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**Bille na dTithe (Comhlachtaí Tithíochta Ceadaithe a  
Rialáil), 2019**  
**Housing (Regulation of Approved Housing Bodies) Bill  
2019**

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*Meabhrán Mínitheach*  
*Explanatory Memorandum*

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

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**EXPLANATORY MEMORANDUM**

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**General**

The Housing (Regulation of Approved Housing Bodies) Bill 2019 provides for the regulation of Approved Housing Bodies (AHBs) for the purposes of supporting stronger governance and the financial viability of that sector, with a particular focus on safeguarding the significant public investment being made in the delivery of social housing by Approved Housing Bodies. Similarly, the Bill will provide stronger assurance to tenants, the public and potential investors that the sector is well regulated.

The Bill provides for the establishment of the independent Approved Housing Bodies Regulatory Authority (the Regulator) and assigns the following functions to it:

- the registration of AHBs;
- setting standards for AHBs, subject to the approval of the Minister;
- monitoring and assessing compliance by AHBs with the standards prepared by the Regulator;
- undertaking investigations into AHBs, where necessary;
- the cancellation of registration of AHBs, where appropriate; and
- the right to seek Court orders to protect the assets of AHBs in certain circumstances.

The Bill provides for existing AHBs approved under section 6 of the Housing (Miscellaneous Provisions) Act 1992 to be deemed registered initially and to then apply to be retained on the register within a specified period depending on the number of dwellings the AHB is providing or managing.

The new regulatory structure replaces the current system established under section 6 of the Housing (Miscellaneous Provisions) Act 1992, which provides that the Minister may approve a body to receive assistance from local authorities for the provision of housing in accordance with the Housing Acts.

**Provisions of the Bill**

The Bill contains 70 Sections in 9 Parts, together with 1 Schedule, setting out the necessary provisions to give effect to these measures and to related matters.

## **PART 1**

### **Preliminary and General – (sections 1 to 6)**

This Part contains standard legislative provisions in relation to such matters as construction, commencement, collective citation and interpretation and other technical matters.

*Sections 1 to 3* provide for the short title, construction and collective citations and the commencement of the Act as well as the definition of common terms used throughout the Bill. They also include a standard provision regarding expenses incurred by the Minister in the administration of the Act. *Section 4* places a duty on the Minister to review the operation and effectiveness of the Act, not later than 5 years after the establishment of the Regulator. *Section 5* is a technical provision regarding notices and documents. *Section 6* provides for offences and penalties under the Act.

## **PART 2**

### **Approved Housing Body Regulatory Authority– (sections 7 to 25)**

**Part 2** of the Bill provides for the establishment of the Approved Housing Body Regulatory Authority (the Regulator) and sets out the functions and the organisational structure of the Regulator, the appointment of chief executive, staff, preparation of a strategy statement and other related matters.

*Section 7* provides for the appointment by Order of the Minister of the establishment day for the purposes of the Act. *Section 8* provides that the Regulator will be established on the establishment day. This section also provides that the Regulator shall operate under the provisions of the *Schedule* to the Bill.

*Section 9* sets out the functions of the Regulator as follows:

- establish and maintain a register of AHBs,
- register persons as AHBs,
- prepare draft standards for approval by the Minister under *section 38* and publish the approved standards,
- monitor and assess compliance by AHBs with this Act, in particular the approved standards,
- carry out investigations under *Part 5*,
- intervene in the functioning and management of AHBs, and cancel the registration of AHBs under *Part 6*, encourage and facilitate the better governance, administration and management, including corporate governance and financial management, of AHBs by the provision of such information and advice, in such form and manner, as the Regulator considers appropriate,
- with a view to promoting awareness and understanding of this Act, make available such information as appears to the Regulator to be expedient to give to the public about the operation of this Act, in such form and manner, as the Regulator considers appropriate,
- collect such information concerning AHBs as the Regulator considers necessary and appropriate for the purposes of the performance of the Regulator's functions,

and

- publish such information (including statistical information) concerning AHBs as the Regulator considers appropriate.

