

# Housing Selection Scheme Rules

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## DOCUMENT CONTROL SUMMARY

Title	Housing Selection Scheme Rules
Aim	The Housing Executive is required by Article 22 of the Housing (NI) Order, 1981 to allocate dwellings in accordance with a scheme approved by the Department of Social Development for Northern Ireland. Similarly, every Registered Housing Association is required to allocate its accommodation on the basis of a scheme approved by the Department for Social development. This is laid down by the Tenants' Guarantee, which is issued by the Department using its powers under Article 11 of the Housing (NI) Order 1992. The Housing Selection Scheme represents a single gateway into social housing in Northern Ireland, let on a permanent basis, whether owned and managed by the Housing Executive or any of the Housing Associations operating in Northern Ireland. It provides a 'one stop shop' for applicants and further promotes equitable treatment by using common criteria to assess the housing needs of all applicants.
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## Contents

<b>Part 1</b>	<b>Preliminary</b> .....	<b>5</b>
Rule 1	Definitions.....	5
Rule 2	Statutory Basis .....	6
Rule 3	Replacement Scheme .....	6
Rule 4	Scope of the Scheme .....	6
Rule 5	Boundaries of the Scheme .....	6
Rule 6	Joint Applications.....	6
Rule 7	Choice of Landlord .....	6
Rule 8	Legislation.....	7
<b>Part 2</b>	<b>Eligibility</b> .....	<b>7</b>
Rule 9	Eligibility criteria .....	7
Rule 9A	Ineligibility .....	7
Rule 10	The Application Requirements .....	7
Rule 11	The Age Requirements.....	7
Rule 12	The Age Requirements.....	7
Rule 13	The Age Requirements.....	8
Rule 14	Connection with Northern Ireland Requirements .....	8
<b>Part 3</b>	<b>Ranking of Applicants</b> .....	<b>8</b>
Rule 15	Ranking of Applicants (amended 1st April 2025) .....	8
Rule 16	Ranking of Applicants .....	8
Rule 17	Ranking of Applicants .....	9
Rule 18	Deliberate Worsening of Circumstances .....	9
Rule 19	Applicants with Complex Needs .....	9
Rule 20	Applicants with Complex Needs .....	9
Rule 21	Applicants with Complex Needs .....	9
Rule 22	Applicants with Complex Needs .....	9
Rule 23	Intimidation (removed with effect from 1st April 2025) .....	9
Rule 23A	Intimidation (removed with effect from 1 <sup>st</sup> April 2025).....	9
Rule 23B	Intimidation – Saving Provision (added 1 <sup>st</sup> April 2025) .....	9
Rule 24	Homelessness .....	10
Rule 24A	Homelessness (amended 1 <sup>st</sup> April 2025).....	11
Rule 25	Sharing .....	12

## Housing Selection Scheme – Amended 1<sup>st</sup> April 2025

Rule 26	Sharing .....	12
Rule 27	Sharing .....	12
Rule 28	Overcrowding .....	12
Rule 29	Overcrowding .....	12
Rule 30	Overcrowding .....	13
Rule 31	Lack of Amenities and Disrepair.....	13
Rule 32	Time in Housing Need .....	14
Rule 33	Health/Social Well Being Assessment.....	14
Rule 34	Health/Social Well Being Assessment .....	14
Rule 35	Health/Social Well Being Assessment .....	14
Rule 36	Health/Social Well Being Assessment .....	14
Rule 37	Functionality .....	14
Rule 38	Unsuitable Accommodation .....	14
Rule 39	Support / Care Needs.....	15
Rule 40	Assessment .....	15
Rule 41	Social Factors .....	15
Rule 42	Capping .....	15
Rule 43	Primary Social Needs points .....	15
Rule 44	Other Social Needs points.....	16
Rule 45	Complex Needs .....	17
<b>Part 4</b>	<b>Rules Governing Allocations.....</b>	<b>17</b>
Rule 46	The General Rule (amended 13 Sept 2013) .....	17
Rule 46A	The General Rule (added 13th Sept 2013).....	17
Rule 47	The General Rule .....	17
Rule 48	The General Rule .....	17
Rule 49	Disqualification Criteria .....	17
Rule 50	Disqualification Criteria .....	18
Rule 51	Disqualification Criteria .....	18
Rule 52	Choice of Areas .....	19
Rule 53	Landlord Properties – areas of choice .....	19
Rule 54	Choice of General Housing Area (removed – 30th January 2023).....	19
Rule 55	General Housing Areas (GHA) (removed – 30th January 2023).....	19
Rule 56	Maximum Number of Offers .....	19
Rule 56A	Sequential Offers (added 13th Sept 2013) .....	19

## Housing Selection Scheme – Amended 1<sup>st</sup> April 2025

Rule 57	Reasonable Offers .....	19
Rule 58	Offers.....	20
Rule 58A	Withdrawal of Offers (added 30 <sup>th</sup> January 2023) .....	20
Rule 59	Refusal of Reasonable Offers.....	21
Rule 60	Substitution of Offers .....	21
Rule 61	Intimidation .....	21
Rule 62	Applicants Convicted or Charged with the Sexual Abuse of Children.....	21
Rule 63	Applicants Convicted or Charged with the Sexual Abuse of Children.....	21
Rule 64	Applicants Convicted or Charged with the Sexual Abuse of Children.....	21
Rule 65	Applicants Convicted or Charged with the Sexual Abuse of Children.....	22
Rule 66	Applicants Convicted or Charged with the Sexual Abuse of Children.....	22
Rule 67	Applicants Convicted or Charged with the Sexual Abuse of Children.....	22
Rule 68	Difficult to Let Properties (amended 2 <sup>nd</sup> September 2024) .....	22
Rule 69	Difficult to Let Properties (amended 2 <sup>nd</sup> September 2024).....	22
Rule 70	Difficult to Let Properties (amended 2 <sup>nd</sup> September 2024).....	22
Rule 70A	Designated Lettings Policy.....	22
Rule 71	Transfers .....	23
Rule 72	Allocations to Transfers.....	23
Rule 73	Succession to a Tenancy.....	24
Rule 74	Succession to a Tenancy (amended 2 <sup>nd</sup> September 2024) .....	24
Rule 74A	Policy Succession (added 2 <sup>nd</sup> September 2024) .....	24
Rule 74B	Refusal of a Policy Succession (added 2 <sup>nd</sup> September 2024).....	24
Rule 75	Succession to a Tenancy .....	25
Rule 76	Assignment of Tenancy .....	25
Rule 77	Assignment of Tenancy (amended 2 <sup>nd</sup> September 2024) .....	25
Rule 77A	Policy Assignment (added 2 <sup>nd</sup> September 2024) .....	26
Rule 77B	Refusal of a Policy Assignment (added 2 <sup>nd</sup> September 2024).....	26
Rule 78	Creation of Joint Tenancies .....	27
Rule 79	Creation of Joint Tenancies .....	28
Rule 84	Authority of the Department / Board.....	28

## **Part 1 Preliminary**

### **Rule 1 Definitions**

**1) The Landlord**

- a) In parts 1-3 of this Scheme the term “Landlord”, means the Participating Landlord to whom any particular Applicant has submitted his / her application form.
- b) In part 4 of this Scheme the term “Landlord” means the Participating Landlord who makes, or who should make, an offer of accommodation to that Applicant.

**2) Participating Landlord**

In this Scheme “Participating Landlord” means the Executive or any registered housing association which is participating in the Common Selection Scheme.

**3) Housing Executive**

In this Scheme the “Housing Executive” means the Northern Ireland Housing Executive.

**4) The Applicant**

The person in whose name an application is registered will be deemed to be the “Applicant” and will be treated as the representative of all persons intending to live together as specified on the application form. The term “Applicant” includes applicants.

**5) Full Duty Applicant**

A Full Duty Applicant is a person to whom the Executive owes a duty under Article 10 (2) of the Housing (NI) Order, 1988 to “secure that accommodation becomes available for his / her occupation”.

**6) Designated Officer**

In relation to any particular paragraph of this Scheme, the term “Designated Officer” means the Officer (whether of the Executive, or of any other Landlord) who is duly authorised to perform the function or to decide the issue referred to in that paragraph.

