



Kildare County
Council

Allocation Scheme
for the Provision of
Social Housing
Support



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Introduction

This scheme was adopted by Kildare County Council on 27th February 2023.

The purpose of this Allocation Scheme is to provide a means of determining the order of priority to be afforded in the allocation of social housing support. This Allocation scheme is made in accordance with Section 22 of The Housing (Miscellaneous Provisions) Act 2009 whereby each Housing Authority (the council) is required to prepare an Allocations Scheme (Scheme). The preparation of this Scheme has also been informed by the provisions of the Social Housing Allocations Regulations 2011 (S.I. No 84 of 2011 as amended).

This Scheme determines the order of priority to be given in the allocation of properties to persons/households assessed as being qualified for social housing support in accordance with Section 20 of the The Housing (Miscellaneous Provisions) Act 2009.

This Scheme applies to the following types of properties:

- Properties provided under the Housing Acts 1966 to 2009 or Part V of the Planning and Development Act 2002 (as amended) owned by the council.
or
- Of which the council is not the owner and which are provided under a contract or lease between the council and the owner concerned
and
- Properties provided by Approved Housing Bodies (AHBs) to whom assistance is given under Section 6 of the Housing Act 1992 for the purposes of such provision.

The making of this Scheme is a reserved function of the elected members of the council; however, the housing authority must comply with any direction or regulation as may be specified by the Minister in relation to amending an allocation scheme. The allocation of properties is an executive function.

The Scheme takes account of the relevant housing acts and regulations and the council's Anti-social Behaviour Policy, Estate Management Strategy, and the council's Kildare County Tenancy Handbook: A Guide to Making the Most of your Tenancy (Tenancy Handbook).

The Scheme comes into operation on 27th February 2023, it may be inspected by any person at the council office at Aras Chill Dara, Devoy Park, Naas, Co. Kildare or viewed on the council's website www.kildarecountycouncil.ie

Nothing in this Scheme shall prevent the Chief Executive making an allocation or granting a transfer in emergency circumstances.

The council may, from time to time, set aside for persons of such category or categories as it may decide, a proportion of dwellings becoming available to it for allocation, and priority shall be afforded to the specified categories in the allocation of these dwellings.

Public Sector Duty

Local authorities have a wide and significant influence on human rights and equality by virtue of their role in planning, housing, transport, services/utilities, and community development. Decisions on settlement planning, transport infrastructure, housing/accommodation, among many other functions of local government, are factors in the creation of conditions that either enhance or diminish human rights and equality.

Section 42 of the Irish Human Rights and Equality Commission Act 2014 imposes a statutory obligation on public bodies in performing these functions to have regard to the need to eliminate discrimination, promote equality and protect human rights of people availing of their services.

The Public Sector Duty is a mechanism to ensure a positive contribution to the human rights obligations and equality objectives of the State. A review and analysis of data and policy development identified the following key human rights and equality issues within County Kildare:

- Socio-economic disadvantage
- Lone parents
- Member of the Traveller and Roma communities
- Black and Asian people
- Women
- People with disabilities

The council recognises that housing applicants and tenants may be at particular risk of experiencing exclusion across any or all these issues identified. While housing policy is determined at central government level there is considerable scope through housing policy to influence outputs and outcomes across the issues identified. Embedding the public sector duty into these policies mitigates against the risk of the creation of or reinforcement of such exclusions.

The council is committed to the ongoing monitoring and assessment of this scheme under the Public Sector Duty, and to progressively developing and expanding policy responses to ensure the protection of human rights and the achievement of greater equality.

Order of Priority

Applicants for social housing will be considered having regard to the period of time which has elapsed since they were included on the social housing list, this is known as 'time on the list'. Where an applicant has been included on the housing list on more than one occasion, the relevant period is the period which has elapsed since the household was last added to the social housing list.

