BILLE NA dTITHE, 1988
HOUSING BILL, 1988

Mar a ritheadh ag Dáil Éireann
As passed by Dáil Éireann

ARRANGEMENT OF SECTIONS

Section

1. Interpretation.
2. Homeless persons for the purposes of this Act.
3. Subsidy for acquisition or construction of houses.
4. Grant on surrender of certain houses.
5. Assistance by housing authorities of certain bodies.
6. Expenses of social workers.
7. Validation.
8. Estimate of housing requirements.
9. Housing assessment.
10. Additional provisions regarding accommodation for homeless persons.
11. Schemes of priorities for letting dwellings.
12. Reconstruction or improvement of certain houses provided by housing authorities.
13. Provision of sites for travellers.
14. Provision of sites for private housing.
15. Grants or subsidies by Minister for dwellings, sites and assistance provided by housing authorities.
16. Guarantees by housing authorities.
17. Mortgage of houses sold or leased by housing authorities.
18. Discharge of mortgage.
19. Application of certain sections of Part II of Principal Act.
20. Additional provisions relating to sections 56 to 58 of Principal Act and to *section 12*.

[No. 3*a* of 1988]

Section

21. Amendment of section 2 of Principal Act.

22. Amendment of section 108 of Principal Act.

23. Repeal of section 13 of Act of 1979 and consequential provisions.

24. Amendment of section 3 of Act of 1979.

25. Amendment of section 4 of Act of 1979.

26. Amendment of section 7 of Act of 1979.

27. Amendment of City and County Management (Amendment) Act, 1955.

28. Amendment of Vagrancy Act, 1824.

29. Offences.

30. Repeals.

31. Short title, construction, collective citation and commencement.

SCHEDULE

Enactments Repealed

Acts Referred to

Central Bank Act, 1971	1971, No. 24
City and County Management (Amendment) Act, 1955	1955, No. 12
Companies Act, 1963	1963, No. 33
Cork City Management Acts, 1929 to 1971	
County Management Acts, 1940 to 1985	
Credit Union Act, 1966	1966, No. 19
Health Act, 1970	1970, No. 1
Housing Act, 1966	1966, No. 21
Housing Act, 1969	1969, No. 16
Housing (Miscellaneous Provisions) Act, 1979	1979, No. 27
Housing Act, 1984	1984, No. 1
Housing Acts, 1966 to 1979	
Housing Finance Agency Act, 1981	1981, No. 37
Industrial and Provident Societies Acts, 1893 to 1978	
Insurance Acts, 1909 to 1985	
Labourers Act, 1936	1936, No. 24
Limerick City Management Acts, 1934 to 1971	
Local Government (Dublin) Acts, 1930 to 1985	
Prevention of Crimes Act, 1871	34 & 35 Vict. c. 112
Registration of Deeds Act, 1707	6 Anne, c. 2
Registration of Title Act, 1964	1964, No. 16
Registry of Deeds (Ireland) Act, 1832	2 & 3 Will. 4. c. 87
Towns Improvement (Ireland) Act, 1854	17 & 18 Vict. c. 103
Trustee Savings Banks Acts, 1863 to 1979	
Vagrancy Act, 1824	5 Geo. 4. c. 83
Waterford City Management Acts, 1939 to 1971	

BILLE NA dTITHE, 1988
HOUSING BILL, 1988

BILL

entitled

AN ACT TO AMEND AND EXTEND THE HOUSING ACTS, 1966 TO 1979, TO AMEND THE VAGRANCY ACT, 1824, AND THE CITY AND COUNTY MANAGEMENT (AMENDMENT) ACT, 1955, AND TO PROVIDE FOR CERTAIN OTHER MATTERS IN RELATION TO HOUSING AND IN RELATION TO THE DISCHARGE OF MORTGAGES.

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

Interpretation.

1.—(1) In this Act, save where the context otherwise requires—

"the Act of 1979" means the Housing (Miscellaneous Provisions) Act, 1979;

"assurance company" has the meaning assigned to it by the Insurance Acts, 1909 to 1985;

"bank" means the holder of a licence under section 9 of the Central Bank Act, 1971, or a trustee savings bank certified under the Trustee Savings Banks Acts, 1863 to 1979;

"company" means a company within the meaning of section 2 of the Companies Act, 1963, or a company incorporated outside the State;

"credit union" means a society which is registered as a credit union under the Industrial and Provident Societies Acts, 1893 to 1978, by virtue of the Credit Union Act, 1966;

"house" has the meaning assigned to it by the Act of 1979;

"mortgage" means any instrument of mortgage or charge given as security for a loan and cognate words shall be construed accordingly;

"the Principal Act" means the Housing Act, 1966.

(2) In this Act, reference to a section is to a section of this Act and reference to a subsection, paragraph or subparagraph is to the subsection, paragraph or subparagraph of the provision in which the reference occurs, unless it is indicated that reference to some other enactment or provision, as may be appropriate, is intended.

(3) References in the Housing Acts, 1966 to 1979, to a grant,

loan, subsidy or contribution under those Acts shall be construed as including references, respectively, to a grant, loan, subsidy or contribution under this Act.

(4) A reference in this Act to any enactment shall be construed as a reference to that enactment as amended or adapted by or under any subsequent enactment.

Homeless persons for the purposes of this Act.

2.—A person shall be regarded by a housing authority as being homeless for the purposes of this Act if—

(*a*) there is no accommodation available which, in the opinion of the authority, he, together with any other person who normally resides with him or who might reasonably be expected to reside with him, can reasonably occupy or remain in occupation of, or

(*b*) he is living in a hospital, county home, night shelter or other such institution, and is so living because he has no accommodation of the kind referred to in *paragraph (a)*,

and he is, in the opinion of the authority, unable to provide accommodation from his own resources.

