



SLIGO COUNTY COUNCIL

ALLOCATION SCHEME

Effective from 1st June 2024

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1. Introduction

- 1.1 Part 2 of the Housing (Miscellaneous Provisions) Act 2009, as amended, sets out the functions of housing authorities. Chapter 3 of Part 2 of that Act and the Social Housing Allocation Regulations 2011 sets out the legal framework for the allocation of dwellings by housing authorities.
- 1.2 This Allocation Scheme sets out the priorities and procedures for allocating dwellings to which Section 22 of the 2009 Act applies as agreed by the Elected Members of Sligo County Council. The Scheme recognises the need to achieve a balance in allocating dwellings between the needs and preferences of applicants, the wellbeing of existing tenants and the community as a whole, and the need to make the best use of publicly funded resources.
- 1.3 In performing its housing functions, Sligo County Council is obliged to have regard to the need to
 - (a) counteract undue segregation in housing between persons of different social backgrounds, and
 - (b) ensure that a mixture of dwelling types and sizes and of classes of tenure is provided to reasonably match the requirements of households.
- 1.4 This Scheme is also aligned to other housing services plans and strategies. The Scheme aims to promote the objectives contained in Sligo County Council's Housing Services Plan, Homeless Action Plan, Traveller Accommodation Programme (TAP) and Anti-Social Behaviour Strategy.
- 1.5 Sligo County Council will also comply with any general policy directions and have regard to any guidelines issued by the Minister to Housing Authorities in relation to the performance of their functions under the Housing Acts 1966 to 2014.
- 1.6 Sligo County Council may, from time to time, review this Scheme and, as it considers necessary and appropriate, amend the Scheme or make a new Allocation Scheme.
- 1.7 All nominations to dwellings owned and provided by Approved Housing Bodies shall have regard to the Order of Priority.
- 1.8 All allocations shall be subject to the principles of good estate management.

2. Scope

- 2.1. The Allocation Scheme applies to dwellings provided under the Housing Acts 1966, as amended or Part V of the Planning and Development Act 2000, as amended.
 - of which Sligo County Council is the owner and
 - of which Sligo County Council is not the owner and which are provided under a contract or lease between Sligo County Council and the owner concerned

including dwellings provided under the Social Housing Leasing Initiative and Rental Accommodation Scheme and

- Dwellings owned and provided by Approved Housing Bodies to whom assistance is given under section 6 of the Housing Act 1992 for the purposes of such provision.

2.2. The purpose of this Allocation Scheme is to provide a means for determining the priority to be given in the allocation of dwellings to: -

- households assessed and qualified for social housing support in accordance with Section 20 of the Housing (Miscellaneous Provisions) Act, 2009 and associated regulations and
- households in receipt of social housing support, including households in dwellings provided under the Social Housing Leasing Initiative or the Rental Accommodation Scheme, that have applied to the Council to transfer to another dwelling or to purchase a dwelling under the Incremental Purchase Scheme, and the Council consents to the transfer or purchase as the case may be.

2.3 The Scheme makes provision for a proportion of dwellings in any part or parts of Sligo County Council's functional area to be reserved for all or any of the following purposes:

- (a) allocation to particular classes of household;
- (b) particular forms of tenure;
- (c) Allocation to households transferring from other forms of social housing support.

2.4 The Scheme also sets out the requirements and procedures for transfers by tenants, mutual exchange between existing tenants, succession to tenancies, applications for permission to reside in Council dwellings and joint tenancy applications.

3. General

3.1 **Age:** An applicant household applying for social housing support 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. In the determination of the appropriate social housing support, a household must be deemed eligible, in need and thereby qualified for social housing support, having been assessed in accordance with Section 20 of the Housing (Miscellaneous Provisions) Act, 2009 and associated regulations. Eligibility and need shall also be re-examined and confirmed prior to allocation.

3.3 **Application and Additional Information:** Applicant households must complete in full, the prescribed application form provided by Sligo County Council and must, within 4 weeks of being requested to do so by Sligo County Council, submit any additional information including documents and other particulars that Sligo County Council may reasonably request for the purposes of verifying information relating to their applications. Upon request for stated reasons, Sligo County Council may agree to an extension of this 4-week period.

