



**TO: AN CATHAOIRLEACH  
& EACH MEMBER OF KILKENNY COUNTY COUNCIL**

**RE: AFFORDABLE HOUSING SCHEME**

**DATE: 17<sup>th</sup> June, 2019**

Dear Councillor,

I attach herewith the draft Affordable Housing Scheme. This draft Scheme has been discussed at the Housing Strategic Policy Committee.

Yours sincerely,

  
\_\_\_\_\_  
**Mary Mulholland,**  
**Director of Services.**

*Encl.*





**Date:** 17<sup>th</sup> June 2019

**To: AN CATHAOIRLEACH  
& EACH MEMBER OF KILKENNY COUNTY COUNCIL**

**Item: AFFORDABLE HOUSING SCHEME**  
Section 85 of the Housing (Miscellaneous Provisions) Act 2009 and the Housing (Miscellaneous Provisions) Act 2009 (Part 5) Regulations 2019

**Dear Member,**

Under the terms of Section 85 of the Housing (Miscellaneous Provisions) Act 2009 and the Housing (Miscellaneous Provisions) Act 2009 (Part 5) Regulations 2019, there is an obligation on Local Authorities to adopt a Scheme of Priorities for the assessment of applications once an Affordable Housing Scheme is introduced.

The scheme of priorities must be adopted within one year of the date of the commencement of Part V of the Housing Miscellaneous Provisions Act 2009, i.e. by 18<sup>th</sup> June 2019.

All Local Authorities are obliged to have a Scheme of Priorities in place, even though they may not have an Affordable Housing scheme as yet.

Where agreement is reached for the provision of Affordable Housing, the allocation of houses must be made in accordance with a Scheme of Priorities adopted by the Council to determine the order of priority to be accorded to eligible persons.

The majority of the terms of the Scheme of Priorities have been introduced on a national basis to ensure consistency of priority across the country. However, there is discretion for each Local Authority to have regard to priority based on the distance an applicant is living or working from the Affordable Housing Scheme. There is a similar discretion to have regard to the distance an applicant (or their dependants) is attending school or college. In the case of Kilkenny County Council it is proposed that this distance will be 50km in each case.

To ensure compliance with the Housing (Miscellaneous Provisions) Act 2009 and to ensure that Kilkenny County Council will be in a position to implement all Affordable Housing Schemes to be made under Rebuilding Ireland in the coming months we are required to adopt a Scheme of Priorities. Whilst the proposed Scheme of Priorities, if adopted, will determine the priority of applicants, it can be altered at a future date by resolution of the Council if the Members so desire.



The attached Draft Scheme is before the Council for consideration.



**Mary Mulholland**  
**Director of Services**

## Kilkenny County Council

### Scheme of Priority for Affordable Dwelling Purchase Arrangements

in accordance with Section 85 (9) of the Housing (Miscellaneous Provisions) Act 2009 as amended and the Affordable Dwelling Purchase Arrangements Regulations 2019 (S.I. No. 81 of 2019)

listed for adoption by Kilkenny County Council on xxxx 2019 following presentation to and recommended for adoption by the Housing Strategic Policy Committee on Friday 26<sup>th</sup> April 2019 .

#### **Background**

The purpose of this Scheme of Priority is to set out the manner in which affordable dwelling purchase arrangements are made available by the Council and the methodology that will be applied to determine the order of priority to be accorded to eligible households where the demand for such arrangements exceeds the dwellings or resources available.

Eligibility of households will be assessed in accordance with Section 84 of the Housing (Miscellaneous Provisions) Act 2009 (as amended), the Affordable Dwelling Purchase Arrangements 2019 (S.I. No. 81 of 2019) and any subsequent Regulations under Part 5 of the Housing (Miscellaneous Provisions) Act 2009.

#### **Part 1: Manner in Which Affordable Dwellings will be made Available**

1. Where the Council intends to make dwellings available in a particular location or locations for affordable dwelling purchase arrangements in accordance with the Act, it will:
  - 1.1. Calculate the relevant income thresholds for the purposes of determining a household's eligibility for each class of dwelling that will be made available.
  - 1.2. No later than three months in advance of the date when the particular properties are scheduled to be completed, advertise the availability of the properties in at least one newspaper circulating within the administrative area and on the Council's website.
  - 1.3. The information that will be provided in the advertisement will include:
    - 1.3.1. the location or locations and details of the type or types of dwelling that are to be made available,
    - 1.3.2. the manner in which an application can be made including the date from which the Council will accept an application,
    - 1.3.3. the household income thresholds that will apply for the purposes of determining eligibility,