**7) Accommodation Needs**

In considering an Applicant’s needs pursuant to this Scheme, due regard shall be paid, not just to the Applicant’s personal needs, but also to the needs of all other persons who might reasonably be expected to reside with the Applicant.

**8) Restricted Persons**

A restricted person means a person –

- (a) Who is not eligible for assistance under Part II of the Housing (NI) Order 1988, as amended,
- (b) Who is subject to immigration control within the meaning of the asylum and Immigration Act 1996, and
- (c) Either –
  - i. Who does not have leave to enter or remain in the United Kingdom, or
  - ii. Whose leave to enter or remain in the United Kingdom is subject to a condition to

maintain and accommodate himself, and any dependants, without recourse to public funds.

**Rule 2 Statutory Basis**

This is the Scheme within the meaning of Article 22 of the Housing (NI) Order, 1981, which makes provision for determining the order in which prospective tenants of the Housing Executive’s dwellings are to be granted tenancies of those dwellings.

**Rule 3 Replacement Scheme**

Article 22(4) of the Housing (Northern Ireland) Order 1981 provides for a replacement allocation scheme being submitted by the Housing Executive, approved by the Department and operated by the Housing Executive. This Scheme, with effect from 1st November 2000 replaces the Article 22 Scheme currently being operated by the Housing Executive. [This Scheme with effect from 1st November 2000 replaces the existing allocation scheme currently being operated by the Landlord for the allocation of accommodation on a permanent basis.]

**Rule 4 Scope of the Scheme**

1. All parts of this Scheme apply in relation to all applications first made to a participating Landlord on or after the date on which this Scheme comes into operation.
2. Parts 3 and 4 of this Scheme apply (in place of any equivalent provisions of any other scheme ) in relation to any current application to a participating Landlord which was first made prior to 1st November 2000.
3. Applications pending at 1st November 2000 will be assessed and ranked under this Scheme, regardless of whether they have been assessed and / or ranked under any other scheme.

**Rule 5 Boundaries of the Scheme**

As a general rule the Scheme will apply to all applications to the Landlord for accommodation on a permanent basis. In particular the Scheme will not apply to accommodation for which the Landlord is providing support and / or shelter pending housing on a permanent basis.

**Rule 6 Joint Applications**

Any eligible application can be made in joint names, provided each joint applicant is currently living in the same household, or plans to live in the same household in the event of a dwelling being allocated pursuant to the Scheme. For the avoidance of doubt, in the case of joint applications, each Applicant must be eligible under Part 2 of the Scheme.

**Rule 7 Choice of Landlord**

An application to any Participating Landlord will be deemed to be an application to all Participating Landlords unless the Applicant has expressly stated, in writing, that he/she does not wish to apply to a particular Participating Landlord (or Participating Landlords).

## **Rule 8      Legislation**

It is noted that the Housing Executive continues to be subject to the legal requirements imposed upon it. The other rules of this Scheme must be construed in the light of the Housing Executive's obligations in that connection. [It is noted that the Landlord continues to be subject to the legal requirements imposed upon it. The other rules of this Scheme must be construed in the light of the Landlord's obligations in that connection.]

## **Part 2      Eligibility**

### **Rule 9      Eligibility criteria**

An Applicant is eligible to apply under this Scheme only if:

1. The Applicant complies with the Application Requirements as set out in paragraph 10 below; and
2. The Applicant complies with any of the requirements set out in sub-paragraphs a) to c):
  - (a) the Applicant is a Full Duty Applicant pursuant to the Housing (N.I.) Order, 1988; or
  - (b) the Applicant has been nominated through the National Mobility (HOMES) Scheme; or
  - (c) the Applicant meets both Age Requirements as defined in paragraphs 11-13 below and the Connection with Northern Ireland Requirements as defined in paragraph 14.

### **Rule 9A     Ineligibility**

An Applicant is also ineligible to apply (or to continue to apply) under this Scheme if he/she is a person who cannot be allocated accommodation by the Housing Executive because of:

- (a) the terms of Article 22A of the Housing (N.I.) Order 1981 (or any statutory modification or replacement of that Article); or
- (b) because of a decision made by the Housing Executive under paragraph (6) of that Article.

### **Rule 10     The Application Requirements**

The Applicant must comply with all of the following:

1. The Applicant completes an application form containing such particulars as are required by the Landlord;
2. The Applicant renews his / her application each year;
3. The Applicant promises to notify the Landlord if there is any material change in his / her circumstances that might affect his / her place on the list.
4. The Applicant is not included in any other pending application under this Scheme.

### **Rule 11     The Age Requirements**

The general rule is that an Applicant must have attained the age of 18 years at the date of application.

### **Rule 12     The Age Requirements**

The only exceptions to that general rule are that the Applicant is aged at least 16 and:

1. is leaving care;
2. is a person, in relation to whom a duty is owed under Article 46 of the Children (NI) Order

1995;

3. has a dependent child or children;
4. is married, or has formed a civil partnership, with no children
5. the Applicant has an essential need for specific, independent living accommodation, because without that particular accommodation, the Applicant will have to refuse:
  - (i) a specific offer of substantial training; or
  - (ii) a specific offer of employment

### **Rule 13 The Age Requirements**

An application from an individual who has not attained the age of 18 years at the date of application and who does not come under any of the categories referred to in paragraph 12 will be deferred until the individual attains the age of 18 years.

### **Rule 14 Connection with Northern Ireland Requirements**

The Applicant meets the connection with Northern Ireland requirements if the Designated Officer is satisfied the Applicant has a substantial connection with Northern Ireland in that:

1. The Applicant (or a member of the Applicant's household) is, or in the past was, ordinarily or habitually or normally resident there, and that residence is, or was, of his or her own choice; or
2. The Applicant (or a member of the Applicant's household) is employed, or is making bona fide attempts to seek employment in Northern Ireland; or
3. The Applicant (or a member of the Applicant's household) has a substantial connection because of other circumstances.

## **Part 3 Ranking of Applicants**

### **Rule 15 Ranking of Applicants (amended 1st April 2025)**

The housing selection process will rank Applicants on a Waiting List used by all Participating Landlords on a pointed basis, in descending order according to housing need. Applicants may be awarded points under the following sections namely:

[1. Intimidation is removed with effect from 1<sup>st</sup> April 2025. However, it will continue to apply to Applicants who meet the criteria in Rule 23B]

1. Insecurity of Tenure
2. Housing Conditions
3. Health/Social Well Being Assessment

Applicants will be considered under each Section of this Part of the Scheme. Points will be awarded on a cumulative basis unless otherwise stated (see Schedule 4).

### **Rule 16 Ranking of Applicants**

Where points are equal, the date on which the application is received will decide the order in which Applicants are offered accommodation.



**Rule 17 Ranking of Applicants**

Individuals with complex needs whose agreed housing option is housing with care schemes are an exception to this selection process. Arrangements for selection of such Applicants are outlined in paragraphs 19-22.

**Rule 18 Deliberate Worsening of Circumstances**

If a Designated Officer is satisfied that an Applicant has deliberately worsened his / her circumstances, in order to gain a higher ranking on the Waiting List, the Officer may decide to defer for a period of two years the advantage of any additional points which might otherwise have been granted because of that change in circumstances.

**Rule 19 Applicants with Complex Needs**

An Applicant with complex needs will be considered for housing as a result of a direct referral process from the Health and Social Services sector or, as an exceptional case arising from defined criteria identified in the health / social well-being assessment process of the Scheme.

**Rule 20 Applicants with Complex Needs**

Where the agreed re-housing option is housing with care, the Applicant will be placed on a separate, administrative, non-pointed list.

**Rule 21 Applicants with Complex Needs**

Allocations from this list will be made on the basis of:

1. The individual needs of the Applicant;
2. The needs of other residents in accommodation for which the Applicant is being considered;
3. The interests of good housing management.

**Rule 22 Applicants with Complex Needs**

Where all such factors are equal, date order of application will be used to determine the order in which Applicants are offered accommodation.