- 3.4 Change in circumstances:** Where, after making an application for social housing support, the circumstances of the household 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), it is the household's responsibility to inform Sligo County Council of any such change within four weeks thereof. Sligo County Council will review the household's application following any such notification. In the event that a household fails to submit the necessary information in order to update their application to Sligo County Council, in writing, within a period of 4 weeks of having requested to do so, Sligo County Council will close the application for social housing support of that household and remove the household from the register of qualified households. Any applicant household may request Sligo County Council to review the decision to close their application within 4 weeks of such notification and any such request must be in writing stating the reasons why the review is sought.
- 3.5. Personal Data:** All Application Forms (including transfer applications, succession applications and applications for permission to reside) must be accompanied by a written authority signed by the applicant and a written authority signed by all household members over the age of 18 years, authorising Sligo County Council to access or obtain information held by other housing authorities, approved Housing Bodies, the Health Service Executive, Department of Social Protection, Túsla -The Child and Family Agency and An Garda Síochána, which in Sligo County Council's opinion is relevant to the applicant's application. Sligo County Council processes personal information received in line with data protection legal requirements.
- 3.6 Areas of Choice:** An 'area of choice' means an area set by C.E. Order in which a household may specify that it wishes to receive social housing support. Households applying in the first instance for allocation of a dwelling or applying to transfer from other forms of social housing support, may specify areas of choice in the functional area of Sligo County Council. The total number of areas of choice specified on the application form shall not exceed 3. Listing of areas of choice on the application form is not a priority listing, i.e. all areas of choice specified on the form are deemed to be of equal priority. A qualified household may notify Sligo County Council that it wishes to change one or more than one area of choice in the application subject to compliance with the following conditions:
- (a) the household may not less than 12 months after the date on which it is first entered on a housing authority's record of qualified households or approved for a transfer to alternative accommodation, notify the housing authority of application that it wishes to change one or more than one area of choice in the application area and a household may change one or more than one such area not less than 12 months after its most recent change of an area of choice.
 - (b) The total number of areas of choice specified by a household at any time shall not exceed 3.
- 3.7 Housing Need:** Housing need refers to standards that Sligo County Council uses to assess a household's housing circumstances. In determining housing need, Sligo

County Council will have regard to the following matters relating to the household's current accommodation—

- a) whether it is an institution, emergency accommodation or a hostel
- b) whether the household is homeless within the meaning of Section 2 of the Housing Act, 1988,
- c) whether it is overcrowded within the meaning of Section 63 of the Act of 1966,
- d) its fitness for human habitation, having regard to the matters set out in the Second Schedule to the Act of 1966,
- e) the extent to which it meets any accommodation requirement arising from the enduring physical, sensory, mental health or intellectual impairment of a household member. Regard shall be had for the 'National Guidelines for the Assessment and Allocation process for Social Housing Provision for people with a disability'.
- f) whether the accommodation is unsuitable for the household's adequate housing on exceptional medical or compassionate grounds,
- g) where it is shared with another household, whether the household that has applied for social housing support, has a reasonable requirement for separate accommodation,
 - a) whether it has been concluded, under the Mortgage Arrears Resolution Process set out in the Code of Conduct for Mortgage Arrears 2013 issued under section 117 of the Central Bank Act 1989 (No. 16 of 1989), that the mortgage on the accommodation is unsustainable for the mortgagee,
 - b) where the household, in the opinion of Sligo County Council, requires the payment of a supplement under section 198(3) of the Act of 2005 towards the amount payable by the household in respect of the household's current accommodation,
 - c) Whether the accommodation is unsuitable for the household's adequate housing in any other material respect, having regard to particular household circumstances.

Households must notify Sligo County Council of any change in circumstances that might affect their eligibility and qualification for Social Housing Support for a dwelling as soon as may be, but not later than 4 weeks immediately following any such change in circumstances. If a household fails to notify Sligo County Council of such change in circumstances, any offer of accommodation made by Sligo County Council, shall be invalid and the offer withdrawn.

- 3.8** Dwellings are allocated having regard to the accommodation needs of the household as determined by Sligo County Council. All properties will be allocated to ensure the best use is made of the dwelling in terms of the size and having regard to the prospective household thus ensuring that a dwelling is not under occupied or overcrowded.
- 3.9** The final decision in relation to any allocation of a dwelling will be made by the Chief Executive or the duly delegated Sligo County Council employee. In making a final decision, regard will be had to all information furnished by the household in support of the application together with all other information relevant thereto, including the household's waiting time on Sligo County Council's record of qualified households or

transfer waiting list, stated areas of choice, family composition and type of dwelling required and available for allocation.

- 3.10.** Sligo County Council may disregard the accommodation the household is occupying where Sligo County Council has reason to believe that the household, or any member of it, has 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 the household is so occupying is less suitable for its adequate housing than other accommodation which it would have been, or it would be, reasonable for the household to occupy.
- 3.11.** Sligo County Council may disregard the order of priority given to a household under this Allocation Scheme where the household is being provided with social housing support: -
- a) in a dwelling let to the household under a Chapter 4 Tenancy Agreement i.e. Rental Accommodation Scheme having been assessed under Section 20 (3) of the Housing (Miscellaneous Provisions) Act 2009, or
 - b) arising from specified exceptional circumstances: including displacement by fire, flood or other emergency, development, redevelopment or regeneration of an area by Sligo County Council or on exceptional medical or compassionate grounds. Displacement due to other emergency will include those who are deemed homeless and households in receipt of social housing support in properties let under the Social Housing Leasing Initiative or Rental Accommodation Scheme, where that property is no longer available through no fault of their own, or
 - c) In a property let to a household under the Social Housing Leasing Initiative or Rental Accommodation Scheme, where that property is no longer available to them through no fault of their own.

4. Offer Zone

- 4.1** The Scheme provides for the introduction of an 'Offer Zone' for people with a disability, during which period it is reasonably expected that the household will be offered a property within a 6-month period. This period will allow the household to apply to obtain the supports that they require to live independently. Written confirmation that these supports are in place must be provided to the Council to allow an allocation to be made to them.

5. Housing First

- 5.1** The National Housing First Plan aims to provide secure accommodation together with access to intensive and specialised support services to a person sleeping rough, or to someone who has been long-term homeless and has complex support needs. Sligo County Council will have regard to the targets set by the Department for the allocation of houses to persons under the Housing First Plan.

6. Reservation of Dwellings

6.1 Sligo County Council will designate, in accordance with the table hereunder, a proportion of dwellings becoming available for allocation for the accommodation of

- a) persons with a physical, sensory, mental health or intellectual impairment
- b) homeless persons
- c) Travellers
- d) households transferring from other forms of social housing support
- e) Housing First
- f) households approved for a transfer from RAS accommodation to other forms of social housing support
- g) Returning Emigrants

Dwelling Type	Category of Need	Designated Proportion
Dwelling	Physical/Sensory/Mental Health Disability or Intellectual Impairment	15%
Dwelling	Homeless	10% - 20%
Dwelling	Traveller	Meet the Traveller Accommodation Programme targets
Group Housing/ Halting Site bays	Traveller	100%
Dwelling	Household transfers	Up to 10%
Dwelling	RAS transfers	Up to 10%
Housing First	Homeless with complex needs	Meet the Housing First targets
Dwelling	Returning Emigrants	To designate up to one dwelling in each of the Councils Electoral Areas, each year, for allocation

7. Order of priority for dwelling allocations

7.1 In determining a household's need for a dwelling, Sligo County Council will have regard to the provisions of the Housing Acts 1966 to 2014, the Regulations made thereunder and the matters set out below concerning the household's current accommodation.

7.2. The order of priority for the allocation of appropriate social housing supports to households or particular classes of households shall be determined on a points system and having regard to areas of choice specified by the household. Points shall be awarded under the following criteria:

Criteria	Description	Points
Time on list	10 points per year subject to a maximum of 5 years	Maximum 50 points
Unfit	Points will be allocated to applicants whose accommodation is unfit for human habitation having regard to the Second Schedule of the Housing Act, 1966	50 points
Overcrowded	Points will be allocated to applicants who are living in overcrowded accommodation as defined by Section 63 of the Housing Act, 1966	25 points
Medical/ Disability	Points shall be awarded on Medical/Disability grounds where a member of the household has a disability or a medical condition and the application has been accompanied by a fully completed HMD1 form indicating that: <ul style="list-style-type: none"> - the current accommodation is not suitable to meet the needs of the person with a disability or medical condition and - a change in housing will improve or stabilise the circumstances of the person with a disability or medical condition. 	25 points

8. Forms of Tenure

- 8.1** In the interest of good estate management, or in order to facilitate or promote the implementation of policies on tenant participation on estate management, Sligo County Council may, as it thinks fit, allocate any dwelling to an approved resident association, community group, or other voluntary or statutory agency in order to facilitate that group in furthering its aims and objectives and in carrying out various activities for the benefit of the residents generally in the estate.

9. Choice Based letting (C.B.L.)

- 9.1** The Social Housing Allocation Regulations, 2011 provide the option of choice based letting as a method of allocating dwellings, whereby qualified households may apply for tenancies in designated dwellings known as bid dwelling(s). Properties designated for Choice Based Letting will be allocated by being openly advertised allowing qualified households to 'bid' or 'register an interest' in these properties. Sligo County Council may use this option as a method of allocating properties as part of this Allocation Scheme.

- 9.2** A refusal by a qualified household of an offer of the allocation of a bid dwelling shall not constitute a refusal under Section 11.
- 9.3** Where a qualified household refuses a reasonable offer by Sligo County Council 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 Sligo County Council for the allocation of a bid dwelling.

10. Deferral or refusal of allocations/refusal of Sale

- 10.1** Notwithstanding anything contained in the Housing Acts 1966 to 2014 or in this Scheme, Sligo County Council may refuse to allocate, or defer the allocation of, a dwelling to a household where:
- (a)** the Council considers that any member of the household is or has been engaged in anti-social behaviour or that an allocation to that household would not be in the interest of good estate management, and subject to the provisions contained within Sligo County Council's adopted Anti-Social Behaviour Strategy, or
 - (b)** The household fails to provide information relating to members residing together or proposing to reside together as part of the household, which is requested by the Council and which the Council considers necessary in connection with an allocation.
- 10.2** Notwithstanding anything contained in Part 3 of the 2009 Act, Sligo County Council may refuse to sell a dwelling to an eligible household (under Part 3 of the 2009 Act) where Sligo County Council considers that the eligible household or any member of the eligible household, as the case may be, is or has been engaged in anti-social behaviour within the meaning of section 1(1) of the Housing (Miscellaneous Provisions) Act, 1997 (as amended) subject to the provisions contained within Sligo County Council's adopted Anti-Social Behaviour Strategy or that a sale to that eligible household would not be in the interest of good estate management.
- 10.3** Sligo County Council will not allocate a dwelling to a qualified household where a household member:
- (a)** damaged a dwelling previously provided by any Housing Authority and neither repaired the dwelling nor paid for the cost of repairing the dwelling,
 - (b)** was previously a tenant of a dwelling or site provided by any Housing Authority and incurred arrears of rent for an accumulated period of 12 weeks or more in any period of 3 years as such tenant, which arrears have not been paid and the household member concerned has not entered into an arrangement with the Housing Authority for the payment of such moneys or in the opinion of Sligo County Council, has not substantially complied with the terms of any arrangement entered into.

- 10.4** Sligo County Council will not allocate a dwelling to a household where a household member has breached the terms of the Tenancy Agreement in consequence of which a Housing Authority or an approved body has obtained an order for possession of the dwelling.
- 10.5** Sligo County Council will not allocate a dwelling to a household that:
- Refuses to furnish any information requested by Sligo County Council which is reasonably required either for the purpose of assessing the housing application or for estate management purposes.
 - refuses to authorise the furnishing of personal data or information pertaining to the household by other agencies where such data or information is reasonably required by the Council for estate management purposes
 - Provides false or misleading information either on the application form or at subsequent interviews.
- 10.6** Sligo County Council will take appropriate steps in accordance with law, to prevent the illegal occupation of Sligo County Council dwellings. In the event of illegal occupation, Sligo County Council will take all necessary measures to recover possession of the dwelling. Sligo County Council will not allocate a dwelling to a household that is illegally occupying a dwelling provided by Sligo County Council or any part thereof, whether continuously or otherwise.
- 10.7** The allocation of accommodation to a household or a member of a household who is illegally occupying a Sligo County Council dwelling will be deferred until such time as the household delivers up vacant possession of the dwelling to Sligo County Council in the same condition as prior to the commencement of the illegal occupation or has paid to Sligo County Council the costs associated with any damage caused to the dwelling during the period of their illegal occupation.
- 10.8** Sligo County Council reserves the absolute right to withdraw an offer of accommodation where it is revealed thereafter that:
- (a) any household member is or has been engaged in anti-social behaviour within the meaning of section 1(1) of the Housing (Miscellaneous Provisions) Act, 1997 (as amended), subject to the provisions contained within Sligo County Council's adopted Anti-Social Behaviour Strategy or that a letting to that household would not be in the interest of good estate management, or
 - (b) The household failed to provide information relating to persons residing or to reside with any household member and which Sligo County Council considers relevant in connection with an allocation.
 - (c) A household failed to notify Sligo County Council of a change in circumstance within the period specified at 3.4.

- (d) Where prospective tenants fail to attend and participate in a Pre-Tenancy Training Course.

11. Refusal of offers of Social Housing

- 11.1** Where a qualified household or a household in receipt of social housing support that has applied to transfer to a dwelling to which Section 22 of the Act of 2009 applies, and the authority has consented to the transfer, refuses two (2) reasonable offers of the allocation of different dwellings made by the 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.
- 11.2** An offer of a dwelling allocation by Sligo County Council shall be deemed reasonable, where, in the opinion of Sligo County Council, the dwelling offered meets the accommodation needs and requirements of the qualified household and the dwelling is situated in an area of choice specified by the household. The only exception to this is where Sligo County Council offers to allocate a dwelling to a household arising from specified exceptional circumstances, including displacement by fire, flood or other emergency, development, redevelopment or regeneration of an area by Sligo County Council or on exceptional medical or compassionate grounds. Displacement due to other emergency will include those who are deemed homeless and households in receipt of social housing support in properties let under the Social Housing Leasing Initiative or Rental Accommodation Scheme, where that property is no longer available through no fault of their own. In such circumstances, Sligo County Council does not have to offer the household accommodation in any of their areas of choice for it to be considered a reasonable offer.
- 11.3** Sligo County Council shall deem the refusal of offers of accommodation under RAS or long term leasing as a refusal of an offer of accommodation.

12. Transfers

- 12.1** Nothing in the Scheme shall operate to prevent Sligo County Council from transferring a suitable household to a new or vacant house.
- 12.2** Households in receipt of social housing support in County Sligo, including tenants of houses owned by Sligo County Council, tenants of dwellings under the Social Housing Leasing Initiative, tenants of the Rental Accommodation Scheme, Mortgage to Rent Tenants (except those where a 'current tenant only' need has been confirmed by Sligo County Council) and tenants of houses owned or provided by Approved Housing Bodies will be considered for a transfer to other forms of social housing support under the following conditions:-

- a) Overcrowding, as defined by the Housing Act 1966.
- b) Medical/Disability grounds where a member of the household has a disability or a medical condition and the application has been accompanied by a fully completed HMD1 form indicating that:
 - the current accommodation is not suitable to meet the needs of the person with a disability or medical condition and
 - a change in housing will improve or stabilise the circumstances of the person with a disability or medical condition.
- c) Where elderly and other households wish to surrender family type accommodation and downsize.
- d) In the interest of good stock management.

Notwithstanding the above, households seeking a transfer must fulfil the following requirements and produce documentary evidence to the satisfaction of Sligo County Council

- Hold tenancy in their present dwelling for a period of at least two (2) years.
- Have a clear rent account for at least twelve (12) months prior to application and have no arrears at the date of allocation.
- Have all service and other charges paid up to date.
- Kept their dwelling in a satisfactory condition, subject to inspection.
- Complied with all conditions of their Tenancy Agreement during tenancy.
- Have a current clear Anti-Social Behaviour background check and have not been deferred / refused an allocation on the grounds of Anti-Social Behaviour.
- Produce documentary evidence, where their landlord is an Approved Housing Body, that the household has applied to the Approved Housing Body for a transfer and that the Approved Housing Body cannot provide adequate alternative accommodation for the household from within its own housing stock.

12.3 Notwithstanding the above, Sligo County Council may in its absolute discretion, remove a household from the Transfer List, if the household does not, or ceases to, satisfy any of the requirements listed above.

12.4 RAS Transfer Pathway

Households in RAS properties who were approved for RAS post April, 2011 and who are not currently on the social housing list may apply for a transfer to an alternative form of social housing support. Such households must fulfil the following requirements and produce documentary evidence to the satisfaction of Sligo County Council:

- Hold tenancy in their present dwelling for a period of at least four (4) years
- Have a clear rent account for at least twelve (12) months prior to application and have no arrears at the date of allocation.
- Kept their dwelling in a satisfactory condition, subject to inspection

- Complied with all conditions of their Tenancy Agreement during tenancy
- Have a current clear Anti-Social Behaviour background check

13. Succession to Tenancies

- 13.1** When a Sligo County Council tenant, who is a sole tenant, dies or is unable to remain in a dwelling for reasons beyond their control (for example, long term hospitalisation or imprisonment), it may be possible for a member of the tenant's household to succeed to the tenancy. A formal written succession application accompanied by a completed Application Form for Social Housing Support or up to date evidence of the household being eligible and qualified for social housing support at the date of death/departure of the tenant must be submitted to Sligo County Council within six weeks of the death or departure of the tenant and must be accompanied by supporting evidence and information to prove their entitlement to succeed. Sligo County Council may grant an extension of this 6-week period in special or extenuating circumstances.
- 13.2** Applicants must furnish any additional information including documents and other particulars that Sligo County Council may reasonably request for the purposes of verifying information relating to their application.
- 13.3** On receipt of a succession application, Sligo County Council will assess the application to determine whether or not the applicant has a right to succeed to the tenancy.
- 13.4** Applications may not be approved if a person applying for succession has been an unsatisfactory former tenant of Sligo County Council or of an Approved Housing Body. An unsatisfactory former tenant includes one who has damaged a property, has rental and/or non-rent debt or whose tenancy was terminated due to a breach of the Tenancy Agreement or has been involved in illegal or violent activities in any property provided by Sligo County Council or an Approved Housing Body.
- 13.5** On the death or departure of a tenant, the tenancy may be transferred to the spouse / partner of the tenant or to a member of the tenant's immediate family normally resident in the dwelling at the date of the tenant's death or departure. Any successor to the tenancy must fulfil the following conditions to the satisfaction of Sligo County Council:
- Have been declared and registered with the Council as an occupant of the dwelling and been assessed for, and contributing to, the rent thereof for a period of at least twelve (12) months prior to the death or departure of the tenant.
 - Provide satisfactory documentary evidence to Sligo County Council that they have been normally resident in the dwelling for a period of at least twelve (12) months prior to the death or departure of the tenant.
 - Be eligible and qualified for social housing support as at date of death/departure of tenant.
 - Have a current clear Anti-Social Behaviour background check and have not been deferred / refused an allocation on the grounds of Anti-Social Behaviour.

- Has not caused any breaches to the Tenancy Agreement while residing in the dwelling that necessitated the issue of a warning letter to the tenant under sections 7, 8 or 9 of the Housing (Miscellaneous Provisions) Act 2014.

In certain circumstances, where succession is being considered, Sligo County Council may require the family member to move to another property if the property has been designed or adapted for the use of someone with a disability who no longer resides in the property, or the dwelling, in the opinion of the Council, is larger or smaller than is reasonably required for his or her adequate accommodation needs.

- 13.6** Where there is more than one member of a deceased tenant's household who meets the eligibility criteria for succession, a joint tenancy may be granted by Sligo County Council based on all the circumstances of the qualifying family members and their agreement to enter into a joint tenancy.

14. Succession in other circumstances

- 14.1** Where a tenancy relationship subsequently breaks down, Sligo County Council may decide, after considering all circumstances, which spouse / partner, if either, is to be granted the tenancy. Preference will generally be given to the spouse / partner who has custody of the children, if any.
- 14.2** In cases where there is an existing tenancy of a dwelling provided by Sligo County Council to tenants who are married but who have executed a deed of separation or obtained a decree of judicial separation, Sligo County Council will have regard to the terms of such agreement or court order as the case may be in so far as it relates to the status of the tenancy. In cases where a property adjustment order has been made by court order, Sligo County Council will give effect to any order transferring the tenancy to a sole tenant provided a certified true copy of the court order is produced.

15. Permission to reside as an Occupant in Council dwellings

- 15.1** The prior written consent of Sligo County Council is required where a tenant wishes to have a person reside with him as an occupant. Applications by a tenant for such consent will be considered on their merits and will involve an assessment of the following:
- (a) The tenant's reasons for the application;
 - (b) The tenant's medical, welfare or compassionate needs;
 - (c) The tenant's need for full time care;
 - (d) The capacity of the dwelling to accommodate the proposed occupant having regard to the number of persons in occupation of the dwelling with the tenant and including its suitability to meet their housing needs;
 - (e) The proposed occupant's ability to provide housing from his or her own financial resources;
 - (f) The proposed occupant's previous record, if any, as a tenant or resident of a Housing Authority or Approved Housing Body or as a RAS tenant.

- (g) The verification of the proposed occupant's suitability to occupy a Sligo County Council dwelling. In this regard, Sligo County Council will, for the purposes of any of their functions under the Housing Acts 1966 to 2014, request information, pursuant to section 15 of the Housing (Miscellaneous Provisions) Act 1997, from another Housing Authority or Approved Housing Body or a member of An Garda Síochána in relation to any person proposing to reside in a dwelling provided by Sligo County Council whom Sligo County Council considers may be or may have been engaged in anti-social behaviour.

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

- 15.2** The granting of permission to a tenant to have the proposed occupant reside with the tenant does not confer an automatic right on the proposed occupant to succeed to the tenancy in the dwelling and confers no entitlement whatsoever on the proposed occupant to any interest in the dwelling. Upon the tenant ceasing to hold the tenancy either through surrender, termination or otherwise, the approved occupant will be required to vacate the dwelling.
- 15.3** Notwithstanding anything contained in the Housing Acts 1966 to 2014, or in this Scheme, Sligo County Council may refuse to permit a person, or defer permitting a person, to take up or resume residence or enter, or to be in a dwelling where –
- (a) the Council consider that the person is or has been engaged in anti-social behaviour or that such permission would not be in the interest of good estate management, or
 - (b) The tenant of the dwelling or the person concerned fails to provide information that is requested by the authority and which the Council considers necessary in connection with deciding whether to give, refuse or defer such permission.

16. Joint Tenancy

- 16.1** Applicant(s) for joint tenancy must be registered with the Council as an occupant of the dwelling for 12 months prior to the date of application for joint tenancy and must fulfil the following conditions to the satisfaction of Sligo County Council:
- Be eligible and qualified for social housing support.
 - Have a current clear Anti-Social Behaviour background check and have not been deferred / refused an allocation on the grounds of Anti-Social Behaviour.
 - Has not caused any breaches to the Tenancy Agreement while residing in the dwelling that necessitated the issue of a warning letter to the tenant under sections 7, 8 or 9 of the Housing (Miscellaneous Provisions) Act 2014.

17. Mutual Exchanges

- 17.1** A Sligo County Council tenant may apply to exchange an existing tenancy for a tenancy of another dwelling in the ownership of Sligo County Council, or an Approved Housing Body within the Sligo Local Authority area.
- 17.2** Applicants seeking mutual exchange must comply with the following conditions:
- (a)** Obtain the approval of both Sligo County Council and the Approved Housing Body, as the case may be, to the mutual exchange.
 - (b)** surrender their existing tenancy in writing.
 - (c)** Execute new Tenancy Agreements in respect of the tenancy to be granted by way of mutual exchange.
- 17.3** In considering applications for mutual exchange, Sligo County Council will have regard to the reasons given by Council tenant for seeking the exchange. Subject thereto, Sligo County Council will consider applications for mutual exchange in the following circumstances and determine same in the following priority: -
- Overcrowding;
 - Under-utilisation of existing accommodation, in the interest of good stock management;
 - Adaptation requirements within the household.
- 17.4** Sligo County Council reserves the right to allocate or to refuse to allocate a dwelling by way of mutual exchange. Prior to the consideration of an application for mutual exchange, the following pre-conditions must be met:
- (a)** Both applicants must have an existing tenancy in their respective dwellings for a period of two years and have no rent arrears.
 - (b)** The tenancy records of the applicants must confirm compliance with the conditions of their respective Tenancy Agreements;
 - (c)** The respective dwellings must be maintained in a manner satisfactory to Sligo County Council or the Approved Housing Body as the case may be and the respective dwellings will be subject to inspection by both.
 - (d)** Both applicants must be able to demonstrate to the satisfaction of Sligo County Council or the Approved Housing Body, as the case may be, that they have not engaged in anti-social behaviour for a continuous period of at least 3 years prior to the date of the making of the mutual exchange application;
 - (e)** Sligo County Council must be satisfied that the granting of a tenancy in a Sligo County Council dwelling to the mutual exchange applicant would be in the interest of good estate management and would incur no cost to Sligo County Council.
- 17.5** An exchange of dwellings shall not be permitted if, as a result, it would lead to the creation of overcrowded conditions or under-utilisation of existing accommodation for either tenant or would otherwise, in the opinion of Sligo County Council, not be in the interests of the proper management and control of its housing stock or in the interest of good estate management.

18. Estate Management

- 18.1** It shall be a pre-condition of a grant of the tenancy that all prospective tenants shall attend and participate in a pre-tenancy training course in the interests of good estate management.