SEANAD ÉIREANN

AN BILLE UM FHORBAIRTÍ ILAONAD 2009
MULTI-UNIT DEVELOPMENTS BILL 2009

LEASUITHE COISTE
COMMITTEE AMENDMENTS

[No. 32 of 2009] [10 March, 2010]

[Printers Reference]

SEANAD ÉIREANN

AN BILLE UM FHORBAIRTÍ ILAONAD 2009
—AN COISTE

MULTI-UNIT DEVELOPMENTS BILL 2009
—COMMITTEE STAGE

Leasuithe
Amendments

[* *Government amendments are denoted by an asterisk.*]

SECTION 1

***1.** In page 3, subsection (1), between lines 15 and 16, to insert the following:

" "childcare facility" means a building or structure which is in use for the purposes of providing—

(*a*) a pre-school service, or

(*b*) a pre-school service and a day care service or other service to cater for children other than pre-school children,

and in this definition "pre-school child" and "pre-school service" have the meanings respectively assigned to them by section 49 of the Child Care Act 1991;

"commercial unit" means a unit in a mixed use multi-unit development which is not a residential unit and is intended for commercial use;".

***2.** In page 3, subsection (1), to delete lines 16 to 22 and substitute the following:

" "common areas" means all those parts of a multi-unit development designated, or which it is intended to designate, as common areas and including where relevant all structural parts of a building and shall include in particular—

(*a*) the external walls, foundations and roofs and internal load bearing walls;

(*b*) the entrance halls, landings, lifts, lift shafts, staircases and passages;

(*c*) the access roads, footpaths, kerbs, paved, planted and landscaped areas, and boundary walls;

(*d*) architectural and water features;

(*e*) such other areas which are from time to time provided for common use and enjoyment by the owners of the units their servants, agents, tenants and licensees;

(*f*) all ducts and conduits, other than such ducts and conduits within and serving only one unit in the development;

(*g*) cisterns, tanks, sewers, drains, pipes, wires, central heating boilers, other than such items within and serving only one unit in the development;".

[*SECTION 1*]

3. In page 3, subsection (1), between lines 22 and 23, to insert the following:

" "complete" in relation to a development means complete to the agreed satisfaction of the developer and the owners' management company and the planning authority;".

—Senators Ivana Bacik, Alex White, Michael McCarthy, Brendan Ryan, Phil Prendergast, Dominic Hannigan.

***4.** In page 3, subsection (1), lines 23 and 24, to delete "who carries out the development and construction" and substitute the following:

"who carries out or arranges for the development or construction".

5. In page 3, subsection (1), line 30, to delete "2007" and substitute "2009".

—Senators Ivana Bacik, Alex White, Michael McCarthy, Brendan Ryan, Phil Prendergast, Dominic Hannigan.

***6.** In page 4, subsection (1), to delete lines 1 to 4 and substitute the following:

" "mixed use multi-unit development" means a multi-unit development of which a commercial unit (other than a childcare facility) forms part of the development;

"multi-unit development" means a development being land on which there stands erected a building or buildings comprising units and that—

(*a*) as respects such units it is intended that amenities, facilities and services are to be shared, and

(*b*) subject to *section 2(1)#*, the development contains not less than 5 residential units;".

[*#Note: This is a reference to the section proposed to be inserted by amendment 17.*]

7. In page 4, subsection (1), to delete lines 10 to 15.

—Senators Ivana Bacik, Alex White, Michael McCarthy, Brendan Ryan, Phil Prendergast, Dominic Hannigan.

***8.** In page 4, subsection (1), line 11, to delete "development which—" and substitute the following:

"development necessary for the enjoyment of quiet and peaceful occupation of sold units and which—".

***9.** In page 4, subsection (1), between lines 15 and 16, to insert the following:

" "residential unit" means a unit in a multi-unit development which is—

(*a*) designed for—

(i) use and occupation as a house, apartment, flat or other dwelling, and

(ii) has self-contained facilities;

or

(*b*) designed and used as a childcare facility and such facility is not intended to primarily share amenities, services and facilities with commercial units in the development;".

[*SECTION 1*]

***10.** In page 4, subsection (1), line 17, to delete "any estate or leasehold interest" and substitute "any leasehold estate".

