



Comhairle Contae Mhaigh Eo  
Mayo County Council

# **DRAFT HOUSING ALLOCATION SCHEME**



**Prepared and under consideration for adoption in accordance with Section 22 of the Housing (Miscellaneous Provisions) Act 2009 and the Social Housing Allocation Regulations 2011 (S.I. No. 198 of 2011)**

**Central Housing Office  
September, 2016**

**Subject to Adoption this Scheme will be Effective from the 1st  
Day of November, 2016**

**INDEX**

	<b>Page No.</b>
<b>1. DEFINITIONS AND INTERPRETATION</b>	<b>3</b>
<b>2. SCOPE OF THE SCHEME</b>	<b>6</b>
<b>3. GENERAL PROVISIONS</b>	<b>7</b>
<b>4. ELIGIBILITY FOR SOCIAL HOUSING SUPPORT</b>	<b>7</b>
<b>5. ORDER OF PRIORITY IN THE ALLOCATION OF DWELLINGS</b>	<b>8</b>
<b>6. CHOICE BASED LETTING</b>	<b>10</b>
<b>7. POLICY ON AREA OF CHOICE</b>	<b>10</b>
<b>8. POLICY ON REFUSALS</b>	<b>10</b>
<b>9. POLICY ON TRANSFERS</b>	<b>11</b>
<b>10. POLICY ON MUTUAL EXCHANGES</b>	<b>12</b>
<b>11. POLICY ON TENANCY SUCCESSION</b>	<b>13</b>
<b>12. POLICY ON PERMISSION TO RESIDE FOR NON TENANTS</b>	<b>15</b>
<b>13. POLICY ON FORMER SOCIAL HOUSING TENANTS</b>	<b>15</b>
<b>14. POLICY ON ILLEGAL OCCUPIERS</b>	<b>16</b>
<b>15. POLICY ON DOWNSIZING SCHEME FOR THE ELDERLY</b>	<b>16</b>
<b>16. ESTATE MANAGEMENT</b>	<b>17</b>
<b>17. ANTI-SOCIAL BEHAVIOUR</b>	<b>17</b>
<b>18. PRE-TENANCY COURSES</b>	<b>17</b>
<b>19. STATUTORY REQUIREMENT TO PROVIDE INFORMATION</b>	<b>18</b>

## **1.0 DEFINITIONS AND INTERPRETATION**

In this Scheme, unless the context otherwise requires:-

- 1.1 A reference to any enactment (whether specifically named or not) or to any section or sub-section therein shall include any statutory modifications thereof whether by way of amendment, addition, deletion or repeal and re-enactment with or without amendment for the time being in force and all statutory instruments, orders, notices, regulations and directions for the time being made, issued or given thereunder or deriving validity therefrom.
- 1.2 **‘anti-social behaviour’** shall have the same meaning as provided in Section 1(1) of the Housing (Miscellaneous Provisions) Act, 1997 (as amended). It includes either or both of the following, namely -
- (a) *the manufacture, production, preparation, importation, exportation, sale, supply, possession for the purposes of sale or supply, or distribution of a controlled drug (within the meaning of the Misuse of Drugs Acts, 1977 and 1984),*
  - (b) *any behaviour which causes or is likely to cause any significant or persistent danger, injury, damage, alarm, loss or fear to any person living, working or otherwise lawfully in or in the vicinity of a house provided by a Housing Authority under the Housing Acts, 1966 to 1997, or a housing estate in which the house is situate [or a site] and, without prejudice to the foregoing, includes*
    - (i) *violence, threats, intimidation, coercion, harassment or serious obstruction of any person*
    - (ii) *behaviour which causes any significant or persistent impairment of a person’s use or enjoyment of his or her home, or*
    - (iii) *damage to or defacement by writing or other marks of any property, including a person’s home.*
- 1.3 **‘approved body’** means a body standing approved for the purposes of Section 6 of the Housing (Miscellaneous Provisions) Act, 1992.
- 1.4 **‘choice based letting’** means the allocation of a letting of a designated bid dwelling(s) provided under the Housing Acts 1966 to 2009 or Part V of the Planning & Development Act 2000 of which Mayo County Council is owner to which section 22 of the Housing (Miscellaneous Provisions) Act 2009 applies and which Mayo County Council expects to allocate within 6 months of designation.
- 1.5 **‘dwellings’** shall mean dwellings provided under the Housing Acts 1966 to 2009 or Part V of the Planning and Development Act 2000 of which Mayo County Council is owner or, of which Mayo County Council is not the owner and which are provided under a contract or a lease between Mayo County