Subsidy for acquisition or construction of houses.

3.—(1) The Minister may, with the consent of the Minister for Finance and subject to such regulations as may be made by the Minister under this section, pay, out of moneys provided by the Oireachtas, a subsidy towards the loan charges incurred by a person in respect of a loan made by an assurance company, a bank, a building society, a credit union, any other industrial or commercial organisation, the Housing Finance Agency plc or a housing authority for the acquisition or construction of a house.

(2) Regulations under this section may, in particular, but without prejudice to the generality of *subsection (1)*, make provision in relation to all or any one or more of the following:

(*a*) the amount of a subsidy, the conditions under which it may be paid and the manner of its payment, including payment by instalments;

(*b*) the payment to the body making the loan of a subsidy on behalf of the person to whom it is payable under *subsection (1)* and the conditions under which it is so paid to that body;

(*c*) the class or classes of houses in respect of which a subsidy may be paid and the class or classes of persons to whom a subsidy may be paid;

(*d*) requirements in relation to the loan for the house;

(*e*) requirements in relation to the previous purchase or building of a house by a person or the spouse of such person;

(*f*) the occupation of the house;

(*g*) the floor area of the house, measured in such manner as may, from time to time, be determined by the Minister;

(*h*) requirements in relation to the financial and family circumstances of a person to whom a subsidy may be paid;

(*i*) the time within which application for a subsidy shall be made;

(*j*) requirements that a person obtaining a subsidy for a new house shall have qualified for a grant in respect of the house under section 4 of the Act of 1979; and

(*k*) requirements in relation to the payment under any enactment (including this Act) of any other subsidy or grant in respect of the house.

(3) A subsidy shall not be paid under this section unless the house the subject of the subsidy complies with such conditions, if any, as may, from time to time, be determined by the Minister for the purposes of this section in relation to standards of construction of houses and the provision of water, sewerage and other services therein.

(4) Subsections (4) and (5) of section 4 of the Act of 1979 (as amended by this Act) shall apply to a subsidy under this section as they apply to a grant under the said section 4.

(5) In this section "Housing Finance Agency plc" means the agency established under section 2 of the Housing Finance Agency Act, 1981.

Grant on surrender of certain houses.

4.—(1) The Minister may, with the consent of the Minister for Finance and subject to such regulations as may be made by the Minister under this section, pay, out of moneys provided by the Oireachtas, a grant to a person—

(*a*) who, or whose spouse—

(i) in the case of a house which was provided, or which is or was owned, by a housing authority, provides the authority with vacant possession of the house by surrendering the tenancy or by conveying the house without compensation to the authority, or

(ii) in the case of accommodation allocated to a member of the Permanent Defence Force, provides the Minister for Defence with vacant possession by surrendering it,

and

(*b*) who purchases or builds a house for his own occupation.

(2) Where a house is being conveyed to a housing authority under this section, the following provisions shall have effect:

(*a*) the expenses of such conveyance may be paid in whole or in part by the authority;

(*b*) no stamp duty shall be payable on any such conveyance;

(*c*) where the house is one in respect of which a subsidy has been paid under section 11 of the Act of 1979, the person conveying the house, notwithstanding anything to the contrary contained in a transfer order under section 90 of the Principal Act, shall not be required to refund the subsidy.

(3) Regulations under this section may, in particular, but without prejudice to the generality of *subsection (1)*, make provision in relation to all or any one or more of the following:

(*a*) the amount of a grant and the conditions under which it may be paid;

(*b*) the class or classes of houses in respect of which a grant may be paid and the class or classes of persons to whom a grant may be paid;

(*c*) requirements in relation to the minimum period of residence, whether as tenant or owner, of an applicant for a grant or the spouse of such applicant in a house provided or owned by a housing authority, or in accommodation being surrendered to the Minister for Defence, as the case may be;

(*d*) the occupation of the house being purchased or built;

(*e*) the class or classes of houses or accommodation which may be surrendered or conveyed;

(*f*) requirements that the house being purchased or built shall be suitable for the needs of the applicant for a grant and for those who might reasonably be expected to reside with him;

(*g*) requirements in relation to the financial and family circumstances of the applicant for a grant;

(*h*) matters of procedure and administration, including the discharge by specified housing authorities of specified functions in relation to the grants; and

(*i*) requirements in relation to the payment under any enactment (including this Act) of any other grant, subsidy or assistance in respect of the house being purchased or built.

(4) A grant shall not be paid under this section unless the house or accommodation surrendered in accordance with *subsection (1) (a)* and the house purchased or built in accordance with *subsection (1) (b)* complies with such conditions, if any, as may, from time to time, be determined by the Minister for the purposes of this section in relation to standards including standards of construction, repair and services.

Assistance by housing authorities of certain bodies.

5.—(1) A housing authority may, with the consent of the Minister and on such terms and conditions (including conditions requiring the giving of an undertaking) as they think fit, assist another housing authority (including the commissioners of a town) or a body approved of by the Minister for the purposes of this section in respect of the provision (whether by erection, purchase, improvement or conversion works) or management by the other authority or body of housing accommodation, or in respect of other matters in relation to housing, in one or more of the following ways:

(*a*) by a loan,

(*b*) by a periodic contribution to the funds of the other authority or body,

(*c*) by a guarantee of sums owed by the other authority or body in respect of borrowings,

(*d*) by a grant,

(*e*) by a subsidy towards, or the remission in whole or in part of, loan charges incurred by the other authority or body,

(*f*) by a contribution in kind (whether by way of materials or labour or any other service).

(2) A guarantee under this section may be given by the housing authority either alone or jointly with any other person or persons (including a housing authority).

