



**CORK COUNTY COUNCIL**

***ALLOCATION SCHEME***

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

**This Scheme was adopted by Members of Cork County Council at Council Meeting held  
13<sup>th</sup> June 2011 as amended on 21<sup>st</sup> September, 2016 as amended on 11<sup>th</sup> December, 2017**

**(A) Purpose of the Scheme**

This Allocation Scheme is to provide a means of determining the order of priority to be accorded in the allocation of dwellings to:

- persons assessed as being qualified for social housing support in accordance with Section 20 of the Housing (Miscellaneous Provisions) Act, 2009 (and associated regulations);
- persons transferring from a dwelling, including from a dwelling provided under the Social Housing Leasing Initiative or the Rental Accommodation Scheme (RAS) **and**, including transfers to new dwellings being purchased under the Incremental Purchase Scheme.

***This allocation scheme applies to –***

(a) Dwellings provided under the Housing Acts 1966 to 2014 or Part V of the Planning and Development Act 2000 (as amended) –

(i) of which the housing authority (Cork County Council) is the owner, **or**

(ii) of which the housing authority is not the owner and which are provided under a contract or lease between the housing authority and the owner concerned, including rental accommodation availability agreements,

**and**

(b) dwellings owned and provided by Approved Housing Bodies (AHBs) to whom assistance is given under section 6 of the Housing Act 1992 for the purposes of such provision.

**(B) Order of Priority :**

In the making of any letting, the following priorities shall apply in the order as set out hereunder:

1. Applicants living in dwellings deemed to be dangerous as defined in Section 3 of the Sanitary Services Act, 1964 **or** being displaced by operation of the Local Authority.
2. Applicants deemed to be homeless under Section 2 of the Housing Act, 1988
3. Applicants living in unfit **and** overcrowded conditions as defined in Sections 66 and 63 respectively of the Housing Act, 1966
4. Applicants living in unfit conditions as defined in Section 66 of the Housing Act, 1966.
5. Applicants living in overcrowded conditions as defined in Section of 63 of the Housing Act, 1966.
6. Applicants in need of housing on disability, medical, compassionate or other similar grounds
7. Applicants not included in any other category above, who have been assessed and approved for Social Housing Support.

Whilst allocations will be made in accordance with the above order of priority, where a number of applicants fall within the same category, Cork County Council shall have regard to

- the current accommodation of the household; **and/or**
- the period of time on the waiting list of the household

All Allocations shall be subject to Section (F) (ii) and F (iii) hereunder and all shall also be subject to principles of good estate management.

All nominations to dwellings owned and provided by Approved Housing Bodies shall also follow the above order of priority.

In the allocation of RAS properties, the Housing Authority will have regard to the length of time a household has been in receipt of rent supplement; the length of time a household has been on the waiting list for social housing support, the condition of a household's existing accommodation and the availability of suitable alternative accommodation, or a combination of all of these; and will be subject to Section (F)(ii) hereunder.

### **(C) Exceptions**

Notwithstanding anything in Section B above, the housing authority may disregard the order of priority given to a household under an allocation scheme where the household is being provided with social housing support in the following circumstances: -

- persons in need of accommodation arising from specified exceptional circumstances, including displacement by fire, flood or any other emergency, development, redevelopment or regeneration of an area by the housing authority, or exceptional medical or compassionate grounds;
- in a dwelling let to the household under a Chapter 4 tenancy agreement having been assessed under Section 20 (3), i.e. RAS accommodation.

### **(D) Medical Report**

Where priority is claimed on Disability / Medical Grounds, the applicant shall submit a Medical report specifying the nature of the medical condition or disability, outlining if the condition is degenerative and how their overall medical condition impacts on their housing requirements. The Council may also have regard to the Report from the Council's relevant authorised Officer appointed to carry out housing investigations for the allocation of Local Authority dwellings.

In addition, the Council, in considering the awarding of a priority claimed on Medical Grounds, may seek a recommendation from a medical practitioner appointed by the Council or reserves the right to request a report from the applicant's Consultant.

Where a priority is awarded, this priority may cover a particular type of accommodation and/or accommodation in a particular area.

### **(E) General Provisions**

The following special conditions shall apply in respect of the Allocation Scheme for the Letting of Dwellings:

1. In applying the terms of this scheme, the Council may disregard the applicant's present accommodation if there is reason to believe that the applicant has deliberately or without cause remained in or taken occupation of unsuitable accommodation primarily with the purpose of improving the prospects of obtaining accommodation from the Council.

