DÁIL ÉIREANN

BILLE NA dTITHE (COMHLACHTAÍ TITHÍOCHTA CEADAITHE A RIALÁIL), 2019
HOUSING (REGULATION OF APPROVED HOUSING BODIES) BILL 2019

LEASUITHE COISTE
COMMITTEE AMENDMENTS

[No. 61 of 2019] [18 November, 2019]

DÁIL ÉIREANN

BILLE NA dTITHE (COMHLACHTAÍ TITHÍOCHTA CEADAITHE A RIALÁIL), 2019 —ROGHCHOISTE

HOUSING (REGULATION OF APPROVED HOUSING BODIES) BILL 2019 —SELECT COMMITTEE

Leasuithe
Amendments

SECTION 2

1. In page 8, to delete line 18 and substitute the following:

" "charitable trust" means—

(a) a charitable trust within the meaning of the Charities Act 2009, or

(b) the Iveagh Trustees (also referred to as the Iveagh Trust) within the meaning of the Iveagh Trust Acts 1899 to 1961;".

—An tAire Tithíochta, Pleanála agus Rialtais Áitiúil.

2. In page 8, between lines 20 and 21, to insert the following:

" "common areas, structures, works and services" means, in relation to dwellings provided for the purpose specified in *section 26(2)(b)(i)*, areas, structures, works and services that are, or are intended to be, common to such dwellings and enjoyed therewith, including, where relevant, access and side roads, architectural features, circulation areas, footpaths, internal common stairways, open spaces, parking areas, utility rooms and that portion of the roof or exterior of any building not intended to form or not forming part of any individual dwelling;

"communal facilities and amenities" means, in relation to dwellings provided for the purpose specified in *section 26(2)(b)(i)*, areas, structures, works and services that are, or are intended to be, common to such dwellings and enjoyed therewith and used for the common benefit or enjoyment of tenants of those dwellings, including, but not limited to, facilities for sanitation, heating, refuse, food preparation, dining, storage, laundry, child care and recreation;".

—An tAire Tithíochta, Pleanála agus Rialtais Áitiúil.

3. In page 8, to delete lines 24 to 32 and substitute the following:

" "constitution" means the rules, in writing, that govern the administration and control of an AHB and regulate its activities, and includes—

(a) in the case of a company, the constitution (within the meaning of section 2 of the

Act of 2014) of the company,

(b) in the case of a charitable trust (within the meaning of *paragraph (a)* of the definition in this section of "charitable trust*"), the deed of trust establishing the charitable trust,

(c) in the case of a charitable trust (within the meaning of *paragraph (b)* of the definition in this section of "charitable trust*"), the Iveagh Trustees (also referred to as the Iveagh Trust) within the meaning of the Iveagh Trust Acts 1899 to 1961,

(d) in the case of a registered society, the rules of the registered society, and

(e) in the case of a friendly society (within the meaning of the Friendly Societies Acts 1896 to 2018), the rules of the friendly society,

but does not include any other enactment or rule of law applicable to the carrying on of the activities of the AHB;".

—An tAire Tithíochta, Pleanála agus Rialtais Áitiúil.

*[*This is a reference to the definition proposed to be inserted by amendment No. 1.]*

SECTION 8

4. In page 12, lines 3 and 4, to delete "*An tÚdarás Rialála na gComhlachtaí Tithíochta Faomhaithe*" and substitute "*An tÚdarás Rialála Comhlachtaí Tithíochta Ceadaithe*".

—An tAire Tithíochta, Pleanála agus Rialtais Áitiúil.

5. In page 12, line 8, to delete "*Rialtóir na gComhlachtaí Tithíochta Faomhaithe*" and substitute "*Rialálaí na gComhlachtaí Tithíochta Ceadaithe*".

—An tAire Tithíochta, Pleanála agus Rialtais Áitiúil.

SECTION 9

6. In page 12, to delete lines 20 and 21 and substitute the following:

"(f) under *Part 6*, protect tenants and AHBs and cancel the registration of AHBs,".