***Intimidation***

**Rule 23 Intimidation (removed with effect from 1st April 2025)**

**Rule 23A Intimidation (removed with effect from 1<sup>st</sup> April 2025)**

**Rule 23B Intimidation – Saving Provision (added 1st April 2025)**

Following removal of Rule 23 from the Scheme, with effect from 1 April 2025 it will continue to apply in the following circumstances: -

- An Applicant awarded Intimidation points under Rule 23, prior to its removal from the Scheme\*, will retain these points until they are rehoused, or they refuse two reasonable offers of accommodation, whichever is the earliest. For the avoidance of doubt, for Applicants who have already refused one reasonable offer before 1 April 2025 this will leave them with one remaining reasonable offer.

- Where an Applicant's circumstances are under consideration under Rule 23 prior to its removal from the Scheme\*, it will be undertaken and completed in accordance with Rule 23 and the related policies and procedures. An applicant will be entitled to Intimidation Points where they are found to have met the relevant criteria in Rule 23 as if that rule had not been removed from the Scheme.

*\*The effective date of removal is 1<sup>st</sup> April 2025.*

## **Section 1 Insecurity of Tenure**

### **Rule 24 Homelessness**

#### **1) Homeless / Threatened with Homelessness - Full Duty Applicant (F.D.A.)**

- (a) Full Duty Applicants, as defined in paragraph 1 of this Scheme, will be awarded points (see Schedule 4).
- (b) Such Applicants will also be entitled to Housing Conditions and Health and Social Well Being Points at the time of application and Interim Accommodation Points where relevant (see Schedule 4).

#### **2) Other Homeless**

Applicants, other than Full Duty Applicants, who have been found to be homeless because of any of the following factors, will be awarded points (see Schedule 4).

- (a) Marital / civil partnership / relationship breakdown, where there are no dependent children and the relationship has lasted more than one year and
  - i) no suitable, alternative, accommodation is currently available to the Applicant; and
  - ii) the Applicant could not reasonably be expected to seek suitable, alternative, accommodation.
- (b) eviction, where the Applicant, or a member of the Applicant's household, has held an unprotected tenancy continuously for not less than two years immediately prior to the eviction and:
  - i) no suitable, alternative, accommodation is currently available to the Applicant; and
  - ii) the Applicant could not reasonably be expected to seek suitable, alternative, accommodation.
- (c) financial hardship, where the Applicant, or member of the Applicant's household, is forced to sell his / her property due to urgent and compelling reasons and
  - i) no suitable, alternative, accommodation is currently available to the Applicant; and
  - ii) the Applicant could not reasonably be expected to seek suitable, alternative, accommodation.
- (d) end of tied accommodation where the Applicant, or a member of his / her household, has been in employment (other than temporary or fixed term employment) for a period of at least two years and the Applicant must leave that accommodation because of redundancy or retirement or the death of the tenant and
  - i) no suitable, alternative, accommodation is currently available to the Applicant; and
  - ii) the Applicant could not reasonably be expected to seek suitable, alternative, accommodation.

- (e) end of Service in Armed Forces, where the Applicant, or member of the Applicant's household, is returning to civilian life or the widow(er) / civil partner of a recently deceased serviceman / woman who is no longer eligible for married or other service quarters and
  - i) no suitable, alternative, accommodation is currently available to the Applicant; and
  - ii) the Applicant could not reasonably be expected to seek suitable, alternative, accommodation.
- (f) release from prison, where the Applicant has been released from prison and
  - i) no suitable, alternative, accommodation is currently available to the Applicant; and
  - ii) the Applicant could not reasonably be expected to seek suitable, alternative, accommodation.
- (g) leaving hospital, where the Applicant is leaving hospital and
  - i) no suitable, alternative, accommodation is currently available to the Applicant; and
  - ii) the Applicant could not reasonably be expected to seek suitable, alternative, accommodation.
- (h) leaving institutional care, where an Applicant is leaving care and
  - i) no suitable, alternative, accommodation is currently available to the Applicant; and
  - ii) the Applicant could not reasonably be expected to seek suitable, alternative, accommodation.
- (i) leaving care, foster care or in relation to whom a duty is owed under the provisions of the Children's Order, where the Applicant is a young person in such circumstances.
- (j) a dwelling which has been served with a closing or demolition order or which has been acquired by a body with compulsory purchase powers, where the Applicant is residing in such accommodation, and
  - i) no suitable, alternative, accommodation is currently available to the Applicant; and
  - ii) the Applicant could not reasonably be expected to seek suitable, alternative, accommodation.
- (k) persistent change of address in order to obtain shelter;
- (l) leaving hostel accommodation, where an Applicant has been residing in such accommodation for a continuous period of more than six months and
  - i) no suitable, alternative, accommodation is currently available to the Applicant; and
  - ii) the Applicant could not reasonably be expected to seek suitable, alternative, accommodation.
- (m) in circumstances analogous to those listed in sub-paragraphs a) to l) above and exceptional hardship would be caused by the withholding of this award of points, and
  - i) no suitable, alternative, accommodation is currently available to the Applicant; and
  - ii) the Applicant could not reasonably be expected to seek suitable, alternative, accommodation.

### **3) Interim Accommodation Points**

These points will be awarded to a Full Duty Applicant who has been residing for six months in accommodation provided to him / her in discharge of the Housing Executive's interim duty under the Housing (N.I.) Order, 1988. These points will be in addition to Homeless / Threatened with Homelessness-Full Duty Applicant Points (see Schedule 4).

## **Rule 24A Homelessness (amended 1st April 2025)**

1. A Full Duty Applicant will not be entitled to Insecurity of Tenure points under Rule 24 if the Housing Executive decides that the Applicant is homeless, threatened with

homelessness, or has a priority need but would not have done so without had regard to a member of the household who is a restricted person.

- 1A. An Applicant who has been awarded points under Rule 23 or whose circumstances are under consideration under Rule 23 prior to its removal from the Scheme will not be entitled to points under Rule 23 if the Housing Executive decides that the Applicant is homeless, threatened with homelessness, or has a priority need but would not have done so without having had regard to a member of the household who is a restricted person.
2. An Applicant, other than a Full Duty Applicant, will not be entitled to points under Rule 24 if the Housing Executive decides that any of the requirements as set out in paragraph (2) of that Rule are met but would not have done so without having had regard to a member of the household who is a restricted person.
3. This Rule comes into operation on 2 March 2009.

## **Section 2    *Housing Conditions***

### **Rule 25    *Sharing***

Sharing points (see Schedule 4) will be awarded to an Applicant who, in his / her present accommodation, is required to share any of the rooms / facilities listed below in subparagraphs 1) to 4) with any person who will not be moving with the Applicant when re-housed and provided the Applicant has not the prior right of facilities:

1. kitchen
2. living room
3. toilet
4. bath / shower

### **Rule 26    *Sharing***

For the purposes of awarding points in recognition of this housing condition, there are three classifications of Applicant:

1. An Applicant with dependent children;
2. An Applicant aged 18 years and over without dependent children;
3. An Applicant aged 16-18 years without dependent children.

### **Rule 27    *Sharing***

An Applicant aged 16-18 years will only be entitled to sharing points if he / she is sharing with someone outside the family as defined in Article 2(4) of the Housing (N.I.) Order, 1981.

### **Rule 28    *Overcrowding***

Overcrowding points will be awarded to an Applicant if, in the view of the Designated Officer, that Applicant's current accommodation does not have the number and size of bedrooms reasonably required by the Applicant's household and all others residing in that accommodation.

### **Rule 29    *Overcrowding***

In making his / her decision under paragraph 28, the Designated Officer shall observe the

following criteria:

1. Rooms which are less than 3.7 sq.m (40 sq.ft) will not be deemed suitable for use as a bedroom.
2. If a dwelling has two reception rooms, one of them will be counted as a bedroom.
3. Single parents and all adults (over 18 years old) will not be expected to share his / her bedroom.
4. A single bedroom between the sizes of 3.7 and 6.5 sq.m (40 - 70 sq.ft) is adequate for:
  - a. 1 child under 7 years old.
5. A single bedroom between the sizes of 6.5 and 9.3 sq.m (70 - 100 sq.ft) is adequate for any of the following:
  - a. 1 person of any age.
  - b. 2 persons of the same gender under 18 years old.
  - c. 2 children under 7 years old, regardless of gender.
6. A double bedroom over 9.3 sq m (100+sq.ft) is adequate for any of the following:
  - a. 1 person of any age.
  - b. 2 persons living as a couple.
  - c. 2 persons of the same gender under 18 years old.
  - d. 2 children under 7 years old, regardless of gender.
7. In addition to the size of the bedroom, consideration will be given to its shape and headroom. The room must be capable of containing a bed and appropriate furniture and allow sufficient access space.