In certain circumstances, overall priority may be given to applicants who satisfy the criteria listed below; applicants afforded priority will be further prioritised based on 'time on the list' and subject to the availability of a suitable property.

- **Age Friendly:** Accommodation under this category will be provided specifically for persons aged 55 and over, where the accommodation being provided is age friendly or is suitable for the needs of older people.
- **Dangerous Buildings:** Families or persons living in dangerous premises on whom a requisition under Section 3 (9) of the Local Government (Sanitary Services) Act 1964 has been served.
- **Displacement resulting from an act of the council** where financial compensation has not been paid or is not payable.
- **Exceptional Medical Grounds:** Where priority is being claimed on medical grounds, the HMD-Form 1 or any successor form must be completed. The information provided in this form will be used to assess if priority status should be awarded. An occupational therapist report may be required where specific accommodation is required.
- **Homeless Priority:** Individuals/Households rendered homeless through no fault of their own as defined under Section 2 of the Housing Act 1988 as amended as follows:

(a) there is no accommodation available which, in the opinion of the council, he/she together with any other person who normally resides with him/her or who might reasonably be expected to reside with him/her, can reasonably occupy or remain in occupation of, or

(b) he/she is living in a hospital, county home, night shelter, or other such institution and is so living because he/she has no accommodation of the kind referred to in paragraph (a) above and he/she, in the opinion of the council, is unable to provide accommodation from his/her own resources.

- Members of the Travelling Community: Where the accommodation being provided is Traveller specific.

Notwithstanding the above, all households awarded overall priority are subject to the terms of the council's Anti-social Behaviour Strategy.

Assessment of Bedroom Requirements

The following minimum standards for bedroom allocation will apply to lettings made by the council:

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| Single person/couple | 1 Bed |
| Lone parent/couple with 1 child or 2 children of the same gender. | 2 Bed |
| Lone parent/couple with 2 children of the opposite gender or Lone parent/couple with 3 children, where one child is of the opposite gender or Lone parent/couple with 4 children where the composition of the children is 2 boys and 2 girls. | 3 Bed |
| Lone parent/couple with 5 children or more children or Lone parent/couple with 4 children where the composition of the children is 1 boy and 3 girls or 1 girl and three boys | 4 bed |

Children in Shared Custody/Access Arrangements

The council will assess separated parents where partial custody or access arrangements are in place as follows:

- In cases where both parents are housing applicants, the applicants with whom the child/children reside for the greater part of the time will have their bedroom need assessed in accordance with the section of this Scheme titled Assessment of Bedroom Requirements, the other applicant who has partial custody will be deemed to have a 2-bedroom need.
- Applicants with partial custody or access arrangements to their children for the lesser part of the week/month/year will be deemed to have a 2-bedroom need. This will apply equally where the other parent is a social housing tenant.

In all cases the council will require a copy of the following documentation:

- a. Copy of legal agreement or court order setting out the custody arrangements.
- or
- b. If no such agreement/order exists, the parent/guardian of the child/children shall provide a statutory declaration to the effect that an overnight access arrangement is in place and submit details thereof.

Housing Areas of Choice

As set out in the Social Housing Assessments Regulations 2011 applicants who are deemed eligible for inclusion on the council's social housing list can choose up to three areas of choice. Areas of choice are selected at application stage. Applicants may only change their areas of choice once in a 12-month period, this must be provided in writing. Applicants may be offered suitable accommodation within any estate/location in their areas of choice.

Offers of Accommodation

The following conditions will apply to offers of accommodation.

