Scheme of Priority

Determining the order of priority to be accorded to eligible households in relation to—

(a) the sale of affordable dwellings, and
(b) the provision of financial assistance to purchase open market dwellings

June 2019
1 Introduction

This Scheme of Priority for Affordable Dwelling Purchase is made pursuant to Section 85 of the Housing (Miscellaneous Provision) Act 2009 and the Housing (Miscellaneous Provision) Act 2009 (Part 5) Regulations 2019.

The purpose of this Scheme of Priority is to set out the manner in which affordable dwelling purchase arrangements will be made available by the Council and the methodology that will be applied to determine the order of priority to be accorded to eligible households where the demand for such arrangements exceeds the dwellings or resources available.

The Scheme of Priority determines the order of priority to be accorded to eligible households in relation to:

a) The sale of affordable dwellings where the demand for such dwellings exceeds the number of such dwellings available for the purposes of Affordable Dwellings

b) The provision of financial assistance to eligible households to purchase open market dwellings where the demand for such financial assistance exceeds the financial resources available to the housing authority to provide such assistance.


2 Definitions

“eligible household” means a household assessed by a housing authority under section 84, of the Housing (Miscellaneous Provision) Act 2009, as being eligible for an affordable dwelling purchase arrangement.

“an eligible household’s accommodation needs are adequately catered for by an affordable dwelling or a dwelling belonging to a class of affordable dwelling” if the number of bedrooms in that dwelling is, in the opinion of the housing authority concerned, the minimum such number required to enable a household of that class to reside in relative comfort having regard to the number of members of the household.

In this Scheme of Priority, the minimum number of bedrooms required shall be calculated based on the following:

- Couples share one room
- Non-couple Adults have separate rooms but may share with up to one child under 10 years old
- Two children per room
- Children of the opposite sex that are ten year old or more cannot share a room

“class A household” means, in relation to an affordable dwelling or class of affordable dwelling, an eligible household whose accommodation needs are adequately catered for by that dwelling or a dwelling belonging to that class. For the purposes of the definition of “class A household”, an
eligible household’s accommodation needs are adequately catered for by an affordable dwelling or a dwelling belonging to a class of affordable dwelling if the number of bedrooms in that dwelling is, in the opinion of the housing authority concerned expressed in the scheme of priority made by that housing authority, the minimum such number required to enable a household of that class to reside in relative comfort having regard to the number of members of the household.

“class B household” means, in relation to an affordable dwelling or class of affordable dwelling, a class A household any of whose members was resident in the administrative area of the housing authority concerned for a period of not less than 12 months immediately before applying for an assessment for eligibility under section 84 of the Act of 2009.

“class C household” means, in relation to an affordable dwelling or class of affordable dwelling, a class B household any of whose members is registered as a full-time student with a school, university or other educational institution that is within 1.6km of that dwelling, or a dwelling belonging to that class, as is specified in the scheme of priority made by the housing authority concerned.

“class D household” means, in relation to an affordable dwelling or class of affordable dwelling, a class B household (other than a class C household) any of whose members is employed at a place that is within 5km of that dwelling, or a dwelling belonging to that class, as is specified in the scheme of priority made by the housing authority concerned.

“class E household” means, in relation to an affordable dwelling or class of affordable dwelling, a class C household any of whose members is employed at a place that is within 5km of that dwelling, or a dwelling belonging to that class, as is specified in the scheme of priority made by the housing authority concerned.

“closing date for applications” is the advertised date by which applications must be returned to the Council.

4 Manner in Which Affordable Dwelling Purchase Arrangements will be Made Available

1) Where the Council intends to make dwellings available in a particular location or locations for affordable dwelling purchase arrangements, in accordance with the Act and Regulations, it will:

   (a) Calculate, in accordance with relevant legislation, the relevant income thresholds for the purposes of determining a household’s eligibility for each type of dwelling that will be made available.

