



DÁIL ÉIREANN

BILLE NA dTITHE (FORÁLACHA ILGHNÉITHEACHA), 2014 HOUSING (MISCELLANEOUS PROVISIONS) BILL 2014

LEASUITHE TUARASCÁLA REPORT AMENDMENTS

DÁIL ÉIREANN

BILLE NA dTITHE (FORÁLACHA ILGHNÉITHEACHA), 2014 —AN TUARASCÁIL

HOUSING (MISCELLANEOUS PROVISIONS) BILL 2014 —REPORT

Leasuithe Amendments

1. In page 6, between lines 2 and 3, to insert the following:

“ “authorised advocate” means an elected public representative, social worker, medical or legal professional or a representative of a tenants or housing rights body recognised by the local authority;”.

—Dessie Ellis.

2. In page 7, between lines 30 and 31, to insert the following:

“Tenants right to advocacy

7. A tenant in all dealings with a local authority can request the presence of an authorised advocate. This request cannot be refused by the local authority and local authorities should as far as practicable engage constructively with the authorised advocate if requested by the tenant.”.

—Dessie Ellis.

3. In page 8, between lines 14 and 15, to insert the following:

“(iii) the tenancy supports that are available to the tenant from the local authority and other agencies.”.

—Maureen O’Sullivan.

4. In page 11, between lines 4 and 5, to insert the following:

- “9. The Minister may by regulations prepare a code of conduct on the management of rent arrears by housing authorities.”.

—Thomas P. Broughan.

5. In page 11, to delete lines 19 to 22 and substitute the following:

“(c) indicate that, if the breach continues during, or is repeated within, 12 months of the tenancy warning coming into effect, then the authority may either—

(i) apply under *section 12* to recover possession of the dwelling, or

(ii) where appropriate, apply to the District Court (under section 3 of the Act of

1997) for an excluding order against the household member who caused that breach, and”.

—Maureen O’Sullivan.

6. In page 12, line 11, to delete “10 working days” and substitute “15 working days”.

—Maureen O’Sullivan.

7. In page 14, line 21, to delete “10 working days” and substitute “21 working days”.

—Thomas P. Broughan.

8. In page 16, between lines 30 and 31, to insert the following:

“(12) Where the grounds for a possession application are anti-social behaviour, and in the opinion of the local authority a successful application may increase the chances of a detrimental effect on the quality of life of those in the locality of the dwelling to which the tenancy agreement relates in the intervening period between issue and repossession, the local authority concerned may petition the District Court to permit the local authority to act on the possession order no less than 1 month after the order is issued. The District Court will decide on this petition with due regard for ability of the tenant concerned to find alternative accommodation in this period and the potential detrimental effect on the household concerned.”.

—Dessie Ellis.

9. In page 17, line 34, to delete “10 working days” and substitute “21 working days”.

—Thomas P. Broughan.

10. In page 24, line 1, to delete “10 working days” and substitute “21 working days”.

—Thomas P. Broughan.

11. In page 28, between lines 16 and 17, to insert the following:

“(c) at the time of making its application for an excluding order, or as soon as possible thereafter, a housing authority shall notify the Child and Family Agency of the nature of the application concerned.”.

—Thomas P. Broughan.

12. In page 29, between lines 23 and 24, to insert the following:

“and

- (d) by inserting the following new subsection after subsection(3):

“(4) A court, in making a determination under subsections (3)(a) or (3)(b), shall have regard to whether or not an appropriate multi-agency approach has been adopted by the Child and Family Agency, the Health Service Executive, representatives of the school or schools being attended by the respondent(s) and An Garda Síochána to determine if the best interests of the respondent(s) would be served by

the issuance of an order against them under the aforementioned subsections.””.

—Catherine Murphy.

13. In page 29, after line 41, to insert the following:

“(c) at the time of making its application for an excluding order, or soon as possible thereafter, a housing authority shall notify the Child and Family Agency of the nature of the application concerned.””.

—Thomas P. Broughan.

14. In page 35, between lines 7 and 8, to insert the following:

“(3) For the purposes of this section, regulations made under section 3 must—

(a) only include new revisions directly associated with the revised procedure for repossessing of local authority dwellings, and

(b) not provide less favourable terms than the current agreement with the tenant in any other areas.””.

—Maureen O’Sullivan.