(3) A decision to provide assistance under this section shall be a reserved function.

(4) Where a housing authority have assisted a body under section 12 of the Principal Act in the provision of housing accommodation, the Minister may, with the consent of the Minister for Finance and subject to such regulations as may be made by the Minister under this section, recoup, out of moneys provided by the Oireachtas, all or part of such assistance.

(5) Where a housing authority have under this section assisted another housing authority or a body and as a condition of providing such assistance have been given an undertaking which has not been complied with, the following provisions shall have effect:

(*a*) the authority or body who received the assistance shall be liable to repay such amount, being not more than the amount of such assistance, as may be determined by the authority who provided the assistance; and

(*b*) the amount shall be recoverable by the authority who provided the assistance from the authority or body who received it, as a simple contract debt in any court of competent jurisdiction.

(6) Regulations under this section may, in particular, but without prejudice to the generality of *subsection (4)*, make provision in relation to all or any one or more of the following:

(*a*) the amount or proportion of the assistance to be recouped;

(*b*) the class or classes of accommodation in respect of which assistance may be provided and the class or classes of persons for whom such accommodation is provided;

(*c*) requirements in relation to a grant, loan, subsidy, contribution, or guarantee;

(*d*) the occupation of the accommodation;

(*e*) requirements in relation to the construction of the accommodation and the provision of water, sewerage and other services therein;

(*f*) the floor area of the accommodation, measured in such manner as may, from time to time, be determined by the Minister;

(*g*) requirements in relation to the financial and family circumstances of persons occupying the accommodation; and

(*h*) requirements in relation to the payment under any enactment (including this Act) of any other grant, subsidy or assistance in respect of the accommodation.

Expenses of social workers.

6.—The Minister may, with the consent of the Minister for Finance, recoup, out of moneys provided by the Oireachtas, all or part of the salaries and other expenses incurred by a housing authority or other

body approved of by the Minister for the purposes of this section in the employment of social workers or in the engagement of the services of such workers in connection with the accommodation of persons to whom *section 13* applies.

Validation.

7.—Where—

(*a*) a grant under section 7 of the Act of 1979 (as amended by *section 26*) was paid by the Minister on or after the 10th day of April, 1981, but before the commencement of the said *section 26*, or

(*b*) a grant, loan, subsidy, contribution or other form of assistance was paid by the Minister or a housing authority, being a grant, loan, subsidy, contribution or assistance specified in a provision of this Act mentioned in *column (2)* of the Table to this section at any reference number in *column (1)* of that Table, on or after the date specified in *column (3)* of that Table at that reference number but before the commencement of that provision, and

(*c*) in any case mentioned in *paragraph (a)* or *(b)* the grant, loan, subsidy, contribution or assistance would have been valid and effectual if it had been paid after the commencement of the said *section 26* or that provision (as the case may be),

the grant, loan, subsidy, contribution or assistance shall be as valid and effectual as if it had been paid after such commencement.

TABLE

Reference Number (1)	Provision of this Act (2)	Date (3)
1	*Section 3*	10th April, 1981
2	*Section 4*	2nd October, 1984
3	*Section 5 (1)*	1st March, 1984
4	*Section 5 (4)*	10th April, 1981
5	*Section 15*	2nd October, 1984

Estimate of housing requirements.

8.—(1) A housing authority shall, within one year of the commencement of this section and thereafter at any time that appears to them expedient, and shall, as may, from time to time, be directed by the Minister, make as respects their functional area an estimate of—

(*a*) the existing housing requirements, and

(*b*) the prospective housing requirements over such period as the Minister may direct or, in the absence of such direction, as the authority see fit,

and shall cause a report thereon to be prepared and adopted by the authority.

(2) In making an estimate of housing requirements in accordance with *subsection (1)*, a housing authority shall have regard to—

(*a*) information (derived from any survey of all or a sample of the housing in the area or otherwise as the authority see fit) in relation to the housing conditions in the area, including the number of houses which are in any respect unfit or unsuitable for human habitation, are overcrowded, are shared involuntarily or are expected (through obsolescence, demolition or conversion to other uses) to be lost to the supply of housing over the period to which the estimate relates,

(*b*) the extent to which there are persons who are homeless or living in temporary or movable accommodation,

(*c*) expected changes in the size and structure of the population of the area,

(*d*) the prospective housing requirements of persons residing outside the functional area of the authority to such extent (if any) as the authority consider appropriate,

(*e*) such other information as the authority consider relevant, and

(*f*) such other matters as the Minister may, from time to time, direct.

(3) An estimate and report under *subsection (1)* shall be prepared in such manner, and the report shall contain such information, as the Minister may, from time to time, direct.

(4) A housing authority owning houses in the functional area of another housing authority shall, on request in connection with the making of an estimate under *subsection (1)*, provide to that other authority such information on the houses so owned as is required in relation to the matters specified in *subsection (2) (a)*.

(5) A housing authority may, with the agreement of another housing authority, and shall, if so directed by the Minister, make an estimate and cause a report to be prepared under *subsection (1)* in respect of the whole or part of the functional area of that other authority and may include in a report an estimate prepared by that other authority.

(6) The adoption under this section of a report shall be a reserved function.

Housing assessment.

9.—(1) A housing authority shall, within one year of the commencement of this section and thereafter not less frequently than every three years and as the Minister may, from time to time, direct, make, in accordance with this section, an assessment of the need for the provision by the authority of adequate and suitable housing accommodation for persons—

(*a*) whom the authority have reason to believe require, or are likely to require, accommodation from the authority, and

(*b*) who, in the opinion of the authority, are in need of such accommodation and are unable to provide it from their own resources.

