An Bille um Thithíocht Róphlódaithe, 2018
Overcrowded Housing Bill 2018

Mar a tionscnaiodh
As initiated

[No. 11 of 2018]
AN BILLE UM THITHÍOCHT RÓPHLÓDAITHE, 2018
OVERCROWDED HOUSING BILL 2018

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[No. 11 of 2018]
ACTS REFERRED TO

Fines Act 2010 (No. 8)
Housing (Miscellaneous Provisions) Act 1992 (No. 18)
Housing Act 1966 (No. 21)
Housing Acts 1966 to 2016
Bill

entitled

An Act to introduce a new statutory definition of overcrowding in accommodation including the statutory standards that can be used by Planning Authorities to determine if accommodation is overcrowded for the purpose of the Housing Acts; and to strengthen penalties for building owners for overcrowded housing offences.

Be it enacted by the Oireachtas as follows:

Definitions

1. In this Act—

   “Act of 1966” means the Housing Act 1966 (as amended);
   “Act of 2010” means the Fines Act 2010 (as amended);
   “bedroom” means a room in a primary dwelling which is used, or intended for sleeping in.

Amendment of section 63 of Act of 1966

2. The Act of 1966 is amended by the substitution of the following for section 63:

   “63. (1) A dwelling is overcrowded for the purposes of this Part when the number of persons sleeping in the dwelling is such as to contravene—
   (a) the standard specified in subsection (2) (the room standard),
   (b) the standard specified in subsection (3) (the space standard), or
   (c) the standard prescribed by regulations as specified in subsection (4) (the facility standard).

   (2) (a) The room standard is contravened when the number of persons sleeping in a dwelling and the number of rooms available as sleeping accommodation is such that more than two persons must sleep in the same room.
   (b) For this purpose—
   (i) children less than 5 years of age of different sexes may reasonably share a bedroom,
(ii) children 5 years or older of the opposite sex should not share a bedroom,

(iii) children less than 18 years of age and of the same sex may reasonably share a bedroom.

(3) (a) The space standard is contravened when the number of persons sleeping in a dwelling is in excess of the permitted number, having regard to the number and floor area of the rooms of the dwelling available as sleeping accommodation.

(b) For this purpose—

(i) no account shall be taken of a child under the age of two,

(ii) a child aged two or over but under ten shall be reckoned as one-half of a unit, and

(iii) couples who are married, co-habiting or in a civil partnership shall be counted as one unit.

(c) The permitted number of persons in relation to a dwelling is whichever is the lesser of—

(i) the number specified in Table 1 in relation to the number of rooms in the dwelling available as sleeping accommodation, and

(ii) the aggregate for all such rooms in the dwelling of the numbers specified in column 2 of Table 2 in relation to each room of the floor area specified in column 1,

and no account shall be taken for the purposes of either Table 1 or Table 2 of a room having a floor area of less than 4.5 metres squared.

<table>
<thead>
<tr>
<th>Table 1</th>
<th>Minimum Number of Bedrooms</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of rooms</td>
<td>Number of persons</td>
</tr>
<tr>
<td>1</td>
<td>2</td>
</tr>
<tr>
<td>2</td>
<td>3</td>
</tr>
<tr>
<td>3</td>
<td>5</td>
</tr>
<tr>
<td>4</td>
<td>7.5</td>
</tr>
<tr>
<td>5 or more</td>
<td>2 for each room</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Table 2</th>
<th>Minimum Permitted Floor Area</th>
</tr>
</thead>
<tbody>
<tr>
<td>Floor area of room</td>
<td>Number of persons</td>
</tr>
<tr>
<td>10m²</td>
<td>2</td>
</tr>
<tr>
<td>8.5m²</td>
<td>1.5</td>
</tr>
<tr>
<td>6.5m²</td>
<td>1</td>
</tr>
<tr>
<td>4.5m²</td>
<td>0.5</td>
</tr>
</tbody>
</table>
(d) The ceiling height of any bedroom shall not be less than 2 metres at its lowest point and the total free air space in a bedroom shall not be less than 14 cubic metres for one person or 22 cubic metres for two persons.

(4) The Minister may by regulations prescribe the minimum space required in a dwelling to ensure the following requirements are met in relation to living arrangements—

(a) all members of the household can comfortably spend time together in the same room that is not a bedroom,

(b) there is adequate space to prepare and cook food, and

(c) there is adequate space to store essential items.”.

Amendment of section 64 of Act of 1966

3. The Act of 1966 (as amended by the Housing (Miscellaneous Provisions) Act 1992) is amended in section 64 by the substitution of the following for subsection (2):

“(2) Any person who is required by a notice under this section to state in writing any matter or thing to a housing authority and either fails to state such matter or thing within the period specified in the notice or, when so stating such matter or thing, makes any statement which to his knowledge is false or misleading in a material respect, shall be guilty of an offence under this section and shall be liable on summary conviction to a class A fine under the Fines Act 2010.”.

Amendment of section 65 of Act of 1966

4. The Act of 1966 (as amended by the Housing (Miscellaneous Provisions) Act 1992) is amended—

(a) by the substitution of the following for subsection 3:

“(3) Any person who neglects or refuses to comply with a requirement of a housing authority to publish the contents of a notice under subsection (1) of this section shall be guilty of an offence and shall be liable on summary conviction to a class A fine under the Fines Act 2010.”,

and

(b) by the substitution of the following for subsection (4):

“(4) Where a notice has been served under subsection (2) of this section and the person on whom the notice has been served, at any time after the expiration of the period or the occurrence of the event specified in the notice, causes or permits the house to which the notice relates to be overcrowded, he or she shall, subject to subsection (5) of this section, be guilty of an offence and shall be liable on summary conviction to a class A fine under the Fines Act 2010 or, at the discretion of the court, to imprisonment for a term not exceeding one year or to both such fine and imprisonment.”.
Short title, citation and commencement

5. (1) This Act may be cited as the Overcrowded Housing Act 2018.

(2) The Housing Acts 1966 to 2016 and this Act may be cited together as the Housing Acts 1966 to 2018 and shall be construed together as one.

(3) This Act shall come into operation on such day or days as the Minister may, by order or orders, appoint either generally or with reference to any particular purpose or provision, and different days may be so appointed for different purposes or different provisions.
An Bille um Thithíocht Róphlódaithe, 2018

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BILLE

(*mar a tionscnaíodh*)

dá ngairtear

Acht do thabhairt isteach míniú reachtóil nua ar róphlódú i gcóiríocht lena n-áirítear na caighdeáin reachtóil ar feidir le hÚdaráis Phleanála iad a úsáid chun a chinneadh an cóiríocht róphlódaithe cóiríocht chun críche Achtanna na dTithe; agus do neartú pionóis d’uínéirí foirgnimh i leith cionta a bhaineann le thithíocht róphlódaithe.

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*An Teachta Barra V. Ó Comhain a thug isteach, 31 Eanáir, 2018*

Overcrowded Housing Bill 2018

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BILL

(*as initiated*)

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*Introduced by Deputy Barry Cowen, 31st January, 2018*

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