Council and the owner concerned, including rental accommodation availability agreements, and dwellings owned and provided by Approved Bodies to which assistance is given under Section 6 of the Housing (Miscellaneous Provisions) Act 1992 for the purposes of such provision.

1.6 **‘estate management’** shall have the same meaning as provided for in section 1 (1) of the Housing (Miscellaneous Provisions) Act, 1997 (as amended). It includes either or both of the following, namely –

(a) *the securing or promotion of the interests of any tenants, lessees, owners or occupiers, whether individually or generally, in the enjoyment of any house, building or land provided by a housing authority, under the Housing Acts 1966 to 1997*

(b) *the avoidance, prevention or abatement of anti-social behaviour in any housing estate in which is situate a house provided by a housing authority under the Housing Acts, 1966 to 1997;*

1.7 **‘emergency’** shall be an emergency decided as such by the Chief Executive of Mayo County Council or his nominated official whose decision in this regard shall be final.

1.8 **‘homeless’** shall have the same meaning as provided in Section 2 of the Housing Act, 1988 so that a person shall be regarded by the local authority as being homeless for the purposes of this Scheme if:-

(a) there is no accommodation available which, in the opinion of the local authority, he/she, 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) he/she is living in a hospital, county home, night shelter or other such institution, and is so living because he/she has no accommodation of the kind referred to in paragraph (a), and he/she is, in the opinion of the local authority, unable to provide accommodation from his/her own resources.

1.9 **‘overcrowding’** shall have the same meaning as assigned to it by Section 63 of the Housing Act, 1966 so that a dwelling shall be deemed to be overcrowded at any time when the number of persons ordinarily sleeping in the dwelling and the number of rooms therein either:-

(a) are such that any two of those persons, being persons of ten years of age or more of opposite sexes 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 four hundred cubic feet (the height of the room, if it exceeds eight feet, being taken to be eight feet,

for the purposes of calculating free air space), and ‘overcrowding’ shall be construed accordingly.

- 1.10 **‘RAS tenant’** means a person in receipt of social housing support under a tri-party tenancy agreement under the Rental Accommodation Scheme, where Mayo County Council undertakes a financial role to guarantee rent to the landlord subject to the landlord’s compliance with relevant legislation set out in their tenancy agreement, for the duration of the tenancy.
- 1.11 **‘HAP tenant’** means a person in receipt of social housing support under the Housing Assistance Payment Scheme.
- 1.12 **‘Scheme’** shall mean this Allocation Scheme.
- 1.13 **‘the 2009 Act’** shall mean the Housing (Miscellaneous Provisions) Act 2009 (No. 22 of 2009) as amended, adapted or extended by or under any subsequent legislative enactment.
- 1.14 **‘Social Housing Support’** shall have the meaning assigned to it by Section 19 of the *2009 Act* and may include all or any of the following:
- (a) dwellings provided by a housing authority under the *Housing Acts 1966 to 2009* or provided under Part V of the Planning and Development Act 2000 , other than affordable housing;
  - (b) dwellings provided by an approved body;
  - (a) the sale of a dwelling under *Part 3 of the 2009 Act*;
  - (d) entering into and maintaining rental accommodation availability agreements;
  - (e) the provision of sites for caravans referred to in section 13 of the Act of 1988 and any accommodation provided to travellers under the Housing (Traveller Accommodation) Act 1998;
  - (f) the provision of sites for building purposes under section 57 of the Principal Act;
  - (g) providing housing assistance under Part 4 of the Housing (Miscellaneous Provisions) Act 2014
- 1.15 **‘unfit’** shall have the meaning as assigned to it by Section 66 of the Housing Act, 1966.
- 1.16 Any reference to a Clause by number is a reference to that numbered clause as it appears in this Scheme.
- 1.17 The headings to Clauses of this Scheme are for ease of reference only and are not to be used for purposes of construing this Scheme.