(2) Without prejudice to the generality of *subsection (1)*, a housing authority in making an assessment under this section shall have regard to the need for housing of persons who—

(*a*) are homeless,

(*b*) are persons to whom *section 13* applies,

(*c*) are living in accommodation that is unfit for human habitation or is materially unsuitable for their adequate housing,

(*d*) are living in overcrowded accommodation,

(*e*) are sharing accommodation with another person or persons and who, in the opinion of the housing authority, have a reasonable requirement for separate accommodation,

(*f*) are young persons leaving institutional care or without family accommodation,

(*g*) are in need of accommodation for medical or compassionate reasons,

(*h*) are elderly,

(*i*) are disabled or handicapped, or

(*j*) are, in the opinion of the housing authority, not reasonably able to meet the cost of the accommodation which they are occupying or to obtain suitable alternative accommodation.

(3) In making an assessment under this section, a housing authority shall have regard to such directions as may, from time to time, be given by the Minister.

(4) Before making an assessment under this section, a housing authority shall give one month's notice of their intention to do so to—

(*a*) any housing authority whose functional area adjoins the functional area of the authority giving the notice,

(*b*) any health board established under the Health Act, 1970, whose functional area includes or adjoins the functional area of the authority giving the notice, and

(*c*) such bodies as the authority see fit including voluntary or non-profit making organisations engaged in the provision of housing accommodation in the functional area of the authority or other organisations whose purposes include the provision of accommodation, shelter or welfare.

(5) Subject to this section, a housing authority may, to such extent (if any) as the authority consider appropriate, include in an assessment under this section need arising from the requirements of persons who are residing outside the functional area of the authority.

(6) A housing authority shall submit an assessment under this section to the Minister on or before such date as he may, from time to time, direct.

Additional provisions regarding accommodation for homeless persons.

10.—(1) A housing authority may, subject to such regulations as may be made by the Minister under this section—

(*a*) make arrangements, including financial arrangements, with a body approved of by the Minister for the purposes of *section 5* for the provision by that body of accommodation for a homeless person,

(*b*) provide a homeless person with such assistance, including financial assistance, as the authority consider appropriate, or

(*c*) rent accommodation, arrange lodgings or contribute to the cost of such accommodation or lodgings for a homeless person.

(2) A request for accommodation may be made to a housing authority by or on behalf of a homeless person.

(3) Where accommodation or lodgings are made available to a person by virtue of *subsection (1)*, the housing authority may at any time specify a period for which the accommodation or lodgings are to be so made available to that person.

(4) The Minister may, with the consent of the Minister for Finance and subject to such regulations as may be made by the Minister under this section, recoup, out of moneys provided by the Oireachtas, all or part of any payment made by a housing authority by virtue of *subsection (1)*.

(5) Where accommodation or lodgings are made available to a person by virtue of *subsection (1)*, the housing authority may require that person to pay to them such charge as they see fit, having regard to the means of the person, the cost to the authority of such accommodation or lodgings and such other matters as the authority consider appropriate.

(6) A charge due to a housing authority under *subsection (5)* shall be recoverable by them as a simple contract debt in any court of competent jurisdiction.

(7) A charge under *subsection (5)* shall not be subject to the terms of any rent scheme in relation to houses let by the housing authority.

(8) Where accommodation or lodgings are made available to a person by virtue of *subsection (1)* and—

(*a*) the circumstances of that person change to the extent that, in the opinion of the housing authority—

(i) if the accommodation or lodgings being made so available were no longer available, the person would not be homeless, or

(ii) the person is now able to provide accommodation from his own resources, or

(*b*) that person has failed to pay a charge under *subsection (5)*,

the authority may cease to have such accommodation or lodgings made so available and may require the person to vacate the accommodation or lodgings.

(9) Where accommodation or lodgings are made available or assistance is provided to a person by virtue of *subsection (1)*, such person shall not be precluded for that reason from being included in an assessment under *section 9* or being accepted for inclusion in the next such assessment.

(10) A housing authority may, while making enquiries to enable them to determine if a person is homeless, exercise the powers provided for in *subsection (1)*.

(11) Regulations under this section may, in particular, but without prejudice to the generality of *subsections (1)* and *(4)*, make provision in relation to all or any one or more of the following:

(*a*) the manner in which housing authorities exercise their powers under this section;

(*b*) the amount and conditions of recoupments under *subsection (4)*;

(*c*) the notification by a housing authority of the decision on a request for accommodation and the reasons therefor;

(*d*) the furnishing of information to a housing authority in

relation to a request for accommodation or assistance from the authority;

(*e*) such other incidental, consequential or supplementary provisions as may appear to the Minister to be necessary or expedient.

Schemes of priorities for letting dwellings.

11.—(1) A housing authority shall, in accordance with this section and within one year of its commencement, make a scheme determining the order of priority to be accorded in the letting of dwellings, provided by the authority under the Principal Act and of which they are the owner, to persons in need of accommodation—

(*a*) who are, in the opinion of the authority, unable to provide accommodation from their own resources, and

(*b*) whose need for accommodation—

(i) has been included in the most recent assessment made by the authority under *section 9*, or

(ii) has been accepted by the authority, after the making of that assessment, for inclusion in the next such assessment.

(2) A scheme under this section shall—

(*a*) provide that the housing authority may, from time to time, determine, as they see fit, to set aside for persons of such category or categories as the authority may decide, a particular number or proportion of the dwellings becoming available to the authority for letting;

(*b*) provide that the housing authority, in applying its terms to a person, may disregard the accommodation that person is occupying where the authority have reason to believe that he has deliberately or without good and sufficient reason done or failed to do anything (other than an action or omission in good faith) in consequence of which the accommodation he is so occupying is less suitable for his adequate housing than other accommodation which it would have been, or would be, reasonable for him to occupy; and

(*c*) make particular provision for persons in need of accommodation arising from an emergency.