- It is the responsibility of applicants to notify the council if they change address or phone number.
- Applicants may, at the discretion of the council, be removed from the housing list if they fail to reply to correspondence or telephone calls relating to their application or fail to attend an interview without a reasonable explanation.
- Compliance with terms of this Scheme relating to Preventing and Combatting Anti-social behaviour.
- The council may seek updated information in relation to an application at any point, such information will inform the assessment of continued housing need.
- In applying the terms of this Scheme, the council may disregard the applicant's present accommodation if there is reason to believe that the applicant has deliberately, or without good cause, remained in, or taken occupation of unsuitable accommodation primarily with the purpose of obtaining priority as outlined in this Scheme under the heading Illegal Occupation of a Council Owned Property.
- The council may refuse to offer accommodation to an applicant due to refusal or failure by the applicant to disclose information either relevant to the application or required for good estate management purposes.
- The council reserves the right to make offers of accommodation via telephone, letter, or email.
- The council may rescind an offer of accommodation if the applicant fails to accept the offer within a period of 3 working days. In the case of allocations arising from Choice Based Letting, it is assumed that applicants will accept properties for which they submitted a bid, therefore no period of consideration is allowed.
- Applicants will be required to make telephone contact and speak with a member of staff of the Housing Team in order to accept an allocation of a property.
- From time to time the council will request prospective tenants to attend pre-tenancy training, in such instances applicants will not be allowed to commence their tenancy until they have satisfactorily completed pre-tenancy training. Failure to attend pre-tenancy training will be inferred as a refusal of an offer of accommodation.

- Kildare County Council requires prospective tenants to lodge a deposit in advance of the commencement of their tenancy. Failure to lodge the deposit may be inferred as a refusal of an offer of accommodation. Details of the Tenant Deposit Scheme are provided elsewhere in this Scheme.

Refusal of Offer of Accommodation

Where an applicant refuses two reasonable offers of the allocation of social housing of different properties, within a period of 12 months, the period of 12 months commencing from the date of the first offer, they will be suspended from consideration for any further offers for a period of one year commencing from the date of the second refusal. This period of suspension will not be reckonable for 'time on the list'. A refusal under Choice Based Letting will not constitute a refusal under this Scheme, however a person who refuses an offer of accommodation under the Choice Based Letting Scheme will not be entitled to make a further application under Choice Based Letting for a period of 12 months.

In accordance with Section 22 of the Housing (Miscellaneous Provisions) Act 2009, an offer of an allocation is deemed reasonable where in the opinion of the council it meets the accommodation needs and requirements of the qualified household and except in the case of displacement the dwelling is situated in an area of choice specified by the household in accordance with Social Housing Assessment Regulations 2011.

Refusing Access to the Social Housing List and Social Housing

In accordance with the Section 25 of the Social Housing Assessment Regulations 2011 the council shall not consider the provision of specified housing supports to housing applicants where a household member:

- Damaged a dwelling or site previously provided by any housing authority and neither repaired the property nor paid the cost of repairing the property.
- Was previously a tenant of dwelling or site provided by a housing authority and either or both:

(i) incurred arrears of rent for an accumulated period of 12 weeks or more in any 3 years as such tenant, which arrears have not been paid and the household member concerned has

not entered an arrangement with the housing authority for the repayment of such monies and

(ii) breached the terms of the tenancy agreement, in consequence of which the housing authority terminated the tenancy.

The specific housing supports are:

- Dwellings provided by a housing authority under the Housing Acts 1966 to 2009 as amended or provided under Part V of the Planning and Development Act as amended.
- Properties provided under Part 3 of the Housing (Miscellaneous Provisions) Act 2009.
- Properties provided under the Rental Accommodation Scheme.

This Scheme will also apply the terms of Section 25 of the Social Housing Assessment Regulations 2011 to approved housing body tenancies and properties.

In cases where a former social housing tenant surrendered or abandoned a social housing property, they will only be placed on the housing list if the following conditions are complied with:

- A period of one year has elapsed since the surrender/abandonment of the property, this period may be waived in exceptional circumstances.
- The rent account on their previous tenancy is clear, or a satisfactory arrangement suitable to the council, is made to clear the arrears and is maintained for a period of at least 6 months.
- Compliance with the terms of tenancy was satisfactory during the previous tenancy.
- Cost incurred by the council or approved housing body in carrying out repairs on the property where the previous tenancy was held, which were in excess of fair wear and tear, must be refunded to the council or the AHB or a satisfactory repayment arrangement is in place.