15. In page 35, between lines 7 and 8, to insert the following:

“Reallocation of repossessed dwellings

21. The local authority on successful repossession of a dwelling will as far as is practicable ensure that:

(a) any refurbishment works required will be tendered for within 1 month of repossession date,

(b) in the case where only minor refurbishment work is required the dwelling must be reallocated within 3 months of repossession date,

(c) where substantial refurbishment is required the dwelling will be reallocated for habitation not more than 1 month from the completion of refurbishment works.””.

—Dessie Ellis.

16. In page 37, between lines 16 and 17, to insert the following:

“(4) A housing authority shall ensure that, unless otherwise directed by resolution of the elected members of the local authority to which the housing authority is subject, 100 per cent of the proceeds garnered from the sale of a house under this Part shall be retained by the local authority for the specific purpose of providing further accommodation.””.

—Catherine Murphy.

17. In page 37, between lines 16 and 17, to insert the following:

“Replenishing and refurbishment of housing stock

23. All proceeds from the sale of local authority housing stock must be ring fenced by the Local Authority concerned for use in the replacement of said units or, in the case where demand is not present, for the maintenance of existing local authority housing stock.”.

—Dessie Ellis.

18. In page 48, between lines 27 and 28, to insert the following:

“Amendment of section 44 of the Act of 2009

35. Section 44 of the Act of 2009 is amended by the insertion of the following subsections after subsection (1):

“(1A) Subsection (1)(a) does not apply in circumstances where a local authority and an approved body agrees that to dispose of a dwelling to a tenant that was constructed prior to the enactment of this Act would be in the best interests of—

(a) the tenant, and/or

(b) the local community in which the particular dwelling is situated.

(1B) The proceeds of sale of any disposal under subsection (1A) shall be ring-fenced for the purposes of—

(a) provision of additional housing by approved bodies in the local authority area in which the particular dwelling is situated, and

(b) to upgrade existing housing stock in the local authority area in which the particular dwelling is situated.”.”.

—Barry Cowen, Seán Ó Fearghaíl.

19. In page 49, line 19, after “shall” to insert “not”.

—Barry Cowen, Seán Ó Fearghaíl, Dessie Ellis.

20. In page 49, to delete lines 32 and 33 and substitute the following:

“(a) the housing authority concerned shall source dwellings in respect of which they will seek to place people under the housing assistance scheme,”.

—Dessie Ellis.

21. In page 50, line 23, to delete “household notifies the authority of” and substitute “authority identifies”.

—Dessie Ellis.

22. In page 50, line 27, after “period” to insert “not less than 2 months”.

—Dessie Ellis.

23. In page 51, line 7, to delete “qualified household” and substitute “authority concerned”.
—Dessie Ellis.
24. In page 51, line 8, after “dwelling” to insert “for the qualified household concerned”.
—Dessie Ellis.
25. In page 51, line 21, to delete “qualified household” and substitute “authority concerned”.
—Dessie Ellis.
26. In page 51, line 22, after “dwelling” to insert “for the qualified household concerned”.
—Dessie Ellis.
27. In page 52, between lines 18 and 19, to insert the following:
“(c) proof that any other dwellings under the ownership of said landlord which are occupied by a private tenant or other household within Housing Assistance Scheme have their tenancy registered with the Residential Tenancies Board.”.
—Dessie Ellis.
28. In page 52, between lines 32 and 33, to insert the following:
“(c) In the case where *paragraph 2(c)* applies the authority:
(i) must notify the Residential Tenancies Board of any such discoveries,
(ii) may, in the case where the landlord concerned seeks to register with the Residential Tenancies Board, provide housing assistance in respect of the dwelling concerned.”.
—Dessie Ellis.
29. In page 52, line 38, to delete “qualified household” and substitute “authority”.
—Dessie Ellis.
30. In page 53, lines 36 to 38, to delete all words from and including “inform” in line 36 down to and including “to” where it firstly occurs in line 38.
—Dessie Ellis.
31. In page 54, line 10, to delete “qualified household” and substitute “authority concerned”.
—Dessie Ellis.
32. In page 54, line 10, after “dwelling” to insert “for the qualified household”.
—Dessie Ellis.
33. In page 54, between lines 13 and 14, to insert the following:
“(e) The Minister shall review the maximum amount of rent referred to in *paragraph (b)* every three months in each municipal district as defined under Part 3A of the Local Government Act 2001 (as amended), and, where evidence compiled indicates that less than 10 per cent of available rental accommodation units may

be accessed by an individual or a family receiving a payment under this Part, shall initiate a review of the effectiveness of the present maximum amount of rent for that area.”.