Subsection (2) requires that in carrying out its functions, the Regulator must have regard to the policies and objectives of the Government or any Minister of the Government in so far as they affect or may relate to the functions of the Regulator and also the need to co-operate with and co-ordinate its activities with other public authorities, the performance of whose functions may affect or relate to the functions of the Regulator. Subsection (4) provides that the Regulator shall be independent in the performance of its functions.

*Section 10* provides that the Minister may make grants (with the consent of the Minister for Public Expenditure and Reform) to the Regulator out of moneys provided by the Oireachtas. *Section 11* enables the Regulator to charge fees (subject to the approval of the Minister) which must be reviewed at least every three years.

*Section 12* sets out the provisions for the appointment of a chief executive of the Regulator. The chief executive will be appointed by the Regulator on the basis of a recommendation from the Public Appointment Service, following a competition undertaken in accordance with the Public Service Management (Recruitment and Appointments) Act 2004. Provision is also made for the competition to be held before the establishment day and for the appointment of a chief executive designate. The section also sets out the general terms and conditions on which the chief executive shall hold the office.

*Section 13* sets out the general functions of the chief executive. The section also provides that the Regulator may designate a member of the staff of the Regulator to perform the functions of chief executive in the absence of the chief executive or where the position of chief executive is vacant. *Section 14* provides that the chief executive may, with the consent of the Regulator, delegate any of his or her functions to a specified member of staff of the Regulator, and that member of staff shall be accountable to the chief executive for the performance of the delegated functions.

*Section 15* provides that the chief executive shall appear before the Public Accounts Committee when requested to do so by that Committee. *Section 16* provides that the chief executive shall appear before a Committee appointed by either House of the Oireachtas (or jointly appointed by both Houses) when requested to do so by that Committee, to give account for the general administration of the Regulator. Subsection (3) provides that the chief executive shall not be required to give account before a Committee for any matter which is or has been or may at a future time be the subject of proceedings before a court or tribunal in the State.

*Section 17* provides that the Regulator may engage consultants or advisers to assist in the performance of its functions, and pay their fees. *Section 18* provides for the transfer of staff from the Housing and Sustainable Communities Agency (Housing Agency) to the Regulator and their terms and conditions of employment.

*Section 19* provides for the appointment of staff by the Regulator. *Section 20* is a standard provision providing for a superannuation scheme for the staff (including the chief executive) of the Regulator. A scheme prepared under this section will require the approval of the Minister and the consent of the Minister for Public Expenditure and Reform. Under this section the scheme shall be laid before each House of the Oireachtas as soon as may be after it is made.

*Section 21* provides for the Regulator to prepare a strategy statement within 6 months of establishment day and thereafter every 3 years and sets out what should be included. *Section 22* deals with the accounts and audit of the accounts of the Regulator. *Section 23* provides for the preparation of an annual report on the performance of the functions and principal activities of the Regulator and that copies of the report will be laid before each House of the Oireachtas.

*Section 24* provides for administrative cooperation on regulatory matters, allowing for arrangements (by memorandum of understanding or otherwise) between the Regulator and other relevant regulators who may deal with AHBs in other contexts.

*Section 25* deals with disclosure of information relating to offences. Subsection (1) provides that a body, including the Garda Síochána, the Revenue Commissioners, the Director of Corporate Enforcement, the Residential Tenancies Board, the Charities Regulator, the Health Information and Quality Authority, or any other person charged by law with the detection, investigation or prosecution of offences may, if they are of the opinion that an offence has been committed under the Act or if the Act has been contravened provide such information to the Regulator. Subsection (2) provides for the disclosure of information by the Regulator to such bodies if the Regulator suspects that an offence has been committed.

