



Comhairle Chontae na Gaillimhe
Galway County Council

HOUSING ALLOCATION SCHEME

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

Plenary Council Meeting June 2020

Effective from 29th June 2020

1 Introduction

- 1.1** Part 2 of the Housing (Miscellaneous Provisions) Act 2009 as amended by the Housing (Miscellaneous Provisions) Act 2014 (hereinafter referred to as “the Act”) sets out the functions of housing authorities. Chapter 3 of Part 2 of the Act and the Social Housing Allocation Regulations 2011 and the Social Housing Allocation (Amendment) Regulations 2016 (hereinafter referred to as “the Regulations”) set out the legal framework for the allocation of dwellings by housing authorities.
- 1.2** This Allocation Scheme (hereinafter referred to as “the Scheme”) sets out the priorities and procedures for allocating dwellings to which section 22 of “the Act” applies, as agreed by the Elected Members of Galway County Council. The 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 council’s housing stock and publicly funded resources.
- 1.3** In performing its housing functions, Galway County Council (hereinafter referred to as “the council”) is obliged to have regard to the need to
- (a) counteract undue segregation in housing between persons of different social backgrounds, and
 - (b) ensure that a mixture of dwelling types and sizes and of classes of tenure is provided to reasonably match the requirements of households.
- 1.4** This Scheme is also aligned to all relevant housing plans and strategies. The Scheme aims to promote the objectives contained in the Council’s Housing Strategy and:-
- (a) Housing First,
 - (b) Homelessness Action Plan,
 - (c) Traveller Accommodation Programme,
 - (d) Strategic Plan for Housing Persons with Disabilities,
 - (e) Sláintecare – My Home MHCIS (Mental Health, Community Integration & Support) – Integrating Mental Health, Social Care & Housing in Local Community,
 - (f) Tenancy Sustainment Strategy.
 - (g) Estate Management Strategy.
 - (h) Anti-Social Behaviour Strategy
 - (i) Scéim Teanga Chomhairle Chontae na Gaillimhe.
 - (j) Any projects or initiatives for whom the council in its discretion considers it prudent to provide accommodation.
- 1.5** The Council will also comply with any general policy directions and have regard to any guidelines or directions issued to housing authorities by the Minister for Housing, Planning & Local Government in relation to the performance of their functions under the Housing Acts 1966 to 2014.
- 1.6** The Council may from time to time review this Scheme and, as it considers necessary and appropriate, amend the Scheme or make a new Allocation Scheme.

2. Scope

- 2.1** This Scheme applies to the allocation of the following dwellings only:

- (a) dwellings provided under the Housing Acts 1966 to 2014 or Part V of

- (b) the Planning and Development Act 2000 that are owned by the council, dwellings that are not owned by the council but which are held by the council under a contract or lease between the council and the owner concerned, including rental accommodation availability agreements, lease agreements and
- (c) dwellings owned and provided by approved bodies to whom assistance is given under section 6 of the Act of 1992 for the purposes of such provision.
- (d) Dwellings provided for under the HAP, RAS and MTR schemes

2.2 The purpose of this Scheme is to determine the order of priority to be accorded and implemented in the allocation of dwellings to:

- (a) households or particular classes of households who have been assessed under section 20 of the Act as being qualified for social housing support, and
- (b) households in receipt of social housing support that have applied to the council to transfer to another dwelling or to purchase a dwelling under Part 3 of the Act and the council consents to such transfer or purchase.

2.3 The Scheme makes provision for a proportion of dwellings in any part or parts of the council's functional area to be reserved for all or any of the following purposes:

- (a) allocation to particular classes of household;
- (b) allocation to particular forms of tenure;
- (c) allocation to households transferring from other forms of social housing support.

2.4 The Scheme also sets out the requirements and procedures for transfers, including tenants of dwellings provided under the Social Housing Leasing initiatives, those accommodated under HAP, succession to tenancies and the downsizing scheme for the elderly who want to move from an under-occupied dwelling to other housing.

3. General

3.1 Age: An applicant applying for the allocation of a dwelling under this Scheme must have reached the age of 18 years on or before the date of any allocation and must have a legal right to reside in the State.

3.2 Eligibility: Households must also comply with the eligibility criteria as set out in the Housing Acts 1966 to 2014, the Regulations and the Social Housing Assessment Regulations 2011, the Social Housing Assessment (Amendment) Regulations 2011, the Social Housing Assessment (Amendment) (No. 2) Regulations 2011 as amended by the Social Housing Assessment (Amendment) Regulations 2016.

3.3 Application and Additional Information: Applicant households must complete in full the prescribed Application Form provided by the council and must, within 4 weeks of being requested to do so by the council, submit any additional information, including documents and other particulars, that the council may reasonably request for the purposes of verifying information relating to their application. Upon request for stated reasons the council may agree to an extension of this 4-week period.

