



Know your Housing Rights *Online Education Series*

KNOW YOUR HOUSING RIGHTS: HOUSING ASSISTANCE PAYMENT (HAP)

WHAT IS HAP?

The Housing Assistance Payment (HAP) is a form of social housing support. With HAP, the local authority can pay the majority of your rent directly to a private landlord. You can continue to work while receiving HAP.

QUALIFYING FOR HAP

To qualify for HAP you must successfully apply to your local authority for social housing support. In other words, you must be eligible for the 'housing list'. There are a number of eligibility requirements for social housing supports, including income limits.

If you are already on your local authority's housing list or currently in receipt of Rent Supplement, you should be eligible for HAP.

You must source your own private rental accommodation. The local authority is not your landlord. You will have a normal landlord-tenant relationship with your landlord, with all the rights and responsibilities that entails, including in relation to the Residential Tenancies Board.

The accommodation must be within the HAP rental limits for your area. HAP rental limits vary depending on the area in which you live and your household composition. Where necessary, local authorities can give up to 20% more than the HAP rental limit for the area to help you find suitable accommodation. You may have to pay a rent contribution to your local authority which varies depending on income.

HOMELESS HAP

If you are homeless, you may be able to avail of the HAP scheme for homeless people. Currently this is run by the Dublin Regional Homeless Executive. If you are outside the Dublin area, check with your local authority or Citizens Information Centre regarding supports in your area.

To qualify for Homeless HAP, you must be accepted as homeless by one of the four local authorities in Dublin. Homelessness comes in many forms and you do not need to be rough sleeping to be homeless. For example, if you are currently renting a property but have received a valid notice to quit and will have nowhere to go when it expires, or if you are couch



surfing with family or friends, you may still be considered homeless for the purpose of accessing housing supports.

The benefits of the Homeless HAP scheme are that it provides additional financial and related supports to tenants and landlords. This includes significantly increased HAP rates and help to locate accommodation.

WHAT IF I AM REFUSED HAP?

You are entitled to ‘fair procedures’ in relation to an application for HAP, as for any other housing support. This includes the right to be given reasons for a refusal of your application. You can also request reasons under Freedom of Information (FOI) legislation.

If you are refused HAP, you can appeal the refusal to your local authority. There is also a procedure by which the local authority can refer a question regarding the operation of the HAP scheme to the Department of Housing. If you are concerned that a refusal was incorrect, you should seek advice.

- For further information about the HAP scheme visit www.hap.ie
- The Residential Tenancies Board provides information on its service at www.rtb.ie
- For advice regarding landlord / tenant issues visit www.threshold.ie

MLRC CONTACT DETAILS

Mercy Law Resource Centre (MLRC) is a registered charity and independent law centre. MLRC provides free legal advice and representation to people who are homeless or who are at risk of homelessness in relation to social housing and related social welfare law. MLRC also provides training and support to organisations that encounter issues in this area of law.

Visit our website www.mercylaw.ie to find out more. You can contact MLRC by phone at **(01) 453 7459** or by email to info@mercylaw.ie.

THE ‘KNOW YOUR HOUSING RIGHTS’ SERIES

This is Module 3 in the 4 part ‘*Know your Housing Rights*’ legal training series. The topics in the series are:

1. *Know Your Housing Rights: Introduction to Social Housing Law*
2. *Know Your Housing Rights: The Public Sector Equality & Human Rights Duty*
3. *Know your Housing Rights: Housing Assistance Payment (HAP) and Homeless HAP*
4. *Know your Housing Rights: Traveller Accommodation and the Law*

Details of online training sessions for these modules, and copies of the other guides, are all available at www.mercylaw.ie/training/KYHR