



Comhairle Contae **Lú**
Louth County Council

ALLOCATION SCHEME

In accordance with Section 22 of the Housing (Miscellaneous Provisions)
Act 2009 and the Social Housing Allocation Regulations
(S.I. No. 84 and 198 of 2011)

Effective from 20th October, 2025

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1 INTRODUCTION

- 1.1 Part 2 of the Housing (Miscellaneous Provisions) Act 2009 (hereinafter, as amended by the Housing (Miscellaneous Provisions) Act 2014 sets out the functions of housing authorities. Chapter 3 of Part 2 of that Act and the 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 Louth 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, Louth County Council (hereinafter 'the 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. For example, the Scheme aims to promote the objectives contained in the North East Region Homelessness Action Plan, Local Housing Strategy for Disabled People, Traveller Accommodation Programme (TAP), as well as the range of local level policies and procedures e.g. Anti-Social Behaviour Strategy.
- 1.5 The 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 The 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.

2 SCOPE

- 2.1 This Scheme applies to the allocation of the following dwellings only:
- a) dwellings provided under the Housing Acts 1966 to 2009 or Part V of the Planning & Development Act 2000 (as amended) that are owned by the Council
 - b) dwellings that are not owned by the Council, but which are held by the Council under a contract or lease between the Council and the owner concerned, including rental accommodation availability agreements, and
 - c) dwellings owned and provided by approved housing bodies to whom assistance is given under section 6 of the Act of 1992 for the purposes of such provision.
- 2.2 The purpose of this Scheme is to determine the order of priority to be accorded in the allocation of dwellings to
- a) households or particular classes of households who have been assessed under section 20 of the 2009 Act as being qualified for social housing support, and
 - b) households in receipt of social housing support that have applied to the Council to transfer to another dwelling or to purchase a dwelling under Part 3 of the 2009 Act and the Council consents to such 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 the 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, and succession to tenancies.

3 GENERAL

- 3.1 **Age:** An applicant 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 **Eligibility:** Households must also comply with the eligibility criteria as set out in the Housing Acts 1966 to 2014, the Social Housing Assessment Regulations 2011, the Social Housing Assessment (Amendment) Regulations 2011, the Social Housing Assessment (Amendment) (No 2) Regulations 2011 Social Housing Assessment (Amendment) Regulations, 2016, Social Housing Assessment (Amendment) Regulations 2021 and Social Housing Assessment (Amendment) Regulations 2022.
- 3.3 **Application and Additional Information:** Applicant households must complete in full the prescribed application form provided by the Council and must, within 4 weeks of being requested to do so by the Council, submit any additional information including documents and other particulars that the Council may reasonably request for the purposes of verifying information relating to their applications. Upon request for stated reasons the 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 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), it is the household's responsibility to inform the Council of any such change. The Council will review the household's application following any such notification. In the event an applicant household fails to complete and return a Change of Details Form within a period of 3 months, the Council will close the application for social housing support of that household and remove the household from the register of qualified households.
- 3.5. **Personal Data:** All Application Forms (including transfer applications, succession applications and mutual exchange of tenancies) must be accompanied by a written authority signed by the applicant authorising the Council to access or obtain information held by other housing authorities, approved housing bodies, the Health Service Executive, Department of Social Protection, Tusla-The Child and Family Agency and An Garda Síochána which in the Council's opinion is relevant to the applicant's application. The Council processes personal information received in line with data protection legal requirements.

3.6 Areas of Choice: 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 the Council. The total number of areas of choice specified on the application form shall not exceed 3. A qualified household may notify the 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 change an area of choice within the period of 12 months following notification of that area of choice to the Council,
- b) where a household notifies the Council that it no longer wishes to reside in an area of choice that had been previously specified by the household, the household may not, within the period of 12 months following such notification, change its preferences so as to specify that area of choice again, and
- c) the total number of areas of choice specified by the household at any time shall not exceed 3.

3.7 Housing Need: Housing need refers to standards that the Council uses to assess a household's housing circumstances. In determining housing need, the 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,
- 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,
- h) 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,

- a. where the household, in the opinion of the housing authority, 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,
- i) whether the accommodation is unsuitable for the household's adequate housing in any other material respect, having regard to particular household circumstances,
- j) Rightsizing.

