***Important Notice re: Treatment of Housing Assistance Payments (HAP) in assessments of financial eligibility of persons seeking civil legal services***

The impact of the Housing Assistance Payment (HAP) on the financial eligibility of persons seeking civil legal services is a matter that has been a concern to the Board and that it has been seeking to address. The Board’s interpretation of the Civil Legal Aid Regulations has been that the HAP must be treated as income for the purpose of the assessment.

The Board has reflected again carefully on all housing supports provided by the State. It is now of the view that an alternative interpretation of the regulations is available to it that will allow it to disregard all State housing support payments, including HAP, as income for the purpose of assessing financial eligibility for legal services.. Accordingly the Board’s guidelines are being amended as follows.

*Treatment of housing support payments generally*As and from today, no housing support measure under any enactment whatsoever, provided by a Department of State, local authority, the Health Service Executive, or any other public body will be treated as income. This includes (but is not limited to) the following measures:

* Housing Assistance Payment (HAP)
* Rental Accommodation Scheme (RAS)
* Rent Supplement
* Mortgage Interest Supplement
* Rent Allowance

In general, the accommodation allowance of €8,000 will not be applied to any accommodation payment or part thereof which the applicant meets from a state housing support. The allowance will be applied to their accommodation costs less the amount of state housing support received.

We will seek to identify recent applicants who have been found to be financially ineligible where State housing supports may have been a factor in that ineligibility and invite them to reapply. Similarly we would welcome any applicant in such circumstances making a fresh application on-line or making such application at a law centre.

John McDaid

Chief Executive

28th May 2021