



Draft Scheme of Priority for Affordable Dwelling Purchase Arrangements

Section 85 of the Housing (Miscellaneous Provisions) Act 2009 (“the Act”) as amended and Housing (Miscellaneous Provisions) Act 2009 (Part 5) Regulations 2019 (S.I. No. 81 of 2019) (“the Regulations”)

The Minister for housing, Planning and Local Government commenced Part 5 of the Housing (Miscellaneous Provisions) Act 2009 on 18th June 2018, the effect of which was to put in place new legislative provisions for affordable dwelling purchase arrangements.

Pursuant to Section 85(3) of the Act, an order of priority is required to be applied to eligible households who have applied to purchase an affordable dwelling made available by a housing authority.

In accordance with the legislation, all housing authorities must make a Scheme of Priority before 18th June 2019. Dublin City Council’s Housing Department prepared a draft Scheme of Priority, which was submitted to the May Council meeting for discussion and agreement.

In accordance with Section 85(9) of the Housing (Miscellaneous Provisions) Act, 2009 the agreed draft was sent to the Minister for review and approval. The City Council has been advised that the Minister has reviewed the draft Scheme of Priorities however, he is not in a position to approve the draft Scheme in its current format.

In this context, Dublin City Council are asked that km distances to education (Class C) and employment (Class D) be reconsidered. The Executive has reviewed and analysed the draft Scheme in this context and recommends to the Members that the km distances to education (Class C) is set at 30km and the km distances to employment (Class D) is set at 50km, as per attached report.

Brendan Kenny
Assistant Chief Executive
5th June 2019

Introduction:

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) and the Affordable Dwelling Purchase Arrangements 2019 (S.I. No. 81 of 2019).

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, in accordance with relevant legislation, the relevant income thresholds for the purposes of determining a household's eligibility for each type 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 net income thresholds that will apply for the purposes of determining eligibility,
 - 1.3.4. 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. A household must submit a separate application to each advertisement where it wishes to be considered for the properties in the advertisement.
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 closing date for the receipt of such applications.

Part 2: Order of Priority for Eligible Households

- 4. An order of application will be assigned to applications received before the closing date. Applications that appear to meet the eligibility criteria, on the basis of the information supplied by the applicant household, will be considered eligible for the purpose of applying the scheme of priorities, in accordance with Regulation 4 of the Regulations, subject to later confirmation through the production of documentary evidence in relation to eligibility.
- 5. The housing authority will then decide which of the available types of dwelling would adequately cater for the housing needs of the applicant households. More than one type of dwelling might be deemed to cater adequately to the accommodation needs of a particular house, so that an applicant household may be prioritised for more than one type of dwelling where they indicated such interest in their application form.

The decision as which type of dwelling(s) is deemed to adequately cater to the accommodation needs of a household, will be made on the following basis:

Dwelling Type	Meets accommodation needs of:
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

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).
 - 6.1.1. 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.

6.2. 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).

6.2.1. 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.

6.3. 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 30 kilometres of the dwelling(s) for sale (= Class C households).

6.3.1. 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).

6.3.2. 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.

6.4. 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 of the dwelling(s) for sale (= Class E households).

6.4.1. 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.

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

7.1. 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).

7.1.1. 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.

7.2. 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).

7.2.1. 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.

7.3. 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 30 kilometres of the dwelling proposed for purchase (= Class C households).

7.3.1. 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).

7.3.2. 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.

7.4. 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 of the dwelling proposed for purchase (= Class E households).

7.4.1. 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.

7.5. 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 be 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).

Resolution:

That Dublin City Council notes the contents of Report No.199/2019 and hereby approves the contents therein.

Brendan Kenny

Assistant Chief Executive

5th June 2019