



# **SEANAD ÉIREANN**

---

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

### **LEASUITHE TUARASCÁLA REPORT AMENDMENTS**

---



# SEANAD ÉIREANN

---

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

### HOUSING (MISCELLANEOUS PROVISIONS) BILL 2008 —REPORT

---

*Leasuithe  
Amendments*

---

*\*Government Amendments are distinguished by an asterisk.*

1. In page 5, line 7, after “PLANS” to insert “AND HOMELESS ACTION PLANS”.

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

2. In page 10, line 21, after “services” to insert “and tenancy services”.

—*Senators Paudie Coffey, Maurice Cummins.*

3. In page 13, to delete lines 8 and 9 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.*

4. In page 13, between lines 9 and 10, to insert the following:

“(c) the homeless action plan in its administrative area”.

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

5. In page 13, between lines 11 and 12, to insert the following:

“(d) the homeless action plan in its administrative area”;

—*Senators Paudie Coffey, Maurice Cummins.*

6. In page 13, to delete lines 29 to 33 and substitute the following:

“(2) 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.*

7. In page 13, line 34, 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.*

8. In page 14, line 11, after “to” to insert “and seek responses from”.  
—*Senators Dominic Hannigan, Alex White, Michael McCarthy, Brendan Ryan, Phil Prendergast, Alan Kelly.*

9. In page 14, line 17, 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.*

10. In page 14, line 18, 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.*

11. In page 14, between lines 22 and 23, 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.*

12. In page 14, between lines 25 and 26, to insert the following:

“(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 outline reasons for not incorporating those proposals.”.

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

\* 13. In page 14, line 28, to delete “6” and substitute “8”.

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

\* 14. In page 14, line 37, to delete “3” and substitute “4”.

15. In page 16, between lines 10 and 11, to insert the following:

“Homeless action plan.

19.—Each housing authority shall establish a process (in this section referred to as a “local homeless forum”) within its administrative area for the purposes of developing and implementing a local homeless action plan. Each local homeless forum shall include approved bodies involved in the provision of housing and homeless services within the administrative area. Within 12 months of the passing of this Act and every 3 years thereafter, the local authority shall adopt a local homeless action plan. The plan shall be produced by the local homeless forum in each administrative area and shall:

(a) contain measures for the prevention of homelessness; the elimination of rough sleeping; the elimination of long term homelessness; the meeting of long term housing needs; the provision of effective provision of services for homeless people; co-ordinated funding arrangements;

(b) contain an overall vision, objectives, actions, output targets, timescales for achievement, indicative costs and proposed funding arrangements;

(c) be formally reviewed by the homeless forum on an annual basis;

(d) cover a three year period;

(e) in its preparation, approval, purpose, scope and structure be consistent with policies aimed at; eliminating long term homelessness; minimizing the risk of a person becoming homeless through effective preventative policies and services; ensure when a person becomes homeless they are assisted into appropriate long term housing.”.

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

16. In page 16, between lines 10 and 11, to insert the following:

“19.—Each housing authority shall establish a local homeless forum within its administrative area for the purposes of developing and implementing a local homeless action plan. Each local homeless forum shall include approved bodies involved in the provision of housing and homeless services within the administrative area. Within 12 months of the passing of this bill, the local authority shall adopt a local homeless action plan. The plan shall be produced by the local homeless forum in each administrative area and shall:

(a) contain measures for the prevention of homelessness; the elimination of rough sleeping; the elimination of long term homelessness; the meeting of long term housing needs; the provision of effective provision of services for homeless people; co-ordinated funding arrangements;

(b) contain an overall vision, objectives, actions, output targets, timescales for achievement, indicative costs and proposed funding arrangements;

(c) be formally reviewed by the homeless forum on an annual basis;

(d) cover a three year period;

(e) in its preparation, approval, purpose, scope and structure be consistent with policies aimed at; eliminating long term homelessness; minimizing the risk of a person becoming homeless through effective preventative policies and services; ensure when a person becomes homeless they are assisted into appropriate long term housing.”.

—*Senators Paudie Coffey, Maurice Cummins.*

17. In page 16, line 44, after “social” to insert “(including economic, cultural, ethnic or other)”.

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

18. In page 17, line 15, to delete “including a reference to” and substitute the following:

“meaning a person who lives alone, 2 or more persons who live together or”.

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

19. In page 17, line 26, to delete “may” and substitute “shall”.

—*Senators Ivana Bacik, David Norris.*

20. In page 18, line 8, to delete “A” and substitute the following:

“Save in exceptional circumstances relating to inability to pay rent a”.

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

21. In page 18, line 8, to delete “shall” and substitute “may”.

—*Senators David Norris, Ivana Bacik* .

22. In page 18, line 18, 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.”.

—*Senators David Norris, Ivana Bacik* .

23. In page 18, line 19, to delete “may” and substitute “shall”.

—*Senators Ivana Bacik, David Norris*.

24. In page 18, line 25, 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,
- (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;”.

—*Senators Ivana Bacik, David Norris*.

25. In page 18, line 28, to delete “may” and substitute the following:

“shall, within one year of the commencement of this section”.

—*Senators Ivana Bacik, David Norris*.

26. In page 18, line 29, after “of” to insert “annual”.

—*Senators Ivana Bacik, David Norris*.

27. In page 18, between lines 34 and 35, 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.”.

—*Senators Ivana Bacik, David Norris.*

**28.** In page 18, to delete line 38.

—*Senators Ivana Bacik, David Norris.*

**29.** In page 20, between lines 20 and 21, to insert the following:

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

—*Senators Paudie Coffey, Maurice Cummins.*

**30.** In page 22, between lines 7 and 8, to insert the following:

“(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.”.

—*Senators David Norris, Ivana Bacik .*

**31.** In page 25, between lines 28 and 29, 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.*

**32.** In page 25, line 39, 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.*

[\* *These are the appropriate references if amendment number 31 is accepted.*]

**33.** In page 34, after line 49, to insert the following:

“(5) Where exceptional circumstances arise such that arrangements under *section 34(2)* 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 that section.”.

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

**34.** In page 35, between lines 30 and 31, to insert the following:

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

—*Senators Ivana Bacik, David Norris.*

**35.** In page 35, between lines 31 and 32, 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.”.  
—*Senators Ivana Bacik, David Norris.*

**36.** In page 35, to delete line 42.

—*Senators Ivana Bacik, David Norris.*

**37.** In page 36, to delete lines 5 and 6.

—*Senators Ivana Bacik, David Norris.*

**38.** In page 36, between lines 21 and 22, to insert the following:

“(c) relevant residents, community and voluntary sector organisations,”.  
—*Senators Ivana Bacik, David Norris.*

**39.** In page 37, between lines 34 and 35, to insert the following:

“(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.*

**40.** In page 38, to delete lines 3 to 7.

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