—Catherine Murphy.

34. In page 54, line 30, after “offers” to insert “not less than 3”.

—Dessie Ellis.

35. In page 62, between lines 30 and 31, to insert the following:

“52. (1) The Minister shall, six months after the coming into operation of this Part, cause a review to be conducted which shall assess the effectiveness of the measures contained in this Part under the following categories:

- (a) the net effect on the numbers of families waiting for accommodation to be provided to them by a housing authority in each local authority area;
- (b) the net number of individuals and families who are on the emergency accommodation waiting lists in their respective areas;
- (c) the number of local authority staff required by each housing authority for the optimal administration of the measures under this Part;
- (d) the funding required from the Central Fund or the local government fund for the optimal delivery of the measures under this Part.

(2) The Minister shall compile the data and analysis undertaken under *subsection (1)* into a report which shall be laid before both Houses of the Oireachtas and transmitted to the Joint Oireachtas Committee on the Environment, Culture and the Gaeltacht, or its successor Committee.”.

—Catherine Murphy.

36. In page 62, between lines 34 and 35, to insert the following:

“53. The Minister shall empower authorities with the ability to draft, implement and enforce a scheme of rent control on private rental accommodation within its boundaries for the purpose of ensuring a fair rent level for both landlord and tenant.”.

—Dessie Ellis.

37. In page 62, to delete lines 35 and 36, to delete pages 63 to 66 and in page 67, to delete lines 1 to 16.

—Dessie Ellis.

38. In page 63, to delete lines 31 to 34 and substitute the following:

“(2) (a) A housing authority may, if a tenant has refused to pay rent for a specified period of no less than 3 months and has refused to engage with the relevant authority, make a request to the Minister for Social Protection to deduct from net scheme payments the amount of rent payable to the authority by the relevant recipient concerned and to transmit the amount deducted to the authority.”.

—Dessie Ellis.

39. In page 64, between lines 21 and 22, to insert the following:

“(e) No single deduction permitted under *subsection (2)* and *(3)* may be made if it would reasonably cause undue hardship or suffering to the tenant concerned or their dependents.

(f) The Minister for Social Protection will as far as is practicable notify the tenant of the authorities request 10 working days before any commencement of deduction.”.

—Dessie Ellis.

40. In page 64, to delete lines 22 to 25 and substitute the following:

“(4) (a) A housing authority may if a tenant has refused for a specified period of no less than 3 months to enter into a rescheduling arrangement with the authority, make a request to the Minister for Social Protection to deduct from a relevant recipient’s net scheme payments an amount in respect of rent arrears due to the authority by that recipient and to transmit the amount deducted to the authority.”.

—Dessie Ellis.

41. In page 64, lines 38 and 39, to delete “15 per cent” and substitute “5 per cent”.

—Catherine Murphy.

42. In page 65, between lines 12 and 13, to insert the following:

“(e) No single deduction permitted under *subsection (4)* and *(5)* may be made if it would reasonably cause undue hardship or suffering to the tenant concerned or their dependents.

(f) The Minister for Social Protection will as far as is practicable notify the tenant of the authorities request 10 working days before any commencement of deduction.”.

—Dessie Ellis.

43. In page 67, between lines 16 and 17, to insert the following:

“(16) The Minister for Social Protection and the Minister for the Environment, Community and Local Government shall on a date no later than 6 months following the commencement of the deduction scheme compile a report on the subject which will be submitted to the relevant Oireachtas Committees for consideration.”.

—Dessie Ellis.

44. In page 72, after line 31, to insert the following:

“Provision of housing units

59. In the provision of housing units, a local authority shall give priority to persons that have been responsible tenants in leased accommodation under the Rental Accommodation Scheme.”.

—Barry Cowen, Seán Ó Fearghaíl.

45. In page 72, after line 31, to insert the following:

“Protection for RAS tenants

59. Tenants under RAS shall receive a priority with regard to allocation of social housing by the relevant authority should they be evicted due to unaffordable rent levels.”.

—Dessie Ellis.