Choice Based Letting

In accordance with Social Housing Allocation Regulations 2011 the council operates a Choice Based Letting system (CBL), which allows qualified social housing applicants and transfer applicants a greater choice and involvement in selecting a new home. Not all properties becoming available for letting will be offered through CBL, such as properties designated for older persons, Traveller specific units or properties adapted for persons with a disability. CBL properties are advertised on the council's website. From time to time when multiple properties in a housing estate become available for letting, the council may advertise a single property on CBL, however, it may choose to allocate more than one property in the housing estate to CBL applicants who bid for the single property which was advertised.

The Housing Authority may, at its discretion, at any stage prior to allocating a bid dwelling decide to terminate the CBL process for the particular property.

Bids will be assessed on the following criteria:

- Suitability of the property for the housing applicant.
- Bid received within the deadline.
- When more than one bid is received for the same dwelling, bids are ranked, and an allocation offer is made to the applicant with the greater priority in accordance with this Scheme. Prior to allocation of the property applicants will be subject to normal pre-allocation checks.
- Where an applicant refuses the allocation of property for which they have bid, that applicant will not, for the period of one year commencing on the date of the refusal, be entitled to make a further bid on CBL.

Transfer Policy

The council is committed to the best use of the available social housing stock. Social housing tenants may apply for consideration for a transfer to other dwellings if they can demonstrate a change in their housing need from when they received the allocation of the property. Transfers will be considered in the following circumstances:

- Overcrowding.

- Where older persons wish to move to smaller or more suitable accommodation (rightsizing).
- Medical Grounds. If applying for a transfer on medical grounds tenants will be required to submit HMD-Form 1 or any successor form. The information provided in this form will be used to assess if a transfer to an alternative property is required. An occupational therapist report may be required where specific accommodation is required.
- On grounds of anti-social behaviour, subject to verification by An Garda Síochána and the recommendation of the council's Tenant Liaison Officer.
- Households, in receipt of social housing support, that have applied to the housing authority to transfer to another property or to purchase a property under the incremental purchase scheme (Part 3, 2009 Act) and the housing authority consents to the transfer, or purchase, as the case may be.
- Other exceptional circumstances, at the discretion of the council.

All transfers will be subject to the following qualifying criteria:

- Hold the tenancy in their present property for a period of at least two years.
- Tenants of Approved Housing Bodies will be required to supply a letter from their landlord confirming that they are not able to facilitate the transfer to another property in the ownership of the AHB.
- Rent payments are up to date. Allowance may be made where an agreement for the payment of arrears is in place and is being adhered to.
- Maintained their property in a satisfactory condition and facilitate an inspection of the property.
- Compliance with the terms of their tenancy agreement.
- Compliance with terms of this Scheme relating to Preventing and Combatting Anti-social behaviour.
- In the case of emergency or exceptional/compassionate grounds the council may forgo any or all of the qualifying criteria in granting a transfer to alternative accommodation.

If a transfer applicant refuses two suitable offers of alternative accommodation their transfer application will be closed. No further transfer application will be permitted for a period of one year unless the reason for the transfer changes. Offers of alternative accommodation includes AHB properties and leased properties.

Transfers will be subject to the council's deposit scheme.

Housing Assistance Payment Recipients

The council will inform all new HAP recipients of their entitlement to apply to become a transfer applicant. The transfer application must be received by the council within 10 working days of the HAP recipient signing up for HAP. HAP recipients will receive credit for the time they spent on the list prior to signing up for HAP.

