



COMHAIRLE CHONTAE LAOISE

LAOIS COUNTY COUNCIL

**SOCIAL HOUSING ALLOCATION SCHEME
2024**

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INTRODUCTION

This Social Housing Allocation Scheme has been prepared in accordance with Section 22 of the Housing (Miscellaneous Provisions) Act 2009, the Social Housing Allocation Regulations 2011 (S.I. 198/2011) and the Social Housing Allocation Amendment Regulations 2016 (S.I. 503/2016) and informed by Department of Housing, Planning and Local Government Circular Housing 37/2017 setting out the National Guidelines for the Assessment and Allocation Process for Social Provision for People with a Disability and all future guidelines as issued by Government.

The making of this Scheme is a Reserved Function in accordance with Section 22 (10) of the Housing (Miscellaneous Provisions) Act 2009.

1.0 The purpose of the Scheme is:

- 1.0.1 To determine the order of priority to be given in the allocation of social housing support to persons whose eligibility and need for accommodation has been established in the housing authority's Assessment of Housing Need in accordance with Section 20 of the Housing (Miscellaneous Provisions) Act 2009 and;
- 1.0.2 To determine the order of priority to be given in the allocation of all social housing support to existing tenants of Laois County Council, including households accommodated under the Rental Accommodation Scheme (RAS) and Housing Assistance Payment (HAP) and tenants of Approved Housing Bodies operating in Co. Laois.
- 1.0.3 The Scheme makes provision for a proportion of properties in any part or parts of the local authority's functional area to be reserved for all or any of the following purposes:
 - (i) Allocation to particular types of households
 - (ii) Allocation to particular forms of tenure
 - (iii) Allocation to households transferring from other forms of social housing.
- 1.0.4 The Scheme sets out the requirements and procedures for transfers, including tenant of properties provided under the Rental Accommodation Scheme (RAS), Housing leasing initiatives, those accommodated under the Housing Assistance Payment Scheme (HAP), succession tenancies and rightsizing.

2.0 The types of social housing covered by this Scheme include:

- i. Properties provided under the Housing Acts 1966 to 2009 or Part V of the Planning and Development Acts 2000 and 2021 as amended, and in the ownership, managed and maintained by the local authority.
- ii. Properties not owned by the local authority, which are provided under contract or lease between the local authority and the property owner concerned, including rental accommodation availability agreements and leasing.
- iii. Properties owned by Approved Housing Bodies (AHB's) to whom assistance is given under Section 6 of the Housing Act 1993 for the purposes of such provision.

PART 1- ORDER OF PRIORITY

1.0 Assessment of Bedroom Requirements

The bed need of all social housing applicants will be assessed on the following basis in accordance with Section 63 of the Housing Act 1966.

Bed Type	Maximum No. of Bed Spaces	Household Composition*
1 – Bed	1	<ul style="list-style-type: none"> • 1 Adult / Couple
2 – Bed	4	<ul style="list-style-type: none"> • 1 Adult and 1 Child • 2 Adults • 1 Adult and Access/lessor custody to any number of Children • 1 Adult and 2 Children (same gender) • 1 Adult with a medical need • 2 Adults and 1 Child • 2 Adults and 2 Children (same gender) • 3 Adults (1 couple and 1 single) • 1 Adult and overnight carer
3 – Bed	6	<ul style="list-style-type: none"> • 1 Adult and 2 Children (different gender) • 1 Adult and 3 Children • 1 Adult and 4 Children • 2 Adults and 2 Children (different gender) • 2 Adults and 2 Children (same gender & medical need) • 2 Adults and 3 Children • 2 Adults and 4 Children • 3 Adults • 3 Adults and 2 Children • 4 Adults • 4 Adults and 1 Child
4 – Bed	7	<ul style="list-style-type: none"> • 1 Adult and 5 Children • 2 Adults and 5 Children • 3 Adults and 4 Children • 4 Adults and 2 Children