*Subsection (3)* provides that any information provided by the Regulator may be used by the person to whom it has been provided for the purpose only of the detection, investigation or prosecution of an offence.

### **PART 3**

#### **Regulation of AHBs – (sections 26 to 38)**

**Part 3** of the Bill provides for the regulation of Approved Housing Bodies and includes Chapters on the registration procedures for Approved Housing Bodies and their entry onto the register, as well as the drafting and approval of standards.

#### **Chapter 1**

##### **Registration (sections 26 to 36)**

*Section 26* sets out the eligibility criteria for registration as an Approved Housing Body. The persons (bodies) must be a company with at least 5 directors, a registered society, a friendly society or a charitable trust with at least 5 trustees. In addition the persons (bodies) must include in their constitution the provision or management, in the State, of housing for the purpose of alleviating housing need and provisions prohibiting the distribution of any surplus, profit, bonus or dividend to members or directors or other persons and requiring that its assets and profits be applied solely towards its primary object(s). Subsection (3) defines the alleviation of housing need as providing dwellings within the State for social housing, cost rental and affordable purchase schemes.

*Section 27* provides that the Regulator will establish and maintain a register of Approved Housing Bodies and sets out where and when the register may be inspected. *Section 28* sets out the procedures for those persons (bodies) who wish to apply for registration as an AHB and sets out what should be included in the application.

*Section 29* enables the Regulator to grant or refuse an application. Subsection (2) provides the details to be entered in the register where the Regulator grants an application. *Section 30* provides that where the Regulator proposes to refuse granting an application for registration the Regulator will give notice to the applicant stating the reasons for the decision. *Section 31* allows for the applicant to make representations on the matter. *Section 32* sets out the procedures where the Regulator decides to refuse an application and gives the AHB the right to appeal the decision. *Section 33* provides for corrections to be made to the register and *Section 34* is a technical provision regarding the evidential value of entries in the register.

*Section 35* is a provision which enables existing AHBs approved under section 6 of the Housing (Miscellaneous Provisions) Act 1992 to be deemed registered. A body so deemed must pay the registration fee. The provision also allows the Regulator to seek information from an AHB deemed registered under this section at any stage as if they were an applicant under *Section 28*. A body deemed to be registered under this section must apply for registration within a statutory period, in the case of an AHB providing or managing 300 or more dwellings within 12 months, a body providing or managing between 50 and 299 dwellings within 2 years and a body providing or managing less than 50 dwellings within 3 years. The Regulator may extend the time period for application if the Regulator considers that complying with the deadlines would be unduly onerous on the body concerned. The section also provides for grounds where the deemed registration of a body shall be cancelled. These are where:

- the Regulator has refused registration and no appeal is made;
- the Regulator has refused registration and an appeal is withdrawn; or abandoned;
- the Regulator has refused registration and the decision of the Regulator is upheld following appeal; or
- the body deemed to be registered has not applied for registration within the statutory period or within any extension of that period by the Regulator.

*Section 36* provides that a person who knowingly provides false or misleading information to the Regulator as part of an application will be guilty of an offence. The section also states that it is an offence for a person to describe himself or herself as an AHB unless his or her name is entered on the register.

## **Chapter 2**

### **Information and Records (section 37)**

*Section 37* gives the Regulator the powers, where it is necessary for the purpose of performing its functions, to require an AHB to provide the Regulator with information, records or other documents in such form and manner as the Regulator may reasonably require.

## **Chapter 3**

### **Standards (Section 38)**

*Section 38* provides for the drafting and adoption of standards for registered Approved Housing Bodies. *Subsection (1)* provides that the Regulator shall submit to the Minister draft standards for registered Approved Housing Bodies covering the issues of governance, financial

management and reporting, and property and asset management and tenancy management. *Subsection (2)* provides a more detailed framework as to what the standards will cover. *Subsection (3)* provides that draft standards prepared may make different provisions for different categories of registered AHBs taking into account the nature, scale and complexity of the activities of each category of AHB, the number of dwellings provided or managed by each category of AHB, and the level of financial risk associated with each category of AHB. Under *Subsection (4)* the Regulator before submitting the standards to the Minister for approval will publish them and allow 28 days for representations to be made. *Subsection (8)* obliges AHBs to comply with the standards. *Subsection (9)* provides that the Regulator shall review the standards from time to time and submit any changes the Regulator considers necessary to the Minister for approval.