Mutual Transfer of Social Housing Tenants

The council accepts applications for mutual exchanges of tenancies between two tenants, including tenants residing in another local authority area, provided the following conditions are met in the case of each tenant:

- Satisfactory tenancy record with no arrears of rent or other charges.
- Tenancy in place for a minimum period of two years.
- Compliance with terms of this Scheme relating to Preventing and Combatting Anti-social Behaviour.
- House maintained in a satisfactory condition in accordance with the terms of the tenancy agreement and the Tenancy Handbook.
- House to which the transfer is taking place is adequate in size and layout for each applicant and their dependents.
- Each tenant agrees in writing to accept the other house in its present condition.
- Attendance at pre-tenancy training as required.
- Payment of deposit.

Succession of Tenancy

Where the death of a tenant takes place, the tenancy will normally be given to the surviving spouse/partner, provided that the person has resided at the property as their normal place of residence and has been assessed for rent purposes for a minimum period of two years prior to the date of death of the tenant.

On the death of both parents or the remaining parent the council may grant a joint tenancy to the children of the tenant if they have resided at the property as their normal place of residence and have been assessed for rent purposes for a minimum period of two years prior to the date of death of the tenant.

In certain circumstances where succession is being considered and the council considers the existing property too large for the surviving family or the existing property has been specially adapted, the council may require the family to move to an alternative property.

Succession to age friendly properties will only be allowed to surviving spouses/partners.

In all cases rent arrears if any must be cleared, regardless of when they occurred.

Each application for succession will be considered on its merits.

Illegal Occupation of a Council Owned Property

Where a person/household is occupying a council property without the appropriate consent of the council, they will not be considered for any property allocated in accordance with this Scheme.

Applications for Permission to Reside in a Council Property

An existing council tenant may apply to add an additional adult to their tenancy at any point. Applications for permission to reside are subject to the following criteria:

- The appropriate form must be completed and submitted to the council; all relevant facts must be disclosed.

- Depending on the relationship between the tenant and the subject of the application to reside, the person seeking permission to reside may be required to demonstrate a housing need.
- Applicants will be Garda vetted, the decision to permit the application will be subject to the terms laid down in this Scheme titled Preventing and Combatting Anti-social Behaviour.
- The existing tenant and household members are compliant with the terms of their tenancy agreement.
- The decision to grant permission to reside rests with the Housing Officer.

Preventing and Combatting Anti-social Behaviour

In accordance with the Housing (Miscellaneous Provisions) Act 1997 as amended, the council may refuse to allocate or defer the allocation of a dwelling to a household:

- If the council considers that a member of the household is or has been engaged in anti-social behaviour or that the allocation would not be in the interest of good estate management or;
- The household fails to provide information requested by the council, including information relating to other household members residing together or proposing to reside together, which the council considers necessary in connection with an allocation.

Anti-social behaviour includes the following:

(a) the manufacture, production, preparation, importation, exportation, sale, supply, possession for the purposes of sale or supply, or distribution of a controlled drug (within the meaning of the Misuse of Drugs Acts 1977 to 2007),

(b) any behaviour which causes or is likely to cause any significant or persistent danger, injury, damage, alarm, loss or fear to any person living, working or otherwise lawfully in or in the vicinity of a house provided by a housing authority under the Housing Acts 1966 to 2014

or Part V of the Planning and Development Act 2000 or a housing estate in which the house is situated and, without prejudice to the foregoing, includes—

(i) violence, threats, intimidation, coercion, harassment, or serious obstruction of any person,

(ii) behaviour which causes any significant or persistent impairment of a person's use or enjoyment of his or her home, or

(iii) damage to or defacement by writing or other marks of any property, including a person's home.

The period of deferral will be up to five years, depending on the nature and severity of the offence.

Garda vetting and other relevant pre-tenancy checks will be carried out on all household members aged 18 and over.

This policy applies to all new tenancies.

Rightsizing

Rightsizing is the term that describes a process of adjusting your house to suit your current needs. There are several rightsizing options available including adapting a home to better suit housing needs, home-sharing, supported housing and moving to a more appropriate or age friendly housing development. This Scheme is concerned with the move to more appropriate or specific age friendly housing provided by the council or an Approved Housing Body.