**Household composition may comprise parents and adult children. This will be considered in the assessment of bed need for that household.*

1.1.1. Children in Shared Custody / Access Arrangement

1.1.1 Laois County Council will assess separated parents with formal custody/access arrangements and the following applies to assignment of bedroom need:

- Children of parents living apart are recorded in the assessment of each parent but the type and extent of accommodation they require is assessed on the extent to which their need for accommodation is met in the household of the other parent.
- The local authority will assign the full bedroom requirements to the parent with whom the children reside for the greater part.
- Applicants with partial custody arrangements or access arrangements to their children for the lesser part shall, on production of relevant documentary evidence, be deemed to have a 2-bedroom need.

PART 2 – ALLOCATION PROCESS

Applicants who have been assessed and deemed eligible for Social Housing Support are placed on the Social Housing List. Their time on the list commences from the date on which the local authority approves a fully completed application for Social Housing support.

1.0 Conditions for Application

- 1.01 Applicants must complete, in full, the prescribed Application Form provided by the local authority. Incomplete application forms will be returned to the applicant.
- 1.02 Where there is a change in an applicant's circumstances, e.g., birth of a child, change in relationship or medical circumstances, it is the responsibility of the applicant to inform the local authority in writing, and with appropriate evidence, of any such change, upon which the local authority will review the housing application.
- 1.03 If the household wishes to add an additional joint applicant, a new social housing application must be submitted for the person, which will then considered by the local authority in accordance with the relevant legislation.
- 1.04 Single applicants without children must have reached the age of 18 years on or before the date of application. However, persons leaving after care are an exception to this. An applicant must have reached the age of 18 years on or before any allocation of accommodation.
- 1.05 The local authority reserves the right to refuse consideration of any application and/or rescind/withdraw an offer of accommodation where the applicant has given false or misleading information or fails to supply information where he/she knows to be material, may be excluded from consideration under this Scheme.
- 1.06 All applications being made on medical grounds must be accompanied by the appropriate medical certification. Laois County Council reserves the right to consider any other relevant documentation. Only medical conditions relevant to the applicant's housing needs will be considered.
- 1.07 An application on compassionate grounds on the production of supporting documentation, e.g., An Garda Síochána or Social Services. It remains that the local authority's discretion to take any such report into consideration.

- 1.08 In accordance with Section 20(5) of the 2009 Act, a household owing rent to the local authority and not having entered into and complied with repayment arrangements, is not eligible for social housing support. The provision applies if a household has, at any time in the 3 years preceding the carrying out of the assessment for social housing support, been in arrears of rent, rent contributions, charges, fees, loan repayments or any other moneys due to a local authority or approved housing body for an accumulated period of 12 weeks or more.

Accordingly, all rents and other charges due and payable in respect of any local authority, or approved housing body accommodation, must be fully discharged by the applicant(s) or an arrangement in place to repay the outstanding charges before an application will be considered.

- 1.09 All application forms (including transfer applications, tenancy succession applications and applications for permission to reside) require the applicant to furnish written authority to enable Laois County Council to access or obtain information from other housing authorities, approved housing bodies, Health Services Executive, An Garda Síochána, Revenue Commissioners, Dept of Social Protection, Residential Tenancies Board and Criminal Assets Bureau, which is relevant to the applicant's application.
- While the application form provides consent, we are obliged to review the consent as the declaration form cannot be taken as eternal consent and the applicant reserves the right to withdraw consent at any time.

2.0 *Areas of Choice*

- 2.01 Applicants applying in the first instance for allocation of a property, or households applying to transfer from other forms of social housing support, may specify areas of choice in Co. Laois, in which they wish to receive social housing support.
- 2.02 The total number of areas of choice to be specified shall not exceed three (3).
- 2.03 A qualified applicant may notify the local authority in writing of their wish to change one or more areas of choice; the total number of areas of choice subject to the following conditions:
- (i) The household may not change an area of choice within the period of 12 months following notification of that area of choice to the local authority.
 - (ii) Where a household notifies the local authority that it no longer wishes to be considered for accommodation in an area of choice that it previously specified, the household may not, within the period of 12 months following such notification, changes it preference so as to specify that area of choice again.
 - (iii) The total number of areas of choice specified shall not exceed three.