***11.** In page 4, subsection (1), to delete lines 19 to 21, and substitute the following:

" "unit" means a residential unit in a multi-unit development;".

***12.** In page 4, subsection (1), line 22, to delete "the developer or".

13. In page 4, subsection (1), line 22, after "developer" to insert "or a related party".

—*Senators Ivana Bacik, Alex White, Michael McCarthy, Brendan Ryan, Phil Prendergast, Dominic Hannigan*.

***14.** In page 4, lines 26 to 33, to delete subsection (2) and substitute the following:

"(2) In this Act a unit shall not be treated as having self-contained facilities unless the unit has bathroom facilities and cooking facilities within it for the exclusive use of the occupants of the unit concerned.".

***15.** In page 4, lines 34 to 37, to delete subsection (3).

***16.** In page 4, lines 47 to 49, to delete subsection (5) and substitute the following:

"(5) In this Act, save where the context otherwise requires, a reference to a transfer of ownership shall, subject to *sections 2(6)* and *3(2)*, be construed as a reference to a lease or a deed of transfer, conveyance or assignment.".

SECTION 2

***17.** In page 4, before section 2, to insert the following new section:

"Application of Act.

2.—(1) Notwithstanding the definition of multi-unit development in *section 1*, the provisions of this Act specified in *Schedule 1* shall apply to a multi-unit development comprising 2 or more units but less than 5 units.

(2) Where a multi-unit development is comprised only of residential units and those units and the structure or that part of the structure in which those units are situate do not form part and were never intended to form part of the common areas of the development, the provisions of *Schedule 2*# shall apply as respects the common areas of the development.

(3) Subject to *subsection (4)*, in the case of a mixed use multi-unit development, this Act applies to—

(*a*) units in the development, and

(*b*) commercial units in the development, to the extent that amenities, facilities and services are shared by such commercial units and units.

(4) In the case of a mixed use multi-unit development where there is more than one owners' management company the obligations imposed on an owners' management company by this Act shall as respects such a company in which shares are held otherwise than by reason of ownership of a residential unit, be considered as being complied with where—

(*a*) as between different classes of units in such a development *sections 14* to *16* are complied with and a fair and equitable apportionment of the costs and expenses attributable to the different classes of units is applied, and

(*b*) in place of the requirements set out in *section 12(1)* and *(2)*, the voting rights of the members in such an owners' management company are apportioned in a manner which is fair and equitable.

(5) In this section—

(*a*) a reference to fair and equitable apportionment of the costs and expenses of the development shall mean that account is taken of all relevant matters including the respective level of use of any common areas by the owners of different classes of units and their servants, agents and invitees; and

(*b*) a reference to costs and expenses shall be taken to be a reference to the matters referred to in *sections 14 (3)* and *15 (1)*.".

[*#Note: This is a reference to the schedule proposed to be inserted by amendment 73.*]

18. In page 5, subsection (1), line 1, before "person" to insert "developer or any other".

—*Senator Eugene Regan*.

19. In page 5, subsection (1)(*b*), line 12, after "unit" to insert the following:

"and

(c) the purchaser has supplied his or her residential address to the owners' management company and has undertaken to notify the company of any future changes in address".

—*Senators Ivana Bacik, Alex White, Michael McCarthy, Brendan Ryan, Phil Prendergast, Dominic Hannigan*.

***20.** In page 5, subsection (2), lines 14 to 16, to delete paragraph (*a*) and substitute the following:

"(*a*) a unit which has not previously been sold; and".

***21.** In page 5, subsection (2)(*b*), line 18, to delete "the entire".

22. In page 5, between lines 19 and 20, to insert the following subsection:

"(3) On closing of a unit sale prior to completion of the development, the developer shall pay 5 per cent of the purchase prices to the owners' management company which shall hold such sum in trust for the developer until the development is completed.".

—*Senators Ivana Bacik, Alex White, Michael McCarthy, Brendan Ryan, Phil Prendergast, Dominic Hannigan*.

***23.** In page 5, subsection (4), line 32, to delete "the developer shall" and substitute "the person to whom *subsection (2)(b*) refers shall".

[*SECTION 2*]

24. In page 6, subsection (6), line 1, to delete "The", where it firstly occurs, and substitute the following:

"Except where the multi-unit development has been completed, the".

