



Comhairle Cathrach  
Bhaile Átha Cliath  
Dublin City Council

# **HOUSING ALLOCATIONS SCHEME (Scheme of Letting Priorities)**

Approved by Dublin City Council Elected Members on 14<sup>th</sup> May 2018

**Report Number 132/2018**

# **Housing Allocations Scheme**

## **(Scheme of Letting Priorities)**

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## Section 1. Introduction

### 1.1 The purpose of the Allocations Scheme is to set out:

1. The basis for prioritising the allocation of all housing support to persons whose eligibility and need for accommodation has been established in accordance with Section 20 of the Housing (Miscellaneous Provisions) Act 2009 (and associated regulations).
2. The basis for prioritising Transfer applications from a Dublin City Council (DCC) tenancy or other housing support including Approved Housing Body (AHB) Social Housing Leasing Initiative, Rental Accommodation Scheme (RAS) and Housing Assistance Payment (HAP).

In general, Housing and Transfer applicants will be prioritised having regard to time on the list and, any Priority Status awarded to applicants for housing or transfer under this Scheme.

### 1.2 What Housing does the Scheme apply to?

1. Dwellings provided under the Housing Acts 1966 to 2009 or Part V of the Planning and Development Act 2000 – of which Dublin City Council is the owner.

Or

2. 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 leasing.

And

3. Dwellings owned and provided by Approved Housing Bodies (AHBs) to whom assistance is given under section 6 of the Housing Act 1993 for the purposes of such provision.

### 1.3 Who can apply to Dublin City Council?

All those qualified applications as outlined under the Social Housing Assessment Regulations 2011.

## Section 2. Housing and Transfer Lists

### 2.1 Dublin City Council Banding Scheme:

Dublin City Council operates Housing and Transfer lists and allocations are made from these lists.

Within the Housing and Transfer lists, priority is determined by two factors; the applicant's broad level of housing need and length of time on the list. The broad levels of housing need are reflected by bands contained within the lists. Applications will be assessed and placed in the appropriate band of the Housing or Transfer lists. Once in a band, applicants are offered available housing in date order.

### 2.2 The Housing List under the Banding Scheme:

Applicants assessed as being qualified for Social Housing Support are placed on the Housing List.

Applicants assessed as having no housing need will not be placed on the Housing List, but will be provided with advice, information and assistance on accessing alternative housing options.

The list of qualified households will be categorised into three bands reflecting broad levels of housing need, from very high, to moderate.

<b>Band 1</b>	<b>Medical and Welfare Priority and other specified Priority Cases</b>
<b>Band 2</b>	<b>All overcrowded cases and those with previously awarded medical or welfare points</b>
<b>Band 3</b>	<b>All remaining qualified households</b>

Within each of the three bands, there may be households who have specific accommodation requirements which will need to be identified.

### 2.3 Waiting Time:

Waiting time determines priority for housing within each band. A new applicant will be placed in the band that reflects their housing need. In all bands new applicants' waiting time will commence from the date of their qualification with the exception of Band 1 which is based on the date Priority was awarded.

Any applicants listed before them will have greater priority for offers of accommodation.

The length of time an applicant waits for an offer will be determined by their position in a band, the number of properties directed towards that band, and by their choice of area and type of accommodation.

### 2.4 Housing Areas:

Where a household is accepted as being eligible to apply to a particular Housing Authority, they must select at least one area of choice within the functional area of that Authority.

Dublin City Council's functional area is divided into ten housing areas. Applicants may select up to **three areas** for which they wish to be considered for housing.

One area choice must be in the Dublin City Area. The other choices may include areas within the City or in the functional areas of the other three Dublin Local Authorities – South Dublin County Council, Dún Laoghaire- Rathdown County Council and Fingal County Council.

An applicant may only change/amend areas of choice once in any 12-month period.

## 2.5 Assessment of Bedroom Requirement:

Under-occupation and overcrowding are assessed by working out how many rooms the applicant's household needs and looking at the number of rooms available to the household at present.

If the applicant's household has more rooms available than their assessed need, they are under-occupying the property. If the applicant's household has fewer rooms available than their assessed need, the difference between the two is the level of overcrowding.

Sex overcrowding is deemed to exist where two persons of opposite sex, not being spouses or partners and both aged 9 years or over must sleep in the same room due to lack of accommodation.

*When assessing need for accommodation based on overcrowding, applications will be assessed on the following basis:*

Household Composition	No of Bedrooms Required
Single person, Couple, person over 9, or two persons over 9 years of the same sex	1
Lone Parent/Couple with 1 or 2 children under 9 years	2
Lone Parent/Couple with 3 or 4 children under 9 years	3
Lone Parent/Couple with 5 or 6 children under 9 years	4
Lone Parent /Couple with >6 children under 9 years	5

### 2.5.1 Children in Shared Custody/Access Arrangements:

Dublin City Council will assess separated parents with partial custody/access arrangements and the following will apply to assignment of bedroom need:

- a) Children of parents living apart will be recorded in the assessment of each parent but the type and extent of accommodation, which they require, will be assessed taking into account the extent to which their need for accommodation is met in the household of the other parent.
- b) Dublin City Council assigns multiple bedroom unit requirements to the parent with whom the children reside for the greater part and a 1-bedroom requirement to the other parent.

### 2.5.2 Extra bedrooms on Exceptional Medical Grounds:

A request for an extra bedroom on Exceptional Medical Grounds may be considered and be assessed on a case-by-case basis by the Allocations Officer, who may seek a recommendation from the appointed Medical Officer, having regard to the medical reports submitted.

This will be facilitated only on an exceptional needs basis. Dublin City Council will explore options such as reconfiguration of existing space to allow for storage of medical equipment and this will be recommended in the first instance.

## 2.6 Changing Bands on the Housing List:

There will be occasions where a significant change in circumstances, such as the birth of another child or in the event of Priority awarded on Exceptional Medical Grounds or Exceptional Social Grounds, may result in the application being placed in a different band.

The Banding Scheme has been devised so that any movement between bands will continue to reflect the time the applicant has spent waiting on the list of qualified households.

