



## **SEANAD ÉIREANN**

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### **BILLE NA dTITHE (FORÁLACHA ILGHNÉITHEACHA) 2008 HOUSING (MISCELLANEOUS PROVISIONS) BILL 2008**

#### **LEASUITHE COISTE COMMITTEE AMENDMENTS**

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# SEANAD ÉIREANN

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## BILLE NA dTITHE (FORÁLACHA ILGHNÉITHEACHA) 2008 —AN COISTE

### HOUSING (MISCELLANEOUS PROVISIONS) BILL 2008 —COMMITTEE STAGE

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#### *Leasuithe Amendments*

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#### SECTION 4

\* 1. In page 8, between lines 19 and 20, to insert the following subsection:

“(2) The Minister may, by direction in writing, revoke or amend a direction under subsection (1), including a direction under this subsection.”.

#### SECTION 7

\* 2. In page 8, before section 7, to insert the following new section:

“Repeals.

7.—The Acts specified in column (3) of *Schedule 1* are repealed to the extent specified in column (4) of that Schedule.”.

*[Acceptance of this amendment involves the deletion of section 7 of the Bill.]*

#### SECTION 10

3. In page 9, line 11, to delete “may” and substitute “shall”.

—*Senator Pearse Doherty.*

\* 4. In page 9, paragraph (a), to delete lines 19 and 20.

5. In page 9, paragraph (a)(x), line 35, to delete “10 of the Act of 1988” and substitute “20, as amended under this section of this bill”.

—*Senator Pearse Doherty.*

#### SECTION 11

6. In page 10, subsection (1), line 7, to delete “works or services” and substitute “works, services and tenancy services”.

—*Senator Paudie Coffey.*

#### SECTION 12

7. In page 10, subsection (1)(e), line 38, after “services” to insert “and tenancy services”.

—*Senator Paudie Coffey.*

[ SECTION 13 ]

SECTION 13

\* 8. In page 11, line 39, to delete “local authority” and substitute “housing authority”.

\* 9. In page 12, line 7, to delete “local authority” and substitute “housing authority”.

SECTION 15

10. In page 12, subsection (1)(b), lines 39 and 40, to delete all words from and including “any” in line 39 down to and including “section 21” in line 40 and substitute the following:

“the demand for social housing as outlined in the assessment of need in its administrative area conducted in accordance with *section 21*”.

—*Senators Dominic Hannigan, Alex White, Michael McCarthy, Brendan Ryan, Phil Prendergast, Alan Kelly.*

11. In page 13, subsection (2)(a), lines 18 to 22, to delete all words from and including “The” in line 18 down to and including “following:” in line 22 and substitute the following:

“A housing services plan shall also have regard to the following and shall include such further information and priorities related to the following as the Minister may direct:”.

—*Senators Dominic Hannigan, Alex White, Michael McCarthy, Brendan Ryan, Phil Prendergast, Alan Kelly.*

12. In page 13, subsection (2)(a)(i), line 23, after “supports” to insert the following:

“including but not limited to, tenancy services, supported housing, tenancy sustainment, tenancy support and settlement, advice, advocacy and mediation services”.

—*Senators Dominic Hannigan, Alex White, Michael McCarthy, Brendan Ryan, Phil Prendergast, Alan Kelly.*

\* 13. In page 13, between lines 36 and 37, to insert the following subsection:

“(3) A housing services plan shall include the summary or summaries, prepared under *section 21*, of the social housing assessments carried out in respect of the administrative area concerned.”.

SECTION 16

14. In page 13, subsection (1), line 39, after “to” to insert “and seek responses from”.

—*Senators Dominic Hannigan, Alex White, Michael McCarthy, Brendan Ryan, Phil Prendergast, Alan Kelly.*

15. In page 14, subsection (1)(d), line 1, after “bodies” to insert the following:

“or other bodies including community based organisations, networks, fora or other representative bodies; voluntary service providers, housing and/or homeless networks and fora; or any other body”.

—*Senators Dominic Hannigan, Alex White, Michael McCarthy, Brendan Ryan, Phil Prendergast, Alan Kelly.*

[ SECTION 16 ]

16. In page 14, subsection (1)(d), line 2, after “shelter” to insert “or the provision of housing or homeless services”.  
—*Senators Dominic Hannigan, Alex White, Michael McCarthy, Brendan Ryan, Phil Prendergast, Alan Kelly.*
- \* 17. In page 14, subsection (1)(e), line 3, after “committee” to insert “in the administrative area concerned”.
18. In page 14, subsection (1), between lines 5 and 6, to insert the following:  
“(f) any recognised association under section 128 of the Local Government Act 2001, and”.  
—*Senators Dominic Hannigan, Alex White, Michael McCarthy, Brendan Ryan, Phil Prendergast, Alan Kelly.*
19. In page 14, between lines 8 and 9, to insert the following subsection:  
“(2) Where the proposals submitted by bodies referred to in *subsection (1)* are not incorporated into the housing services plan, the housing authority shall furnish reasons for not incorporating those proposals.”.  
—*Senators Dominic Hannigan, Alex White, Michael McCarthy, Brendan Ryan, Phil Prendergast, Alan Kelly.*
- \* 20. In page 14, lines 9 to 11, to delete subsection (2).
- \* 21. In page 14, lines 12 to 14, to delete subsection (3) and substitute the following:  
“(3) Written submissions or observations with respect to the draft housing services plan may be made by the persons specified in *subsection (1)* to the housing authority within 6 weeks from the date on which the draft plan is sent under *subsection (1)*.”.
22. In page 14, subsection (3), line 14, to delete “6” and substitute “8”.  
—*Senators Dominic Hannigan, Alex White, Michael McCarthy, Brendan Ryan, Phil Prendergast, Alan Kelly.*

SECTION 18

- \* 23. In page 15, subsection (1), line 27, to delete “its” and substitute “the”.