—*Senators Ivana Bacik, Alex White, Michael McCarthy, Brendan Ryan, Phil Prendergast, Dominic Hannigan*.

SECTION 3

25. In page 6, before section 3, to insert the following new section:

"Prohibition on retention of units.

3.—A developer may not retain any units on completion of the development. Each unit shall be subject, on such completion, to a common legal framework including liability for charges.".

—*Senators Ivana Bacik, Alex White, Michael McCarthy, Brendan Ryan, Phil Prendergast, Dominic Hannigan*.

26. In page 6, before section 3, to insert the following new section:

"Second-hand units.

3.—No person may sell a unit unless the purchaser has supplied his or her residential address to the owners' management company and has undertaken to notify the company of any future changes in address.".

—*Senators Ivana Bacik, Alex White, Michael McCarthy, Brendan Ryan, Phil Prendergast, Dominic Hannigan*.

***27.** In page 6, subsection (1), lines 14 and 15, to delete "of the multi-unit development concerned" and substitute the following:

"of the multi-unit development concerned together with the reversion".

28. In page 6, subsection (1), line 15, after "concerned" to insert the following:

"and of the reversion relating to any relevant unit".

—*Senators Ivana Bacik, Alex White, Michael McCarthy, Brendan Ryan, Phil Prendergast, Dominic Hannigan*.

***29.** In page 6, subsection (2), lines 17 and 18, to delete all words from and including "Except" in line 17 down to and including "transfer," in line 18 and substitute "The transfer,".

30. In page 6, lines 17 to 23, to delete subsection (2).

—*Senators Ivana Bacik, Alex White, Michael McCarthy, Brendan Ryan, Phil Prendergast, Dominic Hannigan*.

SECTION 4

31. In page 6, before section 4, to insert the following new section:

"4.—(1) Where a conveyance of a unit occurs during the development stage of a multi-unit development, the purchaser of a unit shall, on completion of the conveyance of the unit to the purchaser, pay 5 per cent of the consideration for the purchase to the owners' management company, which shall hold each such sum in trust for the developer until the development stage has been completed.

(2) The owners' management company shall not transfer the sums referred to in *subsection (1)* until the development stage has been completed.

(3) Notwithstanding *subsection (1)*, the developer shall be the taxable person within the meaning of section 3 of the Value-Added Tax Act 1972 (as amended by section 85 of the Finance Act 2008) for the entire consideration paid by the purchaser of a unit at the time of the conveyance of the unit.

(4) Without prejudice to any other covenants which may be entered into, the covenants to be included in the articles of association of an owners' management company shall include the following—

(*a*) that each unit owner shall abide by all house rules of the multi-unit development,

(*b*) that each unit owner shall discharge the responsibilities expected as a member of the owners' management company, including payment of service charges and contributions to the building investment fund,

(*c*) that each unit owner shall obtain the permission of the board of directors of the owners' management company before making any external or structural alteration to the unit owner's unit,

(*d*) that each unit owner shall provide up-to-date and accurate contact details to the owners' management company,

(*e*) that each unit owner shall inform his or her tenant (if any) of the house rules of the multi-unit development, and shall take all reasonable steps to ensure that any such tenant abides by those rules.".

—*Senator Eugene Regan*.

32. In page 6, line 25, after "completed" to insert "as certified by a professional person".

—*Senator Eugene Regan*.

***33.** In page 6, line 26, to delete "and the ownership of the common areas" and substitute the following:

"and the ownership of the relevant parts of the common areas or the reversion in the units concerned".

SECTION 5

34. In page 6, paragraph (*a*), line 38, to delete "2007" and substitute "2009".

—*Senators Ivana Bacik, Alex White, Michael McCarthy, Brendan Ryan, Phil Prendergast, Dominic Hannigan*.

SECTION 6

35. In page 6, before section 6, to insert the following new section:

"Conveyancing and covenants in multi-unit developments.

6.—Where a conveyance of a unit occurs during the development stage of a multi-unit development, the purchaser of a unit shall, on completion of the conveyance of the unit to the purchaser, pay 5 per cent of the consideration for the purchase to the owners' management company, which shall hold each such sum in trust for the developer until the development stage has been completed.".