Households must notify the Council of any change in circumstances that might affect their eligibility for a dwelling as soon as may be, but not later than 3 months immediately following any such change in circumstances. If a household fails to notify the Council of such change in circumstances any offer of accommodation made by the Council will be invalid and the offer withdrawn.

- 3.8 Type of dwelling:** Households may indicate the type of dwelling required (e.g. general needs, adapted or supported housing, the design of the dwelling (e.g. house, bungalow, apartment). It should be noted that dwellings are allocated to match household size. The Council will determine the family composition for a vacant dwelling as part of the allocation process to ensure the best use is made of the dwelling in terms of the size of the dwelling and the size of the prospective household so as to ensure that a dwelling is not under occupied or overcrowded.

4 RESERVATION OF DWELLINGS

- 4.1** The Council may reserve a proportion of dwellings for all or any of the following purposes:-

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

- 4.2** The Council will not sell any dwelling that is designated for the accommodation in accordance with this paragraph.

4.3 Where designated dwellings are set aside for specific purposes, priority shall be given to eligible households within those classifications. The designation of dwellings for this purpose shall be by way of Chief Executive Order.

4.4 Available dwellings will be allocated, in so far as practicable, as follows

Classification of Accommodation Needs	Proportion
General Needs	60%
Tenant Transfers	10%
Elderly / Older Persons	10%
Disability	10%
Homelessness	10%
Traveller	As stated in TAP

4.5 The Council will from time to time, as it considers appropriate, designate a particular number or proportion of dwellings for particular forms of tenure including but not limited to Affordable Dwelling Purchase Schemes. The designation of dwellings for this purpose shall be by way of Chief Executive Order.

5 ORDER OF PRIORITY FOR DWELLING ALLOCATIONS

5.1 In determining a household's need for a dwelling, the 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.

5.2 When allocating accommodation, the Council will give reasonable preference to households who fall within the **housing need criteria** identified. These are households who:

- a) are homeless within the meaning of section 2 of the Housing Act 1988; or
- b) are living in accommodation unfit for human habitation as defined in section 66 (2) of the Housing Act 1966 within the having regard to the matters set out in the Second Schedule of the Housing Act 1966; or

- c) are living in overcrowded accommodation within the meaning of section 63 of the Housing Act 1966; or
- d) are living in accommodation that does not meet their requirements due to the enduring physical, sensory, mental health or intellectual impairment of a household member
- e) are living in accommodation unsuitable for the household's adequate housing on exceptional medical or compassionate grounds.

5.3 The Council will decide on the relative priority that is given to each of these need categories. Households are placed in one household category only. As a general rule, 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 or the duly delegated Council employee including:

- the date upon which the household was entered on the Council's record of qualified households, stated areas of choice, household size and type of dwelling required
- whether the household's current accommodation is an institution, emergency accommodation or a hostel
- whether the household's current accommodation is unfit for human habitation having regard to the matters set out in the Second Schedule to the Housing Act 1966
- whether the household's current accommodation is overcrowded
- the extent to which the household's current accommodation meets any accommodation requirement arising from the enduring physical, sensory, mental health or intellectual impairment of a household member
- whether a household who is sharing accommodation with another person or persons, in the opinion of the Council, has a reasonable requirement for separate accommodation
- whether the household's current accommodation is unsuitable for the household's adequate housing –
 - a) in any other material respect, having regard to particular household circumstances, including rent affordability, or
 - b) on exceptional disability grounds.

5.4 In the allocation of dwellings where priority is claimed on grounds consisting of, or including, exceptional disability grounds, the Council will require a HMD Form 1 (Disability and/or Medical Information Form).

5.5 The priority that an application will receive will depend mainly on the priority afforded to each household category.