- 1.3.4. the manner in which an application for an assessment as to eligibility under section 84 of the Act of 2009 shall be made,
  - 1.3.5. the criteria (including the order of priorities that will apply in accordance with these Regulations) by which such an assessment will be made, and
  - 1.3.6. the closing date for the receipt of such applications.
2. Applications will only be considered for the dwellings which are the subject of an advertisement. An individual application in response to each advertisement will be required.
  3. Where the Council intends to provide financial assistance under Section 81 of the Act to eligible households to purchase open market dwellings, the Council will:
    - 3.1. At least one month in advance of the date that the financial assistance will be available, advertise the availability of financial assistance, including the total amount available in at least one newspaper circulating within the administrative area and on the Council's website.
    - 3.2. The information that will be provided in the advertisement will include:
      - 3.2.1. the total amount of financial assistance to be made available,
      - 3.2.2. the manner in which an application can be made including the date from which the Council will accept an application,
      - 3.2.3. the household income thresholds that will apply for the purposes of determining eligibility,
      - 3.2.4. the manner in which an application for an assessment as to eligibility under section 84 of the Act of 2009 shall be made,
      - 3.2.5. the criteria (including the order of priorities that will apply in accordance with these Regulations) by which such an assessment will be made, and
      - 3.2.6. the closing date for the receipt of such applications.

## **Part 2: Order of Priority for Eligible Households**

4. Where the Council intends to make dwellings available in a particular location or locations and has sought applications, all applications received before the closing date will, as soon as is reasonably possible after the closing date be assessed for eligibility in the order in which they are deemed to be received and this order of application will be applied for the purposes of determining priority between households of a similar class.
5. Applicant households shall be classified according to the following criteria:
  - 5.1. Applicant households who are deemed eligible shall be considered part of the General class.
  - 5.2. Applicant households who are deemed to be ineligible will not be considered further.

5.3. Applicant households in the General class whose composition matches the composition suited to the particular dwelling type set out in the table below shall be further classified as Class A households.

<b>Dwelling Type</b>	<b>Suitable Household Composition</b>
One-bedroom dwelling	Single or two-person household
Two-bedroom dwelling	Two or three-person household
Three-bedroom dwelling	Three or four-person household
Four-bedroom dwelling	Four or more-person household

5.4. Applicant households in Class A, where any member of the household was resident in the administrative area of the housing authority concerned for a period of not less than 12 months immediately prior to applying shall be further classified as Class B households.

5.5. Applicant households in Class B, where any member of the household is registered as a full-time student in a school, college or other educational institution that is within a 50km distance of the dwellings advertised shall be further classified as Class C households

5.6. Applicant households in Class B, other than Class C households, where any member of the household is employed at a place that is within a 50km distance of the dwellings advertised shall be further classified as Class D households.

5.7. Applicant households in Class C, where any member of the household is employed at a place that is within a 50km distance of the dwellings advertised shall be further classified as Class E households.

6. Households deemed eligible for the purchase of affordable dwellings shall be prioritised in the following order:

6.1. Where the number of applicants exceeds the number of affordable dwellings for sale, the housing authority will, in relation to any particular type of dwelling, give priority to households whose accommodation needs would be adequately catered for by the type of dwelling in question (= Class A households).

6.2 Where the number of Class A households (i.e. those whose accommodation needs would be adequately catered for by the type of dwelling in question) is less than the number of that type of dwelling, the housing authority will (having catered for Class A households) give priority to other households in the order in which they applied.

6.3 Where the number of Class A households is greater than the number of the relevant type of dwelling, the housing authority will give priority to Class A households any of whose members has been resident in the housing authority area for a period of no less than 12 months immediately preceding application (= Class B households).

6.4 Where the number of Class A households is greater than the number of the relevant type of dwelling, but the number of Class B households is less than the number of such dwellings, the housing authority will (having catered for Class B households) give priority to other Class A households in the order in which they applied.

6.5 Where the number of Class B households is greater than the number of the relevant type of dwelling, the housing authority will give priority to households with a household member who is registered as a full-time student with a school or university or other educational institution within 50 kilometres of the dwelling(s) for sale (= Class C households).

6.6 Where the number of Class B households is greater than the number of the relevant type of dwelling, but the number of Class C households is less than the number of such dwellings, the housing authority will (having catered for Class C households) give priority to Class B households with a household member employed at a place within 50 kilometres of the dwelling(s) for sale (= Class D).

