

BRAY TOWN COUNCIL

COMHAIRLE BAILE BHRÉ

**ALLOCATION SCHEME OF DWELLINGS IN ACCORDANCE WITH
SECTION 22 OF THE HOUSING (MISCELLANEOUS
PROVISIONS) ACT, 2009**

This scheme sets out the manner in which Bray Town Council shall determine the order of priority for the allocation of dwellings owned or under the control of the Council including leased dwellings and dwellings provided by approved housing bodies for households who have been assessed and qualify for social housing support.

Households who have been assessed in accordance with the Social Housing Assessment Regulations 2011 (as amended) and qualify for social housing support will be awarded points under the following headings:

- (i) ***Unfit dwellings***
Persons who are occupying unfit dwellings (1 - 10)
- (ii) ***Overcrowding***
Persons living in overcrowded accommodation (1 - 10)
- (iii) ***Medical/Compassionate Grounds***
Applicants in need of housing on medical/compassionate grounds. (*Where priority is claimed on medical grounds a Consultant's report in support of this must be submitted*) (1 - 10)
- (iv) ***Sharing of Accommodation***
Persons who are sharing accommodation with another person or persons, and who it is considered have a reasonable requirement for separate accommodation (1 - 5)
- (v) ***Duration of time on waiting list***

1 Year	-	5 points
2 Years	-	10 points
3 Years	-	15 points
4 Years	-	20 points
5 Years and over	-	25 points
- (vi) ***No. of children***
Point for each dependent child 2 points

(vii) Discretionary Grounds

Bray Town Council may, under special circumstances and as the Manager considers appropriate, allocate points on discretionary grounds to a household.

It should be noted that households under the following four categories may have specific requirements and will be allocated accommodation specific to their needs:

- *Homeless Persons as defined by Section 2 of the Housing Act 1988*
- *Travellers within the meaning of Section 2 of the Housing (Traveller Accommodation) Act (No 33 of 1998)*
- *Older Persons being persons who are 65 years and over*
- *Persons with a Disability – this includes persons with a physical, sensory, intellectual/learning or mental health disability*

Allocation of Dwellings

Dwellings will be allocated to suitably qualified households in accordance with the criteria set out above.

Bray Town Council have modified/carried out works to a number of dwellings for persons with special needs/disabilities. If the household no longer has a requirement for that specific dwelling priority in that instance will be given to that household to transfer to an area of their choice and the resulting vacancy will be allocated to a household with special needs/disability who are either Council tenants, on the waiting list or have requested a transfer from RAS/leased property.

When considering a household for allocation the Council will take into account

- *Whether an applicant or a member of the applicant's household or relative currently reside in Bray*
- *Whether any member of the household is employed within 15km of Bray*

Transfers/Mutual Transfers

A tenant of Bray Town Council or of an Approved Voluntary Housing Body dwelling may, with the consent of the Manager exchange the tenancy of his/her existing dwelling for the tenancy of another Bray Town Council dwelling.

In addition households whose social housing support has been met through the RAS or leasing options may apply for a transfer to a social rented house. The Manager will have regard to the following prior to giving consent:

- *Condition of current accommodation*
- *Length of time on waiting list together with duration of tenancy in RAS/leased dwelling*

➤ *Period of contract of RAS or social lease contract*

Applications for mutual transfers between tenants of Bray Town Council and any other Local Authorities/Approved Housing Body may be granted subject to the approval of both bodies.

Bray Town Council in considering applications from tenants to a transfer or mutual transfer will, in general, have regard to the following factors: -

- (i) Reasons given by household for transfer/mutual transfer request
- (ii) Whether transfer/mutual transfer would result in overcrowding
- (iii) Whether transfer/mutual transfer would result in under utilisation of accommodation
- (iv) Tenancy record of household
- (v) Rent payment record of household
- (vi) Any record of anti social behaviour relating to any member of the household
- (vii) Estate Management
- (viii) Existing condition of respective dwellings
- (ix) The relative demand for the respective units of accommodation
- (x) Any special circumstances
- (xi) Households who have transferred will not be considered for another transfer/mutual transfer for a period of 12-months
- (xii) Where Bray Town Council is satisfied that there has been any financial gain by either party as a direct result of the transfer/mutual transfer, the application will be refused and removal from the transfer list will be immediate

Disqualification/Refusal of Offer Criteria

- (i) Where a household has been evicted from previous local authority accommodation due to anti social activity
- (ii) Where arrears of rent for an accumulated period of 12 weeks or more are outstanding to a housing authority
- (iii) A household member damaged a dwelling previously provided by any housing authority and neither repaired the property or paid for the cost of repairing same
- (iv) Household member is squatting or has previously squatted in a housing authority dwelling
- (v) Where an Abandonment Notice has been served on a house the tenant will not be allocated another local authority house
- (vi) Any member of a household that has made threats/committed violent behaviour against a member or members of staff of a local authority engaged in their duties
- (vii) Any member of a household who has manipulated their housing circumstances in order to achieve a priority to which they would otherwise not be entitled
- (viii) Where such an allocation would be contrary to good estate management
- (ix) Where a household member refuses to disclose any information which is requested by Bray Town Council 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
- (x) Where a household member provides false or misleading information either on the application form or at subsequent interviews
- (xi) Where the allocation would result in excessive overcrowding under the scheme

Treatment of Prospective Adopted Children

Where an applicant and spouse are accepted by a Registered Adoption Society as suitable adoptive parents and would, but for the lack of accommodation, qualify to have a child placed in their care, such child will be included as part of the family for rehousing on submission of the Adoption Society Approval Notice. A household which is rehoused because of the inclusion of a proposed adoptive child and who do not exercise their option within the time specified by the Society, may be displaced from the dwelling, regard being had to all the circumstances.

