

# **BRAY TOWN COUNCIL**

## **COMHAIRLE BAILE BHRÉ**

### **SCHEME OF LETTING PRIORITIES IN ACCORDANCE WITH SECTION 11 OF THE HOUSING ACT, 1988**

#### **Introduction**

The purpose of this scheme of Letting Priorities is to set out on the basis of the allocation of all Bray Town Council rented dwellings to persons whose need for accommodation has been established and the basis for transfer applications from existing Bray Town Council tenants. Housing and transfer applicants will be allocated tenancy on a points based scheme.

It is the intention of Bray Town Council to construct houses in line with its housing assessment needs, so there will be one, two and three bedroom houses constructed in the proportion 15%, 55% and 30% respectively. While perspective tenants will be chosen on the basis of the points system included in this policy, houses will be finally allocated to ensure that houses will not be under or over occupied.

It is also the intention of Bray Town Council to provide special houses for homeless in co-operation with the voluntary sector for hostel to transitional to sheltered housing and will be allocated accordingly to such people on the basis of the points system.

Areas of preference for allocation purposes will be broken down into three; north Bray, south Bray and the Town Centre. Points will be allocated on the basis of people accepting a house in their current area of residence.

#### **Eligibility for Bray Town Council Accommodation**

Eligibility for housing in local authority dwellings would normally be based on the following requirements:

- a) *Persons who are homeless,*
- b) *Persons living in accommodation that is unfit for human habitation or is materially unsuitable for their adequate accommodation,*
- c) *Persons living in overcrowded accommodation*
- d) *Persons sharing accommodation with another person or persons and who in the opinion of Bray Town Council have a reasonable requirement for separate accommodation*
- e) *Young persons leaving institutional care or without family accommodation*
- f) *Persons in need of accommodation for medical or social reasons*
- g) *Single persons under 55 years who are not homeless but who have serious medical or social problems and where in the opinion of the Bray Town Council their existing housing conditions are unsatisfactory*
- h) *Persons who are elderly*
- i) *Persons with disabilities*
- j) *Travellers*
- k) *Persons who, in the opinion of Bray Town Council, are not reasonably able to meet the cost of the accommodation which they are occupying or to obtain suitable alternative accommodation*

## **Letting of Dwellings**

Dwellings will be let in accordance with the scheme of points listed hereunder: -

### **(a) Family Type Dwellings**

#### **(i) Unfit dwellings**

Persons who are occupying unfit dwellings or living in unsuitable conditions

Unfit (1 - 10)

#### **(ii) Overcrowding**

Persons living in overcrowded accommodation and who are not reasonably able to meet the cost of alternative accommodation

(1 - 10)

*Overcrowding - A house shall be deemed to be overcrowded at any time where the number of persons ordinarily sleeping in the house and the number of rooms therein either (a) are such that any two of those persons of ten years or more of opposite sex 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 400 cubic feet - the height of the room, if it exceeds eight feet, being taken to be eight feet for the purpose of calculating free air space.*

#### **(iii) Medical/Compassionate Grounds**

Applicants in need of housing on medical/compassionate grounds. (Where priority is claimed on these grounds the Council shall obtain and have regard to the report from the medical officer of health from the East Coast Area Health Board.)

(1 - 10)

#### **(iv) Sharing of Accommodation**

Persons who are sharing accommodation with another person or persons, and who it is considered have a reasonable requirement for separate accommodation and are not reasonably able to meet the cost of alternative accommodation. (1 - 5)

#### **(v) Duration of time on waiting list**

1 Year	-	5 points
2 Years	-	10 points
3 Years	-	15 points
4 Years	-	20 points
5 Years and over	-	25 points

#### **(vi) No. of children**

Point for each dependent child 2 points

#### **(vii) Discretionary Grounds**

Bray Town Council may, under special circumstances and as the Manager considers appropriate, allocate points on discretionary grounds to an applicant.