SECTION 19

- \* 24. In page 16, subsection (2), lines 1 to 3, to delete paragraph (a) and substitute the following:  
“(a) dwellings provided by a housing authority under the *Housing Acts 1966 to 2008* or provided under Part V of the *Planning and Development Act 2000*, other than affordable housing;”.
25. In page 16, subsection (4)(a), line 26, after “social” to insert “, economic or cultural”.  
—*Senators Dominic Hannigan, Alex White, Michael McCarthy, Brendan Ryan, Phil Prendergast, Alan Kelly.*
26. In page 16, subsection (4), between lines 29 and 30, to insert the following:



[ SECTION 19 ]

“(c) ensure adequate provision of housing to prevent and reduce homelessness.”.

—*Senator Paudie Coffey.*

SECTION 20

\* 27. In page 16, lines 40 to 42, to delete subsection (1) and substitute the following:

“(1) A reference in this section to a household shall be read as including a reference to 2 or more persons who, in the opinion of the housing authority concerned, have a reasonable requirement to live together.”.

28. In page 16, subsection (1), line 41, after “includes” to insert “an individual or”.

—*Senators Dominic Hannigan, Alex White, Michael McCarthy, Brendan Ryan, Phil Prendergast, Alan Kelly.*

29. In page 16, subsection (1), line 41, after “includes” to insert “a person who lives alone or”.

—*Senator Pearse Doherty.*

30. In page 16, between lines 42 and 43, to insert the following subsection:

“(2) For the purposes of this Act a homeless person shall be defined as:

(a) a person who has no accommodation available to them other than a night shelter, a public place or external space;

(b) a person who has no accommodation available to them other than a homeless hostel, transitional or temporary accommodation, sheltered accommodation; a person who has been released from state institutions such as penal, medical or care institutions;

(c) a person who has no accommodation available to them other than temporary accommodation with family or friends; illegal occupation of land; subject to legal orders to quit rented accommodation or repossession orders of privately owned accommodation; residing in mobile homes, temporary structures, dwellings unfit for habitation or dwellings deemed by the housing authority as overcrowded;

(d) a person who, in the opinion of the authority, is unable to provide accommodation from their own resources or is occupying accommodation which is inadequate or insecure.”.

—*Senator Pearse Doherty.*

31. In page 17, subsection (3), line 5, to delete “may” and substitute “shall”.

—*Senator Ivana Bacik.*

32. In page 17, subsection (4), line 10, to delete “may” and substitute “shall”.

—*Senator Ivana Bacik.*

33. In page 17, subsection (4)(e), line 27, after “alternative” to insert “and appropriate”.

—*Senator Ivana Bacik.*

34. In page 17, subsection (4), between lines 35 and 36, to insert the following:

[ SECTION 20 ]

“(h) additional needs of the household including medical, education, social, and cultural needs required to promote social inclusion and the development of sustainable communities.”.

—*Senator Ivana Bacik.*

\* 35. In page 17, lines 36 to 45, to delete subsection (5) and substitute the following:

“(5) A household shall not be eligible for social housing support where the household or a member of the household—

- (a) was at any time a tenant of a dwelling or site owned or provided by any housing authority under the *Housing Acts 1966 to 2008* or provided under Part V of the Planning and Development Act 2000, and
- (b) during the 3 years immediately before the carrying out of the social housing assessment, was in arrears of rent in respect of the dwelling or site for an accumulated period of 12 weeks or has otherwise breached a condition of the tenancy agreement in respect of such dwelling or site.”.

36. In page 17, subsection (5), line 36, to delete “A” and substitute the following:

“Save in exceptional circumstances relating to inability to pay rent (which shall not include any case where the breach of a condition of the tenancy agreement related to the avoidance of anti-social behaviour) a”.

—*Senators Dominic Hannigan, Alex White, Michael McCarthy, Brendan Ryan, Phil Prendergast, Alan Kelly.*

37. In page 17, subsection (5), line 36, to delete “shall” and substitute “may”.

—*Senator David Norris.*

38. In page 17, subsection (5), line 45, after “site.” to insert the following:

“Where there are moneys due and owing by a household to a housing authority under any of the provisions to which this section applies and the housing authority is satisfied that the household would otherwise suffer undue hardship if social housing support was withheld, the housing authority may provide such social housing support and at the household’s option, enter into arrangements with the household for the payment of those moneys by such installments and at such times as the housing authority considers reasonable in all the circumstances in addition to any rent, charges, fees or loan repayments that the household is paying to the authority.”.

—*Senator David Norris.*

39. In page 17, subsection (6), line 46, to delete “may” and substitute “shall”.

—*Senator Ivana Bacik.*

40. In page 18, subsection (6)(b), line 3, to delete “need;” and substitute the following:

“need. In particular housing need assessments must have regard to the need for housing of people who—

- (i) are homeless,
- (ii) are members of the Travelling Community,

[ SECTION 20 ]

- (iii) are living in accommodation that is unfit for human habitation or is materially unsuitable for their adequate housing,
- (iv) are living in overcrowded accommodation,
- (v) are sharing accommodation with another person or persons and who, in the opinion of the housing authority, have a reasonable requirement for separate accommodation,
- (vi) are young persons leaving institutional care or without family accommodation,
- (vii) are in need of accommodation for medical or compassionate reasons,
- (viii) are elderly,
- (ix) are disabled,
- (x) 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;"

—*Senator Ivana Bacik.*

41. In page 18, subsection (7), line 6, to delete "may" and substitute the following:

"shall, within one year of the commencement of this section,".