—*Senator Joe O'Toole*.

[*SECTION 7*]

SECTION 7

***36.** In page 7, subsection (3), line 26, to delete "shall effect" and substitute "shall, at its expense, effect".

37. In page 7, subsection (3), line 26, after "effect" to insert ", pay for".

—Senators Ivana Bacik, Alex White, Michael McCarthy, Brendan Ryan, Phil Prendergast, Dominic Hannigan.

***38.** In page 7, subsection (5), line 36, to delete "transferred land" and substitute "transferred common areas".

***39.** In page 7, subsection (5), line 37, to delete "transferred lands" and substitute "transferred common areas".

SECTION 9

***40.** In page 8, lines 28 to 32, to delete subsection (1) and substitute the following:

"9.—(1) Where in respect of a multi-unit development the development stage has ended and either *section 2(6)* or *3(2)* applies, the owner of every beneficial interest in the common areas and reversion in the units which is reserved by virtue of those provisions shall, subject to *subsection (2)*, as soon as practicable thereafter make a statutory declaration for the benefit of the owners' management company that the beneficial interest concerned stands transferred to the owners' management company concerned, and the effect of the making of such declaration is that the beneficial interest and legal interest stand merged.".

41. In page 8, subsection (1), line 30, after "make" to insert "and deliver to the owners' management company".

—Senators Ivana Bacik, Alex White, Michael McCarthy, Brendan Ryan, Phil Prendergast, Dominic Hannigan.

SECTION 10

42. In page 8, before section 10, to insert the following new section:

"Procedures on transfer.

10.—(1) Where a development is substantially completed, the relevant local authority, or an independent party agreed by both the developer and the owners' management company, may be requested to carry out a snag list to identify unfinished works and to ensure that these are done prior to the development being declared to be complete.

(2) If a developer fails to carry out the snag list within 3 months after the determination of the snag list then the developer shall pay to the owners' management company a sum equal in value to the cost of completing the development to enable the snag list to be completed.

(3) To ensure compliance with this section, any planning permission for a multi-unit development after the commencement of this section shall include as a condition that the developer enter into a bond sufficient to ensure such compliance.".

—Senators Ivana Bacik, Alex White, Michael McCarthy, Brendan Ryan, Phil Prendergast, Dominic Hannigan.

***43.** In page 8, lines 43 to 50, to delete subsection (1) and substitute the following:

"10.—(1) Where in respect of a multi-unit development the development stage has not ended and either *section 2(6)* or *3(2)* applies, and the owners of 60 per cent of the units in a multi-unit development or a relevant part of the development request the owner of every beneficial interest in the common areas and reversion in the units which is reserved by virtue of those provisions to do so, such owner shall, subject to *subsection (2)*, or unless good and sufficient cause is shown, as soon as practicable thereafter make a statutory declaration for the benefit of the owners' management company that as respects the development or the relevant part of the development concerned the beneficial interest concerned stands transferred to the owners' management company concerned, and the effect of the making of such declaration is that the beneficial interest and legal interest in the common areas and in the reversion in the residential units concerned stand merged.".

SECTION 11

***44.** In page 9, subsection (1), line 26, to delete "Where the" and substitute "Subject to *subsection (2)#*, where the".

[*#Note: This is a reference to the subsection proposed to be inserted by amendment 45.*]

***45.** In page 9, between lines 35 and 36, to insert the following subsections:

"(2) An owners' management company shall not carry out repairs or maintenance pursuant to *subsection (1)* unless it has—

(*a*) requested the person who had responsibility for carrying out such repairs or maintenance to do so, and

(*b*) afforded such person a reasonable opportunity to carry out the repairs or maintenance.

(3) *Subsection (2)* shall not apply where it is essential that the repairs or maintenance concerned be carried out in the shortest possible period, so as to reduce or minimise any loss to the owners' management company or the owner or occupier of a unit in the development.".

SECTION 12

46. In page 9, before section 12, to insert the following new section:

"Structure of certain owners' management companies.

12.—(1) From the commencement of this section, an owners' management company shall be incorporated under the Companies Acts for a multi-unit development which comprises 5 units or more and shall carry out the functions referred to in this Act.

