



SEANAD ÉIREANN

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

**LEASUITHE COISTE
COMMITTEE AMENDMENTS**

SEANAD ÉIREANN

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

HOUSING (MISCELLANEOUS PROVISIONS) BILL 2014 —COMMITTEE STAGE

*Leasuithe
Amendments*

SECTION 3

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;”.

—*Senator Kathryn Reilly.*

SECTION 7

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. It is the tenant’s responsibility to arrange for their authorised advocate to attend any engagement. 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.”.

—*Senator Kathryn Reilly.*

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.”.

—*Senator Kathryn Reilly.*

SECTION 9

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.”.

—*Senator Kathryn Reilly.*

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—

[SECTION 9]

- (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”.

—*Senator Kathryn Reilly.*

SECTION 19

6. 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.”.”.

—*Senator Kathryn Reilly.*

7. 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.”.”.

—*Senator Kathryn Reilly.*

8. 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.”.”.

—*Senator Kathryn Reilly.*

SECTION 20

9. 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 repossession of local authority dwellings, and
- (b) not provide less favourable terms than the current agreement with the tenant in any other areas.”.”.

—*Senator Kathryn Reilly.*

[SECTION 21]

SECTION 21

10. 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.”.

—*Senator Kathryn Reilly.*

SECTION 23

11. 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.”.

—*Senator Kathryn Reilly.*

SECTION 25

12. In page 40, between lines 2 and 3, to insert the following:

“(5) Where a tenant has carried out material improvement works to their dwelling or extended it at their own expense, the value of these improvements will be deducted from the sale price to the tenant.”.

—*Senator Kathryn Reilly.*

SECTION 35

13. 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

[SECTION 35]

- (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.”.”.

—*Senator Diarmuid Wilson.*

SECTION 37

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

— *Senator Diarmuid Wilson.*

15. In page 49, line 21, after “support.” to insert the following:

“The provision of housing assistance under this Part shall not be deemed to be a form of social housing and so will not invalidate the housing need of a qualified household as recognised by the relevant authority.”

—*Senator Kathryn Reilly.*

SECTION 39

16. In page 49, between lines 26 and 27, to insert the following:

“39. *Section 37* shall come into operation on such day or days as the Minister responsible for housing may appoint by order following consultation with the Joint Oireachtas Committee responsible for housing specified in *section 39(4)#*.”.

—*Senators Katherine Zappone, Fiach Mac Conghail.*

[#This is a reference to the subsection proposed to be inserted by amendment 18.]

17. 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,”.

—*Senator Kathryn Reilly.*

18. In page 50, between lines 11 and 12, to insert the following:

“(4) The Minister shall, following consultation with the Joint Oireachtas Committee responsible for housing, by regulations make provision for a housing authority to amend an allocation scheme to individual households, which would enable housing assistance recipients to access other forms of social housing support through a transfer list policy that will reflect the specific priority that the household had on the main waiting list within the authority area in which they are resident, and for related matters.”.

—*Senators Katherine Zappone, Fiach Mac Conghail.*

[SECTION 39]

19. In page 50, between lines 11 and 12, to insert the following:

“(4) Receipt by a qualified household of the housing support provided for in this Part shall not affect the qualified household’s standing on the social housing waiting lists of their relevant local authority or their potential consideration for housing by said local authority in appropriate social housing.”.

—*Senator Kathryn Reilly.*

SECTION 41

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

—*Senator Kathryn Reilly.*

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

—*Senator Kathryn Reilly.*

22. In page 51, line 7, to delete “qualified household” and substitute “authority concerned”.

—*Senator Kathryn Reilly.*

23. In page 51, line 8, after “dwelling” to insert “for the qualified household concerned”.

—*Senator Kathryn Reilly.*

24. In page 51, line 21, to delete “qualified household” and substitute “authority concerned”.

—*Senator Kathryn Reilly.*

25. In page 51, line 22, after “dwelling” to insert “for the qualified household concerned”.

—*Senator Kathryn Reilly.*

SECTION 42

26. 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.”.

—*Senator Kathryn Reilly.*

27. In page 52, line 38, to delete “qualified household” and substitute “authority”.

—*Senator Kathryn Reilly.*

SECTION 43

28. 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.

—*Senator Kathryn Reilly.*

29. In page 54, line 10, to delete “qualified household” and substitute “authority concerned”.

—*Senator Kathryn Reilly.*

[SECTION 43]

30. In page 54, line 10, after “dwelling” to insert “for the qualified household”.

—*Senator Kathryn Reilly.*

31. 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.”.

—*Senator Kathryn Reilly.*

SECTION 45

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

—*Senator Kathryn Reilly.*

SECTION 52

33. 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.”.

—*Senator Kathryn Reilly.*

SECTION 53

34. 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.”.

—*Senator Kathryn Reilly.*

35. 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 authority’s request 10 working days before any commencement of deduction.”.

—*Senator Kathryn Reilly.*

36. 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.”.

—*Senator Kathryn Reilly.*

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

—*Senator Kathryn Reilly.*

38. 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 authority’s request 10 working days before any commencement of deduction.”.

—*Senator Kathryn Reilly.*

Section opposed.

—*Senator Kathryn Reilly.*

NEW SECTION

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

“Protection for housing assistance tenants

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

—*Senator Kathryn Reilly.*

[NEW SECTION]

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

“Transferral of tenancy within social housing

59. Within 6 months of the commencement of this Bill the Minister with approval of the Oireachtas Committee will publish guidelines for housing authorities to implement a tenancy transfer system for all tenants within the social housing system.”.

—*Senator Kathryn Reilly.*

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

“Amendment of Domestic Violence Act 1996

59. The Domestic Violence Act 1996 is amended by inserting the following section after section 8:

“8A. An applicant shall not, by virtue of the applicant’s legal or beneficial interest in the residence in which the applicant resides or previously resided with the respondent, be prohibited from consideration for social housing by a local authority.”.

—*Senator Kathryn Reilly.*

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

“Code of conduct for domestic violence in social housing

59. The Minister with the consent of the Oireachtas Committee will publish a framework for housing authorities to deal with domestic violence in social housing which shall include provisions for rehousing a social housing tenant who has been the victim of domestic violence or is likely to be the victim of domestic violence in their current residence.”.

—*Senator Kathryn Reilly.*

43. 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.”.

—*Senator Diarmuid Wilson.*