

HAP is currently available in:

- Carlow County Council
- Clare County Council
- Cork City Council
- Cork County Council
- Donegal County Council
- Kilkenny County Council,
- Limerick City and County Council
- Louth County Council
- Monaghan County Council
- Offaly County Council
- South Dublin County Council
- Tipperary County Council
- Waterford City and County Council
- Eligible homeless households in Dublin City Council, Fingal County Council and Dún Laoghaire-Rathdown County Council

HAP will be extended to further local authorities later in 2015 and in 2016.

Under HAP the tenant sources the private rental accommodation and enters a tenancy with the private landlord. Like the Rental Accommodation Scheme, under HAP you will not be a local authority tenant, but a private tenant. Your landlord must be tax compliant – that is, the landlord’s tax affairs must be in order and the landlord must be able to supply a current tax clearance certificate to the local authority. The local authority pays the rent, through the HAP payment, directly to the landlord. The HAP recipient pays their rent contribution to the local authority through the An Post Household Budget Scheme, Bill Pay card, or, where their social welfare payment is paid into their bank, by direct debit from their bank. Information leaflets on HAP are available on www.environ.ie.

14.The Rental Accommodation Scheme and the Housing Assistance Payment Scheme sound similar. What is the difference?

There is very little difference in the two schemes. However, it is likely that as the Housing Assistance Payment is rolled out across the country that the Rental Accommodation Scheme will be phased out. One difference between the schemes is that under HAP the tenant is expected to find suitable private rental accommodation, whereas under RAS the local authority sourced the accommodation. Secondly, an individual must be in receipt of

Rent Supplement for more than 18 months to be considered for RAS. You can apply for the HAP scheme at any point when you are eligible and in need of social housing support.

15. Who can still access Rent Supplement?

Rent Supplement will still be available from the Department of Social Protection for people who don’t qualify for social housing support – for example, someone who is temporarily unemployed. Normally, you need to show that you have been renting in the private sector for at least six months of the previous year and that you could afford your rent at the beginning of the tenancy. You may also qualify if you have received Rent Supplement at any time during the 12 months before applying.

16.I am falling behind with my rent payments to the local authority – what should I do?

Falling behind with rent payments to the local authority is a common occurrence that local authorities are used to dealing with. You should explain your financial situation to your local authority as soon as possible. The local authority will work with you as best they can to help sort the problem out and to arrange for you to enter into a payment plan to pay a little bit of rent arrears each week. If you leave the arrears to build up, this will lead to far greater difficulties in the future than if you co-operate with the local authority at the outset.

17.My local authority is threatening to evict me – what should I do?

A local authority can evict you by law only if they follow the correct procedures. The new Housing Act 2014 has greatly changed the law in this area. It states that a local authority cannot evict you unless the District Court feels it is reasonable to do so in the circumstances. The new Act also introduces a “tenancy warning” system, where a local authority will write to the tenant if they feel they are in breach of their tenancy agreement i.e. for anti-social behaviour or rent arrears. A tenant is entitled to an independent review of a decision to grant a tenancy warning. Normally the local authority will not attempt to evict you unless you breach an earlier tenancy warning. However in cases of severe anti-social behaviour an authority may proceed straight to eviction. The eviction process is complicated and you should seek independent legal advice. You should contact your local Citizens Information Centre who may assist you.

MLRC provides legal support to organisations working in the field of homelessness, including the Citizens Information Centres Focus Ireland, Dublin Simon and Crosscare. These organisations can refer questions to us at MLRC or, after consulting with us, can refer people to us for legal advice.

While every effort has been made to ensure the accuracy of this information, it is provided for general legal information only and is not intended as a substitute for legal advice. MLRC does not accept any legal liability for the contents of these FAQs. People with specific legal problems should consult a solicitor.

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FREQUENTLY ASKED QUESTIONS

on social housing and
related social welfare law



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1. I cannot afford to buy my own home – what are my options?

Local authorities provide social housing support to those who meet certain eligibility conditions and who are also in need of housing.

2. What is social housing support?

Social housing support is the overall name for when a local authority makes arrangements to address your housing needs. This can consist of the local authority providing you with social housing itself or through other forms of support, including you being housed in a private tenancy with the rent paid by the local authority to the landlord under the Housing Assistance Payment scheme. For more details of what kind of social housing support is available, please see FAQ 3.

3. What kind of social housing support is available?

Local authority social housing is the most common form of social housing support. Individuals who seek social housing from a local authority must meet certain conditions set by law, and must have a sufficient need for social housing before they will be given accommodation. The supply of local authority social housing is limited and there is generally a significant waiting list. The more need a person has for social housing, the shorter they will have to wait on the waiting list. When accommodation is provided, tenants must pay rent to the local authority, based on the household's ability to pay.

Voluntary housing associations also provide social housing to individuals and families in certain circumstances. This is a less common source of social housing support.

The State also has other schemes to help people with a housing need. If you are renting from a private landlord or want to rent from a private landlord but cannot afford it, if you meet certain conditions you can apply to the Department of Social Protection for Rent Supplement. Rent Supplement will cover your rent, depending on your circumstances. Alternatively, social housing support may consist of you being housed in a private tenancy with the rent paid by the local authority to the landlord under the Housing Assistance Payment scheme.