### **Rule 30 Overcrowding**

If, in the opinion of the Designated Officer, the Applicant's current accommodation does not meet the criteria set out in paragraph 29, an award of points will be made for each bedroom short of that criteria (see Schedule 4).

### **Rule 31 Lack of Amenities and Disrepair**

Lack of Amenities / Disrepair points will be awarded to an Applicant if the Applicant's current accommodation does not meet each of the criteria set out in sub-paragraphs 1) – 8) below ( see Schedule 4 ).

1. An Applicant shall be awarded points if, in the opinion of the Designated Officer, the Applicant's current accommodation is not free from serious disrepair (see Schedule 4).
2. An Applicant shall be awarded points if, in the opinion of the Designated Officer, the Applicant's current accommodation is not free from dampness which is prejudicial to the health of the occupants (see Schedule 4).
3. An Applicant shall be awarded points if, in the opinion of the Designated Officer, the Applicant's current accommodation does not have adequate provision for lighting, heating and ventilation (see Schedule 4).
4. An Applicant shall be awarded points if, in the opinion of the Designated Officer, the Applicant's current accommodation does not have an adequate supply of wholesome water (see Schedule 4).
5. An Applicant shall be awarded points if, in the opinion of the Designated Officer, the Applicant's current accommodation does not have satisfactory facilities for the preparation and cooking of food, including a sink with a satisfactory supply of hot and cold water (see

Schedule 4).

6. An Applicant shall be awarded points if, in the opinion of the Designated Officer, the Applicant's current accommodation does not have a suitably located water-closet (w.c.) for the exclusive use of the occupants (see Schedule 4).
7. An Applicant shall be awarded points if, in the opinion of the Designated Officer, the Applicant's current accommodation does not have, for the exclusive use of the occupants a suitably located fixed bath or shower each of which is provided with a satisfactory supply of hot and cold water (see Schedule 4).
8. An Applicant shall be awarded points if, in the opinion of the Designated Officer, the Applicant's current accommodation does not have an electricity supply (see Schedule 4).

### **Rule 32 Time in Housing Need**

An Applicant with points who has been on the Waiting List for two years or more will be entitled to Time in Housing Need points. These points will be awarded annually for a maximum of five years subsequent to the initial two year waiting time (see Schedule 4).

## ***Section 3 Health/Social Well Being Assessment***

### **Rule 33 Health/Social Well Being Assessment**

This section of the Scheme measures the ability of an Applicant, or a member of the Applicant's household, to manage adequately within their existing home.

### **Rule 34 Health/Social Well Being Assessment**

A Health / Social Well Being Assessment may be carried out under the following four headings:

1. Functionality
2. Support / Care Needs
3. Social Needs
4. Complex Needs

### **Rule 35 Health/Social Well Being Assessment**

The Assessment differentiates between Applicants by determining the extent to which functional ability, support needs or adverse social factors may be alleviated through re-housing.

### **Rule 36 Health/Social Well Being Assessment**

While the Support Needs of all Applicants will be assessed, points under this heading will only be awarded to those Applicants seeking sheltered or supported housing.

### **Rule 37 Functionality**

The ability of an Applicant or a member of the Applicant's household to function within his / her current accommodation will be assessed using a functionality matrix (see Schedule 1). The scoring from this matrix will be added to the total points awarded to the Applicant (see Schedule 4).

### **Rule 38 Unsuitable Accommodation**

This award of points will be made in addition to Functionality Points (see Schedule 4) where:

1. a second person in the Applicant's household scores above a threshold of points (as

- specified in Schedule 1) on the Functional Matrix; or
2. the Applicant or a member of his / her household has difficulty gaining access to his / her accommodation which is above ground floor level and is not served by a lift.

**Rule 39 Support / Care Needs**

An Applicant or a member of the Applicant's household, who, in the opinion of the Designated Officer, has support or care needs, will have his / her self-care and home management needs assessed using a support matrix (see Schedule 2). Only where the Applicant is seeking housing in a sheltered / supported scheme, will the scoring from the support matrix be added to the total points score (see Schedule 4).

*Social Needs*

**Rule 40 Assessment**

An assessment will be carried out on the Applicant's need for re-housing as a result of adverse social or environmental factors.

**Rule 41 Social Factors**

The various social factors affecting the Applicant will be recognised by the award of points at an upper and lower level to reflect Primary Social Needs and Other Social Needs respectively.

**Rule 42 Capping**

An Applicant may be awarded points for a combination of factors; however points will be capped (see Schedule 4).

*Primary Social Needs Factors*

**Rule 43 Primary Social Needs points**

Primary Social Needs points (see Schedule 4) will be awarded in the following circumstances:

1. Where the Applicant or a member of the Applicant's household is experiencing or has experienced violence or is at risk of violence including physical, sexual, emotional or domestic violence or child abuse.
2. Where the Applicant or a member of the Applicant's household is experiencing or has experienced harassment, including racial harassment and there is fear of actual violence (but the criteria for the award of Intimidation points (see paragraph 23) are not met).
3. Where the Applicant or a member of the Applicant's household, is experiencing or has experienced fear of actual violence for another reason and the Applicant is afraid to remain in his / her current accommodation.
4. Where the Applicant, or a member of the Applicant's household, is experiencing or has experienced distress / anxiety caused by recent trauma which has occurred in the Applicant's current accommodation.
5. Where, in the opinion of Social Services, there is a need for re-housing, to prevent the Applicant or a member(s) of the Applicant's household going into care.
6. Where Social Services recommend that the Applicant or a member of the Applicant's household, move to larger or more suitable accommodation to enable him / her to become or continue to be a foster parent.
7. Where families with dependent children are living apart because of overcrowding or tension

in previous accommodation, or where living together would result in children living in unsuitable accommodation.

8. In circumstances analogous to those listed in sub-paragraphs 1) to 7) above.

***Other Social Needs Factors***

**Rule 44 Other Social Needs points**

Other Social Needs points (see Schedule 4) will be awarded in the following circumstances:

1. Where the Applicant or a member of the Applicant's household, is experiencing or has experienced neighbour disputes and re-housing is likely to resolve the situation.
2. Where the Applicant, or a member of the Applicant's household, is experiencing or has experienced harassment but there appears to be no fear of actual violence.
3. Where the Applicant or a member of the Applicant's household is experiencing or has experienced burglary or vandalism and there is an inability to cope at his / her current accommodation.
4. Where the Applicant, or a member of the Applicant's household, has been awarded staying or weekend access to dependent children and his / her current accommodation is unsuitable to facilitate this access.
5. Where the Applicant's current accommodation is too expensive.
6. Where the Applicant and member(s) of the Applicant's household, are unable to maintain their current accommodation.
7. Where a member of the household who will not be moving with the Applicant has a medical condition which is exacerbated by having the Applicant(s) in his / her home.
8. Where the Applicant, or a member of the Applicant's household, has experienced recent bereavement in his / her current accommodation and requests re-housing and the same is likely to be beneficial.
9. Where the Applicant is unable to reside with his / her partner for reasons beyond their control and there are no dependent children.
10. Where the Applicant or a member of the Applicant's household is socially isolated in their current accommodation and re-housing would be of clear benefit to him / her.
11. Where the Applicant needs to move to take up a new job or a full time course of study and he / she does not reside within reasonable travelling distance.
12. Where the Applicant needs to live in area to receive or give support.
13. Where the Applicant needs re-housing to be near to family for the provision of child-care to assist employment.
14. Where the Applicant needs to move to be near hospital, day centre, specialised unit of education or other essential facilities which would be of clear benefit to the Applicant or a member of the Applicant's household.
15. Where alternative accommodation is recommended by Social Services to meet the specific needs of the Applicant or a member of the Applicant's household because:
  - a. an extra room is needed for specialist medical equipment; or
  - b. an additional room is needed to accommodate a live-in carer; or
  - c. the Applicant's current accommodation is particularly unsuitable.
16. Where the Applicant's household contains a child less than 10 years of age and they are living in accommodation above ground floor level.
17. In circumstances analogous to those listed in sub-paragraphs 1) to 16) above.



