

**Westmeath County Council**

**HOUSING ALLOCATION SCHEME**

**As adopted May 30<sup>th</sup> 2011**

**1.0 Introduction**

This Scheme is made in accordance with Section 22 of the Housing (Miscellaneous Provisions) Act 2009 whereby each Housing Authority is required to prepare a Housing Allocation Scheme in accordance with the terms of the Act. In this scheme Westmeath County Council is described as the Housing Authority.

This scheme shall determine the priority to be given in the allocation of a dwelling to persons assessed as being qualified for social housing support in accordance with Section 20 of the 2009 Housing Act.

This allocation scheme applies to –

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

(i) of which the housing authority 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 (AHB's) to whom assistance is given under section 6 of the Housing Act 1992 for the purposes of such provision.

In the determination of the allocation a household must be deemed eligible for inclusion on the Housing List in accordance with the Social Housing Assessment Regulations 2011 and Housing Needs Assessment Guidance. Eligibility and housing need must be re-examined and confirmed prior to allocation.

## **2.0 Allocation of Dwellings**

### **2.1 Allocations Procedure**

The priority for the allocation of a dwelling will be determined as follows:

- Households who have indicated a preference for the location where the dwelling exists. The Areas of Preference are set out in the table below:

<b>Westmeath County Council Areas of Preference</b>		
Ballinahown	Delvin	Mullingar
Ballymore	Finea	Multyfarnham
Ballynacargy	Kilbeggan	Raharney
Castlepollard	Killucan/Rathwire	Rathowen
Castletown-Geoghegan	Kinnegad	Rochfortbridge
Collinstown	Milltownpass	Tyrrellspass
Coole	Moate	
Clonmellon	Moyvore	

In indicating a preference, a household may indicate up to **three** locations where they wish to be considered for the provision of a dwelling.

- In determining the allocation the Housing Authority will endeavour to afford priority to households with an established local connection.
- Household's length of time on list.
- Having regard to the household's needs with the objective of matching the needs of the household with the type of dwelling available.

#### **2.1.1 Rental Accommodation Scheme & Leasing**

Notwithstanding anything in Clause 2.1 above, the housing authority may disregard the order of priority given to a household under this Scheme where the household is being provided with a dwelling in the following circumstances:

- in a dwelling which is provided under a contract or lease between the housing authority and the owner concerned and the applicants is an existing tenant being qualified for social housing support;
- in a dwelling let to the household under a Chapter 4 tenancy agreement having been assessed under Section 20 (3), i.e. RAS accommodation.

## **2.2 Special Category Allocations**

The Housing Authority may set aside a particular number or proportion of supports becoming available to specified categories. These categories include:

- **Homelessness:** As defined under Section 2 of the Housing Act 1988
- **Travellers:** In accordance with the Westmeath County Council's Traveller Accommodation Plan
- **Elderly:** Accommodation specifically provided for elderly being aged 65 years or more. See 2.2.1 below.
- **Special Needs:** Applicants approved on exceptional medical grounds who are in need of alternative accommodation due to an enduring physical, sensory, mental health or intellectual impairment
- **Rural Houses:** Where the site is provided by the household
- **Succession of Tenancy:** on the death of a tenant, the tenancy may be transferred to the tenant's partner/ spouse or to a member of the tenants immediate family normally resided in the dwelling and was declared for rent purposes for a continuous period of at least two years prior to the tenant's death.

### **2.2.1 Elderly Property Owners**

Elderly persons who are owners of private dwellings and wish to be considered for tenure of more suitable accommodation may be considered subject to agreement of various requirements such as:

- The Housing Authority is given the option to purchase their existing dwelling at a cost not greater than 50% of the market value.
- If the Housing Authority does not wish to acquire the dwelling, the dwelling will be sold on the open market by the applicant and a minimum of 50% of the sale proceeds will be paid to the Housing Authority.

This provision is intended to facilitate elderly dwelling owners where their dwelling is too large for their needs and more suitable type of housing could be provided by the Housing Authority or, in cases, where they wish to move to a more suitable location such as from a rural location to an adjacent town or village.

