the Scheme shall prevent the Chief Executive granting a transfer in emergency circumstances.

### **Mutual Transfers**

Mutual transfers may be facilitated where the following criteria are met:

- the household must have occupied their present dwelling under a tenancy agreement, for a period of at least two years, unless the tenancy agreement provides otherwise.
- Clear rent account – this condition may be waived on exceptional compassionate grounds.
- Compliance with terms of tenancy during existing tenancy
- Acceptance of both parties to occupy dwellings in existing condition.
- Meets the housing need of both parties and
- Have no record of anti-social behaviour.

The Council will maintain a register of tenants who have requested to be included on such a register for the purpose of seeking a Mutual Transfer.

Tenants of other housing authorities will be considered for mutual transfers with tenants of South Dublin County Council subject to conditions agreed upon by both

authorities and will also be included on the Register of Tenants for Mutual Transfer upon request.

### **Allocation of Tenancies as a result of a death or reasons beyond the control of a tenant**

When a council tenant who is a sole tenant dies or is required to surrender the tenancy for reasons beyond their control (for example, long term hospitalisation or imprisonment) it may be possible to allocate the tenancy to a member of the tenant's household in the following circumstances and at the discretion of the housing authority:

#### **Spouse/Partner**

The tenancy may be given to a surviving spouse/partner provided:

- Such spouse/partner has been resident in the dwelling for a continuous period of at least two years prior to the death of the tenant and
- has been included in the assessment for rent purposes for that period

#### **Household member**

The tenancy may be granted to the next member of the household, provided that the person has continued to reside in the house as their normal place of residence continuously for a minimum of five years up to and including the time of bereavement/surrender and has been assessed for rent purposes for that period.

Where there are two or more surviving members of the family who meeting the criteria above, a joint tenancy may be granted by the Council.

Under some circumstances where such an allocation is being considered, the housing authority may require the household 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 such allocation will be considered where the property has been designated as an Older Persons Dwelling (and where the person applying for the tenancy is not an elderly person).

A formal written application must be made to the council within 3 months of the death or departure of the tenant and be accompanied by supporting evidence and information to prove their entitlement for consideration under this provision, including having been assessed for rent purposes for the requisite time up to and including the time of bereavement/surrender.

The council may at its own discretion decide to grant an extension of time in special circumstances.

Applicants must furnish any additional information, including documents and other particulars, that the council may reasonably request for the purposes of verifying information relating to their application.

**The following conditions will apply:**

There must be a clear rent account – this condition may be waived on exceptional compassionate grounds.

Compliance with terms of tenancy during existing tenancy Acceptance to occupy dwellings in existing condition Meets the housing need of applicant.

Have no record of anti-social behaviour.

**Applicants (other than spouses) must meet the eligibility criteria to qualify for social housing support**

**Allocation in Other Circumstances**

**Departure - Desertion**

In cases where a joint tenant of a dwelling provided by the council vacates the dwelling and ceases to reside in the dwelling for a period of at least one year, South Dublin County Council, after due consideration of all the known and relevant circumstances (including the non-payment of rent by that joint tenant), may approve the allocation of the dwelling to the remaining resident joint tenant as sole tenant.

**Departure - Marital/Partnership/Couple Breakdown**

In cases where there is an existing tenancy of a dwelling provided by the council to tenants who were married but who have executed a Deed of Separation or obtained a Decree of judicial separation/divorce, the Council will have regard to the terms of such Agreement or Court Order as the case may be, in so far as it relates to the status of the tenancy. In cases where a Property Adjustment Order has been made by Court Order, the council will give effect, subject to the terms of the order, to any such Order transferring the tenancy to a sole tenant provided a certified true copy of the Court Order is furnished to the council. If the order is unclear in its effect, the applicant must ensure it is clarified /corrected.