### ***Complex Needs Points***

#### **Rule 45 Complex Needs**

Where an Applicant or a member of the Applicant's household has been identified as having complex needs, a multi-disciplinary care assessment has been carried out and the housing option is general needs accommodation, the Applicant will be made an award of Complex Needs points and ranked as a pointed Applicant on a Waiting List used by all Participating Landlords (see Schedule 4).

## **Part 4 Rules Governing Allocations**

#### **Rule 46 The General Rule (amended 13 Sept 2013)**

All Applicants will be assessed and placed on a Waiting List which is used by all Participating Landlords. As a general rule each dwelling will be offered to the relevant Applicant with the highest points.

#### **Rule 46A The General Rule (added 13th Sept 2013)**

Offers of accommodation made to Transfer Applicants under and pursuant to Rules 71 and 72 are an exception to the general rule set out in Rule 46.

For the purposes of this Rule and Rules 71 and 72 Transfer Applicants mean ordinary transfer applicants and management transfer applicants.

#### **Rule 47 The General Rule**

In the present context an Applicant is a 'relevant applicant' if:

1. he / she has applied for, or is deemed to have applied for accommodation with the locational and other characteristics of the dwelling in question, and
2. the Landlord is satisfied, on reasonable grounds, that the non-locational characteristics of the dwelling meet the Applicant's needs, and having regard to all of the circumstances, do not substantially surpass those needs.

#### **Rule 48 The General Rule**

The Designated Officer has the authority to depart from the general rule only in the following circumstances and subject to the following conditions:

1. Exceptionally, such a departure is highly desirable in order to match the special and specific needs of an applicant with the facilities and amenities accessible in a particular dwelling or location.
2. Any such departures from the general rule must be notified in writing within three months to the Board (Director of Housing, DOE in the case of housing associations).

#### **Rule 49 Disqualification Criteria**

The Landlord (as defined in paragraph 1(1)) may disqualify any Applicant, other than a Full Duty Applicant if the circumstances referred to in any of the sub-paragraphs listed in 1) to 10)

below exist in respect of that Applicant:

1. within the past two years, a County Court has granted an Order for Possession of a dwelling belonging to a Participating Landlord which the Applicant held under a secure tenancy; or
2. the Applicant owes an amount equal to or greater than four times the weekly full rent and rates in relation to a previous tenancy / tenancies of a Participating Landlord and has not made an agreement to repay the same; or
3. the Designated Officer is satisfied, on reasonable grounds, that the Applicant was guilty of Serious Anti-Social Behaviour (as defined at paragraph 51 below) within the past two years; or
4. the Designated Officer is satisfied, on reasonable grounds, that the Applicant willfully caused substantial damage to relevant accommodation, which the Applicant was occupying at that time, and that the damage was caused within the past two years; or
5. the Designated Officer is satisfied, on reasonable grounds, that the Applicant abandoned a tenancy of a Participating Landlord within the past two years without giving due notice to the Landlord of that accommodation; or
6. the Designated Officer is satisfied, on reasonable grounds, that the Applicant is currently squatting, or has squatted during the past two years, in a dwelling belonging to a Participating Landlord; or
7. the Designated Officer is satisfied, on reasonable grounds, that the Applicant, within the past two years, has assisted or acquiesced in another squatting in a dwelling, belonging to a Participating Landlord, of which the Applicant was the tenant / licensee; or
8. the Designated Officer is satisfied, on reasonable grounds, that (within the past two years) the Applicant has engaged in violent behaviour while placed in relevant temporary accommodation; or
9. the Designated Officer is satisfied, on reasonable grounds, that, within the past two years, the Applicant has been guilty of violent behaviour towards the staff of any Participating Landlord; or
10. the Designated Officer is satisfied on reasonable grounds that, within the past two years, the Applicant has knowingly made a false statement or has knowingly given false information or has knowingly withheld information, in order to obtain an allocation of housing from a Participating Landlord.

#### **Rule 50 Disqualification Criteria**

For the purposes of Paragraph 49, accommodation is “relevant accommodation” if any of the following conditions apply:

1. the property belongs to a Participating Landlord; or
2. the property belongs to an agent of a Participating Landlord; or
3. the Applicant at the relevant time, was occupying the accommodation in consequence of the discharge by the Executive of its interim / temporary accommodation duties under the Housing (N.I.) Order.

#### **Rule 51 Disqualification Criteria**

For the purposes of Paragraph 49, Serious Anti-Social Behaviour is behaviour which affects another individual in his / her capacity as a residential occupier and which threatens the physical or mental health, safety or security of that individual (or the individual’s household). In particular, instances of Serious Anti-Social Behaviour are as follows:

1. The sale, supply and possession of illegal drugs.
2. Harassment and intimidation.
3. Any behaviour which causes, or is likely to cause, any significant or persistent danger, injury, loss or fear to any person living, working or otherwise lawfully in, or in the vicinity of, a dwelling.

**Rule 52 Choice of Areas**

- 1) Where the Applicant has the right, they will be allowed to choose any number of Common Landlord Areas (areas of choice) in which to be rehoused.
- 2) A Common Landlord Area (CLA) is a geographical area designated by the Housing Executive which may include a number of Estates belonging to any of the Participating Landlords (Rule 1 (2)). Each CLA is listed in the Common Landlord Area Guide).

**Rule 53 Landlord Properties – areas of choice**

An Applicant will be considered for all properties of all Landlords within their areas of choice unless they indicate otherwise.

**Rule 54 Choice of General Housing Area (removed – 30<sup>th</sup> January 2023)**

**Rule 55 General Housing Areas (GHA) (removed – 30<sup>th</sup> January 2023)**

**Rule 56 Maximum Number of Offers**

On, or after 30<sup>th</sup> January 2023 (the Effective Date), all Applicants will be entitled to receive a maximum of two reasonable offers. This is subject to the transitional arrangement that any Active and/or Deferred Applicant who has, at the Effective Date, already received two reasonable offers of accommodation, will be entitled to receive one further reasonable offer of accommodation.

**Rule 56A Sequential Offers (added 13th Sept 2013)**

The entitlement to receive a maximum of two reasonable offers or any offer of accommodation does not confer an entitlement to receive simultaneous offers.

For the avoidance of doubt, an Applicant will not be considered for any other accommodation while they have a pending offer of accommodation.

**Rule 57 Reasonable Offers**

In considering whether a particular offer is reasonable, the Designated Officer must consider the reasonable needs of the Applicant, including the Applicant's household, having particular regard to the following factors:

**1) Size of Accommodation**

The dwelling must be of a suitable size for the Applicant's household. The minimum size of accommodation normally deemed as reasonable for the household is outlined in Schedule 3.

**2) Suitability of Location**

The offer of accommodation shall as far as possible be in an area corresponding with the Applicant's choice. The location shall take into consideration the place of work, schools and

essential support requirements of the Applicant, or a member of his / her household.

**3) Suitability of Features**

The dwelling must be reasonably suitable having regard to the particular needs of the Applicant or a member of the Applicant's household.

**4) Condition of Accommodation**

The dwelling must not be statutorily unfit and it must be in reasonable condition of repair and safe for occupation at the commencement of tenancy.

**Rule 58 Offers**

The Applicant's preference for a particular type of property will not be regarded as an essential need.