- 3.4 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 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.
- 3.5. Personal Data:** All Application Forms (including transfer applications, succession applications and applications for permission to reside) require applicants to furnish written authority to enable the council to access or obtain information held by other housing authorities, approved housing bodies, the Health Service Executive and An Garda Síochána which in the council's opinion is relevant to the applicant's application. The council processes personal information received in line with data protection legal requirements.
- 3.6 Areas of Choice:** Households applying in the first instance for allocation of a dwelling or applying to transfer from other forms of social housing support may specify areas of choice in the application area of the council. The total number of areas of choice specified on the Application Form shall not exceed three. A qualified household may notify the council that it wishes to change one or more than one area of choice in the application subject to compliance with the following conditions:
- (a) the household may not change an area of choice within the period of 12 months following notification of that area of choice to the council,
 - (b) where a household notifies the council that it no longer wishes to reside in an area of choice that it previously specified, the household may not, within the period of 12 months following such notification, change its preferences so as to specify that area of choice again, and
 - (c) the total number of areas of choice specified by the household at any time shall not exceed three.
- 3.7 Housing Need:** Housing need refers to standards that the council uses to assess a household's housing circumstances. In determining housing need, the council will have regard, among other things, to the following matters relating to the household's current accommodation—
- (a) whether it is an institution, emergency accommodation or a hostel,
 - (aa) whether the household is homeless with the meaning of section 2 of the Housing Act 1988
 - (b) whether it is overcrowded within the meaning of section 63 of the Act of 1966,
 - (c) its fitness for human habitation, having regard to the matters set out in the Second Schedule to the Act of 1966,
 - (d) the extent to which it meets any accommodation requirement arising from the enduring physical, sensory, mental health or intellectual impairment of a household member
 - (dd) whether the accommodation is unsuitable for the household's adequate housing on exceptional medical or compassionate grounds,
 - (e) where it is shared with another household, whether the household that has applied for social housing support has a reasonable requirement for separate accommodation,
 - (ee) whether it has been concluded, under the Mortgage Arrears Resolution Process set out in the Code of Conduct on Mortgage Arrears 2013 issued under section 117 of the Central Bank Act 1989 (No. 16 of 1989), that the mortgage on the accommodation is unsustainable for the

- mortgagee, and
- (eee) where the household, in the opinion of the housing authority, requires the payment of a supplement under section 198(3) of the Act of 2005 towards the amount payable by the household in respect of the household's current accommodation, and
- (f) whether the accommodation is unsuitable for the household's adequate housing in any other material respect, having regard to particular household circumstances.

Households must notify the council of any change in circumstances that might affect their eligibility for a dwelling as soon as may be, but not later than two weeks immediately following any such change in circumstances. If a household fails to notify the council of such change in circumstances any offer of accommodation made by the council will be invalid and the offer withdrawn.

3.8 Type of dwelling: Households may indicate the type of dwelling property required (e.g. general needs, adapted or sheltered), the design of the dwelling (e.g. house, bungalow, apartment, halting bay, group housing) and the number of bedrooms they wish to be considered for. However, it should be noted that dwellings are allocated to match household size. The council will determine the family composition for a vacant dwelling as part of the allocation process to ensure the best use is made of the dwelling in terms of the size of the dwelling and the size of the prospective household so as to ensure that a dwelling is not under occupied or overcrowded. Accordingly,

- 1 or 2 bed dwellings may be offered to an individual or to a couple,
- 2 bed dwellings are offered to a couple or lone parent with one child, or two adults not living as a couple e.g. parent and adult child; or individual and carer,
- 3 bed dwellings are offered to a couple or lone parent with two, three, or four children on the basis that children of the opposite sex and adults of the opposite sex not living as a couple are not required to share a bedroom, or any three adults where none are living as a couple,
- 4 bed dwellings are offered to households consisting of a couple or lone parent with four, five or six children on the basis that children of the opposite sex and adults of the opposite sex not living as a couple or any four adults where no two are living as a couple,
- 5+ bed dwellings are offered to households consisting of a couple or lone parent with six or more children.
- Separated families. In relation to separated families where one parent already occupies a Local Authority dwelling, where 2nd parent has access to their children, the 2nd parent qualifies for that family bed category less 1 bedroom. eg Parent with access to children who require a 3 bed unit. If they have full access, they qualify for a 3Bed unit, If shared/weekend access, they qualify for a 2 bed unit.
- Sharing of bedrooms. Sharing of bedrooms between same sex adult children and their younger siblings should be avoided where possible. This is where there is a large age gap. e.g. under 10 & over 18

3.9 Order of priority for dwelling allocations: The council will give reasonable preference to certain household groups when allocating dwellings. The household groups and the order of priority that will be given to the household

groups are as follows:

- (a) homeless persons as defined by Section 2 of the Housing Act, 1988.
- (b) persons living in accommodation that is unfit for human habitation as defined in Section 66(2) of the Housing Act, 1966, and the Second Schedule of that Act, or, is materially unsuitable for their adequate housing.
- (c) persons in accommodation, the extent to which it does not meet their requirements, arising from the enduring physical, sensory, mental health or intellectual impairment of a household member.
- (d) persons who require accommodation on exceptional medical or compassionate grounds.
- (e) persons living in overcrowded accommodation within the meaning of Section 63 of the Housing Act, 1966.
- (f) involuntarily sharing accommodation with another person and having a reasonable requirement for separate accommodation.
- (g) persons who are not, in the opinion of the council, reasonably able to meet the cost of the accommodation which they are occupying or to obtain suitable alternative accommodation.
- (h) persons not included in any other specific category above, who have been assessed and approved for social housing supports.

The priority that an application will receive will depend mainly on the priority afforded to each household group. Households are placed in one group only.

