



An Roinn Tithíochta, Pleanála,  
Pobail agus Rialtais Áitiúil  
Department of Housing, Planning,  
Community and Local Government



Oifig an Aire  
Office of the Minister

29/3  
March, 2017

Ms. Nicola Radley  
Senior Executive Officer  
Cork County Council  
County Hall  
Cork.



Ref: REP104/SC/17

Dear Ms. Radley,

I have been asked by Mr Simon Coveney, TD, Minister for Housing, Planning, Community & Local Government to respond to your letter of 10 January 2017 concerning the motion passed by the Council Members calling on the Minister *“to investigate and remedy the plight of separated men and women with marital and relationship problems, particularly in their quest for social housing, and that consideration of such cases be considered under the Social Housing Leasing Scheme”*.

Under section 20 of the Housing (Miscellaneous Provisions) Act 2009 and Regulation 22(1) of the Social Housing Assessment Regulations 2011, a household is ineligible for social housing support if a member owns alternative accommodation, to the household's current accommodation, that is suitable for the household to live in.

Regulation 22(2) of the 2011 Regulations provides that this ineligibility does not apply where an applicant for social housing support owns accommodation that is occupied by his or her spouse, from whom he or she is separated under a court order or deed of separation. The rationale for this exception is that the terms of a formal separation or divorce will provide for the future ownership and occupation of the family home and it will be clear whether the household that has left the family home can return to live there.



It was acknowledged that this provision caused difficulties for persons in the cases where a separation occurs and a spouse moves out the family and applies for social housing support, but where the ownership of the family home had not yet been finalised. In order to provide more flexibility to housing authorities to deal with such cases, the Housing (Miscellaneous Provisions) Act 2014 amended section 20 of the 2009 Act with effect from 14 September 2014. Housing authorities may now provide such households with social housing support under the Rental Accommodation Scheme or the Housing Assistance Payment scheme until ownership of the family home is resolved in a formal separation or divorce settlement.

The 2014 Act amendment provides that support in these circumstances will be reviewed by the housing authority at prescribed intervals and the household will not be able to transfer to other forms of social housing support while ownership of the family home remains to be determined. However, where the household ultimately qualifies for the full range of social housing supports, the length of time the household was supported under RAS or HAP will be reckonable for the purposes of determining the household's relative priority for a transfer.

In cases where the ownership of the family home has been resolved, and an applicant qualifies for the full range of social housing supports, it is a matter for the Council to decide on the form of support to be allocated to that applicant, in accordance with the provisions of its allocation scheme, the making of which is a reserved function of the elected members. Under its allocation scheme, housing authority shall decide on the priority to be awarded in the allocation of dwellings, or particular categories of dwelling, to qualified households or to particular classes of such households.

I trust this addresses the Council's concerns.

Yours sincerely,



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**Niamh Redmond**

**Private Secretary**