## **2.3 Emergency Lettings by Director of Services Prerogative**

Nothing in the Scheme shall operate to prevent the County Manager/ Director of Service from allocating a Tenancy in emergency circumstances.

### **3.0 Estate Management**

#### **3.1 Tenant Induction**

Households will be required to complete a pre-tenancy training course. Failure to complete pre-tenancy training may result in the offer being withdrawn.

#### **3.2 Tenancy under Licence Agreement**

The Housing Authority may in certain circumstances, when considered appropriate, allocate a dwelling under a Licence Agreement. The Licence Agreement relates to the granting of a temporary tenancy. This will normally be for a period of six months after which time a review will be undertaken. A decision will then be made regarding the extension or granting of the full tenancy.

#### **3.3 Joint Tenancy**

Tenancies of local authority dwellings will normally be in joint names of husband and wife or partners, where appropriate, but the County Manager/ Director of Services may put the tenancy in the name of either party in exceptional circumstances. In cases other than husband and wife or partner, joint tenancies may be created where it is considered appropriate.

Where a relationship subsequently breaks down, the County Manager. Director of Services may decide, after considering all circumstances, which spouse/ partner, if either, is to be granted the tenancy. Preference will generally be given to the spouse/ partner who have custody of the children, if any.

#### **3.4 Tenant Participation**

Westmeath County Council's policy in the management of its housing stock is to encourage tenant participation in estate management. This process involves the participation of tenants in their local Residents Associations and also the engagement of the Council in consultation with these Associations. The objective of this process is to harness resources to improve the social or physical environment and to enhance interaction between the Council and the community. From initial tenancy training each tenant will be encouraged to participate in good practice in Estate Management and the Council will aim to support this objective

#### **3.5 Promoting Good Estate Management and Anti Social Behaviour Policy**

Notwithstanding the provisions of this Scheme in regard to an applicant's entitlement to be considered all allocations will be made in accordance with the Westmeath County Council's Anti Social Behaviour Policy. The Housing Authority may in exceptional circumstances refuse to allocate, or defer to allocate where it considers any of the following apply:

- The person is or has been convicted of engaging in anti-social behaviour as defined under Government legislation,

- That a letting to that person would not be in the interest of good estate management,
- On the grounds of promoting social inclusion
- On the grounds of counteracting social segregation

#### **4.0 Refusal of Offer of Housing**

- Where a qualified household refuses 2 reasonable offers of the allocation of different dwellings made by one or more than one housing authority in the relevant application area in any continuous period of 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.
- 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.

In general a household will retain priority until they either have accepted a property or refused two offers of accommodation. All offers of accommodation shall be notified to the relevant Community Welfare Office of the Health Service Executive who is responsible for enforcement of the regulations in respect to payment of rent supplement.

## **5. Transfers**

Eligibility Criteria does not apply in respect to existing tenants. However the Housing Need will be examined in the processing of the request and determination of the appropriate Housing Support.

### **5.1 Transfer Requests**

Household who require a transfer due to a material change in their housing need or upon the expiry of a lease in respect to a property provided through the Rental Accommodation Scheme or the Social Housing Leasing Initiative may request a transfer.

### **5.2 Mutual Transfers**

Applications for mutual transfer between Tenants of Westmeath County Council and/or a Tenant of another Housing Authority are subject to the approval of Westmeath County Council. If there has been any financial gain by either party as a direct result of the transfer, e.g., any payment being made by one party to the transfer to the other party to the transfer in respect to any aspect of the transfer, the application will be refused. If evidence received after the transfer takes place the transfer will be reversed. Approval of a mutual transfer application will be conditional on both parties taking up residence within a period of six months of the date of approval.

## **7.0 Appeals Procedure**

An applicant has a right to appeal a decision under this Scheme in accordance with the Council's Customer Service Action Plan:

- Appeals are to be made in writing to Senior Executive Officer, Housing Section.
- The County Manager / Director of Services has the final decision in cases of dispute.

## **8.0 Other Matters**

Westmeath 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.