## **PART 4**

### **Standards Assessment and Compliance Plans (sections 39 to 44)**

Part 4 of the Bill provides the Regulator with the powers to monitor compliance by AHBs with the standards. Arising from the assessment, if the Regulator deems that the AHB is not complying with the standards it may require the body to draw up and submit a compliance plan.

*Section 39* provides for the undertaking of standards assessments by the Regulator. The Regulator may issue a notice to an AHB requesting it to submit to the Regulator information in a form and manner the Regulator requires, to enable the Regulator to carry out a standards assessment. The AHB is obliged to comply with such a notice. The Regulator has to prepare a report on its standards assessment and send it to the AHB for any representations it may wish to make, within a reasonable time as specified by the Regulator. The Regulator must consider any such representations. The Regulator may extend the time for an AHB to make a submission if the AHB applies in writing for such an extension. Following consideration of such submission the Regulator may issue a final report with or without amendments as it sees fit. *Subsection (9)* provides that an AHB that knowingly gives false or misleading information to the Regulator in course of an assessment will be guilty of an offence.

*Section 40* provides that where the Regulator, having completed a standards assessment, believes that the AHB is failing to comply with an approved standard the Regulator may issue a notice requiring the AHB to submit a compliance plan setting out how the AHB proposes to rectify the failure concerned. The plan must be set out in the form and manner determined by the Regulator and within the period specified by the Regulator. If the AHB fails to comply with these requirements it may be given a notice of non-compliance. The Regulator may approve a compliance plan, approve it subject to conditions or reject it. If it proposes to reject a compliance plan, the Regulator must give the AHB notice of its intention to do so and advise the AHB it may appeal the proposed decision within 21 days. The AHB must comply with an approved compliance plan. Once a plan is approved the Regulator shall enter into the register that the plan is approved and include in summary form details of the measures to be taken to implement it.

*Section 41* provides details in respect of a notice of non-compliance. The notice of non-compliance will take effect where:

- no appeal is made before the expiry of the period for making an appeal;



- the AHB brings an appeal and the decision of the Regulator is upheld or the appeal is withdrawn or abandoned.

The Regulator will enter on the register details of non-compliance with an approved standard(s). An AHB may submit further compliance plans which the Regulator may approve or reject. An AHB may appeal a decision by the Regulator to reject the compliance plan within 21 days. If a compliance plan is approved, the entry in the register in respect of non-compliance with an approved standard is removed and an entry made stating a plan has been approved including details of the plan.

*Section 42* provides that when the Regulator is satisfied that a compliance plan has been implemented it will notify the AHB and remove the entry made on the register.

*Section 43* deals with the failure of an AHB to implement a compliance plan. Where the Regulator takes the view that the AHB is failing to implement a compliance plan or is not implementing it in accordance with its terms the Regulator may issue a notice on non-implementation. The section sets out the procedures the Regulator must follow in issuing such a notice, including allowing the AHB to make representations. The AHB may appeal a non-implementation notice to the Appeals Panel. The notice will take effect where:

- no appeal is made on the expiry of the period for making an appeal;
- the AHB brings an appeal and the decision of the Regulator is upheld or the appeal is withdrawn or abandoned.

*Section 44* provides that the Regulator shall enter on the register details of a non-implementation notice. An AHB can apply to the Regulator to have such an entry removed. The Regulator shall remove such an entry where it is satisfied that a compliance plan has been implemented.