- **Band 1:** All qualifying applicants will be treated equally and the position on this band will be determined by date the Priority was awarded.
- **Band 2:** The position on this band will be determined by the date of housing application and if assessed as overcrowded.
- **Band 3:** The position on this band will be determined by the date of housing application of all remaining qualified households.

In some instances an applicant may move down a band where their circumstances have changed, such as their bedroom requirement decreasing if an older child moves away, whilst others may move up a band where they are now deemed overcrowded following the birth of a child.

## 2.7 The Transfer List under the Banding Scheme:

Tenants of Dublin City Council, including tenants of dwellings provided under the Social Housing Leasing Initiative, HAP, RAS or by AHBs may apply for consideration for a transfer to other dwellings within the administrative area.

Accepted transfer applicants will be placed on the list from the date they made their transfer application.

The table below indicates the transfer need factors that determine a household's priority within the Banding Scheme.

<b>Band 1</b>	<b>Medical, Welfare, Homeless HAP and other specified Priority Cases</b>
<b>Band 2</b>	<b>All overcrowded cases and those with previously awarded medical or welfare points</b>
<b>Band 3</b>	<b>All remaining qualified households</b>

### 2.7.1 Within each of the three bands, there may be households who have specific accommodation requirements which will need to be identified. e.g.

- Dublin City Council tenants displaced by fire and flood;
- Applicants requiring specifically adapted units e.g. wheelchair accessible accommodation;
- De-tenanting (where Dublin City Council tenants are required to move out of their home to allow major works to be carried out). Such status will **not** apply to AHB tenancies;
- Temporary Transfer where essential maintenance requires the temporary relocation of tenant for completion of works. Such status will **not** apply to AHB tenants;
- Older person surrendering larger accommodation;
- Under-occupation of existing Dublin City Council tenancy;
- RAS tenants;
- RAS tenants who need a transfer as a result of Lease expiry or non-renewal of contract by the landlord;

- i) Homeless HAP tenants
- j) All other tenants who in the opinion of the Local Authority have a reasonable requirement for alternative accommodation.

**2.7.2 Notwithstanding any of the above circumstances, tenants seeking a transfer must fulfil the following requirements to the satisfaction of Dublin City Council:**

- a) Have held the tenancy in their present dwelling for a period not less than two years unless it is a temporary tenancy;
- b) Have a clear rent account or - in cases of exceptional medical or welfare need - a transfer application may be considered where an agreement is in place and there is substantial compliance;
- c) Have kept their dwelling in satisfactory condition, subject to inspection;
- d) Have complied with the conditions of their tenancy agreement;
- e) Have no record of serious anti-social behaviour.

**2.8 Changing Bands on the Transfer List:**

There will be occasions where a significant change in circumstances, such as the birth of another child or a sudden worsening in an applicant's health may result in the application being placed in a different band. The Banding Scheme has been devised so that any movement between bands will continue to reflect the time the applicant has spent waiting on the list of qualified households except for Band 1. The position on this band will be determined by date Priority Status was awarded.

In some instances an applicant may move down a band where their circumstances have changed, such as their bedroom requirement decreasing if an older child moves away, whilst others may move up a band where they are now deemed overcrowded following the birth of a child.

**2.9 Transfer Chains:**

It may be possible from time to time to create a chain of Dublin City Council tenants who need to move and have been on the Transfer List. These will be used in the following circumstances:

- a) To address overcrowding and under occupation and make good use of stock;
- b) To move a number of Welfare/Medical Priority cases and make good use of stock;
- c) To address estate management issues;
- d) Housing First: tenancy breakdown is anticipated in Housing First for approximately 10% of applicants. Transfer chains will be used to allow for a transfer among Housing First tenancies and to safeguard against a return to rough sleeping.

**2.10 Applications from Tenants of Other Local Authorities and Approved Housing Bodies outside Dublin City Council Administrative Area:**

Only Dublin City Council tenants, Dublin City Council RAS tenants, AHB tenants, HAP tenants within the Dublin City Council administrative area can apply for Dublin City Council's Transfer List.

Tenants of Local Authorities other than Dublin City Council may be considered for inclusion on the Housing List providing there are exceptional circumstances warranting this and subject to the possibility of the resulting vacancy being allocated to an applicant from Dublin City Council's Housing List where appropriate.

A welfare recommendation may be required in some cases.

## **2.11 Target Allocations Policy:**

Available properties will be targeted to the bands in differing proportions through the target allocations policy resulting in faster or slower housing through the band. This policy will be determined by Dublin City Council and it will establish an ongoing review/evaluation process which will report to the Housing Strategic Policy Committee (SPC) on a bi-monthly basis, concerning the impact the scheme has on Homelessness.

## **Section 3. The Rental Accommodation Scheme (RAS)**

### **3.1 The Rental Accommodation Scheme:**

The Rental Accommodation Scheme (RAS) is an initiative to cater for people who are in receipt of Rent Supplement (state support payment) and who have generally been living in the private rented sector for 18 months or more. Under the Scheme, Dublin City Council enters into direct contracts with Landlords for their properties for a specified time, usually a minimum of 4 years.

In order to apply, a landlord must be tax compliant and their property must pass an inspection to ensure the accommodation meets required standards.

In the interest of good estate management, detailed and comprehensive background checks are carried out by Dublin City Council on all potential RAS tenants.

### **3.2 Applications for Housing under the Rental Accommodation Scheme:**

Applicants who are residing in private rented accommodation and are in receipt of Rent Supplement for over 18 months are eligible also to apply for Social Housing Support under the RAS.

Applicants in receipt of rent supplement for a lesser period may be considered in exceptional circumstances or if a landlord is willing to enter the Scheme.

Applicants on the RAS List will be considered for a RAS tenancy with regard to their housing requirements, area preference and date of award of rent supplement.

### **3.3 Applicants Housed under the Rental Accommodation Scheme Seeking a Transfer:**

All RAS tenants who have been housed under this Scheme are deemed to be adequately housed and will, after 2 years tenancy, be eligible to apply for inclusion on the Transfer List in the same way as tenants of Council tenancies and AHBs.