—An tAire Tithíochta, Pleanála agus Rialtais Áitiúil.

7. In page 12, line 31, after "functions" to insert the following:

", including figures on the numbers of housing units built, purchased and leased by AHBs and the numbers of these units made available for social housing purposes".

—Bríd Smith, Richard Boyd Barrett, Gino Kenny.

SECTION 11

Section opposed.

—Darragh O'Brien, Eoin Ó Broin.

SECTION 12

8. In page 14, line 36, after "Minister" to insert "from a short list approved by the Public Appointments Service".

—Eoin Ó Broin.

[SECTION 12]

9. In page 15, lines 18 and 19, to delete "without the consent of the Regulator given with the prior approval of the Minister".

—Eoin Ó Broin.

SECTION 15

10. In page 16, to delete lines 31 to 34.

—Bríd Smith, Richard Boyd Barrett, Gino Kenny, Eoin Ó Broin.

SECTION 21

11. In page 20, between lines 18 and 19, to insert the following:

"(c) following consultation with the Joint Oireachtas Committee on Housing, Planning and Local Government.".

—Eoin Ó Broin.

SECTION 23

12. In page 21, between lines 28 and 29, to insert the following:

"(2) The Regulator shall present the annual report to the Joint Oireachtas Committee on Housing, Planning and Local Government within a month of submitting the report to the Minister.".

—Eoin Ó Broin.

13. In page 21, between lines 34 and 35, to insert the following:

"(c) the rents set by the approved housing body and levied from social housing tenants and note any difference between these rents and the rents applied by the relevant local authority.".

—Bríd Smith, Richard Boyd Barrett, Gino Kenny.

14. In page 21, line 36, to delete "from which AHBs cannot be identified".

—Bríd Smith, Richard Boyd Barrett, Gino Kenny.

SECTION 26

15. In page 25, after line 39, to insert the following:

"(4) Where an AHB provides 'special needs accommodation' for tenants with additional needs beyond an inability to provide for their housing from their own resources, "special needs accommodation" shall be defined as accommodation provided to persons who by reason of old age, physical or mental disability or other cause require special accommodation and support to enable them to live in the community.".

—Darragh O'Brien, Eoin Ó Broin.

SECTION 35

16. In page 30, to delete lines 19 and 20.

—An tAire Tithíochta, Pleanála agus Rialtais Áitiúil.

[SECTION 38]

SECTION 38

17. In page 34, to delete line 3.

—Eoin Ó Broin.

18. In page 34, to delete lines 35 and 36.

—Eoin Ó Broin.

19. In page 35, line 6, after "AHB" to insert the following:

", including the number of such units providing social housing and specifically allocated to the local authority waiting list and the numbers of units provided in other categories".

—Bríd Smith, Richard Boyd Barrett, Gino Kenny.

20. In page 35, line 19, after "Minister" to insert the following:

", following consultation with the Joint Oireachtas Committee on Housing, Planning and Local Government,".

—Eoin Ó Broin.

SECTION 43

21. In page 39, line 29, after "*subsection (4)*" to insert "within the period specified in the notice".

—An tAire Tithíochta, Pleanála agus Rialtais Áitiúil.

22. In page 39, lines 30 and 31, to delete "not later than 14 days from the date on which the notice is given" and substitute "within the period specified in the advance notice".

—An tAire Tithíochta, Pleanála agus Rialtais Áitiúil.

SECTION 47

23. In page 41, lines 34 and 35, to delete "considers it is necessary to do so for the purposes of the performance of any of its functions" and substitute the following:

"has reasonable suspicion that an AHB may not be fulfilling its responsibilities as set out in this Act and in particular the standards set out in *section 38*".

—Eoin Ó Broin.

SECTION 48

24. In page 42, line 21, to delete "(b) on" and substitute the following:

"(b) on request, furnish a copy of a completed investigation report to—".