(3) Where a housing authority consider that a particular dwelling available for letting should, for the time being, be included in the proportion or number of dwellings set aside for a particular category in accordance with *subsection (2) (a)*, priority shall be accorded in the letting of that dwelling to persons of that category.

(4) A scheme made under this section may provide that the housing authority shall obtain and have regard to a report from a medical officer of health of the relevant health board established under the Health Act, 1970, in the making of lettings of dwellings where priority is claimed on grounds consisting of, or including, medical grounds.

(5) A housing authority may from time to time review a scheme made under this section and, as they see fit, make amendments to the scheme or make a new scheme.

(6) The making of a scheme under this section, the making of an

amendment to any such scheme and the making of a determination in accordance with *subsection (2) (a)* shall be reserved functions.

(7) A scheme under this section or an amendment to any such scheme shall be made only with the approval of the Minister.

(8) The Minister may require a housing authority—

(*a*) to amend a scheme submitted to him for approval in accordance with *subsection (7)*, and

(*b*) from time to time, to amend a scheme made under this section,

in such manner as he may direct, and the authority shall comply with such direction within such time as may be specified by the Minister.

(9) Nothing in *subsection (8)* shall be construed or operate to enable the Minister to direct the letting of a dwelling to any individual person.

(10) Lettings by a housing authority of dwellings to which a scheme—

(*a*) under section 60 of the Principal Act, or

(*b*) under this section,

relates shall be in accordance with the provisions of the scheme.

(11) Notwithstanding the repeal by this Act of section 60 of the Principal Act, a scheme of priorities made by a housing authority under that section shall continue to have effect until a scheme under this section comes into force.

(12) A housing authority shall, upon request, permit a scheme made by them under this section to be inspected during office hours by any person.

(13) *Subsection (1) (b)* shall not apply to the making of a scheme under this section by the commissioners of a town having commissioners under the Towns Improvement (Ireland) Act, 1854.

Reconstruction or improvement of certain houses provided by housing authorities.

12.—(1) The Minister may, on application by a housing authority and subject to *subsection (2)*, determine that a group of houses provided by the authority shall be houses to which this section applies.

(2) A determination under *subsection (1)* shall be made only where the group of houses consists wholly or partly of houses of which the authority are the owner and which—

(*a*) are in need of reconstruction by reason of defects in their design or construction, or of deterioration due to age, or

(*b*) otherwise require works which, in the opinion of the Minister, are reasonably necessary for the purpose of rendering the houses more suitable for human habitation.

(3) A housing authority may, with the consent of the Minister, carry out reconstruction or improvement works to a house included in a group of houses to which this section applies where that house has been sold or leased by the authority.

(4) Where a housing authority carry out works to a house by virtue

of *subsection (3)*, they shall require the owner or lessee of the house to make such contribution as the authority may see fit or the Minister may direct towards the costs incurred by the authority.

(5) A contribution due to a housing authority under *subsection (4)* shall be recoverable by them as a simple contract debt in any court of competent jurisdiction.

(6) The Minister may specify such requirements as he sees fit in relation to the carrying out of environmental or ancillary works in respect of houses to which this section applies.

(7) This section shall be deemed to have come into operation on the 2nd day of October, 1984.

Provision of sites for travellers.

13.—(1) This section applies to persons belonging to the class of persons who traditionally pursue or have pursued a nomadic way of life.

(2) A housing authority may provide, improve, manage and control sites for caravans used by persons to whom this section applies, and may carry out any works incidental to such provision, improvement, management or control, including the provision of services for such sites.

(3) Section 56 (2) of the Principal Act shall apply in connection with the provision of sites under this section as it applies in connection with the provision of dwellings under that section.

(4) A housing authority may, in respect of the use of a site provided by them under this section or of any services or facilities provided or made available in connection with such a site, make such charges as the authority see fit.

(5) Any charge due to a housing authority under *subsection (4)* shall be recoverable by them as a simple contract debt in any court of competent jurisdiction.

(6) In this section "caravan" means any structure designed or adapted for human habitation which is capable of being moved from one place to another, whether by towing or transport on a vehicle or trailer, and includes a motor vehicle so designed or adapted and a mobile home, but does not include a tent.

Provision of sites for private housing.

14.—(1) The Minister may, with the consent of the Minister for Finance and subject to such regulations as may be made by the Minister under this section, pay to a housing authority or to a body approved of by the Minister for the purposes of this section, out of moneys provided by the Oireachtas—

(*a*) a subsidy of such amount as he may determine towards the loan charges incurred by the authority or the body; or

(*b*) a grant of such amount as he may determine,

in respect of the provision by the authority or the body of a site for the erection (other than by or on behalf of a housing authority) of a house.

(2) A subsidy under *subsection (1)* may, in lieu of being paid to the housing authority or body concerned, be paid, on their behalf, to the person who made the loan in respect of which the relevant loan charges were incurred.

Grants or subsidies by Minister for dwellings, sites and assistance provided by housing authorities.

15.—(1) The Minister may, with the consent of the Minister for Finance and subject to such regulations as may be made by the Minister under this section, pay to a housing authority, out of moneys provided by the Oireachtas, such grant or subsidy as may be prescribed in respect of—

(*a*) the provision of dwellings (including houses, flats, maisonettes and hostels) by the authority;

(*b*) the improvement or reconstruction of dwellings provided by the authority;

(*c*) the provision or improvement by the authority of sites for caravans within the meaning of *section 13* for persons to whom that section applies;

(*d*) the acquisition of land for the provision of dwellings or sites referred to in this section;

(*e*) the carrying out of ancillary works in connection with the provision or improvement of dwellings or sites referred to in this section; and

(*f*) the provision of assistance under *section 5* to a body approved of by the Minister for the purposes of that section.