In cases where the sole tenant vacates a dwelling provided by the council, leaving a spouse, co-habitant or civil partner in occupation of the dwelling, the Director of Service, after due consideration of all the known and relevant circumstances, may approve the allocation of the dwelling to the remaining spouse or co-habitant or civil partner (if any) of the vacating tenant provided:

- a) A Form of Surrender in respect of the tenancy, witnessed by a practicing solicitor, is signed by the tenant and delivered to the council,
- b) the remaining spouse, co-habitant or civil partner has resided in the dwelling for a period of at least two years and has been assessed for rent purposes and is not the owner of any property or the remaining spouse, co-habitant or civil partner who having left the dwelling for a period, has returned and resided in the dwelling with the lawful tenant with the permission of the council for a period of at least 1 year prior to the vacating of the dwelling by the tenant and is not the owner of any other property, and

- c) the remaining spouse, co-habitant or civil partner meets the eligibility criteria to qualify for social housing support with South Dublin County Council.

Applicants must furnish any additional information, including documents and other particulars that the council may reasonably request for the purposes of verifying information relating to their application.

The following conditions will apply:

- There must be a clear rent account – this condition may be waived on exceptional compassionate grounds.
- Compliance with terms of tenancy during existing tenancy
- Acceptance to occupy dwellings in existing condition
- Meets the housing need of applicant
- Have no record of anti-social behaviour.

## **Joint Tenancy Application**

A tenant who wishes to have another person named as joint tenant must apply in writing to the council. A Joint Tenancy Application Form must be fully completed and signed by the tenant and the proposed joint tenant. Joint Tenancy Applications will be considered on their merits and will involve an assessment of the following:

- a) The tenant's reasons for the application.
- b) The capacity of the dwelling to accommodate the proposed joint tenant having regard to the number of persons in occupation of the dwelling with the tenant.
- c) The ability of the proposed joint tenant to provide housing from his or her own financial resources. A proposed joint tenant must meet the eligibility criteria to qualify for social housing support in
- d) accordance with Section 20 of the 2009 Act.
- e) Any property owned by the applicant.
- f) Eligibility to form part of the tenant's household as defined in the act of 2009.

The proposed joint tenant's suitability to occupy a council dwelling and in this regard, the proposed joint tenant must not

- (i) Have engaged in anti-social behaviour for a continuous period of at least three years prior to the date of the application.
- (ii) Have caused any breaches to the tenancy agreement while residing in the dwelling that necessitated the issue of tenancy warning under sections 7, 8 or 9 of the Housing (Miscellaneous Provisions) Act 2014.

The council may refuse a joint tenancy application for the following reasons:

- (a) The proposed joint tenant was previously evicted from a local authority dwelling for anti-social behaviour or non-payment of rent.
- (b) The proposed joint tenant caused a breach of the tenant's tenancy agreement while residing in the dwelling that necessitated the issue of a tenancy warning and such breach continued or was
- (c) repeated within twelve months of the tenancy warning coming into effect.
- (d) The proposed joint tenant owes to the council or any other housing authority or approved housing body rent or other monies.
- (e) The tenant's dwelling would become overcrowded.
- (f) The tenant's dwelling is unsuitable for the accommodation needs of the proposed joint tenant.
- (g) Another persons' rights may be affected.
- (h) The proposed joint tenant is not eligible for the provision of social housing support.

- (i) False or misleading information is knowingly provided by the tenant or the proposed joint tenant to the council.
- (j) Estate management reasons

## GENERAL

The council will, for the purposes of its functions under the Housing Acts 1966 - 2014, request information pursuant to section 15 of the Housing (Miscellaneous Provisions) Act 1997 in relation to any housing applicant, including a proposed joint tenant, from another housing authority or approved housing body or a member of An Garda Síochána.



## Older Persons

Existing Council tenants, aged 55 or older, may apply for a move to a specific older persons' accommodation in accordance with the terms of the Policy for Rightsizing and Allocation of Age Friendly Accommodation.

Approved social housing applicants, aged 55 or over, will be considered for specific older persons' accommodation in accordance with the terms of the Policy for Rightsizing and Allocation of Age Friendly Accommodation. However, such applicants can also apply for including on Choice Based Letting for applications for other accommodation where appropriate.

Approved applicants under the Community List, aged 55 or over, will be considered for specific older persons' housing accommodation in accordance with the terms of the Policy for Rightsizing and Allocation of Age Friendly Accommodation.

