



## **Room for a Student – Local Authority Tenancies Scheme**

### **Frequently Asked Questions**

#### **What is the Room for a Student – Local Authority Tenancies Scheme?**

The Scheme allows local authority tenants to let out a room or rooms in their homes to third level students with the prior permission of the local authority, as the landlord.

#### **How does the Room for a Student – Local Authority Tenancies Scheme operate?**

- A tenant wishing to participate in the scheme should first advertise the room or rooms they wish to make available to rent. It is important to note that the tenant can rent a room to third level students only.
- The tenant can advertise the availability of the room on student accommodation websites, college and university websites and other media, more information may be found here [Room for a Student](#).
- It is a condition of the scheme that the student views the property and the room they wish to rent and that both the tenant and the student satisfy themselves of the suitability of the arrangement regarding the property, the tenant, and student, and their respective obligations under the scheme.
- Once the tenant and the student are satisfied with the proposed arrangement, each party must apply separately to the local authority for permission to participate in the scheme.
- As part of the application process, both the tenant and the student are required to sign a declaration to this effect.
- If a tenant wishes to make more than one room available to students a separate application must be made in respect of each student.
- Application forms for both tenant and student are available from your local authority website.

#### **I am a local authority tenant, are there any conditions to my participation in the scheme?**

- You must not have any rent arrears, or if there are arrears you must have a payment plan in place;
- You must be compliance with the terms and conditions of your tenancy agreement;
- Your home must be in good condition and well maintained;
- Participation in the scheme cannot lead to overcrowding in your home;



- An application to participate in the scheme must be made to and approved by your local authority before any student moves in.
- You must comply with the Revenue Rent-a-Room Relief Scheme for taxation purposes, details may be found here [Revenue Rent-a-Room Relief Scheme](#).
- It is important to note that the list above list is indicative only and regard may be had by local authorities to other relevant factors arising in individual circumstances.

### **I am a student, are there any conditions to my participation in the scheme?**

- You must be a registered full-time student at a higher education institution and produce proof of enrolment at a Higher Education Institution as part of the application process.
- You must be over 18 years of age;
- You must not be a relative of the tenant;
- You must not have engaged in anti-social behaviour.
- An application to participate in the scheme must be made to and approved by the relevant local authority before you move in.

### **What is the status of the agreement made between the tenant and the student to rent a room under this scheme?**

- The agreement made between the tenant and the student under this scheme is a Licence Agreement. This means a permission to stay granted by the tenant with the prior approval of the local authority.
- A licence arrangement under the scheme does not confer tenancy status on the student.
- The student renting a room is not a party to the tenancy agreement between the local authority and the tenant, and the student has no succession rights in respect of the tenancy.
- The license agreement may be revoked at any time by the tenant, subject to a reasonable notice period.
- The local authority may also request that the tenant revokes the licence agreement, for example to combat anti-social behaviour, or in cases of overcrowding.
- The tenant is responsible for any anti-social behaviour on the part of any occupant in their home.



### **What is the duration of the licence agreement under this scheme?**

- The tenant may let the relevant room or rooms under licence for the duration of the student's academic year.
- The arrangement with the approved student may be extended for subsequent academic years, subject to local authority explicit approval in advance for each subsequent academic year.
- A local authority may refuse to permit the arrangement to be extended with such a decision subject to appeal.

### **Will the participating student be subject to a Garda check?**

A student wishing to participate in the scheme may be subject to a Garda check.

### **How much rent can the tenant charge the student?**

- The tenant is free to decide how much rent to charge the student under this scheme. It is important to note however that this scheme falls under the [Revenue Rent-a-Room Relief Scheme](#) for taxation purposes.
- Under the terms of the revenue scheme a participating local authority tenant can receive up to €14,000 per annum in rent tax free. If the €14,000 threshold is exceeded the entire amount of rent received becomes taxable. Further information on the Revenue Commissioners Rent a Room Relief Scheme can be found [here](#).
- Where applicable tenants should also ensure they are compliant with Department of Social Protection and HSE Medical Card terms and conditions.

### **How will participation in the scheme affect the rent paid to the local authority?**

- Any additional income received by a local authority tenant on foot of participation in the scheme is reckonable for the calculation of the rent paid by them to the local authority.
- The tenant will be subject to a rent review in line with the Differential Rent Scheme in operation by the local authority to take account of any additional income received by renting a room under this scheme.
- The income of the student is not assessable for differential rent calculation purposes.



### **Can a student who has qualified for the Housing Assistance Payment (HAP) participate in the Scheme?**

Yes, students who are qualified for HAP can use their HAP payment to contribute towards the rent payable to the tenant to rent a room under this scheme. Further details on the HAP and the requirements for both student and tenant are available from your local authority.

### **Can a room be rented to a family member under this Scheme?**

- No. The student may not be a family member, or have a relationship with the residing tenant or a member of the tenant's household, and must sign a declaration to this effect.
- Such persons may apply to reside in the property under the local authorities' current permission to reside/inclusion on the rent account procedures. Please contact your local authority for further details in relation to the right to reside.

### **Can a decision by a local authority to refuse an application to participate in the scheme be appealed?**

Yes, applicants, either the tenant or the student or both, may appeal a decision by a local authority to refuse any application under this scheme. Please contact your local authority for further information on the appeals process that it has in place.

### **What happens when the tenant ceases their tenancy or is no longer habitually resident in the property?**

- The licence arrangement automatically terminates when the tenancy agreement between the residing tenant and local authority ends and/or the residing tenant is no longer habitually resident in the property.
- Renting a room under this scheme does not confer tenancy status or any occupancy rights on the student – such persons are not a party to the tenancy agreement between the local authority and the tenant and will have no succession rights in respect of the tenancy.



**Are utility and other costs included in the rent paid by the student to rent a room?**

Contributions to utilities, energy and other costs or if these costs are included in the rent paid by the student are matters solely for the tenant. Likewise, security deposits are matters solely for the residing tenant. The local authority has no role in this regard.

**What happens if a dispute arises between the tenant and the student?**

- Mediation of any disputes between the tenant and the student is a matter solely for the tenant. The local authority has no role in this regard.
- It is important to note that the student is not subject to the tenant rights and obligations provided for in Residential Tenancies legislation nor is the licence agreement in place subject to regulation by the Residential Tenancies Board nor does the student have access to the RTB's dispute resolution service.