(2) The title "owners' management company" and the letters "OMC" shall appear in legible characters on all documents signed and issued by or on behalf of an owners' management company, and the owners' management company shall ensure that it is represented as being such a company.

(3) The objects and functions of an owners' management company shall be—

(*a*) during the development stage, to convey the legal title of a unit in the multi-unit development to each unit purchaser and that it shall not prevent or frustrate any such conveyance, and to ensure (in a manner that is consistent with the object and function to convey that legal title and not to prevent or frustrate it) the management and maintenance of the common areas of the multi-unit development and otherwise to comply with the obligations imposed on the company by this Act,

(*b*) after the development stage, to ensure the management and maintenance of common areas of the multi-unit development and otherwise to comply with the obligations imposed on the company by this Act.

(4) Notwithstanding anything in the Companies Acts, the memorandum of association of an owners' management company shall make provision for the following—

(*a*) the name of the company in accordance with *subsection (2)*,

(*b*) an objects clause in accordance with *subsection (3)*,

(*c*) that each unit owner shall be a member of the company,

(*d*) that each member of the company holds one vote of equal weight as each other member, and

(*e*) that, in the event of a sale of a unit after its first sale, each subsequent unit owner shall be a member of the company on completion of the conveyance.

(5) Notwithstanding anything in the Companies Acts, the articles of association of an owners' management company shall make provision for the following —

(*a*) that an annual general meeting shall be held within every calendar year,

(*b*) that every member of the company shall receive at least 21 days notice of the annual general meeting,

(*c*) that the annual general meeting shall take place within reasonable proximity to the multi-unit development and at reasonable times (unless otherwise agreed by a 75 per cent majority vote of the members of the company),

(*d*) that a scheme of annual service charges and a scheme for a building investment fund for the multi-unit development is established and maintained,

(*e*) the form and content of the annual returns of an owners' management company specified in *subsection (6)*, and

(*f*) the covenants and agreements for the multi-unit development, which shall comply with the requirements of *section 5*.

(6) Notwithstanding anything in the Companies Acts, the annual returns of an owners' management company shall include the following—

(*a*) the accounts of the company in the form of a statement of income and expenditure,

(*b*) a statement of the annual service charge or charges,

(*c*) a statement of the current level of the building investment fund and the annual contribution to it,

(*d*) a statement of any planned expenditure for the following calendar year,

(*e*) a statement of the assets of the company,

(*f*) a statement of the content of and extent of cover provided by any insurance policy (if any) held by the company,

(*g*) the fire safety certificate issued under the Building Control Acts 1990 and 2007 for the multi-unit development.

(7) Subject to the provisions of this section and the other provisions of this Act, the Companies Acts shall apply with the necessary modifications to an owners' management company.

(8) A multi-unit development which comprises 4 units or less may be developed and maintained on the basis of a co-ownership agreement between the unit owners.".

—*Senator Eugene Regan*.

***47.** In page 9, subsection (1), line 44, to delete "each unit owner" and substitute "each unit".

48. In page 10, lines 1 to 3, to delete subsection (4).

—*Senators Ivana Bacik, Alex White, Michael McCarthy, Brendan Ryan, Phil Prendergast, Dominic Hannigan*.

***49.** In page 10, between lines 3 and 4, to insert the following subsection:

"(5) This section applies to the owners' management company of a mixed use multi-unit development subject to *section 2(4)*.".

Section opposed.

—*Senator Eugene Regan.*

SECTION 13

***50.** In page 10, subsection (2), lines 31 to 33, to delete paragraph (*h*) and substitute the following:

"(*h*) a statement setting out, in general terms, the fire safety equipment installed in the development and the arrangements in place for the maintenance of such equipment; and".

***51.** In page 11, subsection (5), line 1, to delete "agreed by" and substitute "agreed in writing by".

SECTION 14

52. In page 11, between lines 14 and 15, to insert the following subsection:

"(2) The developer shall be liable to pay any charge under this section or *section 15*, within 30 days of invoice, for any unsold unit as if there were a unit owner for that unit.".

—*Senators Ivana Bacik, Alex White, Michael McCarthy, Brendan Ryan, Phil Prendergast, Dominic Hannigan*.