- 1.18 Where the context so admits or requires the masculine includes the feminine and neuter genders and singular includes the plural.

## **2.0 SCOPE OF THE SCHEME**

2.1 The purpose of this Scheme is to provide a means for determining the order of priority to be given in the allocation of dwellings (or particular categories of dwellings) to households (or to particular classes of such households) assessed by Mayo County Council as being qualified for social housing support and to households already in receipt of social housing support that have applied to transfer to other dwellings or to purchase a dwelling under the incremental purchase arrangements set out in Part 3 of the 2009 Act and Mayo County Council consents to the transfer, or purchase, as the case may be. Such persons shall include persons who are-

- (a) homeless;
- (b) travellers;
- (c) living in accommodation that is unfit for human habitation or is materially unsuitable for their adequate housing;
- (d) living in overcrowded accommodation;
- (e) sharing accommodation with another person or persons and who, in the opinion of Mayo County Council, have a reasonable requirement for separate accommodation;
- (f) are young persons leaving institutional care or without family accommodation;
- (g) are in need of accommodation for medical or compassionate reasons;
- (h) elderly;
- (i) in accommodation, the extent to which it does not meet their requirements, arising from the enduring physical, sensory, mental health or intellectual impairment of a household member;
- (j) not, in the opinion of Mayo County Council, reasonably able to meet the cost of the accommodation which they are occupying or to obtain suitable alternative accommodation.

2.2 Provisions pertaining to the allocation of dwellings including those granted by way of mutual exchange, on succession and under the downsizing scheme for the elderly are also included in this Scheme.

- 2.3 All allocations of dwellings shall be made in accordance with this Scheme.
- 2.4 Mayo County Council may from time to time review this Scheme and revise it by way of amendments or make a new scheme. The making of this scheme or any new allocation scheme is a reserved function.

### **3.0 GENERAL PROVISIONS**

- 3.1 A person applying for the allocation of a dwelling under this Scheme must have reached the age of 18 years on or before the date of any allocation and must have a legal right to reside in the State.
- 3.2 Mayo County Council, in applying the terms of this Scheme to a household, may disregard the accommodation that household is occupying where Mayo County has reason to believe that they have deliberately, or without good and sufficient reason, done or failed to do anything (other than an action or omission in good faith) in consequence of which the accommodation they are occupying is less suitable for their adequate housing than other accommodation which it would have been, or would be, reasonable for them to occupy.
- 3.3 Mayo County Council may from time to time, as it considers fit, reserve and designate for particular categories of households a particular number or proportion of dwellings becoming available for allocation and where a particular number or proportion of dwellings becoming available for allocation is set aside or designated for a particular category or categories of households, priority shall be accorded to households of that particular category in the allocation of those dwellings. The reservation of dwellings in this regard shall be by way of Chief Executive's Order. Without prejudice to the foregoing, Mayo County Council may, at its discretion, reserve such dwellings as aforesaid for:
- (a) allocation to elderly or older persons, persons with a physical, sensory, mental health or intellectual impairment, young persons leaving institutional care, persons in need of accommodation for medical or compassionate reasons or any other class or classes of persons which Mayo County Council at its discretion considers it prudent to provide accommodation;
  - (b) allocation to households transferring from other forms of social housing support;
  - (c) particular forms of tenure including but not limited to Incremental Purchase Schemes.
  - (d) allocation of Unsold Affordable Dwellings

#### **4.0 ELIGIBILITY FOR SOCIAL HOUSING SUPPORT**

- 4.1 The eligibility criteria for applicants for allocation of dwellings must comply with the eligibility criteria as set out in the Housing Acts 1966 to 2009, the Social Housing Assessment Regulations 2011 and the Social Housing Assessment (Amendment) Regulations 2011.