—*Senator Ivana Bacik.*

42. In page 18, subsection (7), line 7, after "of" to insert "annual".

—*Senator Ivana Bacik.*

43. In page 18, subsection (7), between lines 12 and 13, to insert the following:

"(c) the maximum period in which an applicant for social housing or housing support shall stay in accommodation designated as emergency;"

—*Senator Ivana Bacik.*

44. In page 18, subsection (7), line 16, to delete paragraph (d).

—*Senator Ivana Bacik.*

- \* 45. In page 18, between lines 32 and 33, to insert the following subsection:

"(10) A household in receipt of social housing support referred to in section 19(2) (b), before the commencement of this section, is deemed to have been assessed and qualified for such social housing support under this section."

SECTION 21

- \* 46. In page 19, lines 1 and 2, to delete subsection (2).

SECTION 22

47. In page 19, subsection (4), line 31, to delete "may" and substitute "shall".

—*Senator Paudie Coffey.*

48. In page 19, subsection (4), lines 31 and 32, to delete "the matters to be included in".



—*Senator Paudie Coffey.*

49. In page 19, subsection (4), between lines 43 and 44, to insert the following:

“(d) measures to prevent and reduce homelessness.”

—*Senator Paudie Coffey.*

50. In page 19, subsection (4), between lines 43 and 44, to insert the following:

“(e) The Minister shall lay the draft regulations before the relevant Oireachtas Committee for debate. The Minister shall consider the recommendations of the Oireachtas Committee before signing final regulations.”

—*Senator Paudie Coffey.*

51. In page 19, subsection (5), line 44, after “section 19(4)” to insert “and 20(1)”.

—*Senator Pearse Doherty.*

52. In page 19, subsection (5), after line 47, to insert the following:

“(a) Persons defined as being homeless under the terms of Section 20(2)#

(b) Allocation on the basis of need.”

—*Senator Pearse Doherty.*

[# *This is the appropriate reference if amendment no. 30 is accepted.*]

53. In page 20, subsection (5), between lines 4 and 5, to insert the following:

“(d) allocation on the basis of need.”

—*Senator Paudie Coffey.*

54. In page 21, between lines 35 and 36, to insert the following subsection:

“(18) The Minister shall within six months from the coming into operation of this Bill provide for the establishment of an Appeals Commission and shall make regulations regarding the operation thereto. On its establishment the Appeals Commission shall determine matters of dispute where a household has been deemed to be ineligible for social housing support or who disputes a social housing assessment in accordance with section 20. The Commission shall also determine disputes regarding the allocation of dwellings and such other matters as the Minister may decide. In appointing the members of the Commission the Minister shall have regard to the obligations of the Commission to operate with openness and transparency. Members of the Commission shall include but shall not be limited to members of housing authorities, representatives from voluntary sector housing and homelessness services and relevant bodies with expertise appropriate to the functions of the Commission. In making regulations concerning the operation of the Commission the Minister shall have due regard to the need to ensure adequate representation of households in dispute.”

—*Senator David Norris.*

## SECTION 24

\* 55. In page 22, subsection (2)(b), to delete lines 36 to 40 and substitute the following:

“(i) his or her tax reference number within the meaning of section 888 of the Taxes Consolidation Act 1997, and”.

[ SECTION 25 ]

SECTION 25

56. In page 25, subsection (4), between lines 4 and 5, to insert the following:

“(i) procedures for supporting tenants who fall into rent arrears designed to assist them in sustaining their tenancy.”.

—*Senators Dominic Hannigan, Alex White, Michael McCarthy, Brendan Ryan, Phil Prendergast, Alan Kelly.*

57. In page 25, subsection (5)(c)(i), line 15, after “agreement” to insert the following:

“with due regard to the provisions of subsection (4)(i)#”.

—*Senators Dominic Hannigan, Alex White, Michael McCarthy, Brendan Ryan, Phil Prendergast, Alan Kelly.*

[# *This is the appropriate reference if amendment no. 56 is accepted.*]

\* 58. In page 25, subsection (5)(c), to delete lines 18 to 23 and substitute the following:

“(iii) knowingly permitting a person, against whom an excluding order under section 3 of the Act of 1997 or an interim excluding order under section 4 of that Act is in force in respect of the dwelling concerned, to enter the dwelling in breach of the excluding order or interim excluding order, as the case may be.”.

SECTION 27

\* 59. In page 26, before section 27, but in Chapter 4, to insert the following new section:

“Non-application of certain provisions to disposals for purposes of this Chapter.

27.—Section 211(2) of the Planning and Development Act 2000 and section 183 of the Local Government Act 2001 shall not apply to the disposal, for any of the purposes of this Chapter, of land or a dwelling by a housing authority.”.

[*Acceptance of this amendment involves the deletion of section 27 of the Bill.*]

SECTION 28

\* 60. In page 26, subsection (2), line 35, after “or” to insert “provided under”.

\* 61. In page 27, subsection (6), line 50, to delete “section 56 of the Principal Act or under this Act” and substitute “section 11”.

SECTION 29

62. In page 28, subsection (4), line 21, to delete “may” and substitute “shall”.

—*Senator Paudie Coffey.*

SECTION 31

63. In page 31, subsection (4)(b), between lines 2 and 3, to insert the following:

“(iii) special needs charges.”.

—*Senators Dominic Hannigan, Alex White, Michael McCarthy,*

[ SECTION 31 ]

*Brendan Ryan, Phil Prendergast, Alan Kelly.*

- \* 64. In page 31, subsection (6)(b), line 20, after “size,” to insert “standard,”.
- \* 65. In page 31, subsection (6)(b), line 23, after “size,” to insert “standard,”.
- \* 66. In page 31, subsection (6)(d), line 29, after “allowances” to insert “in respect of rent”.
- \* 67. In page 31, between lines 38 and 39, to insert the following subsection:

“(8) The charging of rents or other charges referred to in *subsection (3)* in respect of a dwelling to which this section applies and the review of such rents or other charges in accordance with a rent scheme are executive functions.”.