6.7 Where the number of Class B households is greater than the number of the relevant type of dwelling, but the number of Class C households and Class D households is less than the number of such dwellings, the housing authority will (having catered for Class C and Class D households) give priority to other Class B households in the order in which they applied.

6.8 Where the number of Class C households is greater than the number of the relevant type of dwelling, the housing authority will give priority to Class C households with a household member employed at a place within 50 kilometres distance of the dwelling(s) for sale (= Class E households).

6.9 Where the number of Class C households is greater than the number of the relevant type of dwelling, but the number of Class E households is less than the number of such dwellings, the housing authority will (having catered for Class E households) give priority to other Class C households in the order in which they applied.

6.10 Where the number of Class E households is still greater than the number of the relevant dwellings available, the housing authority will give priority to Class E applicants in the order in which they applied.

7.1 Households deemed eligible for financial assistance for the purchase of open market dwellings will be prioritised in the following order:

7.2 Where the aggregate of all financial assistance sought for the purpose of purchasing open market dwellings exceeds the funds for the time being available to the housing authority for this purpose, the housing authority will give priority to households whose housing needs would be adequately catered for by the type of dwelling in question (= Class A households).



7.3 Where the aggregate of all financial assistance sought for the purpose of purchasing open market dwellings exceeds the funds for the time being available to a housing authority for this purpose, but the financial assistance sought by Class A households is less than the available funds, the housing authority will (having catered for Class A households) give priority to other households in the order in which they applied.

7.4 Where the aggregate of all financial assistance sought by Class A households for the purpose of purchasing open market dwellings exceeds the funds for the time being available to a housing authority for this purpose, the housing authority will give priority to Class A households any of whose members has been resident in the housing authority area for a period of no less than 12 months immediately preceding application (= Class B households).

7.5 Where the aggregate of all financial assistance sought by Class A households for the purpose of purchasing open market dwellings exceeds the funds for the time being available to a housing authority for this purpose, but the financial assistance sought by Class B households is less than the funds available, the housing authority will (having catered for Class B households) give priority to other Class A applicants in the order in which they applied.

7.6 Where the aggregate of all financial assistance sought by Class B households for the purpose of purchasing open market dwellings exceeds the funds for the time being available to a housing authority for this purpose, the housing authority will give priority to households with a household member who is registered as a full-time student with a school or university or other educational institution within 50 kilometres of the dwelling proposed for purchase (= Class C households).

7.7 Where the aggregate of all financial assistance sought by Class B households for the purpose of purchasing open market dwellings exceeds the funds for the time being available to a housing authority for this purpose, but the financial assistance sought by Class C households is less than the funds available, the housing authority will (having catered for Class C households) give priority to Class B households with a household member employed at a place within 50 kilometres of the dwelling proposed for purchase (= Class D households).

7.8 Where the aggregate of all financial assistance sought by Class B households for the purpose of purchasing open market dwellings exceeds the funds for the time being available to a housing authority for this purpose but the financial assistance sought by Class C households and Class D households is less than the funds available the housing authority will (having catered for Class C and Class D households) give priority to other Class B households in the order in which they applied.