6 MATTERS DISREGARDED

- 6.1 The Council will disregard the accommodation that a household is occupying where the Council has reason to believe that the household 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 occupying is less suitable for the household's adequate housing than other accommodation which it would have been, or would be, reasonable for the household to occupy.
- 6.2 Where a household specifies an area of choice in the functional area of a housing authority from which the household does not qualify for social housing support, the Council will disregard that area of choice disregarded and the 12-month period in paragraph 3.6(a) above shall not apply to the specification by the household of another area of choice in its stead.
- 6.3 The Council may, in its discretion disregard the order of priority under this Scheme where:
- a) the household is being provided with social housing support in a dwelling let under the rental accommodation scheme,
 - b) the household is being provided with social housing support in a property under a long-term leasing arrangement made between the Council and the owner of that property,
 - c) arising from specified exceptional circumstances, including displacement due to fire, flood or any other emergency, development, redevelopment or regeneration of an area by the Council,
 - d) to counteract social segregation,
 - e) where the Council has assessed that a person's accommodation needs cannot appropriately be met at that point in time through independent living,
 - f) former tenants who breached the terms of a previous tenancy with the Council or any other housing authority or any approved housing body or a tenancy made pursuant to the rental accommodation scheme, or
 - g) in emergency situations or in the interest of good estate management.

7 CHOICE BASED LETTING (CBL)

- 7.1 **Dwellings:** The Council will operate a Choice Based Letting scheme (CBL) to enable qualified households to exercise greater choice and involvement in selecting a new home. Dwellings provided under the Housing Acts 1966 to 2014 or Part V of the Planning and Development Act 2000 will be allocated through CBL. However, not all such dwellings

becoming available for letting will be offered through CBL. Dwellings for the accommodation of elderly or older persons, physically disabled persons, and traveller dwellings, that are designated under paragraph 4 above, will not be allocated through CBL. Applicants on the transfer lists will not be permitted to bid on CBL. Dwellings to be allocated under CBL will be designated from time to time by Order of the Chief Executive.

- 7.2 Procedure:** The procedure for CBL will be in accordance with Regulations 6 to 11 of the Social Housing Assessment Regulations 2011. For the purposes of CBL a “qualified household” is household that has been assessed by the Council under section 20 of the Housing (Miscellaneous Provisions) Act 2009 as qualified for social housing support. A household to whom a dwelling has been provided by an approved housing body is not a qualified household.

Where dwellings are designated for CBL, dwellings are advertised via the Choice Based Lettings website at cbl.louthcoco.ie

The advertisement will show details such as:

- a) the location of the dwelling
- b) details of the dwelling in terms of property type, number of bedrooms, size, garden, etc
- c) any charges that are payable in respect of the dwelling other than rent e.g. service charges
- d) any restriction on households to whom the dwelling may be offered (e.g. size of household)
- e) any category of household to whom priority will be given for the property, if applicable

- 7.3 Eligibility:** Qualified households will be eligible if the bid dwelling is suitable for their household size, is located in one of the areas of choice specified on their housing application and the Council has received the household’s bid before the deadline for receipt of bids has passed. The Council will only consider bids from eligible qualified households.

- 7.4 Ineligibility:** Qualified households will not be considered for the allocation of bid dwellings in respect of which they have not made a bid. Bids made by households larger or smaller than the size the bid dwelling is designed for may not be successful. The Council will also refuse bids from qualified households if the bid dwelling does not meet the household’s accommodation needs as assessed by the Council.

7.5 Bidding Process: Interested and eligible qualified households can express their interest in or bid on or before the closing date on the Council's website: cbl.louthcoco.ie.

7.6 Decision Process: All bids received before the closing date will be assessed by the Council. After the close of the advertising and bidding cycle a shortlist of eligible households will be drawn up. The shortlist will identify the order of households by placing all eligible bids into priority order. Where more than one bid is received for the same dwelling, bids are ranked, and an allocation offer is made to the household with the greater priority in accordance with the Allocation Scheme. The Council will verify that each household shortlisted is eligible and that the dwelling is suitable for that household's accommodation need.

If a shortlisted household is ineligible for an offer the Council will overlook that household and move onto the next household on the shortlist.

The top shortlisted household will be required to undergo another social housing assessment, and the Council will also consider whether or not the letting of the bid dwelling to that household would be in the interests of good estate management prior to that household being offered the bid dwelling.

Any offer made will be on the basis that an applicant will be given 7 working days to decide whether or not to accept or refuse the offer of allocation. If there is no response to the offer within 7 working days, the failure to respond will be deemed a refusal and the dwelling will be immediately offered to the next household having priority on the shortlist, subject to the same estate management review

7.7 Refusal of a CBL: Where a household refuses a reasonable offer of the allocation of a bid dwelling or is deemed to have refused such offer, 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 CBL to the Council for the allocation of a bid dwelling. A refusal by a qualified household of an offer of the allocation of a bid dwelling made under a CBL scheme shall not constitute a refusal under paragraph 7.1 above.