3.0 *Housing Need*

- 3.0.1 Housing need refers to standards that the local authority uses to assess the household's circumstances. In determining housing need, the local authority has regard to, among other

factors, to the following matters relating to the applicant household's current accommodation:

- (i) Whether it is an institution, emergency accommodation or a hostel.
- (ii) Whether the household is homeless within the meaning of Section 2 of the Housing Act 1988.
- (iii) Whether the accommodation is overcrowded within the meaning of Section 63 of the Housing Act 1966.
- (iv) Current accommodation's fitness for human habitation, having regard to the matters set out in the Housing Act 1966 (Second Schedule).
- (v) Whether the accommodation is unsuitable for the household's adequate housing on medical or compassionate grounds.
- (vi) The extent to which the current accommodation meets any accommodation requirement arising from the enduring physical, sensory, mental health or intellectual impairment of a household member.
- (vii) Where the accommodation is shared with another household and whether the applicant has a reasonable requirement for separate accommodation in that regard
- (viii) Whether it has been concluded under the Mortgage Arrears Resolution Process set out in the Code of Conduct on Mortgage Arrears 2013, that the mortgage on the accommodation is unsustainable for the mortgagee, if applicable.
- (ix) Where the household, in the opinion of the local authority, requires the payment of a subsidy/supplement under Section 198 (3) of the Social Welfare Consolidation Act 2005 or Housing Assistance Payment Regulations 2014, towards the amount payable by the household in respect of their current accommodation.
- (x) Whether it is unsuitable for the household's adequate housing in any other respect, having regard to their circumstances.

Applicants must notify the local authority of any change in circumstances that might affect their eligibility for social housing support as soon as may be, but not later than two weeks immediately following that change.

3.0.2 *Specified Categories of Need*

Laois County Council may, from time to time, determine as they see fit to set aside for persons of such category or categories, as the Council may decide, a particular number or a proportion of the properties becoming available for letting in new developments only. Where such a number or proportion is set aside, priority should be afforded to the specified categories in the letting of those properties. The specified categories are as follows:

- (i) Members of the Travelling Community
- (ii) Elderly (over 65 years)
- (iii) People with Disabilities

4.0 *Offers Of Accommodation*

- 4.0.1 The allocation of local authority accommodation is an Executive Function of the Chief Executive. Priority for the allocation of local authority housing shall be determined in accordance with the Points based system which has been adopted as part of this Scheme of Allocations (Appendix 1).

4.0.2 In a situation where an equality of points exists, priority will then be determined by time on the waiting list and then by lot.

4.0.3 Applicants who have been approved may be considered for nomination for vacancies with an AHB.

The selection process for suitable nominees to an AHB will be based on the same criteria as any applicant for social housing with the local authority i.e., bedroom requirement, basis of need etc. The nomination is forwarded to the AHB, and the applicant is notified of their nomination to the AHB by Laois County Council.

Failure to engage with the AHB regarding the nomination and assessment process or refusal of the offer will be considered in the same manner as refusals of offers of Laois County Council accommodation. All nominations to dwellings owned and provided by Approved Housing Bodies shall also follow the order of priority of this scheme.

4.0.4 If an allocation is being made on compassionate or emergency grounds, e.g., points allocated for Notice of Termination reported, and such allocation is refused, points awarded on compassionate grounds will be discounted.

4.1 Exceptional circumstances

4.1.1 Where the need for accommodation arises from specified exceptional circumstances, including displacement by fire, flood or any other emergency, development, re-development/regeneration of an area by the local authority or exceptional medical or compassionate grounds, the local authority may make a letting as it considers necessary to meet this need.

