



STATUTORY INSTRUMENTS.

S.I. No. 198 of 2011



SOCIAL HOUSING ALLOCATION REGULATIONS 2011

(Prn. A11/0660)

SOCIAL HOUSING ALLOCATION REGULATIONS 2011

I, PHIL HOGAN, Minister for the Environment, Heritage and Local Government, in exercise of the powers conferred on me by sections 3 and 22(4) of the Housing (Miscellaneous Provisions) Act 2009 (No. 22 of 2009), hereby make the following regulations:

Citation

1. These Regulations may be cited as the Social Housing Allocation Regulations 2011.

Commencement

2. These Regulations come into operation on 1 May 2011.

Interpretation

3. In these Regulations—

“application area” and “area of choice” have the meanings assigned to them by Regulation 3 of the Social Housing Assessment Regulations 2011 (S.I. No. 84 of 2011);

“bid dwelling” means a dwelling that a housing authority has designated for choice-based letting;

“choice-based letting” means the procedure set out in Regulations 6 to 11 for determining the individual households that will be considered for the allocation of a bid dwelling;

“functional area” shall be construed within the meaning of section 23(2) of the Act of 1992;

“qualified household” means a household, other than a household referred to in section 20(9) of the Act of 2009, that is assessed under section 20 of the said Act as being qualified for social housing support from the housing authority concerned; and

“the Act of 2009” means the Housing (Miscellaneous Provisions) Act 2009 (No. 22 of 2009).

Order of priority for dwelling allocations

4. (1) Each housing authority shall set out in its allocation scheme the manner in which it shall determine the order of priority for the allocation of dwellings, or particular categories of dwelling, to households referred to in section 22(3) of the Act of 2009 or to particular classes of such households, the accommodation needs and requirements of which would, in the authority’s opinion,

*Notice of the making of this Statutory Instrument was published in
“Iris Oifigiúil” of 3rd May, 2011.*

be met by the allocation of the dwellings, or of dwellings of the category, concerned.

(2) Without prejudice to the generality of paragraph (1), the manner referred to in paragraph (1) may constitute, or include, the length of time that households, or households in a particular class or sub-class, have been—

- (a) entered on the authority's record of qualified households, or
- (b) entered on the authority's record of households in receipt of social housing support that have applied to transfer to a dwelling to which section 22 of the Act of 2009 applies or to purchase a dwelling under Part 3 of the said Act and the authority has consented to the transfer, or purchase, as the case may be.

Manner of allocation of dwellings

5. (1) Each housing authority shall set out in its allocation scheme the manner in which it will allocate dwellings, or different categories of dwellings, to households referred to in section 22(3) of the Act of 2009, or to different classes of such households.

(2) The manner of allocating dwellings referred to in paragraph (1) may incorporate the choice-based letting procedure set out in Regulations 6 to 11.

Choice-based letting

6. (1) (a) Where a housing authority first makes provision for choice-based letting in its allocation scheme, it shall send the information specified in paragraph (3) to each household to which such scheme applies at the time such provision is made, and

- (b) a housing authority referred to in subparagraph (a) shall send the information specified in paragraph (3) to further households according as its allocation scheme becomes applicable to them.

(2) For the purposes of paragraph (1), a housing authority shall send the information specified in paragraph (3) to a household by posting it to the address most recently notified to the authority by that household.

(3) The information referred to in paragraph (1) is as follows:

- (a) an explanation of choice-based letting, including the provisions of Regulation 7(4)(d),
- (b) the requirement that a household that wishes to be considered for the allocation of a bid dwelling must, within 3 weeks of the date of publication of a notice inviting applications for the allocation of that dwelling from households of the class or sub-class to which the household belongs, apply in writing accordingly, which application must be accompanied by any supporting information specified in the notice, and

(c) the provision in Regulation 10.