The council shall apply a Gaeltacht Residential Qualification in accordance with the requirements of the Galway County Council Gaeltacht Local Area Plan, in order to protect the linguistic and cultural heritage of the Gaeltacht, including the promotion of Irish as a community language. The application of a Gaeltacht Residential Qualification, to the order of priority, in accordance with the requirements of the Galway County Council Gaeltacht Local Area Plan shall be by way of Chief Executive's Order.

As a general rule, and in accordance with Regulation No. 4(2) of the Regulations, priority as between households within the same group will be determined by reference to the date of entry of the household on the council's record of qualified households. In the allocation of dwellings where priority is claimed on grounds consisting of, or including, exceptional medical grounds, the Council will require a report from a medical practitioner employed by the Health Service Executive at the time of application.

3.10 RAS tenants: Tenants who transferred to RAS prior to the introduction of the Regulations on the 1st April 2011, will be given credit for their time on the record of qualified households from the date of their approved housing application, where they apply to transfer to another form of social housing support, and were on the record of qualified households since they commenced their RAS tenancy. Allocations shall be made to such tenants in accordance with the Order of Priorities as per paragraph 9 below.

4. Reservation of Dwellings

4.1 The council will from time to time, as it considers appropriate, designate a particular number or proportion of dwellings becoming available for allocation

for the accommodation of

- (i) Persons aged 60 years and over, and thereafter persons aged 55 years and over,
- (ii) persons with a physical, sensory, mental health or intellectual impairment,
- (iii) young persons leaving institutional care,
- (iv) persons in need of accommodation for medical or compassionate reasons.
- (v) any household group or groups for whom the council in its discretion considers it prudent to provide accommodation

Where a particular number or proportion of dwellings is set aside or designated for a particular category or categories of household, priority shall be accorded to households of that particular category in the allocation of those dwellings. The designation of dwellings for this purpose shall be by way of Chief Executive's Order. Priority will be determined for households in this category by the length of time that the household has been entered on the council's housing waiting list.

4.2 The council will from time to time, as it considers appropriate, designate a particular number or proportion of dwellings becoming available for allocation for the purpose of facilitating implementation of:

- (i) Housing First,
- (ii) Homelessness Action Plan,
- (iii) Traveller Accommodation Programme,
- (iv) Strategic Plan for Housing Persons with Disabilities,
- (v) Sláintecare – My Home MHCIS (Mental Health, Community Integration & Support) – Integrating Mental Health, Social Care & Housing in Local Community,
- (vi) any projects or initiatives for whom the council in its discretion considers it prudent to provide accommodation.

Where a particular number or proportion of dwellings is set aside or designated to facilitate implementation of projects or initiatives, priority shall be accorded to households eligible and prioritised for such projects in the allocation of those dwellings. The designation of dwellings for this purpose shall be by way of Chief Executive's Order.

4.3 The council will from time to time, as it considers appropriate, designate a particular number or proportion of dwellings for allocation to households transferring from other forms of social housing support. Where a particular number or proportion of dwellings is set aside or designated for this particular category of households, priority shall be accorded to this particular category in the allocation of those dwellings. The order of priority will be determined in accordance with Condition 9 below. The designation of dwellings for this purpose shall be by way of Chief Executive's Order.

4.4 The council will from time to time, as it considers appropriate, designate a particular number or proportion of dwellings for particular forms of tenure, including, but not limited to Incremental Purchase Schemes. The designation of dwellings for this purpose shall be by way of Chief Executive's Order. The order of priority will be determined for households in these categories by the length of time that the household has been entered on

the council's record of households that have applied to purchase a dwelling under Part 3 of the 2009 Act and obtained the council's consent to such purchase.

5. Matters Disregarded

- 5.1** 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) in 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.
- 5.2** Where a household specifies an area of choice in the application area of a housing authority for which the household does not qualify for social housing support, the council will disregard that area of choice and the 12-month period in paragraph 3.6 (a) above shall not apply to the specification by the household of an alternative area of choice in its stead.
- 5.3** The council will disregard the order of priority given to a household under this Scheme
- (a) where the household is being provided with social housing support in a dwelling let under a rental accommodation availability agreement.
 - (b) arising from specified exceptional circumstances, including displacement due to fire, flood or any other emergency, development, redevelopment or regeneration of an area by the council.
 - (c) on exceptional medical or compassionate grounds.
 - (d) to counteract social segregation.
 - (e) where the council has assessed that a person's accommodation needs cannot appropriately be met at that point in time through independent living.
 - (f) for former tenants who breached the terms of a previous tenancy with the council or any other housing authority or any approved housing body or a tenancy made pursuant to the rental accommodation scheme or the housing assistance payment scheme.
 - (g) in emergency situations.

6. Deferral or Refusal of Applications

- 6.1** Notwithstanding anything contained in the Housing Acts 1966 to 2014 or in this Scheme, the council may in accordance with the provisions of Section 14 (1) (b) of the Housing (Miscellaneous Provisions) Act 1997 (as amended), refuse to allocate or defer the allocation of a dwelling, to a housing applicant where:
- (a) the council considers that the applicant is or has been engaged in anti- social behaviour within the meaning of section 1(1) of the Housing (Miscellaneous Provisions) Act, 1997 (as amended) or that a letting to that applicant would not be in the interest of good estate

management, or

- (b) the applicant fails to provide information requested by the council, including information relating to persons residing or to reside with the applicant and which the council considers relevant in connection with an allocation.