Rightsizing will apply to persons aged fifty-five and over and will be categorised as follows:

- Category 1: Persons/households assessed as being qualified for social housing support in accordance with Section 20 of the Housing (Miscellaneous Provisions) Act 2009 as amended and HAP transfer applicants.

- Category 2: Existing social housing tenants who wish to rightsize from their current home to a smaller or age friendly property and have submitted a transfer application.
- Category 3: Homeowners wishing to rightsize who qualify for social housing on income grounds and are normally resident in Co. Kildare.

In the case of existing tenants (category 2), financial assistance up to a maximum of €750 will be provided to assist tenants with the costs associated with moving home. Tenants must comply with the transfer conditions as laid down elsewhere in this scheme.

In the case of homeowners (category 3), the following conditions will apply:

- The homeowner sells their property to the council and pays a contribution of 25% of the net proceeds of sale after the payment of all legitimate costs associated with sale/transfer, including the outstanding mortgage, no allowance will be made for any personal debts or other expenses. The price to be paid to the council will be the amount negotiated by an Estate Agent acting on behalf of the council. The homeowner is encouraged to seek an independent valuation and legal advice.
- The property is located in Co. Kildare.
- The council has a demand for the type of property.
- The property is located within an area of demand for social housing.
- The value of the property does not exceed the unit cost ceiling as laid down by the Department of Housing, Planning and Local Government.
- The property is subject to inspection by the council.
- In the event that the council does not wish to purchase the property, it may be sold privately, the homeowner will be required to pay a contribution of 25% of the net proceeds of the sale of the property to the council. In the case of a dispute arising between the council and the homeowner regarding the amount for which the property was sold, the property will be valued by an Estate Agent acting on behalf of the council, this valuation will be binding on both parties.

All tenants of age friendly properties will be required to pay a differential rent to the council. No succession will be allowed to age friendly properties.

Financial Contribution Scheme

The Scheme provides that applicants who are in possession of physical or financial assets must make a reasonable contribution towards the cost of providing them with social housing. Following are the categories of applicants for whom a contribution will be payable and details of same:

Category 1: Person applying for or qualified applicants who have/will receive proceeds from the sale/transfer of a dwelling or other property in situations such as marital separation or for any other reason. The following terms apply:

- Where the proceeds were obtained within the period prior to the application for social housing, or at any time after the application, a sum equal to 40% of the proceeds, after disregarding the first €20, 000, shall be paid to the council.
- The sum to be paid shall be based on the net proceeds received by the applicant, after payment of all legitimate costs associated with sale/transfer, including the outstanding mortgage. No allowance will be made for any personal debts or other expenses.
- The contribution must be paid to the council prior to the allocation of a property. Payment of this contribution will not in any way influence a decision or an allocation of a tenancy and does not guarantee allocation of a new tenancy within any timeframe. Applicants will be considered on their merits in the same way as other applicants.
- The contribution is non-refundable and is not allowable against any future purchase under the terms of a tenant purchase scheme.

Category 2: Persons applying for social housing who own their existing property where the property is unfit or otherwise inadequate for their proper housing and do not have the financial or other means to render the property adequate. The following terms apply:

- The applicant arranges to sell the property on the open market and subject to valuation by the council, 40% of the net proceeds (disregarding the first €20,000) are paid to the council or;

- The applicants' title in the existing house is transferred to the council who may retain or dispose of the property as it sees fit. The applicant will be entitled to retain 60% of the valuation of the property. The applicant may be appointed as a tenant of the property pending the allocation of an alternative suitable property. Each party will be responsible for its own legal costs. This option will only be considered if the property is suitable for use as a social property and is located in an area where demand for social housing exists.