#### **5.0 ORDER OF PRIORITY IN THE ALLOCATION OF DWELLINGS**

- 5.1 In determining a household's need for social housing support, Mayo County Council shall have regard to the provisions of the Housing Acts 1966 to 2009, the Social Housing Assessment Regulations 2011 (S.I. No. 84 of 2011), the Social Housing Assessment (Amendment) Regulations 2011 (S.I. No. 136 of 2011) and the following matters relating to the household's current accommodation.

- 5.2 Allocations will be made in the following order of priority having taken into account all the relevant information furnished by the applicant household in support of its application together with all other information relevant thereto known to the Chief Executive of his nominee or any other person so delegated including the applicant household's waiting time on Mayo County Councils social housing support waiting list, stated preference area(s), family size and type of dwelling required:

1. *Whether the current accommodation is an institution, emergency accommodation or a hostel,*
2. *Whether the current accommodation is fit for human habitation having regard to the matters set out in the Second Schedule to the Housing Act 1966,*
3. *Whether the current accommodation is overcrowded,*
4. *The extent to which the current accommodation meets any accommodation requirement arising from an enduring physical, sensory, mental health or intellectual impairment of a household member,*
5. *Whether persons who are sharing accommodation with another person or persons, in the opinion of Mayo County Council, have a reasonable requirement for separate accommodation,*
6. *Whether the current accommodation is unsuitable for the household's adequate housing –*
  - (i) *in any other material respect, having regard to particular household circumstances, including rent affordability, or*
  - (ii) *on exceptional medical or compassionate grounds.*



- 5.3 Where more than one applicant is in the same category of priority, length of time on Mayo County Councils housing waiting list will be the principle consideration in the allocation of a dwelling unless it is considered by Mayo County Council that the allocation would be contrary to good estate management.
- 5.4 Mayo County Council may disregard the order of priority given to a household under this scheme where the household is being provided with social housing support:
- (a) in a dwelling let to a household under a Rental Accommodation Scheme, Social Leasing or Housing Assistance Payment Scheme
  - (b) arising from specified exceptional circumstances, including displacement by fire, flood or any other emergency, development, redevelopment or regeneration of an area by Mayo County Council, or exceptional medical or compassionate grounds.
- 5.5 Notwithstanding anything contained in the Housing Acts 1966 to 2009 or in this Scheme, Mayo County Council may in accordance with the provisions of Section 14 (1) (b) of the Housing (Miscellaneous Provisions) Act 1997 (as amended), refuse to allocate or defer the allocation of a dwelling including a dwelling the subject of a Rental Accommodation Availability Agreement to a person where:
- (a) Mayo County Council considers that the person is or has been engaged in anti-social behaviour or that a letting to that person would not be in the interest of good estate management, or
  - (b) the person fails to provide information, including information relating to persons residing or to reside with that person, which is requested by Mayo County Council and which Mayo County Council considers necessary in connection with an allocation.
- 5.6 Notwithstanding anything contained in Part 3 of the 2009 Act or an incremental purchase arrangement under the said Part 3, Mayo County Council may refuse to sell a dwelling to an eligible household (within the meaning of Part 3 of the 2009 Act) where Mayo County Council considers that the said eligible household or any member of the eligible household, as the case may be, is or has been engaged in anti-social behaviour or that a sale to that eligible household would not be in the interest of good estate management.