6.2 Notwithstanding anything contained in Part 3 of the 2009 Act, the council may refuse to sell a dwelling to an eligible household (under Part 3 of the 2009 Act) where the Council considers that the eligible household or any member of the eligible household, as the case may be, is or has been engaged in anti-social behaviour within the meaning of section 1(1) of the Housing (Miscellaneous Provisions) Act, 1997 (as amended) or that a sale to that eligible household would not be in the interest of good estate management.

The Council will refuse to accept an application for social housing support from persons who voluntarily surrendered, within the previous two years, a Local Authority, Approved Housing Body or Rental Accommodation Scheme tenancy in accordance with Section 20 (8) of the Housing (Miscellaneous Provision) Act, 2009.

6.3 The council will not allocate a dwelling to a qualified household where a household member

- (a) damaged a dwelling previously provided by any housing authority or approved housing body and neither repaired the dwelling nor paid for the cost of repairing the dwelling,
- (b) was previously a tenant of a dwelling provided by a housing authority, approved housing body or a dwelling provided under RAS, HAP or Local Authority Leasing schemes and incurred arrears of rent for an accumulated period of 12 weeks or more in any period of 3 years as such tenant, which arrears have not been paid and the household member concerned has not entered into an arrangement with the housing authority for the payment of such moneys

unless and until the cost of repairing the dwelling has been paid to the housing authority concerned or the household member has entered into an arrangement with the housing authority concerned for the payment of such moneys, as the case may be.

6.4 The council will not allocate a dwelling to a household where a household member has breached the terms of the tenancy agreement in consequence of which a housing authority or an approved body has obtained an order for possession of the dwelling.

6.5 The council will not allocate a dwelling to a household that:

- refuses to furnish any information requested by the council which is reasonably required either for the purpose of assessing the housing application or for estate management purposes.
- refuses to authorise the furnishing of personal data or information pertaining to the household by other agencies where such data or information is reasonably required by the council for estate

management purposes.

- provides false or misleading information either on the application form or at subsequent interviews.

6.6 The council will take appropriate steps in accordance with law to prevent the illegal occupation of council dwellings. In the event of illegal occupation, the council will take all necessary measures to recover possession of the dwelling. The council will not allocate a dwelling to a household that is illegally occupying a dwelling provided by the council or any part thereof, whether continuously or otherwise

6.7 Where the council receives an application for the allocation of a dwelling from a household that is illegally occupying a council dwelling, the date of that application will be adjusted by the period of illegal occupation and the application will not be considered until the illegal occupation has ceased.

6.8 The allocation of accommodation to a household who illegally occupied a council dwelling will be deferred until such time as that household delivers up vacant possession of the dwelling to the council in the same condition as prior to the commencement of the illegal occupation or has paid to the council any damage caused to the dwelling during the period of their illegal occupation.

6.9 All deferred applications will be reviewed by the council when a relevant change in circumstances is notified by the household applicant to the council and in any event no later than twelve months after the decision to defer has been made.

7. Refusal by Applicants of Offers of Social Housing

7.1 Where a qualified household refuses two reasonable offers of the allocation of different dwellings in any continuous period of one year commencing on the date of the first refusal, that 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. 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.

7.2 An offer of a dwelling allocation made by the council will be deemed reasonable where, in the opinion of the council, the dwelling offered meets the accommodation needs and requirements of the household and the dwelling is situated in an area of choice specified by the household. The only exception to this is where the council offers to allocate a dwelling to a household which has been displaced due to fire, flood or other emergency, development, redevelopment or regeneration of a housing area, or on exceptional medical or compassionate grounds. In such circumstances, the council does not have to offer the household accommodation in any of their areas of choice for it to be considered a reasonable offer.

- 7.3** If a household fails to respond to an offer within 7 working days, after reasonable steps have been taken to check that the offer has been received by the household, the latter will be deemed to have refused the offer.
- 7.4** Refusal of offers of accommodation under RAS, HAP, Long-Term Leasing and or approved housing bodies will be treated by the council as a refusal of accommodation.
- 7.5** Where a qualified household, deemed to be homeless within the meaning of Section 2 of the Housing Act 1988, refuses a reasonable offer of a dwelling, including an offer of a dwelling with the benefit of the Housing Assistance Payment, that meets the accommodation needs of the household, the household may not be entitled to be included on the record of qualified households on the basis of being homeless within the meaning of Section 2 of the Housing Act 1988. In such circumstances, the offer does not have to be in any of their areas of choice for it to be considered a reasonable offer. A refusal by a qualified household of any offer of a dwelling not within their areas of choice shall not constitute a refusal under paragraph 7.1 above.
- 7.6** The final decision in relation to any allocation of a dwelling will be made by the Director of Service, Housing in pursuance of the authority delegated to him by Order of the Chief Executive or by any other person so delegated. In making this decision, the Director of Service, Housing, or any other person so delegated shall have regard to all information furnished by the household in support of their application together with all other information relevant thereto known to the Director of Service, Housing, or any other person so delegated including the household's waiting time on Galway County Council's social housing support record of qualified households or transfer waiting list, stated preference area(s), family size and type of dwelling required and available for allocation.

