



Report on Supreme Court Judgement

1. Framework for Assessment of Social Housing Need for Shared Custody Arrangements

The process for social housing assessment is set out in Section 20 of the Housing (Miscellaneous Provisions) Act, 2009 and Social Housing (Assessment) Regulations. The first step is the identification of the household to which the application relates. The definition of 'household' in the Act (as amended) includes:

- (a) a person who lives alone,
- (b) 2 or more persons who live together, or
- (c) 2 or more persons who do not live together but who, in the opinion of the housing authority concerned, have a reasonable requirement to live together.

In assessing reasonable requirement to live together, Dublin City Council shall have regard to parents whose children reside with them on a part-time basis. Such applications will be assessed having regard to, inter alia:

- a) The relationship between the 2 or more persons who are seeking to be considered as part of a household;
- b) The status of the relationship with the other parent;
- c) The agreement of the Parent with primary care and control **or** Entitlement to Custody as a matter of law;
- d) The frequency of overnight residence;

Sample documentation that may be requested includes:

- Up to date affidavit or court documents in relation to custody/access;
- Copies of Birth certificates for all children together with PPS numbers, confirming the parenthood of the applicant;
- Confirmation that the parents are no longer residing together and have been living apart.

Should the household be reached for offer of social housing, the household composition will be reassessed in full.

When children included on the application reach 18 years the application will be reassessed and will take into account whether the household members are in full time education.

It does not follow from the inclusion of children in the assessment that the applicant will be entitled to a particular form of social housing support or to a given bedroom requirement. This will be decided on a case by case basis with reference to the individual circumstances of the applicant.

2. Recommended Amendment to the Scheme of Lettings Priorities

Amend 2.5.1 to

Children in Shared Custody/Access Arrangements:

On a case by case basis, Dublin City Council may, on assessment, assign an additional bedroom requirement to a household whose members do not reside on a full-time basis but who in the opinion of Dublin City Council, have a reasonable requirement to live together.

Mary Hayes
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