## **6.0 CHOICE BASED LETTING (CBL)**

- 6.1 Choice Based Letting (CBL) is being provided for under Regulations 6 – 11 of the Social Housing Allocation Regulations 2011. The procedure applied for Choice Based Letting will be in accordance with these Regulations. It will apply to dwellings provided by Mayo County Council under the Housing Acts 1966 to 2009 or Part V of the Planning and Development Act 2000 of which Mayo County Council is the owner and which are expected to be allocated within six months. Such dwellings are designated by Chief Executive's Order for use for Choice Based Letting.
- 6.2 Subject to the making of a fresh determination of the household's qualification for social housing support and to good estate management, the allocation of a CBL dwelling will be to the applicant household whose position is highest in accordance with this Allocation Scheme of those expressing an interest in the CBL dwelling. A refusal of an offer made under a CBL scheme shall not constitute a refusal as per Clause 8.0 below. However, the applicant household cannot bid for another CBL dwelling for 1 year in accordance with Regulation 10(1).

## **7.0 POLICY ON AREA OF CHOICE**

- 7.1 A household applying in the first instance for allocation of a dwelling or applying to transfer from other forms of social housing support may apply to be considered for accommodation in any of Mayo County Council areas. The total number of areas of choice specified by the household at any time shall not exceed three.
- 7.2 The household may not change an area of choice within the period of twelve months following notification of that area of choice to Mayo County Council.
- 7.3 Where the household notifies Mayo County Council that it no longer wishes to receive social housing support in an area of choice that it previously specified, the household, may not, within the period of twelve months following such notification, change its preferences so as to specify that area of choice again.

## **8.0 POLICY ON REFUSALS**

- 8.1 Following the coming into force of this Scheme, where a qualified household refuses two reasonable offers of the allocation of different dwellings in any continuous period of one year commencing on the date of the first refusal, the said household shall not, for the period of one year commencing on the date of the second refusal, be considered by Mayo County Council for the allocation

of a dwelling to which section 22 of the Act of 2009 applies and the latter period shall not subsequently be reckonable in any way for the purposes of determining the relative priority of that household for a dwelling allocation.

- 8.2 For the purposes of this Scheme, an offer of a dwelling allocation by Mayo County Council shall be deemed to be reasonable where the allocation of that dwelling would, in the opinion of Mayo County Council, meet the accommodation needs and requirements of the qualified household concerned and, (except in the case of a dwelling allocation offered arising from specified exceptional circumstances, including displacement by fire, flood or any other emergency, development, redevelopment or regeneration of an area by Mayo County Council, or exceptional medical or compassionate grounds), the dwelling is situated in an area of choice specified by the household in accordance with Clause 7 above..
- 8.3 The final decision in relation to any allocation of a dwelling will be made by the Chief Executive or his nominee in pursuance of the authority delegated to him/her by Order of the Chief Executive or by any other person so delegated. In making this decision, the nominee or any other person so delegated shall have regard to all information furnished by the household in support of his application together with all other information relevant thereto known to the nominee or any other person so delegated including the household's waiting time on Mayo County Council social housing support waiting list or transfer waiting list, stated preference area(s), family size and type of dwelling required and available for allocation.

## **9.0 POLICY ON TRANSFERS**

- 9.1 Mayo County Council shall consider applications from tenants, including tenants of dwellings provided under the Rental Accommodation Scheme (RAS), Social Leasing, Housing Assistance Payment (HAP) or by Approved Housing Bodies (AHB's) to transfer to another dwelling and allocations will be made in the following order of priority having taken into account all the relevant information furnished by the applicant household in support of its transfer application together with all other information relevant thereto known to the Chief Executive or his nominee including the transfer applicant's waiting time on Mayo County Council transfer waiting list, stated preference area(s), family size and type of dwelling required:
- a. whether the current accommodation is overcrowded,
  - b. the extent to which the current accommodation meets any accommodation requirement arising from the enduring physical, sensory, mental health or intellectual impairment of a household member (medical or compassionate reasons),