## **PART 5**

### **Investigation (sections 45 to 53)**

**Part 5** of the Bill provides the Regulator with powers to appoint inspectors and undertake investigations into the affairs and performance of AHBs. This Part also sets out the powers of the inspectors and the mechanism for the production of inspectors' reports.

*Section 45* sets out the definition of terms used in this Part of the Bill. *Section 46* provides that the Regulator may appoint members of its staff or other persons to be inspectors and the power to revoke such appointments. An inspector will have a certificate of his or her appointment, which he or she must produce when requested by a person affected by an investigation being carried out under this Part of the Bill. It is an offence for somebody to purport to be an inspector if they have not been duly appointed or their appointment has ceased.

*Section 47* provides for the investigation into the affairs of an AHB. Where the Regulator considers it is necessary to do so it may appoint one or more inspectors to investigate the affairs of an AHB, and to prepare and submit to it an investigation report. The section also provides that the terms of appointment of an inspector may define the scope of the investigation to be carried out.

*Section 48* deals with investigation reports. It allows inspectors to produce interim reports, if the Regulator directs. It also allows the inspector to bring to the attention of the Regulator any matter that may show that an offence has been committed. The Regulator may send a copy of an

interim or investigation report to a range of appropriate persons, including other regulatory bodies or publish an interim or investigation report. In publishing a report the Regulator may omit parts of the report where it considers it to be appropriate to do so.

*Section 49* provides for the production of documents and evidence on investigation. Subsection (1) provides that an AHB shall, when required to do so by an inspector, provide all information and records relating to the AHB that are in its possession, under its control or that it can obtain and give to an inspector and all other assistance in connection with the investigation which the AHB is reasonably capable of giving. Subsections (2) and (3) provide that an inspector may require a person whom he or she considers has any information or records relating to the affairs of the AHB to provide that information or those records and to give to the inspector such assistance in connection with the investigation as the person is reasonably capable of giving, at a place and within a time specified by the inspector. Subsection (4) allows the inspector to access banks accounts. Subsection (5) states that an inspector may, in the exercise of powers conferred on him or her, examine on oath a director, member, other officer or a member of staff or agent of the AHB, in relation to the matters to which the investigation relates.

*Section 50* sets out the powers of inspectors. An inspector shall have power to:

- at all reasonable times enter, inspect, examine and search any premises – which the inspector has reasonable grounds to believe are or have been used for, or in relation to, the affairs of the AHB, or in which the inspector has reasonable grounds to believe that records relating to the affairs of the AHB are kept;
- secure for later inspection any premises where records of an AHB are kept at that premises and require that the place or records be left undisturbed for so long as is reasonably necessary for the purposes of any investigation;
- inspect, examine and take copies of or extracts from any records or require that a copy of or extracts of records be provided;
- require the person to state, to the best of that person's knowledge and belief, where the record is located or from whom it may be obtained, if a person who is required to provide a particular record is unable to provide it.

The section also provides that an inspector shall not enter a dwelling other than with the consent of the occupier, or pursuant to a warrant. An inspector may apply for the issuing of a warrant by the District Court.

*Section 51* makes provision for an inspector's report to be used as evidence in any proceedings. *Section 52* makes it an offence for a person to withhold, destroy, conceal or refuse to provide any information or records or fails or refuses to comply with any requirement of an inspector or otherwise obstructs or hinders an inspector in the performance of its functions. *Section 53* provides that a person cannot be compelled to provide the inspector with information or records that are privileged.

## **PART 6**

### **Intervention (sections 54 to 61)**

**Part 6** of the Bill allows for intervention powers to be afforded to the Regulator in respect of assets of an AHB where an offence has been committed, an AHB has failed or is failing to comply with any provision of the Bill, there has been misconduct by director, officer or member of staff or the financial viability of an AHB is threatened.