7.8 The Council 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.

8 DEFERRAL OR REFUSAL OF ALLOCATIONS

8.1 Notwithstanding anything contained in the Housing Acts 1966 to 2014 or in this Scheme, the 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 to a housing applicant where:

- a) the Council considers that the applicant is or has been engaged in anti-social behavior within the meaning of section 1(1) of the Housing (Miscellaneous Provisions) Act, 1997 (as amended) or that a letting to that applicant would not be in the interest of good estate management, or
- b) the applicant fails to provide information, including information relating to persons residing or to reside with the applicant, requested by the Council and which the Council considers relevant in connection with an allocation.

8.2 Notwithstanding anything contained in Part 3 of the 2009 Act, the Council may refuse to sell a dwelling to an eligible household (under Part 3 of the 2009 Act) where the 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) or that a sale to that eligible household would not be in the interest of good estate management.

8.3 The Council will not allocate a dwelling to a qualified household where a household member:

- a) has 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 a 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 the Council has not substantially complied with the terms of any arrangement entered into.

The above is unless and until the cost of repairing the dwelling has been paid to the Council or the household member enters into an arrangement with the Council for the payment of such money or complies with any arrangement entered into, as the case may be.

- 8.4** The 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.
- 8.5** The Council will not allocate a dwelling to a household that:
- refuses to furnish any information requested by the 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 County for estate management purposes
 - provides false or misleading information either on the application form or at subsequent interviews.
- 8.6** The Council will take appropriate steps in accordance with law to prevent the illegal occupation of Council dwellings. In the event of illegal occupation, the Council will take all necessary measures to recover possession of the dwelling. The Council will not allocate a dwelling to a household that is illegally occupying a dwelling provided by the Council or any part thereof whether continuously or otherwise.
- 8.7** Where the Council receives an application for the allocation of a dwelling from a household that is illegally occupying a Council dwelling, the date of that application will be adjusted by the period of illegal occupation and the application will not be considered until the illegal occupation has ceased.
- 8.8** The allocation of accommodation to a household who illegally occupied a Council dwelling will be deferred until such time as the household delivers up vacant possession of the dwelling to the Council in the same condition as prior to the commencement of the illegal occupation or has paid to the Council any damage caused to the dwelling during the period of their illegal occupation
- 8.9** All deferred applications will be reviewed by the Council when a relevant change in circumstances is notified by the household applicant to the Council and in any event no earlier than 12 months after the decision to defer has been made.

9 REFUSAL BY APPLICANTS OF OFFERS OF SOCIAL HOUSING

- 9.1** Where the Council communicates to a qualified household in writing two reasonable offers of the allocation of different dwellings and the household refuses those offers in any continuous period of one year commencing on the date of the first refusal, that household shall not, for the period of one year commencing on the date of the second refusal, be considered by the 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.
- 9.2** An offer of a dwelling allocation by the Council will be deemed reasonable where, in the opinion of the Council, the dwelling offered meets the accommodation needs and requirements of the household and the dwelling is situated in an area of choice specified by the household. The only exception to this is where the Council offers to allocate a dwelling to a household which has been displaced due to fire, flood or other emergency, development, redevelopment or regeneration of a housing area or on exceptional medical or compassionate grounds. In such circumstances, the Council does not have to offer the household accommodation in any of their areas of choice for it to be considered a reasonable offer.
- 9.3** The Council will treat the refusal of offers of accommodation under RAS or under long-term leasing or with approved housing bodies as a refusal of an offer of accommodation.
- 9.4** The final decision in relation to any allocation of a dwelling will be made by the Chief Executive or the duly delegated Council employee. In making a final decision, the Director or the duly delegated officer will have regard to all information furnished by the household in support of his application together with all other information relevant thereto known to the Chief Executive or duly delegated Council employee including the household's waiting time on the Council's record of qualified households or transfer waiting list, stated areas of choice, family size and type of dwelling required and available for allocation.

10 PRIORITIES FOR TRANSFERS

- 10.1** The Council has a transfer list that consists of existing tenants, including tenants of dwellings provided under the Rental Accommodation Scheme (RAS), under rental accommodation availability agreements and long-term leasing agreements and tenants of approved housing bodies wishing to move to another dwelling.