- c. whether the current accommodation is unsuitable for the household's adequate housing in any other material respect, having regard to particular household circumstances, or on exceptional medical or compassionate grounds,
  - d. Under-utilisation of existing accommodation,
  - e. To facilitate incremental purchase where Mayo County Council has consented to such a purchase.
- 9.2 Prior to the allocation of a dwelling on foot of a request for a transfer in any of the above-mentioned circumstances, Mayo County Council reserves the right to have the following requirements met by the tenant/applicant in respect of any existing tenancy:
- (a) Clear Rent Account for a period of six months;
  - (b) Clear Refuse and Service Charge Account;
  - (c) The tenant/applicant's dwelling must be maintained in a manner satisfactory to Mayo County Council;
  - (d) The tenant/applicant must have complied with all the conditions of the existing Tenancy Agreement;
  - (c) The tenant/applicant must have no record of anti-social behaviour;
  - (f) The tenant/applicant must have resided in the dwelling the subject of his existing Tenancy Agreement for a minimum period of two years.

## **10.0 POLICY ON MUTUAL EXCHANGES**

- 10.1 A tenant of Mayo County Council may apply to exchange his existing tenancy for a tenancy of another dwelling in the ownership of a Housing Authority or an Approved Body.
- 10.2 Applications for mutual exchange shall be subject to the approval of both Mayo County Council and the other Housing Authority or Approved Body, to the surrender of the tenant's existing tenancy and to the execution by the tenant of a new Tenancy Agreement in respect of the tenancy to be granted by way of exchange.
- 10.3 In considering applications by way of mutual exchange, Mayo County Council shall have regard to the reasons given by the applicant for the exchange. Subject thereto, Mayo County Council shall consider applications by way of

mutual exchange in the following circumstances and determine same in the following priority:-

- Overcrowding;
- Under-utilisation of existing accommodation;
- Medical or compassionate reasons.

10.4 Mayo County Council reserves the right to allocate or refuse to allocate a dwelling by way of mutual exchange. Prior to the consideration of an application by way of mutual exchange, the following pre-conditions should be met:

- (a) Both applicants must have an existing tenancy in their respective dwellings for a period of two years and have a clear rent account for a period of six months prior to the making of their applications;
- (b) Both applicants must have a clear refuse and service charge account;
- (c) The tenancy records of the applicants must establish compliance with the conditions of their respective Tenancy Agreements;
- (d) The dwellings must be maintained in a manner satisfactory to Mayo County Council and the Housing Authority or Approved Body;
- (e) The applicants must have no record of anti-social behaviour;
- (f) Mayo County Council must be satisfied that the granting of a tenancy to the mutual exchange applicant would be in the interest of good estate management;
- (g) Payment of any applicable fee.

## **11.0 POLICY ON TENANCY SUCCESSION**

11.1 In cases where one of two or more joint tenants of a dwelling provided by Mayo County Council, vacates the dwelling, a Form of Severance in respect of the joint tenancy shall be signed by the vacating tenant and produced to Mayo County Council. The Chief Executive or his nominee after due consideration of all the circumstances known to him/her shall decide whether to accept the severance of such tenancy and to acknowledge the remaining tenant as the sole tenant.

11.2 In cases where the sole tenant vacates a dwelling provided by Mayo County Council, leaving a spouse or partner in occupation of the dwelling, a Form of Surrender in respect of the tenancy shall be signed by the tenant and produced to Mayo County Council. The Chief Executive or his nominee, after due

consideration of all the circumstances known to him/her, shall consider an application for a tenancy in the dwelling by the remaining spouse or partner (if any) of the vacating tenant where:

- (a) the remaining spouse or partner has continued to reside in the dwelling throughout his lifetime and who has been assessed for rent purposes, or,
- (b) the remaining spouse or partner who having left the dwelling for a period, has resided in the dwelling with the tenant with the permission of Mayo County Council for a period of at least 2 years prior to the vacating of the dwelling by the tenant.