2 The Council may, from time to time, as they see fit, designate a particular number or proportion of dwellings becoming available to the Authority for allocation. Such dwellings may be designated for purposes including:

- (a) allocation to particular classes of household, e.g. older persons, persons with disabilities etc., thus affording priority in the allocation of those dwellings to approved households in the relevant category of need;
- (b) allocation to households transferring from other forms of social housing support (e.g. RAS Units, Voluntary Housing Units);
- (c) for particular forms of tenure, including an **Incremental Purchase Dwelling**;
- (d) for allocation under **Choice Based Lettings** (CBL);
- (e) allocation of **Unsold Affordable Dwellings**.

The procedure applied by the housing authority for an *Incremental Purchase Scheme* will be as set out in Part 3 of the 2009 Act and the Housing (Incremental Purchase) Regulations 2010 (S.I. No. 252 of 2010). Properties are designated by Manager’s Order for use for Incremental Purchase Schemes.

‘The Council will operate a Choice Based Letting System (CBL) to enable qualified households to exercise greater choice and involvement in selecting a new home. However, not all dwellings becoming available for letting will be offered through CBL. In particular, dwellings designated for example for the accommodation of elderly or older persons, for physically disabled persons or other dwellings as may be required due to exceptional or necessary circumstances will not be allocated through CBL.

Only dwellings owned and provided by the Council under the Housing Acts, 1966-2014 or Part V of the Planning & Development Act, 2000 and dwellings owned and provided by approved bodies to the Council for the accommodation of qualified households will be allocated under CBL. The number of dwellings to be allocated under CBL will be designated from time to time by order of the Chief Executive.”

The procedure applied by the housing authority for *Choice Based Lettings* will be as set out in Sections 6 – 11 of the Social Housing Allocation Regulations 2011. In accordance with Regulation 12 (4), a refusal of an offer made under CBL shall not constitute a refusal as per Section (F)(i) below. In accordance with Regulation 10(1), where an applicant refuses a reasonable offer of a CBL, the household cannot bid for another CBL dwelling for 1 year.’

In relation to the letting of *Unsold Affordable Dwellings*, the Council may have regard to the current financial circumstances of the household in prioritizing allocations.

**(F) Refusals**

**(F)(i) Refusal of offers of dwelling allocations**

- (a) Where a qualified household refuses 2 reasonable offers, made outside of the CBL system, of the allocation of different dwellings made by one or more than one housing authority, or Approved Housing Body, in the relevant application area in any continuous period of one year commencing on the date of the first refusal, the said household shall not, for the period of one year commencing on the date of the second refusal, be considered by 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.

b) An offer of a dwelling allocation by the housing authority shall be deemed to be reasonable where, in the opinion of the Council, the accommodation offered, 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 exception to this is where the Council makes an offer 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, the Council does not have to offer the household accommodation in their area of choice for it to be considered a reasonable offer.

c) Refusal of offers of accommodation offered under RAS or through any other Leasing arrangement will be treated as a refusal of accommodation.

d) The processing of Refusals and appeals of same will be carried out in accordance with the Council's policy in relation to Refusals of Offers of Tenancy as per Appendix 1.

#### **(F)(ii) Refusal of Housing Authority to allocate**

Notwithstanding anything contained in the Housing Acts 1966 to 2009 or in an Allocation Scheme made under section 22 of the 2009 Act, the housing 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 dwelling to a person where -

- (a) the authority considers that the person is/has been engaged in anti-social behaviour or that an allocation to that person would not be in the interest of good estate management, **or**
- (b) the person fails to provide information, including information relating to persons residing or to reside with that person, which is requested by the housing authority and which the authority considers necessary in connection with an application for an allocation, **and**
- (c) subject to any further provisions contained within Cork County Council's Adopted Anti-Social Behaviour Strategy

#### **(F) (iii)**

The Council may on our 3<sup>th</sup> time offering a dwelling (having already received 2 consecutive refusals on the same property) look beyond time on the list to a local connection etc. – in a bid to shorten turnaround times.