   (b) No later than three months in advance of the date when the particular properties are scheduled to be completed, advertise the availability of the properties in at least one newspaper circulating within the administrative area and on the Council’s website.

   (c) The information that will be provided in the advertisement will include:
(i) the location or locations and details of the type or types of dwelling that are to be made available,

(ii) the manner in which an application for assessment for eligibility can be made, including the date from which the Council will accept an application,

(iii) the household net income thresholds that will apply for the purposes of determining eligibility,

(iv) the closing date for the receipt of such applications.

2) Where the Council intends to provide financial assistance under section 81 of the Act to eligible households to purchase open market dwellings, it will:

(a) At least one month in advance of the date that the financial assistance will be made available, advertise the availability of financial assistance, including the total amount available, in at least one newspaper circulating within the administrative area and on the Council’s website.

(b) The information that will be provided in the advertisement will include:

(i) the total amount of financial assistance to be made available,

(ii) the manner in which an application can be made including the date from which the Council will accept an application,

(iii) the household net income thresholds that will apply for the purposes of determining eligibility,

(iv) the closing date for the receipt of such applications.
4  Order of Priority – General

1) An order of application will be assigned to applications received before the closing date. Applications that appear to meet the eligibility criteria, on the basis of the information supplied by the applicant household, will be considered eligible for the purpose of applying the scheme of priorities, in accordance with Regulation 4 of the Regulations, subject to later confirmation of eligibility through the production of documentary evidence.

2) The housing authority will then decide which of the available types of dwelling would adequately cater for the housing needs of the applicant households. More than one type of dwelling might be deemed to cater adequately to the accommodation needs of a particular household, so that an applicant household may be prioritised for more than one type of dwelling where they indicated such interest in their application form.

3) Prior to being offered any affordable dwelling purchase arrangements, applicant households shall be required to supply documentary evidence in relation to the matters which secured their inclusion in priority classes outlined above (in addition to supplying evidence in relation to the eligibility criteria).

5  Order of Priority – Affordable Dwellings for Sale

1) (a) Where the number of eligible households exceeds the number of affordable dwellings available for sale, a housing authority shall give priority to class A households.

(b) Where the number of eligible households exceeds the number of affordable dwellings available for sale but the number of class A households is less than the number of such affordable dwellings, the housing authority shall, after complying with subparagraph (a) and as between two eligible households (other than class A households), give priority to the household that first applied for an assessment of eligibility under section 84 of the Act of 2009.

2) (a) Where the number of class A households exceeds the number of affordable dwellings available for sale, a housing authority shall give priority to class B households.

(b) Where the number of class A households exceeds the number of affordable dwellings available for sale but the number of class B households is less than the number of such affordable dwellings, the housing authority shall, after complying with subparagraph (a) and as between two class A households (that are not class B households), give priority to the household that first applied for an assessment of eligibility under section 84 of the Act of 2009.

3) (a) Where the number of class B households exceeds the number of affordable dwellings available for sale, a housing authority shall give priority to class C households.

(b) Where the number of class B households exceeds the number of affordable dwellings available for sale but the number of class C households is less than the number of such
affordable dwellings, the housing authority shall, after complying with subparagraph (a), give priority to class D households.

(c) Where the number of class B households exceeds the number of affordable dwellings available for sale but the number of class C households and class D households is less than the number of such affordable dwellings, the housing authority shall, after complying with subparagraphs (a) and (b) and as between two class B households (that are neither class C households nor class D households), give priority to the household that first applied for an assessment of eligibility under section 84 of the Act of 2009.

4) (a) Where the number of class C households exceeds the number of affordable dwellings available for sale, a housing authority shall give priority to class E households.

(b) Where the number of class C households exceeds the number of affordable dwellings available for sale but the number of class E households is less than the number of such affordable dwellings, the housing authority shall, after complying with subparagraph (a) and as between two class C households (that are not class E households), give priority to the household that first applied for an assessment of eligibility under section 84 of the Act of 2009.