4.2 Downgrading of Accommodation

Laois County Council, in assessing an application for accommodation, reserves the right to reduce the priority of an applicant(s), where the Council has reason to believe that the applicant(s) has deliberately, or without good and sufficient reason, done or failed to do anything (other than an action or omission in good faith) in consequence of which the accommodation that they are so occupying is less suitable for their adequate housing than other accommodation which it would have been, or would be, reasonable for the applicant(s) to occupy.

4.3 Rescinding Of Offer

4.3.1 All offers of accommodation to applicants are provisional until a Tenancy Agreement is signed by the appropriate parties. In the interim, should any information relevant to an application become known, which was not previously disclosed, the offer of accommodation may be rescinded.

4.3.2 Notwithstanding anything contained in the Housing Acts 1966 to 2009 or in this Allocation Scheme made under Section 22 of the 2009 Act, the local authority may use its right under Section 14(1) (as amended) of the Housing (Miscellaneous Provisions) Act 1997 to refuse to allocate or defer the allocation of a property to a person/household, where:

- i. The local authority considers that the person/household is/has been engaged in anti-social behaviour or that an allocation to that person/household would not be in the interests of good estate management.

- ii. The person/household fails to provide information, including information relating to persons residing with them, which is requested by the local authority, and which is considered to be necessary in connection with than application for accommodation.
- iii. Subject to any further provisions contained within Laois County Council’s adopted Anti-Social Behaviour Strategy.
- iv. The applicant has, at any time in the 3 years preceding the carrying out of the assessment for social housing support, been in arrears of rent, rent contributions, charges, fees, loan repayments or any other monies due to a local authority or approved housing body for an accumulated period of 12 weeks or more, and where they have not entered into and shown compliance with a repayment arrangement.

4.3.3 In the interests of good Estate Management, the local authority reserves the right to defer and offer of accommodation if the applicant(s) have a history of anti-social behaviour.

4.4 Pre-Tenancy Course

4.4.0 In the interests of good estate management, attendance and participation at a pre-tenancy course is a requirement for all those considered for an allocation, in advance of signing Tenancy Agreement. This is also the case for both parties in the case of joint tenants.

4.5 Termination of applications

4.5.1 Laois County Council reserves the right to terminate an application in the following circumstances:

- (i) Failure to notify a change of address.
- (ii) Unreasonable unavailability of applicant for assessment on more than two occasions.
- (iii) Failure to provide information necessary to enable an appropriate assessment of the applicant’s situation.
- (iv) Provision of false or misleading information.

5.0 Refusal Of Offer Of Accommodation

5.0.1. Two (2) refusals of reasonable offers of accommodation within a 12-month period (local authority, RAS/SHLS or Approved Housing Body properties) will result in suspension of their application for one year. This means that the household will not be given an allocation for the suspension period. Time will not be added on during this period for ‘time on the list’ or any other priority determining purposes.

5.0.2 If a person is deemed to be homeless in accordance with the provisions of Section 2 of the Housing Act 1988, Laois County Council reserves the right to make to them a reasonable offer of a property outside their area of choice. Refusal of such an offer may result in them being requested to vacate emergency accommodation.

5.0.3 An applicant may not be deemed eligible for an offer of accommodation where they surrender a property in the previous 12 months.

- 5.0.4 Laois County Council reserves the right not to consider an applicant for an offer of accommodation where an applicant has previously abandoned, been evicted from, or has vacated a local authority dwelling having caused malicious damage. Future offers of accommodation will not be made to them for a minimum period of 2 years.
- 5.0.5 Any person or household that illegally occupies a local authority property will not be considered for any property allocated in accordance with this scheme, unless or until the occupied dwelling surrendered to the local authority in the same condition as existed prior to the illegal occupation.