The Council will operate a Financial Contribution Scheme where Older Persons, who are owners of private dwellings and who find their existing dwelling too large for their needs, may apply for accommodation in designated Older Persons Dwellings subject to the payment of a financial contribution scheme as follows:

<b>Applicant's Age</b>	<b>Financial Contribution</b>
60-64 years (on medical grounds only)	1/2 of net proceeds of sale
65-69 years	1/3 of net proceeds of sale
70-79 years	1/4 of net proceeds of sale
80 years and over	1/5 of net process of sale

The Council will operate a Community List for access to older persons' accommodation by such persons currently in ownership of private accommodation in accordance with the Policy for Rightsizing and Allocation of Age Friendly Accommodation.

## **REFUSAL OF OFFERS**

A refusal of offer made under Choice Based Letting constitutes a refusal under this Allocations Scheme.

Applicants, who without a satisfactory explanation, refuse two reasonable offers of different dwellings made by any housing authority in the relevant application area within a continuous period of one year commencing on the date of first refusal, will not be considered by any housing authority for the allocation of a dwelling the which section 22 of the Housing (Miscellaneous Provisions) Act 2009 applies, for the period of one year commencing on the date of the second refusal. This latter period will not be considered for 'time on list' purposes.

In the case of a qualified household, qualifying on medical grounds refuses two reasonable offers of a dwelling that meets the accommodation needs of the household, the household may not, for the period of one year commencing on the date of such second refusal, be entitled to be included on the record of qualified households for housing on medical grounds.

### **Homeless**

Where a qualified household, deemed to be homeless within the meaning of Section 2 of the Housing Act 1988, refuses two reasonable offer of a dwelling that meets the accommodation needs of the household, the household will have their priority status removed and will instead be considered for social housing based on their time on the housing list through CBL.

Homeless emergency services including emergency accommodation will be removed and if necessary, the applicant will have to source and resource their own emergency accommodation.

This applicant is deemed to have made themselves homeless.

## APPENDIX

### Explanatory information regarding the allocations scheme

#### Who can apply for social housing support with South Dublin County Council?

The following considerations will apply where applications are received by the Council for inclusion in the assessment of housing needs.

1. Eligibility Applicants must be aged 18 or over and must have long term permission to reside in the State or otherwise comply with the requirements of the State for residence.
2. Applicants must reside in the functional area of South Dublin County Council. Applicants residing outside the functional area of the Council may be included to such extent that (a) they have a local connection to the functional area or (b) at the Council's discretion
  - (a) Local Area Connection
    - Member of household has resided for a continuous five year period at any time in the area or
    - Employment of any member of household is in the area or is located within 15 kilometres of the area or
    - A household member is in full-time education in any university, college, school or other education establishment in the area or
    - A household member with enduring physical, sensory, mental health or intellectual impairment is attending a related educational or medical establishment in the area that has facilities or services specifically related to such impairment
    - A relative of any household member lives in the area and has lived here for a minimum of two years
  - (b) Council Discretion

Applicants who are accepted under Council's discretion cannot indicate Areas of Choice outside of the Council's functional area.

#### Area of Choice

Applicants must express at least 1 area of choice in the Council's functional area and may also express Area of Choice in the other Dublin Authorities – Dublin City Council, Dun Laoghaire/Rathdown and Fingal – but overall they may only express 3 Areas of Choice. Such applicant's details will be forward to the relevant authority. Applicants shall indicate in writing their preferred Housing Areas. Applicants may be offered suitable accommodation within any estate within their chosen Housing Areas

of Choice. Area of Choice cannot be altered for 12 months, date of expression of Area of Choice will be listed separately to date of application.

### Assessment of Housing Need

This is carried out under Section 20 of the Housing (Miscellaneous Provisions) Act 2009 and regulations made under it. Applicants will be considered for housing accommodation only where the Council is satisfied that their financial or other circumstances are such as to render it impossible, without hardship for them to provide adequate accommodation from their own resources.