(2) Regulations under this section may, in particular, but without prejudice to the generality of *subsection (1)*—

(*a*) make provision in relation to all or any one or more of the following matters irrespective of whether or not a grant or subsidy is, or was, paid under this section in respect of particular dwellings, sites, land or works:

(i) the determination of rents of dwellings let by the housing authority;

(ii) the sale of dwellings and the application by the housing authority of the proceeds of such sale;

(iii) contributions by a housing authority towards the costs incurred by that authority in respect of their housing services;

(iv) the management, maintenance and improvement of dwellings or sites; and

(v) requirements in relation to the payment of any other grant or subsidy in respect of a dwelling under any enactment (including this Act);

and

(*b*) insofar as they relate to the payment of a grant or subsidy under *subsection (1) (f)*, make provision in relation to all or any one or more of the matters referred to in *section 5 (6)*.

(3) A grant or subsidy shall not be paid under this section in respect of a dwelling, site or works unless the relevant dwelling, site or works comply on completion with such conditions, if any, as may, from time to time, be determined by the Minister for the purposes of this section in relation to standards of construction and of works and the provision of water, sewerage and other services in dwellings or sites.

(4) A subsidy under *subsection (1)* in respect of loan charges may be made either to the housing authority concerned or, on their behalf, to the person who made the relevant loan in respect of which the loan charges were incurred.

Guarantees by housing authorities.

16.—(1) A housing authority may, and shall, where so directed by the Minister, subject to such regulations as may be made by the Minister for the purposes of this section, guarantee a loan or part of a loan by an assurance company, a bank, a building society, a credit union or any other industrial or commercial organisation for the purpose of acquiring, constructing, or carrying out improvement works to, a house.

(2) The Minister may, with the consent of the Minister for Finance, recoup out of moneys provided by the Oireachtas all or part of any payment made by a housing authority by virtue of a guarantee given under this section.

Mortgage of houses sold or leased by housing authorities.

17.—(1) Where a housing authority give or have given consent to a mortgage in respect of a house sold or leased by them under section 90 of the Principal Act, the authority shall be regarded as having consented to—

(*a*) any further or consolidated mortgage effected by the same mortgagor, and

(*b*) the exercise by the mortgagee of his powers under any such mortgage.

(2) Where a mortgagee who has exercised his powers under a mortgage sells a house which was subject, under section 90 of the Principal Act, to special conditions, the conditions shall no longer apply in relation to that house from the date of the sale.

(3) Notwithstanding section 107 of the Principal Act, a housing authority shall, before making an application for a warrant under subsection (1) of that section in respect of a house sold or leased by them, give to a mortgagee in whose favour a mortgage on the house has been effected not less than two months' notice in writing of the authority's intention to make the application, and every such notice shall state the grounds on which the application is to be based.

Discharge of mortgage.

18.—(1) Where, in relation to unregistered land within the meaning of the Registration of Title Act, 1964, all moneys secured by a mortgage have been fully paid or discharged, a housing authority shall, and any other mortgagee (not being a building society) may, endorse on or annex to, such mortgage either a reconveyance of the mortgaged property to the owner of the equity of redemption (or to such persons and to such uses as such owner may direct) or a receipt under the seal of the housing authority or other mortgagee (as the case may be).

(2) Where, in relation to registered land within the meaning of the Registration of Title Act, 1964, all moneys secured by a mortgage have been fully paid or discharged, a housing authority shall, and any other mortgagee (not being a building society) may, issue to the registered owner of the land a receipt under the seal of the housing authority or other mortgagee (as the case may be) which shall, for the purposes of section 65 of that Act, be sufficient proof of the satisfaction of the mortgage.

(3) A receipt under this section shall operate to vacate the mortgage and shall, without any reconveyance or re-surrender, vest the estate of and in the property comprised in the mortgage in the person for the time being entitled to the equity of redemption.

(4) Where a mortgage has been registered in the Registry of Deeds

established by the Registration of Deeds Act, 1707, the Registrar under that Act shall, on production of a receipt under *subsection (1)*, make an entry opposite the entry of the mortgage to the effect that the mortgage is satisfied and shall grant a certificate (either on the mortgage or separately) to the like effect.

(5) A certificate under *subsection (4)* shall be received in evidence in all courts and proceedings without any further proof, and an entry under that subsection shall have the effect of clearing the register or record of the relevant mortgage.

(6) The power conferred on the Minister for Justice by section 35 of the Registry of Deeds (Ireland) Act, 1832 (as adapted by the Registry of Deeds (Ireland) Act, 1832 (Adaptation) Order, 1956 (S.I. No. 281 of 1956)) to fix fees shall include power to fix fees to be paid for making the entry and granting the certificate under *subsection (4)*, and any moneys received under this subsection shall be paid into the Exchequer.

Application of certain sections of Part II of Principal Act.

19.—(1) Section 10 of the Principal Act shall apply to any sum due under the *Housing Acts, 1966 to 1988*, by the Minister to a person (including a housing authority) from whom another sum is due to the Minister as that section applies to sums due by and to a housing authority.

(2) Any reference in section 34, 35, 36 or 38 of the Principal Act to a grant shall be deemed to include reference (as may be appropriate) to a grant, subsidy or other form of assistance under the *Housing Acts, 1966 to 1988*, and those sections shall be construed accordingly.

(3) Section 38 of the Principal Act shall, with the consent of the Minister and with any necessary modifications, apply to a grant, subsidy or other form of assistance by a housing authority under the *Housing Acts, 1966 to 1988*, as it applies to a grant referred to in that section.