7. (1) A housing authority that has made provision for choice-based letting in its allocation scheme may, except in the circumstances set out in section 22(7)(b) of the Act of 2009, designate as a bid dwelling any dwelling to which section 22 of the said Act applies, and which the authority expects to allocate within 6 months of designation.

(2) A housing authority shall, in respect of a bid dwelling, consider the class of household, the accommodation needs and requirements of which would, in the opinion of the authority, be met by the allocation of the said dwelling and shall, from within such class and having regard to the matters referred to in paragraph (3) and any other relevant factor, determine the class or sub-class of household that is eligible to apply to be considered for the allocation of the said dwelling.

(3) The matters referred to in paragraph (2) are—

- (a) the provisions included in the housing authority's allocation scheme pursuant to section 22(5) of the Act of 2009, and
- (b) the question of whether eligibility to apply for the allocation of the bid dwelling should be confined to households of the relevant class that have specified the area of choice in which that dwelling is situated.

(4) A housing authority shall publish a notice specifying—

- (a) the location, category and any other relevant particulars of the bid dwelling,
- (b) the class or sub-class of household that is eligible to apply for the allocation of the bid dwelling,
- (c) the information set out in Regulation 5(a),
- (d) that, when considering the allocation of the bid dwelling to a particular household, the housing authority shall review the social housing assessment carried out in respect of that household and make a fresh determination of the household's qualification for social housing support,
- (e) the date of publication of the notice and the closing date, determined in accordance with Regulation 6(3)(b), for the receipt of an application from a household and any supporting information specified in the notice that must accompany the application, and
- (f) contact details in the housing authority for the purpose of obtaining additional information about the bid dwelling and the manner of its allocation.

(5) (a) A housing authority shall publish a notice under paragraph (4) by making it available on the internet and, during normal working hours, at its offices and at such other places as it considers appropriate,

(b) A housing authority may, at its discretion, take such other measures as it considers appropriate to bring the contents of a notice under paragraph (4) to the attention of households of the class or sub-class that is eligible to apply for the allocation of the bid dwelling.

8. (1) Subject to paragraph (2) and Regulations 9, 10(1) and 12(2), a housing authority shall only consider allocating a bid dwelling to a household that—

(a) is of a class, the accommodation needs and requirements of which would, in the opinion of the authority, be met by the allocation of the said dwelling, and

(b) has, within the period specified in Regulation 6(3)(b), applied for the allocation of the said dwelling and supplied any required supporting information to the authority.

(2) In a case where a housing authority has not restricted applications for the allocation of a bid dwelling to households that have specified the area of choice in which that dwelling is situated, the authority may, following examination of the applications duly submitted for the allocation of the dwelling, decide to confine consideration for the allocation of the bid dwelling to applicant households that have specified such area of choice.

9. A housing authority may, at its discretion, and at any stage prior to allocating a bid dwelling, decide to terminate the designation of that dwelling as a bid dwelling and not to proceed, or not to continue, with choice-based letting in respect of that dwelling.

10. (1) Notwithstanding the provisions of Regulations 6 to 9, where a household refuses a reasonable offer by a housing authority of the allocation of a bid dwelling, that household shall not, for the period of one year commencing on the date of such refusal, be entitled to make a further application under choice-based letting to any housing authority for the allocation of a bid dwelling.

(2) For the purposes of this Regulation, an offer of the allocation of a bid dwelling shall be deemed to be reasonable where the allocation of that dwelling would, in the opinion of the authority, meet the accommodation needs and requirements of the household concerned and irrespective of whether the bid dwelling is situated in an area of choice specified by the household in accordance with Regulation 8 or 9 of the Social Housing Assessment Regulations 2011.

11. For the avoidance of doubt, where a housing authority utilises the choice-based letting procedure, the authority shall, subject to section 22(7)(a) of the Act of 2009, determine the household to which the allocation of a bid dwelling is offered in accordance with the order of priority set out in its allocation scheme.