Refusal of Offer of Accommodation

In the event of a qualified household refusing two reasonable offers of the allocation of different dwellings made by one or more than one housing authority in the relevant application area in any continuous period of 1 year commencing on the date of the first refusal, the said household shall not, for the period of 1 year commencing on the date of the second refusal, be considered by any housing authority 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

A reasonable offer is defined in Regulation 12(3) as an offer of accommodation which in the opinion of the authority would meet the accommodation needs and requirements of the household and the dwelling is situated in the area of choice specified by the household. The only exceptions to this is where the authority is offering accommodation because of specified exceptional circumstances, including displacement because of fire, flood or other emergency, development, redevelopment and regeneration of an area or exceptional and compassionate grounds. In these circumstances, an authority does not have to offer the household accommodation in their area of choice for it to be considered a reasonable offer.

The offers are counted across an application area, meaning that applicant refusals will count in all authorities where they have specified an area of choice. In the case of Bray this includes all areas within Wicklow Co Council, Arklow Town Council and Wicklow Town Council. It should be further noted that an offer of accommodation includes RAS/leasing options, standard local authority dwellings, dwellings provided under Part V of the Planning and Development Act 2000 (as amended) and dwellings provided by an approved housing body.

It should be noted also that where an applicant is suspended from a waiting list due to two refusals, that household cannot be considered for an allocation by any housing authority for a period of 12 months. Therefore, if a household decides to apply to a new authority and are determined to be qualified for social housing support, their date of entry on the list of qualified households is after the expiry of the suspension period. No time during the suspension period can be counted as time on the waiting list in any authority. Two refusals will also mean that a household may lose rent supplement.

Assessment of Need – Qualified Households.

Prior to allocating any dwelling under this scheme the Council will review the housing needs assessment in accordance with the Social Housing Assessment Regulations 2011 (as amended) to determine if the applicant still qualifies for social housing support.

The main changes in the regulations are as follows:

Household must reside in the functional area or have a local connection to the area in which they are seeking social housing support

Area of choice must be selected when making application. If more than 1 area is selected equal priority is given to all areas of choice.

The current maximum net income threshold for a single person is €35,000 and increases by 5% for each additional adult household member, subject to a maximum allowance under this category of 10% and 2.5% for each child subject to a maximum allowance under this category of 10%. Net income is as defined in the Household Means Policy.

Succession to Tenancy

On the death of a tenant, the tenancy may be transferred to the tenant's partner/spouse or to a member of the tenant's immediate family normally resident for a minimum period of two years in the dwelling at the date of the tenant's death and declared on the Income and Family Forms. An assessment of need will be carried out in accordance with the Social Housing Assessment Regulations 2011 (as amended) to determine if a household member qualifies for housing support in the first instance. It may be that the household member will be offered accommodation suitable to their housing needs and not necessarily the dwelling they are currently residing in.

Traveller Accommodation

Once a house has been allocated to a Traveller family such a house will be deemed to be a Traveller house and from that time forward can only be allocated to Traveller families, unless in special circumstances.

Household Budget Scheme/Direct Debit

It is the policy of Bray Town Council, based on health, safety and other grounds, to facilitate the payment of rent through the Household Budget Scheme or Direct Debit and all qualifying housing/transfer list applicants will be requested to sign up to either scheme before being allocated a Bray Town Council tenancy.

Emergency Needs

Where the need of accommodation arises from an emergency, the Manager may make an allocation to that person as he/she considers necessary to meet that need, notwithstanding the order of priorities for lettings as set out in this Scheme.

Creation of Joint Tenancies

Where a dwelling is allocated to a household which includes a husband and wife or cohabiting couple joint tenancies will be created unless the Manager decides otherwise in exceptional circumstances.

Consideration of All Applicants on Estate Management grounds

It is the policy of Bray Town Council that applicants who apply to Bray Town Council for housing and who are being considered for an allocation of a tenancy will have their application examined on estate management grounds before an allocation is finally made.

Tenant Information Meeting

It is the policy of Bray Town Council that new tenants of all accommodation being provided by Bray Town Council will meet with the Housing Officer who will explain the terms of the tenancy agreement, as well as the tenant's responsibility for the dwelling in relation to repairs etc. Each tenant will be given a copy of his or her tenancy agreement, together with a Tenant Handbook.

Estate Management / Social Inclusion

Nothing in this scheme shall operate to prevent the Manager from making an allocation on Estate Management or Social Inclusion grounds.

Interpretation

The Manager's decision shall be final in relation to the interpretation of any matter concerning this allocation scheme.