### **Chapter 1**

#### **Transfer of Certain Dwellings and Protection of AHBs (sections 54-55)**

*Section 54* provides if a deemed AHB refuses to apply for registration after the relevant time period has elapsed or if registration is refused or if any AHB's registration is in the process of being cancelled or is cancelled and the Regulator considers it necessary for the protection of tenants of dwellings, the Regulator may by notice require the AHB to transfer such dwellings to another AHB. The AHB must notify the relevant housing authority and any other person (other than the tenants of the dwelling) who has any interest in the dwellings. If the AHB or any third party concerned objects to the transfer, the Regulator may apply to the High Court for an order under section 55.

*Section 55* empowers the Regulator to seek a High Court Order if he or she suspects that:

- an AHB has committed an offence under the Bill;
- an AHB is failing to comply with provisions under the Bill;
- an AHB is misusing or mismanaging property in such a way that endangers the property;
- there has been misconduct or mismanagement by a director or employee of an AHB in relation to its affairs;
- there has been unlawful or improper use of funds;
- there is a serious risk to the financial viability of the body;
- it is necessary for the purpose of the protection of the tenants of dwellings provided or managed by an AHB; or
- there is information indicating any of the above.

the Court may issue an interim, interlocutory or permanent order. Such orders may include

- cancellation of the registration of the AHB;
- removal or suspension of any director or officer or employee of the body;
- appointment of other people to be a director or officer of the body;
- vesting of any or all of the property of the AHB with another AHB identified by the Regulator;
- prohibiting the removal or sale of the property without the Regulator's consent;
- non-payment by a debtor to the body for a specified period; or
- the restriction or prohibition of an AHB to enter any agreements.

## **Chapter 2**

### **Notice to Regulator of Certain Events and Examinership (sections 56-57)**

*Section 56* obliges an AHB to notify the Regulator of certain events including if it no longer satisfies any of the eligibility criteria, where it is aware of an intention to strike off the company or to cancel the registry of a registered or friendly society or revoke a charitable trust. An AHB is also obliged to notify the regulator if it enters examinership. Subsection (2) specifically requires an AHB, which is a company, to notify the Regulator when a receiver is appointed or the company is being wound up or there is a petition to wind up the company.

If the AHB fails to notify the Regulator of certain events it shall be guilty of an offence.

*Section 57* provides for the modification of Part 10 of the Companies Act 2014, which deals with examinership, for the purpose of applying that Part to AHBs. The modifications include

- allowing the Regulator either on its own or together with others entitled under the 2014 Act to petition the courts to appoint an examiner in accordance with section 509 of the 2014 Act;
- requiring an independent expert appointed under Part 10 to provide his or her report to the Regulator, in certain circumstances;
- requiring an Examiner appointed under Part 10 to provide his or her report to the Regulator, in certain circumstances;
- including in the list of responsibilities of an examiner under section 539, a requirement in relation to an AHB, that in drawing a compromise scheme of arrangements, proposals for the management or provision of dwellings are included to ensure those dwellings are used in accordance with the primary objective of the AHB;
- giving the Regulator the opportunity to consider any compromise scheme of arrangements in relation to an AHB;
- giving the Regulator the right to appear and be heard before a court where it is considering an examiner's report; and
- including the Regulator in the list of persons or bodies to which a copy of a revocation order under section 553 is given.

## **Chapter 3**

### **Cancellation of Registration of AHB (Sections 58-61)**

*Section 58* provides for the cancellation of the registration of an AHB at its request. Where it makes such a request it must give the Regulator such information as the Regulator requires, particularly information as to how it proposes to fulfil its contractual arrangements with a housing authority and any proposals relating to dwellings provided or managed in the pursuance of its primary objectives.

In considering a cancellation of an AHB's registration the Regulator shall consult any housing authority in whose area the AHB is providing or managing dwellings. The section also allows an AHB to appeal a decision by the Regulator.