11.3 In cases where all of the tenants of a dwelling provided by Mayo County Council have died or vacated the dwelling, Mayo County Council shall consider an application for a tenancy from the following:

- (a) a person who has continued to reside in the dwelling throughout his lifetime and who has been assessed for rent purposes, or,
- (b) a person who having left the dwelling for a period, has resided in the dwelling with the tenant with the permission of the local authority for a period of at least 2 years prior to the death or departure of the tenant.

Where there are two or more surviving persons who meet the criteria at (a) or (b) above, a joint tenancy may be granted by Mayo County Council.

11.4 In cases where one of two joint tenants of a dwelling provided by Mayo County Council vacates the dwelling without signing and producing to Mayo County Council a Form of Severance and fails to reside in the dwelling for a period of at least two years, the Chief Executive or his nominee after due consideration of all the circumstances known to her shall decide whether to deem a severance of the joint tenancy to have taken place and to acknowledge the remaining tenant as the sole tenant of the dwelling.

11.5 In cases where there is an existing tenancy of a dwelling provided by Mayo County Council to tenants who have been married and who separate under a legal separation agreement, Mayo County Council will have regard to the terms of that agreement provided it is produced in determining the status of the tenancy. In cases where a court order exists, Mayo County Council will determine the status of the tenancy in compliance with the order of the court when produced.

## **12.0 POLICY ON PERMISSION TO RESIDE FOR NON TENANTS**

12.1 The prior written consent of Mayo County Council is required where a tenant wishes to have a person reside with him. Applications by a tenant for such consent will be considered on their merits and will involve an assessment of the following:

- (a) The applicant's reasons for the application;
- (b) The applicant's medical/compassionate needs;
- (c) The applicant's need of full time care;
- (d) The capacity of the dwelling to accommodate the proposed resident having regard to the number of persons in occupation of the dwelling with the tenant;
- (e) The proposed residents ability to provide housing from his/her own resources;
- (f) The proposed resident's previous record, if any, as a tenant or resident of a Housing Authority.

Where Mayo County Council is satisfied that the application to reside is being made solely in an effort to have the proposed resident succeed to the tenancy, permission to reside will not be granted.

12.2 The granting of permission to a tenant to have the proposed resident reside with the tenant does not confer a right on the proposed resident to succeed to the tenancy in the dwelling and confers no entitlement whatever on the proposed resident to any interest in the dwelling and on the tenant ceasing to hold the tenancy either through surrender, termination or otherwise, the approved resident will be required to vacate the dwelling.

12.3 The granting of permission to the tenant to have the proposed resident reside in the dwelling with the tenant shall be subject to the tenant obtaining independent legal advice prior to the execution of either a Carer's Agreement or a Residency Agreement as the case may be and producing same to Mayo County Council together with a certificate from the tenant's Solicitor so confirming.

## **13.0 POLICY ON FORMER SOCIAL HOUSING TENANTS**

13.1 Mayo County Council reserves the right to exclude former tenants of Mayo County Council or of any other Housing Authority or Voluntary Housing Body from inclusion on the housing list unless they show to the satisfaction of Mayo County Council that:-

- (a) The rent and refuse account in respect of the previous tenancy and or tenancies is clear;

- (b) The tenancy or tenancies were not abandoned;
- (c) The letting conditions in relation to the previous tenancy or tenancies were complied with;
- (d) The former tenant has no record of anti-social behaviour;
- (e) The former tenant did not damage a dwelling or site previously provided by any housing authority and neither repaired the property nor paid for the cost of repairing the property.

#### **14.0 POLICY ON ILLEGAL OCCUPIERS**

- 14.1 An application for allocation of a dwelling will not be considered in circumstances where a dwelling provided by Mayo County Council or any part thereof is occupied whether continuously or otherwise by the applicant without the lawful permission of Mayo County Council .