Some local authorities also have an Applicant Sourced Housing scheme, a form of social housing, where you find a place to live, and if the owner of the property agrees, the local authority will rent it from the owner on your behalf and you, in turn, will pay rent to the local authority at a set, affordable rate. The local authority may also offer you housing which is not a local authority tenancy, for example a home under the Rental Accommodation Scheme.

4. What are my basic rights?

If you are ordinarily resident in Ireland, you have:

- The right to apply to your local authority to be assessed for social housing support.
- The right to information about you held by public bodies.
- The right to fair procedures by a local authority when they are assessing you for accommodation and support.
- The right to appeal a local authority decision concerning you. If you are not satisfied, you can complain to the Ombudsman (www.ombudsman.gov.ie)

If you are in a family home with your spouse but do not own or part-own the property, the right your family home cannot be mortgaged or sold without your consent.

If you are a homeless child, under the age of 18, you have:

- The right to adequate shelter.
- If you are a local authority tenant, you have the right to:
 - A tenancy agreement which sets out your rights and obligations as a tenant.
 - A hardship clause if you are having difficulties paying rent.
- Apply to be heard in court if you think a proposed eviction may be unfair.
- Housing which is fit for people to live in and in good repair. Local authorities are responsible for many maintenance issues. Examples of repairs which are the responsibility of the local authority include structural repairs, electrical faults and flooding.

If you are a member of the Traveller Community, you have the right to:

- Traveller specific accommodation, such as halting sites. This must be provided by local authorities.
- Other rights:
 - The right to apply for an excluding order if you are the victim of anti-social behaviour in or near your home.
 - The right to not be discriminated against in relation to access to housing.

5. How do I apply for social housing?

You can only apply to one local authority for social housing. You must already live in the area for a certain length of time or you must be able to show you have a local connection to the area. However, if neither of these conditions apply, the local authority can exercise discretion and allow you to apply in the area of your choice.

6. How does a local authority assess whether or not I should get social housing?

There are two steps: you must show that you are eligible for social housing and you must show that you are in need of social housing.

1. First, the local authority will assess whether you are eligible for social housing support. The local authority will look at basic facts about whether you have a right to reside in Ireland, your income levels, your current accommodation and your family circumstances and then will make a decision based on rules set by law on whether you are eligible for social housing support or not.
2. If you are considered eligible, the local authority will then decide whether you have a need for social housing support. The local authority will consider all of your circumstances, such as the suitability of your current accommodation for you and other members of your household.

If you are eligible and you have a sufficient need, you will be put on a waiting list in order of priority of need. Each local authority has its own rules on deciding who should be prioritised on this list. Some housing authorities have a points system, where you will be given points depending on your circumstances, for example if you have a disability or have a young family or are homeless.

7. What housing options do non-government agencies provide?

Voluntary housing associations provide assistance for people with a housing need in many different ways. The Irish Council for Social Housing is an organisation that provides information on housing associations across Ireland that are voluntary or not for profit. Many of these housing associations provide assistance for those with difficulties with their current accommodation or who are seeking accommodation. An online search of the organisations is available at <http://www.icsh.ie>.

8. I cannot meet my mortgage repayments – can I apply for social housing?

Yes, since 2011, the rules have changed so that if you cannot meet mortgage repayments, this will be taken into consideration by the local authority when they are assessing your housing need.

9. I want to apply for social housing support from my local authority. Who do I contact?

You can find your local authority's details on the Local Government Management Agency (LGMA) website - <http://www.lgcsb.ie/en/irish-local-government>.

10. I need help to fill out the local authority housing application form, who can I contact?

The housing section in your local authority will provide help to fill out the form. Citizens Information Centres can also provide help and information. You can find your local Citizens Information Centre here

11. How does the Applicant Sourced Housing scheme work?

If you manage to find a home of your choice to rent from the landlord, if the local authority reaches an agreement with the landlord, the local authority will lease it and pay the rent directly to the landlord. To find out if this scheme is available in your area, contact your local authority.

12. What is the Rental Accommodation Scheme (RAS)?

The Rental Accommodation Scheme (RAS) is for people who are receiving Rent Supplement and who have a long term housing need that cannot be funded from their income. In general, people who are getting Rent Supplement for more than 18 months are considered for RAS. Your local authority will negotiate a tenancy. You still pay rent to the local authority. The Residential Tenancies Act 2004 governs the relationship between the landlord and the tenant, which means, for example, that disputes can be referred to the Private Residential Tenancies Board. For more information on your rights and obligations as a private residential tenant see www.citizensinformation.ie and www.threshold.ie.

13. What is the Housing Assistance Payment Scheme?

The Housing Assistance Payment (HAP) is a new form of social housing support. It will, when fully rolled out, replace Rent Supplement except for those who need short-term support only. HAP was put into effect in law in September 2014. It is now being rolled out across Ireland. Recipients of HAP can take up full-time employment. This is one of the main differences between HAP and Rent Supplement. HAP is currently set at the same levels as Rent Supplement. For the levels of payment see www.citizensinformation.ie.