*Section 59* enables the Regulator to cancel a registration on the following grounds – that the AHB:

- has been convicted of an offence under the Bill or any other indictable offence;
- has failed or is failing to comply with any provisions under the Bill;
- no longer satisfies the eligibility criteria for registration as an AHB, or
- is deemed to be an AHB under section 35 and has been deregistered under the provisions of that section.

The section also provides for the procedures that the Regulator must pursue in cancelling a registration, including allowing the AHB to make representations and allowing an AHB to appeal the decision to cancel registration. *Section 60* provides for the cancellation of a registration where an AHB ceases to exist. *Section 61* provides for the procedures to be followed for removal of information from the register following cancellation of a registration.

## **PART 7**

### **Appeals (Sections 62 to 65)**

**Part 7** of the Bill provides for an AHB to submit appeals to an Appeals Panel where the Regulator exercises its powers in relation to compliance plans or registration.

*Section 62* provides that the Minister shall establish an appeals panel to determine appeals under the Bill. It sets out the qualifications and number of members, terms of office, grounds for removal of members and disqualification for appointment and the provision of resources to support the work of the panel. *Section 63* provides for the establishment of an Appeals Board to hear an appeal and the establishment of procedures in relation to an appeal by the Appeals Board. It also provides that the Board shall be independent in the performance of its duties. *Section 64* provides for the process that the panel should follow in considering an appeal. It also provides that the panel shall be independent in the performance of its duties. *Section 65* allows for any party to an appeal to appeal the decision to the High Court on a point of law within 3 months.

## **PART 8**

### **Miscellaneous (section 66)**

*Section 66* prohibits the unauthorised disclosure of confidential information. It makes it an offence for a member of the Regulator, staff member, inspector, adviser or any other person engaged under contract with the Regulator to disclose confidential information acquired during the course of performing their duties unless they are required to do so by law or with the Regulator's permission. The section does not prevent the disclosure of such information to the Regulator or a Minister of the Government by or on behalf of the Regulator or in compliance with provisions of the Act.

## **PART 9**

### **Consequential Amendments and Transitional Provisions (section 67 - 70)**

**Part 9** of the Bill provides for the consequential amendments to the Housing (Miscellaneous Provisions) Act, 1992, and the construction of certain references in other Acts or instruments made under other Acts. It also allows for certain assistance under section 6 of the Act of 1992 to be continued on cancellation of a registration on specified grounds.

*Section 67* provides for the consequential amendments to the Housing (Miscellaneous Provisions) Act, 1992, which currently sets out the process for the statutory approval of AHBs. As the registration process for AHBs and governance of the sector will now be conducted in accordance with this Bill, section 6 of the Housing (Miscellaneous Provisions) Act, 1992 is amended to ensure that it is consistent with this Bill. Section 6 is also being amended so that housing authorities may only assist an AHB if it is registered under this legislation or if the transitional provisions apply. *Section 68* is a technical provision ensuring that references in other Acts to AHBs or bodies approved under section 6 of the 1992 Act will be construed as references to AHBs under this Act.

*Sections 69 and 70* apply to an AHB whose registration has been cancelled and who was receiving assistance from a housing authority under section 6 of the Act of 1992 and is complying with the terms and conditions of the contract. In order to safeguard tenancies, an AHB may continue to receive existing assistance, subject to terms and conditions of contract and the provisions of the Bill will continue to apply to the AHB as if they were registered.

## SCHEDULE

### *Section 8*

#### **Approved Housing Bodies Regulatory Authority**

The schedule to the Bill provides for the organisation and governance of the Approved Housing Bodies Regulatory Authority (the Regulator). Issues such as the appointment of the Board, the qualifications of Board members, tenure of office, and meeting procedures are included in the schedule. The Schedule also applies, with modifications, to the Appeals Panel.

#### **Financial Implications**

There will be some additional costs for the Exchequer associated with the staffing of and provision of offices for the Regulator.

*An Roinn Tithíochta, Pleanála agus Rialtais Áitiúil, 2019.*

Iúil, 2019.