[*SECTION 14*]

***53.** In page 11, subsection (2), line 22, to delete "agreed by" and substitute "agreed in writing by".

***54.** In page 12, subsection (6), line 11, to delete "90 per cent" and substitute "75 per cent".

55. In page 12, subsection (11), line 41, to delete "apportioned between unit owners." and substitute the following:

"and proportionately allotted between unit owners, with due consideration given to type and size of unit owned.".

—Senator Rónán Mullen.

SECTION 15

***56.** In page 13, lines 45 to 47 and in page 14, lines 1 and 2, to delete subsection (4).

57. In page 14, subsection (5), lines 5 to 7, to delete all words from and including "the" in line 5 down to and including "concerned" in line 7 and substitute the following:

"be determined by a professional quantity surveyor following consideration of the drawings, mechanical and electrical services, and the obligations regarding services set down in the lease between the buyer and the developer".

—Senator Feargal Quinn.

***58.** In page 14, lines 20 to 22, to delete subsection (8).

SECTION 17

59. In page 15, subsection (1), line 6, after "make" to insert ", amend or revoke".

—Senator Ivana Bacik, Alex White, Michael McCarthy, Brendan Ryan, Phil Prendergast, Dominic Hannigan.

***60.** In page 15, between lines 33 and 34, to insert the following subsection:

"(8) House rules made pursuant to this section may be amended from time to time in the same manner as house rules may be made.".

61. In page 16, between lines 5 and 6, to insert the following subsection:

"(11) House rules shall have due regard to environmental considerations and in particular may not prohibit air drying of laundry.".

—Senators Ivana Bacik, Alex White, Michael McCarthy, Brendan Ryan, Phil Prendergast, Dominic Hannigan.

SECTION 18

***62.** In page 16, subsection (4), between lines 31 and 32, to insert the following:

"(*d*) directing the establishment of an additional owners' management company where—

(i) there are separate blocks or buildings in the development,

(ii) there are units of a different character in the development, or

(iii) there are units which are used for different purposes within the development;".

***63.** In page 17, subsection (4), lines 1 to 4, to delete paragraph (*h*) and substitute the following:

"(*h*) determining whether the management structure of an owners' management company in a mixed use multi-unit development complies with the provisions of this Act, and if not the order may direct that such steps as the court considers necessary to ensure that the arrangements concerned do so comply, be taken;

(*i*) determining whether a proposal to materially alter the physical character of a development which is a mixed use multi-unit development would disproportionately or inequitably affect any class of unit owners;

(*j*) directing the developer of a multi-unit development to complete the multi-unit development in accordance with—

(i) the terms of any contract,

(ii) the conditions of a relevant planning permission under the Planning and Development Acts 2000 to 2009, or

(iii) the Building Control Acts 1990 and 2007;".

64. In page 17, subsection (4)(*h*), line 4, to delete "2007" and substitute "2009".
—*Senators Ivana Bacik, Alex White, Michael McCarthy, Brendan Ryan, Phil Prendergast, Dominic Hannigan*.

65. In page 17, subsection (4)(*h*), line 4, to delete "or" and substitute the following:

"and in accordance with requirements arising under the Building Control Acts 1990 and 2007 or".
—*Senators Ivana Bacik, Alex White, Michael McCarthy, Brendan Ryan, Phil Prendergast, Dominic Hannigan*.

66. In page 17, subsection (4), between lines 7 and 8, to insert the following:

"(*j*) annulling house rules or any provision thereof if such rules interfere unreasonably with the rights of an owner of a unit.".

—*Senators Ivana Bacik, Alex White, Michael McCarthy, Brendan Ryan, Phil Prendergast, Dominic Hannigan*.

***67.** In page 17, subsection (6)(*a*), line 16, to delete "under *subsection (3)*." and substitute the following:

"under *subsection (3)*, including an order directing—

(i) the registration in the appropriate manner of any deed required to be executed in compliance with the order, and

(ii) compliance with *subsection (7)*.".

***68.** In page 17, between lines 30 and 31, to insert the following subsection:

[*SECTION 18*]

"(7) When any deed required to be executed by reason of an order under this section and such order has been registered in the appropriate manner, each unit owner in the development shall without charge to such unit owner be furnished with a duly certified copy of such deed.".