8. Choice Based Letting (CBL)

- 8.1 Dwellings:** The council will operate a Choice Based Letting Scheme (CBL) to enable households qualified for the full range of Social Housing Supports on Galway County Councils record of qualified households to exercise greater choice and involvement in selecting a new home. Approved Housing Body dwellings, Leased dwellings and dwellings owned by the council and provided under the Housing Acts 1966 to 2014 or Part V of the Planning and Development Act 2000 may be allocated through CBL. However, not all such dwellings which become available for letting will be offered through CBL. In particular, sheltered housing units, elderly person dwellings and specially adapted wheelchair accessible dwellings will not be allocated through CBL. Dwellings which are expected to be allocated under CBL will be designated from time to time by way of Chief Executive's Order.
- 8.2 Procedure:** The procedure for CBL will be in accordance with Regulations 6 to 11 of the Social Housing Assessment Regulations 2011. For the purposes of CBL a "qualified household" is household that has been assessed by the council under section 20 of the Housing (Miscellaneous Provisions) Act 2009 as qualified for social housing support. A household to whom a dwelling has been provided by an Approved Housing Body is not a qualified household.

Where dwellings are designated for CBL, dwellings are advertised

- via the Council's website www.galway.ie
- on display at the public counter of the Housing Department of Galway County Council at County Hall

The advertisement will show details such as:

- i. the location of the dwelling
- ii. details of the dwelling in terms of property type, number of bedrooms, size, garden, parking etc.
- iii. any restriction on households to whom the dwelling may be offered (e.g. size of household)

8.3 Eligibility: Qualified households will be eligible if the bid dwelling is suitable for their household size and the council has received the household's bid before the deadline for receipt of bids has passed. The council will only consider bids from eligible qualified households as per 3.8 above.

8.4 Ineligibility: Qualified households will not be considered for the allocation of bid dwellings in respect of which they have not made a bid. Bids made by households larger or smaller than the size the bid dwelling is designed for will not be successful. The council will also refuse bids from qualified households if the bid dwelling does not meet the household's accommodation needs as assessed by the council.

Bidding Process: Interested and eligible qualified households can express their interest in or bid on or before the closing date online at www.galway.ie

8.5 Decision Process: All bids received on or before the closing date will be assessed by the council. After the close of the advertising and bidding cycle a shortlist of eligible households will be drawn up. The shortlist will identify the order of households by placing all eligible bids into priority order. Where more than one bid is received for the same dwelling, bids are ranked, and an allocation offer is made to the household with the greater priority in accordance with the Allocation Scheme. The council will verify that each household shortlisted is eligible and that the dwelling is suitable for that household's accommodation need.

In circumstances where a shortlisted household is found at this stage to be ineligible for an offer, the council will disregard that particular household and move onto the next household in priority on the shortlist.

The top shortlisted household will be required to undergo another social housing assessment. The council will also consider whether or not the letting of the bid dwelling to that household would be in the interests of good estate management prior to that household being offered a bid dwelling. If offered the bid dwelling, the successful household will be notified by letter.

The household at the top of the shortlist to whom the bid dwelling has been offered will be given 7 working days to decide whether or not to accept or refuse the offer of allocation. If there is no response to the offer within the said 7 working days, this failure to respond will automatically be deemed a refusal. If the household at the top of the shortlist decides not to accept the offer of allocation or fails to respond to the offer within 7 working days, the

bid dwelling will immediately be offered to the next household having priority on the shortlist.

8.7 Refusal of a CBL: Where a household refuses a reasonable offer of the allocation of a bid dwelling, or is deemed to have refused such offer, 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 CBL to the council for the allocation of a bid dwelling. A refusal by a qualified household of an offer of the allocation of a bid dwelling made under a CBL scheme shall not constitute a refusal under paragraph 7.1 above.

8.8 The council may, at its discretion, and at any stage prior to allocating a bid dwelling, decide to terminate the designation of that dwelling as a bid dwelling and not to proceed, or not to continue, with choice-based letting in respect of that dwelling.

9 Priorities for Transfers for Local Authority Tenants

The council has a record of households that have applied to transfer to another dwelling. The record consists of a transfer list of existing tenants, including tenants of leased dwellings, tenants of dwellings provided under the Rental Accommodation Scheme (RAS), and qualified households who have availed of the Housing Assistance Payment, (HAP) wishing to move to another dwelling.

- 9.2** All existing council tenants, tenants of leased dwellings, including dwellings provided under RAS, and qualified households availing of the HAP scheme who are resident within the council's functional area may apply to be placed on the council's record of households that have applied to transfer to another dwelling.
- 9.3** The council will give reasonable preference to certain groups of transfer applicants and the order of priority to be given to these groups are as follows:
- (i) households whose current accommodation is materially unsuitable for their adequate housing needs;
 - (ii) households who need to move because their current accommodation does not meet accommodation requirements arising from the enduring physical, sensory, mental health or intellectual impairment of a household member;
 - (iii) households who need to move for exceptional medical or compassionate reasons;
 - (iv) households whose current accommodation is overcrowded within the meaning of section 63 of the Act of 1966;
 - (v) households who are under-utilising current accommodation;
 - (vi) households whose current accommodation is unsuitable for the household's adequate housing needs in any other material respect;
 - (vii) households seeking to enter into an incremental purchase arrangement with the consent of the council.
- 9.4** Priority may be afforded to both RAS and leased tenants for transfer at the end of contracts.
- 9.5** Allocations to households on the transfer list will be made taking into account all relevant information furnished by the household in support of its transfer application together with all other relevant information known to the Director of Service, Housing, or the duly delegated housing officer, the date of entry of the household onto the transfer list and the household's stated preference area(s), family size and type of dwelling required.
- 9.6** Qualified households who are HAP recipients who apply to be placed on the council's record of households that have applied to transfer to another dwelling shall retain the specific priority that the household would have had if they had remained on the council's record of qualified households, that is to say, their priority for transfer will be determined by reference to the date upon which they were entered on the council's record of qualified households.
- 9.7** Subject to 9.4 and 9.6 above, priority will be determined to households in these categories by the length of time that the household has been entered on the council's record of households that have applied to transfer to another dwelling to which section 22 of the Act of 2009 applies and have obtained the council's consent to such transfer.