Dublin City Council will only accept Transfer applications from RAS tenants who have been housed by and within Dublin City Council's Administrative area.

Offers of suitable accommodation under the RAS Scheme will be recorded and refusals of any such offers will be taken into account in the same way as refusals of offers of Council and AHB accommodation.

RAS tenants, who are in need of a Transfer to alternative accommodation through no fault of their own, as a result of Lease Expiry or non-renewal by their current Landlord, will be given a specific priority for alternative accommodation.

This will allow all such cases to be identified at an early stage and help facilitate Dublin City Council to source suitable accommodation on a timely basis.

RAS tenants may be considered for an alternative RAS, Dublin City Council, AHB or Social Housing Leasing Initiative tenancy.

## **Section 4. The Housing Assistance Payment Scheme (HAP)**

### **4.1 Housing Assistance Payment (HAP):**

The Housing Assistance Payment Scheme (HAP) is a form of Social Housing Support which is available to households who have been deemed eligible for inclusion on Dublin City Council's Housing List, including many long-term Rent Supplement recipients. Under HAP, Dublin City Council will make the full rent payment, subject to rent limits, on behalf of the HAP recipient directly to the landlord. The HAP recipient will then pay an income related rent to Dublin City Council.

### **4.2 Applications for Housing under the Housing Assistance Payment Scheme:**

Any household that qualifies for Social Housing Support will be eligible to apply for HAP. Current Rent Supplement recipients who qualify for Social Housing Support will be transferred from Rent Supplement to HAP on a phased basis.

### **4.3 Applicants Housed under the Housing Assistance Payment Scheme Seeking a Transfer:**

HAP recipients who wish to do so will be able to access other Social Housing Supports such as Local Authority housing or housing provided by an AHB, not through the current waiting list system, but through the transfer system operated by Dublin City Council. The HAP recipient will automatically move onto the Transfer List when the HAP tenancy begins. The Transfer List will reflect the time that the recipient previously spent on the waiting list. The effective date for the recipient's position on the Transfer List will be their date of qualification for Social Housing Support. Households who were homeless immediately prior to receiving a HAP tenancy will have Priority on Band 1 of the Transfer List.

## **Section 5. Approved Housing Body (AHB) Housing Accommodation**

### **5.1 Applications for Housing Provided by an Approved Housing Body:**

Applicants who have been deemed eligible for inclusion on the Housing List of qualified persons may be eligible for nomination to an AHB and may be referred to that Body for interview and consideration for suitable vacancies, having regard to their housing requirements, area choice and time on the list.

The selection process for suitable nominations to an AHB will be based on the same criteria as any applicant for a Dublin City Council tenancy i.e. bedroom requirement, time on the list, Priority Status.

Such applicants will be interviewed by the AHB and that Body will determine if an offer of suitable accommodation is to be made.

Offers of suitable accommodation by Approved Housing Bodies will be recorded and refusals of any such offers will be taken into account in the same way as refusals of offers of Council accommodation.

### **5.2 Applicants Housed by Approved Housing Bodies Seeking a Transfer:**

Applicants housed by an AHB on foot of a Dublin City Council nomination are deemed to be adequately housed and will, after 2 years tenancy, be eligible for inclusion on the Transfer List, in the same way as tenants of Dublin City Council and of the RAS.

Qualifying Transfer applicants will be placed on the list from the date of application.

Tenants will only be eligible for inclusion on the Transfer List if the rent account is not in arrears and the rent assessment is up-to-date. Exceptions will apply on a case by case basis at the discretion of the Allocations Officer (DCC).

Dublin City Council will only accept Transfer applications from tenants of Approved Housing bodies in Dublin City Council's Administrative Area.

Offers of suitable accommodation by an AHB will be recorded and refusals of any such offers will be taken into account in the same way as refusals of offers of Dublin City Council and RAS accommodation.

## Section 6. Homeless Persons

### 6.1 Homeless Persons:

A qualified applicant on Dublin City Council's Housing List shall be regarded as homeless if in the opinion of Dublin City Council the person is unable to provide accommodation from his/her own resources and:

- a) There is no accommodation available which in the opinion of Dublin City Council the applicant together with any other person who normally resides with him/her or who might reasonably be expected to reside with him/her, can reasonably occupy or remain in occupation of,

Or

- b) The applicant is living in a hospital, night shelter or other such institution, and is so living because he/she has no accommodation of the kind referred to in paragraph (a),

### 6.2 The following will be considered as part of determining the Basis of Need:

- a) Whether the applicant has voluntarily surrendered a tenancy,

Or

- b) Whether the applicant was asked to leave a tenancy by reason of a breach of tenancy agreement.

### 6.3 Determination of Appropriate Social Housing Support:

Dublin City Council will determine the appropriate Social Housing Support to be offered to applicants assessed as having an accommodation need based on homelessness. Qualified households will be included on the relevant Band appropriate to their need (Band 1 for households awarded medical/welfare priority, Band 2 for overcrowding and Band 3 for general housing need)

In addition Dublin City Council under its Capital Assistance Scheme and other housing development schemes may set aside a number of dwellings for homeless households including for *Housing First*.

## Section 7. Priority Need for Social Housing Support

Regard will be given to the following categories of need for applicants whose main application is with Dublin City Council:

### 7.1 Persons Displaced by Fire, Flood, Dangerous Building etc.

Persons rendered homeless by fire and flood, including persons displaced from dangerous buildings under the Local Government (Sanitary Services) Act 1964, who are otherwise eligible, will be considered for priority.

### 7.2 Persons Displaced by Dublin City Council Redevelopment:

Persons displaced from a dwelling required by Dublin City Council for redevelopment may be offered alternative accommodation in their immediate locality subject to the availability of suitable accommodation.

### 7.3 Persons Living in Unfit Accommodation:

Persons living in an unfit dwelling which is the subject of either a Demolition Order or a Closing Order made under Section 66 of the Housing Act, 1966 (In making an offer, regard will be given to the period of residence at the date the Order was made).