(4) Section 38 of the Principal Act shall apply to a grant, subsidy or other form of assistance by the Minister under the *Housing Acts, 1966 to 1988*, where a certificate of approval was issued by an officer of a housing authority, and the said section 38 shall be construed and have effect as if the reference therein to "an officer of the Minister" included a reference to "an officer of a housing authority".

Additional provisions relating to sections 56 to 58 of Principal Act and to *section 12*.

20.—(1) In providing dwellings under section 56 of the Principal Act, a housing authority shall have regard to the latest assessment made under *section 9* and to the need for housing of any person accepted, after the making of such assessment, for inclusion in the next assessment, and shall seek to maintain a reasonable balance between the respective needs of the classes of persons specified in *section 9 (2)*.

(2) The power of a housing authority under section 56 of the Principal Act to provide dwellings and under section 57 of that Act to provide sites for building purposes shall, in the case of a council of a county, be deemed to include, and always to have included, a power to provide dwellings or sites (as the case may be) in a town in the county having commissioners under the Towns Improvement (Ireland) Act, 1854, as if, for the purpose of such provision, the town formed part of the functional area of the council.

(3) The council of a county and the commissioners under the Towns Improvement (Ireland) Act, 1854, of a town in that county may enter

into an agreement that any power of the commissioners under section 58 of the Principal Act or under *section 12* shall be vested in and exercised by that council in respect of such houses, to such extent and for such period as may be specified in the agreement.

(4) Entry into an agreement under *subsection (3)* shall be a reserved function.

Amendment of section 2 of Principal Act.

21.—Section 2 of the Principal Act is hereby amended by the substitution in subsection (1) of the following definition for that of "housing authority":

"'housing authority' means, in the case of—

(*a*) a county health district (exclusive of any town having commissioners under the Towns Improvement (Ireland) Act, 1854), the council of the county in which such county health district is situate,

(*b*) a county or other borough, the corporation of such county or other borough,

(*c*) an urban district, the council of the district,

(*d*) a town having commissioners under the Towns Improvement (Ireland) Act, 1854, except as respects—

(i) sections 34, 35, 36, 39, 41 and 43 of this Act,

(ii) sections 6 and 8 of the Housing (Miscellaneous Provisions) Act, 1979, and

(iii) *sections 2, 5, 6, 8, 9, 10, 13* and *16* of the *Housing Act, 1988,*

the commissioners of such town and, as respects the said sections, the council of the county in which the town is situate,

and references to the functional area of a housing authority shall be construed accordingly;".

Amendment of section 108 of Principal Act.

22.—The following section is hereby substituted for section 108 of the Principal Act:

"108.—Capital money arising from the disposal of land under this Part of this Act shall be applied for a purpose approved of by the Minister.".

Repeal of section 13 of Act of 1979 and consequential provisions.

23.—(1) Section 13 of the Act of 1979 is hereby repealed.

(2) Notwithstanding the repeal of section 13 of the Act of 1979 effected by *subsection (1),* the following provisions shall have effect, that is to say:

(*a*) where an application to purchase a house has been received from the tenant thereof by a housing authority on or before the 31st day of December, 1987, and the housing authority have vested or propose to vest the house in the said tenant on the terms applicable to the sale of the house at the date of receipt of such application, the provisions

of the said section 13 shall continue in force in respect of that house;

(*b*) the Minister may by order designate an officer of the Minister to carry out all or such of his functions under the said section 13 as may be specified in the order in respect of a house referred to in *paragraph (a)*;

(*c*) the Minister may by order amend or revoke an order made under this subsection (including this paragraph).

(3) *Subsection (2)* shall cease to have effect on such day as may be prescribed.

Amendment of section 3 of Act of 1979.

24.—The following subsection is hereby substituted for subsection (2) of section 3 of the Act of 1979:

"(2) This section applies to a body which—

(*a*) represents or promotes the formation of co-operative or voluntary groups or associations which have as an object the provision of houses, or

(*b*) provides information, advice or training or conducts research in relation to housing.".

Amendment of section 4 of Act of 1979.

25.—The following subsection is hereby inserted after subsection (4) of section 4 of the Act of 1979:

"(5) Where—

(*a*) a person providing a new house is a person—

(i) whose marriage has been dissolved or annulled by order of a court of competent jurisdiction, or

(ii) who is separated from his spouse under an order of such court or by deed of separation,

and

(*b*) the need of that person and his dependents (if any) for housing has been established to the satisfaction of the Minister, and

(*c*) refusal by the Minister to pay a grant under this section in respect of the provision of the new house would, in the opinion of the Minister, having regard to such circumstances as he considers appropriate, including any contribution made by the other spouse, cause undue hardship to that person or his dependents,

the Minister may, notwithstanding that a requirement in relation to matters specified in subsection (2) (*e*) of this section has not been complied with, pay a grant under this section if, but for such non-compliance, a grant would fall to be so paid.".

Amendment of section 7 of Act of 1979.

26.—The following subsection is hereby substituted for subsection (1) of section 7 of the Act of 1979:

"(1) The Minister may, with the consent of the Minister for Finance and subject to such regulations as may be made by the Minister under this section, pay, out of moneys provided by the

Oireachtas, a grant to a body, approved of by the Minister for the purposes of this section, in respect of the provision (whether by erection, purchase, improvement or conversion works), of one or more than one house for the accommodation of elderly persons or such other class or classes of persons as may be specified in the regulations, or for the accommodation, as his normal place of residence, in the house or houses or within the precincts thereof, of a person providing welfare or caretaker services for such persons or such class or classes of persons.".

