



Comhshaol, Pobal agus Rialtas Áitiúil
Environment, Community and Local Government

To all Local Authorities

22 April, 2013

**Re: Social Housing Assessments Regulations 2011 –
Clarification re. Regulations 5 & 6**

Dear Town Clerk / Director of Services

Following a number of queries, including from the Office of the Ombudsman, I am writing to clarify issues in relation to the above Regulations on “housing authority of application” and “local connection” (see Appendix 1).

Prior to the introduction of the Social Housing Assessment Regulations in 2011 social housing applicants could apply to any housing authority they chose. The Regulations provide that a household can apply to one housing authority only, which can be the housing authority for the functional area where it normally resides or the housing authority for the functional area where it has a local connection. The general rule is that a household will apply to the authority where the household is **currently resident**, or in terms of the Regulations “the functional area in which the household **normally resides**.”

“Normally resides”

In Regulation 5 “normally resides” is generally intended to refer to the housing authority where the household is currently resident and the household is required to provide proof of this. This may be demonstrated by production of relevant documentation, for example, a utility bill, proof of a social welfare payment, a lease etc. The Regulation **does not** provide for a housing authority to impose a minimum period of residence in the area prior to application for social housing support and it is not intended that a household is required to reside in the functional area of the housing authority of application for a minimum length of time in order to be considered eligible for assessment.

Therefore, where a household can provide evidence of its current residence, e.g. a utility bill, this should be accepted as proof that the household "normally resides" in the functional area concerned.

Local Connection

A household may also apply to a housing authority where it can demonstrate a local connection as provided for in Regulation 6. This is applicable when the household is not currently normally resident in the functional area of the local authority but can demonstrate a local connection as set out in Regulation 6. Households are only required to meet either the normal residence or local connection criteria, not both.

Households living in Emergency Accommodation

In relation to a household living in emergency accommodation, production of a social welfare payment received in the area may be the only available proof for that household. It is not the intention that these households would also have to demonstrate a local connection.

Discretionary Power

A housing authority may also decide at its discretion to consider an application for social housing support from a household that does not meet these residence or local connection criteria (Regulation 5(c)).

I would be grateful if the above clarifications could be brought to the attention of the relevant staff as soon as possible. Should you have any queries, please direct same to: Kevin Byrne at 01-8882561 / kevin.byrne@environ.ie or Iain Long at 01-8882226/ Iain.long@environ.ie

Yours sincerely,



John O' Neill
Principal
Social Housing

Appendix 1

Housing authority of application

5. A household may apply for social housing support to one housing authority only (the "housing authority of application"), which authority shall be either–
- (a) the housing authority for the functional area in which the household normally resides, or
 - (b) the housing authority for the functional area with which the household has a local connection, or
 - (c) the housing authority that agrees, at its discretion, to conduct a social housing assessment in respect of that household on receipt of an application from the household.

Local connection with the functional area of a housing authority

6. A housing authority of application shall, in determining if a household has a local connection with its functional area, have regard to whether:
- a. a household member resided for a continuous 5-year period at any time in the area concerned, or
 - b. the place of employment of a household member is in the area concerned or is located within 15 kilometres of the area, or
 - c. a household member is in full-time education in any university, college, school or other educational establishment in the area concerned, or
 - d. a household member with an enduring physical, sensory, mental health or intellectual impairment is attending a medical or residential establishment in the area concerned that has facilities or services specifically related to such impairment, or
 - e. a relative of a household member resides in the area concerned and has resided there for a minimum period of 2 years.



Comhshaol, Pobal agus Rialtas Áitiúil
Environment, Community and Local Government

Our Reference: OMB/2013/004

Your Reference: L24/12/1437

22 April 2013

Ms Aoife Nic Reamoinn
Office of the Ombudsman
18 Lower Lesson Street
Dublin 2

Re: Social Housing Assessment Regulations 2011

Dear Ms. Nic Reamoinn,

I refer to your letter dated 19 March, 2013 in relation to the implementation, by housing authorities of Regulations 5 and 6 of the Social Housing Assessment Regulations. In the context of the concerns raised it would be important to note that this Department has always taken account of the need to deliver a public service which is open, fair, accountable and effective.

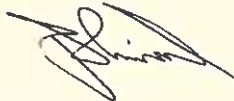
The Social Housing Assessment Regulations have been in place since 1 April 2011 and the Department has at all times sought to work with housing authorities to ensure that the Regulations are implemented as intended. This includes issuing detailed guidance to housing authorities on the implementation of the Regulations and running a series of regional workshops to assist authorities become familiar with the Regulations when they were first introduced. Following their introduction there has been on-going interaction with housing authorities, including through a dedicated housing practitioners forum, to ensure that the Regulations are being implemented as intended. The Department is aware that there has been an issue with a very small number of housing authorities on Regulations 5

and 6 in the past and has sought to address the issue directly with the relevant authorities concerned and within the context of the housing practitioners forum.

Notwithstanding the above, the Department appreciates the concerns raised by your Office and in recognising same has taken the step of issuing a further letter of clarification (a copy of which is attached for your information) to all housing authorities in respect of implementing Regulations 5 & 6. Furthermore, the Department will continue to work closely with all housing authorities in ensuring a consistent approach is taken in relation to implementing the relevant legislation.

If I can be of any further assistance please do not hesitate to contact either myself or Ruth Murray (ruth.murray@environ.ie T01 888 2105).

Yours sincerely,



John O'Neill
Principal Officer
Social Housing