SECTION 33

- \* 68. In page 34, subsection (3), line 14, to delete “*subsection (1)*” and substitute “*subsection (2)*”.
- \* 69. In page 34, lines 23 to 32, to delete subsection (5).
- 70. In page 34, between lines 32 and 33, to insert the following subsection:

“(6) Where exceptional circumstances arise such that arrangements under *subsection (5)* cannot be put in place without causing undue hardship, a housing authority may cancel the obligation of a household to pay part or all of the moneys referred to in *subsection (5)*.”.

—*Senators Dominic Hannigan, Alex White, Michael McCarthy,*  
*Brendan Ryan, Phil Prendergast, Alan Kelly.*
- \* 71. In page 34, subsection (6), line 34, to delete “*subsection (1)*” and substitute “*subsection (2)*”.

SECTION 34

- \* 72. In page 34, before section 34, to insert the following new section:

“Arrangements with households for payment of moneys due and owing to housing authority.

34.—(1) This section applies to the following provisions:

- (a) *sections 28, 31 and 32(7) and (8)*;
- (b) section 13 of the Act of 1988;
- (c) sections 3 and 11 of the Act of 1992, and
- (d) section 25 of the Housing (Traveller Accommodation) Act 1998.

(2) Where there are moneys due and owing by a household to a housing authority under any of the provisions to which this section applies and the housing authority is satisfied that the household would otherwise suffer undue hardship, the housing authority may enter into arrangements with the household for the payment of those moneys (together with any interest that may have accrued under *section 33(2)*) by such instalments and at such times as the housing authority considers reasonable in all the circumstances in addition to any rent, charges, fees or loan repayments that the household is paying to the authority.”.

- 73. In page 34, subsection (2), after line 46, to insert the following:



[ SECTION 34 ]

“(a) the taking of rapid and effective action to terminate the tenancy of any household where a member or members of that household have engaged in anti-social behaviour,”.

—*Senators Dominic Hannigan, Alex White, Michael McCarthy, Brendan Ryan, Phil Prendergast, Alan Kelly.*

74. In page 34, subsection (2), after line 46, to insert the following:

“(a) the promotion of good estate management,”.

—*Senator Ivana Bacik.*

75. In page 35, subsection (2), between lines 1 and 2, to insert the following:

“(b) initiatives for the prevention and reduction of anti-social behaviour, including but not limited to family intervention and mediation services,”.

—*Senator Ivana Bacik.*

76. In page 35, subsection (2), line 12, to delete paragraph (d).

—*Senator Ivana Bacik.*

77. In page 35, subsection (3), between lines 16 and 17, to insert the following:

“(a) procedures for the rapid termination of the tenancy of any household where a member or members of that household have engaged in anti-social behaviour;”.

—*Senators Dominic Hannigan, Alex White, Michael McCarthy, Brendan Ryan, Phil Prendergast, Alan Kelly.*

78. In page 35, subsection (3), lines 19 and 20, to delete paragraph (b).

—*Senator Ivana Bacik.*

79. In page 35, between lines 23 and 24, to insert the following:

“(d) formal detail of how the housing authority plans to implement and resource its anti-social behaviour strategy;

(e) relevant rights and responsibilities of tenants and landlords;

(f) protocols and procedures for responding to anti-social behaviour;

(g) protocols and procedures ensuring fair and due process in responding to anti-social behaviour;

(h) protocols and procedures for evictions;

(i) ensuring a clear, independent and accessible appeals process is available to tenants who are subject to eviction procedures;

(j) appropriate protocols and procedures for meeting the accommodation needs of households who are subject to eviction;

(k) a resource plan outlining what resources will be required to service both the housing authority’s capacity and delivery of the anti-social behaviour plan;

(l) a capacity building plan outlining how the housing authority intends to build its capacity to develop and deliver the anti-social behaviour plan;



[ SECTION 34 ]

- (m) what services, if any, the housing authority intends to source from the professional or voluntary sector in ensuring the effective implementation of the anti-social behaviour strategy.”.

—*Senator Ivana Bacik.*

80. In page 35, subsection (5), between lines 35 and 36, to insert the following:

“(c) relevant residents, community and voluntary sector organisations,”.

—*Senator Ivana Bacik.*

81. In page 35, between lines 37 and 38, to insert the following subsection:

“(6) Without prejudice to any power conferred by the Act of 1997 or otherwise, a housing authority may without notice terminate the tenancy of any tenant who has engaged in anti-social behaviour.”.

—*Senators Dominic Hannigan, Alex White, Michael McCarthy, Brendan Ryan, Phil Prendergast, Alan Kelly.*

82. In page 35, lines 40 to 45, to delete subsection (7), and substitute the following:

“(7) A person against whom steps are taken to prevent or address anti-social behaviour shall not have any right of action against the housing authority in respect of any allegation that the housing authority has not complied with the anti-social behaviour strategy.”.

—*Senators Dominic Hannigan, Alex White, Michael McCarthy, Brendan Ryan, Phil Prendergast, Alan Kelly.*

SECTION 36

- \* 83. In page 36, subsection (1), to delete lines 44 to 46 and in page 37, to delete lines 1 and 2, and substitute the following:

“(1) Subject to *subsection (2)*, this Part applies to a dwelling provided by a housing authority under the *Housing Acts 1966 to 2008* or by an approved body with the assistance of a housing authority under section 6 of the Act of 1992 or provided under Part V of the Planning and Development Act 2000—”.

84. In page 37, between lines 13 and 14, to insert the following subsection:

“(2) This Part also applies with necessary modifications to a dwelling provided by an approved body and constructed prior to the commencement of this Part.”.