Applicants whose household income exceeds the maximum income threshold as set out in the national household means policy as it refers to South Dublin County Council. The threshold presently is detailed below:

Max Income Threshold – single person NET	Maximum income threshold – 3 adult & 4 children NET	Calculation as follows; €35,000 + 5% for each adult housing member subject to a maximum allowance of 10% and 2.5% for each additional child, subject to a maximum allowance of 10%
€35,000	€42,000	

Income will be assessed using government departments shared services, on the basis of applicant's P21 and/or P60 for the preceding tax year, a minimum of four out of the last six payslips or a minimum of 2 years accounts, where appropriate.

Any income which you have deprived yourself of in the 2 years leading up to application will also be considered.

Where applicants are in receipt of a social welfare payment, a statement from the Department of Social Protection is required.

Social Housing Need Assessment will be carried out on a regular basis while an applicant remains on the housing list.

Any other special financial circumstances of a housing applicant may also be taken into account in calculating household income.

Where applicants are owners or joint owners of dwellings, or tenants or joint tenants of local authority dwellings, but are not living in these dwellings owing to relationship breakdown, such applicants may be considered for housing accommodation if a formal legal agreement has been entered into, or in comparable circumstances at the discretion of the Chief Executive, or having regard to any orders of the Court and the Council is satisfied with the housing provision of the agreement, and where it would not be possible for such applicants, due to financial or other circumstances, to provide adequate accommodation from their own resources. In the case of joint owners a legal agreement contracting to provide a financial contribution from the proceeds of the sale of the house will be required if applicable.

In assessing homeless persons, the Council will have regard for recommendations from its Homeless Assessment and Placement Service who shall, in the course of investigating the circumstances of applicants for homeless priority, consult with relevant statutory and non-government agencies as appropriate.

The following minimum standards for bedroom accommodation will apply to lettings made by the Council

Single person or Couple (Certain 1-bed units may be designated for older persons only)	1 – bed
Lone Parent or Couple with 1 or 2 children	2 – bed
Lone Parent or Couple with 3 or 4 children	3 – bed
Lone Parent or Couple with 5 or more children	4 – bed

Applicants with partial custody/access arrangement to children may on production of relevant legal documentation be deemed to have a two bedroom need

Applicants are required to complete the Council's Pre-Tenancy Course before being allocated any accommodation.

In order to examine and consider applications for housing accommodation, the Council may inspect and examine applicants' housing circumstances and may require applicants to furnish documentary evidence to support their applications.

**Change in circumstances:** Where, after the making of an application, the circumstances of the applicant change (e.g. change of address, birth of a child, change in medical circumstances, changes in income, changes in the number of persons residing or to reside with the applicant, etc.), it is the household's responsibility to inform the council of any such change. The council will review the household's application following any such notification.

**Applicants 'time on list' will commence on the date the applicant is approved for social housing support.**

## **Cancellation of applications**

1. An application shall be excluded from consideration if the applicant refuses access to existing accommodation (by the Council's nominated Inspectors), supplies false information or withholds relevant information either on the application form, income details or in subsequent interviews or inspections. If an allocation is made on the basis of false, incorrect or out of date information, such allocation will subsequently be rescinded and the offer withdrawn or if a tenancy has already been created in such circumstances, such tenancy will be terminated.
2. False or misleading information: Where a person who is a member of a household requested to give information to the local authority under Section 32 of the 2009 Housing (Miscellaneous Provisions) Act knowingly gives false or misleading information, that person is guilty of an offence. Applicant(s) providing false/misleading information may be prosecuted and may be liable to a fine.
3. The Council may disregard the accommodation an applicant is occupying where the Council has reason to believe that the applicant has deliberately or without good and sufficient reason remained in, or taken up occupation of, unsuitable accommodation primarily to improve the prospects of obtaining local authority housing.
4. Applicants who take up illegal occupation of a local authority dwelling will not be considered for a tenancy of a dwelling unless the dwelling the applicant occupies illegally is willingly surrendered to the Council in the same condition it was in prior to the illegal occupation.
5. The council will disregard the accommodation that a household is occupying where the council has reason to believe that the household has deliberately, or without good and sufficient reason, done or failed to do anything (other than an action or omission in good faith) the consequence of which the accommodation the household is occupying is less suitable for the household's adequate housing than other accommodation which it would have been, or would be, reasonable for the household to occupy.
6. Former local authority tenants who apply for re-housing will only be placed on the housing list if the following conditions are complied with:
  - a. A period of two years has elapsed since the surrender of previous tenancy (may be waived in exceptional circumstances)
  - b. The rent account on their previous tenancy is clear, or a satisfactory arrangement acceptable to the local authority is

made to clear any arrears due and is maintained for a period of at least six months. However, no offer of accommodation will be made until arrears are clear.