6.0 Choice Based Letting

- 6.0.1 Laois County Council may, on occasion, make provision for the allocation of particular properties under Choice Based Letting, as part of the Allocations Scheme, whereby approved applicants may apply for tenancies in nominated properties.
- 6.0.2 The procedure for Choice Based Letting will be in accordance with Regulations 6 – 11 of the Social Housing Assessment Regulations 2011. For this purpose, a ‘qualified household’ is a household that has been assessed as qualified for social housing support under Section 20 of the Housing (Miscellaneous Provisions) Act 2009.
- 6.0.3 The local authority may, at its discretion, and at any stage prior to allocating a Choice Based Letting designated property, decide to terminate the designation of that property as Choice Based Letting designated and not to proceed, or not to continue with Choice Based Letting in respect of that property.
- 6.0.5 A refusal under Choice Based Lettings will not signify a refusal under this Allocations Scheme. However, the applicant will not be entitled to make a further application under Choice Based Letting for a period of twelve months from the date of refusal.

PART 3 – OTHER RELEVANT MATTERS

1.0 Transfers

- 1.0.1 Tenants of the local authority, including tenants of properties provided under the Social Housing Leasing Scheme, RAS or by Approved Housing Bodies, may apply to be considered for a transfer to other dwellings, under the following circumstances:
- (i) Overcrowding
 - (ii) Where there is requirement to rightsize to a smaller/larger property
 - (iii) Medical or compassionate grounds
 - (iv) On grounds of anti-social behaviour where there is support from the local Authority Tenant Liaison Officer and/or An Garda Síochána
 - (v) Other exceptional circumstances deemed by the local authority to be appropriate to transfer.

- 1.0.2 A transfer may be approved by the local authority subject to compliance with the following conditions:
- (i) The tenant(s) must have resided in their current property for at least three years,
 - (ii) All rents and other charges due and payable in respect of their existing accommodation must be fully discharged,
 - (iii) The tenant(s) has complied with all the conditions of the Letting Agreement.
 - (iv) Where a house inspection has been carried out and condition of the property is in order and good repair,
 - (v) The transfer cannot result in the tenant(s) being inappropriately accommodated,
 - (vi) The tenant(s) must not have engaged in anti-social behaviour in the previous three years, subject to Garda verification.
- 1.0.3 The local authority may, in exceptional circumstances, waive compliance with any or all of the above conditions and furthermore, reserves the right to refuse any transfer request due to financial constraints.
- 1.0.4 Section 19 of the Housing Act 2009 commenced in April 2011. Tenants who were transferred to the Rental Accommodation Scheme (RAS) prior to 1st January 2012 will be given credit for their time on the 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 list since they commenced their RAS tenancy. Allocations shall be made to such tenants in accordance with the order of priority outlined in this Allocations Scheme.
- 1.0.5 Laois County Council reserves the right to remove any applicant from the transfer list in the event of unreasonable refusals.
- 1.0.6 Nothing shall prevent Laois County Council from transferring tenants to another dwelling in the following situations:
- (i) Where there is a risk to the health and safety of the tenants
 - (ii) For reasons of redevelopment.
- 1.0.7 In the event the original reason making the transfer no longer exists, Laois County Council reserves the right to remove the tenant from the transfer list.

1.1 Mutual transfer of tenancies

Laois County Council reserves the right to consider mutual transfers between tenants of Laois County Council and tenants of another local authority or Approved Housing Body.

2.0 Succession Of Tenancies

- 2.0.1 On the death of a tenant, the tenancy may be transferred to a member of the tenant's immediate family normally resident in the property at the date of the tenant's death. In order to be able to succeed a tenancy the following must apply:
- (i) The person must be over the age of 18 years,

- (ii) They must be a member of the tenant's immediate family,
- (iii) They must be 'normally resident' i.e., continued to reside at the property as their normal place of residence and has been rent assessed there for two years prior to the date of the tenant's death or departure.