—*Senators Dominic Hannigan, Alex White, Michael McCarthy, Brendan Ryan, Phil Prendergast, Alan Kelly.*

85. In page 37, lines 14 to 18, to delete subsection (2).

—*Senators Dominic Hannigan, Alex White, Michael McCarthy, Brendan Ryan, Phil Prendergast, Alan Kelly.*

SECTION 37

- \* 86. In page 38, lines 22 and 23, to delete subsection (5) and substitute the following:

“(5) Section 211(2) of the Planning and Development Act 2000 and section 183 of the Local Government Act 2001 shall not apply to the sale of a dwelling to an eligible household under this section.”.

[ SECTION 39 ]

SECTION 39

- \* 87. In page 40, subsection (3), lines 42 and 43, to delete “or an approved body”.
- \* 88. In page 40, subsection (3), lines 44 and 45, to delete “or approved body” and substitute “or an approved body, as the case may be,”.

SECTION 42

- \* 89. In page 44, subsection (2), line 35, to delete “value” and substitute “market value”.
- \* 90. In page 45, lines 6 to 9, to delete subsection (5) and substitute the following:

“(5) Where the amount payable under *subsection (2)* would, if subtracted from the market value of the site at the date of its resale, result in an amount that is less than the price actually paid for the site, the amount payable shall be reduced to the extent necessary to avoid that result.”.

SECTION 43

- \* 91. In page 46, subsection (1), line 33, to delete “before” and substitute “after”.
- \* 92. In page 46, subsection (2), lines 39 to 47 and in page 47, lines 1 to 6, to delete paragraph (b) and substitute the following:

“(b) The percentage referred to in *paragraph (a)* is—

- (i) 85 per cent of the grant paid where less than one year has passed since the date of payment of the grant,
- (ii) 70 per cent of the grant paid where one year or more but less than 2 years has passed since the date of payment of the grant,
- (iii) 50 per cent of the grant paid where 2 years or more but less than 3 years has passed since the date of payment of the grant,
- (iv) 35 per cent of the grant paid where 3 years or more but less than 4 years has passed since the date of payment of the grant, and
- (v) 20 per cent of the grant paid where 4 years or more but less than 5 years has passed since the date of payment of the grant.”.

- \* 93. In page 47, lines 47 and 48, to delete subsection (11).

SCHEDULE 2

- \* 94. In page 48, Part 1, between lines 20 and 21, to insert the following:

1	Section 90	Insert the following after subsection (4):  “(4A) Section 211(2) of the Planning and Development Act 2000 shall not apply to the sale of a dwelling under subsection (1)(a)(i).”.
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[ SCHEDULE 2 ]

\* 95. In page 49, Part 4, between lines 13 and 14, to insert the following:  
“

1	Section 1(1)	Insert the following definitions:  “ ‘improvement notice’ has the meaning given to it by section 18A;  ‘prohibition notice’ has the meaning given to it by section 18B;”.
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”.

\* 96. In page 49, Part 4, line 22, to delete “in accordance with” and substitute  
“under”.

\* 97. In page 49, Part 4, between lines 28 and 29, to insert the following:  
“

3	Section 18	<p>(a) In subsection (1), delete “, works and services appurtenant thereto and enjoyed therewith”.</p> <p>(b) Delete subsections (3) to (6).</p> <p>(c) In subsection (7)(b), insert “and any common areas” after “house”.</p> <p>(d) Substitute the following for subsection (8):</p> <p>“(8) For the purposes of subsection (7)(b) ‘a proper state of structural repair’ means sound, internally and externally, with roof, roofing tiles and slates, windows, floors, ceilings, walls, stairs, doors, skirting boards, fascia, tiles on any floor, ceiling and wall, gutters, down pipes, fittings, furnishings, gardens and common areas maintained in good condition and repair and not defective due to dampness or otherwise.”.</p> <p>(e) Insert the following after subsection (8):</p> <p>“(9) In this section and sections 18A and 18B—</p> <p>‘common areas’ means common areas, works and services that are appurtenant to houses and enjoyed therewith and that are in the ownership or under the control of the landlord;</p> <p>‘landlord’ means the person for the time being entitled to receive (otherwise than as agent for another person) the rent paid in respect of a house by the tenant thereof;</p> <p>‘tenancy’ includes a periodic tenancy and a tenancy for a fixed term, whether oral or in writing or implied;</p> <p>‘tenant’ means the person for the time being entitled to the occupation of a house under a tenancy.”.</p>
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[ SCHEDULE 2 ]

4	New sections	<p>Insert the following new sections after section 18:</p> <p>“Improvement notice.</p> <p>18A.—(1) Where, in the opinion of a housing authority, a landlord is contravening or has contravened a requirement of a regulation made under section 18, the authority may give notice in writing (in this Act referred to as an “improvement notice”) to the landlord of the house concerned.</p> <p>(2) An improvement notice shall—</p> <p>(a) state that the housing authority is of the opinion referred to in subsection (1),</p> <p>(b) state the reasons for that opinion,</p> <p>(c) identify the provision of the regulation concerned in respect of which that opinion is held,</p> <p>(d) direct the landlord to remedy the contravention within the period specified in the notice commencing on the date specified therein, which date shall not be earlier than the end of the period within which an objection may be submitted under subsection (6),</p> <p>(e) include information regarding the submission of an objection and the making of an appeal in relation to the notice, specifying—</p> <p>(i) the form and manner of an objection,</p> <p>(ii) the form and manner of an appeal, and</p> <p>(iii) the address of the housing authority for the purpose of submitting an objection under subsection (6) or notifying the authority of an appeal under subsection (7), as the case may be,</p> <p>(f) contain a statement that if an objection is not submitted in accordance with subsection (6) and within the period specified in that subsection then—</p> <p>(i) the notice will be treated as not disputed, and</p> <p>(ii) the landlord will be deemed to have accepted the notice and to have agreed to comply with the direction within the period specified therein,</p> <p>and</p> <p>(g) be signed and dated by the housing authority.</p> <p>(3) An improvement notice may include directions as to the measures to be taken to remedy the contravention to which the notice relates or to otherwise comply with the notice.</p> <p>(4) Where an improvement notice is given under subsection (1), the housing authority shall give a copy to the tenant of the house concerned.</p> <p>(5) (a) A landlord to whom an improvement notice has been given who is of the opinion that the improvement notice has been complied with shall, before the expiration of the period specified in the notice for the purpose of subsection (2)(d), confirm in writing to the housing authority that the matters referred to in the notice have been so remedied and shall give a</p>
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copy of the confirmation to the tenant.