5) (a) Where the number of class E households exceeds the number of affordable dwellings available for sale, a housing authority shall, as between two such households, give priority to the household that first applied for an assessment of eligibility under section 84 of the Act of 2009.

In the interest of clarity, the order of priority based on household category is provided in the table below. Should there be any conflict between this table and Items 1 to 5 above, then the above Items will take precedence.

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6 Order of Priority – Financial Assistance for Open Market Purchase

1) (a) Where the aggregate of all financial assistance sought (but not yet granted) for the purpose of purchasing open market dwellings exceeds the funds for the time being available to a housing authority for such purpose, the housing authority shall give priority to class A households.

(b) Where the aggregate of all financial assistance sought (but not yet granted) for the purpose specified in subparagraph (a) exceeds the funds for the time being available to a housing authority for such purpose but the aggregate of all financial assistance sought (but not yet granted) for such purpose by class A households is less than the funds so available, the housing authority shall, after complying with that subparagraph and as between two eligible households (that are not class A households), give priority to the household that first applied for an assessment of eligibility under section 84 of the Act of 2009.

2) (a) Where the aggregate of all financial assistance sought (but not yet granted) by class A households for the purpose of purchasing open market dwellings exceeds the funds for the time being available to a housing authority for such purpose, the housing authority shall give priority to class B households.

(b) Where the aggregate of all financial assistance sought (but not yet granted) by class A households for the purpose specified in subparagraph (a) exceeds the funds for the time being available to a housing authority for such purpose but the aggregate of all financial assistance sought (but not yet granted) for such purpose by class B households is less than the funds so available, the housing authority shall, after complying with that subparagraph and as between two class A households (that are not class B households), give priority to the household that first applied for an assessment of eligibility under section 84 of the Act of 2009.

3) (a) Where the aggregate of all financial assistance sought (but not yet granted) by class B households for the purpose of purchasing open market dwellings exceeds the funds for the time being available to a housing authority for such purpose, the housing authority shall give priority to class C households.

(b) Where the aggregate of all financial assistance sought (but not yet granted) by class B households for the purpose specified in subparagraph (a) exceeds the funds for the time being available to a housing authority for such purpose but the aggregate of all financial assistance sought (but not yet granted) for such purpose by class C households is less than the funds so available, the housing authority shall, after complying with subparagraph (a), give priority to class D households.

(c) Where the aggregate of all financial assistance sought (but not yet granted) by class B households for the purpose specified in subparagraph (a) exceeds the funds for the time being available to a housing authority for such purpose but the aggregate of all financial assistance sought (but not yet granted) for such purpose by class C households and class D households is less than the funds so available, the housing authority shall, after complying
with that subparagraph and subparagraph (b) and as between two class B households (that are neither class C households nor class D households), give priority to the household that first applied for an assessment of eligibility under section 84 of the Act of 2009.

4)  (a) Where the aggregate of all financial assistance sought (but not yet granted) by class C households for the purpose of purchasing open market dwellings exceeds the funds for the time being available to a housing authority for such purpose, the housing authority shall give priority to class E households.

(b) Where the aggregate of all financial assistance sought (but not yet granted) by class C households for the purpose specified in subparagraph (a) exceeds the funds for the time being available to a housing authority for such purpose but the aggregate of all financial assistance sought (but not yet granted) for such purpose by class E households is less than the funds so available, the housing authority shall, after complying with that subparagraph and as between two class C households (that are not class E households), give priority to the household that first applied for an assessment of eligibility under section 84 of the Act of 2009.

5)  (a) Where the aggregate of all financial assistance sought (but not yet granted) by class E households for the purpose of purchasing open market dwellings exceeds the funds for the time being available to a housing authority for such purpose, a housing authority shall, as between two such households, give priority to the household that first applied for an assessment of eligibility under section 84 of the Act of 2009.

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