- 2.0.3 Where there are two or more surviving family members who meet the criteria, a joint tenancy may be granted.
- 2.0.4 It may be the case that where a succession tenancy is granted, the local authority may require the family member(s) to move to another property if it considers the property to be too large or it has been specifically designed and/or adapted for the use of someone with a disability who no longer resides in the property.
- 2.0.5 Properties designated as accommodation for Older Persons will not be subject to succession of tenancy conditions, other than in extenuating circumstances as deemed appropriate by the local authority.
- 2.0.6 In circumstances where a tenant is deceased and dependents remain in the property, Laois County Council will consider the allocation of a caretaker tenancy to an approved guardian/custodian.

3.0 Permission To Reside

- 3.0.1 Where a tenant wishes to include another person as an occupant of a local authority property, the consent of the local authority is required. Applications by a tenant for such consent will be considered on their merits and the following will apply:
- (i) The tenant and applicant must complete the relevant application form.
 - (ii) The property must be suitable to meet the housing needs of the household.
 - (iii) Consideration will be given to applicant's eligibility for social housing supports.
 - (iv) Consideration will be given in the event of a tenant requiring care.
 - (v) The rent account of the tenant will be taken into consideration and/or an agreement entered into to clear the arrears.
 - (vi) Inclusion on the rent account does not give the applicant a right to succeed the tenancy.
 - (vii) The proposed additional occupant's previous tenancy record, if any, as a tenant or resident of a housing authority, RAS or an Approved Housing Body will be considered.
 - (viii) The applicant(s) will be subject to a Garda check prior to approval being given.

4.0 Surrender Of Tenancy

Tenancies must be surrendered in writing by each tenant giving four weeks' notice, except in exceptional circumstances. The keys of the property must only be surrendered to an employee of Laois County Council.

5.0 Appeals

Every applicant has the right to appeal any decision made under this Allocation Scheme to the appropriate person as determined by the Chief Executive, within 21 working days.

Nothing in this scheme shall operate to prevent the local authority, based on its discretion, from allocating a dwelling to a person whose case is unique and has been examined on its own merits.

PART 4

Laois County Council may from time to time, review this Allocations Scheme, and revise it by way of amendments to the scheme or make a new scheme, subject to the approval of the authorities. Before making or amending an Allocation Scheme, the local authority shall provide a draft of the scheme and/or amendment to same, as the case may be, to the Minister, who may direct the local authority to amend the draft scheme (or draft amendment) and Laois County Council shall comply with any such direction within such period as may be specified by the Minister.

A copy of the Scheme will be available for public inspection at the offices of Laois County Council during office hours and will also be available on the Council's website at www.laois.ie

APPENDIX 1

Laois County Council

Scheme of Letting Priorities

Points System

Priorities for the allocation of Local Authority Accommodation shall be determined in accordance with the following points system:

		Maximum Points Allowed	Points Awarded
1.	Unfit		
(a)	Structurally Unsound	24	
(b)	Dampness	4	
(c)	Electrical Work	4	
(d)	Inadequate Cooking Area	4	
(e)	Lack Of Heating	4	
(f)	Lack of Ventilation	4	
(g)	No water inside	4	
(h)	No toilet facilities inside	4	
(i)	No water inside or outside	8	
(j)	No toilet facilities inside or outside	8	
2.	Overcrowding		
(a)	Marginal (cubic capacity only)	8	
(b)	Bad (involuntary sharing of opposite sex siblings)	10	
(c)	Gross overcrowding	16	
3.	Payment for existing accommodation		
(a)	Non-subsidised Rent	3	
4.	Medical/Disabled		
(a)	Moderate	4	
(b)	Serious	8	
(c)	Very Serious	12	
	N.B. Only medical conditions relevant to housing needs will be taken into consideration.		
5.	Length of Time on Waiting List		
(a)	1 Year	2	
(b)	2 Years	4	
(c)	3 Years	7	
(d)	4 Years	11	
(e)	5 Years	14	
(f)	For each year after fifth year	1 Extra	
6.	No. of dependants (allow per dependant)	2	
7.	Compassionate Grounds		10
	Reason:		