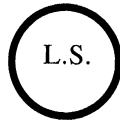
Refusals of offers of dwelling allocations

12. (1) Each housing authority shall provide in its allocation scheme for the conditions set out in paragraphs (2) to (4) relating to refusals by a qualified household of reasonable offers of the allocation of dwellings to which section 22 of the Act of 2009 applies.

(2) Following the coming into force of the first allocation scheme made under section 22 of the Act of 2009 and subject to paragraph (4), where a qualified household refuses 2 reasonable offers of the allocation of different dwellings made by one or more than one housing authority in the relevant application area in any continuous period of one year commencing on the date of the first refusal, the said household shall not, for the period of one year commencing on the date of the second refusal, be considered by any housing authority for the allocation of a dwelling to which section 22 of the Act of 2009 applies and the latter period shall not subsequently be reckonable in any way for the purposes of determining the relative priority of that household for a dwelling allocation.

(3) For the purposes of this Regulation, an offer of a dwelling allocation by a housing authority shall be deemed to be reasonable where the allocation of that dwelling would, in the opinion of the authority, meet the accommodation needs and requirements of the qualified household concerned and, except in the case of a dwelling allocation offered under section 22(7)(b) of the Act of 2009, the dwelling is situated in an area of choice specified by the household in accordance with Regulation 8 or 9 of the Social Housing Assessment Regulations 2011.

(4) A refusal by a qualified household of an offer of the allocation of a bid dwelling shall not constitute a refusal for the purposes of this Regulation.



GIVEN under my Official Seal,
29 April 2011.

PHIL HOGAN,
Minister for the Environment, Heritage and Local
Government.

EXPLANATORY NOTE

(This note is not part of the Instrument and does not purport to be a legal interpretation.)

These Regulations provide that housing authorities must set out in their allocation schemes under section 22 of the Housing (Miscellaneous Provisions) Act 2009—

- the manner in which they will determine the order of priority for dwelling allocations to households qualified for social housing support and households in receipt of such support that have applied to transfer to other social housing,
- the manner in which they will allocate dwellings to households,
- a common policy in relation to refusals by qualified households of reasonable offers of dwelling allocations.

The Regulations also empower housing authorities to provide in their allocation schemes—

- for the use of choice-based letting to determine the individual households that will be considered for the allocation of dwellings designated for such letting,
- that the length of time households are entered on the relevant list – either the list of households qualified for social housing support or the list of households in receipt of such support that have applied to transfer to other social housing – will determine, or will be a factor in determining, the order of priority for dwelling allocations to individual households.

BAILE ÁTHA CLIATH
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR
Le ceannach díreach ón
OIFIG DHÍOLTA FOILSEACHÁN RIALTAIS,
TEACH SUN ALLIANCE, SRÁID THEACH LAIGHEAN, BAILE ÁTHA CLIATH 2,
nó tríd an bpost ó
FOILSEACHÁIN RIALTAIS, AN RANNÓG POST-TRÁCHTA,
AONAD 20 PÁIRC MIONDÍOLA COIS LOCHA, CLÁR CHLAINNE MHUIRIS,
CONTAE MHAIGH EO,
(Teil: 01 - 6476834 nó 1890 213434; Fax: 094 - 9378964 nó 01 - 6476843)
nó trí aon díoltóir leabhar.

DUBLIN
PUBLISHED BY THE STATIONERY OFFICE
To be purchased directly from the
GOVERNMENT PUBLICATIONS SALE OFFICE
SUN ALLIANCE HOUSE, MOLESWORTH STREET, DUBLIN 2,
or by mail order from
GOVERNMENT PUBLICATIONS, POSTAL TRADE SECTION,
UNIT 20 LAKESIDE RETAIL PARK, CLAREMORRIS, CO. MAYO,
(Tel: 01 - 6476834 or 1890 213434; Fax: 094 - 9378964 or 01 - 6476843)
or through any bookseller.

€2.54



Wt. (B28429). 320. 5/11. Cahill. Gr. 30-15.