Category 3: Persons applying for or qualified for social housing who have/will receive a substantial a cash asset as a result of a gift, inheritance, prize money, compensation claim or otherwise. Such cases will be considered on their merits having regard to the amount of the asset.

General Terms of the Financial Contribution Scheme

- The financial contribution scheme will apply to assets or proceeds obtained within the 5-year period preceding an allocation.
- The council reserves the right to seek its own valuation in the case of Category 1 and 2 applicants.
- No allocations will be made until the conditions attached to categories are concluded.
- Category 1 and 2 Applicants must offer their existing dwelling to the council for purchase in the first instance.
- In the case of Category 2 applicants the council reserves the right to consider their properties for inclusion in the Works in Lieu of Rehousing scheme.
- The council cannot purchase a property if the cost of the property exceeds the unit cost ceiling as laid down by the Department of Housing, Local Government and Heritage.
- All categories of applicants will be subject to the Anti-social behaviour policy and the tenant deposit scheme as detailed in this Scheme.

Tenant Deposit Scheme

At the time of signing of a tenancy agreement the tenant(s) will lodge the required deposit with the Council.

The requisite deposit amount for each house type will be as follows:

- €150 Older Persons Dwelling/1 bedroom property.
- €300 2/3 bedroom property
- €400 4 or more bedroom property

Upon payment of the deposit the tenant will be written to and informed that this amount is being retained as a deposit and, subject to the proper maintenance of the property and in the event of the property being returned to the council in a good condition, will be refunded in full at termination/transfer* of the tenancy. Kildare County Council's Tenancy Handbook: A Guide to Making the Most of your Tenancy refers; as this document outlines both the tenant's responsibilities and the Council's responsibilities as landlord with regard to maintenance and upkeep of the property.

[* In cases of joint tenancy, both parties must terminate a tenancy before the deposit will be repaid.]

In the event of the termination/transfer of a tenancy the tenant will be required to:

- Give at least four weeks notice in writing;
- Leave the property in reasonable condition, in terms of general wear and tear;
- Clear the property of all furniture, goods and other items, including items from the attic;
- Remove all rubbish from the house, garden and shed(s) and leave in a tidy condition. All rubbish removed from the property must be disposed of in a responsible manner.
- Leave in place any fittings [eg. fireplace, mechanical installation, flooring, shed etc.] installed by the tenant during their tenancy, unless permission is granted in writing by the Council to remove them.

[Section 8 of Kildare County Council's Tenancy Handbook: A Guide to Making the Most of your Tenancy refers.]

Prior to the tenant leaving the property an inspection will be carried out by housing technical staff to assess the condition of the property.

If there is:

- Damage to the property, above normal wear and tear, and repairs which were the responsibility of the tenant;
- Missing items from the property;
- Cleaning required to be undertaken;
- Rubbish to be removed;
- Unpaid rent;

Then the associated costs will be deducted from the tenancy deposit.

In the event of a dispute with regard to the payment and/or refund of the deposit an appeal can be submitted to the council and the Chief Executive will appoint an appropriate person to consider the appeal and determine the case.

Tenants appointed to Approved Housing Body properties may also be required to lodge a deposit, this is subject to the policies of the individual AHBs.

Appeals

An applicant may appeal a decision made in accordance with this Scheme by writing to the Senior Executive Officer, Housing Department, Aras Chill Dara, Devoy Park, Naas, Co. Kildare. The appeal must be received within 21 days of the original decision. The grounds for appeal must be clearly stated.

All appeals will be dealt with in a fair and impartial manner, the outcome of an appeal will be communicated in writing to the appellant.

In cases where the original decision of the council is upheld, the appellants may make an appeal to the Office of the Ombudsman.

The council reserves the right to cease responding to vexatious or repetitive appeals.

Sharing of Information

In carrying out our functions in accordance with this Scheme and the relevant housing legislation, Kildare County Council may seek and share information relating to the allocation of social properties with other public bodies, state agencies and AHBs.