Persons subject to the specified order will be considered a Priority and included in Band 1 of the appropriate list.

### 7.4 Exceptional Medical Grounds:

1. Priority Status for Housing/Transfer applicants may be given in cases of exceptional medical circumstances. This is only if it relates to the applicant's housing conditions and the accommodation is unsuitable by reason of the condition. This Priority may cover a particular type of accommodation and/or accommodation in a particular area.
2. Dublin City Council, in considering an application for a Medical Priority may at its discretion seek a recommendation from an independent Medical Examiner.
3. Dublin City Council will only submit **written** medical evidence received from a Medical Doctor or a Medical Consultant to the independent Medical Examiner.
4. Explanatory and background material from Public Health Nurses, Social Workers, Occupational Therapists and other Health Professionals may accompany this evidence but will not form the basis of the decision which must be based on a report from a Medical Doctor or Consultant.
5. If unsuccessful an appeal may be made but if refused further applications will not be considered, unless there is a significant change in circumstances or condition.
6. Only medical evidence relating to persons included on the application will be assessed. Medical evidence relating to other occupants in the dwelling will not be considered.
7. Priority Status may be awarded for conditions, which cause **major problems** where the management of the course of the illness will be helped by a change in housing. These cases will be considered a Priority and included in Band 1 of the appropriate list. The housing support offered may be HAP/RAS/AHB/Leasing/Social Housing stock depending on the suitability of the accommodation to meeting the needs.
8. The criteria for assessing the above will include whether the applicant can access kitchen and bathroom facilities in the current accommodation or cases where an individual may not return from hospital until accommodation suitable to their needs is made available.

9. Priority Status may be revoked if the housing circumstances of the applicant, or a household member included on the application, change by virtue of a change of accommodation or where the housing circumstances at the time of award of the Priority Status have now altered.

## **7.5 Exceptional Social Grounds:**

1. Priority Status for Housing/Transfer may be given on Exceptional Welfare Grounds. Dublin City Council, in making lettings of dwellings where Priority is claimed on Exceptional Welfare Grounds shall consider a recommendation from a Senior Housing Welfare Officer.
2. Appeals of decisions will be made to the Chief Housing Welfare Officer on the basis of the exceptional nature of the case.
3. Applicants awarded such Priority Status should be assured of the confidential nature of this process with the Housing Welfare Service.
4. The housing support offered may be HAP/RAS/AHB/Leasing/Social Housing stock depending on the suitability of the accommodation to meeting the needs.
5. All applicants who claim that they are subject to harassment and/or intimidation must have their cases investigated by the Housing Estate Management Staff (DCC) and/or An Garda Síochána in the first instance. A report from Housing Estate Management and/or from An Garda Síochána may be requested in such cases.
6. Applications awarded Priority Status will be reviewed periodically. A Senior Housing Welfare Officer may revoke Priority Status if there is a significant change in circumstances. Appeals of decisions can be made to the Chief Welfare Officer.
7. Priority Status may be revoked if the housing circumstances of the applicant, or a household member included on the application, change by virtue of a change of accommodation or where the housing circumstances at the time of award of the Priority Status have now altered.

## **7.6 Older Persons:**

### **7.6.1 Older Person Homeless:**

An applicant assessed as homeless as per Section 6.1 and who is aged 55 years and over, may apply to be included in Band 1 for Older Persons' accommodation only.

Any applicant of aged 70 years and over who is assessed as homeless may be offered available Older Persons' accommodation notwithstanding the order of Priorities for lettings as set out in the Scheme.

### **7.6.2 Surrendering Larger Accommodation:**

Older Persons who wish to transfer from larger Dublin City Council dwellings to designated Older Persons' accommodation may be considered for a Priority and included in Band 1 of the appropriate list.

## **7.7 Tenants Surrendering Larger Accommodation in High Demand Areas:**

Tenants prepared to surrender high demand accommodation which is larger than their needs. Qualifying applicants may be considered a Priority and included in Band 1 of the appropriate list.

## **7.8 Tenants of Dwellings to be Demolished/Refurbished:**

Dublin City Council tenants requiring transfers as a consequence of the de-tenanting/demolition of their existing dwellings may be offered appropriate accommodation in their immediate locality subject to the availability of such accommodation.

Where an existing Dublin City Council Housing Scheme is being demolished and redeveloped, and the circumstances allow for rebuilding to take place on site without having to transfer the tenants elsewhere, then the Priority will only apply to re-housing on that site.

However a flexible approach will be adopted by Dublin City Council in relation to tenants of dwellings to be demolished/refurbished who are seeking re-housing outside their own locality, subject, in general, to the Allocations Scheme and to the availability of suitable accommodation.

### **7.9 Traveller Accommodation:**

Priority Status may be awarded to members of the Traveller Community, following recommendation by Dublin City Council's Traveller Accommodation Section, to facilitate access to Social Housing Supports. Priority Status will be reviewed if the family leaves the halting site.

The housing support offered may be of HAP/RAS/AHB/ Social Housing Leasing Initiative Housing stock depending on the suitability of the accommodation to meeting the housing needs.

### **7.10 Return of Adapted Property:**

Dublin City Council tenants currently living in adapted accommodation provided by Dublin City Council or by an AHB can apply for Priority Status if no-one in the household requires adapted accommodation.

Qualifying applicants will be considered a Priority and included in Band 1 of the appropriate list.

### **7.11 Young People Leaving Care:**

Young people leaving care will be considered in accordance with the *Protocol for Young People Leaving Care*. When they become eligible for housing (age 18) they will receive Priority under Band 1 of the Housing List. In addition, certain properties will be designated for vulnerable young people leaving care when notified to Dublin City Council by the Tusla Aftercare Steering Committees.

### **7.12 Removal of Priority:**

The refusal of two reasonable offers of accommodation from an applicant with a Band 1 Priority will result in the revoking of Priority Status as well as the general rules with regard to the refusal of offers - See *General Rules 11.3*

## **Section 8. Choice Based Lettings**

### **8.1 Introduction:**

The Housing Miscellaneous Provisions Act 2009 gives Local Authorities powers to include a system of Choice Based Lettings (CBL) in their Allocation Scheme and can be particularly successful in areas with units which prove difficult to let.