**Rule 58A Withdrawal of Offers (added on 30<sup>th</sup> January 2023)**

- 1) The Landlord may withdraw an allocation of accommodation any time after the offer of accommodation and before the grant of tenancy, where the Designated Officer decides, on reasonable grounds, that the requirements of one of the sub-paragraphs listed below have been met:
  1. That one or more of the conditions set out in the Offer letter is not met or has been breached.
  2. That the offer was made on the basis of a material error of fact or law by the Landlord (subject and without prejudice to Rule 58A (2)).
  3. That the offer is no longer considered reasonable under the rules of the Housing Selection Scheme on the basis of information subsequently becoming available.
  4. That the Applicant is no longer able to take up occupancy of the property within a reasonable period of time.
  5. That unless the offer is withdrawn, there is likely to be a significant risk to the personal safety of the Applicant, a member of their household or a member of another household within the locality of the property.
- 2) An allocation of accommodation will be withdrawn, any time after the offer of accommodation and before the grant of tenancy, in either of the following circumstances:
  1. Where the Applicant is no longer eligible for an allocation of accommodation on grounds of unacceptable behaviour because of a decision made by the Landlord pursuant to Article 22A(6) of the Housing (NI) Order 1981 or any statutory modification or replacement of that Article.
  2. Where, for whatever reason, the Applicant is not eligible or no longer eligible, for an allocation of accommodation as a Person From Abroad or a Person Subject to Immigration Control under Article 22A(1)(a) or (b) of the Housing (NI) Order 1981 or any statutory modification or replacement of that Article.

**Rule 59 Refusal of Reasonable Offers**

Two reasonable offers will be made to an Applicant. If both offers are refused, no further offers will be made for one year after the date of the last refusal (subject to the transitional arrangement in Rule 56).

**Rule 60 Substitution of Offers**

In substitution for any one or more of those two reasonable offers, the Applicant, at their own request, may be made an offer of accommodation which the Landlord would not normally regard as being a reasonable offer. In those circumstances, refusal of that offer will be regarded as the refusal of a reasonable offer.

***Restriction of Choice***

**Rule 61 Intimidation**

The Landlord may restrict the area of choice of an Applicant who has been awarded Intimidation Points if the Designated Officer, on reasonable grounds, decides that the Applicant or a member of his / her household may be at significant risk of attack in any wider areas chosen by the Applicant.

**Rule 62 Applicants Convicted or Charged with the Sexual Abuse of Children**

Restrictions at permanent housing stage apply, as a general rule, to the following:

1. Any Applicant who has received a custodial sentence or a suspended custodial sentence in respect of “a relevant offence”, as defined below.
2. Any Applicant who has been charged with “a relevant offence” which could attract a custodial sentence.

**Rule 63 Applicants Convicted or Charged with the Sexual Abuse of Children**

1. In the present context “a relevant offence” means any of the following offences:
  - a. Sexual offences against children which are listed in Schedule 1 of the Children and Young Persons Act (N.I.) 1968.
  - b. Sexual offences against children which are listed in Schedule 1 of the Sex Offenders Act (N.I.) 1997.
  - c. Offences relating to indecent photographs of children which are listed in Schedule 1 of the Sex Offenders (N.I.) Act 1997.
  - d. Offences under the law of some jurisdiction outside Northern Ireland, which, in the opinion of the Designated Officer, are similar in nature and seriousness to any of the offences listed at a) to c) above.
2. “Conviction” does not include any conviction which is a “spent” conviction for the purposes of the Rehabilitation of Offenders legislation.
3. “Custodial sentence” includes a suspended custodial sentence.

**Rule 64 Applicants Convicted or Charged with the Sexual Abuse of Children**

Regardless of his / her place on the housing list, and regardless of his / her housing choices, an Applicant who is subject to restrictions at permanent housing stage should only be offered accommodation within the stock of any Participating Landlord which satisfies all of the following criteria:

1. It is accommodation which, in the opinion of the Designated Officer, is predominately let to

tenants who do not have children within their households.

2. It is physically separate from accommodation which, in the opinion of the Designated Officer, is let predominantly to people who do have children within their households.
3. (Where applicable) the Applicant would not be in breach of the terms of his / her licence or Probation Order by accepting that accommodation.
4. It is not, in the opinion of the Landlord's Chief Officer or his / her nominee, "unsuitable" accommodation as defined in the next paragraph.

**Rule 65 Applicants Convicted or Charged with the Sexual Abuse of Children**

"Unsuitable" accommodation is accommodation which complies with sub-paragraphs 1) to 3) of the last paragraph, but is unsuitable for a particular Applicant, because of exceptional circumstances of one or more of the following kinds:

1. The specific location of the particular accommodation.
2. The specific circumstances of that Applicant.
3. Detailed written advice received from the Probation Board, to the effect that, by housing the Applicant in that particular estate, an exceptional risk would be created.

**Rule 66 Applicants Convicted or Charged with the Sexual Abuse of Children**

"The general rule" referred to in paragraph 62 shall be subject to exceptions, if the Landlord, in the light of representations made by or on behalf of any affected Applicant, is satisfied that, because of that Applicant's exceptional circumstances, the restriction at permanent housing stage should not apply to that Applicant, on that occasion.

**Rule 67 Applicants Convicted or Charged with the Sexual Abuse of Children**

In the event of an Applicant being subject to restriction at permanent housing stage because of pending criminal charges, every effort must be made to ensure that, if that Applicant is acquitted, the Applicant will not suffer any permanent housing detriment as a result of the restriction of choice.

**Rule 68 Difficult to Let Properties (amended 2<sup>nd</sup> September 2024)**

A property may be designated difficult to let by a Landlord. When a property is designated as difficult to let the landlord may seek expressions of interest from Applicants on the Waiting List.

**Rule 69 Difficult to Let Properties (amended 2<sup>nd</sup> September 2024)**

A Designated Officer has the discretion to seek expressions of interest under Rule 68 by writing to as many Applicants on the Waiting List as they consider appropriate starting with the highest to lowest ranked Applicant until:

1. the accommodation is let; or
2. there are no eligible Applicants remaining on the Waiting List.

**Rule 70 Difficult to Let Properties (amended 2<sup>nd</sup> September 2024)**

The highest pointed relevant Applicant who expresses an interest in the property must be made a formal offer of that property.

**Rule 70A Designated Lettings Policy**

1. Subject to paragraph (4) below, accommodation within a block of a Participating Landlord dwellings which have shared access should not be allocated to a person under the age of 35

- years of age, at any time when there is a valid designation in force in respect of that block.
2. In relation to any relevant accommodation block, there will be a valid designation in force if, within 12 months prior to the relevant date, the Designated Officer has designated that block pursuant to this rule.
  3. A Designated Officer must not designate any block of accommodation pursuant to this rule unless all of the following conditions are satisfied:
    - a) The block is predominantly occupied by persons aged over 35 years of age.
    - b) The Designated Officer is satisfied that anti-social behaviour is a serious problem in relation to that block.
    - c) The Designated Officer is satisfied that complaints of anti-social behaviour in that block are mainly being made against persons who are aged less than 35 years.
    - d) The Designated Officer is satisfied that, in the event of the particular block of accommodation being designated pursuant to this rule:
      - The range of housing choices for young people in the District will not be substantially narrowed and
      - the length of time which young people have to wait for housing in the District will not be lengthened by more than three months.
  4. A Designated Officer should however allocate designated accommodation to a person under the age of 35 years of age if the Designated Officer is satisfied that, because of the exceptional personal circumstances of that individual, it is highly desirable that he or she should be allocated accommodation within a particular designated block, in particular because of an exceptional need for family support, or because of exceptional circumstances relating to the health and welfare of the applicant, or relating to the health and welfare of a member of the Applicant's family.

### **Rule 71 Transfers**

The Landlord will consider Transfer Applicants for any vacancy in conjunction with those Applicants on the Waiting List used by all Participating Landlords. A Transfer takes place when a tenant moves from one dwelling to another either within the Landlord's own stock or to a dwelling belonging to another Participating Landlord.

### **Rule 72 Allocations to Transfers**

Landlords will use the following general principles when making allocations to Transfer Applicants:

1. allocations should be made as fairly and impartially as allocations to Waiting List Applicants.
2. a Transfer Applicant should not be re-housed less quickly than if he / she were an Applicant under the Selection Scheme.
3. the granting of a Transfer should not lead to a reduction in the amount of suitable accommodation available for new Applicants.
4. the total benefit of any Transfer (or a series of Transfers) should be greater than if a dwelling were to be allocated to a new Applicant.
5. a ratio of one Transfer allocation for every two Waiting List allocations should be employed. However, where this principle is not achievable, Landlords should use an appropriate ratio paying due regard to relative housing need of Waiting List and Transfer Applicants.