#### **15.0 DOWNSIZING SCHEME FOR THE ELDERLY**

- 15.1 Mayo County Council may from time to time, as it sees fit, set aside a particular number or proportion of dwellings becoming available for allocation to persons aged 60 years or over whose application under the downsizing scheme is approved. Mayo County Council will give priority in the allocation of such dwellings to persons aged 60 years or over who are approved for eligibility under the downsizing scheme.
- 15.2 Persons aged 60 years or over who are the owners of private dwellings which have become too large for their housing needs may apply to Mayo County Council for a tenancy in a dwelling under the downsizing scheme.
- 15.3 The eligibility requirements and the proportion of tenancies to be allocated under the downsizing scheme for the elderly will be such as may be determined from time to time by the Chief Executive or his nominee.
- 15.4 Subject to the eligibility requirements being satisfied and subject to Mayo County Councils approval of the acquisition of the applicant's existing dwelling, Mayo County Council will consider applications for allocation under the downsizing scheme. The final decision in relation to an allocation and order of priority of an allocation under the downsizing scheme will be made by the Chief Executive or his nominee having regard to all information furnished by the applicant in support of his application together with all other relevant information known to the Chief Executive or his nominee.
- 15.5 Mayo County Council reserves the right to grant or not to grant an allocation of a dwelling under the downsizing scheme. The decision to grant an allocation of a dwelling under the downsizing scheme shall be subject to the sale by the approved applicant of his/her existing dwelling to Mayo County



Council at the following rates of discount from the market value of the dwelling, as determined by the local authorities Valuer:

<i>Age</i>	<i>% Discount from Market Value</i>
60-69 years	30%
70-79 years	25%
80 years and over	20%

It will be a requirement under this scheme that the property will be made available for sale to the local authority free of any mortgage, encumbrance or burden which would, in the opinion of Mayo County Council, materially affect good marketable title to the property.

## **16.0 ESTATE MANAGEMENT**

- 16.1 Notwithstanding anything contained in the Housing Acts, 1966 to 2009 or in this Scheme, Mayo County Council may in accordance with the provisions of Section 14(1) (a) of the Housing (Miscellaneous Provisions) Act 1997 (as amended) refuse to make or defer the making of an allocation of a dwelling provided by Mayo County Council to a person where Mayo County Council considers that an allocation to that person would not be in the interest of good estate management.
- 16.2 In the interests of good estate management, an applicant household who is being considered for an allocation of a dwelling provided by Mayo County Council will be required as a pre-condition of the grant of the tenancy to attend and participate in a pre-tenancy course as set out in Clause 18 below.

## **17.0 ANTI-SOCIAL BEHAVIOUR**

- 17.1 Notwithstanding anything contained in the Housing Acts 1966 to 2009, or in this Scheme, Mayo County Council may, in accordance with the provisions of Section 14(1) (a) of the Housing (Miscellaneous Provisions) Act, 1997 (as amended), refuse to make or defer the making of an allocation of a dwelling to a person where Mayo County Council considers that the person is or has been engaged in anti-social behaviour.

## **18.0 PRE-TENANCY COURSES**

- 18.1 All offers of accommodation under this scheme will be made subject to the prospective tenant undertaking a pre-tenancy course organised by Mayo County Council. Attendance at and completion of the pre-tenancy course run by the local authority is mandatory. Any offer of accommodation made will be

deemed to have been immediately withdrawn if the prospective tenant fails to attend and/or complete the pre-tenancy course notified to them

**19.0 STATUTORY REQUIREMENT TO PROVIDE INFORMATION**

- 19.1 Where after the making of an application for housing, the circumstances of an applicant change, (e.g. change of address, birth of a child, change in medical circumstances, changes in the number of persons residing or to reside with the applicant, etc.), it shall be the responsibility of the applicant to advise Mayo County Council of such change following which the housing application of the applicant will be reviewed by Mayo County Council.
- 19.2 The completion of a housing or a transfer application shall include the requirement that the applicant shall furnish to Mayo County Council a written authority to enable Mayo County Council obtain information which in Mayo County Council opinion is relevant to the applicant's application from another Housing Authority or Approved Body and or a Health Service Executive and which Mayo County Council considers necessary in connection with the application.

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