- 10.2** The Council will consider applications from all such tenants, including tenants of dwellings that may be provided under rental accommodation availability agreements. The Council will give reasonable preference to certain groups of transfer applicants and the order of priority to be given to these groups is as follows:
- (a) households who need to move because their current accommodation does not meet accommodation requirements arising from the enduring physical, sensory, mental health or intellectual impairment of a household member
 - (b) households whose current accommodation is overcrowded within the meaning of section 63 of the Act of 1966 households who are under utilising current accommodation households who need to move for compassionate reasons.
 - (c) households whose current accommodation is unsuitable for the household's adequate housing needs in any other material respect.
 - (d) households who need to move to another locality where failure to meet that need would give rise to hardship to the household or to others.
 - (e) households seeking to enter into an incremental purchase arrangement with the consent of the Council.
- 10.3** Allocations to households on the transfer list will be made taking into account all relevant information furnished by the household in support of its transfer application together with all other relevant information known to the Chief Executive or duly delegated Council employee, the date of entry of the household onto the transfer list and the household's stated preference area(s), family size and type of dwelling required.
- 10.4** Priority for transfer will be accorded to households within the above groups by the length of time that the household has been entered on the Council's record of households that have applied to transfer to another dwelling to which section 22 of the Act of 2009 applies and have obtained the Council's consent to such transfer.
- 10.5** A household will not be placed on the transfer List, or allocated a dwelling, unless the household satisfies the following requirements in respect of their existing tenancy:
- a) The household must have resided in the dwelling the subject of its existing tenancy agreement for a minimum period of two years prior to the date of application for transfer.
 - b) Households with rent arrears of 8 weeks or more will not be considered for a transfer.

- c) The household's existing dwelling must be maintained in a manner satisfactory to the Council.
 - d) The household must be compliant with all the conditions of its existing tenancy agreement.
 - e) The household must have no record of anti-social behaviour for a period of 3 years prior to the date of the transfer application.
- 10.6** The Council may, in its absolute discretion waive any of the requirements in paragraph 10.5 above if it is satisfied that it is necessary to do so in exceptional circumstances to avoid injustice or real hardship.
- 10.7** The 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 in paragraph 10.5 above.
- 10.8** If a transfer applicant refuses two reasonable offers of accommodation which, in the opinion of the Council, meets their housing needs they will be removed from the transfer list.

11 SUCCESSION TO TENANCIES

- 11.1** When a Council tenant who is a sole tenant dies or is unable to remain in a dwelling for reasons beyond their control for example, departs to reside in long-term residential care or hospital or other long-term residential care arrangement or institution, it may be possible for a member of the tenant's household to succeed to the tenancy. A formal written succession application must be submitted to the Council within one month of the death or departure of the tenant and be accompanied by supporting evidence and information to prove their entitlement to succeed. The Council may grant an extension of this one-month period in special or extenuating circumstances.
- 11.2** Applicants must furnish any additional information including documents and other particulars that the Council may reasonably request for the purposes of verifying information relating to their application.

11.3 In order to succeed to the tenancy of a deceased tenant, or where a tenant departs to reside in long-term residential care or hospital or other long-term residential care arrangement or institution, an applicant must be able to demonstrate to the satisfaction of the Council:

- a) that he/she has been resident in the dwelling for a continuous period of at least two years prior to the tenant's death or their move to long-term residential care or hospital or other long-term residential care arrangement or institution or throughout the period of the tenancy if the tenancy had been in existence for less than two years, *and*
- b) that he/she is a member of the tenant's household and included on the Rent Declaration Form returned by the tenant in respect of the dwelling for at least two years prior to the tenant's death or move to long-term residential care or hospital or other long-term residential care arrangement or institution or throughout the period of the tenancy if the tenancy had been in existence for less than one year.

If the Council is satisfied that the conditions in paragraph 11.3 are met, the Council will then assess the applicant's eligibility under the criteria outlined in paragraph 11.4 (a) (b) and (c).