(b) Where a landlord confirms to the housing authority in accordance with paragraph (a) that the matters referred to in the improvement notice have been remedied, the housing authority, on being satisfied that the matters have been so remedied, shall, within 28 days of receiving such confirmation, give notice in writing to the landlord of compliance with the improvement notice and shall give a copy of the notice to the tenant.

(c) The notice under paragraph (b) does not preclude any inspection which the housing authority considers necessary in relation to the house concerned or the service of a further improvement notice which the authority may consider necessary.

(6) A landlord aggrieved by an improvement notice may, within 14 days beginning on the day on which the notice is given to him or her, submit an objection to the notice in the form and manner specified in the notice, and the housing authority shall consider the objection and, as it sees fit, vary, withdraw or confirm the notice and shall notify the landlord in writing of the decision and the reasons for the decision within 14 days after receipt of the objection.

(7) (a) The landlord may, no later than 14 days after the decision under subsection (6) is notified by the housing authority to him or her, appeal the decision to a judge of the District Court in the district court district in which the notice was served.

(b) A landlord who appeals under paragraph (a) shall at the same time notify the housing authority in writing of the appeal and the grounds for the appeal.

(c) The housing authority shall be entitled to appear, be heard and adduce evidence on the hearing of the appeal.

(d) In determining an appeal under paragraph (a), the judge of the District Court may confirm, vary or cancel the improvement notice if he or she considers it reasonable to do so.

(8) Where an objection is submitted under subsection (6) and no appeal is made under subsection (7) against the decision of the housing authority and the improvement notice is neither withdrawn nor cancelled, the notice takes effect on the later of the following:

(a) the day after the day on which the notice is confirmed or varied;

(b) the day after the objection is withdrawn by the landlord;

(c) the date specified in the notice.

(9) Where an appeal is made under subsection (7) and the improvement notice is neither withdrawn nor cancelled, the notice takes effect on the later of the following:

(a) the day after the day on which the notice is confirmed or varied on appeal;

(b) the day after the appeal is withdrawn by the landlord;

(c) the date specified in the notice.

(10) Where no objection is submitted under subsection (6) the

improvement notice takes effect on the date specified in the notice.

(11) The housing authority may—

(a) withdraw an improvement notice at any time, or

(b) where no objection is submitted or appeal made or pending, extend the date specified in the notice for the purposes of subsection (2)(d).

(12) Withdrawal of an improvement notice under subsection (11) does not prevent the giving of another improvement notice, whether in respect of the same matter or a different matter.

Prohibition notice.

18B.—(1) Where a landlord fails to comply with an improvement notice in accordance with section 18A, the housing authority may give notice in writing (in this Act referred to as a “prohibition notice”) to the landlord of the house concerned.

(2) A prohibition notice shall—

(a) state that the housing authority is of the opinion that the landlord has failed to comply with an improvement notice,

(b) direct that the landlord shall not re-let the house for rent or other valuable consideration until the landlord has remedied the contravention to which the improvement notice relates,

(c) include information regarding the making of an appeal in relation to the notice, specifying—

(i) the form and manner of an appeal, and

(ii) the address of the housing authority for the purpose of notifying the authority of an appeal under subsection (4),

and

(d) be signed and dated by the housing authority.

(3) Where a prohibition notice is given under subsection (1), the housing authority shall give a copy to the tenant of the house concerned.

(4) (a) A landlord aggrieved by a prohibition notice may, within 14 days beginning on the day on which the notice is given to him or her, appeal the notice to a judge of the District Court in the district court district in which the notice was served.

(b) A landlord who appeals under paragraph (a) shall at the same time notify the housing authority in writing of the appeal and the grounds for the appeal.

(c) The housing authority shall be entitled to appear, be heard and adduce evidence on the hearing of the appeal.

(d) In determining an appeal under paragraph (a), the judge of the District Court may confirm, vary or cancel the prohibition notice if he or she considers it reasonable to do so.

(5) A prohibition notice shall take effect—

(a) in the case of an appeal under subsection (4), on the later of the following:

(i) the day after the day on which the notice is confirmed or varied on appeal;

(ii) the day after the appeal is withdrawn by the landlord;

(iii) the expiry, whether by termination or otherwise, of the tenancy existing on the day on which the prohibition notice is given to the landlord,

(b) in any other case on the later of the following:

(i) the day after the expiry of the period allowed by subsection (4)(a) for making an appeal;

(ii) the expiry, whether by termination or otherwise, of the tenancy existing on the day on which the prohibition notice is given to the landlord.

(6) A landlord to whom a prohibition notice has been given who is of the opinion that the matters to which the notice relates have been remedied shall confirm in writing to the housing authority that those matters have been so remedied and shall give a copy of the confirmation to the tenant.