CBL is a new approach to letting homes which allows tenants and prospective tenants to bid for the available designated properties they are interested in.

Where there are 2 or more bids for the same property, the applicant with the highest Priority in accordance with the Allocations Scheme will be offered the property.

The Allocations Officer may designate properties for CBL.

### **8.2 Choice Based Lettings Procedure:**

1. A property that becomes available for re-let and has been designated to the CBL Scheme may be advertised in the Local Area Office, in local newspapers and also on the Dublin City Council website.
2. Expressions of interest will be invited and applicants will be asked to register their interest with the Allocations Section/ Area Offices. There will be a timeframe for applicants to register their interest.
3. If a number of applicants express an interest in a property the final offer will be to the applicant deemed eligible in accordance with the order of Priority set out in the Allocations Scheme. Factors such as household size, the age of the family, medical or welfare needs, rent payment history, and the type of accommodation available may be taken into account.
4. All offers of accommodation will be subject to the usual estate management checks.
5. In the case of transfer applicants only tenants with a clear rent account will be considered.
6. An applicant having refused an offer under CBL will not be eligible for CBL for a period of 12 months.

## Section 9. Financial Contribution Scheme (Downsizing)

### 9.1 Financial Contribution Scheme:

The Financial Contribution Scheme was introduced by Dublin City Council in recognition of the fact that there are persons of 60 years and over living in the City, who find their existing dwellings too large for their needs and who wish to be considered for housing by Dublin City Council, as tenants, in Older Persons accommodation.

The following conditions apply:

1. The property must be located in Dublin City Council's administrative area.
2. Admission to the Financial Contribution Scheme shall only be offered to a home owner if Dublin City Council wishes to purchase a home owner's property and is able to source a vacancy in Older Person's accommodation for the applicant.
3. Applicants that may have to sell their property due to separation, divorce, or family agreements shall only be able to access one dwelling per property.
4. Dublin City Council cannot purchase any house with a value in excess of the price limit set out by the Department of Housing, Planning, & Local Government for acquisitions.
5. Dublin City Council shall only consider purchase of properties at a discount for homeowners who are eligible for Older Persons' accommodation.
6. Successful applicants will be placed on the Financial Contributions List until a suitable vacancy arises.
7. Refusal of 2 offers of accommodation in the applicant's area of choice will result in cancellation of the application.
8. Home owners who are housed must pay a housing rent to Dublin City Council in line with the Differential Rent Scheme.
9. The discount Dublin City Council will apply is:  
**60 years to 69 years old: 60% of the market value of the property**  
**70 years and older: 70% of the market value of the property**
10. The date of acceptance on to the list is the effective date for selection for vacancies.
11. Properties may be subject to inspection when the candidate is reached for selection. If the dwelling is found unsuitable by Dublin City Council or if it requires substantial repairs Dublin City Council may not purchase the property and an applicant will not be eligible for the Financial Contribution Scheme.

## Section 10. Succession to Tenancy and Inter-Transfers

### 10.1 Succession to Tenancy:

1. No succession to Tenancy will apply where the accommodation is designated for Older Persons.
2. In all cases, there must be no alternative suitable accommodation available to the applicant(s) for succession of tenancy and the applicant(s) must have been included in the household details for rent assessment purposes for the requisite period(s) as outlined below.
3. Departure of the tenant by way of purchasing or providing own accommodation will not be grounds for a person over 18 years to remain in the dwelling and apply for succession.
4. No further consideration will be given where the above eligibility criteria 1-3 are not met.

#### 10.1.1 Where death or departure of a tenant takes place, the tenancy will normally be given to a surviving Spouse/Partner, provided:

- a) such spouse/partner has been resident in the dwelling for a continuous period of at least two years immediately prior to the death/departure of the tenant; and
- b) has been included in the family household for rent assessment purposes for the requisite period.

#### 10.1.2 On the death of both parents the tenancy will normally be given to a son or daughter, irrespective of number in the household, provided:

- a) he/she has been living in the dwelling for at least two years immediately prior to the death or departure of the tenant and has been included in the family household for rent assessment purposes for the requisite period; and
- b) only 1 application for succession is received from the remaining household members. Where there is more than one member of the household remaining in the dwelling, the tenancy will normally be given to the member who, in the opinion of the Allocations Officer is most likely to keep the household harmoniously together once the other residency criteria has been fulfilled.

#### 10.1.3 A person other than a spouse, partner, son or daughter who has resided in the dwelling for at least five years immediately prior to the death or departure of the tenant may be allowed to succeed where:

- a) they have been included in the family household for rent assessment purposes for the requisite period; and
- b) there is no spouse, partner, son or daughter eligible to succeed; and
- c) where the dwelling size is appropriate to his/her needs.

#### 10.1.4 A spouse, partner, son or daughter who was residing at the date of death/departure of the tenant who has not resided for the full two years prior to the death or departure of the tenant but has a total of ten years aggregate residence in the dwelling in the previous fifteen years may be considered to succeed to the tenancy where:

- a) the applicant has been included in the family household for rent assessment purposes for the requisite period; and

- b) the accommodation is suitable to the household need i.e. bedroom requirement; and
- c) is in need of housing accommodation and unable to provide accommodation from his/her own resources, the test of which shall be by way of qualification for the Social Housing List.

### **10.1.5 Departure - Marital Breakdown:**

Where a legal separation /divorce agreement exists, there will be regard to the terms of the agreement in consideration of any application to succeed to the tenancy.

### **10.1.6 Departure – Desertion:**

Where there is no legal separation or divorce agreement and where Dublin City Council is satisfied that a spouse or other joint tenant has vacated the tenancy for a period of at least 2 years, Dublin City Council may consider an application for succession.