—Darragh O'Brien, Eoin Ó Broin.

25. In page 42, to delete lines 35 and 36.

—Darragh O'Brien, Eoin Ó Broin.

SECTION 54

26. In page 47, line 8, after "provided" to insert "for the purpose specified in *section 26(2)(b)(i)*".

—An tAire Tithíochta, Pleanála agus Rialtais Áitiúil.

[SECTION 54]

27. In page 47, line 11, after "dwellings," to insert the following:

"together with any common areas, structures, works and services and communal facilities and amenities that are in the ownership or under the control of that person,".

—An tAire Tithíochta, Pleanála agus Rialtais Áitiúil.

28. In page 47, to delete lines 13 to 21 and substitute the following:

"(3) A notice under *subsection (2)* shall set out—

(a) the reasons why the Regulator considers it necessary that the transfer required under *subsection (2)* be made,

(b) details, including their location, of the dwellings and any common areas, structures, works and services and communal facilities and amenities that are required to be transferred under *subsection (2)*,

(c) the name of the AHB or person to whom it is proposed that the transfer required under *subsection (2)* be made, and

(d) the period within which the AHB or any other person (other than the tenants of the dwellings concerned) who has any right or interest in the dwellings or any common areas, structures, works and services or communal facilities and amenities that are required to be transferred under *subsection (2)* may object, in writing, to such transfer.".

—An tAire Tithíochta, Pleanála agus Rialtais Áitiúil.

29. In page 47, to delete lines 22 to 27 and substitute the following:

"(4) Where a notice under *subsection (2)* is given to a person to whom this section applies, the person shall give a copy of the notice as soon as practicable to—

(a) the housing authority in whose functional area the dwellings that are required to be transferred under *subsection (2)* are situated, and

(b) any other person (other than the tenants of the dwellings concerned) who has any right or interest in the dwellings or any common areas, structures, works and services or communal facilities and amenities that are required to be transferred under *subsection (2)*, including any mortgagee or any other person who is the owner of any security or charge affecting those dwellings or any such common areas, structures, works and services or communal facilities and amenities.".

—An tAire Tithíochta, Pleanála agus Rialtais Áitiúil.

30. In page 47, between lines 31 and 32, to insert the following:

"(6) Within six months of the passing of this Act, the Minister shall commission a report, following engagement with all relevant stakeholders, on the establishment of an AHB resolution scheme dealing with all issues involved in stock transfer including the legal, financial and consultative issues involved.".

—Eoin Ó Broin.

[SECTION 55]

SECTION 55

31. In page 48, lines 31 to 33, to delete all words from and including "(including" in line 31 down to and including "dwellings)" in line 33 and substitute the following:

> "(including any tenant of a dwelling to which the order applies and any mortgagee or other person who is the owner of any security or charge affecting any such dwelling or any common areas, structures, works and services or communal facilities and amenities to which the order applies)".

—An tAire Tithíochta, Pleanála agus Rialtais Áitiúil.

SECTION 56

32. In page 50, to delete lines 7 and 8.

—Darragh O'Brien, Eoin Ó Broin.

SECTION 62

33. In page 57, to delete line 9 and substitute the following:

> "10 people, from among persons in respect of whom a recommendation for the purposes of this section have been made by the Public Appointments Service, who have experience or expertise in matters".

—Darragh O'Brien, Eoin Ó Broin.

SCHEDULE

34. In page 65, line 23, after "Minister" to insert the following:

> "from among persons in respect of whom a recommendation for the purposes of this section has been made by the Public Appointments Service".

—Darragh O'Brien, Eoin Ó Broin.

TITLE

35. In page 7, lines 7 and 8, to delete "*An tÚdarás Rialála na gComhlachtaí Tithíochta Faomhaithe*" and substitute "*An tÚdarás Rialála Comhlachtaí Tithíochta Ceadaithe*".

—An tAire Tithíochta, Pleanála agus Rialtais Áitiúil.