



Comhshaol, Pobal agus Rialtas Áitiúil  
Environment, Community and Local Government



Circular: Housing 45/2015

21 December 2015

**To each Director of Housing Services**

### **Supplementary Guidance for the Provision of Housing for People with Disabilities**

Dear Director,

This circular sets out Supplementary Guidance for the provision of Housing for People with Disabilities. The Guidance below will have general application for the provision of housing for people with disabilities in the broad sense, whether from the Capital Assistance Scheme (CAS) or other funding and delivery mechanisms that supports the provision of housing for people with disabilities (e.g. CALF and leasing), and will provide clarity in relation to accessing CAS funding for the provision of housing for people with disabilities moving out of congregated settings.

#### **Policy context**

The '*National Housing Strategy for People with a Disability (NHSPWD) 2011 – 2016*' and the associated '*National Implementation Framework*' are joint publications of the Department of the Environment, Community and Local Government (DECLG) and the Department of Health (DOH). These documents set out the Government's broad framework for the delivery of housing for people with disabilities through mainstream housing policy. They were developed as part of a coherent framework, in conjunction with the Government's mental health policy, '*A Vision for Change*', the '*Report of the Working Group on Congregated Settings*' and '*Transforming Lives – the programme to implement the recommendations of the Value for Money and Policy Review of Disability Services in Ireland*', to support people with disabilities to access community based living with maximum independence and choice.

The NHSPWD is aimed at promoting and mainstreaming equality of access for people with a disability to the full range of housing options available suited to individual and household need; and to support them to live independently in their own homes with

accommodation designed and or adapted as appropriate, rather than having to move into residential care settings.

### **CAS Funding Criteria and HIQA definition of 'Designated Centres'**

Memorandum VHU 2/02 on voluntary and co-operative funding schemes makes clear that the CAS is not intended for the provision of residential care or nursing home type accommodation and that remains the case. However, the call for CAS proposals in March 2015, set out in the circular on Housing 15/2015, specifically excluded the provision of accommodation in centres deemed as 'designated centres' under HIQA Regulatory requirements or where residents cannot hold an individual tenancy agreement.

Service providers subsequently reported that the HIQA Guidelines, in particular HIQA's definition of 'designated centres', was creating a barrier to accessing CAS and other funding (e.g. CALF and leasing) in that, in some cases, accommodation for independent living that would otherwise have qualified for CAS funding, was now deemed ineligible because it would be classified by HIQA as a 'designated centre'. Following consideration of the matter, the Department of the Environment, Community and Local Government and the Department of Health have collaborated to address the unintended consequence and ensure that the provision of housing for people with disabilities provided in line with policy continues to be eligible for CAS and other funding streams. Therefore, the use of HIQA designated centres as criteria for housing funding (as set out in Housing 15/2015) will no longer apply.

### **Important Note:**

**The guidance below is intended to supplement, and should be read in conjunction with *Memorandum VHU 2/02 and VCH 2/08* in relation to CAS generally. More specifically, this guidance is consistent with and reflects the principles outlined the *National Guidelines for the Assessment and Allocation Process for Housing Provision for People with a Disability*, which was adopted for implementation by housing authorities from 12 November 2014 (Circular Housing 49/2014 refers). Therefore, the Guidance below will also have general application for other funding and delivery mechanisms that supports the provision of housing for people with disabilities (e.g. CALF and leasing).**

**Approved Housing Bodies (AHBs) and service providers will be required to adhere to the Guiding Principles and Specific Requirements outlined below, which have been developed in consultation with the Department of Health and the HSE. In particular, it should be noted that AHB's and service providers will be required to engage with housing authorities and the HSE in developing proposals and will be required to include certification to this effect when submitting proposals to local authorities (See Guiding Principles and No. 1 of Specific Requirements).**

## Guiding Principles

- CAS funding is supportive of established public policy as set out in the '*NHSPWD 2011-2016*' and the associated '*National Implementation Framework*', which in turn support the '*Time to Move on from Congregated Settings Report 2011*'. A core objective of the report is to avoid the creation of mini-institutions for people with disabilities through the provision of community living choices.
- Housing for people with disabilities is eligible for CAS funding where that housing is on a domestic scale, is located in the community and has no more than four residents, in line with the key recommendations of '*Time to Move on From Congregated Settings Report*'. Housing arrangements being proposed must be dispersed independent units similar to apartments and houses that the majority of the population live in and scattered throughout mixed residential neighbourhoods amongst the rest of the population. Campus-style housing, clustering or grouping of housing for people with disabilities, including those with mental health difficulties, will not be eligible for CAS funding.
- In exceptional circumstances only, the provision of adjacent housing units may be considered on a case by case basis, e.g. on the ground floor of an apartment complex, where housing providers can show that overall the housing scheme does not constitute clustered or campus-style development, that it is located within a mixed community, and that there are good reasons why a more dispersed approach would not be feasible. The HSE at a local level will have oversight of all such applications to ensure that inappropriate clusters are not developed, either by one provider or several providers operating in the same geographical area. Service providers will be required to liaise with the local HSE Social Care Disability Office and secure certification (HSE letter of approval) that will accompany each application.
- Institutional care is the term used in law<sup>1</sup> to describe the model of care and supports provided to a person with a disability, and does not imply that they live in an institution: it is important to distinguish between a person's home and an institution. When someone lives in the community in line with policy it should be considered as their own home. HSE funded care supports to people with a disability living in the community are in some cases subject to oversight by HIQA, in line with Regulations under the Health Act 2007. The fact that a person's home may be inspected by HIQA should not of itself be grounds for excluding the accommodation cost of the home from eligibility for the CAS scheme.
- As noted above, a person living in their own home may require health and personal supports provided by or on behalf of the HSE to assist them. Such type of support should not of itself be a barrier to receiving CAS support for the provision of housing.

