



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 13th June 2011 as amended on 21st September 2016, as amended on 11th December 2017 and as amended on 13th March 2023.

(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:

- Households assessed under Section 20 of the Housing (Miscellaneous Provisions) Act, 2009 (and associated regulations) as being qualified for social housing support and
- Households, in receipt of social housing support (including social housing support under the Social Leasing Initiative or the Rental Accommodations Scheme (RAS)), that have applied to the Council to transfer to another dwelling or to purchase a dwelling under the Incremental Purchase Scheme and the Council consents to the transfer, or purchase, as the case may be.

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, exceptional medical or compassionate grounds, or other exceptional circumstances as determined by the Housing Authority.
- 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 grounds consisting of or including Disability / Exceptional Medical Grounds, the Council require a completed HMD-Form 1 completed by both the applicant and two healthcare professionals who work with the person with a disability or medical conditions to support that claim and shall have regard to that report in allocating dwellings.

The two appropriate medical practitioners will generally include the Applicant's Consultant, General Practitioner, Mental Health Nurse, Public Health Nurse, Occupational Therapist and Social Worker. An Occupational Therapist report must be provided where there is a need for a specific accommodation requirement.

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.

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 an updated HMD-Form 1 from the applicant.

When considering an allocation to an applicant with a disability the Council will pay due regard to the relevant guidelines on the Allocation Process as set out in the National Guidelines for the Assessment and Allocation Process for Social Housing Provision for People with a Disability.

(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.

Having regard to the Council's Housing Services Plan and 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,

the Council reserves a 0% proportion of dwellings in any part of County Cork for the following purposes:

- allocation to particular classes of household;
- particular form of tenure
- allocation to households transferring from other forms of social housing support

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**;
- (f) allocation of **Mortgage to Rent 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.

CBL works on the basis that available dwellings are advertised on the dedicated website, www.cbl.corkcoco.ie on a weekly basis where available and Qualified Households use that website to submit an expression of interest on a suitable council property in their preferred area. Such an expression is called a 'Bid'

Only dwellings owned or provided by the Council under the Housing Acts, 1966-2014 or Part V of the Planning & Development Act, 2000 and dwellings owned or 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.

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.

The procedure applied by the Council for Choice Based Lettings will be as set out in Regulations 6 – 11 of the Social Housing Allocation Regulations 2011. In accordance with Regulation 12 (4) of those Regulations, 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) of those Regulations, 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 prioritising 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.

(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.

The Council can, solely for the purposes of Section 15 of the Housing (Miscellaneous Provisions) Act, 1997, apply for the provision by An Garda Síochána of information on persons who are applicants for social housing support.

Further to the refusal to allocate or defer the allocation of a dwelling, the Council, at its absolute discretion, shall also have the right to suspend an application for a period of time or close an application if an applicant withholds information or provides false or misleading information where such information is material to their application.

In deciding what sanction to apply in any given case the Council will have regard to the extent to which the information was likely to affect any decisions, actually made or prospective, in relation to the application.

(F) (iii)

The Council may on the 3rd 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 Síochána support the transfer application;
- (e) other exceptional circumstances.

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. Mutual transfer applications will only be considered where the following criteria are met;

- Clear Rent Account – this condition may be waived on exceptional compassionate circumstances;
- Compliance with terms of tenancy during existing tenancy;
- Acceptance of both parties to occupy dwellings in existing condition.

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

Applicants who were transferred to RAS prior to the introduction of the Social Housing Assessment Regulations 2011, on the 01 April 2011, and Applicants who are HAP tenants and who signed the transfer form provided by the HAP unit requesting that their application for social housing support remain open, 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.

(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