



Room for a Student – Local Authority Tenancies Scheme

Operating Principles

Introduction

Extending the benefits of the tax relief available under Revenue's Rent-a-Room Relief Scheme to social housing tenants permits tenants to 'let' a room or rooms in their homes to third-level students on a temporary basis. Rooms may be let by way of licence agreement between the tenant (the licensor) and the student (the licensee).

The Room for a Student – Local Authority Tenancies Scheme (the Scheme) will operate accordingly to the operating principles set out below and which have been developed by the Department of Housing, Local Government and Heritage (DHLGH) with input from the City and County Management Association (CCMA). While local authorities are solely responsible for the day-to-day management of their respective housing stock, the agreed operating principles will ensure a consistent and equitable approach across local authorities.

Local authorities may need to review and, if they consider necessary, amend their respective Differential Rent Schemes, Tenancy Agreements, Allocation Schemes etc. to adequately provide for the new arrangements.

Applications and Approvals

1. Any tenant may apply to their respective local authority landlord seeking approval to 'let' an unoccupied or unused room or rooms in their social home to a full-time third-level student.
2. Approval of an application is at the discretion of the local authority as the social housing landlord and in accordance with Article 83 of the Housing Regulations, 1980 (SI 296/1980) and with their responsibilities under the Housing Acts 1966 - 2021.



3. The student (licensee) may not be a family member, or partner of the residing tenant or a member of the tenant's household, and must sign a declaration to this effect. Such persons may apply to reside in the property under the local authorities' current permission to reside/inclusion on the rent account procedures.
4. The student must be aged 18 years or older.
5. Both parties will be required to sign a declaration concerning the suitability of the arrangement regarding the property, tenant and student, and their respective obligations under the scheme.
6. The prospective licensee may be subject to a Garda check.
7. The local authority may consider one or more of the following as grounds for refusal of an application:
 - a. existing rent arrears unless a payment plan is in place;
 - b. non-compliance with the tenancy agreement e.g. anti-social behaviour, restricted dog breeds, repeated maintenance issues, etc.;
 - c. inclusion in the Scheme will lead to overcrowding in the property;
 - d. property is unsuitable for the prospective licensee on the grounds of size, capacity, condition, facilities, access, etc.; and
 - e. the prospective licensee is or has been engaged in anti-social behaviour or that such permission would not be in the interest of good estate management;

The list is indicative only and regard may be had by local authorities to other relevant factors arising in the individual circumstances.

8. Applicants may appeal a decision by a local authority to refuse any application and appropriate appeals arrangements should be in place to facilitate this.
9. The local authorities will be required to report to the DHLGH on applications received, approved, and refused and/or withdrawn by applicants.

Letting Arrangements

10. The tenant may let the relevant room or rooms under licence for the duration of the licensee's academic year, following which the licence arrangement ends.
11. The arrangement with the approved licensee may be extended for subsequent academic years, subject to local authority prior written approval in advance for each



subsequent academic year. A local authority may refuse to permit the extension of the arrangement as per Paragraph 6, with such a decision subject to appeal.

12. The tenants may charge and receive a rent from the licensee – such rental income will be considered reckonable income under the local authority's Differential Rent Scheme with rent charged by the local authority according to that scheme.
13. The income of the licensee will not be assessable for Differential Rent purposes.
14. The local authority may request the residing tenant to revoke the licence agreement at any time where this is judged necessary, for example, in the case of anti-social behaviour, overcrowding, etc.
15. A licence arrangement under the scheme does not confer tenancy status or any occupancy rights on the licensee – such persons are not a party to the Tenancy Agreement between the local authority and the tenant and will have no succession rights in respect of the tenancy.
16. The licence arrangement automatically terminates when the tenancy agreement between the residing tenant and local authority ends and/or the residing tenant is no longer in possession of the property.
17. The residing tenant is permitted to end the licence arrangement at any time provided reasonable notice is given to the licensee.
18. It is solely a matter for the licensee to source alternative accommodation when the licence agreement is concluded or terminated, whether at the instance of the tenant or the local authority.
19. Tenants will not be eligible for transfer to larger accommodation due to the household's participation in the scheme.
20. Other matters, including contributions to utilities and energy costs, security deposits, disputes and mediation between the tenant and licensee, etc. are matters solely for the residing tenant. The local authority has no role in this regard.

Tax Obligations and Socail Protection Payments

21. Reporting of income for the purposes of availing of relevant tax relief, medical card and social protection disregards is a matter solely for the residing tenant.