9.8 Prior to the allocation of a dwelling on foot of a request for a transfer, the council reserves the right to have the following requirements met by the household in respect of their existing tenancy:

- (a) The household, excluding households referenced under 9.4 and 9.6 above, must have resided in the dwelling the subject of its existing tenancy agreement for a minimum period of two years prior to the date of allocation;
- (b) The household must have a clear rent account for a period of six months prior to the date of allocation;
- (c) The household must have a clear refuse and service charge account (if any) on the date of allocation;
- (d) The household's existing dwelling must be maintained in a manner satisfactory to the council;
- (e) The household must be compliant with all the conditions of its existing tenancy agreement;
- (f) The household must agree to sign a Form of Surrender for the Tenancy Agreement for the previous council property.

10 Succession to Tenancies

10.1 When a council tenant who is a sole tenant dies or is unable to remain in a dwelling for reasons beyond their control (for example, long term hospitalisation or imprisonment) it may be possible for a member of the tenant's household to succeed to the tenancy. A formal written succession application must be made to the council within 2 months of the death or departure of the tenant and be accompanied by supporting evidence and information to prove their entitlement to succeed. The council may at its own discretion decide to grant an extension of time in special circumstances.

10.2 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.

10.3 On receipt of a succession application, the council will assess the application to determine whether or not the applicant has a right to succeed to the tenancy.

10.4. In order to succeed to the tenancy of a deceased tenant, an applicant must be able to demonstrate to the satisfaction of the council:

- (a) that they have been resident in the dwelling for a continuous period of at least one year prior to the death or departure of the tenant or throughout the time of the tenancy if the tenancy has been in existence for less than one year.
- (b) that they meet the eligibility criteria to qualify for social housing support in accordance with Section 20 of the Housing

(Miscellaneous Provisions) Act, 2009 and the Social Housing Assessment Regulations 2011 as amended.

- (c) that they were an approved occupant of the tenant's household and included on the Rent Declaration Form in respect of the dwelling for at least one year prior to the death or departure of the tenant.
- (d) that they have not engaged in anti-social behaviour in accordance with the terms of Galway County Councils Anti- Social Behaviour Policy.
- (e) that they have not caused any breaches to the tenancy agreement while residing in the dwelling that necessitated the issue of a warning letter to the tenant under sections 7, 8 or 9 of the Housing (Miscellaneous Provisions) Act 2014.

10.5 Applications will not be accepted if a person applying for succession has been an unsatisfactory former tenant of the Local Authority or of an approved housing body. An unsatisfactory former tenant includes one who has damaged a property, has rental and/or non-rent debt outstanding to the council or whose tenancy was terminated due to a breach of the tenancy agreement or has been involved in illegal or violent activities in any property provided by the council or any approved housing body.

10.6 Where there is more than one member of a deceased tenant's household who meets the eligibility criteria set out in paragraph 10.4 above, a joint tenancy may be granted by the council based on all the circumstances of the household and the agreement of the qualifying members of the household to enter into a joint tenancy. If the qualifying members of the household cannot agree amongst themselves to a joint tenancy or who among them is to become the sole tenant, the council will grant the tenancy to the eldest qualifying member of the household.

10.7 Where a household member is eligible to succeed to a tenancy on the death of the previous tenant and the dwelling is in the opinion of the council larger than is reasonably required for his or her adequate accommodation needs or the dwelling has been designed and adapted for someone with a physical disability who no longer resides in the dwelling, the council may not allocate that dwelling but will allocate an alternative dwelling suitable, subject to availability, for his or her adequate housing that is located as near as practicable to the dwelling or in the household member's area of choice. Despite the fact that the surviving family members may have lived in a particular dwelling for many years, the council will seek and will be entitled to recover vacant possession of any under-occupied dwelling in order to ensure the best use of their housing stock. The household member will be given priority for an allocation of an appropriately sized dwelling and given reasonable time to move to the alternative dwelling.

10.8 It may be appropriate in exceptional circumstances to grant a new tenancy to a person who does not have a legal right to succeed following the death of a sole tenant. Where a sole tenant dies and another person (who does not meet the eligibility criteria to succeed to the tenancy) has been living with the lawful tenant for the continuous year prior to the tenant's death for the purpose of

providing care for the tenant, or is the legal guardian or custodian of the deceased tenant's minor dependents and needs to live with them in order to fulfil that role, the council may in its absolute discretion consider granting a tenancy to such person, either in the same dwelling or in a suitable alternative dwelling, provided the allocation has no adverse implications for the good use of the housing stock.