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<sup>1</sup> Health Acts 1947-2007 (Health Act 2007 Revised Updated to 15 May 2015 Law Reform Commission)

- Costs to provide accommodation for groups of people with disabilities which are wholly administered and run by disability service providers (e.g. group homes) are specifically excluded and are not eligible for housing funding from the DECLG.
- The housing needs assessment of an individual should be carried out in accordance with the 'NHSPWD 2011-2016' and the 'National Guidelines for the Assessment and Allocation Process for Housing Provision for People with a Disability' (Circular Housing 49/2014)
- In line with 'Transforming Lives' which endorsed the approach set out in the HSE's 'Time to Move On from Congregated Settings Report', the transitioning of a person from a congregated setting into CAS funded housing should be consistent with their person centred plan and reflect their choice to live there.
- The person/tenant must have capacity to sign a meaningful Tenancy Agreement, or pending the enactment of the Assisted Decision Making (Capacity) legislation, confirmation must be provided by the service provider that the tenant(s) will be supported to live self-directed lives with meaningful choice, free from routines that would normally apply in a congregated or residential group setting.

### **Specific Requirements**

1. In developing CAS proposals for people with disabilities, AHB's and service providers will be required to demonstrate that they have engaged with the relevant housing authority and their local HSE Social Care Disability Office, in line with this Guidance. In this regard, applicants will be required to provide certification, as follows:

*'I certify that in preparing this application for CAS funding I have consulted with:*

- i. the relevant housing authority (insert housing authority, name and contact details of official) on (give date(s).....); and*
- ii. the local HSE Social Care Disability Manager/Representative (insert name and contact details) on (give date(s).....)*

**and both parties at (i) and (ii) above have confirmed**

- a) that they are supportive of this application proceeding to the next stage for consideration and*
- b) that this application is in line with the Guidance.'*

Such certification must accompany all proposals submitted to local authorities. When local authorities are submitting CAS applications to the Department, they should confirm that the applications have been duly certified by the appropriate bodies, to enable them to be considered for funding.

2. New housing projects and units for people with disabilities will be located in a mixed residential community/neighbourhood and dispersed appropriately to avoid clustering. Where there are a number of individual housing units for people with disabilities in a housing development, these will be dispersed throughout the development and will not

constitute a clustering type arrangement. As noted in the Guiding Principles, service providers will be required to liaise with the local HSE Social Care Disability Office and secure certification (HSE letter of approval must be submitted with each such application) to ensure that inappropriate clusters are not developed, either by one provider or several providers operating in the same geographical area.

3. Not more than four individuals with a disability (residents) may be housed together. An additional bedroom/accommodation can be made available for a carer/support worker, where required, and where this person does not constitute one of the four residents named above.
4. Each individual (resident) will have a meaningful tenancy agreement in place: please refer to the guiding principles in relation to capacity to sign a meaningful agreement.
5. It must be clearly demonstrated that there has been meaningful involvement of the resident, their family or advocate in the development of the housing proposal including: the choice of location, choice of accommodation, choice of co-residents and selection/determination of care supports identified as part of the housing proposal.
6. There must be evidence of a community living transition plan and/or person centred care plan and that the housing proposal is in keeping with this for each individual<sup>2</sup>.
7. It must be demonstrated that care supports are configured to support the individuals living in one home in the housing neighbourhood. People should not be asked to share their lives with other individuals with disabilities being supported in the same development, unless they freely choose to do so. This does not preclude the appropriate and good use of resources to share some care supports and provide back up between separate individual houses in a neighbourhood.

### Enquiries

Any queries in relation to this Housing Circular may be made to Patricia Curran at [Patricia.Curran@environ.ie](mailto:Patricia.Curran@environ.ie) or to Alan Ryan at [Alan.Ryan@environ.ie](mailto:Alan.Ryan@environ.ie).

A copy of this circular is available electronically on E-Circulars (<http://circulars.lgcsb.ie/doecirculars>).



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<sup>2</sup> Each CAS application will refer to a property that is being sought to meet the needs of identified individuals. It is acknowledged that circumstances may change for the identified individuals during or after the application process, which may result in different individuals accessing the property when it is completed. The Guidance will, however, apply to every individual.