### **(a) Specially adapted and single storey dwellings**

- (i) First preference shall be given to persons who are disabled, handicapped or in need of this type of dwelling because of other medical conditions. Points awarded in accordance with (iii) above

***(c) Elderly persons dwellings***

- (i) First preference will be given to approved applicants aged 60 years or over in accordance with the priorities and points as set out at clause (a) above

**Transfers/Mutual Transfers/Inter Transfers**

Transfer applicants will be treated the same as applicants without social rented housing, unless the applicant is releasing a larger house to move to a smaller dwelling. A tenant of Bray Town Council or of an Approved Voluntary Housing Association may, with the consent of the Manager exchange the tenancy of his/her existing dwelling for the tenancy of another Bray Town Council dwelling. Applications for inter-transfers between tenants of the Bray Town Council and other Local Authorities may be granted subject to the approval of both Local Authorities.

Applications for such consent will not be considered where either tenant is seeking an area or type of dwelling from which he/she had within the previous 12 months transferred or inter-transferred. Bray Town Council in considering applications from tenants to inter-transfer will, in general, have regard to the following factors: -

- (i) Reasons given by applicants for transfer/inter-transfer request
- (ii) Whether transfer/mutual/inter-transfer would result in overcrowding
- (iii) Whether transfer/mutual/inter-transfer would result in under utilisation of accommodation
- (iv) Tenancy record of applicants
- (v) Rent payment record of applicants
- (vi) Any record of anti social behaviour relating to the applicants
- (vii) Existing condition of respective dwellings
- (viii) The relative demand for the respective units of accommodation
- (ix) Any special circumstances
- (x) Applicants who are approved for an transfer/inter-transfer will not be considered by Bray Town Council for a further inter-transfer or for a transfer for a minimum of 1 year following the inter transfer save in exceptional circumstances
- (xi) Where Bray Town Council is satisfied that there has been any financial gain by either party as a direct result of the transfer/mutual/inter-transfer, the application will be refused and removal from the transfer list will be immediate
- (xii) Where evidence is received after the transfer takes place the transfer will be reverted

Applicants will be required to sign a declaration to the effect that they will go into occupation of and continue to occupy the respective dwellings. Where one of the parties either does not take up residence in the dwelling as provided in the declaration within 6 weeks, the house will be deemed to be abandoned and will result in an abandonment notice being served.

**Approval will not be granted to an application which would result in an applicant getting the tenancy of a high demand dwelling they would otherwise not be entitled to under this scheme of letting priorities save in exceptional circumstances.**

### **Succession to Tenancy**

On the death of a tenant, the tenancy may be transferred to the tenant's partner/spouse or to a member of the tenant's immediate family normally resident for a minimum period of two years in the dwelling at the date of tenant's death and declared on the Income and Family Forms.

### **Disqualification/Refusal of Offer Criteria**

- (i) Where an applicant has been evicted from previous local authority accommodation due to anti social activity
- (ii) Where an applicant vacated a previous local authority dwelling owing that authority rent in respect of the tenancy. In such circumstances consideration may be given to including such applicant on the basis of all arrears being cleared in full
- (iii) The applicant previously vacated a local authority dwelling and neglected the proper upkeep of the dwelling
- (iv) The applicant is squatting or has previously squatted in a local authority dwelling
- (v) Where an Abandonment Notice has been served on a house the tenant will not be allocated another local authority house
- (vi) The applicant/person included in an application has made threats/committed violent behaviour against a member or members of staff of a local authority engaged in their duties
- (vii) The applicant has manipulated their housing circumstances in order to achieve a priority to which they would otherwise not be entitled
- (viii) Where such an allocation would be contrary to good estate management
- (ix) Where the applicant refuses to disclose any information which is requested by Bray Town Council either on the application form or at subsequent interviews and which is required either for the purpose of assessing the application or for estate management purposes
- (x) Where an applicant provides false or misleading information either on the application form or at subsequent interviews. (Section 33 of the Housing (Miscellaneous Provisions) Act 1992 provides that an applicant supplying false or misleading information shall be liable on summary conviction to a fine not exceeding €1,270.)
- (xi) Where the allocation would result in excessive overcrowding under the scheme

### **Treatment of Prospective Adopted Children**

Where an applicant and spouse are accepted by a Registered Adoption Society as suitable adoptive parents and would, but for the lack of accommodation, qualify to have a child placed in their care, such child will be included as part of the family for rehousing on submission of the Adoption Society Approval Notice. A household which is rehoused because of the inclusion of a proposed adoptive child and who do not exercise their option within the time specified by the Society, may be displaced from the dwelling, regard being had to all the circumstances.