- c. Compliance with the terms of tenancy was satisfactory during their previous tenancy.
- d. Any costs that were incurred by the local authority in carrying out repairs to the tenant's former dwelling which were the tenant's responsibility must be refunded to the Council by the tenant in full, or a satisfactory arrangement is entered into to pay the cost of these repairs. Any such arrangement must be maintained for a period of at least six months.

Time on list will only accrue when all outstanding charges are cleared.

- 7. Former local authority tenants who have abandoned their property or been evicted may be recognised as having a housing need but will not be considered for inclusion on the housing list for a period of five years and only if the following conditions are complied with:
  - a. The rent account on their previous tenancy is clear, or a satisfactory arrangement acceptable to the local authority is made to clear any arrears due and is maintained for a period of at least six months
  - b. Any costs that were incurred by the local authority in carrying out repairs to the tenant's former dwelling which were the tenant's responsibility must be refunded to the Council by the tenant in full, or a satisfactory arrangement is entered into to pay the cost of these repairs. Any such arrangement must be maintained for a period of at least six months.

### **Permission to reside as an occupant in Council dwellings**

The prior written consent of the council is required where a tenant wishes to have an additional person reside with them. Applications by a tenant for such consent will be considered on their merits and will involve an assessment of the following:

- a) The tenant's reasons for the application.
- b) The tenant's medical, welfare or compassionate needs.
- c) The tenant's need for full time care.
- d) The capacity of the dwelling to accommodate the proposed additional resident having regard to the number of persons already in lawful occupation of the dwelling with the tenant.
- e) The proposed additional resident's ability to provide housing from his or her own financial resources.
- f) The proposed additional resident's previous record, if any, as a tenant or resident of a housing authority or approved housing body or as a RAS tenant.

- g) The verification of the proposed resident's suitability as an occupier, including checks pursuant to section 15 of the Housing (Miscellaneous Provisions) Act 1997.
- h) The proposed additional resident's eligibility for social housing support.

Where the Council is of the opinion and is satisfied that the application to reside is being made solely in an effort to enable the proposed resident to apply for the tenancy or the death or departure of the tenant, permission to reside will not be granted.

The granting of permission to a tenant to have the proposed additional resident reside with the tenant does not confer any right on the proposed additional resident to an allocation of the dwelling on the death or departure of the tenant and constitutes no entitlement, expectation or right whatsoever in the proposed additional resident to any interest in the dwelling. Upon the tenant ceasing to hold the tenancy either through surrender, termination, death or otherwise, the approved additional resident will be required to vacate the dwelling unless the council decides otherwise.

The granting of permission to the tenant to have the proposed additional resident reside in the dwelling with the tenant for the purpose of caring for the tenant for the duration of an illness shall be subject to the lawful tenant obtaining independent legal advice prior to the execution of either a Carer's Agreement or a Residency Agreement, as the case may be, and producing a signed copy of same to the Council together with a certificate from the tenant's Solicitor so confirming.

The Irish Refugee Protection Programme has increased commitments on resettlement and the commencement of the new Humanitarian Admission Programmes. Operating under discretionary Ministerial powers, the Irish Refugee Protection Programme Humanitarian Admission Programmes will provide an opportunity to Irish citizens and persons with Convention refugee status, subsidiary protection status, and programme refugee status, who have immediate eligible family members from named countries of refugees, to propose to the Minister for these family members to join them in Ireland. Permission must be received from the Local Authority before any applications may be made where social housing dwellings are involved.

## **Appeals**

An applicant may appeal any decision by applying in writing to the Allocations Officer, South Dublin County Council, County Hall, Tallaght Dublin 24

The allocations officer will have the primary responsibility in relation to the interpretation of any matter concerning this Allocations Scheme. However, this decision may be appealed to the relevant Senior Executive Officer.