Amendment of City and County Management (Amendment) Act, 1955.

27.—The City and County Management (Amendment) Act, 1955, is hereby amended by the insertion in section 2 of the following subsection after subsection (9):

"(10) An emergency situation for the purpose of subsection (9) of this section shall be deemed to exist where, in the opinion of the manager, the works concerned are urgent and necessary (having regard to personal health, public health and safety considerations) in order to provide a reasonable standard of accommodation for any person.".

Amendment of Vagrancy Act, 1824.

28.—The Vagrancy Act, 1824 (as applied to Ireland by section 15 of the Prevention of Crimes Act, 1871) is hereby amended by the deletion in section IV of the following words "every person wandering abroad and lodging in any barn or outhouse, or in any deserted or unoccupied building, or in the open air, or under a tent, or in any cart or waggon, not having any visible means of subsistence, and not giving a good account of himself or herself;".

Offences.

29.—(1) Any person—

(*a*) who, on being requested by a housing authority to furnish information to the authority in connection with the exercise of their duties and functions under *section 9, 10* or *11,* gives information which he knows to be false or misleading or fails to supply information which he knows to be material, or

(*b*) for whom accommodation, lodgings or assistance are being made available by virtue of *section 10 (1)* and who fails to inform the housing authority of any material change in his circumstances while remaining in occupation of the accommodation or lodgings or in receipt of the assistance,

shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £500.

(2) An offence under this section may be prosecuted by the housing authority who requested the information referred to in *subsection (1) (a),* or who provided the accommodation, lodgings or assistance referred to in *subsection (1) (b).*

Repeals.

30.—(1) The enactments specified in *column (2)* of the Schedule to this Act are hereby repealed to the extent specified in *column (3)* of that Schedule.

(2) A regulation made under a provision repealed by this section and in force immediately before the commencement of this section shall, insofar as it could have been made under a corresponding provision of this Act, continue in force after such commencement as

if it had been made under the corresponding provision of this Act and may be amended or revoked accordingly.

Short title, construction, collective citation and commencement.

31.—(1) This Act may be cited as the Housing Act, 1988.

(2) The Housing Acts, 1966 to 1979, and this Act (other than *sections 27* and *28*) may be cited together as the Housing Acts, 1966 to 1988, and shall be construed together as one Act.

(3) The County Management Acts, 1940 to 1985, and *section 27* may be cited together as the County Management Acts, 1940 to 1988.

(4) The Cork City Management Acts, 1929 to 1971, and *section 27* may be cited together as the Cork City Management Acts, 1929 to 1988.

(5) The Local Government (Dublin) Acts, 1930 to 1985, and *section 27* may be cited together as the Local Government (Dublin) Acts, 1930 to 1988.

(6) The Limerick City Management Acts, 1934 to 1971, and *section 27* may be cited together as the Limerick City Management Acts, 1934 to 1988.

(7) The Waterford City Management Acts, 1939 to 1971, and *section 27* may be cited together as the Waterford City Management Acts, 1939 to 1988.

(8) The Vagrancy Act, 1824 (as applied to Ireland by section 15 of the Prevention of Crimes Act, 1871), and *section 28* may be cited together as the Vagrancy Acts, 1824 and 1988.

(9) This Act (other than *section 12*) shall come into operation on such day or days as, by order or orders made by the Minister under this section, may be fixed therefor, either generally or with reference to any particular purpose or provision, and different days may be so fixed for different purposes and different provisions.

SCHEDULE

Section 30.

ENACTMENTS REPEALED

Number and Year (1)	Short Title (2)	Extent of Repeal (3)
No. 24 of 1936	Labourers Act, 1936.	Section 20.
No. 21 of 1966	Housing Act, 1966.	Sections 12, 42, 53, 54, 55, 60 and 102 (3).
No. 16 of 1969	Housing Act, 1969.	The whole Act.
No. 27 of 1979	Housing (Miscellaneous Provisions) Act, 1979.	Sections 6 (8), 9, 10 and 16.
No. 1 of 1984	Housing Act, 1984.	The whole Act.

BILLE NA dTITHE, 1988

BILLE

dá ngairtear

Acht do leasú agus do leathnú Achtanna na dTithe, 1966 go 1979, do leasú an Vagrancy Act, 1824, agus an Achta um Bainistí Chathrach agus Contae (Leasú), 1955, agus do dhéanamh socrú i dtaobh nithe áirithe eile i ndáil le tithíocht agus i ndáil le hurscaoileadh morgáistí.

An tAire Comhshaoil a thíolaic

Ritheadh ag Dáil Éireann,
15 *Meitheamh,* 1988

BAILE ÁTHA CLIATH:
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR

Le ceannach díreach ón Oifig Dhíolta Foilseachán Rialtais, Teach Sun Alliance, Sráid Theach Laighean, Baile Átha Cliath 2, nó trí aon díoltóir leabhar.

Clóbhuailte ag CAHILL PRINTERS LIMITED.

£1.35

Wt. 160216/B/6. 1,000. 6/88. Cahill. (21449). G.16.

HOUSING BILL, 1988

BILL

entitled

An Act to amend and extend the Housing Acts, 1966 to 1979, to amend the Vagrancy Act, 1824, and the City and County Management (Amendment) Act, 1955, and to provide for certain other matters in relation to housing and in relation to the discharge of mortgages.

Presented by the Minister for the Environment

Passed by Dáil Éireann,
15*th June,* 1988

DUBLIN:
PUBLISHED BY THE STATIONERY OFFICE

To be purchased through any bookseller, or directly from the Government Publications Sale Office, Sun Alliance House, Molesworth Street, Dublin 2.

Printed by CAHILL PRINTERS LIMITED.

£1.35