### **Refusal of Offer of Accommodation**

Except in exceptional circumstances, an applicant for housing or a transfer refuses what Bray Town Council considers to be a reasonable offer of a dwelling in their area of first preference or a second refusal in an area of their second preference will have their application deferred for at least one year or for such lesser time as the Manager considers appropriate in compelling circumstances. A second refusal in a first preference area, or a third refusal in any preference area, will result in the applicant(s) being deferred for two years from the housing list.

### **Traveller Accommodation**

Once a house has been allocated to a Traveller family such a house will be deemed to be a Traveller house and from that time forward can only be allocated to Traveller families, unless in special circumstances.

### **Household Budget Scheme/Direct Debit**

It is the policy of Bray Town Council, based on health, safety and other grounds, to facilitate the payment of rent through the Household Budget Scheme or Direct Debit and all qualifying housing/transfer list applicants will be requested to sign up to either scheme before being allocated a Bray Town Council tenancy.

### **Preferential Treatment of Existing Tenants/Residents of Flats for Vacancies in the Same Complex**

Existing tenants and residents in a flats complex may be given preference for vacancies in the same complex where this is appropriate.

### **Emergency Needs**

Where the need of accommodation arises from an emergency, the Manager may make a letting to that person as he/she considers necessary to meet that need, notwithstanding the order of priorities for lettings as set out in this Scheme.

### **Creation of Joint Tenancies**

Where a dwelling is allocated to a household which includes a husband and wife or cohabiting couple joint tenancies will be created unless the Manager decides otherwise in exceptional circumstances.

### **Arrears of Rent**

Applications for transfers will not be considered from tenants who are in arrears of rent or who have failed to keep the terms of the tenancy agreement in relation to the upkeep and maintenance of the dwelling occupied by them.

### **Composition of Households**

Only the following persons will be considered as part of the applicant's household: -

- (i) Unmarried sons and daughters living with the parents or in their care
- (ii) Legally adopted unmarried children living with the applicant or in his/her care
- (iii) Aged or infirm parents of the applicant or spouse who are unable to maintain themselves, are dependent on the applicant for support and will reside with the applicant if he/she is rehoused
- (iv) Widowed or separated sons and daughters who are considered as having resumed their single status and are living with the applicant
- (v) Persons residing with the applicant, including boarded-out children, foster children and others who, in the opinion of the Manager, should be considered a member of the applicant's household, regard being had to all circumstances including the length of time resident with applicant
- (vi) In the case of households whose turn has arrived for re-housing and where a death of a member of the applicant's household has occurred within three months prior to that date, the household will still be housed, as if the death has not occurred

### **Consideration of All Applicants on Estate Management grounds**

It is the policy of Bray Town Council that applicants who apply to Bray Town Council for housing and who are being considered for an allocation of a tenancy will have their application examined on estate management grounds before an allocation is finally made and in accordance with Section 14(1) and 15(2) of the Housing (Miscellaneous Provisions) Act 1997. It is also the policy of Bray Town Council to have applications from persons to reside in Bray Town Council rented accommodation examined on estate management grounds.

### **Consultation with Representative Tenant Groups on Allocations and Transfers**

It is the policy of Bray Town Council, in the interests of good estate management, to engage, where appropriate, in advance consultation with representative tenant groups regarding prospective allocations and transfers. For the purpose of this consultation Bray Town Council may release the name and address of individual housing/transfer applicants to representative tenants groups.

### **Tenant Information Meeting**

It is the policy of Bray Town Council that new tenants of all accommodation being provided by Bray Town Council will meet with the Housing Officer who will explain the terms of the tenancy agreement, as well as the tenant's responsibility for the dwelling in relation to repairs etc. Each tenant will be given a copy of their tenancy agreement, together with a Tenants' Handbook.

### **Estate Management / Social Inclusion**

Nothing in this scheme shall operate to prevent the Manager from making an allocation on Estate Management or Social Inclusion grounds.

### **Interpretation**

The Manager's decision shall be final in relation to the interpretation of any matter concerning this scheme of letting priorities.