(7) Where a landlord on whom a prohibition notice has been served confirms in writing to the housing authority in accordance with subsection (6) that the matters to which the notice relates have been remedied, the housing authority, on being satisfied that the matters have been so remedied, shall, within 28 days of such confirmation, give written notice to the landlord of compliance with the prohibition notice and shall give a copy of the notice to the tenant of the house concerned.

(8) A housing authority may at any time withdraw a prohibition notice by notice in writing to the landlord to whom it was given.

(9) Withdrawal of a prohibition notice under subsection (8) does not prevent the giving of another prohibition notice.

(10) A housing authority shall, in the interests of public health and safety, make such arrangements as they consider appropriate or necessary to bring the contents of a prohibition notice to the attention of the public.”



[ SCHEDULE 2 ]

\* 98. In page 51, between lines 15# and 16#, but in Part 4, to insert the following:  
“

4	Section 34	<p>(a) Substitute the following for subsection (1)—</p> <p>“(1) Any person who—</p> <p>(a) by act or omission, obstructs an authorised person in the lawful exercise of the powers conferred by, or contravenes a provision of, or a regulation made under, section 17, 18 or 20, or</p> <p>(b) fails to comply with an improvement notice, or</p> <p>(c) re-lets a house in breach of a prohibition notice,</p> <p>shall be guilty of an offence and shall be liable, on summary conviction, to a fine not exceeding €5,000 or imprisonment for a term not exceeding 6 months or both and if the obstruction, contravention, failure to comply or re-letting is continued after conviction the person shall be guilty of a further offence on every day on which the obstruction, contravention, failure to comply or re-letting continues and for each such offence shall be liable, on summary conviction, to a fine not exceeding €400.”</p> <p>(b) Insert the following subsection:</p> <p>“(3) Where a person is convicted of an offence under this Act, the court shall, unless it is satisfied that there are special and substantial reasons for not doing so, order the person to pay to the housing authority, the costs and expenses, measured by the court, incurred by the housing authority in relation to the investigation, detection and prosecution of the offence.”</p>
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*[#A printing error has resulted in incorrect line references in page 51 of the Bill. The line reference in this amendment relates to the actual number of lines of text contained in page 51 of the Bill.]*

\* 99. In page 52, Part 5, line 37#, after “of” to insert “Part 3 of”.

*[#A printing error has resulted in incorrect line references in page 52 of the Bill. The line reference in this amendment relates to the actual number of lines of text contained in page 52 of the Bill.]*

\* 100. In page 52, Part 5, line 40#, after “household” to insert “or any member of the tenant's household or of the eligible household”.

*[#A printing error has resulted in incorrect line references in page 52 of the Bill. The line reference in this amendment relates to the actual number of lines of text contained in page 52 of the Bill.]*



[ SCHEDULE 2 ]

\* 101. In page 53, Part 6, to delete lines 30# to 48#, and substitute the following:

“

		<p>“(3) Before making an assessment under this section, a relevant housing authority shall give one month’s notice of their intention to do so to—</p> <p>(a) every local authority whose administrative area adjoins, or is contained in, the functional area of the authority preparing a programme under section 7,</p> <p>(b) the Health Service Executive,</p> <p>(c) approved bodies engaged in the provision of accommodation or shelter in the functional area concerned,</p> <p>(d) any local consultative committee in the functional area concerned, and</p> <p>(e) such local community bodies in the functional area concerned and any other person, as the housing authority considers appropriate.”.</p>
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*[#A printing error has resulted in incorrect line references in page 53 of the Bill. The line reference in this amendment relates to the actual number of lines of text contained in page 53 of the Bill.]*

\* 102. In page 54, Part 6, line 8#, to delete “subsection (7)” and substitute “subsection (6)”.

*[#A printing error has resulted in incorrect line references in page 54 of the Bill. The line reference in this amendment relates to the actual number of lines of text contained in page 54 of the Bill.]*

\* 103. In page 54, Part 7, between lines 41# and 42#, to insert the following:

“

2	Section 96(13)	In paragraph (a), substitute “required for households assessed under section 20 of the <i>Housing (Miscellaneous Provisions) Act 2008</i> as being qualified for social housing support” for “for persons referred to in section 9(2) of the Housing Act, 1988”.
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”.

*[#A printing error has resulted in incorrect line references in page 54 of the Bill. The line reference in this amendment relates to the actual number of lines of text contained in page 54 of the Bill.]*

\* 104. In page 54, Part 7, line 44#, to delete “housing authority” and substitute “planning authority”.

*[#A printing error has resulted in incorrect line references in page 54 of the Bill. The line reference in this amendment relates to the actual number of lines of text contained in page 54 of the Bill.]*

[ SCHEDULE 2 ]

\* 105. In page 55, Part 7, to delete lines 14# to 21# and substitute the following:  
“

3	New section 101A	<p>Insert the following section after section 101 but in Part V:</p> <p><i>“Non-application of certain provisions to sale or lease of affordable housing under this Part.</i></p> <p>101A.—Section 211(2) of this Act and section 183 of the Local Government Act 2001 shall not apply to the sale or lease of affordable housing to eligible persons under this Act.”.</p>
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[#A printing error has resulted in incorrect line references in page 55 of the Bill. The line reference in this amendment relates to the actual number of lines of text contained in page 55 of the Bill.]

\* 106. In page 57, Part 8, to delete lines 54# to 61# and substitute the following:  
“

5	New section 10A	<p>Insert the following new section after section 10 but in Part 2:</p> <p><i>“Non-application of certain provisions to sale of affordable house.</i></p> <p>10A.—Section 211(2) of the Planning and Development Act 2000 and section 183 of the Local Government Act 2001 shall not apply to the sale of an affordable house to a purchaser (within the meaning of section 9 and 10, as appropriate).”.</p>
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[#A printing error has resulted in incorrect line references in page 57 of the Bill. The line reference in this amendment relates to the actual number of lines of text contained in page 57 of the Bill.]

