



4 April 2017

Circular: Housing 15/2017

To the Chief Executive and each Director of Housing Services

Inter-Authority Movement of Housing Assistance Payment (HAP) Scheme Applicants

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The purpose of this Circular is provide direction and guidance to local authorities in the operation of HAP in incidences where the HAP supported tenant wishes to have their housing need met in a different local authority area.

1. Background

The phased roll out of the **Housing Assistance Payment (HAP)** scheme to date has meant that the incidence of prospective or currently supported HAP tenants moving between local authority areas has been limited. Where households who are eligible for HAP have found suitable accommodation in another local authority area, informal arrangements have generally been put in place between the two relevant local authorities to accommodate the households under the scheme. However, the Department is conscious that there are a number of regions where local authorities are experiencing difficulties with the lack of an agreed protocol on this matter. The HAP Practitioners Committee has also identified the issue of inter-authority movement as one that requires attention and specific direction to ensure a standard approach that can be communicated to potential HAP tenants. Given the recent completion of HAP rollout, and the scheme's availability in all 31 local authority areas, a practical and effective approach to facilitating inter-authority movement that meets the requirement of the Ministerial Direction on Transfer lists, without necessitating an unnecessary re-assessment of housing need, is considered timely.

The flexibility of HAP as a social housing support is one of the scheme's key characteristics and one of the primary benefits envisaged at the outset of the scheme. Given that meeting the housing need of tenants through HAP does not affect the availability or allocation of housing stock owned or controlled by the local authority in that area, households eligible for social housing support are now being provided with the opportunity to avail of HAP in any local authority area, subject to the current Social Housing Eligibility Income Bands. Such flexibility

facilitates better utilisation of all private rental stock for social housing purposes and provides for maximum activation potential of HAP households by removing geographical barriers to employment (such as loss of housing support or time on a transfer list).

Following consultation with HAP practitioners and other key stakeholders through the HAP Project Board and Oversight Group, the agreed approach to inter-authority movement is now outlined herewith.

2. Principles of the operation of inter-authority movement for HAP

Where a tenant currently on a local authority waiting list wishes to access rented accommodation with HAP support in another local authority area, and to avail of the transfer list in the local authority where they are currently on the waiting list, this can be facilitated, subject to the following key principles:

i. HAP Tenant - will be dealt with by their ORIGINATING Local Authority (LA) (i.e. the LA where they are currently assessed as having a housing need)

The tenant household continues to be dealt with by the ORIGINATING LA as if they were a tenant of the LA or residing in a HAP property in that LA area. The household is dealt with in accordance with the ORIGINATING LA's differential rent scheme, scheme of letting priorities, transfer list, etc. Inconsistencies may arise in the rate of differential rent (DR) being paid by households housed by the two different LAs, and the review of the National Differential Rent Framework will be required to address these inconsistencies.

ii. Property for Rent – always dealt with by the NEW LA (LA where property is situated)

The property continues to be dealt with by reference to the NEW LA area. The rent limits that will apply will be those that apply in the LA where the property is situated. The Private Rental Standards inspection in accordance with the Housing (Standards for Rented Houses) Regulations 2008, as amended by the Housing (Standards for Rented Houses) (Amendment) Regulations 2009, made under section 18 of the Housing (Miscellaneous Provisions) Act 1992, for the property falls to be carried out for the LA area in which the property is situated.

iii. Social Housing Eligibility Income Bands

In order to maintain the equitable treatment of all housing applicants, inter-authority movement for HAP applicants will be based on the current Social Housing Eligibility Income Bands, i.e. movement will only be facilitated across local authorities with Income Bands that are equal or higher; or where shared areas of choice are already operated - see section 4 for details.

iv. Cooperation between Local Authorities in order to facilitate HAP applicants

Given that meeting the housing need of tenants through HAP does not affect the availability or allocation of housing stock owned or controlled by the local authority, the Department requests that the movement of HAP applicants between LA areas should be facilitated wherever possible. However, in order to avoid any difficulties under this proposal ORIGINATING LAs will be instructed not to HAP any household with a recorded history of

anti-social behaviour in a neighbouring LA area. Instead, it is proposed that such households may still avail of inter-authority movement, but a full housing assessment in accordance with the 2011 Regulations will be required to be carried out by the NEW LA in those cases.

v. Operation of the Transfer List

With the completion of the rollout of the HAP scheme, a consolidating Ministerial Direction was issued to clarify that the transfer list option continues to be available to all new HAP supported households (*Circular: Housing 10/2017*). HAP tenants who avail of inter-authority movement can only be offered access to the transfer list in their ORIGINATING LA.

3. Step by step outline of how inter-authority movement will operate

ORIGINATING LA: The housing authority that assessed the household as having a housing need

NEW LA: The authority in which the household is housed under the HAP scheme, and where the property is situated.

1. As a matter of course, and in order to avail of the HAP Ministerial Transfer directive, households should be advised to seek housing support (HAP) in the first instance from the LA in whose area they see their long term housing needs being met.
2. Household is assessed as having a housing need by its ORIGINATING authority and is then provided with a HAP pack that includes the rent limits for the ORIGINATING LA and other neighbouring NEW LAs.
3. Households approved for HAP should be advised of the impact of Social Housing Eligibility Income Bands on their potential of inter-authority movement. Please see maps at Appendix 2 which may be adapted for these purposes.
4. Household finds a property and a landlord willing to accept HAP in a NEW LA, based on the rent limits of that NEW LA.
5. Household returns to the ORIGINATING LA with a valid and complete HAP pack relating to a property in a NEW LA, which is accepted as such by the ORIGINATING LA.
6. ORIGINATING LA agrees a rent as outlined in Housing circular 10/2017. Originating LAs may consult with relevant NEW LA in relation to the rent for the relevant area, particularly when discretion is to be utilised.
7. ORIGINATING LA strikes a differential rent rate for the household based on the ORIGINATING LAs rent scheme
8. HAP application is processed by ORIGINATING LA, subject to conditions outlined (ORIGINATING LA holds all relevant data on the household already).
9. Household is offered a place on the ORIGINATING LAs transfer list.