#### **(G) Transfers Of Tenants**

Tenants of the Council, including tenants of dwellings provided under the Social Housing Leasing Initiative, RAS, or by AHB's may apply for consideration for a transfer to other dwellings, under the following circumstances -

- (a) overcrowding;

- (b) where older persons and other households wish to move to smaller accommodation (downsizing);
- (c) medical/compassionate reasons;
- (d) on grounds of anti-social behaviour where the Council's Estate Management Unit **and** An Garda Siochana support the transfer application;
- (e) other exceptional circumstances.
- (f) To facilitate incremental purchase, where the Council has consented to such a purchase.

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

- hold tenancy in their present dwelling, generally for a period of at least two years, unless it is a temporary tenancy;
- clear rent account – any transfer will take account of rent arrears but allowances may be made where an agreement is in place, and being adhered to by the tenant to address any such arrears over an agreed period of time;
- have kept their dwelling in satisfactory condition, subject to inspection;
- have complied with the conditions of their Tenancy Agreement and
- have no record of anti-social behaviour.

In the case of emergency or exceptional medical/compassionate grounds, the Council may forgo any or all of the above conditions in granting a transfer of tenancy.

Priority may be given to a household in receipt of social housing support where the property occupied is no longer available to them through no fault/act of their own, either because the house is not owned by the Council or because the house is no longer available for occupation as a social housing support.i.e. rental accommodation availability arrangements, long term leasing initiatives etc.

Mutual transfer applicants, including transfers between tenants of different housing authorities, voluntary housing developments, leased units etc. shall be considered on their merits.

Applicants who were transferred to RAS prior to the introduction of the Social Housing Assessment Regulations 2011, on the 01 April 2011, will be considered for Social Housing as “*transfer applicants*”. Such transfer applicants will be given credit for their time on the housing waiting list from the date of their approved housing application. Allocations shall be made to such tenants in accordance with the Order of Priorities as per Section B above.

The Refusal Policy, as per Appendix 1, will also apply to applicants for a Transfer.

## **(H) Succession Tenancies**

In the event of death in the case of joint tenancy, succession tenancy may be allowed to the surviving tenant or tenants.

Where both tenants have died or left, the house may be granted to the next member of the family, provided that:-

- (a) the person has continued to reside in the house as their normal place of residence and has been assessed for rent purposes, **or**
- (b) the person, having left the house for a period, has been living in the house for a period of at least two years (or such other period as the Council may allow) immediately prior to the death or departure of the tenant(s), has been assessed for rent purposes and is deemed to have a housing need.
- (c) the person has not engaged in Anti Social Behaviour or has not breached the letting agreement while residing in the house that could have necessitated the issuing of a Statutory Tenancy Warning Letter under sections 7, 9, 13 or 17 of the Housing (Miscellaneous Provisions) Act 2014.

Where there are two or more surviving members of the family who meet the criteria above, a joint tenancy may be granted by the Council. Where one or more of the surviving members of the family are under 18 years of age at the time of death or departure of the tenant, they may be appointed as joint tenant, if they meet the criteria above, upon reaching 18 years of age.

Under some circumstances where succession is being considered, the housing authority may require the family member to move to another property if it considers the property to be too large or the property has been designed or adapted for the use of someone with a disability who no longer resides in the property. No succession to the tenancy will be considered where the property has been designated as an Older Persons Dwelling (and where the person applying for succession is not an elderly person).

## **(I) Other Matters**

Cork County Council may from time to time review this allocation scheme, and revise it by way of amendments to the scheme or make a new scheme, subject to the approval of the Council. Before making or amending an allocation scheme, the housing authority shall provide a draft of the scheme or amendment to the scheme, as the case may be, to the Minister, who may direct the Council to amend the draft scheme or draft amendment, and the 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 the Council during office hours and will also be available on the Council's website at [www.corkcoco.ie](http://www.corkcoco.ie)

## Appendix 1



CORK COUNTY COUNCIL

### Policy in relation to Refusals of Offers of Tenancy

#### Purpose of the Policy

This Policy in relation to Refusals of offers of tenancy by approved applicants for Social Housing Supports should be read in conjunction with Section 12(1 – 4) of the Social Housing Allocation Regulations 2011 (S.I No 198 of 2011) And the Council's Allocation Scheme .It provides for how Cork County Council will deal with Refusals of an offer of tenancy and it applies to:-

(c) Dwellings provided under the Housing Acts 1966 to 2009 or Part V of the Planning and Development Act 2000 (as amended) –

(iii) of which the housing authority (Cork County Council) is the owner,  
or

(iv) of which the housing authority is not the owner and which are provided under a contract or lease between the housing authority and the owner concerned, including rental accommodation availability agreements,

and

(b) dwellings owned and provided by Approved Housing Bodies (AHBs) to whom assistance is given under section 6 of the Housing Act 1992 for the purposes of such provision.