**Rule 73 Succession to a Tenancy**

Succession to a tenancy only occurs where the existing tenant has died. The Landlord will fully comply with the statutory provisions with regard to succession as set out in the Housing (N.I.) Order, 1983. Paragraphs 74 & 75 apply only if there is no statutory entitlement to succeed.

**Rule 74 Succession to a Tenancy (amended 2<sup>nd</sup> September 2024)**

Where there is no statutory entitlement to succeed, the following people will be potentially eligible to succeed:

1. A partner of the deceased if they have been living together for a year.
2. A carer only if he / she was living with the deceased for a time in order to care for him / her and for that reason had sold a dwelling or given up a tenancy or licence in relation to a dwelling. (For the purposes of this paragraph, a tenancy or licence shall be ignored if the carer had been granted the said tenancy or licence by a relative).
3. The potential successor has accepted responsibility for the deceased tenant's dependants.

Where the criteria for Statutory or Policy Succession under Rule 73, Rule 74 or Rule 75 are not met, if the Designated Officer considers that there are very exceptional circumstances, then in exercising their discretion they may grant a Policy Succession of the tenancy, or make one offer of suitable alternative accommodation in line with Rule 74B.

**Rule 74A Policy Succession (Added 2<sup>nd</sup> September 2024)**

Where a succession is granted under Rule 74 it is an allocation of a tenancy known as a Policy Succession.

**Rule 74B Refusal of a Policy Succession (Added 2<sup>nd</sup> September 2024)**

1. The Landlord may decide not to grant a policy succession under these Rules where the Designated Officer is satisfied that the property is required to meet the housing needs of an Applicant (or a member of their household\*) and one or more of the following circumstances applies:
  - (i) The property is a single storey property, or ground floor dwelling (other than a flat), with no more than two bedrooms, and this property type is not required to meet the housing needs of the potential successor (and/or their household\*), or
  - (ii) The property is more extensive than is required to meet the housing needs of the potential successor (and their household\*); resulting in under-occupation, or
  - (iii) The property is less extensive than is required to meet the housing needs of the potential successor (and their household\*); resulting in over-crowding, or
  - (iv) Where the property has features which are substantially different from those of ordinary properties, and which are designed to make it suitable for occupation by a physically disabled person who requires accommodation of a kind provided by the property and—



- a. There is no longer such a person residing in the dwelling-house, and
  - b. The landlord requires it for occupation to meet the housing needs of such a person (or a member of their household\*); or
- (v) Where the property is classified as wheelchair- standard accommodation and wheelchair- standard is not required to meet the housing needs of the potential successor (or a member of their household\*).

*\*Household means any other person who normally resided with the potential successor as a member of their family or in circumstances in which it is reasonable for that person to have resided with them prior to the Tenant's death. This does not include any person or persons who subsequently join or re- join the potential successor's household on or after the date of the tenant's death.*

2. Where the Landlord exercises discretion under Rule 74B (1), and does not grant a Policy Succession, it will seek to secure one offer of suitable alternative accommodation (the Offer).
3. In considering whether accommodation offered under Rule 74B (2) is suitable, the Landlord will consider the particular needs of the potential successor and their household\* having particular regard to the factors set out in Rule 57.
4. The offer of suitable alternative accommodation made as a consequence of a decision taken by the landlord under Rule 74B, will be considered as an allocation of tenancy.
5. Where the potential successor refuses an offer of accommodation which the Landlord considers reasonable, the Landlord will be entitled to seek vacant possession of the property.

#### **Rule 75 Succession to a Tenancy**

Those persons who are potentially eligible to succeed as set out at paragraphs 74 1) – 3) above shall not be eligible to succeed if the deceased tenant was himself / herself a successor unless the deceased tenant was the spouse /civil partner, parent, brother or sister of the potential successor. (For the purposes of this paragraph, in deciding whether or not the deceased tenant was himself / herself a successor, any change from a sole tenancy to a joint tenancy, or vice versa, shall be ignored).

#### **Rule 76 Assignment of Tenancy**

The Landlord will fully comply with its statutory obligations with regard to assignment. The rules set out in the next paragraph apply subject to, or in the absence of, any such statutory obligations.

#### **Rule 77 Assignment of Tenancy (amended 2<sup>nd</sup> September 2024)**

As a general rule, the Landlord will not consent to any assignment. The very exceptional circumstances where the Landlord may exercise discretion to consent to assignment are as follows:

1. Where it is not practicable for the existing tenant to continue to act as such, ( for example extreme illness );
2. If the existing tenant leaves and someone else undertakes responsibility for any dependent children left in the household;
3. If the existing tenant goes into a residential home on a long term basis and other member(s) of the household remain in the property and wish to become tenant(s). In such circumstances all of the following conditions must exist:
  - a) The tenant has had to go into a residential home; and
  - b) The tenant is unlikely to be able to return to the relevant dwelling within the next twelve months; and
  - c) The potential assignee was living with the tenant in the dwelling when the tenant had to go into residential home; and
  - d) The potential assignee would have had statutory entitlement, or an entitlement under the policy rules, to succeed to the tenancy if the tenant had died instead of entering the residential home.
4. If the tenant has to be re-housed in sheltered / special needs accommodation and other member(s) of the household remain in the property and wish to become tenant(s) and the following conditions exist:
  - a) the tenant needs to go into sheltered / special needs accommodation; and
  - b) the tenant’s tenancy of the new accommodation is indefinite and the tenant is unlikely to be able to return to the original dwelling within the next twelve months and such accommodation would not be able to house all of the tenant’s current household; and
  - c) the potential assignee was living with the tenant in the dwelling when the
  - d) tenant had to go into sheltered / special needs accommodation; and
  - e) the potential assignee would have had statutory entitlement, or an entitlement under the policy rules, to succeed to the tenancy if the tenant had died instead of entering the sheltered / special needs accommodation.

Where the criteria for Statutory Assignment or Policy Assignment under Rule 77 are not met, if the Designated Officer considers that there are very exceptional circumstances, then in exercising their discretion they may grant a Policy Assignment of the tenancy, or make one offer of suitable alternative accommodation in line with Rule 77B.

#### **Rule 77A Policy Assignment (Added 2<sup>nd</sup> September 2024)**

Where an assignment is granted under Rule 77 it is an allocation of a tenancy known as a Policy Assignment.

#### **Rule 77B Refusal of a Policy Assignment (Added 2<sup>nd</sup> September 2024)**

1. The Landlord may withhold consent to a Policy Assignment under these Rules where the Designated Officer is satisfied that the property is required to meet the housing needs of an Applicant (or a member of their household\*) and one or more of the following circumstances applies:
  - (i) The property is a single storey property, or ground floor dwelling (other than a flat), with no more than two bedrooms, and this property type is not required to meet the housing needs

of the potential assignee (and/or their household\*), or

- (ii) The property is more extensive than is required to meet the housing needs of the potential assignee (and their household\*); resulting in under-occupation, or
- (iii) The property is less extensive than is required to meet the housing needs of the potential assignee (and their household\*); resulting in over-crowding, or
- (iv) The property has features which are substantially different from those of ordinary properties and which are designed to make it suitable for occupation by a physically disabled person who requires accommodation of a kind provided by the property and—
  - a. There is no longer such a person residing in the dwelling-house, and
  - b. The landlord requires it for occupation to meet the housing needs of such a person (or a member of their household\*) or
- (v) The property is classified as wheelchair- standard accommodation and wheelchair- standard is not required to meet the housing needs of the potential assignee (or a member of their household\*).

*\*Household means any other person who normally resided with the potential assignee as a member of their family or in circumstances in which it is reasonable for that person to have resided with them immediately prior to and remains living at the property at the time the initial request by the tenant (the potential Assignor) for Assignment was received by the Landlord. This does not include any person or person(s) who subsequently join or re-join the potential assignee's household.*

2. Where the Landlord withholds consent to a Policy Assignment under Rule 77B (1), it will seek to secure one offer of suitable alternative accommodation (the Offer).
3. In considering whether accommodation is suitable the Landlord will consider the particular needs of the potential assignee and their household, having particular regard to the factors set out in Rule 57.
4. The offer of suitable alternative accommodation made as a consequence of a decision taken by the landlord under Rule 77B, will be considered as an allocation of tenancy.
5. Where the potential assignee refuses an offer of accommodation which the Landlord considers reasonable, the Landlord will be entitled to seek vacant possession of the property.