- 11.4**
- a) that he/she meets the eligibility criteria to qualify for social housing support in accordance with Section 20 of the 2009 Act and the Social Housing Assessment Regulations, *and*
 - b) that he/she has not engaged in anti-social behaviour for a continuous period of at least 3 years prior to the date of the succession application. In this regard, the 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 in relation to any person proposing to reside or requesting permission to remain residing in a dwelling provided by the Council whom the authority considers may be or may have been engaged in anti-social behaviour from another housing authority, or approved body or a member of An Garda Síochána, *and*
 - c) that he/she 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.

11.5 Applications may not be approved if a person applying for succession has been an unsatisfactory former tenant of the 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 the Council or an approved housing body.

- 11.6** Where there is more than one member of a deceased tenant's household who meets the eligibility criteria set out in paragraph 11.4 above, a joint tenancy may be granted by the Council based on all the circumstances of the household and the agreement of the qualifying members of the household to enter into a joint tenancy. If the qualifying members of the household cannot agree amongst themselves to a joint tenancy or who among them is to become the sole tenant, the Council will, at its absolute discretion determine who shall be the tenant or tenants.
- 11.7** Where a household member is eligible to succeed to a tenancy on the death of the previous tenant and the dwelling is in the opinion of the Council larger than is reasonably required for his or her adequate accommodation needs or the dwelling has been designed and adapted for someone with a disability who no longer resides in the dwelling, the Council will not allocate that dwelling but will allocate an alternative dwelling suitable for his or her adequate housing that is located as near as practicable to the dwelling or in the household member's area of choice. Despite the fact that the surviving family members may have lived in dwellings for many years, the Council will seek to recover repossession of under-occupied dwellings in order to ensure the best use of their housing stock. The household member will be given priority for an allocation of an appropriately sized dwelling and given reasonable time to move to the alternative dwelling.
- 11.8** It may be appropriate in exceptional circumstances to grant a new tenancy to a person who does not have a legal right to succeed following the death of a sole tenant. Where a sole tenant dies and another person (who does not meet the eligibility criteria to succeed to the tenancy has been living with the tenant for two years prior to the tenant's death for the purpose of providing care for the tenant or is the legal guardian or custodian of the deceased tenant's minor dependents and needs to live with them in order to fulfill that role the Council may in its absolute discretion consider granting a tenancy to such person, either in the same dwelling or in suitable alternative dwelling provided the allocation has no adverse implications for the good use of the housing stock.
- 11.9** No succession to tenancy will be considered in respect of a dwelling that is designated as an Older Persons Dwelling (OPD) or a dwelling adapted for disabled needs or Traveller accommodation and where the person making the succession application is not elderly or, as the case may be, does not have a need for the provision of this type of accommodation.
- 11.10** Each succession application will be examined on its own merits and applications will be considered where the above conditions have been complied with.

12 ALLOCATION IN OTHER CIRCUMSTANCES

- 12.1 In cases of joint tenancy of a council dwelling where one tenant vacates the dwelling and ceases to reside in that dwelling for a period of 2 years, the Chief Executive or duly delegated council employee will give due consideration to all known circumstances including adherence to all tenancy legal requirements in case of both tenants before approving the allocation to the remaining tenant as sole tenant, providing the remaining tenant residing in the dwelling has served notice to the council terminating the joint tenancy agreement and has proved the dwelling is not under-occupied
- 12.2 In cases where there is an existing tenancy of a dwelling provided by the Council to tenants who are married but who have executed a deed of separation or obtained a decree of judicial separation, the 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, the 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.
- 12.3 In cases where the sole tenant departs a dwelling provided by the Council, leaving a spouse, co-habitant or civil partner in occupation of the dwelling, the Chief Executive or duly delegated Council employee after due consideration of all the known and relevant circumstances will approve the allocation of the dwelling to the remaining spouse or co-habitant or civil partner (if any) of the vacating tenant provided:
- a) A Form of Surrender in respect of the tenancy, witnessed by a practicing solicitor, is signed by the tenant and delivered to the Council and,
 - b) the remaining spouse, co-habitant or civil partner has resided in the dwelling, with the permission of the Council, for a period of at least 2 years immediately preceding the departure of the vacating tenant, and has been assessed for rent purposes and is not the owner of any property or
 - c) the remaining spouse, co-habitant or civil partner who having previously left the dwelling for a period, has resided in the dwelling with the tenant, with the permission of the Council, for a period of at least 1 year prior to the departure of the vacating tenant and is not the owner of any property, and
 - d) In both cases under (b) and (c) above, the remaining spouse, co-habitant or civil partner is required to meet the eligibility criteria to qualify for social housing support in accordance with Section 20 of the 2009 Act and the Social Housing Assessment Regulations.