\* 107. In page 58, between lines 10 and 11, to insert the following new Part:

“PART 10

AMENDMENTS TO RESIDENTIAL TENANCIES ACT 2004

Item	Provision affected	Amendment
(1)	(2)	(3)

[ SCHEDULE 2 ]

1	Section 3(2)	<p>(a) In paragraph (c)(ii), substitute “a household within the meaning of the <i>Housing (Miscellaneous Provisions) Act 2008</i> assessed under section 20 of that Act as being qualified for social housing support” for “a person referred to in section 9(2) of the Housing Act 1988”.</p> <p>(b) Substitute the following for paragraph (d):</p> <p>“(d) a dwelling—</p> <p>(i) the occupier of which is entitled to acquire, under Part II of the Landlord and Tenant (Ground Rents) (No. 2) Act 1978, the fee simple in respect of it, or</p> <p>(ii) which is one of a number of dwellings comprising an apartment complex, the occupier of which would be so entitled to acquire the fee simple in respect of it but for the fact that it is such a dwelling.”.</p>
2	Section 12	<p>(a) In subsection (1), insert the following after paragraph (b):</p> <p>“(ba) provide receptacles suitable for the storage of refuse outside the dwelling, save where the provision of such receptacles is not within the power or control of the landlord in respect of the dwelling concerned.”.</p> <p>(b) In subsection (4)—</p> <p>(i) in paragraph (a), substitute the following for subparagraph (i):</p> <p>“(i) the payment of rent, or any other charges or taxes payable by the tenant in accordance with the lease or tenancy agreement, and the amount of rent or such other charges or taxes in arrears is equal to or greater than the amount of the deposit, or”,</p> <p>and</p> <p>(ii) substitute the following for paragraph (b):</p> <p>“(b) where, at the date of the request for return or repayment, there is a default in—</p> <p>(i) the payment of rent, or any other charges or taxes payable by the tenant in accordance with the lease or tenancy agreement, or</p> <p>(ii) compliance with section 16(f),</p> <p>and subparagraph (i) or (ii), as the case may be, of paragraph (a) does not apply, then there shall only be required to be returned or repaid under subsection (1)(d) the difference between the amount of rent or such other charges or taxes in arrears or, as appropriate, the amount of the costs that would be incurred in taking steps of the kind referred to in paragraph (a)(ii).”.</p>
3	Section 25(4)	<p>In paragraph (a), substitute “Chapter 11 (inserted by the Finance Act 2002) of Part 10 of the Taxes Consolidation Act 1997” for “section 380B(2), 380C(4) or 380D(2) (inserted by the Finance Act 1999) of the Taxes Consolidation Act 1997”.</p>
4	Section 135	<p>(a) Delete subsection (2).</p> <p>(b) In subsection (5), substitute “that the application is incomplete and invalid and shall return the application, any other information submitted with the application and any fee paid” for “of the omission concerned and afford him or her a reasonable opportunity to rectify the matter”.</p>

”



[ SCHEDULE 2 ]

\* 108. In page 58, between lines 10 and 11, to insert the following new Part:

“PART 11

AMENDMENT TO SOCIAL WELFARE CONSOLIDATION ACT 2005

Item (1)	Provision affected (2)	Amendment (3)
1	Section 265(1)	Substitute the following for subparagraphs (i), (ii) and (iii) of paragraph (b) of the definition of “relevant purpose”—  “(i) carrying out a social housing assessment under <i>section 20</i> of the <i>Housing (Miscellaneous Provisions) Act 2008</i> ,  (ii) allocating a dwelling under <i>section 22</i> of the <i>Housing (Miscellaneous Provisions) Act 2008</i> ,  (iii) determining rent or any other charge under <i>section 31</i> of the <i>Housing (Miscellaneous Provisions) Act 2008</i> ,”.

”.

SCHEDULE 3

109. In page 58, between lines 21 and 22, to insert the following:

“(c) conditions providing for a provisional tenancy during the first 12 months, whereby the tenancy may be terminated without notice, or with short notice, in the event of anti-social behaviour during that period;”.

—*Senators Dominic Hannigan, Alex White, Michael McCarthy, Brendan Ryan, Phil Prendergast, Alan Kelly.*

\* 110. In page 59, to delete lines 10 to 17 and substitute the following:

“(ii) prohibiting the tenant from knowingly permitting a person, against whom an excluding order under section 3 of the Act of 1997 or an interim excluding order under section 4 of that Act is in force in respect of the dwelling concerned, to enter the dwelling in breach of the excluding order or interim excluding order, as the case may be.”.

TITLE

\* 111. In page 5, line 18, after “ARRANGEMENTS;” to insert the following:

“TO MAKE FURTHER PROVISION RELATING TO STANDARDS FOR RENTED HOUSES AND TO PROVIDE FOR THE GIVING OF IMPROVEMENT NOTICES AND PROHIBITION NOTICES TO LANDLORDS; TO PROVIDE FOR THE PAYMENT OF A GRANT TOWARDS THE COST OF PROVISION OF AFFORDABLE HOUSES; TO PROVIDE FOR THE REPAYMENT OF CERTAIN AMOUNTS THAT MAY BECOME PAYABLE TO HOUSING AUTHORITIES ON THE SUBSEQUENT PURCHASE OF THE PURCHASER’S INTEREST IN A SHARED OWNERSHIP LEASE OR THE SALE OF THAT INTEREST;”.



[ *TITLE* ]

\* **112.** In page 5, lines 22 and 23, to delete “AND THE CIVIL REGISTRATION ACT 2004” and substitute the following:

“, THE CIVIL REGISTRATION ACT 2004, THE RESIDENTIAL TENANCIES ACT 2004 AND THE SOCIAL WELFARE ACTS”.