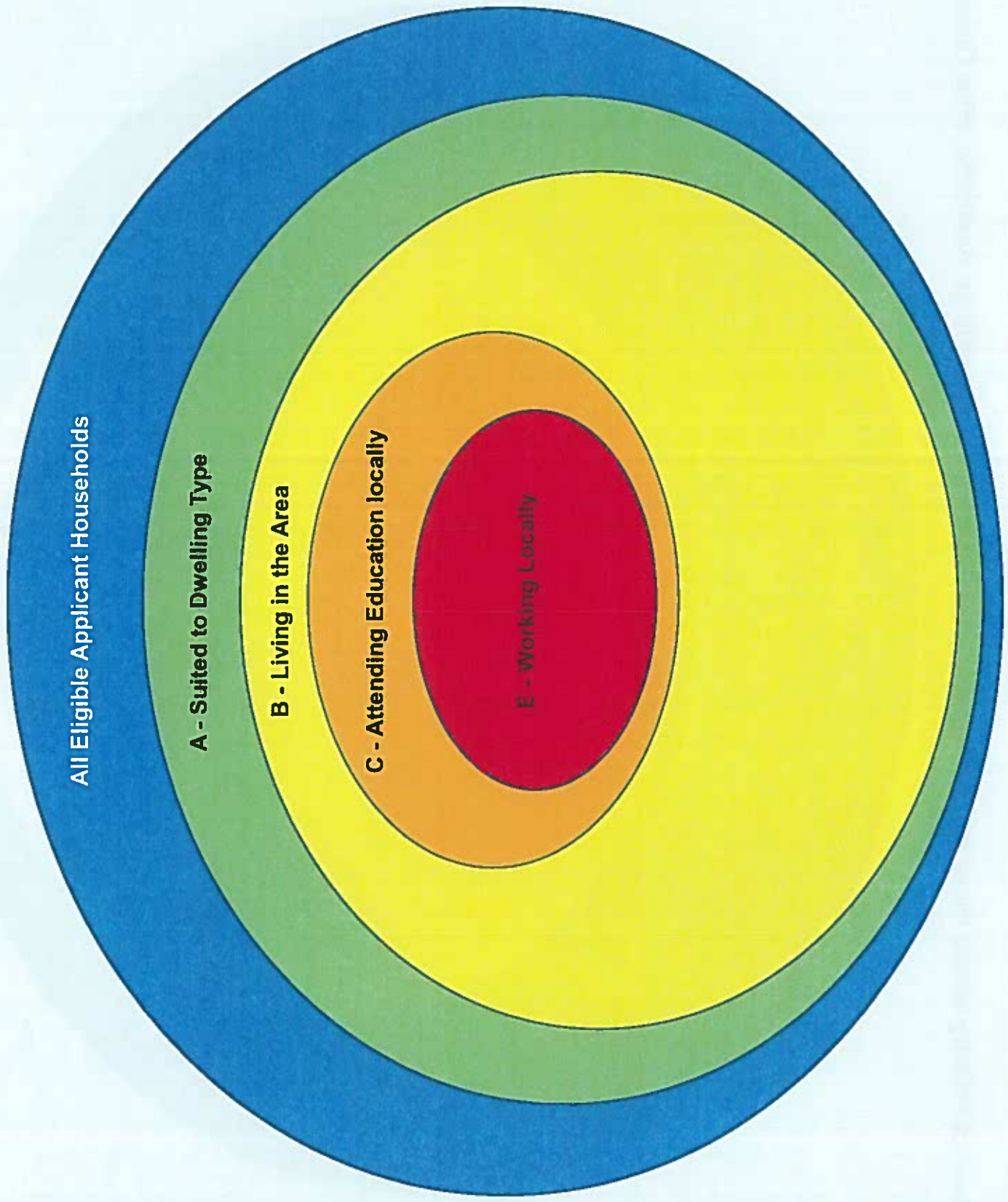
7.9 Where the aggregate of all financial assistance sought by Class C households for the purpose of purchasing open market dwellings exceeds the funds for the time being available to a housing authority for this purpose, the housing authority will give priority to Class C households with a household member employed at a place within 50 kilometres distance of the units concerned (= Class E households).

7.10 Where the aggregate of all financial assistance sought by Class C households for the purpose of purchasing open market dwellings exceeds the funds for the time being available to a housing authority for this purpose, but the financial assistance sought by Class E households is less than the funds available, the housing authority will (having catered for catered for Class E households) give priority to other Class C households in the order in which they applied.