## **Policy**

1. An offer of the tenancy of an available unit under any of the above headings will be made in writing, **by registered post** and the person to whom it is addressed will be given **7** days within which he/she must accept the offer.
2. Letter of offer will state that if the person intends to refuse the offer he/she must do so in writing.
3. Letter of offer will state that if a written reply is not received within **7** days that the Council will assume that the offer is being refused and that the grounds for the refusal are invalid.
4. The person being offered the unit will be informed that the letter refusing the offer must state the reason(s) for the refusal.
5. On receipt of the letter refusing the offer the Council will, after considering the reasons for refusal decide whether or not the refusal reason(s) are valid.
6. Where the offer was a *first* offer of a tenancy the Council will, after considering the reasons for refusal, advise the applicant whether their grounds for refusal were accepted as valid or not.
7. Where the reasons for refusal of a first offer are accepted as valid the Council will notify the applicant of the decision in writing. Accordingly the next offer of tenancy will be deemed to be a first offer of tenancy.
8. On receipt of the letter refusing a second offer the Council will, after considering the reasons for refusal advise the applicant whether their grounds for refusal were accepted as valid or not.
9. Where an applicant refuses a *second* offer of a tenancy in any continuous period of **One Year commencing on the day of the first refusal** and the Council considers that the reasons for the refusal of the second offer are not valid, the Council will write to the applicant and advise that the Council considers that:
  - It has satisfactorily dealt with his/her application for housing,
  - That two reasonable offers have been made by the Council and both have been refused for reasons deemed to be invalid,
  - That the Council will not consider the application for any further offer of a tenancy for a period of **One Year commencing on the date of the second refusal**.

10. An applicant may appeal the Council's decision to deem a refusal as invalid within 7 days of date of said notification. The Director of Services may delegate consideration of an appeal to appropriate staff member(s) in the Council. The Officer who examines the appeal will not have adjudicated on the initial refusal. **An appeal must be in writing and set out in full the grounds for the appeal.** The decision of the Officer who examined the appeal shall be final.
11. Applicants will be advised in the letter of offer that any refusal of an offer of accommodation from a Housing Authority, Approved Housing Body, a refusal of RAS accommodation or leased accommodation may affect their entitlement to Rent Supplement.
12. Applicants will be advised in correspondence that Cork County Council will inform the Health Service Executive, Community Welfare Service or any other relevant Department with responsibility for payment of Rent Supplement of all refusals. Payment or non-payment of Rent Supplement is a matter for the Health Service Executive or any other relevant Department with responsibility for payment of Rent Supplement.
13. Where an applicant has specified areas of preference in more than one Housing Authority area, the Housing Authority to whom the refusal is made will notify all other relevant Housing Authorities. In such cases, refusal of an offer of accommodation from any Housing Authority shall be considered as a refusal by all Housing Authorities.
14. It should be noted that every effort will be made by the Housing Authority to match the needs of the applicant when offering accommodation to transfer applicants. Where a transfer applicant refuses a third offer of a tenancy of accommodation from a Housing Authority, Approved Housing Body, RAS accommodation or leased accommodation and the Council considers that the reasons for the refusal of the third offer are not valid, the Council will write to the applicant and advise that the Council considers that:
  - It has satisfactorily dealt with his/her transfer application,
  - That three reasonable offers have been made by the Council and all have been refused for reasons deemed to be invalid,
  - That the Council will close the transfer application and no further offer of a tenancy will be made.

15. A transfer applicant may appeal the Council's decision to deem a refusal as invalid within 7 days of date of said notification. The Director of Services may delegate consideration of an appeal to appropriate staff member(s) in the Council. The Officer who examines the appeal will not have adjudicated on the initial refusal. **An appeal must be in writing and set out in full, the grounds for the appeal.** The decision of the Officer who examined the appeal shall be final.
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*11<sup>th</sup> December, 2017*