SECTION 20

69. In page 18, between lines 6 and 7, to insert the following subsection:

"(3) The Small Claims Court will deal with non-payment of service charges or building investment funds up to the value of €3,000.".

—*Senator Feargal Quinn*.

SECTION 21

***70.** In page 18, subsection (1)(*a*), line 7, to delete "Upon the request of any party to an application" and substitute the following:

"Upon its own motion or upon the request of any party to an application".

SECTION 25

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

"(2) On completion of a multi-unit development, a developer shall furnish to each owners' management company concerned the documentation specified in *Schedule 3#*.".

[*#Note: This is a reference to the schedule proposed to be inserted by amendment 74.*]

SCHEDULE 1

72. In page 21, between lines 3 and 4, to insert the following:

"1.Sections 2 to 4 (obligation to have owners' management company).".

—*Senators Ivana Bacik, Alex White, Michael McCarthy, Brendan Ryan, Phil Prendergast, Dominic Hannigan.*

NEW SCHEDULE

***73**. In page 21, after line 14, to insert the following*:*

"*Section 2#.*

SCHEDULE 2

1. *Section 4* — (Obligation of developer to transfer ownership of common areas of completed developments to owners' management company).

2. *Section 5* — (Obligations to complete development to remain with developer).

3. *Section 6* — (Automatic transfer of membership of owners' management company on sale of unit).

[*NEW SCHEDULE*]

4. *Section 13 — (Annual meetings and reports of owners' management companies) — other than —*

(*a*) *section 13(2)(c)*,

(b) section 13(2)(g) (to the extent that that provision related to the relevant part of the development), and

(c) section 13(2)(h).

5. *Section 14* — (Annual service charges).

6. *Section 18* — (Dispute resolution and rehabilitation of multi-unit developments) (other than *subsections (4)*(*b***)** and *(4)(f)* of that section).

7. *Section 19* — (Persons who may apply under *section 18*).

8. *Section 20* — (Jurisdiction and venue of Circuit Court).

9. *Section 21* — (Mediation conferences).

10. *Section 22* — (Report of chairperson of mediation conference).

11. *Section 23* — (Saver for existing jurisdictions).

12. *Section 24* — (Restoration of certain companies to register).

13. *Section 25* — (Transfer of benefit of guarantees and warranties).

14. *Section 26* — (Restriction on entering into certain contracts).

15. *Section 27* — (Exercise of power to make regulations).

16. Schedule 3# #.".

[*#Note: This is a reference to the section proposed to be inserted by amendment 17.]*

[*# #Note: This is a reference to the schedule proposed to be inserted by amendment 74.*]

***74**. In page 21, after line 14, to insert the following:

"Section 25.

SCHEDULE 3

1. A Certificate of compliance or an architect's or engineer's opinion as to the completion of the development—

(i) in accordance with all relevant planning permissions under the Planning and Development Acts 2000 to 2009, (other than in relation to a condition of such permission relating to the making of financial contribution,

(ii) in accordance with the Building Control Acts 1990 and 2007.

2. Certificates confirming that any financial contributions required by virtue of a condition in a relevant planning permission under the Planning and Development Acts 1990 and 2007 or pursuant to any other statutory enactment have been paid.

[*NEW SCHEDULE*]

3. The Safety File relating to the development.

4. Professionally prepared drawings of the development together with the latest revisions of the drawings of the structure or structures prepared by the design team.

5. Professionally prepared drawings showing the services relating to the development, as built.

6. Operational and maintenance manuals relating to plant and equipment in the development.

7. Documentation relating to warranties and guarantees as respects plant and equipment in the development.

8. Maintenance contracts and contracts for the provision of services relating to the development.

9. Test records relating to drainage, water pipe work and heating pipe work.

10. Schedule of plant and equipment setting out the expected useful life of such plant and equipment.

11. Title documents relating to the development including, as respects the common areas and the reversion, the original stamped deeds (including the declaration made pursuant to *section 9* or *10*).

12. Stamped and registered counterpart leases or other deeds relating to each unit in the development or relevant part of the development.

13. Documentation relating to the owners' management company including such documents and records as the company is required by law to maintain together with financial and management accounts and records relating to service charges as respects the development.".