### **10.2 Inter-Transfers:**

- 1) A tenant of Dublin City Council or of an AHB may, with the consent of the Allocations Officer exchange the tenancy of his/her existing dwelling for the tenancy of another Dublin City Council dwelling. Applications for Inter-Transfers between tenants of Dublin City Council and other Local Authorities may be granted subject to the approval of both Local Authorities.
- 2) Applications for such consent will not be considered where either tenant is seeking an area or type of dwelling from which he/she has transferred or Inter-Transferred within the previous 2 years. Dublin City Council in considering applications from tenants to Inter-Transfer will, in general, have regard to the following factors:
  - a) Reasons given by applicants for Inter-Transfer request;
  - b) Whether the Inter-Transfer would result in overcrowding;
  - c) Whether the Inter-Transfer would result in under-utilisation of accommodation;
  - d) Tenancy record of applicants;
  - e) Rent payment record of applicants;
  - f) Any record of anti-social behaviour relating to the applicants;
  - g) Existing condition of respective dwellings;
  - h) The relative demand for the respective units of accommodation;
  - i) Any special circumstances;
  - j) Applicants who are approved for an Inter-Transfer will not be considered by Dublin City Council for a further Inter-Transfer, or for a Transfer for a minimum of 2 years following the Inter-Transfer.
- 3) Where Dublin City Council has grounds to believe that there has been any financial gain by either party as a direct result of the Inter-Transfer, the application will be refused and removal from the Transfer List will be immediate. Where evidence is received after the transfer takes place the transfer will be reverted.
- 4) 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 or vacates it within a period of six months, proceedings for possession will, in the absence of a satisfactory explanation, be taken against the other party to the exchange.

- 5) 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 Allocations Scheme save in exceptional circumstances.

## Section 11. General Rules

### 11.1 General Rules:

1. Before any offer or nomination or invitation to register an interest in a property is made, all applications will be checked/ verified. This is to ensure the accuracy of Dublin City Council's records and compliance with the rules of any Scheme under which the application is made. An offer or nomination may not be made to applicants if a change in circumstances alters their housing need. Offers or nominations are also made subject to the applicant having a satisfactory rent account.
2. If there is a genuine case where an applicant cannot move at the time of offer, suitable discretion can be applied, e.g. an elderly person on the Housing List who is unwell or an applicant whose partner has passed away.
3. Where two applicants have equal status on the list and have been reached for an offer for a property that becomes available for allocation (i.e. they were listed in the same band at the same time), priority for the allocation will be determined as follows:
  - a) household size;
  - b) the age of the family;
  - c) medical or welfare needs;
  - d) rent payment history;
  - e) the type of accommodation available will be taken into account.

### 11.2 Grounds for Refusing to offer Accommodation:

Notwithstanding the provisions of this Scheme in regard to an applicant's entitlement to be considered for accommodation the Allocations Officer may refuse to allocate a dwelling for any of the following reasons:

- a) Where such an allocation would be contrary to good estate management;
- b) Where an applicant has failed to notify the Housing Department of any material changes in their housing circumstances and a re-assessment of their circumstances requires the application to be placed in a different band;
- c) Where the applicant refuses to disclose any information which is requested by Dublin City 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;
- d) Where Dublin City Council has reason to believe that the household has done something, or failed to do something that has resulted in their accommodation now being less suitable to their housing needs than it would formerly have been;
- e) Where applicants are deemed to have deliberately created unsatisfactory living conditions to increase their housing need, i.e. if they have moved to less suitable housing than their previous accommodation without good reason;
- f) Where an applicant provides false or misleading information either on the application form or at subsequent interviews;
- g) Where the allocation would result in excessive overcrowding under the Scheme.

### **11.2.1 In the case of Transfer applicants:**

- a) Where the letting conditions of Dublin City Council have not been complied with;
- b) Where the dwelling being surrendered is not in a satisfactory condition;
- c) The overriding concern of the Dublin City Council is to ensure that every transfer given to a tenant is in accordance with good estate management;
- d) No transfer will be granted where it would result in excessive overcrowding;
- e) Until a joint tenancy is regularised following any changes in circumstances i.e. the death of joint applicant or a separation.

### **11.3 Refusal of Offers of Accommodation by the Applicant:**

#### **1. Housing List:**

In the event of two reasonable offers of Social Housing Support being refused, Dublin City Council will suspend the applicant from the waiting list. This will result in the household not being offered Social Housing Support for the suspension period of 12 months. It should be noted that this period will not subsequently count for 'time on list' purposes.

This will include offers of social housing accommodation with either Dublin City Council, another Dublin Local Authority (where an applicant has an Area of Preference) an AHB, a Social Housing Leasing Initiative or under the RAS.

Where two reasonable offers are refused by an applicant with any Priority Status the applicant will lose such Priority Status and be considered instead on the basis of their time on the waiting list when their suspension period is over.

#### **2. Transfer List:**

In the event of two reasonable offers of Social Housing Support being refused by transfer applicants, the transfer application will be cancelled. A new application for transfer will not be accepted for 12 months in these circumstances.

This will include offers of social housing accommodation with either Dublin City Council, an AHB, Social Housing Leasing Initiative or under the RAS.

Where two reasonable offers are refused by a transfer applicant with any Priority Status, the applicants will lose their Priority Status and the transfer application will be cancelled. A new application for transfer will not be accepted for 12 months.

#### **3. Choice Based Letting:**

An applicant having refused an offer under CBL will not be eligible for CBL for a period of 12 months.

### **11.4 Composite Households:**

Applications from two households residing apart but wishing to be accommodated together will be considered on a case by case basis by taking into account age, medical related care/support issues, overcrowding and demand. The availability of suitable alternative accommodation will be a factor. The housing need will be assessed assuming the whole family are residing together at the larger tenancy. Their application will be placed within the Band deemed most suitable by Dublin City Council from the date the application was approved.

## **11.5 Older Persons' Accommodation:**

Dublin City Council provides designated dwellings for Older Persons on the Housing and Transfer lists. Older Persons for the purpose of this Scheme are persons of aged 60 years of age or over.