It should also be noted that protocol this does not affect the current Housing Assessment Regulations, which should continue to be operated as normal by the ORIGINATING authority.

4. How inter-authority movement will operate within Income Bands

The Social Housing Assessment Regulations 2011 prescribe the maximum net income limits for eligibility for social housing supports that can be set by each housing authority, in different bands according to the area, with income being defined and assessed according to a standard Household Means Policy. There are currently three bands – with maximum income limits per individual (main applicant) set at €35,000, €30,000 and €25,000 (the limits are higher for households with children). A table setting out the current thresholds and the local authority areas in which they apply is at Appendix 1 and is illustrated on the map provided in Appendix 2.

Under this circular:

- a household that has qualified for social housing support in an LA where the lowest income limits apply (€25,000) may source HAP accommodation in any LA area, as their household income has been assessed as meeting the threshold across all three Social Housing Eligibility Income bands;
- a household that has qualified for social housing support in an LA with the highest income threshold (€35,000) may only source HAP in local authority areas with the same Social Housing Eligibility Income Band;
- a household assessed in the middle band (€30,000) may move up through the bands but not down, as they have met the €35,000 threshold but not the €25,000 threshold;
- should a household who is already on another local authority's waiting list wish to source HAP supported rented accommodation in a local authority outside of the allowable inter-authority movement outlined here, the household will have to be reassessed for social housing support in the second/new LA area. Following re-assessment the household could only access the transfer list in the new LA area and would lose any time they had on the original LAs list.

This restriction on inter-authority movement is necessary in order to provide consistent treatment to households that may not have qualified for SHS in their originating local authority area due to the income thresholds, but would have under another local authority's income bands. Were households qualified for SHS on the basis of one set of income eligibility thresholds permitted to house themselves through HAP in a second LA area that has a lower set of income eligibility thresholds, it could be considered inequitable to households in the new LA area who have failed to be considered for social housing support due to their income being outside/ marginally outside those income limits.

5. Exception Inter-authority movement between LA with Shared areas of Choice

In order to maintain equity between all tenants in receipt of social housing support, and avoid the potential for difficult to enforce movements in shared rental markets/across local authority borders, inter-authority movement for HAP will be facilitated without reference to Social Housing Eligibility Income Bands in areas that offer shared areas of choice in their allocation schemes, as no change to existing treatment is involved in such areas.

HAP applicants will therefore not need to be reassessed for social housing support and can access the transfer list of their Originating LA. For example, in the areas of Cork and Galway, both Cities have higher income bands than the respective counties. However, both sets of local authorities currently offer shared areas of choice in their allocation schemes. Accordingly the varying Income Bands will not present a barrier for households moving between City Council and County Council areas, and no undue burden will arise on any one LA area over another.

6. HAP Shared Services Centre Facilitation of Inter LA movement

The HAP Shared Service Centre (SSC) has made changes to the Sugar CRM system in order to facilitate inter-authority movement. This facility is available immediately and the SSC can provide guidance to local authority staff in relation to this facility. If you have SSC queries in relation to the operation of inter-authority movement, please contact your HAP SSC team contact. The HAP SSC will also be regularising any informal or interim arrangements that have been in place to date and local authorities will be contacted in relation to same.

An early opportunity to workshop issues around inter-authority movement will be provided to relevant local authority staff. The HAP Practitioners Forum will be contacted in this regard.

If you have any queries in respect of this circular, please contact:

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Yours sincerely,



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Appendix 1

Table of maximum net income limits in Social Housing Assessment Regulations, 2011, as amended 2 June 2016

Band	City and County Councils	Maximum Net Income Threshold – single person	Maximum Income Threshold – 3 adult & 4 child family
1	Cork City	€35,000	€42,000
	Dublin City	€35,000	€42,000
	Dún Laoghaire Rathdown	€35,000	€42,000
	Fingal	€35,000	€42,000
	Galway City	€35,000	€42,000
	Meath	€35,000	€42,000
	South Dublin	€35,000	€42,000
	Kildare	€35,000	€42,000
	Wicklow	€35,000	€42,000
2	Cork County	€30,000	€36,000
	Kerry	€30,000	€36,000
	Kilkenny	€30,000	€36,000
	Limerick City & County	€30,000	€36,000
	Louth	€30,000	€36,000
	Wexford	€30,000	€36,000
	Waterford City & County	€30,000	€36,000
3	Carlow	€25,000	€30,000
	Cavan	€25,000	€30,000
	Clare	€25,000	€30,000
	Donegal	€25,000	€30,000
	Galway County	€25,000	€30,000
	Laois	€25,000	€30,000
	Leitrim	€25,000	€30,000
	Longford	€25,000	€30,000
	Mayo	€25,000	€30,000
	Monaghan	€25,000	€30,000
	Offaly	€25,000	€30,000
	Roscommon	€25,000	€30,000
	Sligo	€25,000	€30,000
	Tipperary	€25,000	€30,000
	Westmeath	€25,000	€30,000

Appendix 2: LA Map of Income Bands