- 10.9** Under certain circumstances where succession is being considered, the council, as part of the succession application, may require the applicant to move to another dwelling if it considers the existing dwelling to be too large, or has been designed and adapted for someone with a physical disability who no longer resides in the dwelling. This may apply despite the fact that an applicant may have lived in the dwelling for many years. This is necessary to ensure the best use of housing stock and is particularly important in areas of high housing demand.
- 10.10** No succession to tenancy will be considered where the dwelling is designated as an Older Persons Dwelling (OPD) and where the person making the succession application is not themselves a qualifying elderly person.
- 10.11** Each succession application will be examined on its own merits and applications will be considered where the above conditions have been complied with.

11. Succession in Other Circumstances

- 11.1** 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 1 year, the Director of Service, Housing, after due consideration of all the known and relevant circumstances (including the non-payment of rent by that joint tenant), will approve the allocation of the dwelling to the remaining resident joint tenant as sole tenant provided (a) the dwelling is not under-occupied and (b) the joint tenant who has remained residing in the dwelling serves on the council a Notice to Quit to bring the joint tenancy to an end or both joint tenants sign a Form of Surrender of Joint Tenancy.
- 11.2** In cases where there is an existing tenancy of a dwelling provided by the council to tenants who are married but who have executed a Deed of Separation or obtained a Decree of Judicial Separation, 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 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.
- 11.3** 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, Housing, after due consideration of all the known and relevant circumstances, will 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 3 years and has been assessed for rent purposes and is not the owner of any property or
- (c) 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 property, and
 - (d) the remaining spouse, co-habitant or civil partner meets the eligibility criteria to qualify for social housing support in accordance with Section 20 of the Act and the Regulations.

12. Permission to reside as an occupant in Council dwellings

12.1 The prior written consent of the council is required where a tenant wishes to have an immediate family member included as an approved occupant. This applies to adult children

12.2 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 applicant's reasons for the application;
- (b) The applicant's medical, welfare or compassionate needs;
- (c) The applicant'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.

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 succeed to the tenancy, permission to reside will not be granted.

12.3 The granting of permission to a tenant to have the proposed additional resident reside with the tenant does not confer an automatic right on the proposed additional resident to succeed to the tenancy in the dwelling and confers no entitlement whatsoever on 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 that Conditions 10 and/or 11 are applicable.

12.4 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.

- 12.5 The council may grant permission to reside as an occupant in a Council dwelling for a specified period of time.

13 Joint Tenancy Application

- 13.1** 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 accordance with Section 20 of the 2009 Act and the Social Housing Assessment Regulations made thereunder.
- (d) 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 3 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.

- 13.2** 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 repeated within 12 months of the tenancy warning coming into effect.
- (c) The proposed joint tenant owes to the council or any other housing authority or approved housing body rent or other monies.
- (d) The tenant's dwelling would become overcrowded.
- (e) The tenant's dwelling is unsuitable for the accommodation needs of the proposed joint tenant.
- (f) Another persons' rights may be affected.
- (g) The proposed joint tenant is not eligible for the provision of social housing support.
- (h) False or misleading information is knowingly provided by the tenant or the proposed joint tenant to the council.

- 13.3** The council will, for the purposes of their functions under the Housing Acts 1966 – 2014, request information pursuant to section 15 of the Housing (Miscellaneous Provisions) Act 1997 in relation to the proposed joint tenant from another housing authority or approved housing body or a member of An Garda Síochána if the council considers that the proposed joint tenant is engaging in or, may have been engaged, in anti-social behaviour.

14 Estate Management

In the interests of good estate management, an applicant household who is being considered for an allocation of a dwelling provided by the council will be required as a pre-condition of the grant of the tenancy to attend and participate in a pre-tenancy course.

15. Downsizing Scheme for the Elderly

15.1 Senior Citizens aged 60 years of over who are owners of private dwellings and who find that their existing dwelling is too large for their housing needs may apply to the council for senior citizen tenancy accommodation under the Downsizing Scheme subject to the payment of a financial contribution, which is set at a percentage of the net proceeds of the sale of their private dwelling. The council will from time to time, as it sees fit, set aside a particular number or proportion of dwellings becoming available for allocation to persons aged 60 years or over whose application under the Downsizing Scheme is approved. The proportion of tenancies to be allocated under the Downsizing Scheme for the elderly will be determined from time to time by the Director of Service, Housing.

15.2 The council will give priority in the allocation of such dwellings to persons aged 60 years or over who are approved for eligibility under the Downsizing Scheme.

15.3 The eligibility requirements and the proportion of tenancies to be allocated under the downsizing scheme for the elderly will be such as may be determined from time to time by the Director of Services, Corporate Services & Housing.

15.4 The order of priority of an allocation under the downsizing scheme is as follows:

- (a) Persons living in unfit accommodation.
- (b) Persons in need of housing on medical, compassionate grounds.
- (c) Persons who in the option of the council are not able to financially meet the cost of maintenance and upkeep of the accommodation they are occupying or are financially unable to obtain suitable alternative accommodation.

15.5 Subject to the eligibility requirements being satisfied and subject to the council's approval of the acquisition of the applicant's existing dwelling, the council will consider applications for allocation under the Downsizing Scheme. The final decision in relation to an allocation will be made by the Director of Service, Housing, having regard to all information furnished by the applicant in support of his application together with all other relevant information known to the Director of Service, Housing.