The following categories are also eligible:

1. Couples where one person is aged 60 years or over, and the other person is at least 55 years.
2. Persons aged 55 years or over where Priority has been awarded.
3. Persons aged 55 or over who had qualified or were entitled to apply for inclusion in the Scheme prior to the 2018 review, up to and inclusive of applications received before 31<sup>st</sup> December 2018.

## **11.6 Applications from Property Owners:**

1. Applications are not accepted from current property owners or from previous property owners unless the applicant provides fully documented details as to the reason why they can no longer remain in or had to dispose of that accommodation as part of a legal resolution to the ownership issue.
2. Persons purchasing dwellings who, through unemployment, loss of income or other valid reasons, are no longer able to meet their repayments may apply to Dublin City Council for Social Housing Support.
3. Dublin City Council will have regard to cases where the mortgage on the household's existing accommodation is deemed unsustainable by the mortgage lender under the terms of the Central Bank's 2011 Code of Conduct for mortgage arrears. The applicant must provide to Dublin City Council written confirmation from the lender which sets out that the mortgage has been deemed unsustainable and the reasons for that determination and evidence that they have been through the full MARP process.

## **11.7 Independent Living:**

All applicants must be capable of living on their own or, where considered necessary by Dublin City Council, have engaged successfully with necessary support services at time of offer of accommodation and comply with good estate management.

Dublin City Council may request an assessment of capacity to live independently and/or an assessment of support needs from qualified persons.

## **11.8 Lists, Records and Reports:**

The Allocations Officer will keep all necessary lists and all records, and obtain such relevant reports as in his/her opinion will best facilitate the operation of the Scheme.

## **11.9 Approach to Allocations:**

In order to ensure the best possible use of dwellings which become available, larger dwellings will in general be allocated to larger households and smaller dwellings to smaller households.

## **11.10 Household Budget Scheme**

Dublin City Council will facilitate the payment of rent through the Household Budget Scheme and all qualifying Housing/Transfer List applicants will be asked to sign up to this scheme before being allocated a Dublin City Council tenancy.

### **11.11 Preferential Treatment of Existing Tenants/Residents (Sub-Tenants) of Apartments for Vacancies in the Same Complex:**

Transfer applicants residing in a flat complex may be given preference for vacancies in the same complex where this is appropriate i.e. to manage overcrowding, and for Estate Management reasons. These applications will be considered in accordance with time on the list.

### **11.12 Emergency Needs:**

Where the need of accommodation arises from an emergency, the Allocations Officer may make a letting necessary to meet that need, notwithstanding the order of priorities for lettings as set out in this Scheme.

### **11.13 Consideration of All Applications on Estate Management Grounds:**

Dublin City Council will examine all applications on estate management grounds before an allocation is finally made, in accordance with Section 14(1) and 15(2) of the Housing (Miscellaneous Provisions) Act 1997.

It is also the policy of Dublin City Council to have applications from persons to reside in a Dublin City Council rented accommodation examined on estate management grounds.

### **11.14 Tenant Induction Courses:**

Dublin City Council may require prospective tenants of all accommodation being provided to attend tenant induction courses before the tenancy of a dwelling is granted.

### **11.15 Estate Management/Social Inclusion:**

Nothing in this scheme shall operate to prevent the Allocations Officer from making or not making an allocation on grounds of Estate Management or Social Inclusion.

### **11.16 Designating Dwellings for Letting to Particular Categories of Applicants:**

1. Dublin City Council may, from time to time, set aside for persons of such category or categories as the authority may decide, a proportion of dwellings becoming available to the authority for Specific accommodation requirements arising from any of the following:
  - a) **Older Persons:** Dublin City Council has set aside a proportion of its stock to cater for the housing needs of older persons.
  - b) **Traveller specific accommodation:** Dublin City Council may provide halting sites and/or group housing for members of the Traveller community.
  - c) **Homeless:** Dublin City Council under its CAS and other housing development schemes sets aside a small proportion of dwellings specifically for homeless households.
  - d) **Disability:** Dublin City Council will require 5% of all new developments to make specific provision for disability. Dublin City Council under its CAS and other housing development schemes sets aside a small proportion of dwellings for individuals who, in the opinion of the housing authority and supported by objective assessments, require specific supports relating to their form of disability and will allocate appropriately (based on date of qualification in the first instance and match of needs in the second).
  - e) **Exceptional Medical Grounds:** Where a housing unit has adaptations appropriate to an exceptional medical need, Dublin City Council will allocate to the most appropriate household on the Medical Priority List in terms of the household's need for adopted accommodation and not according to the next on list.

2. Where such a number, or proportion, of dwellings is set aside, priority shall be afforded to the specified categories in the letting of these dwellings.
3. All specific accommodation requirements identified in the application or subsequent medical or social reports submitted are assessed but do not automatically confer a basis for Priority. Dublin City Council will consider the accommodation needs at the time of offer in relation to the suitability of the accommodation offered.

#### **11.17 Appeal:**

An applicant may appeal any decision by applying in writing to the Allocations Officer, Dublin City Council, Wood Quay, Dublin 8.

#### **11.18 Applications for Exceptional Social and Medical Grounds, Financial Contributions, Traveller and Surrender of Larger Priority:**

Dublin City Council will only consider applications for the above categories from applicants whose authority of application is Dublin City Council. Where an applicant has applied to another Dublin Authority and is included on Dublin City Council's list of qualified persons by way of an area of preference, such supporting documentation submitted will be considered only with regard to the suitability of the offer to the applicant's needs.

#### **11.19 Interpretation:**

The Allocations Officer will have the primary responsibility in relation to the interpretation of any matter concerning this Allocations Scheme. Her/his decision may be appealed to the relevant Executive Manager in Dublin City Council.