## **Rule 78 Creation of Joint Tenancies**

The rules in the next paragraph apply in the context of any request to allow a person to become a joint tenant, if the request is made after the commencement of the current tenant's tenancy.

**Rule 79 Creation of Joint Tenancies**

The Landlord will allow joint tenancies to be created only where the requirements of one of the sub-paragraphs listed below has been satisfied:

1. The current tenant is the husband or wife / civil partner of the proposed joint tenant.
2. The proposed joint tenant is, at the date of application for approval, a person who would be entitled to succeed (under statute or under policy) in the event of the existing tenant dying at that date.
3. The proposed joint tenant was part of the current tenant's household when the current tenant was awarded the tenancy by the Landlord.
4. The current tenant and the proposed joint tenant have been living together as part of the same household for at least a period of one year immediately prior to the date on which Landlord approval was sought. Exceptionally, a Designated Officer may decline to approve a joint tenancy under this category if he / she has compelling evidence that the existing tenant is likely to move out of the property in the short-term future.

**Rule 80 No longer applicable from Jan 2014**

**Rule 81 No Longer applicable from Jan 2014**

**Rule 82 No Longer applicable from Jan 2014**

**Rule 83 Housing Mobility Schemes**

Secure tenants of the Landlord who wish to move outside of Northern Ireland to permanent self – contained accommodation held by social sector tenants elsewhere in Great Britain may use a housing mobility scheme [ as approved by the Landlord] to do so. Both tenants involved in a proposed exchange must have the written permission of their respective landlords

**Rule 84 Authority of the Department / Board**

1. The authority of the Department / Board of the Housing Executive is defined as follows:
  - a) The Board of the Housing Executive may, after consultation with the Department of the Environment, make allocations otherwise than in accordance with this Scheme. [The Landlord may, with the prior approval of the Department, make allocations otherwise than in accordance with this Scheme].
  - b) In particular the Board may, after consultation with the Department, authorise the making of allocations in specific designated 'difficult to let estates', to Applicants who have not applied for housing in that estate; [In particular the Landlord may, with the prior approval of the Department, authorise the making of allocations in specific designated 'difficult to let estates' to Applicants who have not applied for housing in that estate].

**Schedule 1**

***Functionality Matrix***

	<b>Mobility within existing accommodation</b>	<b>Independent</b>	<b>Needs help/ with difficulty</b>	<b>Dependent on Others</b>
1a	walks without aid	0	2	4
1b	uses walking aid	2	4	8
1c	uses wheelchair	2	4	8
	<b>Internal factors</b>			
2	climbing existing stairs or access to w/c	0	6	8
3	climbing existing stairs or access to bedroom	0	6	8
	<b>External factors</b>			
4	Negotiating external steps	0	2	4
5	Negotiating steep approach	0	2	4
	<b>Total Score</b>			

***Notes:***

1. The actual score on the matrix, as outlined above, will be included in the total points score.
2. Where a second person in the Applicant’s household scores 6 or more on the above matrix, an award of Unsuitable Accommodation points will be made

(see Schedule 4).

**Schedule 2**

***Support / Care Needs Matrix***

<b>Self Care Needs</b>	<b>Needs Help</b>	<b>Cannot Do</b>
Dress / Undress	1	3
Get in / out of bed	2	4
Get on / off toilet	2	5
Get in / out of bath or shower	1	2
<b>Total Score</b>		

<b>Home Management Needs</b>	<b>Needs Help</b>	<b>Cannot Do</b>
Light fire/manage heating system	2	4
Do heavy household duties	1	2
Cook meals	1	3
Make snacks	2	4
Do own shopping	1	3
<b>Total Score</b>		

***Notes:***

1. The actual score on the matrix as outlined above will be included in the total points score only in cases where the Applicant, or member of the Applicant’s household, is seeking sheltered / supported housing.

**Schedule 3**

***Minimum Size of Accommodation for Allocations***

<b>Bedrooms</b>	<b>Bed spaces</b>	<b>Applicant's Household Composition</b>
1	1	one person
1	2	couple
2	2	two persons ( not a couple ) or one parent + 1 child
2	3	couple + 1 child or one parent + 2 children
2	4	couple + 2 children
3	3	one parent + 1 adult + 1 child
3	4	one parent + 3 children or one parent + 2 children or one parent +1 adult + 2 children
3	5	couple + 3 children or one parent + 4 children or couple +1 adult + 2 children
4	6	couple + 4 or more children or one parent + 1 adult + 3/4 children

***Notes:***

Other household compositions analogous to those above will be considered for equivalent accommodation.

For the purpose of this table all children sharing a bedroom are assumed to be under 7 years of age or of the same sex. Children of different sex over the age of 7 years should not normally have to share a bedroom.

A greater number of bedrooms may be reasonably required depending on the particular needs of the Applicant or the Applicant's household.

Where there are no other Applicants with the required household size on the Waiting List for the type of accommodation on offer, for example in a difficult-to-let estate, consideration should be given to smaller household Applicants.

**Schedule 4**

**Points Schedule**

		<b>Points</b>
	<b>Intimidation</b> <i>[Intimidation Points are removed with effect from 1st April 2025. However, this points award will continue to apply to Applicants who meet the criteria in Rule 23B]</i>	<b>200</b>
<b>Section 1</b>	<b>Insecurity of Tenure</b>	
Homeless / Threatened with Homelessness-Full Duty Applicant (FDA)		70
Other Homeless		50
Interim Accommodation		20
<b>Section 2</b>	<b>Housing Conditions</b>	
<b>Sharing</b>		
<b>1) An Applicant with dependent children</b>		
	Sharing kitchen	10
	Sharing Living Room	10
	Sharing Toilet	10
	Sharing Bath / Shower	10
<b>2) An Applicant aged 18 years and over without dependent children</b>		
	Sharing kitchen	5
	Sharing Living Room	5
	Sharing Toilet	5
	Sharing Bath / Shower	5
<b>3) An Applicant aged 16 -18 years without dependent children</b>		
	Sharing Kitchen	5
	Sharing Living Room	5
	Sharing Toilet	5
	Sharing Bath / Shower	5
<b>Overcrowding</b>	<b>Each bedroom short of criteria</b>	<b>10</b>
<b>Lack of Amenities and Disrepair</b>		
1) The Applicant's current accommodation is not free from serious disrepair.		10
2) The Applicant's current accommodation is not free from dampness which is prejudicial to the health of the occupants.		10
3) The Applicant's current accommodation does not have adequate provision for lighting, heating and ventilation.		10
4) The Applicant's current accommodation does not have an adequate supply of wholesome water.		10
5) The Applicant's current accommodation does not have satisfactory facilities for the preparation and cooking of food, including a sink with a satisfactory supply of hot and cold water.		10
6) The Applicant's current accommodation does not have a suitably located water closet (w.c.) for the exclusive use of the occupants.		10
7) The Applicant's current accommodation does not have, for the exclusive use of the occupants a suitably located fixed bath or shower, each of which is provided with a satisfactory supply of hot and cold water.		10
8) The Applicant's current accommodation does not have an electricity supply.		10
<b>Time in Housing Need</b>		
(Only awarded to Applicants with points on the Waiting List. 2 points per year (for a maximum of five years) after two years on the Waiting List)		Max 10

Housing Selection Scheme – Amended 1<sup>st</sup> April 2025

<b>Section 3</b>	<b>Health and Social Well Being</b>	
Functional Matrix		Max 32
Unsuitable Accommodation		10
<b>Support / Care Needs Matrix (only applicable to those applying for Sheltered / Supported Housing )</b>		
Home Management		Max 16
Self Care		Max 14
Each Primary Social Needs Factor ( capped at 2 factors i.e. 2x 20 points)		20
Each Other Social Needs Factor ( capped at 4 factors i.e. 4x10 points )		10
Complex Needs ( General Needs Housing )		20

**Notes:**

1. Points will be awarded on a cumulative basis unless otherwise stated