- 12.4** If a dwelling designated as Traveller Specific Accommodation is vacated by a traveller, the applicant applying to succeed to the tenancy of that dwelling must be a traveller and meet the eligibility criteria to qualify for social housing support in accordance with Section 20 of the 2009 Act and the Regulations made thereunder.

13 MUTUAL EXCHANGES

- 13.1** A Council tenant may apply to exchange an existing tenancy for a tenancy of another dwelling in the ownership of the Council, or another housing authority or an approved housing body.
- 13.2** Applicants seeking mutual exchange must comply with the following conditions:
- a) obtain the approval of both the Council and the other housing authority or 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.
- 13.3** In considering applications for mutual exchange, the Council will have regard to the reasons given by the Council tenant for seeking the exchange. Subject thereto, the Council will consider applications for mutual exchange in the following circumstances and determine same in the following priority:
- a) Overcrowding.
 - b) Underutilization of existing accommodation.
 - c) Compassionate reasons.
- 13.4** The 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 the Council and the housing authority or approved housing body as the case may be.
 - d) Both applicants must be able to demonstrate to the satisfaction of the Council and the housing authority or 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) The Council must be satisfied that the granting of a tenancy in a Council dwelling to the mutual exchange applicant would be in the interest of good estate management.

- 13.5** The Council will only permit mutual exchange of tenancies in respect of designated dwellings, as defined in Clause 4 above, if the applicant applying for mutual exchange is eligible for an allocation of such designated dwelling.

14 ESTATE MANAGEMENT

In the interests of good estate management, applicants who are being considered for an allocation of a dwelling provided by the Council will be required as a pre-condition of the grant of the tenancy to attend and participate in a pre-tenancy course.

15 RIGHTSIZING AND FINANCIAL CONTRIBUTION SCHEME

The 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 whose application under the rightsizing or financial contribution scheme is approved. Rightsizing is a term that describes a process of adjusting your housing to meet your current needs.

Existing Tenants

Tenants occupying properties in excess of their current housing need may be approached in order to rightsize to a more suitable property to meet their current need, subject to availability and suitable properties within the tenant's local community or preferred area of choice. This should be used at all times to ensure best use of the Housing Authority's current housing stock.

Furthermore, rightsizing is often referenced in the context of older adults moving from larger family homes to smaller, more manageable homes that will support a person to age in place. Therefore, rightsizing has a valuable role in supporting older people to remain living in their own homes and communities for as long as possible. Thus, the Housing Authority will encourage older tenants (aged 55 years or older) to consider rightsizing as a proactive life choice and to think about future needs as well as current needs when considering rightsizing opportunities.

The decision to move home is a significant one, especially due to emotional attachments. Therefore, enhanced awareness of the benefits of rightsizing is key to the success of achieving rightsizing within the Housing Authority's own housing stock, along with guided assistance and support throughout the process of rightsizing. This will be achieved by:

- Maximising promotion of voluntary rightsizing opportunities to existing tenants.
- Financial assistance up to a maximum of €1,000 to existing tenants for identified expenditure associated with a rightsizing move, where deemed necessary (e.g. decluttering, belongings transfer/removal). The extent of the maximum financial assistance available to be reviewed periodically, in the context of experience gleaned from actual implementation.

Private Homeowners – Rightsizing and Financial Contribution Scheme

The Financial Contribution Scheme for private owners is provided for in recognition that there are persons of 55 years or older who find their existing dwellings too large for their needs and who wish to be considered for housing by the Housing Authority, as tenants in older person's accommodation. The following conditions apply:

- a) The property must be located in Louth County Council's administrative area.
- b) Admission to the Financial Contribution Scheme shall only be offered to a homeowner if the Council wishes to purchase a homeowner's property and is able to source a vacancy in older person's accommodation for the applicant.
- c) The Council cannot purchase any house with a value in excess of the price limit set out by the Department of Housing, Local Government & Heritage for acquisitions (Unit Cost Ceilings applicable at the time).
- d) The Council shall only consider purchasing properties at a discount from homeowners who are eligible for older person's accommodation.
- e) Successful applicants will be placed on the Financial Contributions List until a suitable vacancy arises. Applicants will not be prioritised ahead of older persons on the Social Housing or Transfer lists. An offer of a social house to an applicant on the Financial Contribution List will be at the discretion of the Housing Authority.