## Section 12. Appendix.

### 12.1 Who can apply to Dublin City Council?

1. A household resident in Dublin City Council's functional area.
2. A household residing outside the Dublin City Council may be included to such extent that they have a local connection to the functional area:
  - a) Member of household has resided for a **continuous five year period** at any time in the area;
  - b) **Employment** of any member of household is in the area or is located within 15 kilometres of the area;
  - c) A household member is in **full-time education** in any university, college, school or other education establishment in the area;
  - d) A household member with enduring physical, sensory, mental health or intellectual impairment is attending a related educational or medical establishment in the area;
  - e) A relative of any household members lives in the area and has lived here for a minimum of two years, where there are close links with the household in the form of a **commitment or dependence**.
3. Applicants must be 18 years or over.
4. The Allocations Officer may at **its discretion** accept an application from an applicant not resident in the Dublin area and who does not meet the local connection criteria. These applicants may **only** choose from the housing areas within Dublin City Council's area.

### 12.2 Qualifying for Social Housing - Assessing Eligibility for Social Housing Support:

To be considered for an offer of accommodation from Dublin City Council an applicant must in accordance with the Housing (Miscellaneous Provisions) Act 2009 and associated regulations, and in the opinion of Dublin City Council, be **both eligible for Social Housing Support and in need of such accommodation.**

If a household does not meet the eligibility criteria, then the assessment ceases at that point.

As part of the eligibility assessment the following will be considered:

1. **Income:** The applicant's income must not exceed the thresholds prescribed in the National Household Means Policy.
2. **Residency:** The right of non-Irish nationals to qualify for Social Housing Support must meet the criteria set out in Housing Circular 21/2012.
3. **Alternative Accommodation:** The household must, in the opinion of Dublin City Council, have no alternative accommodation available to it.
5. **Support Previously Provided:** In determining the most appropriate form of Social Housing Support for a qualified applicant, Dublin City Council will not consider the provision of Social Housing Supports for an applicant who was previously a tenant of a dwelling or a site provided by a housing authority and incurred arrears of rent for an accumulated period of 12 weeks or more in any period of 3 years, and which arrears have not been paid, and the household has not entered into an arrangement with the housing authority for the payment of such arrears or, has not substantially complied with the terms of the arrears agreement.

In these circumstances a household may be eligible for HAP, an AHB or a site but will not qualify for the full range of Social Housing Supports until the issues are resolved.

### **12.3 Qualifying for Social Housing - Assessing the Basis of Need for Social Housing Support:**

In determining the basis of need Dublin City Council will have regard to the household's current accommodation -

1. whether the household is homeless within the meaning of Section 2 of the Housing Act 1988;
2. whether the household is currently living in overcrowded conditions;
3. whether the accommodation is unfit for human habitation;
4. whether the accommodation is unsuitable for reasons of a physical, sensory, mental health and/or intellectual disability within the household;
5. whether the accommodation is unsuitable for the household' adequate housing on exceptional medical or compassionate grounds;
6. where there are shared households and the applicant household has, in the opinion of the housing authority, a reasonable requirement for separate accommodation;
7. where a household's Mortgage has been deemed by the Lender as unsustainable prescribed under Social Housing Regulations 2011 and Code of Conduct for Mortgage Arrears 2011;
8. where a household is dependent on rent supplement, without which the household would have a difficulty providing for their accommodation needs. (Social Housing Regulations 2016);
9. where there are other grounds where the accommodation is unsuitable in any other material respect having regard to particular circumstances.

### **12.4 Household Composition:**

#### **12.4.1 Persons who may be accepted as part of an applicant's Household:**

1. The partner (aged 18 or over) of the applicant, including married, civil partners, unmarried and same sex partners;
2. Where members of a household are forced to live at different addresses, the assessment of housing need (such as overcrowding) will be carried out assuming the whole family are residing together at the more suitable accommodation. Suitability will usually relate to the households housing needs (for example size of property or medical needs) and the security of tenure of both addresses. The applicant will be placed in the band which reflects the best accommodation available to the household;
3. A person that Dublin City Council accepts as suitable for inclusion on the basis of an accepted commitment or dependence, such as being a designated carer in receipt of Carer's allowance;
4. Dependent children ordinarily living with the applicant on a full-time basis, or for whom the applicant or their partner has primary care and control. The applicant will be asked to provide some evidence of the dependency and full-time residency e.g. birth certificate and child's benefit payment/social welfare dependent allowance and the Court/Custody order where applicable;

In most cases this will be clear, however to avoid doubt this includes:

- a) children of a current or previous relationship of the applicant or their partner residing on a full-time basis;
  - b) grandchildren who are dependent on the applicant or another member of the household included in the application or for whom the applicant has formally accepted caring responsibility;
  - c) subsequent births of dependent children;
  - d) dependent children of the applicant who join the household on a full-time permanent basis following adoption or the issuing of a residence or care and control order by a court;
  - e) exceptionally those residing with the tenant for foster care or placed with the applicant/tenant where Health Services Executive /Social Services have confirmed that the placement will be a permanent or long term arrangement. Continued inclusion of foster children will be reviewed periodically;
  - f) access children, subject to the submission of the relevant legal documentation and/or a Statutory Declaration relating to same (**See bedroom requirements**);
  - g) other situations where the applicant has responsibility for a child will be considered on a case by case basis.
5. Persons residing with the applicant who, in the opinion of the Allocations Officer should be considered a member of the applicant's household, regard being had to all circumstances including the length of time resident with applicant. Dublin City Council may request all relevant documentation and may review at offer stage.

#### **12.4.2 Persons who will not be accepted as part of an applicant's household:**

- a) Friends, lodgers, sub-tenants and any other adults not listed above wishing to be included in order to share accommodation with the applicant;
- b) Anyone who does not have a legal right to remain in the State on a long-term basis, in accordance with Housing Circular 12/2012, or any subsequent replacement Circular;
- c) Anyone who has moved into the current property without good reason and caused the household to be overcrowded;
- d) Anyone who does not intend to move to any accommodation offered to the applicant(s);
- e) Any of the persons listed above will be disregarded for the purpose of assessing any overcrowding and the size of property that the household requires.

#### **12.5 Transfer Applications from Tenants with Rent Arrears:**

Transfer applications from tenants with rent arrears will be accepted only if there is an arrears agreement in place and substantial compliance has been certified but no allocations will be made except in accordance with 2.7.2(b).

**End**