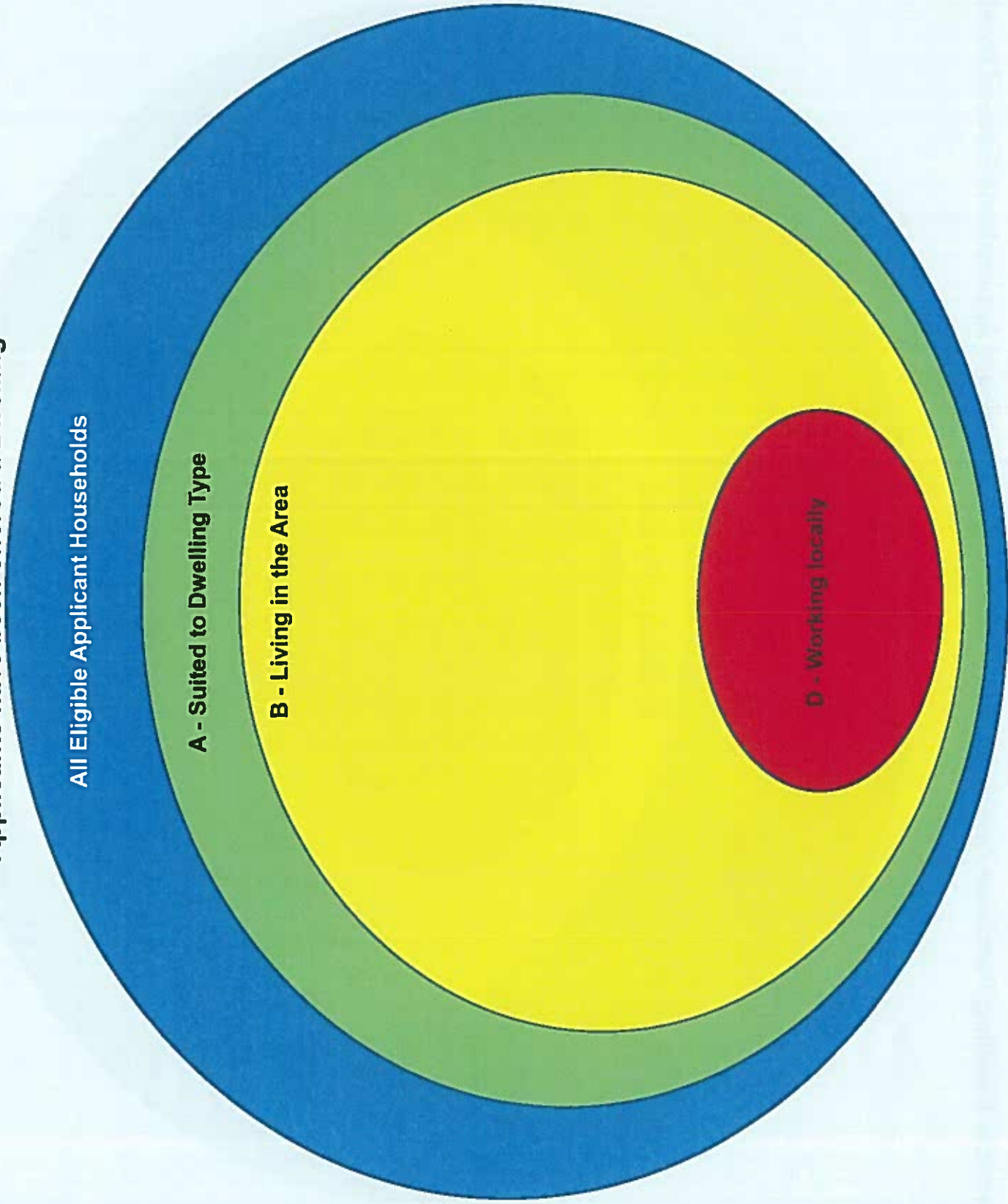
7.11 Where the aggregate of all financial assistance sought by Class E households for the purpose of purchasing open market dwellings exceeds the funds for the time being available to a housing authority for this purpose, the housing authority will give priority to Class E applicants in the order in which they applied.

8. Prior to being offered an affordable dwelling purchase arrangements, applicant households may be required to supply documentary evidence in relation to the matters which secured their inclusion in priority classes outlined above (in addition to supplying evidence in relation to the eligibility criteria).

# Affordable Dwelling Purchase Arrangements – Order of Priority where Applications Exceed Dwellings



**Order of Priority where there are less Class C Applications than Dwellings Available, after Class C Applicants have been offered a Dwelling**



## Affordable Dwelling Purchase Arrangements – Household Priority Levels

### Priority Level 1 (E) (Highest Priority)

- Eligible Applicants
- Dwelling suits Household's needs
- Living in the Area for at least 12 months immediately preceding application
- A member of the household attending education locally
- A member of the household working locally

### Priority Level 2 (C)

- Eligible Applicants
- Dwelling suits Household's needs
- Living in the Area for at least 12 months immediately preceding application
- A member of the household attending education locally
- A member of the household working locally

### Priority Level 3 (D)

- Eligible Applicants
- Dwelling suits Household's needs
- Living in the Area for at least 12 months immediately preceding application
- A member of the household attending education locally
- A member of the household working locally

### Priority Level 4 (B)

- Eligible Applicants
- Dwelling suits Household's needs
- Living in the Area for at least 12 months immediately preceding application
- A member of the household attending education locally
- A member of the household working locally

## Affordable Dwelling Purchase Arrangements – Household Priority Levels

### Priority Level 5 (A)

- Eligible Applicants
- Dwelling suits Household's needs
- Living in the Area for at least 12 months immediately preceding application
- A member of the household attending education locally
- A member of the household working locally

### Priority Level 6 (General Eligibility)

- Eligible Applicants
- Dwelling suits Household's needs
- Living in the Area for at least 12 months immediately preceding application
- A member of the household attending education locally
- A member of the household working locally