15.6 The council reserves the right to grant or not to grant an allocation of a dwelling under the Downsizing Scheme. The decision to grant an allocation of a dwelling under the Downsizing Scheme shall be subject to the sale by the approved applicant to the council of his or her existing dwelling, the execution of a Tenancy Agreement, and to the payment of a financial contribution to the

council on the following basis:

<u>Age</u>	<u>Financial Contribution</u>
60-69 years	1/3 of net proceeds of sale of dwelling
70-79 years	1/4 of net proceeds of sale of dwelling
80 years and over	1/5 of net proceeds of sale of dwelling

(Net Proceeds shall exclude the discharge of any mortgage on the property and legal and administrative fees incurred in relation to the sale of the existing dwelling).

16. Appeals Process

Applicants have the right to appeal decisions made in accordance with this scheme must do so in writing to the Housing Department, Áras an Chontae, Prospect Hill, Galway within 14 days of the notification of the decision. A decision in relation to the appeal must be notified to the applicant within one month from the date of receipt of the appeal.

Interpretation

In this Scheme, unless the context otherwise requires: -

A reference to any enactment (whether specifically named or not) or to any section or sub-section therein shall include any statutory modifications thereof whether by way of amendment, addition, deletion or repeal and re-enactment with or without amendment for the time being in force and all statutory instruments, orders, notices, regulations and directions for the time being made, issued or given thereunder or deriving validity therefrom.

Any reference to a paragraph by number is a reference to that numbered paragraph as it appears in this Scheme.

Where the context so admits or requires the masculine includes the feminine and neuter genders and singular includes the plural.

The headings to the paragraphs of this Scheme are for ease of reference only and are not to be used for purposes of construing this Scheme.

'anti-social behaviour' shall have the same meaning as provided in Section 1(1) of the Housing (Miscellaneous Provisions) Act, 1997 (as amended). It includes either or both of the following, namely -

- (a) *the manufacture, production, preparation, importation, exportation, sale, supply, possession for the purposes of sale or supply, or distribution of a controlled drug (within the meaning of the Misuse of Drugs Acts, 1977 to 2007),*
- (b) *any behaviour which causes or is likely to cause any significant or persistent danger, injury, damage, alarm, 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 2014 and part V of the Planning and Development Act 2000, or a housing estate in which the house is situate and, without prejudice to the foregoing, includes*
 - (i) *violence, threats, intimidation, coercion, harassment or serious obstruction of any person*
 - (ii) *behaviour which causes any significant or persistent impairment of a person's use or enjoyment of his or her home, or*
 - (iii) *to or defacement by writing or other marks of any property, including a person's home.*

'bid dwelling' means a dwelling that has been designated for choice-based letting

'choice based letting' means the procedure set out in Regulations 6 to 11 of the Social Housing Assessment Regulations 2011 for determining the individual households that will be considered for the allocation of a bid dwelling

‘emergency’ is an emergency decided as such by the Director of Service, Housing, Corporate and Emergency Services or his nominated official whose decision in this regard shall be final

‘overcrowding’ is to be construed in accordance with Section 63 of the Housing Act, 1966 so that a dwelling shall be deemed to be overcrowded at any time when the number of persons ordinarily sleeping in the dwelling and the number of rooms in the dwelling either:-

- (a) are such that any two of those persons, of opposite sexes and not being persons living together as husband and wife, must sleep in the same room, or
- (b) are such that the free air space in any room used as a sleeping apartment, for any person is less than four hundred cubic feet (the height of the room, if it exceeds eight feet, being taken to be eight feet, for the purposes of calculating free air space.

For the purpose of assessing how many bedrooms are required the following table will apply:

- 1 or 2 bed dwellings may be offered to an individual or to a couple,
- 2 bed dwellings are offered to a couple or lone parent with one child, or two adults not living as a couple e.g. parent and adult child; or individual and carer,
- 3 bed dwellings are offered to a couple or lone parent with two, three, or four children on the basis that children of the opposite sex and adults of the opposite sex not living as a couple are not required to share a bedroom, or any three adults where none are living as a couple,
- 4 bed dwellings are offered to households consisting of a couple or lone parent with four, five or six children on the basis that children of the opposite sex and adults of the opposite sex not living as a couple or any four adults where no two are living as a couple,
- 5+ bed dwellings are offered to households consisting of a couple or lone parent with six or more children.
- Separated families. In relation to separated families where one parent already occupies a Local Authority dwelling, where 2nd parent has access to their children, the 2nd parent qualifies for that family bed category less 1 bedroom. eg Parent with access to children who require a 3 bed unit. If they have full access, they qualify for a 3Bed unit, If shared/weekend access, they qualify for a 2 bed unit.
- Sharing of bedrooms. Sharing of bedrooms between same sex adult children and their younger siblings should be avoided where possible. This is where there is a large age gap. e.g. under 10 & over 18

‘RAS tenant’ means the tenant of a dwelling which is the subject of a rental accommodation scheme

‘Scheme’ means this Allocation Scheme.

‘the 2009 Act’ means the Housing (Miscellaneous Provisions) Act 2009 (No. 22 of 2009)

'social housing support' has the meaning assigned to it by section 19 of the 2009 Act **'unfit'** has the meaning assigned to it by section 66 of the Housing Act 1966

ADOPTED BY GALWAY COUNTY COUNCIL ON THE 29th June, 2020