



BILLE NA dTITHE, 1968
HOUSING BILL, 1968

Mar a tugadh isteach
As introduced

EXPLANATORY MEMORANDUM

1. The main purpose of this Bill is to secure more effective control over the demolition or change of use of houses. Under it, a person who wishes to demolish or change the use of a habitable house will be required to obtain permission from the housing authority, unless the demolition or change of use is—

- (1) covered by a planning permission or approval which a planning authority or the Minister has decided before the passing of the Bill to grant;
- (2) required or authorised under any Act or is for any statutory purpose;
- (3) of a class, or complies with conditions prescribed by the Minister; or
- (4) related to a house in an area to which the Bill does not apply because of an order prescribing such area under *section 9*.

Further, permission will not be required for demolition for the purpose of providing an extension or improvement to a house, or for the purpose of carrying out works of maintenance. Neither will permission be required for changes of use so long as the house is principally used as a dwellinghouse and the change does not cause a resident in the house to live elsewhere. A person demolishing or changing the use of a house in contravention of the Bill will be liable to penalties (*sections 2 and 9*).

2. In determining an application, the housing authority must have regard to the state of repair of the house and to the adequacy of the supply of housing available in their area. A permission may be refused, or may be granted subject to conditions requiring the provision of alternative accommodation or a contribution towards the cost of providing it. The permission may also be subject to conditions requiring demolition works to be carried out in such a way as to prevent injury to an adjoining building. The time within which the authority must give their decision on an application is five weeks beginning on the date of the receipt by them of the application or of such further particulars as they may require. If they do not give their decision within this period permission will be deemed to have been given. There is provision for an appeal to the Minister by the applicant against the decision of an authority within three weeks of the date of notification of the decision (*section 4*).

3. Where a housing authority are of opinion that a person has deliberately allowed a house to fall into disrepair in order to evade the provisions of the Bill, they will be empowered to serve a "reinstatement notice" requiring him to carry out, regardless of the condition of the house or the cost of repairs, such works as may be necessary to make the house fit for human habitation (*section 5*).

4. Where a person does not pay a contribution subject to which a permission is given, the housing authority may recover it by requiring rent for the premises to be paid to them, by making a charging order on the premises or by action in the courts for recovery of the contribution as a simple contract debt. Similarly, if a person defaults in carrying out the requirements of a reinstatement notice, the authority themselves may do the work and recover the costs. There will be a right of appeal to the Circuit Court against a reinstatement notice or demand for recovery of expenses incurred by an authority in carrying out this work (*sections 6, 7 and 8*).

5. If permission for development is required under Part IV of the Local Government (Planning and Development) Act, 1963, and under this Bill, for work involving the demolition or change of use of a house, the determination under this Bill will be made first. If permission under the Bill is refused, the planning application will not be decided. If permission under the Bill is granted, the planning authority must have regard to any conditions imposed with the permission. The time within which the planning application must be decided will be five weeks beginning on the date of the determination of the application under this Bill or two months beginning on the date of the receipt by the planning authority of the planning application (or such further particulars as may be required by the planning authority), whichever is the later (*section 10*).

6. Section 66 (7) of the Housing Act, 1966, provides that a demolition order made by a housing authority may require that the demolition should be carried out in accordance with such conditions as the authority may specify. It is proposed to enable an authority specifically to impose conditions requiring that reasonable steps be taken to prevent injury to an adjoining building (*section 11*).

7. Section 66 (17) of the Housing Act, 1966, provides that nothing in the Landlord and Tenant Acts, 1931 and 1958, or the Rent Restrictions Act, 1960, shall as respects premises to which a repairs notice relates prevent possession of the premises from being obtained by the owner. It has been argued that this provision may lead persons to let their premises deteriorate in order to have a repairs notice served on them, thus enabling them to obtain possession more easily than if the provision did not exist. It is proposed, therefore, to repeal the reference to repairs notice in the section in the 1966 Act (*section 11*).

8. Where an application for planning permission for work involving the demolition or change of use of a habitable house is under consideration by a planning authority before the passing of this Bill, the application will be deemed to be an application under the Bill. *Section 4* and the other provisions of the Bill will apply accordingly (*section 12*).

9. The Bill will remain operative until 31st December, 1972, and, except for *sections 11 and 13 (1) and (2)*, will then expire unless continued in force (*section 13*).

Department of Local Government,

January, 1969.