- f) Homeowners who are allocated a tenancy must pay housing rent in line with the Differential Rent Scheme.
- g) The financial contribution for a private house owner (aged 55 years or above) to become a tenant of the Housing Authority is one quarter of net proceeds of the sale of the dwelling. Net proceeds shall exclude the discharge of any mortgage or charge on the property, legal fees incurred and/or expenses solely related to the sale of the property.
- h) Properties will be subject to inspection when an applicant is reached for consideration. If the dwelling is found unsuitable by the Housing Authority or if it requires substantial repairs, the Housing Authority may not purchase the property. The applicant has the option of a private sale of the property, with the applicant paying the financial contribution to the Housing Authority of one quarter of the net proceeds of the sale.

16 APPEALS

An applicant may appeal a decision made in accordance with this scheme by writing to the Senior Executive Officer, Louth County Council, Drogheda Civic Offices, Fair Street, Drogheda, A92 P440. The appeal must be received within 14 days of the original decision. The grounds for the appeal must be clearly stated.

17 INTERPRETATION

In this Scheme, unless the context otherwise requires:

A reference to any enactment (whether specifically named or not) or to any section or subsection 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.

Any reference to a paragraph by number is a reference to that numbered paragraph as it appears in this Scheme.

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

The headings to the paragraphs of this Scheme are for ease of reference only and are not to be used for purposes of construing this Scheme.

'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 to 2007),*
- (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 2014 and part V of the Planning and Development Act 2000, or a housing estate in which the house is situate or a halting 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.*

'bid dwelling' means a dwelling that has been designated for choice-based letting.

'choice based letting' means the procedure set out in Regulations 6 to 11 of the Social Housing Assessment Regulations 2011 for determining the individual households that will be considered for the allocation of a bid dwelling

'emergency' is an emergency decided as such by the Director of Services, Housing & Culture Delivery, or the nominated official whose decision in this regard shall be final

'household' household" means a person who lives alone or 2 or more persons who live together

'member of the tenant's household' means a person who is living with the tenant and whose income is assessed for the purpose of determining the rent of the dwelling, or a person who has been given written permission by the Council to reside in the tenant's dwelling by the Council in writing and whose income is assessed for the purpose of determining the rent of the tenant's dwelling.

'Minister' means the Minister for the Housing, Local Government and Heritage or such other Minister being the head of the Department of State having responsibility for the administration and business generally of public housing services in connection with local government.

'overcrowding' is to be construed in accordance with 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 in the dwelling 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.

'RAS tenant' means the tenant of a dwelling which is the subject of a rental accommodation scheme or a rental availability agreement.

'Scheme' means this Allocation Scheme.

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

'social housing support' has the meaning assigned to it by section 19 of the 2009 Act

'traveller' means a person or persons belonging to the class of persons who traditionally pursue or have pursued a nomadic way of life

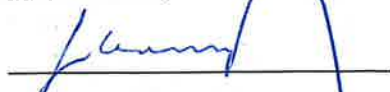
'unfit' has the meaning assigned to it by section 66 of the Housing Act 1966. The housing authority in considering whether a house is unfit for human habitation shall have regard to the extent (if any) to which the house is deficient as respects each of the following matters set out in the Second Schedule of the Housing Act 1966:

- a) Stability
- b) Resistance to fire
- c) Safety of staircases and common passages including the state of paving in any yard or open space appurtenant to the house
- d) Resistance to moisture
- e) Resistance to the transmission of heat
- f) Resistance to the transmission of sound
- g) Resistance to infestation
- h) Water supply, sanitary arrangements and drainage
- i) Air space and ventilation
- j) Natural and artificial lighting
- k) Facilities for preparing, storing and cooking food

Adopted by Louth County Council at its meeting held on 20th October, 2025

Signed: 

Cathaoirleach.



Director of Services

Housing & Culture Delivery

Date: 20-10-25

Date: 20-10-2025

And the Seal of the Council Affixed hereto:

